

MIDTOWN REDEVELOPMENT AREA BOARD MINUTES

July 13, 2010

There was a meeting of the Midtown Redevelopment Area Board held Tuesday, July 13, 2010 at 6:00 p.m. in the City Hall Commission Chambers at 301 South Ridgewood Avenue, Daytona Beach, Florida:

Board Members

Ms. Johnnie Ponder
Ms. Shirley Benjamin
Ms. Pascale Brown
Ms. Patricia Heard
Mr. John Huger (arrived at 7:43 pm)
Mr. Hemis Ivey
Mr. John McGhee II (excused at 8:25 pm)
Ms. Denise McMillon
Mr. Ken McGee (excused at 8:35 pm)

Staff Members Present

Ms. Carrie Lathan, Assistant City Attorney
Mr. Reed Berger, Redevelopment Director
Mr. Charles Bryant, Project Manager
Capt. Steve Szabo, Police Department
Ofc. John Stinson, Code Enforcement
Ms. Cathleen Olson, Recording Secretary

1. Call to Order

Ms. Ponder called the meeting to order at 6:02 pm.

2. Roll Call

Ms. Olson called the roll and noted members present as stated above.

3. **Approval of Minutes: May 26, 2010 Special Meeting and June 8, 2010 Meeting**

Mr. Ivey made a motion to approve the minutes of the May 26, 2010 special meeting. Mr. McGhee seconded the motion and it was unanimously approved (8-0).

Mr. Ivey made a motion to approve the minutes of the June 8, 2010 meeting. Mr. McGhee seconded the motion and it was unanimously approved (8-0).

4. **Staff Report**

- **Police Department Report**

The District 1 CompStat report was presented to the Board, a copy of which is hereto attached and made part of the record.

- **Code Enforcement**

Mr. Bryant stated there was no Code Enforcement report, but noted they were revising their report to be more cohesive with the CompStat report from the Police Department, and Code Enforcement had been out addressing issues in the area.

Ms. Ponder noted the need to meet with Code Enforcement to resolve communication issues.

5. **DEV2010-047, SITE PLAN, Franklin Street Property (continued)**

Mr. Bryant outlined the application for an auto sales and service business on Franklin Street Property, clarifying Land Development Code (LDC) requirements and highlighting the steps the applicant had taken to ensure compliance. The proposed land use was compatible with LDC requirements and the property had been reviewed by Public Works for traffic safety, stormwater and drainage, compliance with tree preservation and landscaping standards and the applicant was proposing to improve landscaping to bring the property into compliance with the LDC. He noted that the project had been reviewed by staff for Redevelopment design standards, and emphasized that the activity taking place on the property was improvements to the building and landscaping, and that no work was being performed at the property. He stated staff's recommendation was to approve the applicant's request for an auto sales and service business on the Franklin Street Property.

Ms. Brown asked about the proposed name and specific activities of the business.

Mr. Matthew Ingram, Applicant, stated the proposed name of the business was Auto Wave, and the business activity would involve installing car accessories and a small inventory of high-quality used cars.

Mr. McGee asked how much car audio installation was intended for the business.

Mr. Ingram stated he estimated approximately 30% of all business was for audio.

Mr. McGee questioned whether the proposed business was in tune with desired future land use for the property, but acknowledged that a vacant building was less desirable. He also questioned possible negative effects on neighboring properties from sound levels involved in audio installations.

Mr. Ingram stated the audio would only be played at high volume for brief periods of testing after installation and there would not be extended periods of high volume audio.

Mr. McGee noted a LDC requirement regarding decibels and length of time.

Mr. McGhee asked about potential ramifications if the request were denied.

Ms. McMillon stated the applicant could sue the City for the value of the property. She also stated that the long-term intention was to eliminate auto sales along International Speedway Boulevard (ISB) and asked if the property would be grandfathered in under those circumstances.

Ms. Lathan stated that current permitted uses would remain and if the zoning was changed in the future, then the property would be grandfathered in, unless it was vacant for more than three months.

Mr. Ivey stated that he had spoken with the property owners who took the Board's concerns into serious consideration, and noted that although he was not an advocate of the type of business, it would be a positive addition to the community.

Board Action

Mr. Ivey made a motion to approve DEV 2010-047, Site Plan, for an auto sales and service business on the Franklin Street Property. Mr. McGee seconded the motion and it was unanimously approved (8-0).

Mr. Arnold Sevell, property owner, stated that he would have attended the previous night's workshop if the invitation had arrived earlier.

Mr. Bryant stated the invitations could not be mailed until City Commission approval had been obtained.

6. **DEV2010-050, CONDITIONAL USE, Fellowship Church of Praise**

Mr. Bryant outlined a request by Zahn Engineering to establish Fellowship Church of Praise in an existing 4,533 square foot structure at the corner of South Dr. Martin Luther King, Jr. Boulevard (MLK) and Fremont Street, highlighting land use and compatibility, zoning, site arrangement, parking and traffic flow, landscaping, signage, stormwater and drainage, and utilities. He stated staff's recommendation was to approve the request pending review of outstanding comments by the Technical Review Team (TRT).

Mr. McGee asked about Technical Review Team comments.

Mr. Bryant stated the TRT had approved the plan, noting it had to come before the Board for approval, and noted another comment regarding the adjustment in parking from 23 to 26 spaces.

Mr. Berger noted that Utilities had minor comments on the plan.

Ms. Benjamin stated that nearby properties often functioned as a congregation spot for local teenagers and asked if that would pose a problem for the church.

Pastor Belinda McElveen, 832 S. Martin Luther King Jr. Blvd., stated she did not foresee any problems with neighboring buildings, noting that she had met with local property owners and she welcomed interaction with the community.

Ms. McMillon commended Pastor McElveen on establishing a positive use for the property, and asked about potential safety concerns with local late-night establishments, questioning lighting and security concerns.

Pastor McElveen stated the property was surrounded by hedges and walls as per LDC requirements.

Ms. Brown asked whether the proposed parking would be sufficient, particularly if a special event were taking place.

Pastor McElveen stated the parking was based on the size of the building and occupancy limits, as per LDC requirements, noting there was some extra space available on the property for parking.

Mr. Ivey questioned if nearby bars would be a problem.

Ms. Heard stated activity in the area had changed to a more low-key crowd.

Pastor McElveen emphasized that hers was a mission-minded church and she wanted to interact with the entirety of the local community.

Mr. Ivey asked for clarification regarding the 500-foot separation ordinance for churches.

Mr. Berger stated that he would include the Board's separation concerns in the discussions regarding the Land Development Code text amendments and The Midtown Master Plan with FAMU.

Board Action

Mr. Ivey made a motion to approve the conditional use request by the Fellowship Church of Praise pending outstanding comments by the Technical Review Team. Ms. Benjamin seconded the motion and it was unanimously approved (8-0).

Mr. Ivey made a motion to approve the proposed site plan for the Fellowship Church of Praise pending outstanding comments by the Technical Review Team. Ms. McMillon seconded the motion and it was unanimously approved (8-0).

Mr. Ivey made a motion to approve the application pursuant to the appearance standards for the Redevelopment Area pending outstanding comments by the Technical Review Team. Ms. Heard seconded the motion and it was unanimously approved (8-0).

7. **DEV2010-031, SPECIAL USE, R. J. Gainous Funeral Home**

Mr. Bryant outlined a request by the R.J Gainous Funeral Home, proposing to build a 2,524 square foot addition to the structure. He presented the site plan, a copy of which is hereto attached and made part of the record. He stated staff's recommendation was for the Board to approve the site plan and recommend the Planning Board approve the special use permit for the request, pending resolution of outstanding Technical Review Team comments.

Mr. McGee asked for clarification regarding the floor area ratio (FAR).

Mr. Jeffries stated that the FAR was calculated by dividing the total square footage of the building by the total square footage of the property, which resulted in an FAR of .31.

Mr. McGee noted there was minimal landscaping on the site and asked if the owner would need to lease ten spaces to meet the parking requirement.

Mr. Bryant stated yes.

Mr. Ivey noted that there was parking available on Mary McLeod-Bethune Blvd. (MMB) and Garden Street.

Mr. McGee stated that LDC requirements were based on on-site parking.

Mr. Ivey stated that the project would be positive for MMB, noting the need for business in the community.

Mr. Stan Hoelle, Architect, stated there was parking available on the grass on the property, and noted that the canopies were intended to provide shade for hearses but the original intent had been for a parking garage.

Ms. McMillon asked for clarification regarding the structure of the proposed addition.

Mr. Alexander Wynn, Applicant, stated the request was for a new chapel in addition to the existing chapel.

Ms. McMillon commended Mr. Wynn on the project, stating that it would be positive for the area, and asked about available employee parking.

Mr. Wynn stated employee parking was available at the back of the property.

Ms. Heard stated the project would be a positive enhancement to the building and to the corner of the property.

Mr. Ivey asked if the owner was assured of procuring the ten-year lease.

Mr. Wynn stated that he had already obtained the lease.

Board Action

Mr. Ivey made a motion to approve the site plan and recommend approval to the Planning Board, subject to outstanding comments from the Technical Review Team. Mr. McGhee seconded the motion and it was approved unanimously (8-0).

8. DEV2010-053, LDC TEXT AMENDMENT, Site Plan Review Process

Mr. Berger outlined proposed amendments to the Land Development Code (LDC) with the intent to revise Board responsibilities in the site plan review process and to provide for an appeals process to the City Commission. He stated the goal was to enable more extensive administrative review by staff instead of bringing all projects before the Board, which would be beneficial to small investors, and allow applicants to have the opportunity to appeal Board decisions without lawsuits.

Ms. Brown expressed concern about removing the Board's ability to review projects, stating that they needed to be aware of projects taking place within the community.

Mr. Ivey emphasized that the needs of the Midtown area were not identical to the rest of the City and stated the need to either limit nonprofits or ensure that nonprofits contribute tax revenue to the community, noting the possibility of the changes allowing nonprofit entities under 20,000 square feet to be established without Board review or approval. He also emphasized the need for a Midtown master plan.

Mr. McGhee asked for an example of a 20,000 square foot building for reference. He also asked whether the amendments could still be pushed forward through the other Redevelopment Boards if Midtown recommended against approving the proposed changes.

Mr. Berger stated yes.

Ms. Lathan stated that if the changes were approved by the Planning Board, the Midtown Board would need to request exemption.

Mr. McGhee asked if it would be possible for the Board to have more time to consider and discuss the proposed changes.

Mr. Jeffries stated the issue would be going before the Planning Board in July, but the Board could make the recommendation that the Planning Board continue the item to a later date.

Ms. Brown asked why the two items, concerning the site plan review and the appeals process, were grouped together, and also questioned whether other Redevelopment Boards would be made aware of Midtown's concerns. She stated that the Midtown Redevelopment Area boundary abutted the Downtown/Balough Road Redevelopment Area, and emphasized the need for the Boards to work together.

Mr. Ivey reiterated the need for the Board to have the opportunity for further discussion of the issue.

Ms. McMillon stated the amendments would be a major change to the LDC.

Mr. Jeffries stated that FAMU was responsible for amending the zoning code, and the proposed amendments were only procedural. He further stated that the FAMU process would clarify many existing issues related to zoning and design guidelines.

Ms. McMillon asked whether the Planning Board could proceed without the Board's recommendation for approval.

Mr. Jeffries stated yes.

Ms. Heard reiterated the need for the Board to be provided with relevant information sooner in order to allow adequate discussion of the issues.

Mr. Berger stated his expectation that the Planning Board would be amenable to continuing the item to a later meeting date as per Board recommendation.

Mr. Jeffries reiterated that the Vision Plan and the Comprehensive Plan encouraged streamlining the permit process and promoting efficiency within the review process, noting that the processes were more difficult and complicated within Redevelopment Areas, despite the goal of Redevelopment Areas to promote and encourage business.

Mr. Ivey questioned whether Staff had enough familiarity with Midtown to ensure that decisions were made that would be best for their area.

Ms. Brown stated that Redevelopment Areas needed to have more complex review processes in order to ensure that community needs and concerns were being adequately addressed.

Ms. Ponder stated that the item should be continued to a future meeting such as a special meeting or workshop to allow further discussion of the issue.

Mr. Bryant acknowledged the Board's concerns regarding the site plan review process and asked for clarification regarding their opinion of the proposed changes to the appeals process.

Ms. Lathan pointed out other minor amendments involved in the proposed changes, concerning Article 5, Section 4.14 (Concept plan review and approval) and Article 18, Section 5.17 (Exterior rehabilitation and changes).

Mr. Ivey asked for clarification as to final approval under the proposed changes to the conceptual review process according to Article 5, Section 4.14 in the LDC.

Ms. Lathan stated that the Board would still have final approval of the site plan for projects over 20,000 square feet, but conceptual plans would only need to be reviewed and not approved.

Ms. Brown stated that it was important to have adequate due process and appeals process in any situation and expressed the need for further discussion.

Mr. Ivey stated potential conflicts under the proposed appeals process by giving power to City Commissioners to overturn decisions made by the Board, when they were not familiar with the area.

Ms. Brown acknowledged Mr. Ivey's concerns but emphasized the need to follow regulations and establish objective guidelines, stating that it was important to

acknowledge that the Board had the potential to make subjective decisions not according to the guidelines and allow for checks and balances.

Mr. Ivey stated that objective rules and guidelines needed to be established prior to establishing an appeals process.

Ms. Ponder asked for clarification regarding the Board's opinion of the proposed changes to the appeals process, acknowledging the Board's concerns about the administrative site plan review changes.

Mr. Ivey reiterated that the Board was not yet ready to take action on an appeals process without an updated Land Development Code.

Ms. Ponder asked for Board input on having a workshop to discuss the issue.

Mr. Bryant stated that the Planning Board could choose to vote on the issue despite the Board's recommendation to continue the issue to a future meeting, and stated the possibility of losing input and voting contributions to the issue by requesting a continuance.

Ms. Brown stated that the issues in question were highly relevant to all three Redevelopment Boards and recommended having a workshop to promote communication between the Boards, given the different needs of each Redevelopment Area.

Ms. McMillon asked whether there was any urgency to the issue and if the Boards needed to take immediate action on it.

Mr. Berger stated that it was not an urgent issue, and outlined the Board's concerns regarding the proposed administrative review changes and appeals process, emphasizing the Board's need to have more time to discuss and review the proposed amendments.

Board Action

Mr. McGhee made a motion to continue the item to a future meeting and to convey Board comments and concerns to the Planning Board via the Midtown Board's representative to the Planning Board, with the recommendation that the Planning Board continue the item to a future meeting pending further review of the issues. Mr. Ivey seconded the motion and it was approved unanimously (9-0).

9. DISCUSSION: Midtown Master Plan

Mr. Craig Huffman, Florida A&M University (FAMU) School of Architecture, stated he was in the process of preparing an outline of specific targeted issues. He

presented an outline of project goals, highlighting field-verifying information on maps, familiarization with the neighborhoods, performing historical research, and creating an agenda for zoning and LDC issues, emphasizing the need for Midtown-specific consideration.

Mr. McGhee asked if there was a system of checks and balances in place regarding the economic impacts of relevant projects.

Mr. Huffman stated the goal was to increase the tax base of the Midtown area, noting that improvements to roads and sidewalks were not sufficient. He emphasized the need for new rules and guidelines in Midtown, noting that the LDC was archaic and had many outdated policies and guidelines. He stated the intent was for dynamic development on MLK and MMB, without neglecting other areas of Midtown by focusing on MLK and MMB, noting the need to address Midtown as a whole entity. He recommended moving up the next workshop to address issues in more detail and obtain further input regarding specific questions and recommendation.

Ms. Ponder asked for more input from FAMU specifically in addition to other contributing groups.

10. Redevelopment Staff Report

Mr. Bryant presented an outline of Redevelopment updates, highlighting ongoing improvements to Liberty Plaza, the results of the World Changers Program, and photographs of the FAMU workshop.

Ms. Ponder expressed her appreciation and excitement over the progress on the FAMU project.

11. Citizen Comments

Ms. Lia Edgecombe, 3670 Beacon Hill Road, Port Orange, expressed her excitement about the FAMU workshop while noting concern about turnout.

12. Board Comments

Mr. Huger apologized for his late arrival to the meeting and reiterated excitement about the FAMU workshop.

Ms. Brown emphasized the positive effects of forging relationships within the community in an informal forum.

Mr. McGee and Ms. Benjamin reiterated excitement about the FAMU workshop and the progress on the Midtown projects. Ms. Benjamin also noted concern about the progress of work on Magnolia Avenue.

Ms. Heard expressed disappointment with the turnout at the FAMU workshop, noting that many local pastors were not in attendance. She also expressed concern about the quality of work with the road and sidewalk improvements on MLK and ISB.

Mr. Bryant stated that he had personally delivered flyers regarding the workshop to local churches and pastors.

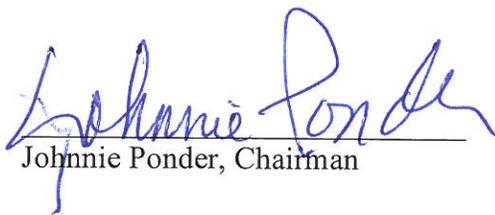
Ms. McMillon noted her appreciation of the Juneteenth banquet.

Mr. Ivey expressed his appreciation of the City Manager's contract approval and of the work being done in Midtown by Police Chief Michael Chitwood.

Ms. Ponder noted a free summer swimming program to provide local youth with constructive activities.

13. **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 8:44 pm.



Johnnie Ponder, Chairman

with change name
page 6
Wynn
corrected
to
Wynn



Cathleen Olson, Board Secretary