

MINUTES
REGULAR MEETING – PLANNING BOARD
September 27, 2018

Minutes for the Regular Planning Board Meeting for the City of Daytona Beach, Florida, held on Thursday, September 27, 2018 at 6:00 p.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board Members Present:

Cathy Washington, Chair
Jeff Hurt
Tony Servance
James Newman
Helen Humphreys (arrived at 7:10 p.m.)
James Neal

Board Members Absent:

Tony Barhoo

Staff Members Present:

Dennis Mrozek, Planning Director
Robert Jagger, City Attorney
Doug Gutierrez, Principal Planner
Reed Berger, Redevelopment Director
Hannah Ward, Planner
Marianne Pulaski, Planning Technician
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 23, 2018

Board Action:

A motion was made by Mr. Newman, seconded by Mr. Servance, to approve the minutes of the August 23, 2018 meeting as presented. The motion carried (5-0).

New Items:

4. **Land Development Code Text Amendment – Article 8, Discontinuance of Use DEV2018-113 (Legislative Hearing)**

Dennis Mrozek, Planning Director, asked that this item be removed from the agenda and continued for a future meeting.

5. **Small Scale Comprehensive Plan Amendment (SSCPA) – Beville Commercial, DEV2018-086 (Legislative Hearing)**

Staff Presentation:

Doug Gutierrez, Principal Planner, stated this item will be presented in conjunction with Item 6, Rezoning to Planned Development-General (PD-G) – Beville Commercial, DEV2018-087.

Mr. Gutierrez presented the staff report which was included as part of the packet. Mr. Gutierrez stated this request is to change the Future Land Use Map designation from Office Transitional and Level 2 Residential to Low Intensity Commercial through a Planned Development-General (PD-G) rezoning.

Applicant Presentation:

The applicant's comments are included with Item 6.

Public Comments:

Public Comments are listed under Item 6.

Board Action:

A motion was made by Mr. Hurt, seconded by Mr. Neal, to approve Small Scale Comprehensive Plan Amendment (SSCPA) – Beville Commercial, DEV2018-086, in accordance with the staff report as presented. The motion carried (5-0).

6. **Rezoning to Planned Development-General (PD-G) – Beville Commercial, DEV2018-087 (Quasi-Judicial Hearing)**

This item was presented in conjunction with Item 5, Small Scale Comprehensive Plan Amendment (SSCPA) – Beville Commercial, DEV2018-086.

Staff Presentation:

Hannah Ward, Planner, presented the staff report which was included as part of the packet. Ms. Ward stated the rezoning will allow for a phased

commercial development. Ms. Ward stated the applicant proposes to develop a 7-11 Convenience Store with gas pumps on the eastern parcel; but no development has been identified for the western parcel.

Ms. Ward stated the LDC modifications include a reduction of the required landscape yard for Beville Road from 50 feet to 35 feet; removal of the required landscaping along the front face of the proposed buildings; an exemption from the Neighborhood Compatibility standards due to the location of the site to the nearby single-family subdivision; architectural standards; an increase to the nonresidential canopy to accommodate additional gas pumps; and modifications to signage requirements, including a request for two (2) Electronic Message Center (EMC) signs.

Applicant Presentation:

Jonathan Martin, 1080 S. Orange Avenue, Suite 1000, Orlando, Florida spoke representing the applicant. Mr. Martin stated at the neighborhood meeting a curb cut off of Clyde Morris was discussed. Mr. Martin stated he met with FDOT prior to presenting the project to City staff and FDOT was concerned about the driveway along Clyde Morris. Mr. Martin stated he believes a safe ingress and egress is planned and feels it is the appropriate access to the project.

Mr. Mrozek stated a neighborhood meeting was held and a response from a resident is included as part of the packet.

Mr. Hurt asked if the variances requested for the signs are typical requests for the signage as requested by 7-11.

Mr. Martin stated that is correct and further stated the requested signage is critical for visibility of the prices for gasoline along both Clyde Morris and Beville.

Mr. Hurt stated he feels a curb cut on Clyde Morris may be more confusing than helpful.

Public Comments:

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida, stated the Clyde Morris entrance sits directly across from the entrance to Shangri-La and stated there is concern about difficulty in getting in and out of Shangri-La once the 7-11 is constructed. Ms. Ruby stated there may need to be a traffic light at the southern entrance to Shangri-La.

Board Action:

A motion was made by Mr. Neal, seconded by Mr. Newman, to approve Rezoning to Planned Development-General (PD-G) – Beville Commercial,

DEV2018-087, in accordance with the staff report as presented. The motion carried (5-0).

7. **First Amendment to Islamic Center of Daytona Beach Planned District Agreement, DEV2018-033 (Quasi-Judicial Hearing)**

Staff Presentation:

Dennis Mrozek, Planning Director, presented the staff report which is included as part of the packet. Mr. Mrozek stated the PD was approved in 2015 and the development rights lapsed on May 25, 2018. Mr. Mrozek stated the project is proposed to be developed in three phases with submittals for construction permits being presented within 24 months and for all other phases within 60 months. Mr. Mrozek stated Phase One is to be substantially completed within 5 years and all other phases completed within 10 years.

Applicant Presentation:

Kim Buck, Alann Engineering Group, 880 Airport Road, Suite 113, Ormond Beach, Florida spoke representing the applicant and stated she was available to answer questions.

Public Comments:

John Nicholson, 413 N. Grandview, Daytona Beach, Florida expressed concern about projects being extended without construction taking place and asked that no additional extensions be granted.

Mr. Hurt stated there are many reasons for requesting extensions, and most have to do with economics.

Board Action:

A motion was made by Mr. Newman, seconded by Mr. Servance, to approve First Amendment to Islamic Center of Daytona Beach Planned District Agreement, DEV2018-033, in accordance with the staff report as presented. The motion carried (5-0).

8. **Rezoning to Planned Development-Redevelopment (PD-RD) – Brown & Brown, DEV2018-094 (Quasi-Judicial Hearing)**

Staff Presentation:

Reed Berger, Redevelopment Director, presented the staff report which was included as part of the packet. Mr. Berger stated the project encompasses 14.35 acres of land located on the 300 block of N. Beach Street. Mr. Berger stated the project includes a 10 story office building at

a cost of \$37,000,000; and a second phase of the project will be an additional building to the north. Mr. Berger stated the project meets all of the RDD-3 Zoning District standards and the landscape plans call for more landscape material than is required by the Land Development Code. Mr. Berger stated the Downtown-Balough Road Redevelopment Area Board reviewed the proposed plan and unanimously approved the proposed project. Mr. Berger stated the final site plan will be presented to the Downtown/Balough Road Redevelopment Board at a later date for their review.

Mr. Berger reviewed the LDC Waivers, which include landscaping perimeter v. cluster; tree protection zone; reduction in walkway widths to 5 feet; removal of 10 historic trees; 12 foot high wall to screen the chiller; no tree mitigation for utility/storm/road areas; and signage.

Mr. Berger stated larger caliper trees are proposed throughout the development.

Mr. Berger stated the street vacation is pending City Commission approval.

Mr. Berger stated two neighborhood meetings were held regarding this project.

Mr. Berger stated the project will house the world headquarters for Brown & Brown and will add 625 new jobs. Mr. Berger stated as a result of the planned project, there is a new interest in the downtown area by potential residents and visitors.

Mr. Hurt stated the planned project has already increased property values in the downtown and this is the beginning of a dream for the downtown.

Mr. Newman asked about the 10 historic trees.

Mr. Berger stated they will be live oaks.

Mr. Newman asked about the street vacation.

Mr. Berger stated three streets will be vacated: First Avenue, Wisconsin, and San Juan.

Applicant Presentation:

Robert Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida, spoke representing the applicant. Mr. Merrell stated the signage is in scale to the project. Mr. Merrell stated the second building is planned to be built within the next 10 years. Mr. Merrell stated the project will include large specimen trees. Mr. Merrell stated two neighborhood meetings were held, and pedestrian and vehicular connectivity were

discussed. Mr. Merrell stated new sidewalks around the site are planned for accessibility around the site for area residents. Mr. Merrell stated the site will be retrofitted for stormwater protection. Mr. Merrell stated the site was the former location of an automobile dealership and clean-up work has been done on the site. Mr. Merrell stated landscaping will be above what is required by the Land Development Code. Mr. Merrell stated construction is planned to start in the beginning of 2019 and will be completed in July, 2020.

Mr. Newman asked if the Lindhurst Hotel will remain.

Mr. Hurt stated additional parcels have been purchased throughout the area; and although he does not know which ones, he feels as the project progresses, many undesirable buildings will be torn down.

Public Comments:

Jim Cameron, Senior Vice President, Daytona Beach Regional Chamber, stated the Chamber is in support of this project. Mr. Cameron stated the project will enhance property values and will benefit the existing businesses in the downtown area.

Board Action:

A motion was made by Mr. Hurt, seconded by Mr. Newman, to approve Rezoning to Planned Development-Redevelopment (PD-RD) – Brown & Brown, DEV2018-094, in accordance with the staff report as presented. The motion carried (5-0).

9. **Sixth Amendment to Daytona Beach Kennel Club Planned District Agreement, DEV2018-089 (Quasi-Judicial Hearing)**

Mr. Mrozek asked that this item be continued to the October 25, 2018 Planning Board meeting.

10. **Second Amendment to Sofran Eckerds Planned District Agreement, DEV2018-076 (Quasi-Judicial Hearing)**

Staff Presentation:

Mr. Mrozek presented the staff report which was included as part of the packet. Mr. Mrozek stated the request is to allow for a full-service car wash on Beville Road.

Applicant Presentation:

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

neighborhood meeting was held and the residents are pleased that the building will now be enclosed.

Mr. Hurt asked if the existing rear wall will remain.

Mr. Merrell stated it will remain and stay the same.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Neal, seconded by Mr. Servance, to approve Second Amendment to Sofran Eckerds Planned District Agreement, DEV2018-076, in accordance with the staff report as presented. The motion carried (5-0).

11. **Land Development Code Text Amendment – Article 6, RDM-4 DEV2018-119 (Legislative Hearing)**

Ms. Humphreys arrived for the meeting at 7:10 p.m.

Staff Presentation:

Reed Berger, Redevelopment Director, presented the staff report which is included as part of the packet. Mr. Berger stated the request is to allow roof signs and larger wall signs along major thoroughfares located within the Redevelopment Midtown University Transition (RDM-4) zoning district. Mr. Berger stated Hurricane Matthew destroyed the signs on the A-frame roof of the Brickyard Restaurant. Mr. Berger stated roof signs were not permitted in redevelopment areas; but earlier this year, the prohibition of roof signs was removed by an amendment to the Land Development Code. Mr. Berger stated this text amendment is to include a small portion of two major thoroughfares (International Speedway and George Engram) that were previously zoned commercial that would permit signs consistent with the size and type allowed in the adjacent RDM-5 commercial zoning district.

Public Comments:

John Nicholson, 413 N. Grandview, Daytona Beach, Florida questioned the number of places where roof signs would be permitted.

Mr. Berger stated the signs would only be permitted in the RDM-4 area on International Speedway and George Engram, not the entire area of Midtown.

Board Action:

A motion was made by Mr. Servance, seconded by Mr. Newman, to approve Land Development Code Text Amendment – Article 6, RDM-4 DEV2018-119, in accordance with the staff report as presented. The motion carried (6-0).

12. **Land Development Code Text Amendment – Mobile Food Vending, DEV2018-080 (Legislative Hearing)**

Staff Presentation:

Hannah Ward, Planner, presented the staff report which was included as part of the packet. Ms. Ward stated mobile food vending has previously been discussed at public meetings over the last two years; and as a result of those meetings, the proposed text amendment is presented in order to allow mobile food vending in various zoning districts. Ms. Ward stated the text amendment would allow mobile food vending as a temporary use on private property, public property, and public right-of-way and also in USDA-designated food deserts.

Robert Jagger, City Attorney, stated an annual licensing fee was added as a requirement to the text amendment.

Mr. Newman asked if the vendor could keep returning to the same site.

Mr. Jagger stated the vendor will have to break down each night but can return to the same site. Mr. Jagger stated there are additional storage requirements for the vehicle to be stored off-site.

Ms. Ward stated the vendor will be required to have a Business Tax Receipt (business license); and at the end of the work day, the vendor will have to break down and store the vehicle in a location that is permitted by the Land Development Code for the storage and parking of commercial vehicles..

Mr. Newman asked if the vendor will be permitted to drive through different locations.

Ms. Ward stated that mobile food vending will be allowed on the public rights of way as long as vehicular traffic is not impeded. Mobile food vending will not be permitted on public rights of way abutting a single-family dwelling, duplex, or multi-family dwelling. Ms. Ward stated that it will be prohibited for mobile food vending to occur on vacant or unimproved lots.

Mr. Hurt stated initially he was concerned about the mobile vendors competing with fixed restaurants, but this will allow for fixed restaurants to be able to serve food from their restaurants through a mobile vendor.

Public Comments:

John Nicholson, 413 N. Grandview, Daytona Beach, Florida stated he was concerned about what this will do to Main Street and stated there are a number of restaurants on Main Street that do not have kitchens. Mr. Nicholson stated he is also concerned about the number of tattoo establishments in a small area along A1A.

Mr. Hurt stated the ordinance regarding the restaurants/bars is a separate item from the food trucks. Mr. Hurt stated a food truck is not associated with a bar that is supposed to have a restaurant.

Board Action:

A motion was made by Mr. Newman, seconded by Ms. Humphreys, to approve Land Development Code Text Amendment – Mobile Food Vending, DEV2018-080, in accordance with the staff report as presented. The motion carried (6-0).

13. **Land Development Code Text Amendment – Article 4, Waterfront Overlay DEV2018-048 (Legislative Hearing)**

Staff Presentation:

Hannah Ward, Planner, presented the staff report which was included as part of the packet. Ms. Ward stated this is a request to remove the regulations regarding the Waterfront Overlay District from the Land Development Code; and to relocate the regulations relating to boat slips as provided in Article 4 (Zoning Districts), Section 4.9.E.5.g of the Waterfront Overlay District. Ms. Ward stated the Waterfront Overlay District includes all properties abutting the Halifax River and/or Atlantic Ocean beach. Ms. Ward stated based on staff research, there is no basis for the current regulations.

Mr. Hurt asked if this LDC change will limit the number of boat slips that are available.

Ms. Ward stated that the boat slip regulations will be relocated but none of the requirements regarding boat slips will change.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve Land Development Code Text Amendment – Article 4, Waterfront Overlay

DEV2018-048, in accordance with the staff report as presented. The motion carried (6-0).

14. **Other Business:**

a. Downtown/Balough Road Redevelopment Area Board Report

Ms. Washington stated the Downtown/Balough Road Redevelopment Area Board did not meet in September.

b. Midtown Redevelopment Area Board Report

Mr. Barhoo was not in attendance to make a report on this item.

c. Beachside Redevelopment Area Board Report

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

d. Public Comments

There were no public comments.

e. Staff Comments: Changing the November 29, 2018 meeting date to November 15, 2018

The Board agreed to change the date for the November Planning Board meeting to November 15, 2018.

f. Board Comments

Ms. Humphreys asked for the status of the seawall repairs for the property at 101 S. Ocean Avenue.

Mr. Berger stated the seawall still needs repair which needs to be addressed.

Mr. Mrozek stated the property owner has an application for rezoning of the property which will not be moved forward until the repairs are addressed.


Cathy Washington, Chair


Jeff Hurt, Secretary