

MINUTES  
REGULAR MEETING – PLANNING BOARD  
June 28, 2018

Minutes for the Regular Planning Board Meeting for the City of Daytona Beach, Florida, held on Thursday, June 28, 2018 at 6:00 p.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board Members Present:

James Newman  
Tony Barhoo  
Helen Humphreys  
Jeff Hurt  
James Neal  
Tony Servance

Board Members Absent:

Cathy Washington, Chair

Staff Members Present:

Dennis Mrozek, Planning Director  
Robert Jagger, City Attorney  
Doug Gutierrez, Principal Planner  
Hannah Ward, Planner  
Becky Groom, Board Secretary

1. **Call to Order**

Mr. Neal 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** - May 24, 2018

Mr. Newman asked that a correction be made to Page 12 to indicate that Mr. Newman provided the report on the Beachside Redevelopment Board, not Mr. Neal, as is stated in the minutes that were presented.

**Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Servance, to approve the minutes of the May 24, 2018 meeting, as corrected. The motion carried (6-0).

4. **Land Development Code Text Amendment – Article 4, DEV2018-048**

**Staff Presentation:**

Dennis Mrozek, Planning Director, stated staff requests that this item be continued and be brought back to the Planning Board when staff is ready to present it for consideration. No action was taken by the Planning Board.

5. **Progress Report on 101 S. Ocean Avenue, DEV2018-007**

**Staff Presentation:**

Mr. Mrozek stated the applicant will be providing an update on this item that was discussed at the last Planning Board meeting.

**Applicant Presentation:**

Joseph Hopkins, The Performance Group, 100 Marina Point Drive, Daytona Beach, Florida stated the land owner has been working with an attorney to resolve the issue of the open seawall.

Darren Elkind, 505 Deltona Blvd., Deltona, Florida, stated he was retained by the land owner who lives in South America. Mr. Elkind stated a structural engineer has gone to the site and feels the entire seawall will need to be replaced. Mr. Elkind stated the situation needs to be remedied immediately. Mr. Elkind stated the findings have been relayed to the land owner and the property manager and the repairs will be made to secure the wall. Mr. Elkind stated there will be a permitting process through DEP that must be followed in order to fully construct the wall but something will be done immediately to resolve the public safety concern. Mr. Elkind stated he should have a clear plan and timeframe for reconstruction within 60 days. Mr. Elkind stated it is his understanding that someone has been hired to make the repairs to secure the site.

Mr. Newman stated he would like to continually be updated on the progress.

Mr. Elkind stated he will update staff so the Planning Board can be made aware of the progress.

6. **Site Plan – First Baptist Church, DEV2018-049**

**Staff Presentation:**

Dennis Mrozek, Planning Director, presented the staff report which is included as part of the packet. Mr. Mrozek stated this is a request to approve Phase 2 of the project in order to allow construction of a 23,000 s.f. building.

**Applicant Presentation:**

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida, stated he was available to answer any questions the Board members may have.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve Site Plan – First Baptist Church, DEV2018-049, in accordance with the staff report as presented. The motion carried (6-0).

7. **Third Amendment to the Best Buy Planned District Agreement – Best Buy, DEV2018-018**

**Staff Presentation:**

Hannah Ward, Planner, presented the staff report which is included as part of the packet. Ms. Ward stated the request is to allow for additional wall signage at the Best Buy facility located across from Daytona International Speedway.

Mr. Barhoo asked why so much signage is needed. Mr. Barhoo stated he feels other businesses may request similar additional signage.

Ms. Ward stated the existing signs are small and are not visible from International Speedway Blvd.

**Applicant Presentation:**

Monica Pomroy spoke representing the applicant and stated the signage will update the Best Buy prototype and will make the site visible from Daytona One.

Ms. Humphreys expressed concern over the amount of the signage requested and feels it may set a precedent if approved.

Mr. Newman stated what the applicant is requesting is not out of keeping with what is in place in the rest of the area, particularly at One Daytona. Mr. Newman stated he feels it will be an improvement and he applauds it.

Mr. Servance stated he feels the signage is needed to help identify the business.

Mr. Hurt stated he feels the proposed signage is appropriate.

**Public Comments:**

John Nicholson, 413 N. Grandview, Daytona Beach, Florida stated he feels approval of this request will set a precedent.

**Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Newman, to approve Third Amendment to the Best Buy Planned District Agreement – Best Buy, DEV2018-018, in accordance with the staff report as presented. The motion carried (6-0).

8. **Large Scale Comprehensive Plan Amendment (LSCPA) – Kirton Tract, DEV2018-016**

**Staff Presentation:**

Doug Gutierrez, Principal Planner, presented the staff report which is included as part of the packet. Mr. Gutierrez stated the site consist of 378 acres and the applicant proposes limiting the Floor Area Ratio to 2 and the density to 20 DU/AC.

**Applicant Presentation:**

Joey Posey, 420 S. Nova Road, Daytona Beach, Florida spoke representing the applicant. Mr. Posey stated the project will have to be returned to the Planning Board as a PD prior to development.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve Large Scale Comprehensive Plan Amendment (LSCPA) – Kirton Tract, DEV2018-016, in accordance with the staff report as presented. The motion carried (6-0).

9. **Large Scale Comprehensive Plan Amendment (LSCPA) – Tomoka Farms Road ILF, DEV2018-054**

This item was presented in conjunction with Item 10.

**Staff Presentation:**

Doug Gutierrez, Principal Planner, presented the staff report which is included as part of the packet. Mr. Gutierrez stated the site consists of 46.81 acres.

**Applicant Presentation:**

Comments from the applicant are included as part of Item 10.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Servance, to approve Large Scale Comprehensive Plan Amendment (LSCPA) – Tomoka Farms Road ILF, DEV2018-054, in accordance with the staff report as presented. The motion carried (6-0).

10. **Rezoning to Planned Development-General (PD-G) – Tomoka Farms Road ILF, DEV2018-036**

This item was presented in conjunction with Item 9.

**Staff Presentation:**

Dennis Mrozek, Planning Director, presented the staff report which is included as part of the packet. Mr. Mrozek stated the site is proposed for an age restricted independent living facility. Mr. Mrozek stated the applicant requested LDC modifications, including vehicle access points to allow for only one full access point and an emergency access point and to the distance between buildings.

Mr. Barhoo asked if a traffic study was done and stated he is concerned about the request for elimination of a vehicle access point and did not feel this is sufficient, particularly since this development will be a 55+ community.

Mr. Mrozek stated this application was reviewed by the Fire Department and they had no concerns about the closeness of the buildings. Mr. Mrozek stated staff reviewed the access points and is comfortable with what is proposed.

**Applicant Presentation:**

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida, stated this is a small project so the traffic does not meet the requirement for a traffic analysis study and stated this project will be a low traffic generator.

Mr. Barhoo stated he feels the response time will be reduced to the homes to the northern portion of the site.

Mr. Merrell stated the site has been reviewed by staff, including the Fire Department, during the TRT process and what is presented is a result of those meetings.

Mr. Barhoo asked what the response was from the neighbors that attended the community meeting.

Mr. Merrell stated everyone was in favor of the project.

Mr. Merrell congratulated Mr. Mrozek on his appointment to the position of Planning Director.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Newman, to approve Rezoning to Planned Development-General (PD-G) – Tomoka Farms Road ILF, DEV2018-036, in accordance with the staff report as presented. The motion carried (6-0).

11. **Large Scale Comprehensive Plan Amendment (LSCPA) – Minto Parcel A, DEV2017-132**

This item was presented in conjunction with Item 12.

**Staff Presentation:**

Doug Gutierrez, Principal Planner, presented the staff report which is included as part of the packet. Mr. Gutierrez stated this is Phase 2 of The Latitudes project. Mr. Gutierrez stated the applicant proposes to amend the road agreements previously entered into with Volusia County by deleting the requirement to connect LPGA to SR-40 via a public roadway which was to be known as Stagecoach Road. Mr. Gutierrez stated the connection of LPGA to SR-40 is proposed to be via Tymber Creek Road.

Mr. Newman asked if the City of Ormond Beach has approved the water usage for this site.

Mr. Gutierrez stated there is an existing Interlocal Agreement.

**Applicant Presentation:**

The applicant's comments were included under Item 12.

**Public Comments:**

Public comments are noted under Item 12.

**Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve Large Scale Comprehensive Plan Amendment (LSCPA) – Minto Parcel A, DEV2017-132, in accordance with the staff report as presented. The motion carried (6-0).

12. **Rezoning to Planned Development-General (PD-G) – Minto Parcel A, DEV2017-131**

This item was presented in conjunction with Item 11.

**Staff Presentation:**

Dennis Mrozek, Planning Director, presented the staff report which is included as part of the packet. Mr. Mrozek stated the project total is 1,618 acres which includes 3,250 residential units and 200,000 s.f. of commercial uses, which will be at the north end of the property along Granada Blvd. Mr. Mrozek stated a small lot size is requested as well as sidewalks only being required on a single side of each street.

**Applicant Presentation:**

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida, spoke representing the applicant and stated he is involved in the

County Road Agreement as well. Mr. Merrell stated the current agreement states if the property owner wants to dedicate property to build Tymber Creek to Granada they can do so and will receive Road Impact Fee credits. Mr. Merrell stated his client will not be building the road. Mr. Merrell stated there is an agreement with Ormond Beach to provide water and sewer if they have the capacity. Mr. Merrell stated the City of Ormond Beach has stated they do not want Hand Avenue deleted and that has been discussed at the TPO. Mr. Merrell stated Hand Avenue has not been removed.

Mr. Newman asked where the boat storage facility will be located.

Mr. Merrell stated it will be along Tymber Creek Road.

Mr. Merrell stated the applicant has volunteered to dedicate a 2-1/2 acre site for a Fire Station.

**Public Comments:**

Laureen Kornel, Senior Planner, City of Ormond Beach, stated it is her understanding that the City of Daytona Beach will include the preservation of the Hand Avenue right of way in the process. Ms. Kornel stated the City of Ormond Beach found some of the commercial uses planned for along Granada are not consistent with what is permitted along Granada, particularly, bars, boutique bars, golf cart sales, leasing, storage and repair and lounges and asked that those uses be considered for removal from the application. Ms. Kornel stated a maximum height limit of 20 feet is proposed for the monument sign and Ormond Beach's sign code allows a maximum height of 8 feet for a monument sign. Ms. Kornel stated the City of Ormond Beach requests that the sign height be reduced.

John Nicholson, 413 N. Grandview Avenue, Daytona Beach, Florida stated he feels 100 feet of right of way should be set aside for future planning for roads. Mr. Nicholson expressed concern about the water supply for the project.

Mr. Merrell stated he had a meeting with the City of Ormond Beach; and based on the scale of this project, he feels the signage that is proposed is appropriate. Mr. Merrell stated he feels bars are an appropriate use for the area along Granada Blvd.

**Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Servance, to approve Rezoning to Planned Development-General (PD-G) – Minto Parcel A, DEV2017-131, in accordance with the staff report as presented. The motion carried (6-0).



13. **Site Plan – Bellamy at Daytona Beach, DEV2018-059**

**Staff Presentation:**

Hannah Ward, Planner, presented the staff report which is included as part of the packet. Ms. Ward stated this property is located on the east side of Jimmy Ann Drive and will allow for the construction of a 96 unit multi-family development.

**Applicant Presentation:**

Mark Dowst, 530 N. Halifax, Daytona Beach, Florida stated there will be a 4 foot decorative fence separating the property from the canal.

Mr. Dowst complimented Mr. Mrozek on his new position with the City.

Mr. Jagger asked if the developer is agreeable to all of the stated conditions.

Mr. Dowst stated yes, they are.

**Public Comments:**

John Nicholson, 413 N. Grandview, Daytona Beach, Florida asked if the units will be market rate rental.

Mr. Dowst stated the project will be market rate housing.

**Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Servance, to approve Site Plan – Bellamy at Daytona Beach, DEV2018-059, subject to the conditions as outlined in the staff report. The motion carried (6-0).

**Recess:** There was a break in the meeting at 8:05 p.m.; the meeting reconvened at 8:11 p.m.

14. **Large Scale Comprehensive Plan Amendment (LSCPA) – DME Sports, DEV2018-041**

This item was presented in conjunction with Item 15, Rezoning to Planned Development General (PD-G), DME Sports, DEV2018-032.

**Staff Presentation:**

Doug Gutierrez, Principal Planner, presented the staff report which is included as part of the packet. Mr. Gutierrez stated the property is located south of Bellevue Avenue across from the Daytona International Airport.

Mr. Gutierrez stated the subject property consists of two parcels with the main parcel housing the facility and the second parcel being used as a training facility which, when combined, totals 13.67 acres. Mr. Gutierrez stated staff finds the application consistent with the City's Comprehensive Plan.

**Applicant Presentation:**

Mr. Hopkins provided discussion regarding this item as part of Item 15.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Servance, to approve Large Scale Comprehensive Plan Amendment (LSCPA) – DME Sports, DEV2018-041, in accordance with the staff report as presented. The motion carried (6-0).

15. **Rezoning to Planned Development-General (PD-G) – DME Sports, DEV2018-032**

This item was presented in conjunction with Item 14, Large Scale Comprehensive Plan Amendment (LSCPA) – DME Sports, DEV 2018-041.

**Staff Presentation:**

Hannah Ward, Planner, presented the staff report which is included as part of the packet. Ms. Ward stated the rezoning will allow the continued operation of the DME Sports Academy plus additional office and medical uses that are associated with DME's current operations. Ms. Ward stated the property is currently located in unincorporated Volusia County and the applicant proposes to rezone the two parcels to City Planned Development-General. Ms. Ward stated the application will be presented to the City Commission for second reading in September and, if approved, must be transmitted to the Volusia Growth Management Commission and the State of Florida. Ms. Ward stated the applicant has requested to retain the County Land Use on the property in order to open the school for the 2018-19 school year and a requirement is placed on the application that Volusia County must state the rezoning is consistent with the County's zoning. Ms. Ward stated modifications are requested by the applicant for signage, landscaping, parking, and separation between uses which are outlined in the staff report.

Mr. Barhoo asked about signage for the site; and Ms. Humphreys asked about drainage for the area.

**Applicant Presentation:**

Joseph Hopkins, The Performance Group, 100 Marina Point Drive, Daytona Beach, Florida spoke representing the applicant. Mr. Hopkins stated the additional signage is needed since this is a campus setting with multiple uses and the buildings are set back a distance from the right of way. Mr. Hopkins stated the buildings are in transition and are being painted. Mr. Hopkins stated the site is completely surrounded by shallow drainage areas and he does not believe drainage could be achieved by placing pipes in the ground. Mr. Hopkins stated there is a partnership with DME who will be taking over the operations of the Municipal Stadium.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Servance, to approve Rezoning to Planned Development-General (PD-G) – DME Sports, DEV2018-032, in accordance with the staff report as presented. The motion carried (6-0).

16. **Land Development Code Text Amendments – Article 2 (Board of Building Codes), & Article 9 (Property Maintenance Code and Local Amendments – DEV2018-088**

**Staff Presentation:**

Dennis Mrozek, Planning Director, presented the staff report which is included as part of the packet. Mr. Mrozek stated this request is to clarify items in the Land Development Code regarding the requirements for a quorum and to delete the postponed hearing requirements. Mr. Mrozek stated a text amendment was previously approved which reduced the number of members on the Board of Building Codes; however, the text was not amended to reflect the requirements for a quorum. Mr. Mrozek stated additionally, the LDC text regarding postponements will be deleted.

**Public Comments:**

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida, asked what will happen if there is not a quorum for a meeting.

Mr. Jagger stated as for all Boards, if there is not a quorum, no official action can be taken; and a quorum would be required in order to hear an appeal.

**Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Servance, to approve Land Development Code Text Amendments – Article 2 (Board of Building Codes), & Article 9 (Property Maintenance Code and Local Amendments – DEV2018-088, in accordance with the staff report as presented. The motion carried (6-0).

**Discussion Item:**

17. **Land Development Code Text Amendment – Mobile Food Vendors, DEV2018-080**

**Staff Presentation:**

Hannah Ward, Planner, presented the staff report which is included as part of the packet. Ms. Ward stated included in the packet is information from other cities for the Board's review.

Mr. Newman stated he feels mobile food vendors are appropriate in certain parts of town and feels they should be controlled so they do not compete with local businesses. Mr. Newman stated perhaps they should be licensed to a specific spot. Mr. Newman stated a mobile produce truck would be a good idea for certain parts of the city.

Ms. Humphreys stated she does not have a problem with food trucks.

Mr. Hurt stated he likes food trucks but feels there needs to be protection to local businesses. Mr. Hurt stated perhaps there should be a requirement that the food truck be tied to a local business in Volusia County and feels there should be restrictions on when and where they can park.

Mr. Servance stated he likes the idea of food trucks.

Mr. Mrozek asked for the Board's thoughts on food trucks operating on public right of way in a parking space.

Mr. Newman stated he feels the food trucks need to have a licensed spot. Mr. Newman stated he does not think it would be appropriate to have food trucks parked on Beach Street but areas, such as along Bellevue, would be appropriate.

Mr. Mrozek asked how the Board felt about a mobile vendor parking overnight in a specific location and remaining in that location for several days or should they be required to leave the spot at the end of the day.

Mr. Servance stated if the vendor is permitted and is assigned a spot, he thinks it would be all right for them to stay.

Mr. Mrozek stated placing a food truck in a parking space would take away required parking from a business.

Mr. Newman stated he favors the truck being removed over night and then brought back the next day.

Mr. Mrozek asked if there are certain zoning districts where the trucks would or would not be permitted.

Mr. Newman stated industrial zones would be appropriate, depending on whether the business wanted the food truck to be there.

Mr. Barhoo stated he feels the trucks should be licensed by the city and regulated by the Health Department.

Mr. Neal stated the license for the food trucks should be visible so customers can see they are permitted.

**Public Comments:**

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida stated the City of Boston has a website that shows a schedule of where food trucks will be throughout the city.

John Nicholson, 413 N. Grandview, Daytona Beach, Florida stated he talked with Jim Morris about food trucks and stated there is talk about putting food trucks on Main Street. Mr. Nicholson stated there are 13 restaurants on Main Street, but many do not serve food because they do not have kitchens. Mr. Nicholson stated some of the restaurants without kitchens are talking about using mobile units so they can serve food without installing a kitchen.

Mr. Mrozek stated the discussion of food trucks will presented to the City Commission as a discussion item and then will be brought back to the Planning Board as a text amendment.

**18. Other Business**

a. Downtown/Balough Road Redevelopment Area Board Report

Ms. Washington was not in attendance to make a report.

b. Midtown Redevelopment Area Board Report

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

c. Beachside Redevelopment Area Board Report

Mr. Newman stated the Beachside Redevelopment Area Board did not meet.

d. Public Comments

John Nicholson, 413 N. Grandview, Daytona Beach, Florida stated the seawall discussed at the beginning of the meeting has needed repair since 2004. Mr. Nicholson stated the city boards vacant houses and then charges the property owner and asked why the city does not secure this seawall and then bill the property owner.

e. Staff Comments

Mr. Mrozek stated he has been asked to serve as Planning Director and he is excited about the opportunity.

f. Board Comments

Mr. Neal and Mr. Barhoo congratulated Mr. Mrozek on his new position.

**Adjournment**

There being no further business, the meeting was adjourned at 9:05 p.m.



Cathy Washington, Chair  
for James Neal presiding over  
June 28, 2018 meeting



Jeff Hurt, Board Secretary