

**DOWNTOWN/BALLOUGH ROAD
REDEVELOPMENT AREA BOARD
MINUTES
Tuesday, February 3, 2015**

A meeting of the Downtown/Balough Road Redevelopment Area Board was held Tuesday, February 3, 2015, at 12:00 p.m. in the Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

Board Members

Mr. Harold Goodemote, Chair
Mr. Robert Abraham
Mr. Daniel Harshaw
Mr. Larry Robinson
Dr. Kent Sharples
Ms. Cathy Washington
Mr. Scott Weidman
Mr. Jack White
Mr. Paul Zappitelli

Staff Members Present

Mr. Reed Berger, Redevelopment Director
Mr. Jason Jeffries, Redevelopment Project Manager
Ms. Carrie Avallone, Assistant City Attorney
Ms. Becky Groom, Board Secretary

1. Call to Order

Mr. Goodemote called the meeting to order at 12:03 p.m.

2. Roll Call

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

3. Approval of Minutes – January 6, 2015

Board Action:

Dr. Sharples made a motion to approve the minutes of the Regular Meeting of January 6, 2015. Mr. Weidman seconded the motion and it was approved unanimously (9-0).

4. **Miracle Media Studio & Classic Rock Cafe**

Mr. Jeffries presented the staff report and outlined the three requests. Mr. Jeffries stated Miracle Media is a local corporation that is purchasing WROD from its current owner and will be relocating their offices, broadcast studio, and an adjacent rock themed café in the former Bennett's Framing Gallery.

Applicant's Presentation:

Colleen Miles, Land Development Resource Group, spoke representing the applicant. Ms. Miles stated the café plans to be open for breakfast, lunch, and dinner; and the radio broadcast booth will have a large glass window for viewing of the live broadcasts.

Mr. White asked if the restaurant fails, could another restaurant be located at the site.

Ms. Miles stated the radio station and café are two separate entities and the café would be a permitted use. Ms. Miles stated the request includes beer and wine service and a sidewalk license agreement is included as part of the packet. Ms. Miles stated if the radio station does not flourish, the radio station will still function.

Ms. Harshaw asked about noise that may affect other buildings and is concerned about conflicts with noise that may affect the movie theater next door.

Ms. Miles stated that sound requirements will have to be met.

Mr. Harshaw asked where the antenna will be located.

Ms. Miles stated the WROD antenna was relocated to Grand Isle Island many years ago and that is where it will remain. She stated a small antenna will be located on the back of the building.

Mr. Jeffries stated the Comprehensive Plan must comply with the Redevelopment Plan and the policies that must be complied with are outlined on Page 3 of the staff report.

Mr. White asked if all three uses are approved, will the sites operate independently.

Ms. Miles stated the sites would all act independently.

a. **DEV 2015-011, SemiPublic Use, Miracle Media Studios**

Mr. Jeffries presented the staff report which is included in the packet. Mr. Jeffries stated staff finds the use necessary for the public as a broadcaster. Mr. Jeffries stated the use is consistent with the Comprehensive and Redevelopment Plans. Mr. Jeffries stated staff recommends approval.

Public Comments:

There were no public comments.

Board Comments:

Mr. Abraham asked if the applicant is the current owner of the radio station.

Mr. Jeffries stated an ownership change is in process and has not been finalized.

Ms. Miles stated the radio station currently is operating where the FCC is permitting them to operate through a Lease Management Agreement (LMA).

Mr. Abraham expressed concern that the ownership may not be finalized.

Board Action:

A motion was made by Ms. Washington, seconded by Dr. Sharples, to approve DEV 2015-011, SemiPublic Use, Miracle Media Studios, subject to any outstanding technical review comments. The motion carried unanimously (9-0).

b. **DEV 2015-011, Conditional Use, Miracle Media Business Office**

Mr. Jeffries stated this Conditional Use is to locate a business office in the rear of the proposed site. Mr. Jeffries stated this request meets the criteria for the Conditional Use.

Public Comments:

Big John, 100 State Avenue, Holly Hill, stated he supports this request.

Board Comments:

There were no Board comments.

Board Action:

A motion was made by Ms. Washington, seconded by Mr. Harshaw, to approve DEV 2015-011, Conditional Use, Miracle Media Studios. The motion carried unanimously (9-0).

c. **DEV 2015-012, Conditional Use, Classic Rock Café**

Mr. Jeffries stated the applicant is requesting to have a 2-COP alcoholic beverage license for beer and wine service and is also requesting outdoor table service. Mr. Jeffries stated the application must include a full-service kitchen and noted an oven and stove with a fire suppression system are not included on the plans that are proposed.

Public Comments:

There were no public comments.

Board Comments:

Mr. Goodemote asked how meals could be served without a stove.

Ms. Miles stated the plan included in the packet was done by a novice. Ms. Miles stated the site will be a classic diner style. Ms. Miles stated a revised site plan will be submitted.

Mr. Jeffries stated a revised floor plan will have to be submitted before final sign-off by staff can occur.

Ms. Washington stated she would like to see the final plans presented to the Board.

Mr. Berger stated whatever drawings are submitted by the applicant will be included in the Board's packet.

Mr. Harshaw asked if the city will have to pay to install grease traps for this business.

Mr. Berger stated at this time, there is no request to install additional grease traps and stated he is not aware of the plans from the Utilities division for grease traps for this site.

Mr. Jeffries stated since this site is vacant, the applicant will be eligible for business Incentive Grants of \$6,000 for interior improvements and \$6,000 for exterior improvements.

Mr. Abraham asked if final FCC approval will have any affect on the applicant's request.

Ms. Miles stated the applicant anticipates getting FCC approval quite rapidly and stated she does not feel the FCC will deny the applicant's request.

Mr. Abraham asked if the FCC does not approve the request, will this process continue since they are operating under a lease agreement for operation of the radio station.

Ms. Miles stated they cannot do this if they do not get final FCC approval. Ms. Miles stated they are currently operating under a Lease Management Agreement and are just moving the location once the City approves the request. Should that not happen, they will continue to operate where they are. Ms. Miles stated the FCC just approves the sale of the radio station, not the relocation.

Board Action:

A motion was made by Ms. Washington, seconded by Mr. Abraham, to approve DEV 2015-012, Conditional Use, Classic Rock Cafe. The motion carried unanimously (9-0).

Mr. White left the meeting at 12:45 p.m.

5. **Presentation: Marina Village Plan**

Mr. Berger stated Beth Lemke presented this plan to the City Commission on January 21, 2015, and the City Commission accepted a FIND grant and have committed CRA funds for a match.

Beth Lemke, Planning Solutions, presented a summary of the report which is included as part of the packet. Ms. Lemke stated the goal is to create a vibrant water destination where people want to be. Ms. Lemke stated the study was a collaboration between the cities of Holly Hill and Daytona Beach. She stated we are now at the first stage of implementation of the concept which is the public infrastructure around the wharf with the area being called Marina Village. Ms. Lemke stated Florida Inland Navigation District (FIND) fully funded the request for the design and permitting of the public boardwalk around the basin, the dredging, design of the boat ramp, and design of the bridge. Ms. Lemke stated the CRA funds will be a \$225,000 match for the grant. Ms. Lemke stated if the city does not have a construction contract in place within three years, FIND will not reimburse the city for the cost of the design. Ms. Lemke stated she will continue to pursue other grants from other funding sources.

Mr. Weidman asked if this is a project could proceed within a three-year time limit if the adjoining properties do not support it.

Ms. Lemke stated she has not received any negative calls or comments from any adjacent property owner. Ms. Lemke stated what she is proposing is completely on public property.

Mr. Berger stated the comprehensive land use has already been established for this property.

Mr. Harshaw asked if the proposed boardwalk will be connected to private property. Mr. Harshaw expressed concern that someone may dock their boat at the site 24 hours a day, 7 days a week.

Ms. Lemke stated the project has not been designed but there will be regulations in place for use. Ms. Lemke stated it is a public dock so there would have to be public access to the site.

Mr. Harshaw stated he would like to see homes constructed in the area.

Ms. Lemke stated the site is envisioned as mixed use.

Mr. Robinson left the meeting at 1:05 p.m.

Public Comments:

Patricia W. Smith, 255 Lexington Drive, stated she and her husband, Donald W. Smith, own the lot south of Caribbean Jack's. She stated there have been issues with Caribbean Jack's due to loud music outside. She stated she hopes consideration is given to outside music on the proposed project. She stated people will have to exist in houses and condos if they are constructed on this site and expressed concern about noise. She stated Caribbean Jack's has been sited for noise by Code Enforcement; and there are improvements in noise levels for a short period of time but then it returns to outdoor music again. She stated she feels music should be contained inside the building and hopes consideration will be given to residents in the area as far as noise levels.

6. **Discussion: Games of Skill in Downtown**

Mr. Jeffries presented the staff report which is included as part of the packet. Mr. Jeffries stated only McKay's and Rocco's currently have games of skill. Mr. Jeffries stated he has proposed 3 options for Land Development Code Text Amendments regarding games of skill and is seeking direction from the Board on this item. The proposed text amendments are:

- Limit games of skill to only in restaurants, boutique bars, clubs, and lodges.
- Limit to one game per 15 seats and shall be permitted up to a maximum of two games.
- Require games to be located in a separate room in the rear of the establishment.

Mr. Weidman stated the Board has been provided information from the Gibbs Planning Group study that suggests businesses that could locate in the downtown and one suggestion was a Dave & Busters. Mr. Weidman stated he is concerned

that what is proposed may limit locating a business such as Dave & Busters in the downtown.

Mr. Goodemote stated there are regulations in place and he does not think any further regulations should be adopted.

Mr. Harshaw stated he feels pool tables should be located toward the rear of the building.

Mr. Weidman stated he would like to make sure something like a Dave & Busters could not be eliminated.

Mr. Jeffries stated if a Dave & Busters wanted to locate in downtown, there would have to be other changes made to the code in order to allow that use.

Mr. Goodemote asked if there is anything in the code that would provide the ability for the Board to require that games of skill be located in the rear of the building.

Ms. Avallone stated games of skill are accessory uses; and Dave & Busters would not be an accessory use so an application for that type of business would come through as a planned development. She stated if an application is received, staff would review the location of the games.

Mr. Harshaw stated he would like to see games of skill located in the back 50% of the building.

Mr. Weidman stated he does not have any issues with the code as is currently written.

Mr. Abraham stated he is ok with the code as it is written.

Ms. Washington stated she supports the suggestion from Mr. Jeffries that requires games to be located in a separate room in the rear of the establishment.

Dr. Sharples stated he likes the code the way it is written.

Mr. Goodemote stated he is comfortable with the code the way it is written.

Mr. Harshaw asked what is being done at Scuttlebutt's. He stated a plan has not been presented yet work is being done in the building at night.

Mr. Jeffries stated if the two buildings are tied together it would then be one establishment. Mr. Jeffries stated pool tables would be permitted, and there is nothing that says they cannot put the pool tables in the front of the building.

Mr. Zappitelli stated late night activity and smoking are his concerns about Scuttlebutt's.

Mr. Berger stated there is currently no application in the Permitting office for Scuttlebutt's.

7. **Public Comments**

There were no public comments.

8. **Board Comments**

Mr. Zappitelli stated he has been trying to get additional parking for Beach Street for use by all of the vendors. Mr. Zappitelli stated he will be closing his business on Beach Street due to lack of parking. He stated a lack of parking will not permit him to expand his business.

Mr. Harshaw stated he is concerned about the proposed outlet mall to be located on LPGA. Mr. Harshaw stated nothing is being east of U.S.1 and is concerned about the effect the outlet mall will have on downtown.

Mr. Harshaw stated he attended the Orange Avenue construction meeting. He asked that the city consider relocating the Chamber of Commerce site and use that site for parking and boat ramps.

Mr. Harshaw is concerned that the Wine Walk is scheduled for this weekend as well as the Main Street Music and Art Festival. He stated he is concerned about multiple events being booked for the same weekend.

Mr. Berger stated not all events are promoted by the city so often multiple events are planned by people other than by the city.

Mr. Berger stated he has talked with Mr. Gibbs about the outlet mall and Mr. Gibbs feels the outlet mall will provide a positive impact for the downtown.

Mr. Goodemote asked that a financial report be provided to the Board at their next meeting.

Mr. Berger stated the new Land Development Code will take effect on March 1 and there will be changes to the Redevelopment Boards. The Boards will change from 9 members to 7.

Mr. Jeffries stated the terms of Ms. Washington, Mr. Harshaw, Mr. Weidman, and Dr. Sharples have expired. Mr. Jeffries stated there is a term limit of two consecutive terms. Mr. Jeffries encouraged all members to re-apply except Ms. Washington and Mr. Abraham since they serve as appointed members from the

Planning Board and Downtown Development Authority. Mr. Jeffries stated there is no longer a requirement to have a design professional on the board.

Dr. Sharples stated he will miss Zappitelli's in the downtown.

Dr. Sharples asked the status of the former Lloyd car lot property and stated there needs to be a plan for the site.

Mr. Berger stated he has not heard anything new on the property but understands the soil assessments are continuing.

9. **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 1:50 p.m.



Harold Goodemote, Chair



Becky Groom
Recording Secretary