

MINUTES
REGULAR MEETING – PLANNING BOARD

August 25, 2011

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, August 25, 2011, at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board members Present were as follows:

Jeff Hurt
Tracey Remark
Bob Hoitsma
John McGuinness
Louis Moore
James Neal
Kevin Fishback
Cathy Washington
Shirley Benjamin
Matthew Bohon

Absent Members:

Janet LeSage

Staff members present:

Richard Walton, Planning Director
Dennis Mrozek, Senior Planner
Thomas Weitnauer, Principal Planner
Carrie Lathan, Assistant City Attorney
Rose Williams, Planning Technician

1. **Call to Order**

Louis Moore, Chair called the meeting to order at 6:00 pm.

2. **Roll Call**

Ms. Washington called the roll and noted members present as listed above.

Approval of Amended Planning Board Agenda

Board Motion

It was moved by Mrs. Remark and seconded by Mr. Hurt to approved the August 25, 2011 Amended Agenda.

Board Action

The motion was approved 10-to-0.

3. **Approval of the Minutes:** July 28, 2011

Board Motion

It was moved by Mrs. Remark to approve the July 28, 2011 Planning Board Meeting Minutes. Seconded by Mr. Hurt.

Board Action

The motion was approved 10-to-0.

4. **North Ridgewood Overlay Area**

a) **Rezoning: North Ridgewood Overlay Area, DEV2011-038**

A request by the Development and Administrative Services Department, Planning Division to establish a North Ridgewood Overlay Classification in a defined area generally located between Spruce, Aberdeen and Revere Streets, to the west, Mason Avenue to the north, Beach Street to the east and George W Engram Boulevard and Fairview Avenue to the south. *(Continued from the June 23, 2011 Planning Board Meeting)*

Staff Presentation

Dennis Mrozek, Senior Planner stated his presentation would include agenda items 4a and 4b. He stated this was a staff request that was the result of a City Commission directive to develop protection in the North Ridgewood Area to reduce possible negative impacts that may result from changes in surrounding redevelopment areas; including restrictions to uses that may have been located or relocated to the area. He stated two meetings were held with the North Ridgewood area community stakeholders and that staff had developed the proposed North Ridgewood Overlay classification. The regulations governing the uses in the proposed overlay area are included in agenda item 4b, that this was almost the second phase of restrictions for social service uses and that an ordinance was recently passed pertaining to social services in Redevelopment Areas. Mr. Mrozek stated staff would be bringing Citywide requirements to the Board in the near future and that the proposed overlay would only define the boundaries

for the North Ridgewood Area. He stated staff was recommending approval of the rezoning request and for the record that the request for the North Ridgewood Overlay classification was in concert with DEV2011-034, LDC Text Amendment, which establishes the purpose and regulations for the North Ridgewood Overlay Area. The item is tentatively scheduled to be heard by the City Commission for first reading on October 5, 2011, (Public Hearing), and second reading on October 19, 2011, (Public Hearing). An affirmative vote of six by the Planning Board is required to recommend approval to the City Commission.

Citizen comments and Board discussion for this agenda item was combined with Item 4b.

Board Motion

It was moved by Mrs. Remark and seconded by Ms. Washington to continue Rezoning: North Ridgewood Overlay Area, DEV2011-038 to the November 17, 2011 Planning Board Meeting.

Board Action

The motion was approved 10-to-0.

b) Land Development Code – Text Amendment: DEV2011-034

A request by the Development and Administrative Services Department, Planning Division to amend the Land Development Code (LDC), Article 2, Definitions, Article 4, Land Development Orders and Procedures, Article 16, Overlay Classifications and Regulations, and Article 17, Conditions and Requirements for Specific Uses, to establish regulations for the North Ridgewood Overlay Area and to prohibit specific uses within the designated overlay area. *(Continued from the June 23, 2011 Planning Board Meeting)*

Staff Presentation

Dennis Mrozek, Senior Planner continued his presentation from Agenda Item 4a. He stated the North Ridgewood area is the gateway into the City and currently does not project that image and that it has developed indications of economic regression. The purpose of the proposed text amendment is to provide a restriction of uses that may be located or relocated to the area as a result of recent redevelopment area restrictions. The North Ridgewood Overlay classification will establish it as an overlay classification in the LDC and amendment request does not include the neighborhood improvement district proposed by residents nor the commercial development standards. Mr. Mrozek stated commercial design standards for major City thoroughfares were recently approved by the Board and are scheduled for adoption at the September 7, 2011 City Commission meeting. They include Ridgewood Avenue, parts of Fairview Avenue and Mason Avenue. A Transportation Planning Organization (TPO) study is currently underway to look at the entire US1 corridor. He stated staff was hoping to piggyback on some of the data they collect and use it to improve things along the commercial area on Ridgewood. Mr. Mrozek stated since the June 23rd meeting staff has been collecting additional data that reflects trends in the area and that Census population data was used for this request, unfortunately all of the Census data was not available but staff was able to identify the North Ridgewood Area as having the following statistics:

Population

- 34 Census Blocks located within the North Ridgewood Area
- Decrease in areas overall population by 20 residents for the entire area.
 - 2000 Block Population – 1,589
 - 2010 Block Population – 1,569
- 1 block increased by 244
 - 2000 Block Population – 3
 - 2010 Block Population – 247
 - North Center/STAR Facility

Mrs. Remark asked if that meant there were 247 people living there.

Mr. Walton replied the Census data reflects 247 people live on that block.

Mr. Mrozek stated staff received additional statistics below from the Police Department that reflect trends in the North Ridgewood Area over the past 10 years.

Incidents by Year

- Spike in 2002 with a steady decline over the remaining years.
- Small increase in 2009

Arrests by Year

- Significant spike in 2006 amounts to over 1,500 arrests.
- Since 2006 there has been a steady decline in the area.

Mr. Mrozek reviewed mapping of conditional uses and requirement of Planning Board approval conditional uses. He stated at this time staff does not have comparable data for the rest of the City and requested from the Police Department some citywide numbers. With this data staff would be able to look at how the North Ridgewood Area statistics relate to crime all over the City. He stated additional data being requested from the Police Department is the amount of resources being put into the North Ridgewood Area. This data will be used to determine if there is a direct correlation to crime and resources in the area. He stated what staff has been able to get is citywide property values that reflect a little bit of an upward and downward trend, which is pretty much common for most areas. A request has been submitted to the Volusia County Property Appraiser for property values specific to the North Ridgewood Area over the last 10 years. This information will be used to determine if there has been a change. Other data used was saturation of uses. Mr. Mrozek referenced the list of social service uses provided by United Way that was included in each Board member's packet and pointed out that the list was not inclusive of all social service uses in the area because United Way did not have a complete list of all social service uses in the area. He stated staff has begun the process of cross referencing United Way's information with City information and hitting the streets to see what social service uses are actually in the area. At the June 23rd meeting, staff presented a list of proposed uses to be specifically prohibited in the North

Ridgewood Area. Based on additional data gathered, staff is now modifying the original proposal to what the original taskforce put together for conditional uses. Listed below are the uses that staff is proposing to be moved from the prohibited use list and moved to the conditional use list.

- Community residential homes and similar facilities
- Congregate meal facilities
- Food pantries
- Recovery homes or treatment facilities
- Homeless services, except where specifically allowed as a conditional use (*If homeless services were strictly a prohibited use some of the other conditional uses might fall under the category of what a homeless service is, which would then prevent them from being included as a conditional use*).

Mr. Mrozek defined each proposed conditional use and clarified what was allowed with the uses as follows:

Proposed Conditional Uses

(Must comply with underlying zoning and meet specific conditions)

- *Food Pantries* - Any building or structure or portion thereof that prepares or stores food for consumption off site for individuals.
 - Does not provide direct individual service to clients on site.
 - Not located within 250 feet of residential zoned areas.
 - Not located within 500 feet of a similar facility.
- *Substance Abuse and Rehabilitation Centers* - A type of medical office established to aid persons affected by excessive or illegal use of drugs, alcohol, narcotics or other hallucinatory substances, who have developed a dependency on such substances, including but not limited to methadone maintenance facilities, and outpatient rehabilitation facilities.
 - Not located within 500 feet of residential zoned areas.
 - Not located within 1,000 feet of a similar facility
 - Hours of operation limited to 7am – 7pm.
 - Waiting area for clients provided within the building.
 - Clients scheduled by appointment only.
 - Not located in RDD-1 or RDD-2 zoning districts.
 - No residential use allowed.
- *Abuse Prevention Centers* - A facility that offers counseling services or temporary emergency shelter for preventing or remedying neglect, abuse or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating or reuniting families.
 - Overnight accommodations limited to a maximum of twelve clients (not including children of clients).
 - Professional supervision required on site during all overnight accommodations.
 - Not located within 500 feet of a similar facility.

- *Community Facilities* - Any facility, place or building accommodating seven or more clients which is maintained and operated to provide residential care, day care and/or home finding services for children and/or adults, including by not limited to the physically handicapped, mentally impaired or incompetent persons, developmentally disabled, mentally disordered, court wards and dependents, neglected or emotionally disturbed children or adults, alcohol or drug addicted children or adults, battered adults or children and aged persons.
 - Must be in compliance with state law.
 - 24 hour professional on-site supervision required, licensed when otherwise required by local, state or federal law.
 - 24 hour professional security
 - Established curfews
 - Enforced policies requiring abstinence from alcohol and illegal drug use.
 - Regular drug and alcohol testing program.
 - **Not located within 1,200 feet of a similar facility.***
 - **Not located within 500 feet of a single family zoning district.***
 - ***[Staff Note – State requirements]**
- *Congregate Meal Facilities* - A facility that provides scheduled meals on a daily basis for families or individuals. This term does not include homeless shelters or transitional housing.
 - Federally funded and regulated Older American’s Act programs managed by the Council on Aging, including congregate dining and Meals on Wheels programs.
 - Operating in a federally funded facility.
 - Not located within 500 feet of a similar facility.

Mr. Mrozek stated one of the interests that have come up over time is grandfathering of legal non-conforming uses and staff is recommending an administrative program to identify existing social service agencies. The agencies would be required to notify the City of their location and specific use. The City will establish a time frame of 90 days to allow the agencies to comply. The agencies that fail to comply or identify themselves may not be considered legal non-conforming uses and may not be grandfathered in. He stated legal non-conforming uses have the opportunity to become conforming by meeting the requirements of the LDC and the conditional use schedule. This process is similar to the process approved for Redevelopment areas. Mr. Mrozek stated as staff was reviewing the uses, four major issues were found.

1. Prohibited uses – Slightly modified
2. Conditional uses – Added from the previous recommendation
3. Planning Board review of conditional uses – Added from the previous recommendation
4. Identification Program, which was reintroduced to the Board a couple of months ago and has been approved in the Redevelopment area.

Mr. Mrozek stated staff recommends approval of the amendment request. The item is tentatively scheduled to be heard by the City Commission for 1st reading on August 5, 2011 (public hearing) and 2nd reading on August 19, 2011 (public hearing). An affirmative vote of six by the Board is required to recommend approval to the City Commission.

Mr. Hoitsma asked if any of the proposed conditional uses were currently in the North Ridgewood Area,

Mr. Mrozek replied yes, Attachment C in the agenda packet has maps that show the area with the actual conditional uses that would go into that area. He stated food pantries in the North Ridgewood Area shows the Homeless Assistance Center and also Salvation Army, which is just outside the North Ridgewood Area but it does affect it with the proximity requirement; there are 3 current uses for substance abuse and rehabilitation centers (Haven Recovery, First Step and Outpatient Alcohol Substance Treatment Center). Currently there are not any abuse prevention services or congregate meal facilities in the North Ridgewood Area; three community facilities, Haven Recovery and Central Baptist Church located inside the North Ridgewood area and Stuart Marchman Treatment Center, which is located just outside the North Ridgewood area in the Downtown area. He stated staff is in the process of collecting data from United Way and will start to combine that data with data from the Permits and Licensing Division and some data from some of the services that are not registered with United Way. He stated in working with the different data from different sources, the numbers are getting a little fluid.

Mr. Walton stated that some of the facilities were duplicated. He referenced Haven Recovery as an example.

Mrs. Remark stated actually there are different types of recovery services.

Mr. Mrozek stated they found the same name multiple times but in different locations.

Mr. Hoitsma asked if the uses would not be allowed in the area if staff were not proposing them as conditional uses.

Mr. Mrozek replied if the Board decides to go with prohibiting all of the proposed conditional uses, any legal nonconforming uses that could identify themselves as legal nonconforming uses would be grandfathered in.

Mr. Hoitsma stated so this means if the Board approves staff's proposed conditional uses it would add two uses that are currently not in the North Ridgewood Area.

Mr. Mrozek replied that is correct. He stated he feels the Board should take a look at the conditions associated with the uses. He briefly discussed the conditions associated with abuse prevention services and congregate meal facilities and stated staff would also take a look at whether or not the current zoning allowed that type of use. He stated staff had a difficult time collecting all of the data needed to build the case to support the proposed conditional uses, so staff worked with the information available to move forward without the prohibited uses. He stated staff was more comfortable with the conditional uses than with the prohibited uses.

Mr. Hoitsma asked if staff was not comfortable with the prohibited uses because of legalities.

Mr. Walton replied the criteria for rezoning would require facts to show why the use would be prohibited.

Mr. Hoitsma replied that was interesting because it seems to have been done with other uses. He asked if that was because staff was comfortable with the uses that were completely left out.

Mr. Walton replied in the Community Redevelopment Area (CRA), the City has legal authority based on the purpose and intent of what the CRAs are. He stated the blight studies had been done and the direct goals of the CRA were to increase jobs and have development, but that was not the case in the North Ridgewood Area.

Mrs. Remark asked if that could be done if staff was given more time and stated she wanted information on the deployment of police resources because that area had been in the Police Department's Hot 10 Zone since she was a City Commissioner and it has not changed. She also wanted information from the Property Appraiser. She stated she believes staff's map was skewed from what the property appraiser would say because there has been a 54 percent drop in property values in Volusia County.

Mr. Walton replied the values came from the Property Appraiser's Office.

Mrs. Remark stated her data shows the Property Appraiser has property in Volusia County down to what it was in 2001 and that she knew of some social service facilities that were missing from the list. She asked if it would be correct to say the list really did not have the wide range of social service facilities that might be in the North Ridgewood Area.

Mr. Mrozek replied correct.

Mrs. Remark asked if the proposed conditional uses were being processed basically the same as in Redevelopment Areas and if site plan approval was being proposed as part of the process.

Mr. Mrozek replied he would recommend site plan approval be proposed.

Mrs. Remark asked how many beds the Homeless Services facility located at 340 North Ridgewood was allowed with their special use permit.

Mr. Mrozek replied he believed it was 240 but he had not had the opportunity to go out and inspect the facility so he was not exactly sure how many beds they had currently.

Mrs. Remark asked is staff had any information on the intensity of use at the Salvation Army on Ballough Road.

Mr. Walton replied no, but they were in the 90 day period that would require them to complete the application to be considered a grandfathered legal nonconforming use.

Mrs. Remark asked what criteria had to be met to be considered a grandfathered legal nonconforming use.

Mr. Walton replied there could be any number of reasons why they would be a legal nonconforming use, like having been there prior to the prohibition going in place. He stated after they complete the application staff, would then go in and take a look at it.

Mrs. Remark stated she believed there was a huge discrepancy with the arrest numbers on Chart 2 that was distributed to the Board tonight and what was distributed in 2009 with the materials for Catholic Charities.

Mr. Walton asked Mrs. Remark for the source of her information.

Mrs. Remark replied the source was Edith James at the Police Department. She asked if Planning staff had discussed their figures with the Police Department.

Mr. Walton replied they were also the source for the information on Chart 2.

Mrs. Remark stated that Chart 2 reflects in 2008 Arrest by Year at 1,350 and 133 incidents while the Catholic Charities report reflects 2008 Arrest by Year at 3,715 arrests and 692 police calls just at the Homeless Coalition. She stated the information the Board received had information for several years that was different from what they received in 2009.

Mr. Walton stated he needed to make sure she was comparing apples-to-apples and maybe their annual figures were being defined differently than they were two years ago.

Mrs. Remark replied that was her point that there appears to be a huge discrepancy.

Mr. Walton stated staff would take a look at both sets of numbers and try to find out what and why there was a difference.

Mrs. Remark asked if staff would have a problem with continuing this item for another 60 days to try to get the additional data needed because she feels it is critical that the Board have the information before they make a decision.

Mr. Mrozek replied he would like to give the Board as much information as he could so they could make the most logical decision and if there is other information available that would assist in that decision, he was in agreement to continue for 60 days.

Mr. Walton stated the only thing on the list that staff would not have in 60 days is the Census data.

Mrs. Remark stated she was ready to make a motion to continue for 60 days unless the Board wanted to hear from other speakers.

Mr. Moore stated he agreed with Mrs. Remark's request for a continuance but he felt they should hear from speakers before the motion is made.

Mr. McGuinness stated he felt there should have been more separation between 4a and 4b because he felt it was possible to approve the overlay for the area. He stated all of the questions seem to be concentrated on the text amendment and he believes the Board could approve the overlay and then work out the details of uses in the overlay.

Mr. Mrozek stated if you do that you would have an overlay without restrictions and nothing associated with it. It would only be your overlay boundary.

Mr. McGuinness asked if there was any reason they could do the overlay for protection.

Ms. Lathan replied it would be better to process them at the same time because if you only approve the overlay and no criteria you may as well not have it at all. Continuing the requests would be pending legislation which is effectively like a moratorium, so anyone trying to get a permit to go into that area right now would have to wait until this issue is resolved.

Mr. McGuinness stated so continuation protects the residents.

Ms. Lathan replied yes.

Citizen Comments

Mr. Moore instructed Ms. Williams to use the three minute clock.

Chris Daun, 132 Pierce Avenue, Daytona Beach spoke on both Item 4a and 4b. He stated he was the representative for the Uptown Neighborhood Association and spoke on behalf of the following residents:

- Donnie Anderson, 159 Congress Avenue, Daytona Beach
- Hanna Byers, 230 Anita Avenue, Daytona Beach
- John Anderson, 159 Congress Avenue, Daytona Beach

Mr. Daun asked for clarification why the zoning map was included in both Item 4a and 4b. He asked Ms. Lathan if there was a legal purpose for including the zoning map in 4a.

Ms. Lathan replied the map was used as a reference because with an overlay, the underlying zoning remains in effect. The overlay classification adds additional restrictions to what can be done underneath. She stated the current zoning will remain in effect and that is why the map was included.

Mr. Daun asked if the zoning changed, would the change be addressed in Item 4b.

Mr. Walton replied staff would supply a revised zoning map.

Ms. Lathan stated the zoning map did not change; it will now have the North Ridgewood Overlay on top of the current zoning.

Mr. Daun asked if it was a state requirement to include the zoning map as part of the overlay rezoning.

Ms. Lathan replied it was for informational purposes only. She stated staff could have presented the request showing only the boundaries. She stated the overlay rezoning is something done through the City as a requirement of the LDC. It does not have to be submitted to the state.

Mr. Daun asked that the map be removed from Item 4a if the item moves forward to the City Commission. He referenced his comments at the June 23, 2011 Planning Board Meeting and stated he asked for certain comments to be included as part of the record and the Board packet for discussion; neither of his requests had been done. He stated to staff, after holding two neighborhood meetings, none of the requests made by residents pertaining to the overlay were included in the packet and he feels their requests were ignored. Mr. Daun stated in his opinion, the request tonight appears to lean heavily in favor of requests made by the social service agencies to add conditional uses rather than what the City Commission specifically stated on record. He went through a list of discrepancies he had with the proposed request and stated they were serious issues he felt needed to be addressed by the Board.

Weegie Kuendig, 718 North Wild Olive, Daytona Beach spoke in opposition of the proposed conditional uses in Item 4b.

Michael Woods, Cobb Cole, 150 Magnolia Avenue, Daytona Beach, spoke on behalf of the Volusia-Flagler Coalition for the Homeless. He stated he noticed Mr. Daun emphasized predominately what couldn't be done instead of the economic incentives and clarified a few points regarding the Coalition and the means by which it operates. He stated even with the adoption of prohibitions, the Coalition's semi-public use permit operates outside of that and therefore will remain a legal use.

Mrs. Remark asked what would happen if they did not follow the rules in place for the semi-public use permit.

Mr. Woods replied they must follow the rules and if the uses were not included in permit, then they cannot continue to be permitted.

Mrs. Remark asked if those uses could cause them to lose their semi-public use permit.

Mr. Woods replied he did not believe so because there was a severability clause in place.

James Newmon, 535 Mulberry Street, Daytona Beach spoke in opposition of the proposed conditional uses.

John Nicholson, 413 North Grandview Avenue, Daytona Beach stated he did not understand why the maps did not include the area that had approximately 150 single-family residential homes. He stated most of the homes were between Mulberry to Ridgewood, which is really the area that needs to be protected and it does not appear to be included in the proposal. He stated he asked staff to identify the 271 social service businesses referenced in the staff report and to date; he has not received that information. He asked if notices would be mailed to the 271 businesses and if the crime statistics reflect 3,000 arrests on North Street or anyone that has used that address.

Board Comments

Mr. Walton stated the recommendation presented tonight was based on the information collected by staff and he could not guarantee the recommendation would not change once additional information was received. He stated he suspected the definition and details would change throughout the entire adoption process, which is a pretty common occurrence and that staff's focus was on the social service aspect only. He stated the social service uses were the only thing that was clearly identified inside the CRA and there were concerns that they could move into the North Ridgewood Area. He stated he attended most of the Transportation Planning Organization (TPO) meetings and felt Mr. Daun's comments were not accurate; the TPO taskforce was in the final stages of selecting a consultant and the first item on the scope of services was to meet with stakeholders, the City Commission and staff in particular to discuss what exactly would and would not be done. The City has committed to the TPO that if money and the final scope do not go far enough into land use and controls, the City will supplement funding and will probably use the same consultant to address both land use and controls while they are out there, which would save money. Mr. Walton stated he believed the meeting was scheduled for next week after which the contract would be awarded and a lot of the things discussed by Mr. Daun were in reference to the CRA, which has an entirely different set of rules. He stated the City Commission felt that because they were prohibited uses in the CRA, they should remain that way and he does not believe it will create economic development by not allowing some retail businesses while allowing others. He suggested finishing this request first and then look at any other requests like special neighborhood districts on a case-by-case basis.

Mr. Moore stated staff and this Board were tasked with drafting these proposed amendments as a result of the recent changes in the CRA and thinks what Mrs. Remark pointed out was very appropriate because three key ingredients needed had not been provided tonight. He asked staff how much additional time was needed to gather and analyze all of the information needed.

Mrs. Remark asked if 60 or 90 days needed.

Mr. Walton replied he felt staff would need at least 60 days because from now to the end of the month, staff's focus would be on the September 26th and 27th meetings with Clarion.

Mr. Mrozek replied 90 days would be better.

Board Motion

It was moved by Mrs. Remark and seconded by Ms. Washington to continue Land Development Code – Text Amendment: DEV2011-034 to the November 17, 2011 Planning Board Meeting.

Board Action

The motion was approved 10-to-0.

Ms. Washington asked if Items 4a & 4b were going to be presented together when they come back to the Board and if so that they are presented as one item.

Mr. Walton replied the vote would have to be separate because they were two separate actions. He stated staff presented them together because the facts support both requests.

Ms. Washington stated she understood they were two separate items but she was requesting to have the items presented separately because some individuals may have been confused with the way it was presented tonight and she would rather, for clarity purposes, have separate presentations and votes for each item.

5. **Semi-Public Use Request - Museum of Arts & Sciences, DEV2011-039**

A request by Robert A. Merrell III, Esquire, Cobb Cole, and Robert Ball, P.E., Zev Cohen & Associates, Inc., on behalf of Debbi Allen, Executive Director, Museum of Arts and Sciences, to approve a resolution to expand an existing semi-public use permit by 29.76± acres of land located at 352 South Nova Road, to allow for museum uses similar to the current uses on the adjacent property. *(Continued from the July 28, 2011 Planning Board Meeting) (Applicant has requested to withdraw the request)*

Staff Presentation

Richard Walton, Planning Director stated the applicant has withdrawn this item and will bring it back once all issues have been resolved.

6. **Discussion – Comprehensive Plan Amendments Related to the Entertainment Zone (E-zone).**

A discussion on possible Comprehensive Plan Amendments required in the core tourist area around the Ocean Center, Peabody Auditorium, Boardwalk and Main Street in relation to the Entertainment Zone (E-Zone).

Staff Presentation

Tom Weitnauer, Principal Planner stated the E-Zone Master Plan was included with the Board's agenda packet to allow time for a thorough review prior to the September 22, 2011 meeting, which will include proposed amendments to incorporate the E-Zone Master Plan into the Comprehensive Plan. He stated Reed Berger, Redevelopment Director worked primarily on development of the Ezone Master Plan and the Planning Division was now tasked with preparing amendments to implement the plan. He stated the Comprehensive Plan was one of three documents that would require amendments. The Land Development Code and Redevelopment Plan are the other two and would take very few text changes to implement the plan. Mr. Weitnauer stated the E-Zone Master Plan was complete and next month's Board

packet would only include amendments necessary for the Department of Community Affairs (DCA) to approve incorporating the plan into the Comprehensive Plan. He stated staff was trying to stay on schedule to make plan amendments so the E-Zone overlay Future Land Use designation will be available for investment developers and property owners to start employing. He stated staff is planning to send the amendments to DCA for a courtesy review prior to the September meeting to get their initial thoughts. He went through a series of PowerPoint slides that reflected current Future Land Use and the proposed E-Zone Overlay Future Land Use. The slides also reflected current and proposed Floor Area Ratio (FAR). He told the Board there would be plenty of opportunities for input and input during the amendment process and if there were any questions, it would be better to list them so staff could research and bring back an answer.

Mr. Walton stated one of the things staff was looking for was specific concerns that might raise a flag. He stated the City Commission had already voted conceptionally to approve the E-Zone Master Plan and wanted to move as quickly as possible to allow development to start. He stated the chart with the timeline was put together as the optimal best case scenario of all the steps needed and the time to complete them, which reflects May 2012. The City Commission felt that timeframe was too long but staff explained that the timeline was the minimum amount of time it would take if the steps were carried out expeditiously. Mr. Walton stated at their last meeting the City Commission voted to approve a contract for Clarion Associates to prepare form based LDC amendments for the E-Zone, which is where the details will really come out. The form based LDC will be much easier to predict upfront what you will see, what you will have and what you will want.

Board Comments

Mrs. Remark stated with the exception of Commissioner Reynolds, the rest of the City Commission and the Mayor said there were a lot of things in the E-Zone Master Plan they did not like but they did like the concept. She stated the plan was a road map not a blueprint and asked why it was being sent to DCA with items the City Commission did not like. She stated Commissioner White had six pages of comments.

Mr. Walton stated he read Commissioner White's comments and did not feel any of them were inconsistent with the plan; they were details that needed to be worked out. He stated the reason it was being attached was because any time you do a Comprehensive Plan Amendment you must include data and information to back up what you are doing. He stated the plan will speak more to the intensity, the way it is going to look and generally what is going on but they will not come to fruition and be at our forefront until we get to the form based zoning code. He stated staff wanted to make sure DCA had an idea of the direction the City was headed.

Mrs. Remark asked why it was being approached as an optional overlay rather than a straight rezoning for the area.

Mr. Walton replied the same thing would probably be done with the zoning and the rationale is because the City does not have eminent domain nor does it own the properties. Once you entitle properties and change the land use, then try to encourage people to buy into it, you could have some problems.

Mrs. Remark stated basically what the City would be doing is making carrots.

Mr. Walton replied yes.

7. **Other Business**

A. **Downtown/Balough Road Redevelopment Area Board Report**

Ms. Washington stated the Board met on August 2nd at 12:00 PM in City Commission Chambers. She stated the Police Department and Code Enforcement gave their monthly reports; the Board approved a conditional use for a sidewalk café at Sweet Marlay's Coffee Shop and received an update on approvals for International Speedway Boulevard and the Marketplace.

B. **Midtown Redevelopment Area Board Report**

Ms. Benjamin stated the reason she arrived late was because she was in a workshop downstairs for Midtown's FAMU Master Plan. She stated the Board met on August 9th at 6:00 PM in City Commission Chambers. Code Enforcement Report gave their monthly report and the Board approved Bethune-Cookman University's request to expand the parking lot at the Performing Arts Center. She stated Mr. Bryant, Redevelopment Manager was directed to bring to the September Board meeting a map with all convenience stores and carwashes in the Midtown Redevelopment Area. The map must show the size of each property, a list of crimes reported relating to the specific uses and locations, information from the Volusia County Health Department (VCHD) regarding locations of the convenience stores and carwashes, Code Enforcement violations issued and the locations where they were issued at. Ms. Benjamin stated a young lady from the VCHD spoke to the Board regarding a new program they have called PACE that deals with nutrition.

C. **Main Street/South Atlantic Redevelopment Area Board Report**

Mrs. Remark stated the Board met on August 10th at 6:00 PM in City Commission Chambers. The new Board chair is Daniel Webster and the vice-Chair is David LaMotte; the Board continued a request for a conditional use for a temporary parking lot located at 41 North Ocean Avenue; discussed E-Zone Master Plan Amendments and making major revisions to the Redevelopment Grant Programs.

D. **Public Comments**

John Nicholson, 413 North Grandview Avenue, Daytona Beach commented on the proposed E-Zone Amendments and requested a reduction in parking requirements for hotels.

E. **Staff Comments**

Mr. Walton stated each Board member should have received Module 2 of the LDC and the meetings with Clarion were tentatively scheduled for the 26th and 27th of September. He stated sub-committee members would be notified when all of the meeting plans have been finalized. He stated the City Clerk was requesting meeting dates for 2012 and that the 2012 Planning Board Meeting schedule had been included in the Board packet for approval. He stated as in the past the November and December meeting dates were moved to the third Thursday of the month due to the holiday.

Board Motion

It was moved by Mr. Hurt to approve the 2012 Planning Board Meeting Schedule as printed. Seconded by Ms. Washington.

Board Action

The motion was approved 9-to-1.

Mrs. Remark stated she would like the Board to consider changing the meeting date in December from the 20th because it was only five days before Christmas. She asked if the meeting always had to be on Thursday.

Mr. Walton replied his suggestion would be to approve the schedule as printed and change the date at a later time based on availability of the Commission Chambers and other scheduling factors.

Mr. Hurt stated the motion had already been approved 9-to-1.

Mr. Walton stated included in each Board member's folder were the Board member positions that would expire on December 31, 2011.

Mr. Hurt asked how it would work for him and Mr. Moore because they were in the same district.

Mr. Walton replied all except one Commission district had two representatives and the district that had only one representative rotates.

Mrs. Remark stated the way it works is, if both Board members are not reappointed, then that district will only have one representative and the additional appointment would rotate to the next district.

F. **Board Member Comments**

Mr. Hoitsma stated he felt it was silly to allow Mr. Daun to speak for 12 minutes because other citizens signed up and allowed him to speak for them. He asked if something could be done about the three minute rule.

Mr. Moore asked for suggestions on how to rectify the situation.

Mr. Hoitsma replied he would like to see the rule be enforced for three minutes with the option for three additional minutes but no more than that.

Mr. Fishback stated it happens a lot at City Commission Meetings.

Mrs. Remark recommended keeping the three minute rule and if someone decides to yield their three minutes then the speaker would only get one additional minute to speak. She stated the Commission generally asks if there is one person that could speak on behalf of the group and that person is given a set amount of time. She stated she feels four minutes is plenty of time.

Mr. Hoitsma asked if there was something they could do about the situation tonight.

Mr. Walton replied the Board could set policy and he believes what happened tonight was planned.

Mr. Fishback asked for a better explanation on the approval process for Module 2.

Mr. Walton stated Module 1 covered definitions and procedural things, Module 2 covers uses and Module 3 includes the definitions, procedures and uses. He stated the process is that the public and advisory board members are the people giving primary input from this point forward through Module 3. At Module 3 all of the comments that have been brought forward will be modified into one document, staff will test the document and make whatever tweaks needed. It will then be brought back to the Board for public hearing and recommendation to the City Commission; the City Commission will hold two public hearings to adopt the new LDC.

Mrs. Remark asked about North Ridgewood Overlay Area maps for substance abuse and rehabilitation centers and abuse prevention. She stated at the bottom of the maps the language read the uses were allowed in all of the zoning districts. She stated she noticed they were also being shown in all of the tourists zoning districts and Redevelopment districts. She asked if the information was correct and stated if it is correct, she feels the Board needs to examine that as well.

Mr. Mrozek replied because the use is a professional service or medical office, the LDC has specific zones the uses could be listed in. He stated the Board could make the code stricter to say not to include specific zones in the North Ridgewood Area.

Mrs. Remark stated she felt if these uses were being called professional services then staff needed to look at possibly changing the definition of a professional service or look at other ways to redo this.

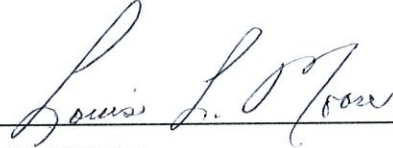
Mr. Mrozek stated that was part of Module 2 and staff currently was reviewing it.

Mrs. Remark stated in terms of reducing parking for hotels, successful hotels do not stay successful if they do not have adequate parking.

Mr. Walton stated part of the E-Zone Report included getting more parking in that area and he also believes parking would have to be looked at comprehensively. He stated what he does not want to see is every development having its own retention pond and landscaping.

Adjournment

There being no further actions to come before the board, the meeting was adjourned at 8:04 PM.



LOUIS MOORE
Chair

ATTEST:



CATHY WASHINGTON
Secretary