

**MIDTOWN REDEVELOPMENT AREA BOARD
MINUTES**

November 8, 2011

There was a meeting of the Midtown Redevelopment Area Board held Tuesday, November 08, 2011 at 6:00 p.m. in the City Hall Commission Chambers, 301 South Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

Board Members

Ms. Johnnie Ponder, Chair
Ms. Patricia Heard
Mr. Hemis Ivey
Mr. Ken McGee
Ms. Denise McMillon

Board Members Absent

Ms. Shirley Benjamin

Staff Members Present

Mr. Reed Berger, Redevelopment Director
Ms. Carrie Lathan, Assistant City Attorney
Mr. Charles Bryant, Redevelopment Manager
Capt. C.A. Capri, Police Captain
Off. Eddie Lopez, Code Enforcement
Ms. Beth Berry, Recording Secretary

1. Call to Order

Ms. Ponder called the meeting to order at 6:05 p.m.

2. Roll Call

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

3. Approval of Minutes September 13, 2011 and October 11, 2011

Mr. Ivey made a motion to approve the minutes of September 13, 2011. Ms. McMillon seconded the motion and it was approved unanimously (5-0).

Mr. Ivey stated his name was misspelled throughout the minutes of October 11, 2011. Ms. Ponder stated that Cathy Washington had commented about 24 feet

during the convenience store discussion and that needed to be included under Citizen's Comments.

Mr. Ivey made a motion to approve the October 11, 2011 minutes with changes. Mr. McGee seconded the motion.

Ms. McMillon stated that the vote on convenience stores was not in the previous minutes.

Mr. Ivey stated the motion and vote were on pages 9 and 10.

The motion was approved with corrections unanimously (5-0).

Ms. Ponder stated that the Board would hear #1 on the Addenda as the first item of business.

Ms. Lathan stated that the Board needed to approve taking items out of order. She stated that if the addendum was going to be heard before the Agenda there needed to be a motion and vote.

Mr. Ivey made a motion to move Action Item DEV2011-069 up to #4 on the Agenda. Ms. McMillan seconded the motion and it was approved unanimously (5-0).

ADDENDUM TO THE AGENDA

1. ACTION ITEM: DEV2011-069 CONCEPTUAL REVIEW 925 SYCAMORE RPUD-Continued from the October 11, 2011 Meeting

Mr. Bryant stated that the item was continued from the last meeting. He stated the applicant had held a community meeting as suggested by the Board but no changes had been made to the plan since the last meeting.

Applicant's Presentation

Mr. Jim Morris, on behalf of the applicant, stated that they had held a neighborhood meeting as the Board requested at noon on a Sunday with 15 – 17 people in attendance and there was a lot of interest and concern from attendees. He stated that the Comprehensive Plan stated that 4 units would be permitted for the subject property and there were 10 units in the existing building so they were trying to preserve as much of the building as possible. He stated that the most units staff would support was 6 and neighborhood discussions indicated that 6 would be possible. He stated that the building was an old multifamily building and the neighborhood around it had changed and was now single family. He

stated that surrounding properties were single family on the west side of the street, with some vacant land and single family on the east side of the street and Mrs. Moore's property backed up to the property on the east. She had attended the neighborhood meeting but had not commented. He asked that he Board approve 6 units and stated that they would convert the 10 units. He stated that during the neighborhood meeting people had gone through the building and the general consensus was that it was in good shape but units could be larger. Mr. Morris stated that his suggestion for 6 units because of the way the breezeway in the center of the building worked out and divided the building. He stated that he had been working with Monique Amos, the realtor for the property owner, and they had discussed 5 units vs. 6 units and had listened to the neighbors. He stated that some neighbors only wanted 1 unit but 4 were permitted. He stated that Ms. Amos and some neighbors were at the meeting to speak. He apologized but said he had a meeting in Port Orange so may have to leave prior to the vote being taken.

Ms. Monique Amos, Prudential Commercial Real Estate, stated that the way the property was laid out and along with parking, landscaping and irrigation it would be conducive to 6 units. She stated that there were 2 buildings with a shared roof and breezeway so they thought each building could be converted to 3 units to get a total of 6 units. She stated that she would answer any questions the Board might have.

Mr. Ivey stated that the plan before the Board was an old plan so it was difficult to evaluate when they did not have a new plan and the applicant was saying may 4 units, maybe 6 units. He stated that the Board could not make a decision without an updated plan.

Mr. Morris stated that staff had instructed him to submit a conceptual plan to the Board. He stated the neighbors had a range of opinions. He explained that the plan before the Board was conceptual and before the property could be reused they would have to go through the site plan process and at that time everyone would know the number of units and they would have a specific plan in terms of parking, irrigation etc. Mr. Morris stated that it was not unusual for the Board to have a concept plan to discuss in general terms what something could be. He stated that if there was a consensus about what something could be and they got approvals from the City they would still have to come back before the Board with a site plan and the Board would see specific details of a particular plan. He stated the object of being before the Board was to get their input on the concept but the Planning Board and City Commission would still have to see the plan.

Mr. Ivey stated that the neighborhood was one of the oldest in the Community with single family uses. He stated that when dealing with a single family neighborhood and bringing in apartments it would create a density problem and

bring more problems of who rents because people own their homes. He stated it might be the proper place to build homes. He asked if the City could buy the property and build homes to help the single family neighborhood stay intact.

Mr. Morris stated it was not a question of bringing it into the neighborhood. It was already in the neighborhood.

Mr. Ivey stated that the property had been vacant and once a property was vacant everything changed. He stated that before they brought in vagrants or destroyed the neighborhood he wanted to explore all options and wanted the City to explore options with the bank to see if they could buy the property to keep the neighborhood a safe neighborhood.

Mr. Morris stated that they wanted to convert the existing 10 units to 6 units so they would be creating a significantly larger unit for people to occupy and they could be apartments for rent or condos for sale. He stated that the neighborhood was solid and he knew people who lived there so the intent was not to destroy the neighborhood but to reasonably use a vacant property that was boarded up and did not complement the neighborhood. He stated that if the City was interested in buying the property the owner would be interested because he had a property with a non-conforming use on it. He stated that he enjoyed his afternoon in the neighborhood and all the people in attendance were welcoming and had voiced their opinions and ideas.

Mr. McGee asked what the overall square footage of the building was.

Ms. Amos stated it was 55,000 sq. ft. with each unit approximately 550 sq. ft.

Mr. Morris stated that not all units were the same size so they would range in size from 800 – 1,000 sq. ft. maximum per unit.

Mr. Ivey asked if the property was going to be developed by a bank or a developer.

Mr. Morris stated it was a lending company not a bank.

Mr. Ivey stated that if there was not a developer or buyer ready to do the project then the Board might be going through the process and nothing would be done.

Mr. Morris stated that the lending company wanted to have a project that would appeal to someone. He stated that if there were not an approved plan the property would either remain as it was and nothing would be done or someone would demolish the building, subdivide it for 3 or 4 single family homes then wait to see if anyone bought the lots to construct homes.

Mr. McGee asked if the owner would consider changing the elevation so that it would blend in better with the single family neighborhood.

Mr. Morris stated the current owner would not. He stated they wanted to get an approved plan so they could sell the property. He stated that a new owner might possibly agree to changes but he did not know that for sure.

Citizen Comments

Mr. Thomas Huger, 928 Sycamore Street, asked the Board to approve staff's recommendation to maintain current zoning of 8 units per acre on the half acre parcel which would allow 4 – 5 units.

Ms. Norma Bland, 131 Imperial Drive, stated she had reviewed the plan with staff and asked that the City purchase the property. She stated if the City purchased the property they could give it to two families who could be first time home buyers then give them three years to go through the process.

Ms. Heard stated it would be nice if the bank would consider giving the property to the community for a community playground. However, she would go along with the staff recommendation of 4 – 6 units.

Ms. McMillon stated if nothing was built the building would deteriorate and be demolished.

Mr. Morris stated that the status was that code enforcement action had been taken so it had been boarded up and could not be reused. He stated that if code enforcement perceived a property to be a hazard to the health, safety and welfare of the citizens then it needed to be secured. He stated that when a building was structurally sound it had to be secured to keep out trespassers. He stated this building had been secured and nobody was getting in.

Ms. McMillon asked if the neighborhood residents had been given the option that if nobody bought the property for 4 – 6 units that it could possibly be developed as single family.

Mr. Morris stated that some of the neighbors who were there had discussed that option.

Ms. McMillon asked if Mr. Huger had received a consensus from the neighborhood if they wanted to see homes built or remain as it was.

Mr. Huger stated that he was not the neighborhood spokesman but some of the neighbors were present at the meeting. He stated he would prefer to see single family but he understood investment and financing. He stated that what was practical and feasible would be to renovate the property and he asked that the Board be consistent with zoning to allow 4 – 5 units.

Ms. Robin Hill, 911 Sycamore Street, stated she lived next door to the property and she would like to see single family homes on the property.

Mr. Ivey asked what kind of action was needed.

Ms. Lathan stated no action was required for a concept plan but Mr. Morris was looking for direction from the Board as to the number of units they would approve.

Mr. Morris stated that from the staff perspective they wanted the Planning Board and City Commission to know the Board's opinion even though they were not normally involved in plan amendments.

Mr. Ivey stated that if something was going to be built he would agree with Mr. Huger to go along with the zoning and Comprehensive Plan but he did not think he could go along with 10 units.

Mr. Morris asked for a motion so he would know the direction to go in. He asked for guidance to be heard by staff and other boards.

Mr. Ivey stated that he did not think they needed to make a motion but they had a consensus of the Board and neighbors. He stated if a plan came back and it was within code they would have to approve it but he did not think they could render a decision on something they did not have a plan or developer for and it was speculation.

Mr. Morris stated it was not speculation. They had a property owner who wanted to get a plan approved.

Mr. Ivey stated that the property was bank owned and asked if the bank was going to be the developer.

Mr. Morris stated no.

Mr. Ivey stated then the plan was speculation if there was not a developer.

Mr. Morris stated that if the Board position was go with what was allowed and that was what the neighborhood wanted then that was what they would do.

Ms. McMillon stated the point was that the property was only a half acre and 4 – 5 units were allowed, then that was what the Board had to go with even if they did not like it.

Mr. Morris stated that was true under the current law. He stated he had gone to staff asking for a change in the law and if the Board did not want to do that then they would work within the law.

Mr. McGee asked if the 10 units ranged in size from 500 – 700 square feet.

Mr. Morris stated that a larger unit would be 500 sq. ft. but there were smaller spaces. He stated they wanted to make the spaces larger to make them comfortable for people to live in.

Mr. McGee stated if the building was 6,000 sq. ft. and they built 4 units they would be 1,500 sq. ft.

Mr. Morris stated they would have to see if someone was interested in doing that.

Mr. Ivey referred to Mr. Huger and what staff said it would support under the current zoning and what could fit. He stated he did not want to speculate but he would agree with Mr. Huger and if the bank could develop a plan.

Ms. Lathan stated that it seemed the consensus of the Board was that there was a concept plan and it needed to meet current code requirements and the Board would not support a change that would allow more units.

2. **DEV2011-094, Land Development Code Text Amendment – Prohibition of Convenience Stores in Midtown Redevelopment Areas**

Board Action

Mr. Ivey made a motion to continue with item #2 on the addendum agenda DEV2011-094. Ms. McMillon seconded the motion and it was approved unanimously (5-0).

Ms. Ponder stated the addendum before the Board would be the last one and if an applicant needed to make a submission to the Board they would have to submit their information on time.

Mr. Bryant stated that the addendum was an oversight on staff's part not realizing the Sycamore Street item had been continued and therefore had to be brought

before the Board. In addition Staff was moving the Land Development Code amendment as quickly as possible to get it to the Planning Board so it was also put on the addendum.

Mr. Bryant stated that the Land Development Code amendment was before the Board as an administrative item to prohibit convenience stores in Midtown. He stated that the item had been presented to the Planning Board and their recommendation was to research the item and return to them with a report. He had done research which he presented to the Board. He stated that the definition of a convenience store was a retail store with less than 5,000 sq. ft. of floor area with the primary sale being groceries, deli items and miscellaneous day to day goods. He stated that the specific language to go to the Planning Board was to prohibit convenience stores in the Midtown Redevelopment Area. He stated staff recommended approval of the proposed language as written.

Mr. McGee stated he thought if a convenience store was proposed it had to be at least 5,000 sq. ft.

Mr. Ivey stated that the Board was trying to make sure that if a 7-11 or major chain wanted to come into the area, they would be allowed.

Ms. Lathan stated that they could not zone based on ownership but 7-11 stores were over 5,000 sq. ft. so they would be allowed. She explained that the proposal was to eliminate anything under 5,000 sq. ft.

Mr. Ivey asked if they should change the wording to include anything less than 10,000 sq. ft. because there were vacant 2 story buildings that totaled 5,000 sq. ft. but the first floor could be a convenience store and have less than 5,000 sq. ft.

Ms. Lathan stated no, the square footage would not be calculated that way. The total square footage of the store would have to be more than 5,000 sq. ft.

Mr. Berger stated that if someone applied for a convenience store it could not be approved unless the area for the specific use was over 5,000 sq. ft.

Mr. Ivey asked if language similar to the language prohibiting liquor stores within 500 feet of a church could be used for convenience stores.

Mr. Berger stated that if the Board approved the prohibition of smaller stores they would not need to use that type of language. However if they were going to use a conditional use instead of the proposal then they could use separate requirements and other techniques.

Ms. Ponder stated that if the Board approved the proposal before them it would do what they wanted it to do.

Ms. Lathan asked what was intended for light and heavy vehicular uses.

Mr. Ivey stated he thought light and heavy vehicular uses were prohibited along with car washes and convenience stores and other uses on the prohibited use list.

Ms. Lathan asked if at the Planning Board meeting convenience stores were the only use left off.

Mr. Bryant stated that the information before the Board was for background as to what happened to get where they were presently and the only thing the Planning Board did not take off was convenience stores.

Mr. Berger stated that staff would be back before the Board with other text amendments.

Board Action

Mr. Ivey made a motion to approve Land Development Code Amendment DEV2-11-094. Mr. McGee seconded the motion and it was approved unanimously (5-0).

Mr. McGee stated he had talked to Commissioner Reynolds and she said that if the Board made a motion for a moratorium on items A-H the City Commission would have to respond to it.

Ms. Ponder stated that Mr. Bryant would present the item to the Planning Board and if they approved it, it would establish a moratorium.

Ms. Lathan stated that it would be pending legislation which had the same effect as a moratorium.

Mr. Ivey agreed with Mr. McGee because the Board did not know what applications were pending.

Ms. Lathan stated that a moratorium would have to go to the Planning Board before the City Commission so there would be no need for a moratorium because the text amendment prohibiting convenience stores would go to the Planning Board for action the following week.

Mr. McGee stated that the Board did not have the tools to turn away a project that satisfied the current Code when they knew it was not in the best interest of the area. But if there was a moratorium it would be simpler.

Ms. Lathan asked Mr. McGee if he wanted a moratorium on all development in the Midtown Redevelopment Area.

Mr. McGee state he wanted a moratorium on items A-H.

Ms. Lathan stated that items A, C, D, E, F, G, and H were already prohibited and with approval of the text amendment it would add Item B so all of them would be prohibited.

The Board returned to the regular agenda.

5. **Midtown Master Plan Workshop**

Professor Craig Huffman, 1127 Morningside Court, Tallahassee, Florida, stated there would be editing and refinements to the Plan. He presented the proposed Plan and explained the sections of the Plan and pointed out future redevelopment sites.

Mr. Ivey stated that Mr. Huffman did a great job and he wanted to be sure that the Plan went along with the Clarion Plan and would be implemented and was what the community wanted. He stated that all of the City's attention had been centered on the Downtown and the E-Zone and he hoped that Professor Huffman would continue to work with the Board.

Mr. McGee asked if the Downtown had hired a consultant to work on getting tenants for the Downtown.

Mr. Berger stated yes, Bob Gibbs who had started working with the City in 2005 doing surveys had come back to do a marketing plan and hopefully by next spring he would be bringing in retail tenants.

Ms. Ponder stated that she had asked that the City have Mr. Gibbs look at some of the major streets in Midtown.

Mr. Berger stated that Mr. Gibbs came to town he would familiarize himself with other areas. He stated that staff had sent Mr. Gibbs maps and information of other areas such as Seabreeze, Mary McLeod Bethune Boulevard and Martin Luther King Boulevard.

Ms. Ponder stated she also wanted to thank Professor Huffman and it was great to work with him. She stated that he had held several meetings with the community and the Board and he knew what they wanted.

Professor Huffman stated he would be happy to help implement the Plan. He asked that the Board look over the proposed Plan and give him feedback. He asked what the timing would be from that point on.

Mr. Berger stated that the goal would be that if the Board found the Midtown Master Plan was ready to move on as a recommendation then staff would forward it to the Planning Board and City Commission for consideration.

Professor Huffman stated that when he developed the map of the Midtown Development District he was not positive about boundary lines so he asked that Mr. Berger and the Board look at the map and the boundary lines.

Mr. Berger stated yes they would look at the boundaries and also lay out a schedule to include other Boards who might want to comment on the Plan.

Mr. Ivey stated that he did not want anyone to drop the ball. If the Plan needed to be sent to other agencies he wanted it to be sent as soon as possible so they could hopefully have their comments in time for the workshop on the 15th.

Ms. Heard stated she was also pleased with Professor Huffman's presentation and thanked him for his work.

6. Redevelopment Project Updates

Mr. Bryant showed pictures of benches on MMB that were in need of replacement. He stated he would be getting quotes for new benches.

Ms. Ponder asked what the timeframe would be.

Mr. Bryant stated that they would be replaced as soon as he could get price quotes. He presented a power point presentation indicating properties in need of maintenance that he was working on with code enforcement. He stated that the Midtown Information Fair had gone well with both business owners and residents in attendance and who provided positive feedback. He thanked the Board for attending the Fair.

Ms. Ponder thanked Mr. Bryant for his work on the Fair and stated that they needed to get more people from the community to attend.

7. Public Comments

Mr. Omar Brown, 218 Carl Brinkley Circle, stated that he and his wife lived in the community and had been volunteering wherever possible. He stated they were planning a community event in Daisy Stock Park and he had talked to

Commissioners who were willing to help but he was having financial problems and needed additional help from the Board and Commission. He stated he wanted to put on a family fun day and his company, Midtown Eco Village, advocated healthy life styles. He asked that the Board talk to people about the free event to try to get help. He stated the event would include a day of clean up on Keech Street, a family fun day and a day for a movie and a smoothie.

Ms. McMillon asked if the School Board had been contacted. She stated that they would allow Mr. Brown to do a flyer to send home with students as long as it indicated that the event was not a school event. He could also contact the Daytona Times to do an article.

Mr. Brown stated that he had completed an application for a 2 day event and was given a price but when he said it was a community event the price increased.

Ms. McMillon asked what the cost was.

Mr. Brown stated that he was originally told \$273 for 2 days then was told \$375 each day.

Ms. McMillon asked if the fee included City police for security.

Mr. Brown stated no, only park rental.

Mrs. Brown stated that since the cost was so high they may have to hold the event at a church but they had hoped to hold it outside so that people could get exercise.

Ms. Heard stated she was concerned that the City was charging such high fees for the community to use community facilities.

Ms. McMillon asked if they had considered having the event on a day when schools were on holiday break.

Mr. Brown stated that he was going to be out of town and since the cost was so great they were reconsidering whether or not they could do the event.

Mr. Pierre Lewis, 130 S. Franklin Street, commended the Board for their work on the Board and their concern for the area.

Mr. Robert Klenk stated he had a business at 327 Marion Street, Halifax Wrecking, and the business community was hurting. He stated that most people who had jobs could not attend City meetings because they were working. At the September 3rd City Commission meeting they approved a prohibition of outside storage which affected 33 businesses in Midtown with outside storage and there

was no notification to business owners. He stated that people could not afford to pay for rental space so many were working out of their homes and using the back yard as storage.

Mr. McGee stated that Mr. Klenk had come to the Board several years ago and had agreed at that time to completely screen his property. He asked if the screening had been done.

Mr. Klenk stated yes it was. He stated that there were car lots on ISB that had been closed and would not be able to reopen as a car lot because they would not be allowed to have outside storage.

Ms. McMillon asked if businesses in operation were grandfathered in.

Ms. Lathan stated yes and they could continue to operate unless they closed for 3 months. If they closed for 3 months they would not be allowed to reopen.

Mr. Klenk stated that he knew he was grandfathered in but there was so much vacant property in Midtown and they would not be permitted to reestablish another business with outside storage.

Ms. Heard stated that property owners must follow the Code that was in place when they started their business and rules were needed in order for the area to grow. She stated if a business closed for 3 months they would not be able to reopen.

Mr. Klenk stated that there were properties on Marion Street with small buildings where people could use the property for storage. He stated there were 33 businesses in the area that needed outside storage. He understood that Orange Avenue needed to be improved since it was a main thoroughfare. He asked who he could talk to about getting help for business owners.

Mr. Berger suggested Mr. Klenk speak to the City Commissioner over his zone.

8. Board Comments

Ms. McMillon wished everyone Happy Holidays and stated she would like to see the City hire consultants for the Midtown Area.

Mr. Ivey wished everyone Happy Holidays and hoped money would become available for Midtown programs.

Ms. Heard wished everyone a Happy Thanksgiving.

Ms. Ponder wished everyone a Happy Thanksgiving and stated they needed money so they could get something going.

9. **Adjournment**

There being no further business to come before the Board the meeting was adjourned at 9:20 p.m.

Thomas N. Sperry