

MINUTES
REGULAR MEETING – PLANNING BOARD
September 28, 2017

Minutes for the Regular Planning Board Meeting for the City of Daytona Beach, Florida, held on Thursday, September 28, 2017 at 6:00 p.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board Members Present:

Cathy Washington, Chair
James Neal, Vice Chair (arrived at 6:07)
Tony Barhoo
Jeff Hurt
James Newman
Tony Servance

Staff Members Present:

Richard Walton, Planning Director
Reed Berger, Redevelopment Director
Dennis Mrozek, Planning Manager
Doug Gutierrez, Senior Planner
Hannah Ward, Planner
Carrie Avallone, Assistant City Attorney
Becky Groom, Board Secretary

1. **Call to Order**

Ms. Washington called the meeting to order at 6:00 p.m.

2. **Roll Call**

The roll was called and members were noted present as stated above.

3. **Approval of the Minutes** - August 24, 2017

Board Action:

A motion was made by Mr. Hurt, seconded by Mr. Barhoo, to approve the minutes of the August 24, 2017 Planning Board meeting as presented. The motion carried unanimously (5-0).

4. **Land Development Code Text Amendment – Article 5, DEV2017-097 (Legislative Hearing)**

Mr. Hurt stated he had a conflict on this item and had completed the Conflict of Interest form and will abstain from voting.

Staff Presentation:

Reed Berger, Redevelopment Director, presented the staff report which was included as part of the packet. Mr. Berger stated the site was the Boardwalk Hotel site which had not been developed. Mr. Berger stated six years ago, the site was approved as a temporary parking lot with 170 parking spaces. Mr. Berger stated the Land Development Code only permitted the property to be used as a temporary parking lot for six years and then must be developed. Mr. Berger stated there was a concern that if an extension was not approved, there would be a loss of 170 parking spaces on the beachside. Mr. Berger stated the text amendment limited the use to redevelopment projects that had a Development Agreement in place for the site and continued to require that site improvements were maintained. Mr. Berger stated the proposed amendment would remove the six year limit and impose two-year limits with two-year extensions that would be approved by staff.

Mr. Newman stated this was a permit for a temporary use and asked if the permit expired, could the applicant re-apply for another permit.

Mr. Berger stated not under the current code.

Mr. Newman expressed concern that the use could be extended every two years and never be developed. Mr. Newman stated he would rather see the site used as a parking lot as opposed to being vacant and an empty sand lot but asked where there was motivation for the applicant to develop the site if it was generating money as a parking lot.

Mr. Berger stated the applicant would have to provide good reasons as to why the site was not being developed before additional extensions to the agreement would be approved.

Mr. Hurt stated financial constraints had limited development on the site.

Mr. Servance asked if the revenue went to the City or the developer.

Mr. Berger stated the revenue from the parking lot went to the property owner.

Mr. Barhoo expressed concern that there was no time limitation on the number of extensions that could be granted.

Applicant's Presentation:

Mark McDonald, 32 Kingsbridge Crossing, Ormond Beach, Florida spoke representing the Applicant, Boardwalk at Daytona Development, LLC. Mr. McDonald stated 45,000 to 50,000 vehicles parked at the site during the year. Mr. McDonald stated once the economy recovers and the developer can arrange financing, development would occur. Mr. McDonald stated the site is not only used by the public but by employees of adjacent businesses; and passes for parking were provided to those employees.

Public Comments:

Michael Denis, 625 Lenox Avenue, Daytona Beach, Florida, stated the lot would not change if it continued to be used for parking year after year.

Amy Pyle, 136 S. Grandview, Daytona Beach, Florida, stated the Applicant's statement about a poor economy was not a fair excuse. She stated she thought the economy had turned around and there were buildings coming out of the ground on the beachside. Ms. Pyle stated allowing the lot to continue would adversely affect redevelopment in the area. Ms. Pyle stated if the use was not permitted to continue, the City would be saying that they wanted development there. Ms. Pyle asked if there would be a 170 parking spaces available once a hotel was built on the site and asked that public parking be included as part of the development.

Sandy Murphy, 136 Park Avenue, Daytona Beach, Florida stated she was against granting this extension. Ms. Murphy stated she had not heard of a hardship that was preventing the Applicant from proceeding with development.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida stated she was against granting this extension. Ms. Ruby stated the agreement should be changed so the Applicant could only receive \$1.00 per parking space so that would motivate the Applicant to develop the site.

Linda Smiley, 357 Manhattan, Daytona Beach, Florida stated the site had been a dirt lot for over 30 years. Ms. Smiley stated improvements were only made to the lot because the Shriners' convention had been in town. Ms. Smiley stated the Applicant now receives \$15.00 cash for each parking space; and if some park, leave the lot and return, an additional \$15 must be paid. Ms. Smiley stated a McDonald's was formerly on the site and it was the highest grossing McDonald's in all of Volusia County and it was torn down for the proposed development which had not happened.

Mark McDonald stated the developer had been involved in a law suit and the applicant's ability to draw developers had been handicapped by this law suit. Mr. McDonald stated pricing for the parking spaces was based on supply and demand and the time of year. Mr. McDonald stated he was at the site on a weekly basis

and oversees maintenance. Mr. McDonald stated there had been vandalism at the site and noted that 10 sections of fence were lost during Hurricane Irma. Mr. McDonald stated there was a dust retaining material on site and that is a significant expense. Mr. McDonald stated if he were able to secure financing, the developer would be working to build on the site.

Mr. Newman stated he was concerned about changing the Land Development Code on behalf of a single applicant. Mr. Newman stated he felt there needed to be a limitation on how many extensions could be granted. Mr. Newman stated he could not support what was proposed.

Mr. Berger stated staff would not automatically grant an extension after two years and noted there were hardships for the Applicant, particularly the law suit.

Mr. Hurt stated there was an ongoing law suit on this site and the property could not be sold until the law suit was resolved.

Mr. Barhoo stated he was concerned about changing the code to satisfy one person. Mr. Barhoo stated he would like to see a limitation on the number of extensions that could be granted.

Ms. Avallone asked if the Applicant had any amendments he would like the Board to consider or if he would like the Board to take action on what was presented as is.

Mr. McDonald asked that the Board vote on what was presented as is and perhaps some details could be resolved prior to the item being presented to the City Commission meeting.

Board Motion:

A motion was made by Mr. Barhoo, seconded by Mr. Newman, to approve Land Development Code Text Amendment – Article 5, DEV2017-097, in accordance with the staff report as presented. The motion failed 1-4 with Mr. Servance, Mr. Newman, Mr. Barhoo, and Ms. Washington voting no; Mr. Hurt abstained.

5. **Rezoning to Planned Development-Redevelopment (PD-RD) – Victory Tattoo, DEV2017-055**

Staff Presentation:

Reed Berger, Redevelopment Director, presented the staff report which was included as part of the packet. Mr. Berger stated the property was located at 514 Main Street. Mr. Berger stated the City adopted an amendment allowing tattoo establishments as a permitted use in the heavy Industrial (M-5) and Business

Automotive (BA) zoning districts and the amendment removed the prohibition of tattoo establishments in Redevelopment Areas.

Mr. Berger stated three waivers were requested: increasing window coverage to 40%; placement of a painted wooden sign over the doorway; and the request to allow the tattoo establishment use.

Mr. Newman asked how many applications have been received for tattoo establishments in the redevelopment zones since the ban had been lifted.

Mr. Berger stated there was this application being considered by the Planning Board plus two others. Mr. Berger stated he had talked with other individuals who were talking about submitting applications. Mr. Berger stated one tattoo business has opened on Beville Road which is in the BA zoning district.

Mr. Barhoo expressed concern about the amount of window coverage that is requested and felt other businesses may ask for additional coverage if the request is approved for this site.

Mr. Neal asked what the concern is about having wood signs without lights.

Mr. Berger stated the standards currently do not allow hand-painted wood signs.

Mr. Hurt stated it seems that every Planning Board meeting, signs were proposed that did not meet the Land Development Code. Mr. Hurt stated perhaps the Land Development Code needed to be addressed regarding signs because of all of the requests received for signs that did not meet the code. Mr. Hurt stated we needed to address what was coming before the Planning Board if that was what the businesses wanted. Mr. Hurt suggested a LDC workshop should be held regarding signage so the code conformed to modern times.

Applicant's Presentation:

Rachel Pringle, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida spoke representing the applicants, Bobby and Jennifer Finno Ellis, the owners of Victory Tattoo. Ms. Pringle stated the Applicants owned a tattoo establishment in Ormond by the Sea and would like to open a second shop on Main Street. Ms. Pringle stated the Applicant proposed to open the business six days a week. Ms. Pringle stated the entire front of the proposed location was windows; and while additional signage was requested for the windows, the doors were also floor to ceiling glass so there would still be a lot of visibility inside the building.

Bobby Ellis, 216 First Avenue, Daytona Beach, Florida, stated he and his wife were the owners of Victory Tattoo. Mr. Ellis stated he moved here from Atlanta and had not expected his business would do as well as it had. Mr. Ellis stated he

had many customers from the Daytona Beach area as well as repeat customers who visit his store annually during their vacations. Mr. Ellis stated he felt his business would help boost the Main Street area.

Jennifer Finno Ellis, 216 First Avenue, Daytona Beach, Florida stated she and her husband had received a lot of support from the community for this project. Ms. Ellis stated everyone wanted to see business on Main Street. Ms. Finno stated her customer base would bring business to the other areas along Main Street.

Mr. Barhoo asked about the signage and the appropriateness of what would be displayed and the amount of sign coverage requested.

Ms. Pringle stated there was a sign plan included in the application and the proposed signs were clean and modern and the sign lettering is 24 carat gold.

Public Comments:

Sandy Murphy, 136 Park Avenue, stated she was very supportive of this business. Ms. Murphy stated the applicants had restored an old home in Daytona Beach which was now a show piece and she felt they would do the same for Main Street.

Linda Smiley, 357 Manhattan, Daytona Beach, Florida stated she supported this project. She stated she felt the business would be an asset to Main Street.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida stated Main Street desperately needed this business and she urged the Board to approve this request.

Amy Pyle, 137 Park Avenue, Daytona Beach, Florida, stated the limitation on signage had always been a safety issue but as long as you could see through the windows, there shouldn't be a concern. Ms. Pyle stated this was a seed business that could survive and thrive right now. Ms. Pyle stated she supported the request for this business to be located on Main Street.

Richard Detore, 153 Lewis Street, Daytona Beach, Florida stated he was a tattoo artist who worked for Victory Tattoo. Mr. Detore stated customers did not want to enter a shop thinking they were getting a tattoo and then must be transported to another area of town where they actually received the tattoo. Mr. Detore stated Victory Tattoo was a clean place with experienced people who wanted to be involved in the community.

Board Comments:

Mr. Hurt stated he was excited to see a new business on Main Street.

Mr. Barhoo stated having local individuals owning and operating the business was a plus for the city.

Mr. Neal stated it was vital that we had good, upstanding businesses along Main Street.

Ms. Washington stated she looked forward to this business being located on Main Street and was impressed with the historic museum that was planned for the site as well.

Mr. Newman stated he had some reservations and did not feel this project would change the face of Main Street. Mr. Newman stated he did not see this business drawing tourists from the hotels to Main Street to shop. Mr. Newman stated this was a PD agreement where a change of use was requested but there was no real development or change to the building. Mr. Newman stated the use would be applied to the building, so if Victory Tattoo left, the use would remain and any other tattoo artist could move into this site.

Board Action:

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve Rezoning to Planned Development-Redevelopment (PD-RD) – Victory Tattoo, DEV2017-055, in accordance with the staff report as presented. The motion carried unanimously (6-0).

6. **Land Development Code Text Amendment – Article 6, DEV2017-101 (Legislative Hearing)**

Item 7, Comprehensive Sign Plan - Longboard, DEV2017-096, was included in the presentation and discussion as part of this item.

Staff Presentation:

Reed Berger, Redevelopment Director, presented the staff reports for Items 6 and 7 which were included as part of the packet. Mr. Berger noted that the development was under construction. Mr. Berger stated if approved, there would be a significant increase in the amount of signage as opposed to what was currently allowed. Mr. Berger stated included in the packet was a table that listed all of the signage requested.

Mr. Barhoo asked if any additional waivers were requested after the City's Technical Review Team reviewed the application.

Mr. Berger stated what was included in the packet was all that was requested.

Mr. Newman asked if the Comprehensive Sign Plan applied to the entire property or just the sites that were under construction.

Mr. Berger stated the CSP applied to the entire parcel.

Applicant's Presentation:

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida stated the Comprehensive Sign Plan applied to the entire parcel; and if a hotel or condo was constructed in the future, an amendment would be needed for the CSP.

Mr. Newman asked how much of the signage proposed in the CSP would be used for the Landshark and how much would be left over for the future condo/hotel site.

Mr. Merrell stated 80% to 90% of what was proposed was shown on the plans for the Landshark and more would be needed once the hotel was constructed.

Mr. Hurt stated these were great projects and this was what the City had been looking for and he was excited about it.

Mr. Neal stated he was pleased to see the project coming to Daytona Beach.

Public Comments:

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida asked when the south beach approach would be completed.

Mr. Merrell stated he did not have the PD language with him but there was an existing area that would be enhanced as part of the construction.

Mr. Berger stated there was a provision in the PD for when the development occurs but it was not required as part of this project.

Mr. Merrell stated the access to the beach was there now and the south side would be part of the hotel project.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Barhoo, to approve Land Development Code Text Amendment – Article 6, DEV2017-101, in accordance with the staff report as presented. The motion carried unanimously (6-0).

7. **Comprehensive Sign Plan - Longboard, DEV2017-096 (Quasi-Judicial Hearing)**

This item was presented as part of Item 6.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve Comprehensive Sign Plan - Longboard, DEV2017-096, in accordance with the staff report as presented. The motion carried unanimously (6-0).

8. **First Amendment to Firetower Road Planned District Agreement – DEV2017-095 (Quasi-Judicial Hearing)**

Staff Presentation:

Hannah Ward, Planner, presented the staff report which was included as part of the packet. Ms. Ward stated the applicant had revised their request to allow for an additional 6 years for the completion of the construction of Phase 1 of the development. Ms. Ward stated the other extensions requested were for 5 years.

Applicant's Presentation:

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida stated the applicant was requesting additional time to construct the project due to the size of the development.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Neal, seconded by Mr. Newman, to approve First Amendment to Firetower Road Planned District Agreement – DEV2017-095, in accordance with the staff report as presented. The motion carried unanimously (6-0).

9. **Rezoning to Planned Development-General (PD-G) Williamson Crossing, DEV2017-072 (Quasi-Judicial Hearing)**

Staff Presentation:

Dennis Mrozek, Planning Manager, presented the staff report which was included as part of the packet. Mr. Mrozek stated there were no Land Development Code modifications requested as part of this rezoning request and the plan met the standards for parking, landscaping, building design, and stormwater. Mr. Mrozek

stated the traffic study was not complete; and if it was not received, the item would not proceed for action by the City Commission.

Applicant's Presentation:

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida stated the rezoning would allow for mixed use development.

Mr. Barhoo stated the city and applicant really needed to look at the traffic in this area.

Mr. Newman asked if there would be a bus stop.

Mr. Walton stated a bus stop was a requirement of the TIA.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Barhoo, to approve Rezoning to Planned Development-General (PD-G) Williamson Crossing, DEV2017-072, in accordance with the staff report as presented. The motion carried unanimously (6-0).

10. **Large Scale Comprehensive Plan Amendment – DEV2017-046 (Legislative Hearing)**

Staff Presentation:

Doug Gutierrez, Planner, presented the staff report which was included as part of the packet. Mr. Gutierrez stated the request was to remove the requirement to have the Volusia Growth Management Commission review all PD applications on properties east of I-95 that have a Mixed Use land designation. Mr. Gutierrez stated the requirements for VGMC review had been in place for the past 23 years. Mr. Gutierrez noted that the additional review required by the VGMC extended the rezoning process. Mr. Gutierrez stated rezoning west of I-95 did not require VGMC review. Mr. Gutierrez stated additionally, all of the PD rezonings that were submitted to the VGMC for review had not generated comments or requests for additional information from the VGMC.

Mr. Walton stated this only deals with VGMC review and the VGMC was set up more than 30 years ago to deal with intergovernmental inconsistencies. Mr. Walton stated every local government in Volusia County had a representative on the VGMC and he served as the representative for Daytona Beach. Mr. Walton

stated Orange City had just made a change to their Comprehensive Plan to remove the VGMC review requirement.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve Large Scale Comprehensive Plan Amendment – DEV2017-046, in accordance with the staff report as presented. The motion carried unanimously (6-0).

7. **Other Business**

a. Downtown/Balough Road Redevelopment Board Report

Ms. Washington stated the Downtown Redevelopment Board did not meet in September.

b. Midtown Redevelopment Area Board Report

Mr. Barhoo stated the Midtown Redevelopment Area Board did not meet in September.

c. Beachside Redevelopment Area Board Report

Mr. Newman stated the Beachside Redevelopment Area Board met on September 18, 2017 and reviewed the applications from Victory Tattoo and Longboard that were discussed this evening.

d. Public Comments

There were no public comments.

e. Staff Comments

Rich Walton, Planning Director, provided the Board with the proposed schedule of meetings for 2018. The Board agreed to meet on November 29, 2018 and December 20, 2018.

f. Board Comments

There were no Board comments.

Adjournment

There being no further business, the meeting adjourned.


Cathy Washington, Chair

ATTEST:



Secretary