

MINUTES
REGULAR MEETING – PLANNING BOARD

October 27, 2011

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, October 27, 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
Matthew Bohon

Absent Members:

Shirley Benjamin

Staff members present:

Richard Walton, Planning Director
Dennis Mrozek, Senior Planner
Thomas Weitnauer, Principal Planner
Ben Gross, Assistant City Attorney
Rose Askew, 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.

10-27-11 Planning Board Meeting

3. **Approval of the Minutes:** September 22, 2011

Board Motion

It was moved by Hoitsma to approve the September 22, 2011 Planning Board Meeting Minutes. Seconded by Mrs. Remark.

Board Action

The motion was approved 10-to-0.

4. **Land Development Code Text Amendment – Comprehensive Sign Plan for Colleges and Universities, DEV2011-068**

A request by Robert A. Merrell, III, Esq., of Cobb Cole, on behalf of Embry-Riddle Aeronautical University (ERAU) and Bethune-Cookman University (BCU), to amend the Land Development Code (LDC), Article 18 (Appearance Standards), to allow comprehensive sign plans for colleges and universities.

Staff Presentation

Dennis Mrozek, Senior Planner gave a brief PowerPoint presentation that included the request as written above and if approved the amendment would allow colleges and universities that have a minimum of 35 contiguous acres to apply for a comprehensive sign plan (CSP). He stated the submitted CSPs identify all existing and proposed signage by location and size and would be consistent with the Comprehensive Plan. He stated additionally, the CSPs must comply with the intent and purpose of Article 18, Section 6 of the LDC. He gave a brief summary of the amendment as follows:

- Shall control development of signs on the property which is subject to the CSP.
- To the extent the CSP does not address a particular subject, the LDC shall control.
- Modifications from the LDC must be approved by the City Commission after review and recommendation by the Planning Board.

Mr. Mrozek stated some of the properties that may qualify for a CSP are Bethune-Cookman University (62.7± contiguous acres), Daytona State College (112± contiguous acres) and Embry-Riddle Aeronautical University with (62.7± contiguous acres). He stated staff recommends approval of the text amendment request. He stated the request is tentatively scheduled to be heard by the City Commission at the December 7, 2011 meeting and December 21, 2011 (Public Hearing) meeting. An affirmative vote of six is required by the Planning Board to recommend approval to the City Commission.

Applicant Presentation

Robert Merrell, III, Esquire, Cobb Cole, 150 Magnolia Avenue stated the request was pretty straight forward and the Board has seen the request in a couple of other contexts. He stated he believed CSPs had proven to be a pretty useful tool in the planning toolbox for the planning staff and applicants that had used them in the past. He stated essentially it provides a tool for larger universities to comprehensively look at signage on their campuses to come up with thematic things like consistency, different ways to make sure directional signage was effective and essentially make signage more tasteful and consistent with the LDC. The reason for the plans instead of just looking in the LDC is because larger institutions have unique needs and instead of coming for with numerous variances for different types of signs the CSP will allow them to bring their entire plan forward. Mr. Merrell stated the next item on the agenda is a small change to an existing CSP that was approved a couple of years ago. He stated on behalf of Bethune-Cookman University and ERAU, they were prepared and currently beginning the process of thinking through what will be necessary to bring forward plans for their signage.

Citizen Comments

No citizen comments.

Board Comments

Mr. McGuinness asked if the schools already had their own sign plan that was not a CSP.

Mr. Merrell replied no they do not have any type of sign plan.

Mr. McGuinness stated he had not noticed any type of great discrepancy in signage on the campuses.

Mr. Merrell stated if you pay close attention, you will find a mix-match of signage that has grown over the years. He stated he was not requesting approval of CSPs for any particular school tonight, he was only asking for the opportunity to bring them before the Board when they are ready.

Mr. McGuinness asked if there had been any difficulties with code violations.

Mr. Merrell replied over years his applicants had not been able to do some of the types of signage they would have liked to do based on the code but he felt Mr. Mrozek would be able to address that question better.

Mr. Moore stated he understood the idea behind the request and he remembers the special sport district and hospital district that was set up based on this idea but he also knew that pretty soon; Mr. Merrell would come back to the Board requesting a monstrous EMC sign to sit on the corner of a major City road. He stated the clause in the proposed text amendment allowing the CSP to control development of signs on the property gave him concern.

10-27-11 Planning Board Meeting

Mr. Merrell stated that language came directly from the LDC for PDs and if Mr. Moore did not subscribe to the concept of custom zoning pieces due to concerns about the project allowing something different or more than the code provides, he feel that Mr. Moore is different from most people in the State of Florida because CSPs have been widely used for 25 years. He stated if Mr. Moore were to speak with planners, they would tell him that CSPs were an important tool to have in their tool box. He stated when he comes before the Board with projects that do not comply with the code he usually brings something to the table to compensate for the request.

He stated he was still concerned that this request was a means to circumvent the LDC.

Mrs. Remark stated she struggled with this request because she sees a need for it but once it is approved everything becomes negotiable and she is not a fan of everything being negotiable. She stated she feels in this instance the request was necessary because when you drive down ISB you see different types of signs, font types, colors, etc and it appears to be hit or miss. She stated she especially was not a fan of everything being negotiable especially when she looks at how the City Commission kept everything very narrow. She stated the Commission wanted to be conservative when introducing these kinds of signs but they did allow for any institution of higher learning on a site consisting of at least eight contiguous acres to come forward. She stated she feels this CSP is necessary especially given some of the problems she feels the City has with its current sign allowances for size and workability. Mrs. Remark stated she feels the Commission made a statement by keeping the policy narrow and this request reflects that policy. She stated she feels this CSP will give the City something of greater value in our colleges and was comfortable with it.

Mr. Moore stated part of his concern goes back to EMC signs and the fact that there is not one that meets the code. He stated everyone that has come before the Board is requesting an exception to the code. He stated he does feel the need is present and the CSP is a tool for planning but he has concerns.

Mr. Hurt stated he sees it as a positive thing because the campuses have grown and the schools get most of their input from the students that get lost. He stated if they are allowed to have a CSP it would allow them to better navigate how and where signs are placed.

Mr. McGuinness stated he also struggles with this request. He stated while he agrees that it is good to have a sign plan that was consistent throughout campus, he does not feel they need an LDC amendment to do that. He stated he sees this as additional work for the City's Code Enforcement employees. He stated once this request is approved and someone comes forward with a CSP that includes an EMC sign, he feels the CSP will allow much more flexibility than the EMC ordinance the Commission approved. He agrees with Mr. Moore that every EMC sign that has come before the Board has requested exceptions to the EMC ordinance.

Mr. Moore stated maybe the Board should look at having CSPs with specific regulations.

Mr. Merrell asked the Board to discuss it with staff because they feel it is needed.

Mr. McGuinness stated there are arguments on both sides.

10-27-11 Planning Board Meeting

Mr. Merrell stated he was sensing the entire PD process was under attack by a couple of Board members because they are opposed to applicants being able to request exceptions from the code. He reminded the Board that the request would have to be approved by the Planning Board and the City Commission.

Mr. Hurt stated this request will only make things more uniform and serve as a planning tool.

Mr. Merrell stated he knows everyone was thinking about EMC signs but there were a lot of other types of signs that were not considered when the sign code was written. He stated universities have a lot more things going on than an office building or shopping center and sometimes they need more signs. He stated they were only trying to make the appearance more tasteful and useful to the people that will be looking at them. He stated he feels the Board was over thinking one very narrow aspect of the CSP and missing the forest.

Mrs. Remark stated the reason for the text amendment is because with the current code they are not allowed to do a CSP. She stated given the problems the Board has had with the EMC ordinance that was passed six months ago, she feels this is the smartest way to deal with the problem for these properties.

Mr. Moore stated when he looks back at Florida Hospital's request for a CSP; the end result was very good.

Board Motion

It was moved by Mr. Hurt to approve Land Development Code Text Amendment – Comprehensive Sign Plan for Colleges and Universities, DEV2011-068. Seconded by Ms. Washington.

Board Action

The motion was approved 9-to-1.

5. Comprehensive Sign Plan - Modification, Halifax Hospital, DEV2010-070

A request by Robert A. Merrell, III, Esq., Cobb Cole, on behalf of Michael S. Morgan, Halifax Hospital Medical Center (HHMC), to modify the approved Comprehensive Sign Plan (CSP) for HHMC, located at 303 North Clyde Morris Boulevard. The proposed amendment consists of replacing an existing site entry identification pole sign with an electronic message center (EMC) sign.

Staff Presentation

Dennis Mrozek, Senior Planner gave a brief PowerPoint presentation that included the request as written above, the location and current zoning. He stated the original CSP for the hospital was approved in 2009 and it controls the development of signs and graphics on the campus. He stated any proposed amendments to the approved CSP require Planning Board recommendation prior to City Commission approval. Mr. Mrozek stated the applicant has proposed the following changes to the currently approved CSP:

10-27-11 Planning Board Meeting

1. *Page 2 – Page Index:* Added “Exhibit A” and page number to the content list.
2. *Page 7 – Section 4 - Sign Design and Construction:* Modified Section 4.1.12 to add the following language (shown in underlined text):

4.1.12 - There shall be no restrictions for allowable colors on Signs, Illuminated Signs, lighting, Sign Content, Sign Faces, or Sign Structures, except as prohibited by the LDC. However, no Light Emitting Diode (LED) signs shall be permitted under this CSP beyond that which is explicitly permitted related to Electronic Message Center signs.
3. *Page 7 – Section 4 - Sign Design and Construction:* Added the following new section:

4.1.14 - Each identification sign with sign face on two sides with no more than a 42" separation between faces shall be a single sign, and the total sign area shall be the area per single face.
4. *Page 9 – Section 6 - Sign Category Description:* Added an Electronic Message Center (EMC) sign diagram to the Identification Sign types. The proposed EMC signage is further described below.
5. *Page 9 – Section 6 - Sign Category Description:* Modified “Allowed Design Options” to add the following language (shown in underlined text):

Allowed Design Options: One (1) Pole Mounted Primary Site Entry ID Sign with a maximum overall height of 35 feet and a maximum copy area of 65 square feet per single sign. This sign will be replaced by the one (1) primary Site ID Electronic Message Center Sign. Timing for the replacement of the sign shall be at the discretion of HHMC. Up to nine (9) Primary Site Entry ID Signs with a maximum overall height of ~~18~~ 20 feet and a maximum copy area of 160 square feet per single sign. One (1) of the nine (9) Primary Site Entry ID Signs may be constructed as Electronic Message Center sign with the maximum overall height and copy area to be limited as detailed on Exhibit "A" of this CSP. Mr. Mrozek stated this language allows the EMC sign to replace the existing pole sign and allows the EMC where it previously was prohibited.

Mr. Mrozek stated the EMC sign will be located on the corner of Clyde Morris Boulevard and West International Speedway Boulevard and the dimensions are as follows:

- Sign Cabinet Area is 355 square feet (*Maximum area is 360 square feet*).
- EMC Display Area is 24% (*LDC allows up to 50%*)
- Non-EMC Signage is 9% (*LDC allows up to 15%*)
- Sign Height is 19 feet, 6.5 inches (*LDC allows maximum height of 8 feet*)
Proposed EMC exceeds the LDC maximum height requirements by 11 feet, 6.5 inches.

10-27-11 Planning Board Meeting

Mr. Mrozek stated based on staff's analysis and review, staff has determined the proposed amendment request will be in compliance with the Comprehensive Plan if approved by action of the Commission. A majority vote of Planning Board members present is required for recommendation of approval to the City Commission.

Mr. Moore asked if the 19 feet, 6.5 inches include the base of the sign, and if not, how tall was the base. He also asked the length of the sign.

Mr. Mrozek replied his measurements included the base and that the length of the sign was on page nine of the CSP.

Mr. Merrell replied the length was 21 feet, 4 inches.

Mrs. Remark asked if the language added on page two of the staff report that *reads "beyond that which is explicitly related to EMC signs"* meant explicitly permitted in the CSP and not in the LDC.

Mr. Mrozek replied the EMC specifically for this CSP.

Mrs. Remark stated then when you look at proposed language under number five Allowed Design Options, it reads the pole mounted sign *"will be replaced by the one (1) primary Site ID Electronic Message Center Sign"* and then goes on to read, *"One (1) of the nine (9) Primary Site Entry ID Signs may be constructed as Electronic Message Center sign."* She asked what would happen if the applicant decided to place the EMC sign at the main entrance of the hospital.

Mr. Mrozek replied the applicant identified the location of the pole sign and that it was being replaced with the EMC sign.

Mr. Moore stated they are also requesting to increase the overall height of the pole sign by two feet.

Mr. Mrozek stated that request was to accommodate the 20 foot EMC sign.

Applicant Presentation

Robert Merrell, III, Esquire, Cobb Cole, 150 Magnolia Avenue distributed two handouts to Board members. He stated this was an amendment to an existing CSP that was approved by this Board two years ago and the only change being requested is the pole sign at the corner of Clyde Morris Boulevard and ISB. Mr. Merrell showed a PowerPoint presentation that had photographs of the existing pole sign and photo simulations to scale of the proposed EMC sign. His presentation included the proposed sign with the current landscaping and proposed landscaping changes. He stated with the current landscaping, the EMC sign would be blocked from public view and to eliminate this problem, his client was proposing to relocate some of the current landscaping behind the sign and also add some additional landscaping. He stated the fence that is currently in front of the sign would also be relocated and placed behind the new sign. He stated the changes would reflect all of the landscaping and the fence behind the sign, which would eliminate the

10-27-11 Planning Board Meeting

problem of the sign being blocked from view.

Mrs. Remark asked if what Mr. Merrell proposed would be more landscaping than the simulations on the last page of the handout distributed.

Mr. Merrell replied yes. He stated his client was proposing to move all of the palm trees behind the sign, leave the hardwood trees where they are currently located and place lower trees around the bottom of the sign to prevent blocking it from view. He stated Paul Momberger was present to answer more detailed questions on proposed landscaping.

Mrs. Remark asked where all of the palm trees would be relocated.

Paul Momberger, Zev Cohen and Associates, 55 Seton Trail, Ormond Beach replied they would be clustered behind the sign.

Mr. Merrell stated when the landscape plans are presented to the Board they will include a complete diagram that shows all of the different types of trees and where they will be placed.

There was a lengthy discussion on placement of trees and bushes and whether or not they would block the sign.

Mrs. Remark asked if they would be replacing hardwood trees with hardwood trees and that there were a couple of really nice oak trees.

Mr. Momberger replied he did not have a tree survey when they prepared the landscape plans but they would make sure to plant everything they take out. He stated their plans were to plant even more than what is currently there.

Mr. Merrell stated originally the landscape part was not included in the request. It was added when Mrs. Remark started asking questions, which he felt were very good questions. He stated the purpose of the landscaping changes was to keep from blocking the sign and they were willing to plant more trees in order to do that.

The discussion moved from landscaping to sign height and size.

Mr. Merrell stated the proposed sign was taller than eight feet, kind of like the Kennel Club sign that was proposed a couple of months ago. He stated at that meeting there was a lengthy discussion on how tall signs that have electronic components should be with no resolution at the end of the discussion. Mr. Merrell stated he read some the research referenced by Mrs. Remark at that meeting and submitted documents for the record that included United States Sign Council Guideline Standards and United States Department of Transportation regulations on signs. He stated in regards to height, both organizations concluded that the bottom of the sign, where you start to read should be five to seven feet above the grade so you won't have to look up or down while you are driving. He stated their sign was designed based on those measurements. He stated the reason the sign height was 19 feet 6.5 inches should be a safety benefit, not a detriment.

10-27-11 Planning Board Meeting

Mr. Moore asked if the 17 feet, 8 inch monument sign shown on page 11 of the CSP was correct.

Mr. Merrell replied the page Mr. Moore referenced was not being changed. The only pages being changed were the ones referenced by Mr. Mrozek and the only graphic being changed on the approved CSP is the last page.

Mrs. Remark asked staff if the information distributed tonight needed to be part of the motion.

Mr. Mrozek replied yes.

Citizen Comments

John Nicholson, 413 North Grandview Avenue made comments regarding landscaping. He stated he was told everything would be put back in the exact location and everything would remain the same. He stated he felt putting the landscaping behind the fence did not make sense. He asked the Board if the sign could possibly be moved closer to the street and instead of putting all of the trees in a straight line, possibly moving them back closer to the north or east side of the sign.

John Winn, 280 Braeburn Circle spoke in favor of the request. He stated if he were going down Clyde Morris at 55 miles per hour, he would want to know where the hospital was.

Board Comments

Mr. McGuinness stated he was concerned that the proposed EMC sign was twice as tall as what was allowed in the LDC and asked if there was any way the sign could possibly be proportioned to meet requirements of the new EMC ordinance. He stated there are small signs all over the county and he feels this sign should be large enough for people to see.

Mr. Merrell replied everyone they had consulted with said for safety purposes a sign in this location, and the width of the road, needed to be taller than eight feet at the top. He stated in reference to proportionality, the sign was less than half of what it could be, area wise and he feels if they make it short and leave the width as currently proposed it would look silly. He stated aesthetics and safety is a question that always comes up in sign reviews and he was sorry if it sounds like a simplistic way to say it but it is very common.

Mr. Moore asked Mr. Merrell if he thought a 12 foot sign would work.

Mr. Merrell replied he did not think so because if a 12 foot sign started at eight feet, it would end up being four feet of copy area, which would be squatty and wide.

Mr. Moore asked what the elevation point would be.

Mr. Merrell replied the base is about four feet above the crown of the road. He stated their sign person took into consideration how far back the sign would sit, the radius of the corner, and traffic flow.

10-27-11 Planning Board Meeting

Mrs. Remark stated to answer Mr. Nicholson's question, she asked staff if the sign could be moved forward and was told it could not be moved because there was a right-of-way and utilities there. She stated she wanted to make sure the language in the motion was clear regarding landscaping.

Mr. Walton stated he did not think that discussion would be resolved tonight because the LDC required the landscape plan to be signed and sealed by a landscape architect.

Mr. Merrell stated he did not believe tonight was the best venue for the landscape discussion but he was prepared to do a type-for-type comparison as well as a number comparison. He could say they would give at least if not more than what is there now.

Mrs. Remark asked if the landscape plans would come back to the Board.

Mr. Walton replied if that's the Board's recommendation.

Mr. Merrell stated that would be binding on his client and is not normally done.

Mr. Walton stated the issue was really the design by the landscape architect. It would have to say they were not too close; they were healthy, caliper inches, etc.

Mrs. Remark asked if that would happen after this meeting.

Mr. Walton replied yes.

Mrs. Remark asked if they had to come back to the Board with the plans.

Mr. Walton replied the Board could recommend approval with that condition.

Mr. Gross stated the Board could use language that recommended approval subject to the applicant providing replacement landscaping in like kind and of the same size of the landscaping being removed as shown on the plans or some equivalent form approved by staff.

Mr. Walton stated the language should also state, "*submitted and sealed by a landscape architect.*"

Mr. Hoitsma stated he agrees with Mr. Nicholson's recommendation not to use the palm trees behind the sign because they look like telephone poles with leaves on top. He stated he feels it would look much nicer to have trees behind the sign that had a canopy look. He stated he considered the bottom part of the sign as advertising and would rather see the sign wider and lower than what was being proposed. He stated the purpose of the sign was to let people know the hospital was there and does not feel the current design does that.

Mr. Hurt stated the sign could have information on it that informed people about things like National Breast Cancer Awareness Month or a blood pressure clinic that was going on. He stated that was what he thought the purpose of having a message board was for.

10-27-11 Planning Board Meeting

Mr. Moore stated he felt they could do that with a lower, wider sign.

Ms. Washington asked if a decision had been made whether Halifax Health would go on top or on the bottom of the sign.

Mr. Merrell replied what you see is what you get.

Ms. Washington stated on page three of the staff report “Halifax Health” is on the top of the sign and on page nine of the CSP it is on the bottom and she did not know which one was correct.

Mr. Merrell stated page 15 of the CSP is the correct page and the page everyone has been referencing. He asked Jason David with Don Bell Signs to address the mix-up.

Ms. Washington stated she thought it was done so Board members could get a feel of the measurements but after reading the information, she started to think if the sign were lower and the verbiage were placed at the bottom, people may not see it as they drive by. She stated she liked the sign with the change copy on the top.

Mr. Merrell stated there was some flip flopping of the sign and he did not know how staff ended up with two versions but the sign on page 15 of the CSP was the correct sign.

Jason David, 908 4th Street, Port Orange stated the sign with “Halifax Health” on the bottom was the original sign the artist did but after further discussion it was determined that it was more important for the identity of the hospital to be on top and any kind of messages would be secondary.

Mr. Merrell stated he would make sure it was correct before the request moved forward to the City Commission.

Mr. Fishback stated he was looking at it from the same perspective as Mr. Hoitsma, purpose of the sign was supposed to be for people to see it and he was not sure that the 19 foot sign would meet that purpose for people driving down the road. He stated the example of the sign has the language “World Class Care Where You Live” but a lot of people that travel that road do not live in Daytona Beach or the surrounding areas. He stated some people make jokes about the hospital having the look of a resort and that is one of his concerns. Mr. Fishback stated the Board just approved item number four with the understanding the CSP was to be used as a tool for planning and then vote on the modifications. He stated he feels that was the reason he voted the way he did and that is the way he was going to vote on this request. He stated he was going to vote against the request.

Mr. Merrell asked Mr. Fishback what size and design he would like to see because they thought they brought forward a better product.

10-27-11 Planning Board Meeting

Mr. Fishback replied he did not like the 11 foot 6.5 inch exception and if there were some reason they could lower the height and widen the sign he would feel better. He stated he was not against the hospital; he just wanted a product that met the City code.

Mrs. Remark stated this afternoon she asked Mr. Mrozek to compare the proposed sign to the K-Mart sign across the street. She stated the K-Mart sign is approximately 20 feet wide by 32 feet high. The proposed EMC sign is approximately 12 feet lower in height and it sits on a grade of three and half feet and is just about the same width. She stated she did not find the sign height objectionable when you compare it to surrounding signs. She does agree with Mr. Hoitsma regarding the placement of the palm trees behind the sign. She stated she would much rather see more of a canopy look that is much more interesting.

Mr. Merrell stated he was only bringing the landscaping to the Board so they would have some vision of what the finished product would look like but they are required to submit the final landscape plans to staff for review and he will make sure the stipulations he added earlier are included. He stated if the Board wanted the language to read "*more hardwood trees than palm trees*" he could live with that.

Mrs. LeSage stated she agreed with Mrs. Remark that scale was everything and to her this was a completely different animal than the Kennel Club sign. It is an entirely different stretch of road, a different type of business and she feels scale is everything. She stated there is a lot going on in that area and the sign must have some stature to compete; the sign cannot have the equivalence of an average size stop sign. She stated the reason the City strived to make the EMC ordinance so strict was so when something like this comes before the Board, it can be discussed in detail. She stated this discussion was good but the Board must have the appropriate scale. Mrs. LeSage agreed that there were some landscaping issues but that is secondary and can be hammered out later. Tonight they needed to focus on the scale and size for the appropriate area.

Mr. Hoitsma stated he did not have a problem with the sign being wider, he did feel it needed to be as tall.

Mr. Merrell stated the current sign was 35 feet.

Mr. Fishback stated but it is not an EMC sign.

Mr. Merrell stated he felt the Board was losing the perspective and asked if the Board wanted to make the sign really short so it has no stature.

Ms. Washington stated when you take into consideration what Mrs. LeSage said regarding the fact that it is a hospital; if there are people looking for the hospital and they can't see the sign, it has lost its purpose. She stated people should be able to read the sign going 45 to 50 miles per hour.

Mr. Fishback stated he feels you would have to be very close to read the proposed sign.

Mr. Merrell stated if that is the case, reducing it will make the sign almost disappear especially with all of the other signage in the area. He asked the Board to remember that one of the purposes for the sign was for people that might be trying to find the emergency room.

10-27-11 Planning Board Meeting

Mrs. Remark stated she knows the Board could not dictate what they put on their sign, but she did feel the word emergency should be on the proposed sign.

Mr. Merrell stated that was a very good point and they could make the static portion of the sign include the word emergency or have it be a constant portion of the electronic component. He stated he felt that was a very valid point and the Board could make that a condition for approval.

Mrs. Remark replied she could not because the City’s legal representative said it was a violation of the first amendment.

Mr. Gross stated the Board could not dictate content but if the applicant wanted to volunteer to put the word emergency on the sign they could.

Mr. Merrell stated he would go back and discuss it with his client.

Board Motion

It was moved by Mrs. Remark, seconded by Mr. Hurt to approve Comprehensive Sign Plan - Modification, Halifax Hospital, DEV2010-070, to include a stipulation that there will be a possible relocation of the fence, replacement landscaping and a mix of hardwood and palm trees approved by staff, and the landscape plan must be sealed by a landscape architect.

Board Action

The motion was approved 7-to-3, by roll-call-vote, with the breakdown as follows:

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

6. Preliminary Plat – Embry-Riddle Aeronautical University Technology Park, DEV2011-067

A request by Christopher Challis, Esq., Cobb Cole, on behalf of Chris Hardesty, Embry-Riddle Aeronautical University (ERAU), for approval of a Preliminary Plat for 77.57± acres of land located on the east side of South Clyde Morris Boulevard, north of Beville Road and south of Bellevue Avenue, to allow for the development of an aeronautical and aerospace research and development industrial park.

10-27-11 Planning Board Meeting

Staff Presentation

Dennis Mrozek, Senior Planner gave a brief presentation that included the request as written above and stated the Planned Master Development (PMD) was originally approved in June 2008 and a timetable for development was extended in June 2011. He stated the location of the ERAU Technology Park is just east of Clyde Morris Boulevard, north of Beville Road and south of Bellevue Road. The purpose of subdivision platting as detailed in Article 4, Section 4.1 of the LDC is “... *to ensure that adequate infrastructure is installed and available for development to prevent hazards due to traffic, flooding, unsanitary conditions, or other causes; permit development in an orderly physical pattern; and prevent undue burdens or cost to the public.*” Mr. Mrozek stated preliminary plat plans must be approved by the Planning Board as well as the City Commission with final approval from the City Commission only. As determined by the staff Technical Review Team, the proposed preliminary plat is in compliance with the subdivision requirements of the Land Development Code and staff recommends approval.

Applicant Presentation

James Stowers, Cobb Cole, 150 Magnolia Avenue, Daytona Beach stated he was filling in for Chris Challis and that also available to address questions was Robert Ball, Zev Cohen and Associates and Chris Hardesty, ERAU.

Citizen Comments

No citizen comments.

Board Comments

Mr. Hurt stated this project would really be good for the community and that it would bring other satellite projects to the area. He stated ERAU was the reason our airport is one of the three facilities in the nation to have new state of the art air traffic control equipment and he wanted was to say Mr. Riddle was from his hometown.

Board Motion

It was moved by Mr. Hurt to approve Preliminary Plat – Embry-Riddle Aeronautical University Technology Park, DEV2011-067. Seconded by Mrs. Remark.

Board Action

The motion was approved 10-to-0.

7. **Rezoning - Planned Commercial Development – Daytona Beach Seventh Day Adventist Church, DEV2011-013**

A request by Christopher Challis, Esq., Cobb Cole, on behalf of Katherine Fairchild, Florida Conference Association of Seventh Day Adventist Church to rezone 10.22± acres of land located at 401 North Williamson Boulevard, from RP – Residential Professional to PCD - Planned Commercial Development.

Staff Presentation

Dennis Mrozek, Senior Planner gave a brief PowerPoint presentation that included the request as written above and stated the location of the property is on Williamson Boulevard just north of Bayless Boulevard, the current future land use is Office Transition and the current zoning is Residential Professional (RP). He stated the request for rezoning is to allow temporary RV storage use. He stated the area where the RVs would be parked is located in back of the church and would allow all uses currently allowed in the RP zoning district in addition to the temporary overnight parking. Mr. Mrozek stated RV use would be allowed as a conditional use, which is very similar to the industrial zoning districts with the exception of M5. He stated the new use must meet LDC conditional use requirements for temporary overnight RV parking as listed below:

- 30 day maximum per calendar year
- Must obtain all required permits, local and state
- 24-hour on site security
- Must provide solid waste pick-up areas

Mr. Mrozek stated the field is already cleared and is ready for use. He stated staff recommends approval of the request with the following conditions:

1. Zoning and Fire inspections prior to each event.
2. Backflow prevention devices installed.
3. Provide portable toilet facilities and pump out services for recreational vehicles.
 - Serviced on a daily basis
 - Quantity and location approved by the City prior to the temporary use permit approval

Mr. Mrozek stated the request was tentatively scheduled to be heard by the City Commission at the December 7, 2011 meeting and December 21, 2011 (Public Hearing) meeting. An affirmative vote of six is required by the Planning Board to recommend approval to the City Commission.

Mr. Hoitsma asked if there were any uses that would be allowed in the PCD that would not be compatible with the surrounding uses.

10-27-11 Planning Board Meeting

Mr. Mrozek replied the types of uses would have to be clearly listed in the development agreement. He stated anything allowed under the RP zoning use would also be allowed under the PCD as a permitted use in addition to the temporary overnight RV parking.

Applicant Presentation

James Stowers, Cobb Cole, 150 Magnolia Avenue stated the purpose of PCD request was to allow the church the opportunity to seek a conditional use for RV overnight parking and it was extremely limited in scope. He stated Mark Dowst; project engineer was available to answer any questions.

Mrs. LeSage said she realized this would allow the church to profit off of the influx of tourism during race week and would allow them 30 days to do church functions where churches from other areas participated. She asked if they would be allowed to have campfires and if so who would govern that.

Mr. Stowers stated they would be permitted to do whatever the conditional use allowed.

Mrs. LeSage stated that was her concern and she needed to know if that was one of the uses allowed because it would create a very high risk for the City.

Mr. Mrozek stated the Fire Department would be required to perform an inspection before the use was allowed and if conditions were not conducive they could deny campfires.

Mrs. LeSage asked what would trigger the Fire Department to go out and do an inspection.

Mr. Mrozek replied every time the church goes through the temporary use process, the Fire Department is required to go out and perform an inspection.

Ms. LeSage stated RV parking is governed under different rules and regulations she wanted to make sure the Board was informed about everything the use allowed.

Mrs. Remark asked if temporary RV parking would be open to the public, could a fee be assessed, and if the church currently charged for parking.

Mr. Stowers asked Michael McMaster with 7th Day Adventist Church to come up and answer Mrs. Remark's questions.

Michael McMaster, 401 Williamson Boulevard replied on occasion they allow people to park in their parking lot during the races and ask for a donation but they go through the permitting process to do it.

10-27-11 Planning Board Meeting

Mr. McGuinness stated churches were currently a permitted use in the RP zoning; if you take a look at the zoning map, you will see that on one side RP zoning is located next to M1 zoning and on the other side is R1a zoning. He stated the zoning scheme in the City was to put RP zoning as a buffer zone between higher intensity industrial and commercial or business uses to protect the residential properties. He stated the highest zoned residential properties (R1a) are directly across Williamson Boulevard. He stated in reference to this case, the entire strip of Williamson Boulevard is zoned RP and is properly buffering and protecting the R1a zoning from the higher intensity M4 zoning. He stated the conditional use for temporary overnight RV parking being requested is not currently allowed in the LDC as a permitted, conditional or special use but if the Board approves the request to rezone the property to PCD, the use, which is usually allowed in the M4 zoning area would now be allowed in RP zoning and would be contrary to the RP zoning purpose. He stated although it is for a limited time during the year, he believes it is a violation of the City's zoning scheme and was opposed to any form of spot zoning, especially this type in the RP buffer zone.

Mrs. Remark stated she agrees with everything Mr. McGuinness stated and she does not feel the proposed use is consistent with the Comprehensive Plan. She stated not only does it go against the purpose of the RP zoning, but Neighborhood P, Issue (b) of the Comprehensive Plan reads, *"The lands between the industrial park and Williamson Boulevard should serve to provide a buffer to the Indigo residential area."* Policy (1) under Issue B reads, *"The area to the east of Williamson Boulevard, north of International Speedway Boulevard and south of Mason Avenue shall be preserved for a variety of multi-family, professional office and light industrial uses."* Mrs. Remark stated she agrees with Mrs. LeSage's statement that a campground is not a light industrial use [M4]. She stated the proposed property was 10 acres, which was large and there would not be anyone there to patrol the activities and control noise. She stated the only precaution appears to be the Fire Department's determination as to whether or not a campfire could be held. Besides non-consistency with the neighborhood policy, she does not believe the measurements in the staff report were accurate. She stated she measured the sports district boundaries three times and only got a little over one mile. She stated she did not know if it was done as the crow flies but if you follow Williamson Boulevard, it was only 1.1 mile.

Mr. Mrozek replied it was done using the straight line measurements.

Mrs. Remark stated she was not a crow and could only get to the property in a car and she felt his measurements were only an interpretation and she felt the interpretation any right-minded person would travel is just over a mile, which to her does not meet the conditional use requirements. She stated it was her belief that when the City Commission allowed this back in 2000, they kept the industrial zoning district [M4] very narrow and constrained for a reason. She stated just north of the property is the Indigo Nursing Home and Rehabilitation Center and just beyond that is the Indigo Pines Condominiums and she does not feel the proposed conditional use fits with the surrounding uses. She stated people that have already purchased and invested in properties in that area did so because they expected a certain type of zoning around them and this would be absolutely the wrong zoning to put there.

Mr. Mrozek stated in that case, if a road does close then you would have to change the parameters of how close something could be because you would not be able to get there by car and typically when measurements are done they are done based on the proximity as the crow flies.

10-27-11 Planning Board Meeting

Citizen Comments

No citizen comments.

Board Comments

Mrs. Remark stated she did not feel that method was workable for this area, it was his interpretation and she understood why he used that interpretation but she feels this particular request should have been interpreted a different way.

Mrs. LeSage stated she could appreciate the church wanting a piece of the pie but with that being said it is totally inappropriate to do this to the people in Indigo Lakes that purchased a house expecting a certain level of residential living 365 days of the year. She stated she lives next to a church that probably makes \$20,000 from parking at Bike Week and Biketober Fest and she is tolerant of it because it was in place when she moved there. Mrs. LeSage stated she knows firsthand what something like this does to a neighborhood. She stated she thinks the races are one of the best events we have here in the City but we cannot allow it to dictate what happens to other people. She stated she could support parking but not RV overnight parking because the property is not a camp ground; it is a church parking lot.

Mr. Stowers stated he believes the M4 zoning could go through conditional use process now and all of the properties in back of the property are actually adjoined to properties that could also go through the same conditional use process and they are even closer to the site. He stated in terms of this particular property and the layout, the actual RV parking area that is part of the site plan is in the center of the property and it has 200 feet of undeveloped trees and landscaping foliage to the north and south as well as to the back where the M4 are is located. He stated the language in the LDC regarding conditional use permits reads, "*temporary parking shall not occur on any lot or site which adjoins a residential use.*" Mr. Stowers stated he emphasized "adjoined" because he interprets that word to mean it backs up to the property or is a part of the property. He stated the LDC does not have a definition for the word adjoined, it has definitions for abuts or adjacent properties, which includes property that is across a right-of-way. He stated he interprets that to mean that the language for conditional use permit requirements was drafted so these types of situations could be considered. He stated he feels they meet all of the requirements for the conditional use.

There was discussion on the definitions of adjoin, contiguous, abut and adjacent.

Mr. Gross stated that particular provision pertains to uses as opposed to districts. He stated he was here when that language was drafted and it included the protection of properties which may have been nonconforming residential uses in and around M districts. He stated he hears Mr. Stowers' point but the City does have the latitude to interpret the word "*adjoin.*"

Mr. McMaster stated the piece of the property they would be using for the RV parking was a little bit more than an acre which would not allow a large amount of RVs to park there.

10-27-11 Planning Board Meeting

Mrs. Remark stated she thought the RV park had to be at least three and a half acres.

Mr. McMaster stated the property is approximately five acres.

Mr. Dowst, 536 North Halifax stated the entire site is greater than 10 acres but approximately one acre in the back has been cleared. He stated on the north side there is approximately 200 feet of thick trees and he agrees that in some areas this use might not be consistent with surrounding uses but this is not the case.

Mr. Gross asked Mr. Dowst if it was his intent that the conditional use would only be available in what is currently the vacant part of the lot.

Mr. Dowst replied only the cleared area in the center.

Mrs. Remark stated once the property has been zoned PCD they could come back and request parking for all of the property that is right next to Williamson Boulevard.

Mr. Dowst stated not without coming before this Board.

Mr. McGuinness stated he did feel this request should be referred to as a conditional use because it was a PCD rezoning.

Mrs. Remark stated it was a PCD rezoning request that would allow a conditional use that is not allowed in this zoning area.

Mr. Gross stated they could adopt a PCD that incorporates permitted and conditional uses.

Mr. Dowst asked if he was correct to say the use would be limited to the area shown on the drawing.

Mr. Gross replied he had not had the opportunity to review the PCD agreement and asked Mr. Dowst if he was saying that was the intent.

Mr. Dowst replied yes that was the intent and purpose of the exhibit.

Mr. Gross stated if the intent was the Board's concern what they could do is include stipulations in the motion that the area be confined to the cross-hatched area as shown in the packet and the natural vegetation buffers must remain undisturbed.

Mrs. Remark stated until they come back and request a change.

Mr. McGuinness stated the rezoning would make the PCD the permitted use for the property.

Mr. Gross stated the rezoning makes the PCD a permitted use but they were requesting the temporary overnight RV parking to be a conditional use, which requires a separate approval and for this particular conditional use, it would require a separate approval each time.

10-27-11 Planning Board Meeting

Mr. McGuinness stated his point was the conditional use was not currently allowed in this zoning district, which was why they were requesting to rezone to PCD.

Mr. Gross replied yes.

Mr. McGuinness stated it would then become a permitted use on the property in addition to the church.

Mr. Gross stated it becomes an additional conditional use, not a permitted use.

Board Motion

It was moved by Mrs. Remark to approve Rezoning - Planned Commercial Development – Daytona Beach Seventh Day Adventist Church, DEV2011-013 including staff’s conditions of approval as noted on the staff report. Seconded by Mr. McGuinness.

Board Action

The motion failed 2-to-8 by roll call vote with the breakdown as follows:

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

8. **Rezoning - Planned Commercial Development Amendment – Daytona Beverage, DEV2011-074**

A request by Mark S. Dowst, P.E., on behalf of Kevin Bowler, Managing Member, Daytona Beverage LLC, to rezone 9.78± acres of land located at 2275 Mason Avenue, Daytona Beach, amending the existing Planned Commercial Development (PCD), expanding the building square footage and modifying the timetable for development.

Staff Presentation

Dennis Mrozek, Senior Planner gave a brief PowerPoint presentation that included the request as written above, the future land use designation (Industrial) and current zoning (PCD). Properties surrounding the site are as follows; north of the site is Piedmont Plastics, south is Cotton Enterprises, west is Ark Technologies (currently under construction) and to the east is Teledyne Oil and Gas. He stated the original PCD was approved in 2004 as a two phase development; the

10-27-11 Planning Board Meeting

first phase included 12,000 square feet of office space and 52,000 square feet of warehouse distribution center space. He stated phase one was completed in 2006 and has been operational ever since. At that time, phase two was to include over 32,000 square feet of warehouse space and was scheduled for completion in October 2008. Mr. Mrozek stated the applicant is requesting to re-establish the PCD to amend the completion date of the phase two development. He stated the new completion date will be October 1, 2014 and the applicant intends to increase the previously approved phase two expansion by 9.3 percent or to a total of 32,940 square feet. He stated the footprint for the phase two warehouse will remain the same, the driveway in the back will remain as was originally approved and all other additions with the modifications for parking were anticipated in the original phase two development. Mr. Mrozek stated staff recommends approval to amend the PCD rezoning allowing for the warehouse expansion and extension of the timetable for development. He stated the request is tentatively scheduled to be heard by the City Commission at the December 7, 2011 meeting and December 21, 2011 (Public Hearing) meeting. An affirmative vote of six is required by the Planning Board to recommend approval to the City Commission.

Mrs. Remark asked if the proposed amended site plan (Attachment B) included proposed recessed loading and some other little building.

Mr. Mrozek replied the loading area was anticipated in the original approved site plan for phase two.

Applicant Presentation

Mark Dowst, 536 North Halifax Avenue, Daytona Beach presented a drawing of the proposed phase two project. Everything in yellow is things that have been added since the last PCD approval. He stated there is a small building for minor maintenance, a few new added parking spaces, on the side four additional truck spaces were added and in the front another parking lot was added to accommodate added employees.

Mrs. Remark asked if staff had a copy of the proposed changes.

Mr. Walton replied the parking numbers were reflected in the staff report.

Mr. Mrozek stated the numbers were reflected in the current count and that some of the parking was actually anticipated for phase two, which was included in the design.

Mr. Dowst stated the reason for the expansion was the applicant had acquired another distribution company; proposed project was estimated at \$2 million and would bring 40 jobs from Deland to Daytona Beach. He stated additionally they will hire between five to 10 new employees, which means there will be approximately 40 to 50 additional jobs in Daytona Beach. He stated they were working on construction drawings and would pull permits after the City Commission approves the project.

Mr. Hurt stated besides the jobs that will be created, the project will also create more tax based property.

10-27-11 Planning Board Meeting

Citizen Comments

No citizen comments.

Board Comments

No Board comments.

Board Motion

It was moved by Mrs. Remark to approve Rezoning - Planned Commercial Development Amendment – Daytona Beverage, DEV2011-074. Seconded by Mr. Hurt.

Board Action

The motion was approved 10-to-0.

9. **Small Scale Comprehensive Plan Amendment – Fentress Storage, DEV2011-070**

A request by Mark S. Dowst, P.E., on behalf of Charles D. Hood Jr., Fentress Daytona LTD, for approval of a Small Scale Comprehensive Plan Map Amendment for 1.20± acres of land located at 115 Drive, changing the Future Land Use Map designation from Office Transition to General Industrial.

Staff Presentation

Dennis Mrozek, Senior Planner stated item nine and ten were for the same piece of property but would be taken separately.

Tom Weitnauer, Principal Planner gave a brief presentation that included the item as written above and stated he reviewed the overall future land use map in the area and focused on the existing and future land use designations around the site. He stated staff also considered the availability of City services, the impact on services if the land use is approved and consistency with the Comprehensive Plan including neighborhood policies. He stated when the property was developed; it was used as overflow parking for a previous business that backs up to north of the site. South of site, backs up to James Moore and Company; the east side backs up to Pepboys and across the street on the side corner of Executive Drive are shared offices of accountants and attorneys. Directly across the street from the site is a lift station. Mr. Weitnauer stated the request was consistent with Comprehensive Plan policies and the demand for water, sewer and transportation actually goes down when you apply the multipliers for office use compared to general industrial use, which means there is availability to serve the property. He stated all land use changes will not be accompanied by a rezoning, but this case was an exception.

Citizen Comments

No citizen comments.

10-27-11 Planning Board Meeting

Board Comments

No Board comments.

Board Motion

It was moved by Mr. Hurt to approve Small Scale Comprehensive Plan Amendment – Fentress Storage, DEV2011-070. Seconded by Ms. Washington.

Board Action

The motion was approved 10-to-0.

10. **Rezoning - Planned Commercial Development – Fentress Storage, DEV2011-071**

A request by Mark S. Dowst, P.E., on behalf of Charles D. Hood Jr., Fentress Daytona LTD, to rezone 1.20± acres of land located at 115 Executive Drive, Daytona Beach, from Residential Professional (RP) to Planned Commercial Development (PCD), to allow the development of the property for personal RV storage.

Staff Presentation

Dennis Mrozek, Senior Planner gave a brief presentation that included the request as written above and stated the location, zoning and surrounding property uses were included in Mr. Weitnauer's presentation. He stated the adjacent business to the north that was utilizing the proposed site for overflow parking is gone and a new business has opened that does not have a need for overflow parking. He stated staff looked at the industrial zoning use for the site but determined it was not a good option because of the 1.5 minimum acreage requirement. Mr. Mrozek stated the proposed future land use change would be required before final approval of the rezoning and TRT had reviewed the proposed rezoning request and did not have any outstanding comments. He stated the applicant was proposing a 4,800 square foot building that would house recreational vehicles. There will be four garage doors with vehicle access on the side, not facing the front of the street, and accesses for pedestrians. He stated the front of the building facing the street was pedestrian oriented and meets or exceeds minimum landscape requirements. He stated there was a cross access with the property to the north, parking that was in front of the garage doors had been removed for easy access of RV vehicles and an abundance of parking remaining for automobiles. Mr. Mrozek stated staff had the applicant change orientation of the front of the building so the pedestrian access elevation would be facing the front. The applicant has also supplied some windows, treatments to the walls, pedestrian access at the front of the property and is proposing some type of stone or treatment along the bottom to add interest. He stated if the SSCPA associated with this project gets approved staff recommends approval of the rezoning request.

Mrs. Remark stated on page four of the staff report it reflects the applicant was providing more tree preservation than required. She asked if the reason for this because it is already there or are they actually doing something to enhance the parking lot.

10-27-11 Planning Board Meeting

Mr. Mrozek stated they would be installing additional trees but the applicant could better address that question.

Applicant Presentation

Mark S. Dowst, P.E., 536 North Halifax Avenue stated the request was actually for a private person to store three recreational vehicles that would be used when he comes to Daytona Beach for the races and one space for his personal vehicle to be stored. He stated only three uses are allowed on the site, RV and automobile storage inside the building and parking outside. The parking outside was included because it was used by a previous adjacent business approximately 15 years ago. Since that business moved out there has not been another business located there that needed overflow parking and so the lot has fallen into disrepair. Mr. Dowst stated they did not see a need to rip out all of the asphalt so they only took out what was needed to create a treed area on the side of the building that faces the street to create attractiveness. He stated during that process, staff suggested reorienting the building; they agreed with the suggestion and so they rotated the building. He stated when they sent out the public notices to surrounding property owners he received a call from Gerry Glass, the owner directly south of the site. Mr. Glass wanted to know what was taking place on the property. Mr. Dowst stated he sent Mr. Glass the site plans, discussed the project with him and he said he was fine the project. He stated he and his client feel the project is a compatible use for the area, will get the property back to use and also gets it maintained.

Citizen Comments

No citizen comments.

Board Comments

Mr. McGuinness stated his concern was whether the surrounding property owners had any opposition to the project and asked Mr. Dowst if he received questions from the CPAs and attorneys to the west of the site.

Mr. Dowst replied no and that in addition to the mailings, they put up the posting notice on the site. The only call he received was from the property owner directly behind them.

Mrs. Remark stated to clarify, they were adding trees.

Mr. Dowst replied yes.

Board Motion

It was moved by Mr. Hoitsma to approve Rezoning - Planned Commercial Development – Fentress Storage, DEV2011-071. Seconded by Ms. Washington.

10-27-11 Planning Board Meeting

Board Action

The motion was approved 10-to-0.

11. **Special Use Permit – Cape Morris Cove Townhomes, DEV2011-045**

A request by Bobby Ball, P.E., Zev Cohen & Associates, on behalf of Mark Gauthier, Cape Morris Cove Partners, LLC, to modify an approved Special Use Permit to construct a 20-unit townhouse subdivision on 2.07± acres of property located at the southeast intersection of Big Tree Road and Old Kings Road.

Staff Presentation

Dennis Mrozek, Senior Planner gave a brief PowerPoint presentation that included the request as written above, the future land use of Level 2 Residential and the zoning of Multi-Family Residential (RA). Townhouse developments may be permitted in the RA district as a special use pursuant to criteria provided in the LDC, including:

- Minimum site area of 10,000 square feet – site meets this requirement.
- Minimum Lot Area 2,400 square feet per lot – site exceeds this requirement.
- Maximum Lot Coverage 40% - site meets this requirement.
- Minimum Living Area 750 square feet – site meets this requirement.

Mr. Mrozek stated one of the modifications being proposed is to remove the garages in front of the units and replace them with living areas. To accommodate parking the applicant is proposing to expand the parking in front to accommodate two parking spaces per townhome. He stated currently the LDC prohibits front yard parking and backing into a public right-of-way but these prohibitions could be waived. He stated the roadway is not anticipated to generate a heavy volume of traffic; it is consistent with the character of the neighborhood and typically of any single-family residential development and staff was recommending waiving these requirements. He stated the previously approved semi-public use permit was approved with a set of conditions and staff recommends approval of the request with the previously approved set of conditions. A majority vote of the Planning Board members present and voting is required to recommend approval to the City Commission.

Mr. Hoitsma asked how the project met the height requirement when page four of the staff report listed the minimum building of 35 feet.

Mr. Mrozek replied that was an error it should read maximum height of 35 feet.

Mr. Hoitsma stated the last time this request came before the Board, there were some residents behind the property that had some landscaping concerns.

Mr. Mrozek stated he had met with some of the residents and spoken with others on the phone and the previously approved set of conditions took care of the residents' concerns.

Mrs. Remark asked if there would be any green area or would it be all parking.

10-27-11 Planning Board Meeting

Mr. Mrozek replied it would be side-by-side and the green would be closer to the building.

Mrs. Remark asked if that was how the original landscaping was.

Mr. Mrozek replied previously there was landscaping up front because there was only one parking space per unit.

She stated so we were losing landscaping and asked if the applicant was making up for the loss anywhere else.

Mr. Mrozek replied they were still within their landscape requirement for open space.

Applicant Presentation

Robert Ball, 300 Interchange Boulevard, Ormond Beach stated he wanted to mention that the project had been platted, infrastructure had been built, all utility services have been provided and all they were requesting was a minor modification to the approved project.

Mrs. Remark asked why the garages were being taken out.

Mr. Ball replied marketability, and that the current target market favored larger living area versus garages.

Citizen Comments

John Nicholson, 413 North Grandview Avenue spoke in opposition of the request.

Board Comments

Mrs. Remark asked how the public notice requirements for the request had been met.

Mr. Mrozek replied 500 foot mailing to surrounding properties, posting of the property and a legal advertisement.

Mr. Ball stated there were also phone calls and face-to face meeting with residents.

Board Motion

It was moved by Remark to approve Special Use Permit – Cape Morris Cove Townhomes, DEV2011-045 as recommended by staff and including the previous set of conditions. Seconded by Mr. Hurt.

Board Action

The motion was approved 10-to-0.

12. **Rezoning – Planned Commercial Development Substantial Modification – Hyde Park Storage, DEV2011-079**

A request by Kevin Mahl, Hyde Park Storage Suites, to approve a request for a Substantial Modification, PCD Rezoning, to the approved PCD Agreement for Hyde Park Storage Suites, located at 3088 West International Speedway Blvd., Daytona Beach, to allow for a modified monument sign to be located on the site.

Staff Presentation

Dennis Mrozek, Senior Planner gave a brief PowerPoint presentation that included the request as written above and stated the site was annexed into the City and rezoned in October 2010. He stated the current future land use is Volusia County Mixed Use and the current zoning is Planned Commercial Development (PCD). He stated the project was a two phased development and the storage buildings were currently under construction. He stated the purpose of this request is to change out the originally approved monument sign. The height of the original sign was seven feet by 10 feet six inches wide and the sign area was 60 feet. The look of the proposed monument sign is more consistent with the buildings but does not meet LDC requirements. Mr. Mrozek stated there is a monument part of the sign and a tower part of the sign. Mr. Mrozek stated typically in a rezoning staff looks at what the former zoning was on the property to determine what variance would be required. In this case, the property had Volusia County PD zoning and staff was not able to get a good number to determine the standard measurements. He stated staff looked at the use of the property and lined it up with the M4 zoning district, which would allow that type of use. He stated the monument portion of the sign is nine feet and the tower portion goes up to 19 feet, three quarters of an inch. The standard size for the M4 zoning district is eight feet. The proposed sign width is 18 feet two inches and there were not any standards for sign width in the M4 zoning district. The proposed copy area is 48 square feet and there were not any standards for the copy are in the M4 zoning district because it controlled by the size of the sign. The LDC allows a copy area of 120 square feet maximum. Mr. Mrozek stated in addition to the modification of the sign, the applicant is requesting to modify the location of the sign. Currently the sign would be located a little further west toward the boundary of the property. The applicant was requesting to move the sign approximately 60 feet to the east. He stated the City's traffic and utilities divisions had reviewed and approved the proposed location of the sign and staff was ok with the location. He stated the Planning Board was the final approval for a substantial modification and based on staff's analysis and review, the request will be in compliance with the Comprehensive Plan and LDC if approved by the Board. A majority vote of Planning Board members present and voting is required for approval of the request.

Mr. Moore stated the applicant currently has sign approval for a seven foot tall by 10 feet, six inches in width, copy area of 36 square feet and sign area of 60 square feet.

Mr. Mrozek replied yes, that was what was currently approved.

Applicant Presentation

[A scaled model of the site was presented before the Planning Board members to assist the applicant in demonstrating the scale and location of the proposed sign.]

Glen Storch, 420 South Nova Road stated this was the site of the old motorcycle school that was deteriorating and that they had worked closely with staff to bring a \$7 million tax based project forward. He stated the sales of the suites were proceeding at pace and the project was almost halfway completed. He stated at one point they were looking at a Key West style on the site but it has since been changed to a Mediterranean style. He stated the appearance of the site was very important because it sits at the gateway of the City and he did not feel the first sign fit for that site. He stated the storage suites were the same as the project approved earlier tonight except they were condominium size. He stated since they were now going with a Mediterranean style, the sign was changed to tie in with the building style. Mr. Storch stated the tower was somewhat of a throwback to when signage really identified the building. The Mediterranean tower across from the college was at one time supposed to be signage for the subdivision that was there and they were only attempting to create a sign that fit with the selected style. He stated he hopes everyone is ok with the location.

Citizen Comments

No citizen comments.

Board Comments

Mr. Moore asked if he was sure the sign was designed to scale.

Mr. Storch replied he asked that question and was told yes it is.

Mrs. Remark asked how close the sign was in proportion to US92.

Mr. Storch stated it was located in front of the access road.

Mrs. Remark stated the sign has the name “Hyde Park” in very large print and it is also on the two 30 feet towers. She asked if they considered that signage.

Mr. Storch stated they were entitled to wall signage and signage along the street.

Mr. Walton stated he would have to check the PD agreement to see if that was allowed.

Mr. Storch stated he did not know anything about the wall signage but he did know the model presented tonight was prepared prior to the final version of the site.

Mr. Mrozek stated the wall signage would be reviewed by the City’s zoning official for compliance with the PD agreement.

10-27-11 Planning Board Meeting

Mrs. Remark asked if the PD agreement allowed for wall signage.

Mr. Mrozek replied he believed wall signage was allowed but he could not say for sure whether or not the wall signage shown in the model was allowed.

Mrs. Remark stated she had driven out to the site and the towers were huge and sitting right at the gateway. She stated she was not in favor of having signage that large on the towers and the sign. She asked why the Board was reviewing a sign that was nine feet tall with a 19 foot three quarter inch tower when the maximum height requirement in the LDC was eight feet.

Mr. Storch replied the tower was simply part of the architectural style and was important to tie it into the style.

Mr. Moore and Mrs. Remark replied it counted as part of the sign.

Mrs. Remark asked why the sign exceeded the LDC height requirements. She stated the tower was more than three times taller than what was allowed.

Mr. Storch stated it appears to him that they were trying to design the sign to appear as part of the building and not just a sign stuck out on the road.

Mrs. Remark stated the tower was huge and she could not find any logical or safety reasons for the waiver request. She stated the area between the access road and the location of the proposed sign was very narrow and when you come around the curb on US1 it almost feels like you are going to hit the sign.

Mr. Storch stated if the location was a problem, they could work on that. He stated the sign was an architectural feature and had nothing to do with safety because they were not a hospital and he would talk to his client about the location. He stated they were trying to establish something with an upscale nature to assist with improving the City's gateway.

Mr. Fishback stated just for the record, the proposed sign was a half foot shorter than the hospital sign and was not electronic.

Mrs. Remark stated it was a lot closer to the street.

Mr. Hurt asked if he heard Mr. Mrozek say staff had reviewed and approved the new location.

Mr. Mrozek replied yes the City's traffic engineer had approved the proposed sign location.

Mr. Storch stated they would work with staff to find a more acceptable location and under the terms of the PUD the Board had to tell him where the sign could be placed.

Board members complimented Mr. Storch and his client on the building design.

10-27-11 Planning Board Meeting

Mr. Hoitsma asked Mr. Storch what happened that caused the signage to be redesigned three times higher than what is allowed.

Mr. Storch stated in the original plans, the sign was an afterthought and now that the architectural style has been changed they put more time in the sign design.

Mr. Hoitsma asked Mr. Storch if his client could live with an 8 feet by 20 feet sign.

He stated it was not a matter of whether or not they could live with that size sign; it was a matter of what was best for the community and the aesthetics.

Mr. Hoitsma stated he was concerned things are creeping out of control again because every time someone comes forward with a sign, it does not meet the LDC requirements.

Mr. Moore recommended getting rid of the tower and increasing the sign height to eight feet.

Mr. Storch stated that was his prerogative but he personally felt this was an opportunity to do something upscale for the community and that the Board just approved a 19 foot EMC sign on US1; his tower was only for aesthetics with no electronics whatsoever.

Mr. Moore stated the code considered it a 19 foot sign.

Mr. Hoitsma asked if they would consider modifying the sign to eight feet in height and allowing the tower to go up a little bit higher so you get the feel of the tower, but with no advertising on it.

Mr. Neal stated the way Mr. Hoitsma just described the tower is the way it looks in the model.

Mrs. Remark stated if the monument stayed within 8 feet high by 120 square feet and then scale the tower down in proportion to the sign it would be ok.

Mr. McGuinness stated he still feels the total height of the sign including the tower should be eight feet and he was sure one could be designed to meet LDC requirements. He stated with the lettering on the building he did not think anyone could miss the project.

Mr. Storch stated he feels his clients were trying to work with the City to bring forward a project that was aesthetically pleasing at the City's gateway.

Mrs. Remark stated part of what she had a problem with was the huge lettering on the buildings. She stated together with the sign, it was too much and regardless to what it was called, it was still a sign.

10-27-11 Planning Board Meeting

Board Motion

It was moved by Mr. Hurt to approve Rezoning – Planned Commercial Development Substantial Modification – Hyde Park Storage, DEV2011-079 with sign measurements of 8 feet for the monument sign, 12 feet for the tower, and 120 square feet sign area. Seconded by Mrs. Remark.

Board Action

The motion was approved 9-to-1.

13. **Other Business**

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

Ms. Washington stated the Board met October 4, 2011 at 12:00 PM in City Commission Chambers. She stated the Board received their monthly update from Code Enforcement and the Police Department; their discussion item for the day was the LDC and they also received updates on redevelopment projects.

B. **Midtown Redevelopment Area Board Report**

No report.

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

Mrs. Remark stated the Board met on October 12, 2011 at 6:00 PM in City Commission Chambers. She stated the Board also discussed the LDC and Mr. Jeffries did a great job explaining uses in the LDC Re-write. She stated the only concern the Board had was adding helicopter landing zones in any of the Main Street/South Atlantic Redevelopment Area permitted uses.

D. **Public Comments**

No public comments.

E. **Staff Comments**

No staff comments.

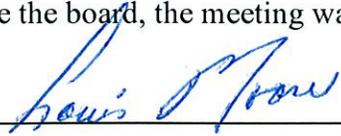
F. **Board Member Comments**

No Board comments.

10-27-11 Planning Board Meeting

Adjournment

There being no further actions to come before the board, the meeting was adjourned at 9:37 pm.



LOUIS MOORE
Chair

ATTEST:



CATHY WASHINGTON
Secretary