



The CITY OF DAYTONA BEACH Beachside Redevelopment Board Minutes

City Hall
Commission Chambers
Regular Meeting

301 South Ridgewood Avenue
Wednesday, May 9, 2018
6:00 PM

Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by this Board at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.

	For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.
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Board Members Present

Mr. Dino P. Paspalakis, Chair
Mr. Dino M. Paspalakis
Ms. Jennifer Nazak
Ms. Amy Pyle
Ms. Marcia Tuggle

Board Members Absent

Mr. Mike Denis, Vice Chair
Mr. Gilbert Myara
Mr. James Newman (Planning Board appointee)

Staff Members Present

Mr. Reed Berger, Redevelopment Director
Ms. Carly Meek, Assistant City Attorney
Ms. Becky Groom, Board Secretary

Call to Order

Dino P. Paspalakis called the meeting to order.

Roll Call

Roll was taken with attendance as noted above.

Approval of Minutes - March 14, 2018

A motion was made by Ms. Pyle, seconded by Ms. Nazak, to approve the minutes of March 14, 2018, as presented. The motion carried (5-0).

Staff Reports

Mr. Berger stated there were no representatives from either Code Enforcement or the Police Department in attendance at the meeting. Mr. Berger stated the reports were available for the Board's review.

Rezoning to Planned Development-Redevelopment (PD-RD) - 101 S. Ocean Avenue - DEV2018-007 (Quasi-Judicial Hearing)

Mr. Berger presented the staff report which was included as part of the packet. Mr. Berger stated the Staff Report should read the property is 0.73 acres. Mr. Berger stated three modifications were proposed: stacking distance is proposed to be 50 feet instead of 40 feet; reduction of the right of way buffer from the required 8 feet to 3 feet; and the building bulkhead lines would extend beyond the building line. Mr. Berger stated it was proposed that the north half of Harvey be vacated in order to accommodate a planned Marriott Courtyard project north of this site. Mr. Berger stated a letter had been sent by the City Commission to Volusia County regarding the vacation of the northern part of Harvey. Mr. Berger stated a 15-foot boardwalk was planned along the eastern portion of this site and there would be a 5-foot buffer with plantings, which was similar to what was proposed by the hotel project. Mr. Berger stated there was an issue with the homeless that had moved into the area underneath the proposed site through a hole in the seawall.

Chairman Paspalakis asked if the applicant was being forced to give up property for a 15-foot boardwalk at the eastern most point of his property and asked if the applicant was being compensated for the property.

Applicant's Presentation:

Joe Hopkins, 100 Marina Point Drive, Daytona Beach, Florida spoke representing the applicant. Mr. Hopkins stated there was a requirement in the Comprehensive Plan that the applicant provide a boardwalk. Mr. Hopkins stated he would prefer to deed the property to the City in order to have it removed from the applicant's tax roll.

Chairman Paspalakis stated if property was being taken away from the applicant, property should be given to them; and stated parking could be expanded or a sidewalk could be placed on the southern half of Harvey.

Mr. Hopkins stated the boardwalk had been a thorn in his side. Mr. Hopkins stated the applicant was willing to provide it in the spirit of cooperation. Mr. Hopkins stated he understood Chairman Paspalakis' concerns but felt the project needed to move on. Mr. Hopkins stated Harvey would still be wide enough for a lane of traffic or for pedestrians to approach the beach.

Mr. Hopkins stated a Neighborhood Meeting was held and there was no real opposition to the project. Mr. Hopkins stated there were questions that were asked at the Neighborhood Meeting about the boardwalk.

Ms. Nazak stated she felt it was a good plan but asked what was planned for the palm trees and ground cover that existed on the site.

Mr. Hopkins stated the palm trees and ground cover would be removed since he did not believe they would survive if relocated and the trees may not survive if earthwork is done around them.

Ms. Pyle stated she was in favor of this project but had some concerns. Ms. Pyle stated she did not feel the Harvey Street beach access should be closed. Ms. Pyle asked about the easement for the boardwalk.

Mr. Hopkins stated if the property owner dedicated an easement, it would still be on their tax roll and ocean front property on a tax roll would be expensive. Mr. Hopkins stated he would prefer to deed it to the City.

Ms. Pyle stated the seawall had been in the condition with the hole in it for a long time and the property owner had not maintained the wall. Ms. Pyle asked if the applicant planned to start on this project right away and planned to make repairs to the seawall. Ms. Pyle stated a Code Enforcement case was started in February on this site and inspections were done in March and April with no change. Ms. Pyle stated the next inspection was not scheduled until December and the case was not moving to the Code Enforcement Board. Ms. Pyle stated there were no fines, no liens, nor a completed case that had gone through to the Code Enforcement Board. Ms. Pyle stated she could not support the project if there was not a timeline for completion. Ms. Pyle stated the same owners own a lot south of the Roomba Inn and it was in the same condition.

Dino M. Paspalakis asked if the proposed site would be a paid parking lot.

Mr. Hopkins stated the Ocean Deck would be the operator and they used valet parking. Mr. Hopkins stated the site would be open to the public.

Dino M. Paspalakis asked if the wall could be fixed now.

Chairman Paspalakis stated the wall would be part of the 15 feet that the City would get.

Mr. Hopkins stated he did not know if the 5-foot buffer would be part of the dedicated property for the boardwalk. Mr. Hopkins stated the parking lot could be constructed without impacting the existing wall. Mr. Hopkins stated he felt a representative from DEP should look at the site to determine what kind of field authorization could be obtained to secure the wall and mitigate the safety concerns.

Ms. Tuggle stated she was concerned about the timeline. Ms. Tuggle stated the seawall was a safety and public welfare issue. Ms. Tuggle asked what the timeline was for the parking lot.

Mr. Hopkins stated the project would be presented to the Planning Board in May and then to the City Commission in July. Mr. Hopkins stated a letter would have to be sent to the State to show that the City had no problems with the project and noted that the DEP review process was long. Mr. Hopkins stated there were also ADA issues that needed to be addressed. Mr. Hopkins stated he felt the project would be completed this year and noted the owner had no intention to sell the property.

Ms. Tuggle stated she had felt Harvey should remain as a beach access for the public. Ms. Tuggle also stated there was an existing fire hydrant on the site which was not reflected in the plans.

Mr. Hopkins stated if the fire hydrant was in conflict with the planned improvements, it would be relocated and would not be eliminated.

Ms. Pyle asked Mr. Berger to check with Code Enforcement to find out why an inspection would not be done until December since she was not permitted to call the head of Code Enforcement. Ms. Pyle stated

she would only vote for approval of the project if the seawall was repaired and bringing the property into compliance.

Mr. Hopkins stated he may be able to develop the parking lot without touching the seawall; but the public safety concern about the seawall should be mitigated. Mr. Hopkins stated if the property owner contacted him about the Code Enforcement issue, his recommendation would be to address the public safety issue and clean it up, and not necessarily rebuild it at this time. Mr. Hopkins stated he would be willing to address the public safety concern at this time.

Chairman Paspalakis stated he had no problem with approving the project and stating the seawall would be addressed; he stated, however, that he had a problem with the applicant giving property to the City without receiving compensation.

Mr. Hopkins stated regarding Harvey, right now there was a full developed right of way and stated to come back with sidewalks for the site would escalate the cost.

Ms. Meek stated the dedication of the boardwalk area needed to be discussed internally; but a motion should include addressing the seawall concerns.

Public Comments:

John Nicholson, 413 N. Grandview, Daytona Beach, Florida stated he was opposed to this project because it was not the highest and best use for the site. Mr. Nicholson stated the new beach ramps were attractive but what existed on Harvey was not attractive. Mr. Nicholson stated if the applicant did not repair the seawall and it was transferred to the City, it may sit before it was repaired. Mr. Nicholson stated the site could be repaired at a minimal cost by boarding and enclosing the hole in the seawall.

Sandy Murphy, 136 Park A venue, Daytona Beach, Florida stated the decision this evening should be made on what had been presented and not how it could be redesigned. Ms. Murphy stated the seawall should be addressed and the PD should be conditional on a secure repair. Ms. Murphy stated a timeline for completion of the project was important.

Mr. Hopkins stated it would be difficult to bring the seawall to an acceptable standard within 30 days and stated if he was successful in obtaining a field permit, the work could begin within 90 days. Mr. Hopkins stated Section 10 of the PD agreement addressed the effective date and completion schedule and the PD stated that the first phase of development should be submitted within 18 months with construction substantially complete within 5 years.

Board Action:

A motion was made by Ms. Pyle, seconded by Dino M. Paspalakis, to approve Rezoning to Planned Development-Redevelopment (PD-RD) - 101 S. Ocean Avenue - DEV2018-007, contingent on the applicant bringing the seawall at the corner of Harvey and the Atlantic Ocean to a standard that was acceptable to City Staff and that the work begin in the next 90 days. The motion carried (5-0).

Redevelopment Projects Update

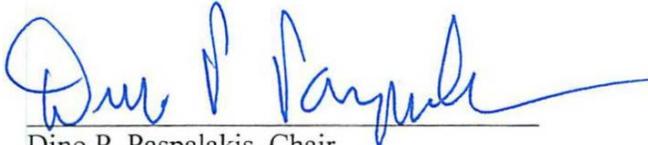
Public Comments

Anne Ruby, 13 7 Park A venue,

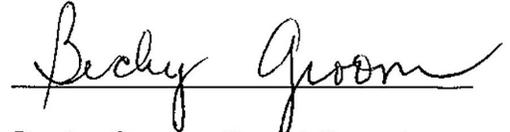
Board Comments

Adjournment

There being no further business, the meeting was adjourned.



Dino P. Paspalakis, Chair



Becky Groom, Board Secretary