

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

November 14, 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
Doug Thomas
Lewis Heaster

Staff Present

Ric Goss, AICP, Planning Director
Steven Spraker, AICP, Senior Planner
S. Lauren Kornel, AICP, Senior Planner
Becky Weedo, AICP, Senior Planner
Randy Hayes, City Attorney
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. MINUTES

A. October 10, 2013

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

VI. PLANNING DIRECTOR'S REPORT

None.

VII. PUBLIC HEARINGS

A. LUPA 14-006: Small Scale Land Use Map Amendment, 55 & 75 North Nova Road

Mr. Steven Spraker, Senior Planner, stated this is an application for a land use amendment for two properties along North Nova Road. Mr. Spraker explained the location, orientation, and characteristics of the subject properties, presented the staff report, and stated staff is recommending approval.

Mr. Heaster stated that with the news of the old hospital site being converted to multi-family, he would suspect that this will be the trend due to the need for commercial to support the multi-family use.

Ms. Behnke asked since there is no plan yet for the property, what is the push to rezone it.

John Trost, Prudential Commercial Real Estate, responded to have a position when they're ready. Mr. Trost explained that they have had some inquiries, but the indication from potential buyers is that the property would need this zoning designation for a retail-type use.

Mr. Briley moved to approve LUPA 14-006 as submitted. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved.

B. RZ 14-007: Zoning Map Amendment 55 & 75 North Nova Road

Mr. Spraker stated this is a request for a zoning map amendment. Mr. Spraker explained the location, orientation, and characteristics of the subject property, presented the staff report, and stated staff is recommending approval of the B-8 zoning district.

Ms. Press asked what the planned business development (PBD) zoning allow the applicant to do that the office professional designation would not.

Mr. Spraker responded that the land use of office professional would not allow them to negotiate retail uses such as retail and restaurant because those uses would be inconsistent with the land use. Mr. Spraker explained the office professional designation is solely for offices; a percentage of retail is allowed as an accessory use, for example, 20%, but a drive-thru restaurant would not be permitted.

Ms. Press asked if they could come back if they have a tenant that needed to and get a PBD.

Mr. Spraker answered that it would be more likely that the applicant would only come back if they needed a parking waiver, waivers of setbacks or landscape buffers, and the like. Mr. Spraker stated more than likely it would not be for use variances, but more likely for dimensional standards.

Ms. Behnke asked if most of the currently existing B-8 is built already.

Mr. Spraker responded yes, it is primarily built.

Ms. Behnke asked what conditional uses are permitted for B-8.

Mr. Briley read from the various conditional and permitted uses from the staff report including sexually oriented businesses.

Ms. Behnke asked if a sexually oriented business could apply for this location.

Mr. Spraker responded that it was unlikely that a sexually oriented business would meet the standards for the subject location.

Mr. Briley stated that given the current situation, a sexually oriented business would not be allowed next to a church.

Mr. Spraker responded correct. Mr. Spraker stated that there are certain standards that the sexually oriented business use would have to accommodate. Mr. Spraker added that this site is not vacant, but rather the applicant is looking to redevelop the site. Mr. Spraker explained that given the development patterns of this area such as Olive Grove, Madison Glen, and the large parcel that is likely going to develop into residential, these areas are going to be used to serve those residential developments. Therefore, it makes sense to have restaurants and other retail in close proximity to the multi-family.

Mr. Briley asked what criteria a sexually oriented business would have to meet in the B-8 zoning district.

Mr. Spraker responded that he would defer to the Planning Director with regards to the sexually oriented business criteria.

Mr. Richard Goss, Planning Director, stated that when the sexually oriented business criteria were constructed, all of the sensitive land uses were looked at. There are buffers between sexually oriented business and parks, churches, bars, etc. Mr. Goss stated this site with a church beside it would not be eligible.

Mr. Spraker stated there are several parks within close proximity to the subject property so a sexually oriented business would not be permitted.

Mr. Heaster moved to approve RZ 14-007 as submitted. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.

C. LUPA 13-131 Land Use Map Amendment, 1500 San Marco Drive a/k/a 390 Williamson Boulevard (San Marco Apartments)

Ms. Lauren Kornel stated this is a land use map amendment for 1500 San Marco Drive also known as 390 Williamson Blvd. Ms. Kornel explained the location, orientation, and characteristics of the subject property, presented the staff report, and stated staff is recommending approval.

Ms. Press asked why the professional office designation was given versus a residential designation.

Ms. Kornel responded that staff did consider using the High Density Residential (HDR), which in name seems like it would be most appropriate except the Floor Area Ratio (FAR) in this case is .4, which does not fit under the HDR, which is when staff looked to Office Professional, which has a .5 FAR and would be more appropriate. Ms. Kornel explained that even though the title is Office Professional, that designation has the multi-use category which is consistent with what the County land use is.

After discussion about HDR, FAR, and inconsistencies with the density and FAR, Ms. Kornel stated staff is discussing a Comprehensive Plan Amendment to correct inconsistencies with the land use categories.

Ms. Press asked if the San Marco Apartments were destroyed completely by a hurricane, would they meet all the standards to rebuild as they exist now.

Ms. Kornel responded yes. In-fact, the Office Professional is the most appropriate because it allows for the most consistent designation with what it had in the county in terms of the density and FAR, and is a decrease in impact.

Mr. Goss stated the City has a Comprehensive Plan policy that states when a property is annexed it needs to be given a similar land use and zoning as what the property had in the county; meaning they cannot be made non-conforming. Mr. Goss explained the differences with the land use and subsequent zoning classifications with regards to density and FAR.

Ms. Press asked if the Crowne is in the county.

Mr. Goss responded yes, but it is scheduled for annexation and the first reading is November 19, 2013, which will have a similar issue because staff would like to give it the HDR land use with R-6 zoning, but the maximum FAR is at 12 and it is actually 12.5 units an acre. Therefore it may be given a Planned Residential Development and use their existing plan as the dimensional standards. Mr. Goss stated it all goes back to not creating non-conformities because there is no incentive if your property becomes non-conforming. Mr. Goss continued that staff should be bringing an amendment to the Comprehensive Plan within the next 6 months with regards to the densities, heights, and floor areas.

Ms. Press asked what the impact will be once those changes are made.

Mr. Goss responded that staff has not even begun the analysis, but with regards to HDR it will only affect about 8 properties. Mr. Goss continued that staff will have these types of answers when that item is presented to the Board in a workshop first before the actual amendment to the Comprehensive Plan.

Mr. Wigley asked if it doesn't fit, then why do it other than the tax revenue. Mr. Wigley stated these properties developed in the county because they don't want to be in the city.

Mr. Goss responded that it is not that these properties did not want to be in the City, the problem was the City's boundary wasn't there at the time these properties wanted service, but it was within the City's service boundary for water. Mr. Goss explained if the City boundary would have been adjacent to these properties at that time they would have been in the City years ago.

Mr. Wigley stated the City has leap-frogged over other parcels in the past to annex.

Mr. Goss stated that the Board should keep in mind that this area in question is a huge enclave. Mr. Goss explained that staff has been working to reduce this enclave and has an agreement with the County to do so contiguously.

Mr. Briley moved to approve LUPA 13-131 as submitted. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.

D. LDC 14-008: Chapter 1, General Administration, Article III, Definitions and Acronyms, Section 1-22, Definitions of Terms and Words, and Chapter 3, Performance Standards, Article II, Environmental Protection Standards, Section 3-20 Floodplain Management and Protection

Ms. Weedo, Senior Planner stated this is an administrative amendment to the Land Development Code related to Floodplain Management, which is being brought in order to become consistent with federal regulations. Ms. Weedo presented the staff report, and stated staff is recommending approval.

Mr. Jorczak asked what the impact of this is on the City's insurance rates.

Ms. Weedo replied that it keeps the City from being suspended from the National Flood Insurance Program, in which the City has a Community Rating System of 6, which provide a 20% discount on flood insurance policies for those in special flood hazard areas.

Mr. Briley moved to approve LUPA 14-008 as submitted. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.

VIII. OTHER BUSINESS

None.

IX. MEMBER COMMENTS

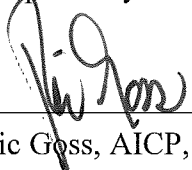
Ms. Press asked for an update on Buddy LaCour's property.

Mr. Goss stated that he and Mr. Spraker met with Mr. LaCour and Parker Mychenburg over a concept. Mr. Goss explained there were not a lot of drawings or dimensions. Mr. Goss continued that the meeting was more to bounce ideas off of staff as there is not yet an application.

X. ADJOURNMENT

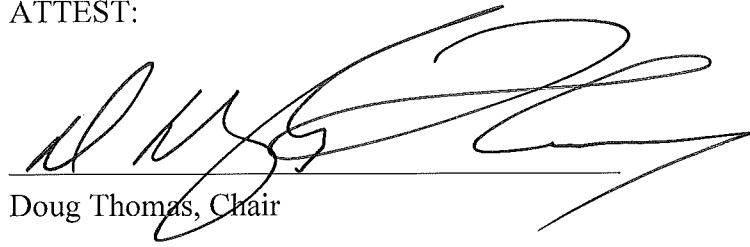
The meeting was adjourned at 7:58 p.m.

Respectfully submitted,



Ric Goss, AICP, Planning Director

ATTEST:

A handwritten signature in black ink, appearing to read 'Doug Thomas', is written over a horizontal line. The signature is stylized and cursive.

Doug Thomas, Chair

Minutes transcribed by Meggan Znorowski.