

MINUTES  
REGULAR MEETING – PLANNING BOARD  
March 24, 2016

Minutes for the Regular Planning Board Meeting for the City of Daytona Beach, Florida, held on Thursday, March 24, 2016 at 6:00 p.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board Members Present:

Robert Hoitsma, Chair  
Pat Drago  
Jeff Hurt  
James Neal  
James Newman  
Tony Barhoo  
Cathy Washington

Staff Members Present:

Richard Walton, Planning Director  
Dennis Mrozek, Principal Planner  
Rose Askew, Planner  
Jason Jeffries, Redevelopment Project Manager  
Carrie Avallone, Assistant City Attorney  
Marianne Pulaski, Planning Technician

1. **Call to Order**

Mr. Hoitsma called the meeting to order at 6:00 p.m.

2. **Roll Call**

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

3. **Approval of the Minutes** - February 25, 2016

**Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Barhoo, to approve the minutes of the February 25, 2016 Planning Board Meeting as presented. The motion was approved unanimously (7-0).

Mr. Hoitsma stated that he would like to change the presentation of the order of the agenda since there are two items that should not take much discussion and there is one item, Item 4 that will have considerable discussion and public input. The meeting continued with the presentation of Item 6 and then Item 5.

4. **Third Amendment to Planned District Agreement, Marina Point, DEV2015-142**

**Staff Presentation:**

Jason Jeffries, Redevelopment Project Manager, presented the staff report which is included as part of the packet. Mr. Jeffries stated this is a request to rezone the property to allow for the construction of 33 townhomes and 15 single-family detached residential units which are proposed to be constructed on the vacant parcels on the peninsula. Mr. Jeffries stated in 2001, the developer proposed to add 38 single family homes on the vacant parcels with access through a private road. Mr. Jeffries stated as part of that agreement, the city agreed to take ownership of the utilities after construction; however, no construction occurred. Mr. Jeffries stated in 2005, the city approved the second amendment which included an additional condominium building to the west of Building 5 and 32 single family units. Mr. Jeffries stated the city agreed again that it would take over the utilities after construction. Mr. Jeffries stated the residential parcels would be accessed through a private road. Mr. Jeffries stated the only construction that occurred was a 16 slip marina which was constructed in 2008.

Mr. Jeffries stated the request before the Planning Board is from Ashton Woods to construct 33 townhomes and 15 single family units. Mr. Jeffries stated a multi-family building would not be constructed as part of this proposal. Mr. Jeffries stated part of the agreement is for Ashton Woods to reconstruct the utilities and dedicate them to the City.

Mr. Jeffries stated the land use on the property is high intensity mixed use which will allow up to 40 units per acre and what is proposed is not near that level.

Mr. Jeffries stated the applicant is proposing to place the guard house at the front of the project and that location was approved in the second amended development agreement.

Mr. Jeffries stated the project has been presented to the Downtown Redevelopment Board and there are two remaining outstanding issues; one is the location of the guardhouse and the other is the Master Association documentation. Mr. Jeffries stated the Master Association documentation must be finalized at the time of the final plat submittal. Mr. Jeffries stated there is an issue between the parties of cost sharing and maintenance responsibilities. He stated those are internal issues between the parties and do not involve the city. Mr. Jeffries stated staff is still working on the PD agreement details and normally those are not finalized until a project is presented to the City Commission.

Mr. Jeffries stated the minutes from the Downtown Redevelopment Board meeting are included in the Board's packet. He noted the Redevelopment Board approved the project 7-0, subject to the resolution of the guardhouse location issue. Mr. Jeffries stated since the Redevelopment Board meeting, the parties have met but the issue regarding the location of the guardhouse has not been resolved. Mr. Jeffries stated staff recommends approval of the project as submitted by the applicant.

**Applicant's Presentation:**

Vivien Monaco, Esq., Burr & Foreman, 200 S. Orange Ave., Suite 200, Orlando, Florida, spoke representing the applicant, Ashton Woods. Ms. Monaco thanked staff for their work on this project. Ms. Monaco stated the main issue between the residents and the developer is the guard house. She stated a manned guard house is proposed to be located at the front of the property and a gate system would be used at the existing guard house site. Ms. Monaco stated the guard house at the front of the property would affect the townhome units and the gated system would be used for the condominiums. Ms. Monaco stated the residents would like to have a by-pass lane for the residents around the front guard house but there is not sufficient room for a by-pass lane. She stated in order to install a by-pass lane, additional property would have to be acquired and the residents are not willing to participate in that purchase. Ms. Monaco stated the residents have asked if a sidewalk will be constructed. Ms. Monaco stated there is not sufficient property for a sidewalk but a 4 foot striped pedestrian lane is proposed. Ms. Monaco stated there is agreement to create a Memorandum of Understanding where the major items will be listed for the Master Association along with the allocation of cost. She stated the Memorandum of Understanding will become an attachment to the PD agreement. She stated she will continue to meet with the residents in order to resolve the issues.

Ms. Drago asked if the sidewalk was part of the original PD.

Ms. Monaco said no.

Mr. Newman asked if there have been any presale of units.

Ms. Monaco said no.

Ms. Drago stated there are additional marina slips proposed and asked if they are for individual purchase or only for residents.

Ms. Monaco stated they are only for residents who reside in the townhomes and that still must go through the State submerged land lease process.

**Public Comments:**

Michael Sznajstajler, Cobb & Cole, 149 S. Ridgewood, Daytona Beach, Florida, spoke representing the residents of Building 5. He stated the association from Building 5 and the association representing Buildings 6 and 7 as well as the Chart House will be required to sign the development agreement. He stated the residents of Building 5 like the project but they have concerns about the costs that are proposed to be levied on the existing residents, security of the project, and the Master Association. Mr. Sznajstajler stated the development agreement requires the existing residents to pay for connection to the new utility system. He stated, to date, the residents have not been provided information on what the costs will actually be to connect to the City's system. He stated based on an email he received from the city, the cost would be over \$1,000 per unit. He stated he does not understand if the costs are tap fees, connection fees, or sewer fees and the residents would like to know the actual costs.

Mr. Sznajstajler stated the current guard house is set further back from the road and is closer to Buildings 5, 6, and 7 and every person is checked in prior to going through the gate. He stated there is an additional layer of security in that individuals must be buzzed into the buildings. He stated relocation of the guard house to the front of the property will change the security level and protocol. He stated currently every individual is checked in at the guardhouse, whether they are going to a condo or going to the restaurant; but that language to enforce that condition is being removed from the proposed development agreement. Mr. Sznajstajler stated the proposed security gate will be behind the parking for Building 5. He stated there is potential for stacking issues back onto Beach Street. Mr. Sznajstajler stated the residents would like to see a by-pass lane. He stated he is not aware of the costs for acquiring additional property. He stated the residents would also be interested in two guard houses, one closer in proximity to the turn to the Chart House. He stated the guard house would only have one security guard and the guard would only be at the Chart House site when the restaurant is open. He stated the residents are flexible in exploring all options.

Mr. Sznajstajler stated right now there is a Master Association that pays the utility bills and there are associations for the individual buildings. He stated the proposed agreement strikes through how the current Master Association will be formed. He stated the issue of the Master Association must be resolved before the project is presented to the City Commission. He stated the proposed agreement also states the development agreement restricts individual associations' approval from the Master Association only and he feels individual associations should not have that right removed.

Mr. Sznajstajler asked that the Planning Board continue this item until all issues have been addressed.

Dr. James Bannerman, 761 Marina Point Drive, stated he has lived in Marina Point for 31 years. He stated he likes the project that is proposed but there are

some concerns. He stated the main concerns are the guard house and the Master Association. He stated there must be a guard house at the east end between the Chart House and the residences. Dr. Bannerman stated the Master Association will require the green area property and the swimming pool to be deeded to the Master Association. He stated that property is wholly owned by the Master Association and was deeded to the association by the developer. He stated the property is desirable for Ashton Woods in order that fire trucks and moving vans can gain access to the south side of the area. He stated without that property being deeded to Ashton Woods, there is not enough area for them to get around the point. He stated a 75% vote of the unit owners is required in order to deed property and he feels that will be impossible. Dr. Bannerman stated he was not aware until this evening of the possibility of having the guard move from one guard house to the other when the Chart House is closed and the residents have not had an opportunity to discuss that. He asked that consideration by the Planning Board be delayed until the issues regarding the guard house and Master Association are resolved.

Mr. Hurt stated the issue of the Master Association is not an issue that can be resolved by the Planning Board. He stated that is something that must be worked out between the residents and the developer.

Mr. Sznajstajler stated what is being proposed deletes all the requirements for the Master Association and he feels since the associations will be asked to sign the development agreement, it is something that should be resolved.

Mark Mullin, 713 Marina Point, stated he has lived at Marina Point for 14 years. He stated he agrees with what Dr. Bannerman has presented to the Board. He stated the height and density is a concern for many residents. He stated the buildings will block the views and breezes from the river. He also expressed concerns about traffic and parking issues. He stated the developer is proposing that the green area be deeded to them without any compensation. Mr. Mullin stated the RPUD agreements states the units will be 1200 s.f.; however, what is proposed is upscale units. He expressed concerns about the Master Association not being finalized. He stated the RPUD states that if a traffic signal is required, the residents will have to pay a pro rated share for the cost. He stated the existing residents have not created a need for a traffic signal. He stated the requirement for the developer to post a bond to guarantee improvements will be made has been removed from the proposed agreement. He stated the time frame for construction has been extended from 5 years to 7 years. He stated he is opposed to the project as it is currently written but he is open to working with Ashton Woods. Mr. Mullin stated he feels the item should be tabled.

Chris Bowler, 573 Marina Point, stated he was asked by City leaders to move to Daytona Beach from Ponce Inlet in order to be more a part of the community and he is glad he took that step. He stated the residents of Building 5 want the project to go through correctly. He stated the utility costs should be made available to the residents prior to signing any agreement. He stated security and the guard house is

a major concern for some of the residents. Mr. Bowler stated he attended the Redevelopment Board meeting and it was agreed that the project would move forward and the issues would be resolved; he stated clearly that has not happened. Mr. Bowler stated he does not want the project to go forward and then have to stand up in front of the City Commission and say the issues have not been resolved. He stated that will send the wrong message. He stated he does not want to be negative about development and the residents are not negative about the development. He stated he just wants the issues resolved. He stated the project as proposed will impact people's wallets.

Ms. Monaco stated the project cannot be presented to the City Commission for second reading unless there is a signed agreement. She stated she knows the issues will have to be resolved or the associations will not sign the agreement.

Mr. Newman stated he would rather see the item tabled and the issues resolved rather than see the development fail.

Mr. Jeffries stated the project is currently scheduled to be presented to the City Commission at the first meeting in May with the public hearing and second reading the third Wednesday in May so there is time in April for the applicant and residents to meet to resolve the issues.

Ms. Drago asked if the project will be presented to the City Commission for second reading if the association issue is not resolved.

Mr. Jeffries stated it will not be presented if the association issue is not resolved.

Ms. Avallone stated when the item was presented at the Redevelopment Board, it was contingent upon reaching agreement. She stated if this Board moves the item on and no agreement is made, the applicant will have the ability to move forward something, but it may be in a smaller scale. She stated the City Commission would want to hear the Planning Board's concerns about the site plan issue, which would be the guard house.

Mr. Hurt stated the Redevelopment Board motion was to approve the project, subject to the issue of the guard house and Master Association being resolved and that has not happened since the Redevelopment Board meeting was held.

Ms. Avallone stated there are three issues: the guard house, the Master Association, and the sidewalk. She stated even though the development rights expired under the previous agreement, the utility upgrade obligation remains. She stated whether the third amendment passes or not, the utility problem will remain. Ms. Avallone stated the Master Association is not an issue the Planning Board needs to resolve but the guard house issue is a site plan issue.

Mr. Sznajstajler stated there has been a lack of information from the City on the utility cost. He stated the Planning Board is the last sounding board prior to obtaining signatures on the agreement.

Ms. Avallone stated the city staff can work out the issue of the Master Association with the planned district agreement. She stated the master association is not something for this Board to be concerned with; the Board should focus on the site plan.

Mr. Jeffries stated the utility cost has been provided to the residents per the city ordinance.

Ms. Avallone asked the applicant if she wanted the item voted on as presented or did they want more time to resolve the guard house issue.

Ms. Monaco stated she would like a vote on what has been presented and she will continue to work with the associations. She stated she understands if agreement is not achieved with the associations, she knows the project cannot move forward.

Mr. Barhoo stated the Redevelopment Board asked that the issues be resolved prior to the project being presented to the Planning Board and that has not happened.

Mr. Hoitsma stated if the issues are not resolved, the project will not go to City Commission.

Ms. Avallone stated that is her understanding.

**Board Motion:**

A motion was made by Mr. Hurt, seconded by Ms. Washington, to approve Third Amendment to Planned District Agreement, Marina Point, DEV2015-142, in accordance with the staff report as presented, subject to the homeowners associations reaching agreement with the developer regarding the guard house.

**Board Action:**

The motion carried (5-2, Ms. Washington and Mr. Barhoo voting no).

5. **Site Plan, One Daytona Phase 1B, DEV2015-140**

**Staff Presentation:**

Dennis Mrozek, Principal Planner, presented the staff report which is included as part of the packet. Mr. Mrozek presented renderings of the proposed project.

Ms. Drago asked that the next time the project is presented to the Planning Board, she would like to see a sketch that shows the increased height of the light fixtures.

**Applicant's Presentation:**

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, spoke representing the applicant.

Mr. Merrell stated the light fixtures along International Speedway Blvd. are higher than what is proposed.

**Public Comments:**

There were no public comments.

**Board Motion:**

A motion was made by Mr. Hurt, seconded by Mr. Barhoo, to approve Site Plan, One Daytona Phase 1B, DEV2015-140, in accordance with the staff report as presented.

**Board Action:**

The motion carried unanimously (7-0).

6. **First Amendment to the First Amended and Restated Development Agreement Daytona Mixed Use Planned Master Development Agreement, One Daytona, DEV2016-017**

**Staff Presentation:**

Dennis Mrozek, Principal Planner, presented the staff report which is included as part of the packet. Mr. Mrozek stated the purpose of the amendment is to add 3 acres of land to the project, recreation/entertainment to the list of uses, modify height of lighting fixtures, modify signage, and modify infrastructure and associated improvements.

**Applicant's Presentation:**

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, spoke representing the applicant.

Mr. Barhoo stated a neighborhood meeting was held and asked if the adjacent property owners expressed any concerns.

Mr. Merrell stated there were no concerns expressed at the neighborhood meeting.

Ms. Drago expressed concern about the increase in height limit for lighting fixtures and stated she would like to discuss height limitations at a future meeting.

**Public Comments:**

There were no public comments.

**Board Motion:**

A motion was made by Mr. Hurt, seconded by Mr. Barhoo, to approve First Amendment to the First Amended and Restated Development Agreement Daytona Mixed Use Planned Master Development Agreement, One Daytona, DEV2016-017, in accordance with the staff report as presented.

**Board Action:**

The motion carried unanimously (7-0).

7. **Land Development Code, Text Amendment – Article 5.2, DEV2016-019**

Rose Askew, Planner, presented the staff report which is included as part of the packet. Ms. Askew stated this is a request by Frank Severino, Severino Enterprises, to amend the Land Development Code to include Other Indoor Recreation/Entertainment to the list of permitted uses in an Industrial Park zoning district. Ms. Askew stated the purpose of the request is to accommodate a gymnastics/cross fit training facility.

**Applicant's Presentation:**

Bud Severino, 1360 N. Nova Road, Daytona Beach, Florida, thanked the staff for their assistance in processing this request. Mr. Severino stated he understood this was previously a permitted use at this location when he purchased the building 12 years ago.

**Public Comments:**

There were no public comments.

**Board Motion:**

A motion was made by Mr. Hurt, seconded by Mr. Newman, to approve Land Development Code, Text Amendment – Article 5.2, DEV2016-019, in accordance with the staff report as presented.

**Board Action:**

The motion carried unanimously (7-0).

8. **Other Business**

a. Downtown Redevelopment Board Report

Ms. Washington stated the Downtown Redevelopment Board met and discussed the Marina Point project.

b. Midtown Redevelopment Area Board Report

Mr. Barhoo stated the Midtown Redevelopment Area Board met on March 8 but he was unable to attend the meeting.

c. Beachside Redevelopment Area Board Report

Mr. Newman stated the Beachside Redevelopment Board met on March 14 and reviewed graphic plans for a new restaurant on Main Street.

Ms. Drago stated she does not believe the Main Street area draws individuals and families that are attending events at the Ocean Center.

Mr. Newman stated he would like to see more economic diversity in the area.

d. Public Comments

There were no public comments.

e. Staff Comments

There were no staff comments.

f. Board Comments

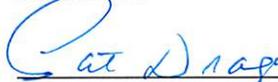
Mr. Hurt stated the issues that were discussed between the developer and residents of Marina Point are not issues the Board can resolve. Mr. Hurt stated the Planning Board is here to review proposed projects.

**Adjournment**

The meeting adjourned at 7:44 p.m.

  
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Robert Hoitsma, Chair

ATTEST:

  
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Pat Drago, Secretary