

MINUTES  
REGULAR MEETING – PLANNING BOARD

July 25, 2013

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Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, July 25, 2013, at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

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Board members Present were as follows:

Jeff Hurt  
John McGuinness  
Matthew Bohon  
Louis Moore  
Cathy Washington  
Bob Hoitsma  
Tim Davis  
Shirley Benjamin  
James Neal  
Tony Barhoo

Absent Members:

Tracey Remark

Staff members present:

Richard Walton, Planning Director  
Dennis Mrozek, Senior Planner  
Thomas Weitnauer, Principal Planner  
Carrie Avallone, Assistant City Attorney  
Rose Askew, Planning Technician

1. **Call to Order**

James Neal, Acting Chair called the meeting to order at 6:00 pm.

2. **Roll Call**

Ms. Washington called the roll and noted members present as listed above.

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3. **Approval of the Minutes:** May 23,2013

Mr. Bohon stated the minutes reflect he voted on item number five, but he was absent from the meeting. He asked to correct the minutes to reflect his absence.

Mr. Barhoo stated he also was absent from the meeting and was listed as voting on item number five [*Review of the May 23, 2013 Planning Board Meeting attendance record reflects Mr. Barhoo as present and voting*].

**Board Motion**

It was moved by Mr. Hurt to approve the May 23, 2013 Planning Board Meeting Minutes, with Mr. Bohon's correction. Seconded by Ms. Washington.

**Board Action**

The motion was approved 10-to-0.

4. **Land Development Code Text Amendment - Remove City Commission Super Majority Voting Requirements, DEV2013-052**

A request by The City of Daytona Beach's Development and Administrative Services Department, to amend the Land Development Code (LDC), Article 3 (Decision-Making Bodies and Procedures), Section 1.3 (City Commission; Voting), to remove City Commission super majority voting requirements.

**Staff Presentation**

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above and stated when the City Commission takes action on certain applications that require a decision or recommendation of the Planning Board a simple majority vote is required if the action is consistent with the Planning Board's recommendation. If the City Commission action is contrary to the Planning Board's recommendation a super majority vote would be required. He stated the proposed text amendment would remove the super majority vote requirement for actions taken that are contrary to the Planning Board's recommendation. He stated at a recent Strategic Planning Session the City Commission discussed the super majority voting requirements and directed staff to proceed with drafting a text amendment to remove this requirement. He stated the super majority voting requirement was adopted by Ordinance No. 76-161 at the June 16, 1976 City Commission Meeting. He stated staff recommends approval of the text amendment request and an affirmative vote of six was required to recommend approval to the City Commission.

Mr. Hurt asked if this particular rule was discussed when Clarion Associates reviewed the current LDC.

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Mr. Mrozek replied yes, it was anticipated that this requirement would be included in the LDC Re-write, but after the Strategic Planning Session the City Commission directed staff to move the item forward in advance of the Re-write. He stated an analysis was done by Clarion noting that their research revealed very few if any cities had a super majority voting requirement.

Mrs. Avallone stated she spoke with the City Attorney and to her recollection, former City Planning Administrator, Rick Prioletti recalled the reason for the requirement was to try to control the politics involved in the approval process.

### **Citizen Comments**

Michael Sznajstajler, President of Young Professionals Group spoke in support of the request.

### **Board Comments**

Some board members expressed their uneasiness with the rush to approve the request.

Mr. Walton stated this was a policy decision that was being processed at the request of the City Commission. He stated staff would make sure the City Commission was aware of the Board's concerns.

Mr. McGuinness stated he believed an important component of the checks and balances system was the Planning Board's review and recommendation. He stated not all of the Board members had the opportunity to review the request and he would like to hear from the City employee that Mrs. Avallone stated the City Attorney spoke with before making a decision. He stated he felt the request should be continued at least one meeting to get additional information and speak with other individuals that know the history behind why the rule was put in place.

Mr. Moore stated he also felt the item was being pushed through really fast, and the rule only came into play when there was a controversial item. He stated he felt the Board was trying to help and assist the City Commission. He stated he does feel that if this is approved it will somewhat diminish the Board's ability to get applicants to make an effort to meet code because they will know they can move forward without having to really comply with the Board's recommendations. He stated he also felt it could be continued for 30 days.

Mr. Hurt stated he did not feel the request should be continued. He stated the City's consultants already noted that the rule was a disadvantage for the City and no other municipalities had this requirement. He stated the City Commission gave the directive to move the request forward and City staff has researched the request and recommended it to move forward and he feels that should be enough for the Board to make a recommendation tonight.

Mr. Moore asked how much this request was discussed by the City Commission at the strategic planning session.

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Mr. Walton replied it was discussed by all of the Commissioners and personally he felt this was a policy decision that the City Commission has asked staff to move forward and it was not a requirement for any other board. He stated he did not feel waiting another month to present additional information would make a difference.

Mr. Davis stated he did not feel a volunteer board should have so much power that they can diminish the power of a project to get through to the City Commission. He stated the Planning Board served at the pleasure of the City Commission and the final decision should be up to the elected officials.

Ms. Washington stated she agreed with the comments being made and she did understand Mr. McGuinness' point, but the Board's responsibility was to discuss the request and make a recommendation. She stated the request was before the Board at the request of the City Commission and since the final decision would fall on the shoulders of the City Commission she felt the Board should support the Commission's request.

Mr. Hoitsma stated he did feel some of the comments made had merit, but the members of the Planning Board served at the pleasure of the City Commission and it was the responsibility of the Commission to argue this point; not the Board. He stated he felt the Board should support the Commission's request.

Mr. Barhoo asked what the purpose of the Board would be if their power is diminished. He stated he would like more information regarding why the rule was put in place before he makes a decision. He stated he feels keeping a checks and balances between the Board and Commission was a good idea.

Mr. McGuinness stated he also agreed that it appeared the Commission would like this particular rule to change, but he would like to have more information on why it was instituted.

Mr. Davis stated the Planning Board was not the only advisory board in the City and the other boards did not have this requirement.

Mr. Bohon stated he did agree that five days was not a lot of time to review a request of this type but he also understood that Board members were appointed by the Commission and they thought enough of the Board and the Board's ability to review the materials and make a recommendation. He stated he did not feel the Board needed the super majority vote rule to continue to make good decisions.

### **Board Motion**

It was moved by Mr. Hurt to approve Land Development Code Text Amendment - Remove City Commission Super Majority Voting Requirements, DEV2013-052. Seconded by Hoitsma.

**Board Action**

The motion was approved 9-to-1.

5. **Discussion – Planning Board By-Laws Revisions**

**Staff Presentation**

Richard Walton, Planning Director stated each Board member received a copy of the current Planning Board By-laws at last month's meeting and was asked to bring any proposed revisions to the meeting tonight. He stated copies were also placed in each Board member's folder tonight for anyone that may require additional review time. He stated the item was on the agenda for discussion so a vote was not required.

Mr. Moore asked if staff had any proposed changes.

Mr. Walton replied the Board had not discussed revisions to the By-laws for at least five years and there were a couple of areas that were old and obsolete. He referenced a conflict with Article III, Section 1 of the By-laws and the LDC regarding the chairman's terms in office and Article IV, Section 7 (Meetings and Public Hearings) reference to Board meeting following the latest version of Robert's Rules of Order. He stated any proposed changes or revisions would require approval by the City Commission.

Mr. Hoitsma stated at this point staff had not marked any revisions or changes needed.

Mr. Walton replied no.

There was discussion regarding possible changes or revisions.

Mr. Neal asked Board members for suggestions on possible revisions/changes and also whether or not to have the item placed on the August 22, 2013 Planning Board Agenda.

Mr. Walton stated recommended Board members call in any proposed revisions and/or changes at least two weeks prior to the meeting to allow staff time to prepare.

6. **Other Business**

A. **Downtown/Ballogh Road Redevelopment Area Board Report**

Ms. Washington gave a summary of the July 3, 2013 Downtown/Ballogh Road Redevelopment Area Board Meeting held at 12:00 PM in City Hall Commission Chambers.

B. **Midtown Redevelopment Area Board Report**

Ms. Benjamin gave a summary of the July 9, 2013 Midtown Redevelopment Area Board Meeting held at 6:00 PM in City Hall Commission Chambers.

C. **Main Street/South Atlantic Redevelopment Area Board Report**

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Mr. Bohon gave a summary of the July 10, 2013 Main Street/South Atlantic Redevelopment Area Board Meeting held at 6:00 PM in City Hall Commission Chambers.

**D. Public Comments**

No public comments.

**E. Staff Comments**

Mr. Walton stated Ms. Benjamin had submitted her letter of resignation from the Board. He stated her resignation also creates a Planning Board representative vacancy on the Midtown Redevelopment Area Board. He asked if there were any Board members willing to volunteer to serve on the Midtown Board as the Planning Board representative.

Mr. Barhoo stated he would not mind serving but the date and time of the meeting conflicts with obligations he has with his church.

Mr. Hurt suggested waiting until Ms. Benjamin's seat is filled on the Planning Board to see if the new member would like to serve as the representative.

**F. Board Member Comments**

Mr. Moore stated over the past two years Mr. Nicholson has asked the Board to address FAR, submerged lands and parking. He asked staff to take on one of the items.

Mr. Walton replied all of those items mentioned were being addressed in the new LDC.

**Adjournment**

There being no further actions to come before the board, the meeting was adjourned at 7:10 pm.



JAMES NEAL  
Acting Chair

ATTEST:



CATHY WASHINGTON  
Secretary