

BEACHSIDE REDEVELOPMENT BOARD
MINUTES
Monday, January 10, 2018

The regular meeting of the Beachside Redevelopment Board was held Wednesday, January 10, 2018, at 6:00 p.m. in the Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

Board Members Present

Mr. Dino M. Paspalakis, Vice Chair
Mr. Mike Denis
Ms. Jennifer Nazak
Mr. James Newman (Planning Board appointee)
Mr. Dino P. Paspalakis
Ms. Amy Pyle
Ms. Marcia Tuggle

Board Members Absent

Mr. Gilbert Myara, Chair

Staff Members Present

Mr. Reed Berger, Redevelopment Director
Mr. Robert Jagger, City Attorney
Ms. Becky Groom, Board Secretary

1. Call to Order

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

2. Roll Call

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

3. Approval of Minutes – November 8, 2017

Board Action:

A motion was made by Ms. Pyle, seconded by Mr. Newman, to approve the minutes of the November 8, 2017 meeting, as presented. The motion carried unanimously (6-0).

Mr. Berger introduced Dino P. Paspalakis as a new member to the Board.

4. Staff Reports: Police Department and Code Enforcement

Police Department Report:

Mr. Berger stated the Compstat report was included as part of the packet.

Lt. Chirco of the Daytona Beach Police Department stated crime was down 9% in the District.

Ms. Tuggle stated it had been encouraging to see the Police presence in the Surfside Village area.

Code Enforcement Report:

The Code Enforcement Report was included as part of the packet.

Mr. Denis asked about Code Case CE2017-3459 regarding a Volusia County Lifeguard Station.

Mr. Berger stated he would look into the Case and provide a response.

Discussion of Election of Chair

Ms. Pyle asked to discuss the Election of Chair for the upcoming year.

Mr. Berger stated the item was not on the Agenda since the Chair was unable to attend this evening's meeting. Mr. Berger stated the Election of Officers would be scheduled for the next meeting.

Ms. Pyle stated she would like to elect the Chair today and nominated Mike Denis as Chair for the upcoming year.

Ms. Nazak stated she was uncomfortable electing a Chair without the current Chair being in attendance.

Dino P. Paspalakis stated election of Chair was not on the Agenda and he would be uncomfortable voting for Chair without the current Chair being in attendance.

Ms. Pyle made a motion to add Election of Chair to tonight's agenda. The motion failed for lack of a second.

Ms. Pyle stated she would like to amend her motion to add the Election of the Chair to the February Agenda.

Mr. Jagger stated a motion was not required and stated that Mr. Berger could place the election of the Chair on the Agenda for the February meeting.

5. **Rezoning to Planned Development-Redevelopment (PD-RD) – Jimmy John's – DEV2017-110**

Mr. Berger stated the request was to combine three parcels at the corner of Butler and Coates for a location of a Jimmy John's. Mr. Berger stated the new construction would replace an existing structure. Mr. Berger stated the zoning for the area changed at Coates Street, which was a 15 foot wide alley. Mr. Berger stated a parking lot could not be placed on the west side of Coates without changing the Comprehensive Plan and noted the applicant had submitted an application for the Comprehensive Plan Amendment.

Dino P. Paspalakis asked about the parking requirements for the current zoning.

Mr. Berger stated the parking requirements would not change, and the requirement were one parking space for every 50 sq.ft. of customer space.

Ms. Tuggle stated there was an existing time share office adjacent to this location which used the subject location for parking.

Mr. Berger stated the lot did not belong to the time share office. Mr. Berger stated the lot was used for parking but was not approved for parking.

Dino P. Paspalakis expressed concern about the fence at the rear of the property which was not a straight line.

Mr. Berger stated one-way traffic would egress from Butler in order to accommodate the drive thru, and outdoor seating was planned on the front along A1A. Mr. Berger stated drive-thru lanes were not permitted in the RDD-5 zoning so that request was noted as a waiver.

Mr. Berger stated the applicant had agreed to resurface Coates from Butler to the south end of the applicant's property line. Mr. Berger stated during staff review, a request had been added to have the applicant rebuild Butler Street from Grandview to A1A.

Applicant's Presentation:

Steve Buswell, Parker Mynchenberg & Associates, 1729 Ridgewood Avenue, Holly Hill, Florida, spoke representing the applicant. Mr. Buswell stated the adjacent property to the west would have landscaping as well as a 6 foot masonry wall which would provide a buffer between the commercial and residential areas. Mr. Buswell stated a complete survey of the project area and the irregular wall might be in place in order to preserve trees. Mr. Buswell stated 7 parking spaces were provided for the drive-thru. Mr. Buswell stated a traffic study was not required since this project was less than 1,500 sq.ft. Mr. Buswell stated the comments regarding the applicant rebuilding Butler was a new comment for him, and that would be a substantial cost for the applicant.

Ms. Tuggle asked Mr. Buswell if the applicant agreed to resurface Coates to the end of their property line.

Mr. Buswell said yes and the applicant would improve crosswalks and provide ADA requirements along Butler. Mr. Buswell stated the applicant would mill and resurface Coates. Mr. Buswell stated the applicant would be required to go through the DOT permitting process for a driveway connection permit and at that time site triangles would be reviewed.

Dino P. Paspalakis asked if the applicant would consider resurfacing all of Coates Street, beyond his property line.

Mr. Buswell stated to reconstruct Butler per the City staff request could cost \$100,000 so that was something that would have to be discussed with staff to determine why this request was being made of the applicant.

Ms. Nazak expressed concern about the demolition of the buildings for this project. Ms. Nazak stated the 2 residential buildings were constructed in the 1920's and asked if there was any way those buildings could be preserved.

Brent Triebel, the Applicant, stated if there was a way to preserve the structures, he would be willing to consider it. Mr. Triebel stated the time share office does provide its own parking and noted the cars on the subject lot were people parking there who were visiting the Starlite Diner.

Ms. Tuggle stated the existing residential structures were in disrepair. Ms. Tuggle stated she felt the proposed project would be an improvement for the area.

Ms. Pyle stated it may be more feasible to have a business without the drive-thru, more frontage on A1A and more seating and then there would be more parking in the rear. Ms. Pyle expressed concern about people making u-turns in order to access the business. Ms. Pyle asked if any of the buildings that were planned for demolition were contributing historic structures. Ms. Pyle stated the current property owner had allowed the properties to fall into disrepair and had permitted parking on an unimproved lot. Ms. Pyle asked if this drive-thru was approved, would drive-thrus now be permitted throughout the redevelopment area.

Dino P. Paspalakis stated he felt the issue of drive-thrus should be addressed by the City in the future since he believed other beach communities permitted drive-thrus in the beach areas.

Mr. Triebel stated there was not an issue with his business on U. S. 1 as far as people making u-turns to enter the restaurant and did not feel it would be an issue on A1A.

Ms. Tuggle stated she did not feel the right turn only would have a negative impact.

Dino P. Paspalakis asked the applicant's feeling on the request to rebuild Butler and Coates.

Mr. Triebel stated the City's request to make capital improvements on Butler was not factored into his project. Mr. Triebel stated he would have to take a look at the cost to resurface the entire alleyway of Coates beyond his property line.

Ms. Pyle stated the City should be making improvements to its infrastructure, not the applicant.

Mr. Triebel stated he was required to make Impact Fee payments to Volusia County in order to have a drive-thru and the impact fees for the drive-thru for his store in Ormond Beach cost \$32,000.

Mr. Triebel stated the business would be open from 10:00 a.m. to 10:00 p.m., but noted hours of operation were a corporate decision, and he was a franchisee.

Dino P. Paspalakis expressed concern about noise amplification from the drive thru speakers.

Mr. Jagger stated the noise levels would have to be adhered to and he did not think the drive-thru speaker system would exceed the decibel levels outlined in the City's ordinance.

Mr. Denis asked how many jobs the business would generate.

Mr. Triebel stated 15 to 20.

Mr. Denis asked about delivery trucks and where they would be unloading.

Mr. Triebel stated a truck made one delivery a week and would come in the afternoon during the slow part of the day. Mr. Triebel stated the truck could park on Coates and the items would be dollied to the inside of the store. Mr. Triebel stated the building was 1400 sq. ft. with 22 to 30 seats inside and 8 outside.

Ms. Pyle asked if there would be security cameras on the parking lot.

Mr. Triebel stated he would have security cameras on the inside but was not required to have them on the outside; but would probably put one in the dumpster area.

Ms. Tuggle asked how the parking lot would be monitored in order to avoid people parking there to go to the beach.

Mr. Triebel stated he had signs in place at the Ridgewood store notifying people that cars would be towed if the parking lot was used for parking other than those visiting his business.

Ms. Tuggle expressed concern about the City asking a small business to rebuild a city street.

Mr. Newman stated other cities asked businesses to do additional work when waivers were requested.

Mr. Triebel stated he was not a major corporation; he was a small family-owned franchisee. Mr. Triebel expressed concern about the expenses associated with rebuilding a city street

Mr. Denis stated he did not feel it was appropriate for the City to put a barrier in front of a small business.

Public Comments:

Sandy Murphy, 136 Park Avenue, Daytona Beach, Florida, stated she was in favor of this project. Ms. Murphy stated she attended the neighborhood meeting and felt this was a good opportunity for the beachside. Ms. Murphy expressed concern about the request to ask the applicant to rebuild the City's infrastructure.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida, stated she was in favor of this project. Ms. Ruby stated she did not feel it was appropriate for the City to ask a small business to rebuild Butler. Ms. Ruby stated the City did not ask Brown & Brown to make improvements, nor did the City ask Consolidated Tomoka to make improvements as part of the Longboard project. Ms. Ruby stated she felt the request was unreasonable and could possibly kill the project and asked that the Butler rebuilding request be removed from the Board's recommendation.

Mr. Berger stated staff was satisfied with the request with the inclusion to the improvements to Coates and the request to rebuild Butler was not outlined in the PD agreement. Mr. Berger stated he would summarize the Board's comments in his report to the Planning Board. Mr. Berger stated the request to rebuild Butler was a comment made by the Public Works staff.

Mr. Jagger stated the applicant's request did not include the stipulation regarding rebuilding Butler. Mr. Jagger stated it was a staff recommendation regarding Butler, but that recommendation was not included in the PD application.

Mr. Buswell stated many times approvals were granted pending review of staff's comments. Mr. Buswell stated an amendment could be placed in the PD that no improvements to Butler were required.

Dino P. Paspalakis stated there should be a stipulation included that the drive-thru would not have amplification after midnight.

Mr. Triebel stated that stipulation regarding sound amplification would be fine with him.

Mr. Jagger suggested a motion be made to approve the application with the recommendation that there were no additional conditions for the construction of Butler.

Board Action:

A motion was made by Ms. Tuggle, seconded by Ms. Pyle, to approve Rezoning to Planned Development-Redevelopment (PD-RD) – Jimmy John’s – DEV2017-110, in accordance with the staff report as presented, with the recommendation that there be no further conditions regarding the construction of Butler.

Dino P. Paspalakis amended the motion, seconded by Ms. Nazak, to include that the applicant resurface Coates between Butler and Ora and that outside amplification cease at midnight.

Mr. Triebel stated he agrees to resurface Coates between Butler and Ora. Mr. Triebel stated the alleyway is in disrepair and wondered why the alley should be upgraded. Mr. Triebel stated he has been in the application process since July of last year and would like to keep the project moving and if resurfacing of Coates is something that he needs to do, he will do it. Mr. Triebel stated he agrees to sound amplification ceasing at midnight. Mr. Triebel stated the volume is adjustable and he has never had a noise problem at any other stores.

Mr. Denis stated he feels the sound amplification is a minor point and feels the applicant should simply adhere to the City’s Sound Ordinance.

Ms. Nazak withdrew her second to Mr. Paspalakis’ amendment to the motion.

Dino P. Paspalakis stated he would like to amend the motion to require the applicant to resurface Coates between Butler and Ora. Ms. Nazak seconded the amendment.

Ms. Pyle stated she did not see the need to require the applicant to continue the resurfacing.

Mr. Paspalakis stated the city is giving them a drive thru which is not allowed; the city is giving the applicant off site parking which is not allowed; the parking will be across the street from the structure which is not allowed. He stated asking for something is not a major request.

Mr. Triebel stated it will cost between \$4,000 to \$5,000 to continue the resurfacing. Mr. Triebel stated the buildings on the beachside are getting older and older and there has been no reinvestment in them. Mr. Triebel stated he does not look at the situation as the city is giving up things or he is receiving things but as the city and a small developer are trying to improve the area.

Dino P. Paspalakis stated grant funding is available from the city for the additional \$4,000 to \$5,000 that Mr. Triebel will need to complete Coates.

Ms. Tuggle stated she feels we need to support requests such as what is proposed by the applicant. Ms. Tuggle stated Coates has sat in disrepair for a long time and no one has stepped forward to change it. Ms. Tuggle stated the city will not receive future applications such as this if the city does not welcome people and small business. Ms. Tuggle stated she feels the applicant is giving plenty by paving the one half block of Coates and does not feel a requirement for him to resurface the rest is necessary.

Anne Ruby, 137 Park Avenue, stated she does not feel the requirement to resurface Coates is a reasonable request. Ms. Ruby stated this will be a great addition to the beachside and we should not make it more difficult. Ms. Ruby stated Consolidated Tomoka was not required to give anything at all for the Longboard project and requests such as this should not be made of a small business application.

Vote on Motion to Amend:

The amendment to require the applicant to resurface Coates between Butler and Ora failed (1-5; Dino P. Paspalakis voted yes, all others voted no).

Vote on Original Motion:

A vote was taken on the original motion, which is: A motion was made by Ms. Tuggle, seconded by Ms. Pyle, to approve Rezoning to Planned Development-Redevelopment (PD-RD) – Jimmy John’s – DEV2017-110, in accordance with the staff report as presented, with the recommendation that there be no further conditions regarding the construction of Butler. The motion carried unanimously (6-0).

6. Redevelopment Projects Update

Mr. Berger stated at the last Board meeting, there was a question regarding the parking spaces between Peninsula and Halifax along Main Street. Mr. Berger stated the city would like to keep the parking spaces there.

Ms. Tuggle stated she feels the parking spaces are a traffic hazard for people who want to make a right hand turn. Ms. Tuggle stated traffic has to shift to the left in order to avoid those parking spaces.

Mr. Berger stated the City Commission recently sold two parcels to Avista next to Breakers Park. Mr. Berger stated he does not have the details of the project to share with the Board.

Ms. Tuggle stated there is concern that Harvey will be blocked off for beach access.

7. Public Comments

There were no public comments.

7. Board Comments

Mr. Newman stated he feels there should be trade-offs for modifications. Mr. Newman stated maybe it was not appropriate to ask the Jimmy John’s applicant to rebuild a street when other projects that can afford to are not asked to help with infrastructure improvements, such as Brown & Brown and Longboard. Mr. Newman stated drive thrus will be reviewed on a case by case basis, similar to what was done with the tattoo parlor requests.

Ms. Pyle stated if drive thrus are going to be approved on a case by case basis, there should be parameters in place for them.

Ms. Pyle asked if a Code Officer could attend the February meeting since she has questions regarding Code Enforcement. Ms. Pyle stated she thought 128 S. Wild Olive and 150 S. Coates were to be demolished.

Mr. Jagger stated he met with Code Enforcement staff today regarding demolition of properties but did not have specific address information with him.

Mr. Denis asked that 415 Ribault be looked into since the house has been occupied with squatters.

Ms. Tuggle stated 128 S. Wild Olive went through the Magistrate process in June and nothing has been done. Ms. Tuggle stated she lives across the street from that house and it is getting worse.

Ms. Pyle stated she is sick of asking about these properties and asked that Mr. Berger follow up with the City Manager to locate funding in order to remove the structures.

Mr. Berger stated he will follow up on the request.

Ms. Pyle stated receiving the Compstat report each month in the Board packet is an unjustifiable expense.

Mr. Paspalakis asked if any Board member wants to receive copies of the Compstat reports. The Board agreed they do not want printed copies in their packets.

Mr. Berger stated staff will no longer provide printed copies of the Compstat reports to the Board.

Ms. Pyle stated at the Volusia County Redevelopment Meeting held Monday evening, there was a discussion about a development adjacent to the Ocean Center which would be similar to One Daytona. Ms. Pyle asked that the Board be kept apprised of any developments on this project.

Mr. Berger stated he is not aware of any project that has been presented to the city in this area.

Ms. Nazak stated the issue of housing is very serious. Ms. Nazak stated other cities are developing affordable housing. Ms. Nazak stated several properties in her neighborhood have been repaired and it is good to see the properties occupied. Ms. Nazak asked why improved parking lots require asphalt when there are other products, such as gravel, that could be used in order to allow drainage.

Mr. Denis stated he does not feel the City of Daytona Beach is business friendly. Mr. Denis stated if we want small businesses to thrive, we need to remove roadblocks. Mr. Denis stated the Chair needs to recognize speakers and not allow interruptions. Mr. Denis stated the meeting needs to be organized, efficient, and conducted professionally.

Ms. Tuggle stated she is concerned about affordable housing. Ms. Tuggle stated she agrees with what the other Board members have stated about encouraging and inviting small businesses into our community.

Dino P. Paspalakis stated he was not trying to be unreasonable about his request for the paving of Coates. Mr. Paspalakis stated he appreciates the opportunity to serve on this Board.

Mr. Paspalakis stated he feels the Jimmy John's project will be good for the area.

8. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 8:10 p.m.



Dino M. Paspalakis, Vice Chair



Becky Groom, Recording Secretary