

**MIDTOWN REDEVELOPMENT
AREA BOARD MINUTES**

March 8, 2011

There was a meeting of the Midtown Redevelopment Area Board held Tuesday, March 8, 2011 at 6:00 p.m. in the City Hall Commission Chambers at 301 South Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

Board Members

Ms. Johnnie Ponder (Chair)
Mr. Hemis Ivey (Vice-Chair)
Ms. Shirley Benjamin
Ms. Patricia Heard
Mr. Ken McGee

Board Members Absent

Ms. Denise McMillon

Staff Members Present

Mr. Reed Berger, Redevelopment Director
Ms. Ben Gross, Assistant City Attorney
Mr. Charles Bryant, Project Manager
Mr. Rich Walton, Planning Director
Captain Craig Capri, Police Department
Ms. Cathleen Olson, Recording Secretary

1. Call to Order

Ms. Ponder called the meeting to order at 6:05 pm.

2. Roll Call

Ms. Olson called the roll and noted members present as stated above.

Ms. Ponder welcomed Ms. Benjamin back to the Board as the Planning Board representative.

3. Approval of Minutes: February 8, 2011

Ms. Ponder noted a correction on page 5, clarifying that the problems with food vendors were outside of barbershops, not inside the shops.

Board Action

Ms. Benjamin made a motion to approve the minutes of February 8, 2011 with corrections. Ms. Heard seconded the motion and it was approved unanimously (5-0).

4. Staff Report

(a) Police Department Report

Cpt. Capri outlined the criminal statistics of the past month, noting an overall decrease of 12% in all part-one categories and stating that the Redevelopment detail was tremendously helpful. He updated the Board on issues at Haynes Street & Orange Avenue, noting that arrests had been made and Code was addressing the lot; Lincoln Street, there would be additional lighting installed; Magnolia Avenue parking, there had to be a raised curb to allow for parking and acknowledged issues on Magnolia Avenue and Martin Luther King Boulevard. He also stated that he was still working with the Muslim Center to address parking issues on Fridays. He outlined a narcotics operation, Operations Trojan Horse, which had resulted in 75 arrests for sale and delivery, and noted ongoing narcotics issues at 634 El Dorado Street.

Ms. Benjamin emphasized ongoing narcotics activity at El Dorado & Lincoln Streets.

Cpt. Capri stated that he would prioritize issues taking place at El Dorado & Lincoln Streets. He also noted that he would be working the Midtown area during Bike Week.

(b) Code Enforcement

Mr. Bryant stated that in the absence of Officer Sykes he would present the Code Enforcement report with a summary of 242 open cases. He stated that most Code cases involved maintenance issues, occupational licenses, and unsafe structures, and stated that many cases were being brought before the Special Magistrate. He provided updates regarding Code projects, stating that No RV Parking signs would be installed. He stated that Bike Week was running smoothly, with a full report to be provided the following month. He outlined demolitions scheduled in the Midtown area and noted that Eddie Lopez the newest Code Officer, would begin work on April 3 in Midtown.

Ms. Heard noted issues with Bike Week RV parking, stating that lots on Fulton Street and Mary McLeod-Bethune needed TPAs.

5. **DEV2011-012, COMPREHENSIVE PLAN AMENDMENT, TCEA**

Mr. Bryant stated that the proposed amendment was to expand the Transportation Concurrency Exception Area boundaries to include all Community Redevelopment Areas in an attempt to encourage and streamline Redevelopment.

Mr. Rich Walton, Planning Director, outlined state law requirements that all comprehensive plans establish levels of service for transportation volumes on the roads. He stated that an exception to the transportation concurrency was in the comprehensive plan for both Downtown and Main Street, which meant that proposed projects would not have to meet the normal traffic concurrency requirements in order to promote economic development and Redevelopment, in that projects could be moved forward without being held up by transportation requirements. He stated that Senate Bill 360 had been passed by the State of Florida several years ago, allowing for dense urban areas, including Daytona Beach, to expand transportation concurrency areas for entire CRAs, which Staff felt would be beneficial to exempt appropriate projects from lengthy and expensive transportation studies.

Mr. Ivey asked how the proposed amendment would affect Midtown.

Mr. Walton stated that new projects would not have to do traffic studies.

Mr. Ivey asked for more information regarding potential positive and negative effects of the exception, such as how it had affected Downtown and Main Street.

Mr. Walton stated that the amendment eliminated hurdles in development, such as the need to spend money on expensive traffic studies, and would encourage economic development.

Mr. Ivey asked what projects had been affected.

Mr. Walton stated that projects along US-1 had been exempted from traffic studies and stated that there had been no traffic problems with any projects that had begun under the exception.

Mr. Ivey asked how a sense of traffic could be maintained.

Mr. Walton stated that traffic was, in general, addressed in the final site plan submittal with a traffic analysis demonstrating adequate capacity on the roads, which would be eliminated by the amendment to reduce cost, time, and effort, and encourage economic development in Redevelopment areas.

Mr. Berger emphasized that the intent of the amendment was to encourage development, noting that streets were adequate and did not currently have enough density to maximize street capacity, but proposed projects still had to do traffic

studies that were unnecessary. He stated that the impact of large projects such as the Police Station could be addressed through the site plan process but would not need outside review.

Mr. Walton stated that the amendment would assure prospective developers that traffic capacity was met.

Ms. Ponder asked if the amendment would mean that new projects would not come before the Board.

Mr. Walton emphasized that the site plan review process before the Board would remain unchanged. He stated that long-range transportation planning was still being done, and the amendment only meant that individual projects would not need to individually conduct a transportation analysis, noting that many roads could not be widened.

Mr. McGee asked who was responsible for funding traffic analysis studies.

Mr. Walton stated that the prospective developers were responsible for funding the studies.

Mr. McGee if there was a threshold for projects that would not have to do the studies.

Mr. Walton stated that if the amendment was passed, no projects within the Redevelopment areas would have to conduct traffic analysis studies.

Mr. McGee asked for clarification as to the exception areas.

Mr. Walton stated that Main Street and Downtown were currently exception areas, and the proposed amendment would expand include Midtown, Ballough Road, and South Atlantic Avenue. He also noted that the item was only the beginning of the amendment process, which was approximately a nine-month process.

Ms. Ponder asked for the amendment to be continued to the next meeting.

Mr. Ivey asked if the amendment was ready to go before the Planning Board. He stated that he would like to see additional text and concrete information.

Mr. Walton stated that it would not cause a problem to continue the item to the next meeting pending further information.

Ms. Heard reiterated the need for more detailed information.

Board Action

Ms. Heard made a motion to continue the item to the next meeting pending further information. Mr. Ivey seconded the motion and it was approved 5-1, with Mr. McGee dissenting.

6. Midtown Master Plan Workshop

Mr. Bryant outlined the February 25th trip to Tallahassee with Mr. Ivey and Mr. Berger to meet with FAMU and provide feedback, comments, and answers to their questions, speaking to students and faculty and reviewing plans and components. He stated that after the meeting's discussions, Professor Hoffman would be working with students to prepare the next draft of the Master Plan. He asked if the Board would like to have another workshop with Professor Hoffman prior to the April Redevelopment Board meeting, emphasizing the need for more Board input and involvement with questions.

Mr. Ponder stated that it was important to have Board representation in the process.

Mr. Ivey stated that it had been a productive trip and the students had been very professional. He stated that he, Mr. Bryant and Mr. Berger had been able to clarify the wants and needs of Midtown in the short-term and long-term. He stated the need to take the information that had been provided and to give text to the plan to give a draft to the City Commission, recommending bringing in a consultant to work with FAMU. He emphasized that the project could be done, stating that they had been able to clarify what Midtown is to FAMU.

Mr. Berger stated the need for more concrete sketches and for a single plan, and to catch up with land use issues, emphasizing that the next workshop was critical.

Mr. McGee asked what phase the project was currently in.

Mr. Berger stated that the project was going into phase three, with the fourth phase in the summer and the final report in the fall. He stated that the overall plan would be finished in the spring, with the summer spent improving graphics, implementing appendices, etc.

Mr. McGee stated that the language for zoning issues was off-base, noting the need to review the language of the revised Land Development Code, and asked if the language would be voted on at the following Wednesday's City Commission meeting.

Mr. Walton stated that Wednesday's vote would only involve a minor amendment to allow administrative review of small projects without any increase in square footage to expedite development processes and to amend the appeal process for

site plans. He stated that the Clarion rewrite was a three-module project, with the first module involving processes, the second module involving zoning and uses, and third module developing design guidelines, which would not begin until the second module was complete. He stated that after the third module was complete, the new processes, regulations, and Code would then be tested and tweaked based on results.

Mr. McGee asked how the rewrites would be tested.

Mr. Walton stated that both approved projects and hypothetical projects would be run through the new Code to assess the results.

Mr. McGee reiterated concern with the language aspect, stating the need to be able to address small projects.

Mr. Walton emphasized that all new developments of any size would still come before the Board.

Mr. Ivey stated the need for mechanisms in the Code to prevent new unwanted convenience stores in Midtown.

Ms. Ponder emphasized the need to have input on what was coming into the area.

Mr. Walton stated that Clarion was focusing on trying to streamline the process of development.

Ms. Ponder stated that streamlining the process was not as important to Midtown as it was to other Redevelopment areas, emphasizing the need to ensure that the City Commission was aware of the differences between the different Redevelopment areas.

Mr. Berger noted that modules one and two could be adjusted while module three was in process, before finalization.

Mr. Walton stated that definitions were a component of module one, which would be amended in the process of modules two and three.

Mr. McGee stated that there was a real awakening in terms of the character and quality possible in the Midtown district. He stated the tendency so far was leaning towards a pedestrian atmosphere, in which International Speedway Boulevard would be the most valuable area, and emphasized the need to be able to address small properties.

Mr. Walton stated the need to establish land use first then development regulations.

Mr. McGee asked about the possibility of creating overlays.

Mr. Walton stated that overlays were a reasonable possibility, noting that design guidelines were often done through overlays, in which case guidelines would need to be written to implement overlays.

Mr. McGee stated that the Board would not likely know the direction of the Midtown Master Plan until the summer and asked if the guidelines could still be amended at that time.

Mr. Walton stated that it was expected that the Clarion rewrite would be done by then, but the Midtown Master Plan could be implemented after the rewrite was complete.

Mr. McGee stated that the Board often heard about projects in the 11th hour and were then expected to vote on proposals without sufficient information. He stated that he was not comfortable that Midtown's input would be heard and considered in the LDC final draft.

Mr. Walton stated that Mr. John McGhee had been on the LDC Advisory Board to Clarion and that another member of the Board could be appointed.

Mr. McGee reiterated that small projects needed to come before the Board.

Mr. Ivey noted that Midtown was excluded from the current rewrite until a deadline of September.

Mr. McGee asked what additional information the Board would have in September, and if a final plan would be ready with adequate time to review.

Mr. Berger stated that a reasonably complete draft would be ready by spring, reiterating the need for another workshop.

Ms. Ponder asked when the workshop would take place.

Mr. Berger stated that Professor Hoffman and possibly students needed to be present.

Mr. Ivey suggested the last Tuesday of the month, March 29, at 4:00pm.

Mr. McGee emphasized the need to avoid allowing Professor Hoffman to take over the workshop.

Mr. Ivey concurred, stating that Professor Hoffman should be in attendance but more focused on listening while minimizing input.

Mr. Berger stated that he would need to confirm the date of the workshop with Professor Hoffman.

Ms. Ponder emphasized that the Board needed to attend the next City Commission meeting.

Mr. McGee stated that Commissioner Reynolds and Commissioner Henry had an understanding of the needs of the Midtown area and how it differed from other Redevelopment areas, but most of the other Commissioners did not.

Mr. Ivey recommended implementing single amendments in advance of the Master Plan.

Mr. McGee noted concerns with Certificates of Appropriateness and asked if undesirable properties could be denied if they met Code requirements.

Mr. Walton stated that Certificates of Appropriate involved the local historic protection district and noted the need to prohibit undesired uses via overlays or unique zoning categories.

Mr. McGee asked if the sketches represented Board comments.

Mr. Berger stated that the sketches were not intended to represent Board comments.

7. Economic Incentives

Mr. McGee reiterated the need for good exhibits by prospective developers and to implement incentives to encourage developers.

Mr. Berger stated the need for an up-front program such as in Delray Beach, emphasizing the need for Board input in drafting incentive programs.

Ms. Ponder emphasized the need for non-matching grants.

Mr. Berger outlined the current economic incentives situation, stating that there was \$70,000 in matching grants available, which had been used up in the first five months of the fiscal year, with another \$70,000 worth of applications that had been submitted, the money for which could be transferred from capital projects. He stated that so many people were willing to utilize the matching grant funds that there were backlogs of requests, while it was difficult to do 100% matching grants, and emphasized the need to point people in the right direction to obtain other needed funds.

Ms. Ponder stated the need for a grant writer who understood and supported the Midtown area, emphasizing the need to be able to help people who could not afford matching grants.

Mr. Berger stated that Delray Beach was the nearest example he had found to compare incentive programs.

8. Redevelopment Project Updates

Mr. Bryant noted that he had provided a National Register bulletin to the Board. He also noted a property owned by Mr. McCrary on Mary McLeod-Bethune Boulevard that had been repainted due to an unacceptable color and stated that there was a food store on George Engram Boulevard for sale.

Ms. Benjamin noted that the convenience store on Orange Avenue did not come before the Board.

Ms. Lathan stated that the necessity to come before the Board depended on whether the use was nonconforming. She stated that the stores on Orange Avenue and George Engram Boulevard were in different zoning categories.

Mr. Bryant stated that the George Engram Boulevard food market was a nonconforming use but that he did not know if the Orange Avenue store was.

Mr. Berger stated that a site plan review would be required if the property had been abandoned for over three months and the use was nonconforming.

Ms. Ponder suggested inviting Colleen Miles to the next meeting to provide more information and criteria for conforming uses.

Mr. Bryant stated that he had gone to survey the damage of the light pole at 638 Fulton Street, noting that he had no control over Florida Power & Light. He also updated the Board on the Black Heritage Trail pamphlet, noting that 200 copies had been printed. He stated that the World Changers Program would be going on from June 20 through June 25 and asked for input from the Board regarding possible properties appropriate for the project. He also stated with regret that Mr. Tamari Walker had passed on, on February 21, 2011, noting that the family of Mr. Walker appreciated the kindness of the Board in helping to fulfill his dream of seeing and meeting the Orlando Magic.

Ms. Benjamin expressed her appreciation for Mr. Bryant's speech at Mr. Walker's funeral.

9. Public Comments

Ms. Ponder noted an adjustment in the meeting's scheduled agenda to accommodate the public comments of Mr. Gerald Chester, who would be providing the Board with updates regarding Liberty Plaza as requested.

Mr. Gerald Chester, 847 Orange Avenue, stated that the first phase of Liberty Plaza had been implemented, with the opening of the Busy Bee Café on January 11 and the subsequent opening of the ice cream shop. He stated that the businesses directly created jobs in the Midtown area, noting that 13 people were employed at an average wage of \$9.50 per hour. He stated that there had been a \$50,000 shortfall in funding due to underestimating the size of the necessary air conditioning unit and hood. He stated that the piping cost was also higher than anticipated but resulted in a strong plumbing structure with very fresh water. He acknowledged operational challenges, such as high employee turnover, but emphasized that he would continue working on the project until issues were solved.

Ms. Heard stated that she had been to the shops and asked about plans for the property to the north.

Mr. Chester stated that the property to the north would ultimately be green space. He stated that a parking lot was included in the next phase of the Liberty Plaza project, but noted that it would require sizeable investments in underground construction.

Mr. Ivey asked if the planned green space could include a retention area.

Mr. Chester stated that there were no plans for a retention area on the northern green space, but that it could be considered on the property to the west.

10. Board Comments

Ms. Benjamin stated that she was happy to be back on the Board as the liaison to the Planning Board.

Ms. Heard expressed her hope for a wonderful Bike Week and noted a fashion show on Friday night at 7:00pm on the 2nd Avenue Plaza by the Buffalo Soldiers, with a 6:00pm toast to six fallen soldiers of the year.

Ms. Ponder emphasized the need to keep preserving and expressed her hope that everybody enjoyed Bike Week.

11. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 8:07pm.

Johnnie Ponder, Chairman

Cathleen Olson, Board Secretary