

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

August 8, 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**

Members Present

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

Staff Present

Steven Spraker, AICP, Senior Planner  
Shawn Finley, P.E., Civil Engineer  
Meggan Znorowski, Recording Technician

**II. INVOCATION**

Mr. Briley 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. MINUTES**

**A. July 13, 2013**

Mr. Jorczak moved to approve the minutes. Ms. Press seconded the motion. **Mr. Briley called for any objections, hearing none the minutes were unanimously approved.**

## VI. PLANNING DIRECTOR'S REPORT

None.

## VII. PUBLIC HEARINGS

### A. PBD 13-076: Nova Shoppes. 2<sup>nd</sup> Planned Business Development Amendment, 175 South Nova Road

Mr. Steven Spraker, Senior Planner stated this is an application for a second amendment to the Planned Business Development (PBD) to allow the operation of a permanent cosmetics use. Mr. Spraker explained the location, orientation, and characteristics of the property, presented the staff report, and stated staff is recommending approval.

Mr. Paul Holub, applicant and landlord for Nova Shoppes, stated the tenant in question has been there for quite some time and is a great tenant. Mr. Holub continued that there are specific use clauses in his leases which control what a tenant can and cannot do on top of the rules and regulations of the City. Mr. Holub explained that what he intends to do is do an amendment to the tenant's lease to make the specifics of this PBD amendment part of her use clause so that is in force; therefore there is not only the City's enforcement, but also him, as landlord, who will not allow a tattoo parlor on his properties.

Ms. Behnke asked if the tenant was currently operating at this location.

Mr. Holub responded that she was operating at a previous site in Ormond before moving into 175 South Nova Road.

Ms. Behnke asked how long she has been at this location.

Mr. Holub replied approximately 14 months.

Ms. Behnke asked what authorization she was working under.

Mr. Holub answered that they did not know until code enforcement came that it was not allowed. Mr. Holub explained that it is not just a permanent cosmetic operation, they also do facials and weight loss. Mr. Holub continued that once informed the use was not permitted, the applicant ceased that type of work, and they made application to change the definition in the Land Development Code, which did not work, that led them to be before the Board with this application.

Mr. Jorczak asked if there is a state inspection for this type of facility.

Mr. Holub responded that he did not know the answer to that, but as a landlord he does routine inspections.

Dee Morgan, 18 Pinetrail Circle, thanked staff for the presentation and packet. Ms. Morgan stated that when she moved to this location that she could do permanent cosmetics which encompasses scar relaxation and scar cover, but that permanent makeup was not included in the permanent cosmetics use. Ms. Morgan explained that most people think they are the same thing, but it isn't. Ms. Morgan continued that permanent cosmetics is the umbrella for tattoo removal, scar relaxation, permanent makeup, and permanent makeup correction. Ms. Morgan explained that 90 percent of what she does is either medical or correction of other people's work. Ms. Morgan stated that people

putting tattoo ink into faces creates a problem which is very hard to fix. Ms. Morgan explained that women who have breast cancer and have awful scars and no areola can be fixed to look good and the women then feel good, and she can make a new areola that makes them feel like women again, which is important. Ms. Morgan stated she would like to do permanent makeup at this location. Ms. Morgan explained that currently she has another location that she is doing permanent makeup, but it is not a place that most of her clients would go because it is a tattoo place. Ms. Morgan stated the ladies in the audience are typical of her clientele. Ms. Morgan explained that permanent makeup is usually for people who cannot put on makeup or are allergic to regular makeup. Ms. Morgan stated that even though Mr. Holub stated she was cited by code enforcement, they had only just moved in when she found out that she could not do permanent makeup. Ms. Morgan explained that since she has been in business in this area, approximately since 2006, she was permitted to do permanent makeup, but since then the state has changed the definition to put tattoos and permanent makeup together. Ms. Morgan stated she knows why it was done because of the exam for blood borne pathogens, and pass the Health Department's inspections. However, she does not have any idea how to do a tattoo, has never done one. Ms. Morgan continued that the only thing she has ever done is permanent makeup and permanent makeup correction. Ms. Morgan stated she has 8 diplomas, and is a certified nurse's assistant.

Mr. Jorczak asked if there is a periodic health inspection that is done.

Ms. Morgan replied yes, annually.

Ms. Behnke asked how eyelashes are created by permanent makeup.

Ms. Morgan responded they are created with pigments in wisp formations which really end up looking like eyelashes. Ms. Morgan explained that people that have burns and no eyelashes, eyebrows, or lips, she is able to actually make them lips, eyelashes, and eyebrows.

Ms. Press stated her concern is that permanent makeup is separated from tattooing, and that is being done in this case.

Ms. Behnke asked that if the Board approves this amendment, does it open up this option for everyone.

Mr. Spraker responded that one of the purposes of the planned developments is to allow uses or negotiate development standards. Mr. Spraker explained that in the report staff listed other projects that allowed uses that were not otherwise allowed in the district, they have to go through a public hearing process, notifications, and review by the Planning Board and City Commission. Mr. Spraker stated someone could very well apply, but the conditions for tattoo parlor and their use at that time. Mr. Spraker explained that there is a heavy cost and scrutiny by staff to get where the applicant is at this point.

Ms. Behnke asked if anyone else applying for this use would have to go through the same process as this applicant.

Mr. Spraker responded that they would either need to find a location that works in the B-5 zoning district or they would need to go through the PBD process.

**Mr. Jorzak moved to approve PBD 13-076 as submitted. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.**

**B. LUPA 13-087: Large Scale Comprehensive Plan Land Use Map Amendment, 1298 West Granada Boulevard**

Mr. Spraker stated this is a request for the property located at 1298 West Granada Boulevard, which is currently in the process of being annexed. Mr. Spraker explained the logistics, location, history, and orientation of the property, presented the staff report, and stated staff is recommending approval.

Ms. Press asked if any of the Chelsea Place residents were notified at this stage.

Mr. Spraker responded that they will be notified with the actual site development. However, these meetings were advertised in the news paper.

Mr. Jorzak inquired as to the entrance and exits along the frontage of the property.

Mr. Spraker replied that they are still working on site access, but the frontage is over 500 linear feet. Mr. Spraker explained that they are working with Lowe's to try to get cross-access, which would give access to the traffic light.

Mr. Glen Storch stated this is proper planning because it is coming into the City because it is an enclave, and this parcel should not be 8 units per acre multifamily, but it's great because Ferber Company and they are sensitive to how communities actually look when they are done. This will be a win-win for everyone as the residential will have a conservation area that will abut it with no vertical structures, and the commercial area is where it should be, and that is along Granada Boulevard.

Mr. Jorzak asked if the conservation area would be permanent.

Mr. Storch responded yes, it will have a permanent conservation easement over it, with the specific exceptions for stormwater and the like.

**Ms. Behnke moved to approve LUPA 13-087 as submitted. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.**

**C. LDC 13:094: LDC Amendment- Low Impact Development stormwater**

Mr. Shawn Finley, Civil Engineer, City of Ormond Beach stated this is an LDC amendment to adopt the Low Impact Development (LID) manual by way of two resolutions. Mr. Finley presented the staff report, and stated staff is recommending approval.

Ms. Press asked how this process will work.

Mr. Finley responded that as with any good project process, the key is a good pre-application meeting so that staff can sit down with the applicant and explore the possibilities. Mr. Finley explained that chances are that when a property owner and their consultants come to the city they will have in their mind what they need to accomplish with that project, and it is at that time that the City should suggest the different options available to them. Mr. Finley stated this becomes a tool in the box that the City can offer rather than a potential developer asking for relaxation of code.

Ms. Press stated she is hopeful that there will be an environmental center at Central Park which would be an example of how to utilize these concepts.

Mr. Finley stated that what we find attractive may need to be altered in order to accomplish some developments.

Mr. Jorczak asked how the formulas were established for use in the LID document.

Mr. Finley responded that staff reviewed how different agencies were handling these issues. Mr. Finley explained that they are not state wide requirements; they are unique to Ormond Beach because the City's standard is a 25-year storm. Mr. Finley explained that LID expands the amount of time from the moment the drop of rain hits a roof, to inlets and ponds, and eventually leaving the site. Mr. Finley continued that by using these calculations, they create better way of proving that the created site closely mirrors the pre-development site.

Mr. Jorczak inquired if staff created the formulas.

Mr. Finley replied that staff created the formulas and modified some of the most basic engineering stormwater formulas.

Mr. Jorczak stated he noticed that staff relied on rainfall averages from the water department.

Mr. Finley answered that what staff wanted was a value unique and specific to Ormond Beach; in this area the 25-year storm is 9" in 24 hours. Mr. Finley explained that is a great place to start, and is the standard developed by the United States Soil Conservation Service. The debate staff has was do you design for the 25-year storm or the 83 out of 85 storms that actually hit every year. Mr. Finley continued that this discussion was had with St. Johns River Water Management District (SJRWMD).

Mr. Jorczak asked if there is one location that measures rainfall, and if so, where is that location.

Mr. Finley replied that it is located at the wastewater treatment facility off of Wilmette Avenue.

Mr. Jorczak stated there could be a discrepancy with rainfall because it could rain at the Wilmette location and not elsewhere in the City.

Mr. Finley responded that is why it is backed up with 13 years of data, and it can continue to be revisited on an annual or biannual basis.

Mr. Jorczak asked since this is not mandatory, what would happen if a homeowner who has a shell driveway decided to pave it with impervious material, such as, would they have to submit a hydrology report and the like to obtain the permit.

Mr. Finley stated that the threshold is 1,000 square feet for parcels under 1 acre. Should they surpass that threshold, they have to provide calculations and treatment for the portion of the site they are affecting. Mr. Finley continued that if they can show they are only affecting half of the site, then that is the portion they have to provide treatment for.

Mr. Jorzak stated the standards contained in the LID are specific with respect to calculations of the surface areas involved on a property, percolation, and water disbursement. Mr. Jorzak asked if most of the driveway permits coming to the City just being done through standard stormwater review.

Mr. Spraker responded that the purpose of this document was for commercial sites. Mr. Spraker explained that it can be applied to residential, the City will not require residential sites to do thousands of dollars worth of studies for a driveway for a single family lot.

Ms. Behnke asked if it was mandatory to utilize elements from the LID such as rain gardens, or if they could continue to use standard stormwater practices.

Mr. Finley responded that is correct; the LID is only an alternative available that a developer may or may not choose to utilize.

Ms. Behnke stated she thinks it is an excellent option, and there are a lot of advantages to it, and cannot find a disadvantage.

Mr. Goss stated that years ago he saw someone on North Beach Street with a new home that was installing a driveway and had to install a pond in their front yard. Mr. Goss explained that may have not had to have been done because if the soils were correct, they could have done the driveway in impervious concrete, and disconnected the downspouts and treated 20-25% efficiency there, and done swales and had a smaller pond; rather than the big pond that looked like it should have been at a commercial property. Mr. Goss continued that it gives the developer an alternative, but people that are redeveloping will run it both ways to see what gives them the best results and look for the best price. Mr. Goss explained the LID is a work in progress; staff has spent years putting this manual together, testing it, reviewing, testing, and having it reviewed by outside agencies; now it is time to put it to action, staff can learn from it, and constantly make it better. Mr. Goss stated this is on the cutting edge of thought even though this concept has been around for 30 years.

Mr. Jorzak stated the basic parameters established in the LID are excellent. Mr. Jorzak asked if the state is receptive to these ideas for use in the right of way of state roadways.

Mr. Finley responded no. Mr. Finley explained that the key is finding the proper locations to do these things, and along state highways is not the right place because the City does not have jurisdiction over the right-of-ways. Therefore the regulatory agency can determine when and how they do it. Mr. Finley continued that a correct place to do something like this for roadway treatment would be to take a location where there is an established master plan, and the developer and design professional puts together a profile for that right-of-way that shows the roadway, the area that provides treatment, the area provided for utilities, and the area for the actual development.

Ms. Press stated that it may be time to have a workshop and invite developers and suppliers to explain the manual. Ms. Press continued that Ormond Crossings would be a perfect community for LID to be implemented.

Mr. Briley stated he likes it because it is an alternative and is out-of-the-box thinking.

**Mr. Jorzak moved to approve LDC 13:094 as submitted. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.**

**D. LUPA 13-092: Small Scale Land Use Map Amendment, 1535 North US Highway 1**

Mr. Spraker stated this is an application based on annexation from Volusia County Commercial to City of Ormond Beach Low Intensity Commercial zoning. Mr. Spraker explained the location, orientation, and characteristic of the property, presented the staff report, and stated staff is recommending approval.

**Mr. Jorzak moved to approve LUPA 13-092 as submitted. Ms. Behnke seconded the motion. Vote was called, and the motion unanimously approved.**

**E. RZ 13-093: Zoning Map Amendment, 1535 North US Highway 1**

Mr. Spraker stated this is the accompanying zoning map amendment. Mr. Spraker explained that the Low Impact Commercial has a series of eligible zoning districts, and the surrounding uses are B-7, and staff believes that B-7 is appropriate. Mr. Spraker presented the staff report, and stated staff is recommending approval.

**Ms. Press moved to approve RZ 13-093 as submitted. Mr. Jorzak seconded the motion. Vote was called, and the motion unanimously approved.**

**F. PBD 13-057: 250 Williamson Blvd. Planned Business Development Rezoning**

Mr. Spraker stated that at the last Planning Board meeting, the subject property underwent a land use amendment; there was an error with the advertising, which meant the planned business development rezoning could not be heard. Mr. Spraker presented the staff report, and stated staff is recommending approval.

Ms. Press asked what the benefit is of just accepting businesses with a PBD zoning when they are annexed.

Mr. Spraker responded that the benefit is how annexations are perceived. Mr. Spraker explained that by allowing them the PBD they have the ability to rebuild should the building be destroyed, where if they were assigned the B-8 zoning designation, they would be unable to do so, which would cause other business owners to not want to annex into the city. Mr. Spraker continued that this property was reviewed and does meet or exceed city code; making a property non-conforming through this process leads to re-financing issues as well as other issues.

Ms. Behnke asked if this business comes in as non-conforming does that mean another similar business cannot locate at this property.

Mr. Spraker replied that the goal by giving them the PBD designation is to make them conforming instead of the B-8 zoning, which is the designation that would make them non-conforming. Mr. Spraker explained that as long as the new business would take over within 6 months of the first business closing, they could continue the use indefinitely.

Ms. Behnke stated the city also gets the benefit of taxes.

**Mr. Jorzak moved to approve PBD 13-057 as submitted. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.**

**VIII. OTHER BUSINESS**

None.

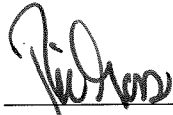
**IX. MEMBER COMMENTS**

None.

**X. ADJOURNMENT**

The meeting was adjourned at 9:14 p.m.

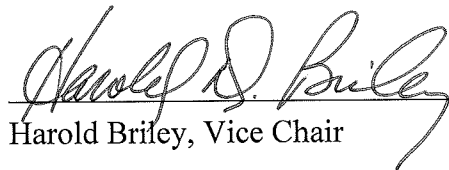
Respectfully submitted,



---

Ric Goss, AICP, Planning Director

ATTEST:



---

Harold Briley, Vice Chair

*Minutes transcribed by Meggan Znorowski.*