

MINUTES
REGULAR MEETING – PLANNING BOARD

September 22, 2011

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, September 22, 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
Janet LeSage
John McGuinness
Louis Moore
James Neal
Kevin Fishback
Cathy Washington
Shirley Benjamin
Matthew Bohon

Staff members present:

Richard Walton, Planning Director
Reed Berger, Redevelopment Director
Thomas Weitnauer, Principal Planner
Carrie Lathan, Assistant City Attorney
Jason Jeffries, Redevelopment Project Manager
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.

3. **Approval of the Minutes:** August 25, 2011

Board Motion

It was moved by Mr. Hurt to approve the August 25, 2011 Planning Board Meeting Minutes. Seconded by Mr. Hoitsma.

Board Action

The motion was approved 11-to-0.

4. **Temporary Moratorium – Internet Cafés, DEV2011-062**

A request by the Development and Administrative Services Department, Planning Division, to approve an ordinance establishing a temporary moratorium on the issuance of permits for game rooms, arcades, internet cafes, sweepstakes redemption centers, establishments using slot machines or slot machine like equipment, and other similar indoor entertainment and amusement activities for a period of 180 days, allowing the City to study and analyze the criteria for issuance of permits and other official City actions in regulating such uses.

Staff Presentation

Richard Walton, Planning Director gave a brief presentation that included the request as written above and also a brief history of events that lead to the proposed ordinance. He stated recently there has been a Code Enforcement Board action against an internet café. He stated originally staff believed these types of businesses were like European Internet Cafes where you drink coffee, read the paper and surf the web. Staff now understands that is not the case and that recently one was cited by Code Enforcement for noncompliance. The LDC identifies games of skill, places where they are permitted and the limited number of facilities that are allowed, which was the debate at the Code Enforcement Board hearing. He stated no decision was made at the hearing and that it was still ongoing. He stated presently there are a couple of options or suggestions available to address this issue.

1. Do nothing and continue to use what is presently in the LDC.
2. Amend the language in the LDC pertaining to this issue.
3. Enter into a moratorium as many other communities have done.

He stated his understanding was, from a legal point, there was some conflict in the state's Statutes that needs be addressed before we will be real comfortable handling this issue and that maybe the moratorium would be the best option at this time. He stated there was a high level of interest in internet cafes and the concern about their affects to neighborhoods. He stated it was advertised as a moratorium but staff wanted to let the Board know that there were other options available. A moratorium will allow staff time to study and analyze such uses and at this time, Planning Board is not asked to determine the need for, or regulations pertaining to, such uses. The temporary moratorium does not alter the way such uses are regulated or permitted in the City.

Citizen Comments

No citizen comments.

Board Comments

Mr. Moore stated there was some discussion on adding games of skill.

Mr. Walton stated if the Board chooses to move forward with the moratorium, staff believes games of skill should be added to the list of uses because that is how they are currently being regulated. He stated the reason for this is because it was the most similar use found in the LDC.

Mr. Hurt asked for the definition of games of skill.

Mrs. Lathan read the definition from the LDC as follows *“An amusement device which requires some measure of skill to operate and score or level of achievement is dependent upon the conclusion of operation. Such games include video games, target games pool tables and pin ball machines.”* She stated there is not currently a definition that applies to internet cafes and they have been treated the same as games of skill.

Mr. Hurt asked if there were games of skill that gave cash rewards.

Mrs. Remark replied the moratorium addressed the issuance of any new internet cafes that wanted to come into the City, and therefore would not affect existing businesses.

Mr. Hurt stated if someone wanted to put a pool table in their establishment they would not be allowed too.

Mrs. Remark stated she felt they could wait six months.

Mr. McGuinness asked if the moratorium had the same legal authority as a pending ordinance.

Ms. Lathan replied basically it would give the City time to decide what type of ordinance would be adopted to address the use.

Mr. Walton stated the legislature would more than likely address this issue in their next session.

Mr. McGuinness asked for more clarification on what authority the moratorium had.

Ms. Lathan replied it would prevent any new permits to be issued for internet cafes to open in the City.

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Mr. McGuinness asked if this would create the same type of problem currently going on with convenience stores.

Ms. Lathan replied that could be a possibility, but presently she was not aware of permits being requested to open an internet café.

There was additional discussion regarding the similarities of the present request and the pending ordinance prohibiting convenience stores in Redevelopment Areas.

Mr. Walton stated if this request is approved by the Board, it would be a recommendation to the City Commission. The City Commission would hold public hearings and at that time and any applicants that had applications in process would be able to address the Commission with their concerns. The City Commission could include language in the ordinance that allowed anyone that had an ongoing application the ability to continue the process.

Mr. McGuinness stated if the only purpose was to stop the use because the City disapproved of it then the moratorium has the same effect as an ordinance.

Ms. Lathan stated it would go to the City Commission as an “ordinance approving a moratorium.”

Mr. Moore stated it sounds to him like the City wanted to wait on a decision from the state before any regulations were finalized.

Ms. Lathan stated currently Seminole County is the only place that has out right banned internet cafes.

Mrs. Remark stated that was correct but several surrounding cities and throughout the State of Florida has enacted moratoriums through the next legislative session because it is a state wide problem. She stated the City of Palm Coast has plans to extend their moratorium an additional six months to make sure no new facilities are allowed to open prior to the legislature’s decision in the next session. She stated internet cafes are the backdoor into gambling.

Mr. Hurt stated he agreed that this was a problem but past history has shown that when the Board tried to put things in place to prohibit one thing, it affected other things that were not supposed to be affected. He stated an example would be if someone came forward to open a family arcade, they would not be allowed if this moratorium is approved.

Mr. Moore asked if changing the language to read “games that award monetary prizes.”

Ms. Lathan replied the problem is they will find a way around any language we come up with and that is why they have been so difficult to prosecute under the gambling statute.

Mr. McGuinness asked how many permits had been issued for internet cafes.

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Mr. Walton replied he estimated about 10 and that over the last year or so they have increased and will continue to increase if something is not done.

Mr. McGuinness stated he feels the City should stop them.

Mr. Hurt stated he felt the same way but he did not want it to be so broad that it prevents legitimate businesses from entering the City.

Mr. Walton stated the legislature may make them a permitted use with distance separation criteria which would supersede anything the City puts in the LDC.

Mr. Hurt stated he agreed it was a concern and was not at all in favor of it.

Mrs. Remark stated she did not think one pool hall would make or break the business community in Daytona Beach and sometimes the innocent do get caught in the net. She understands that currently the economy is hurting the people coming forward to do this are not innocent; they are people making money gambling through the back door of Florida law.

Mr. Hurt stated he did not understand why the wording could not be written where the moratorium was specifically on internet cafes that produce gambling results and award monetary gain.

Ms. Lathan stated she felt there was a problem with that type of language because the definition of games of skill includes pool tables. She stated she felt it was a matter of measuring the risk of preventing a business versus whether or not this was a strong enough concern. She stated the reason for adding games of skill to the list of uses was because that is how they are currently being treated.

Mr. Hurt asked about church carnivals that had games of skill.

Ms. Lathan replied carnivals would fall under conditional uses similar to the one near Our Lady of Lourdes.

Mrs. Remark stated that would be a permit for a carnival based on a conditional use in the LDC. It is not the same thing as a permit for a game room, arcade or internet café.

Mr. Hoitsma asked the definition of games of chance and if pool would be considered a game of chance.

Ms. Lathan replied no, pool falls under games of skill and the LDC does not currently have a definition for games of chance so the definition in the dictionary would be used.

Mr. Hoitsma stated it appears to him that games of chance are different than anything described.

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Mr. Hurt stated it has been done in the past especially when the intent was to prevent a particular thing from happening. It usually results in additional requests coming forward to fix things that should not have been affected.

Mr. Hoitsma asked what the negative effects would be if games of chance were added to the list instead of games of skill.

Ms. Lathan replied one problem is that the LDC does not have a definition for games of chance and since internet cafes have been regulated the same as games of skill, they would not be covered by this moratorium.

Mrs. Remark stated so using the language games of chance would essentially make the moratorium useless because the City has been regulating them as games of skill.

Mr. Walton stated the City could do nothing and continue to use the LDC as is but staff's interpretation has been challenged before the Code Enforcement Board.

Mrs. Remark stated if the legislature changes the way internet cafes are regulated the City would be required to make our regulations comply with the state's regulations.

Ms. Washington asked if the language could be narrowed down to specifically say internet cafes, sweepstakes, redemptions centers, establishments using slot machines or slot machine type equipment.

Mr. Walton replied currently the only language being used is games of skill, which is why the request is to add that use to the list. He stated the Board could narrow the list down some as long as it includes games of skill.

Mrs. Remark asked if there was an internet café in the City that does this.

Ms. Lathan replied some have come forward and applied for permits as business services or internet café and staff found out that the permit was not being used for the purpose it was issued. Based on this staff determined the best way to regulate these business was as games of skill because it was the most similar use and they are only in tourist districts as an accessory use with a specific amount of machines.

Board Motion

It was moved by Mrs. Remark to approve Temporary Moratorium – Internet Cafés, DEV2011-062. Seconded by Mr. McGuinness with language as follows:

“ordinance establishing a 180-day temporary moratorium on the issuance of permits for games of skill, game rooms, arcades, internet cafes, sweepstakes redemption centers, establishments using slot machines or slot machine like equipment, and other similar indoor entertainment and amusement activities.”

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Board Action

The motion was approved 10-to-1 with the breakdown as follows:

Mr. Hurt	Yes
Mrs. Remark	Yes
Mr. Hoitsma	Yes
Mrs. LeSage	Yes
Mr. McGuinness	Yes
Mr. Moore	Yes
Mr. Neal	Yes
Mr. Fishback	Yes
Ms. Washington	No
Ms. Benjamin	Yes
Mr. Bohon	Yes

5. **Land Development Code – Text Amendment – Architectural Design Standards - Minor Modifications, DEV2011-053**

A request by the Development and Administrative Services Department, Planning Division, to amend the Land Development Code (LDC), Article 4, Section 14.2 and Article 18, Section 4.3, authorizing City staff to consider minor modifications to development project reviews in relation to the architectural design standards.

Staff Presentation

Tom Weitnauer, Principal Planner gave a brief presentation that included the request as written above and stated at the June 23, 2011 Planning Board Meeting, the Board recommended approval of architectural design standards which have since then been adopted by the City Commission at their September 7, 2011 meeting. He stated the motion also directed staff draft more concrete parameters for the proposed appeal process of architectural design standards and bring the process back as a separate amendment. He stated because there is already an appeal process and the request was a little less than that. He stated staff found the language “Minor Modification” in the LDC, Article 4, Sub-Section 14.2 and it seemed to fit the process better. Since architectural design standards are largely based on dimensions and Clarion is preparing the LDC Re-write, and they have a section where they are allowing some degree of modifications using percentages, staff wanted to draft a process that would easily fold into the new LDC language. Based on a Planning Board member’s recommendation to use a percentage, staff referenced the sections of the design standards that referred to the dimensions. Mr. Weitnauer stated at the end of the section, the language reads, “*Minor modifications to dimensional standards shall not vary by more than 10 percent,*” which has some qualitative criteria above that which can also be applied. He stated the language would allow staff the ability when they meet with applicants who come close to meeting design standards move forward with getting permits without having to come to the Board for approval. He stated the modification would not be automatic; they would still have to meet the qualitative criteria. If they could meet the minor modification requirements and still wanted to move forward with the project, at that point they could to appeal to the Planning Board. This process is an intermediary process to allow staff some flexibility to the LDC.

Citizen Comments

No citizen comments.

Board Comments

No Board comments.

Board Motion

It was moved by Mr. Hurt to approve Land Development Code – Text Amendment – Architectural Design Standards - Minor Modifications, DEV2011-053. Seconded by Mrs. Remark.

Board Action

The motion was approved 11-to-0.

6. **Large Scale Comprehensive Plan Amendments - E-Zone Master Plan, DEV2011-054**

A request by the Development and Administrative Services Department, Planning Division for approval of a Large Scale Comprehensive Plan Map Amendment establishing and overlaying the E-Zone Future Land Use Map designation to 141.88± acres of land with general boundaries and interior streets comprising the revitalization project area known as the Entertainment-Zone (E-Zone) located generally from the Halifax River to the Atlantic Ocean, specifically described as both sides of Atlantic Avenue from Harvey Avenue to Ora Street and including Wyndham Towers, OceanWalk, Daytona Lagoon and parking garage, Ocean Center, Peabody Auditorium, Daytona Beach Pier, both sides of Main Street from Atlantic Avenue to the Halifax River, both sides of Coates Street, Fern Lane, Grandview Avenue, and Noble Street from Auditorium Boulevard to Harvey Avenue, North Wild Olive Avenue from Auditorium Avenue to Main Street and the west side of South Halifax Avenue from Main Street to Harvey Avenue; adding and amending policies to the Future Land Use, Transportation, Capital Improvement and Redevelopment Elements to incorporate the E-Zone Master Plan.

Staff Presentation

Thomas Weitnauer, Principal Planner gave a PowerPoint presentation that included both items six and seven. He stated if there are any questions for item seven, Reed Berger, Redevelopment Director was present to address them. He stated with the City Commission approval of the E-Zone Master Plan, staff has now been directed to start processing the necessary documents to implement the Master Plan. He stated the three main documents that require amending are the Comprehensive Plan, Land Development Code and the Redevelopment Master Plan and due to some overlap, additional documents have been included in each Board member's folder on dais. He read the request for item six as written above and stated at the August meeting staff gave a presentation on the concept of the form

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based code, which is only one small part of the plan. He stated the plan is comprehensive and in addition to looking at the physical conditions of downtown, it also looks at real estate, marketability, and public amenities. Mr. Weitnauer stated the Planning Division's role of amending the Comprehensive Plan to incorporate the E-Zone Master Plan is fairly minor. Staff will be requesting a preliminary review by the Department of Community Affairs to get some insight on their initial thoughts. He stated the amendment is an overlay land use tool that is not very invasive to the Comprehensive Plan because it is not rewriting a lot of regulations. It puts in place references to the E-Zone Master Plan and the plan is being attached as supporting data and analysis. He stated one of the benefits is that property owners can continue to use their existing land uses and zoning if they choose too. If property owners elect to go to E-Zone zoning once it is approved, they will have the option of making proposals to comply with the Plan, which is a flexible process. He stated there will be some streamlining to the process that will require shorter review time, similar to architectural design standards process, with have a high level of expectations on the design of the building, the form it takes, how it treats the street relating to pedestrian friendliness. Mr. Weitnauer stated staff tried to identify where references to the E-Zone Plan needed to be placed in the Comprehensive Plan and also where policy changes were required. The result is some cross references with foot notes that were done by the Redevelopment Division which ended up with the proposed amendments being presented tonight. He stated since this is not an area of state concern, it will probably be exempt from their full review and they will probably give comments. Mr. Weitnauer stated the Main Street/South Atlantic Redevelopment Area Board discussed this item at their last meeting and a copy of their draft minutes has placed in each Board member's folder tonight.

Mr. Moore asked if there was a time limit the property owners had to determine if they wanted to keep their current zoning or change to E-Zone zoning.

Mr. Weitnauer replied once everything is on the books and available, they can make the decision at any time.

Mr. Walton stated they did not have to call to request the change; they would have to determine which zoning they wanted when they come forward with a development project.

Mr. Hoitsma asked what the significance was for using the 1981 figures throughout the documents.

Mr. Weitnauer replied that was the data on the books.

Mr. Jeffries asked if he was referring to the Comprehensive Plan or the Redevelopment Plan.

Mrs. Remark replied it was the Redevelopment Plan and he was referencing the blight study.

Mr. Jeffries stated the Redevelopment Area was established in 1980 or 1981, which is when the blight study was done. He stated it is what established the criteria for the Redevelopment Area and so it has to remain in the Redevelopment Plan but it has been moved to the appendix.

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Mr. Hoitsma asked what would happen if the Redevelopment Area had been redeveloped.

Mr. Jeffries replied if all of the goals in the Redevelopment Plan had been accomplished, there would not be a need for the Redevelopment Area to remain. He stated during the Evaluation and Appraisal Report process, staff reviewed where the Redevelopment Area was in relation to the goals in the Redevelopment Plan.

Mr. McGuinness stated the map on page 23 of the E-Zone Master Plan that showed Surfside Village and the Seabreeze neighborhood designations were reversed and asked if it could be corrected.

Mr. Jeffries stated in Appendix A there will be a map of the Surfside Neighborhood.

Mrs. Remark stated that was one of the things they reviewed at the Redevelopment Board meeting.

Mr. Moore stated to Mr. Weitnauer that he should also make a correction to Policy 1.4.4 where footnote number 19 should be footnote number 10.

Mr. Weitnauer stated after the Redevelopment Board completed their review of their amendments to the Redevelopment Master Plan they reviewed the proposed Comprehensive Plan Amendments. They had three recommendations that are reflected in the Redevelopment Board's draft meeting minutes included in each Planning Board member's folder tonight as Agenda Item 6, Staff Handout and are listed below:

1. Delete the footnotes throughout the proposed amendments and instead integrate references to the E-Zone within the text of each Policy being amended.

[The Planning Division recommends leaving the footnotes in place to allow users to find the source of information in the E-Zone Master Plan] Staff supports the Board's recommendation.

2. Page 23, second red paragraph during administration of E-Zone strike through "the following" and add "certain".

Staff agrees with this recommendation.

3. Page 72, Transportation Element, Policy 1.4.4, exclude the round-a-bout from a policy written by staff which was a copy of a statement in the E-Zone Master Plan that referenced using a round-a-bout as a traffic calming device. The Board wanted staff to delete the text "exclude round-a-bout".

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Staff disagrees with this recommendation and recommends leaving the language in because the E-Zone includes 20 Big Ideas and other suggestions throughout the Master Plan on how to change the area and they were intentionally trying not to keep the status quo by doing some innovative things. Over the course of a year, staff, Planning Board Members and property owners developed the plan with a lot of ideas. Mr. Weitnauer stated it was not the intent to immediately do all 20 things on the Big Ideas list but he did not think it was a good idea to start chipping away and taking items out without vetting and testing how it will affect other parts of the plans.

Citizen Comments

No comments.

Board Comments

Mr. Moore stated he was really pleased with the footnotes and how easy it was to go through the amendments.

Mrs. Remark stated the Appendix is the E-Zone Master Plan and not data and analysis. She stated when you look at the Master Plan; you will see everything is correct with the exception of maps discussed earlier and by putting them in Appendix A resolves that issue. She clarified the Redevelopment Board's recommendation regarding the footnotes and the round-a-bout in the Transportation Element of the Comprehensive Plan. She stated her recommendation at the meeting was rather than have any language regarding the traffic circle have the following language on page 72 of the Comprehensive Plan, "Construct traffic improvements consistent with the E-Zone Master Plan, Appendix C." She stated her recommendation was voted down 5-to-4. She asked the Planning Board members to consider her recommended language.

Mr. Walton stated he attended the Redevelopment Board meeting and in the discussion the Board was not only talking about the Traffic Element, they talked about a lot of different things in the E-Zone Plan, which was not the intent. He stated the intent is to use the Plan as a guide and each of the specific things will be discussed in more detail and analyzed to see cost benefit, what is good or bad about them and a decision will be made about them at that time. He stated none of that really happened on the traffic circle and staff was a little surprised that it came up but staff's intent is only to keep the concept from of traffic from the details of E-Zone Master Plan from this point until they are vetted on a one-by-one or basis where they can be analyzed to look at the pros and cons. He stated a lot of things will fall out during that process, but to exclude one now is where the precedence really comes in. Mr. Walton stated staff suggests that nothing specific be thrown away at this point and the entire concept of the E-Zone is that doing nothing is not an option. He stated the night the City Commission approved the plan; none of them were happy with all of the details of the Plan but voted to move forward and work through the details as it proceeds. He stated staff was ok with Mrs. Remark's comments as long as they do not exclude anything from the Plan.

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Mrs. Remark stated this was only a recommendation by the Redevelopment Board and it was up to the Planning Board to incorporate the changes on staff's handout or make changes to them in the motion.

Board Motion

It was moved by Mrs. Remark, seconded by Mr. Hurt to approve Large Scale Comprehensive Plan Amendments - E-Zone Master Plan, DEV2011-054 with the following changes:

1. Wherever a footnote in what would be Appendix A, E-Zone Plan, put text identifying the page and reference from the E-Zone Plan into the body.
2. Page 23, second red paragraph during administration of E-Zone strike through "the following" and add "certain".
3. Page 72, Transportation Element, Policy 1.4.4, delete all language regarding the traffic circle and replace with the following language, "Construct traffic improvements consistent with the E-Zone Master Plan, Appendix C."

Board Action

The motion was approved 11-to-0.

7. Main Street Redevelopment Plan Amendment – E-Zone Master Plan, DEV2011-072

A request by the Development and Administrative Services Department, Redevelopment Division for the Planning Board to review proposed amendments to the Main Street Redevelopment Plan and to offer a recommendation as to its conformity with the Comprehensive Plan. The recommendation of the Planning Board will be forwarded to the City of Daytona Beach Community Redevelopment Agency (CRA) as part of their consideration of the proposed amendments.

Staff Presentation

Tom Weitnauer, Principal Planner stated if there were in-depth questions Reed Berger, Redevelopment Director and Jason Jeffries, Redevelopment Project Manager were present to address them. He stated the Redevelopment Division was requesting to amend the Main Street Redevelopment Plan to make it consistent with the Comprehensive Plan and staff had determined that the amendments were consistent with the Comprehensive Plan. He stated part of the reason there were a lot of footnotes and text in red was because Redevelopment staff saw this as an opportunity to start incorporating some policies from the Comprehensive Plan into the Redevelopment Plan in addition to the E-Zone references. Mr. Weitnauer stated similarly, some of the amendments in item number six were taken from the Redevelopment Plan. He stated a draft copy of the September 14th Main Street/South Atlantic Redevelopment Area Board meeting minutes was included in each Board member's folder tonight (Staff Handout No. 1) and that Redevelopment Division staff had worked quickly to integrate the Board's recommendations into the proposed amendments. He addressed comments regarding Surfside Village's 20 units per acre limit and stated that language was not anything new being

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placed in the E-Zone Master Plan. He stated Surfside Village was a land use category with residential 1, 2 and 3 uses that allow different densities and in a couple of cases, the Redevelopment Division needed to condense the length of the policies and that is why you see that amendment.

Jason Jeffries, Redevelopment Project Manager stated one of the omissions in the Comprehensive Plan is that it does not specify what the units per acre are in the Surfside District. He stated when you look at Surfside land use it overlaps with some RP zoning which allows 20 units per acre so it is consistent with level 2 residential. He stated this does not change the specific zoning of the Surfside neighborhood, which is RDB-6 zoning and does allow single-family homes at six units per acre and 12 units if they have multi-family. He stated there is a little bit of overlap between what is the Surfside land use and with other zoning districts that do allow up to 20 units per acre.

Mrs. Remark stated in the Future Land Use Element of the Comprehensive Plan all of the uses are laid out just like in the Redevelopment Plan and since everything includes a map of where the E-Zone is and the one change made in the Comprehensive Plan specifically mentioned where the bungalow part of it is in Surfside, but it does not change the underlying zoning.

Mr. McGuinness stated there was still a two block strip within Surfside Village that is straight underlying RP zoning.

Mrs. Remark stated and that is where the bungalow part is, which is specific to that.

Mr. Walton stated to answer Mr. Nicholson's concern there are changes in the Comprehensive Plan that only apply within the boundary of the E-Zone.

Mrs. Remark stated the Main Street Board worked very hard coming up with language that needed to be reflected in the Redevelopment Area Plan and staff did a great job in coming up with some revised language and she was happy to see that was the handout distributed tonight.

Citizen Comments

John Nicholson, 413 North Grandview Avenue, Daytona Beach went through a list of concerns he had with the Redevelopment Master Plan.

Board Comments

No additional comments.

Board Motion

It was moved by Mr. Hurt to approve Main Street Redevelopment Plan Amendment – E-Zone Master Plan, DEV2011-072. Seconded by Mrs. Remark.

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Board Action

The motion was approved 11-to-0.

8. **Other Business**

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

Ms. Washington stated the Board met on September 13th at 12:00 PM in City Commission Chambers. She stated the Police Department and Code Enforcement gave their monthly reports; the Board reviewed and approved the conceptual plan for The William Square, Discussed revised Redevelopment grant programs and proposed changes to the residential and commercial grant programs; Update on Redevelopment projects in the area and discussed LDC Re-write, Module II.

B. **Midtown Redevelopment Area Board Report**

Ms. Benjamin stated the Board met on September 13th at 6:00 PM in City Commission Chambers. Code Enforcement Report gave their monthly report; the Board continued a site plan approval for property located at 719 South Martin Luther King, Jr. Boulevard, discussed LDC text amendment on prohibited uses, Midtown Master Plan, Redevelopment Project Update on FEMA, Police Department update on flood areas and Midtown Redevelopment Area grants.

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

Mrs. Remark stated the Board met on September 14th at 6:00 PM in City Commission Chambers. The Board approved a site plan/minor modification for property located at 41 North Ocean Avenue; made recommendations to the E-Zone Comprehensive Plan Amendments and the revised Redevelopment Master Plan that were discussed earlier tonight and recommended changes to commercial redevelopment grants

D. **Public Comments**

John Nicholson, 413 North Grandview Avenue asked question in reference to the discussion on the moratorium on internet cafes and the affect it would have on existing businesses. He also asked for clarification on height limits in the E-Zone.

Ms. Lathan replied the moratorium would only apply to new businesses.

Mr. Walton replied there were two answers to Mr. Nicholson's question regarding height limits in the E-Zone. First, businesses could continue to follow the current LDC regulations on height limits or they could choose to comply with the E-Zone plan and would then be required to comply with those rules.

Mr. Nicholson asked if the E-zone rules on height limits had been written.

Mr. Walton replied the form based zoning code would establish regulations on height in the E-

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evaluated.

Mr. Nicholson made additional comments on the Main Street/South Atlantic Board's vote on the round-a-bout in the E-Zone Master Plan.

E. Staff Comments

Mr. Walton stated Clarion Associates would be here on Monday and Tuesday of next week to hold sub-committee and public forum on Module II of the LDC Re-write. The sub-committee meeting is scheduled for 6:00 PM in Conference Room 149B and the public forum is scheduled for Tuesday at 6:00 PM in City Commission Chambers.

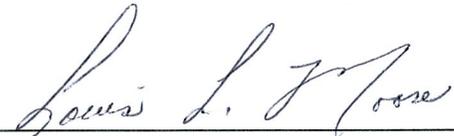
F. Board Member Comments

Mrs. Remark addressed Mr. Nicholson's comments regarding the Redevelopment Board's vote on the round-a-bout. She stated you never know why someone votes the way they do and that she along with Ms. Doan, and Mr. Libby felt very strongly in opposition of having the language remain in the plan. She further clarified the Redevelopment Board's discussion and why they voted the way they did.

Mr. Moore stated he was very pleased with the way the Board handled the items on the agenda tonight.

Adjournment

There being no further actions to come before the board, the meeting was adjourned at 7:30 pm.



LOUIS MOORE
Chair

ATTEST:



CATHY WASHINGTON
Secretary