

**DOWNTOWN/BALLOUGH ROAD  
REDEVELOPMENT AREA BOARD  
MINUTES**

**September 13, 2011**

There was a meeting of the Downtown/Balough Road Redevelopment Area Board held Tuesday, September 13, 2011 at 12:00 p.m. in the City Hall Commission Chambers, 301 South Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

**Board Members**

Mr. Al Smith, Chair  
Mr. Bob Abraham  
Mr. Harold Goodemote  
Mr. Dan Harshaw  
Mr. Bob Johnson  
Mr. Steve Koenig  
Mr. Larry Robinson  
Ms. Cathy Washington  
Mr. Scott Weidman

**Staff Members Present**

Mr. Reed Berger, Redevelopment Director  
Mr. Jason Jeffries, Project Manager  
Ms. Carrie Lathan, Assistant City Attorney  
Off. Daniel Garcia, Code Enforcement  
Ms. Jeanne Tolley, Redevelopment Technician  
Ms. Jessica Barron, Recording Secretary

**1. Call to Order**

Mr. Smith called the meeting to order at 12:10 pm.

**2. Roll Call**

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

**3. Approval of Minutes: August 2, 2011**

Mr. Koenig made a motion to approve the minutes of the August 2, 2011 meeting. Ms. Washington seconded the motion. Mr. Koenig stated that on page 2 mid-page during the Code Report he asked that an item be struck. The motion was unanimously approved as changed (9-0).

4. **Staff Report**

a. Code Enforcement

Off. Garcia stated that the minutes from the August meeting that Mr. Koenig talked about were about a business that was not open all the time. He stated that he checks all businesses after 11:00 a.m. to be sure they are open. He stated that being open every day was a requirement to be able to take part in special events.

Mr. Berger stated it was a requirement of the Master Plan.

Off. Garcia presented the Code Enforcement report.

5. **DEV2011-060, CONCEPTUAL REVIEW, The William Square**

Mr. Jeffries stated that a conceptual review was required by the Land Development Code and required any development over 20,000 sq. ft. to be reviewed as a concept. He stated that the proposed project was at 200 S. Palmetto Avenue. He stated there was already an approved plan for the site but the applicant was proposing an amendment to the plan which required a zoning change. Mr. Jeffries explained the process that first required a conceptual review, then any comments from the Board would be reviewed by staff. Once all technical comments were addressed the proposal would be back before the Board for review and recommendation to the Planning Board who would hold a public hearing then make a recommendation to the City Commission who was the final authority. He presented a map indicating the location of the property and stated the Future Land Use was high intensity/mixed use. He stated that the previously approved project was a seven story tower with retail on the first floor and residential on the upper floors. The proposed plan was to subdivide the land into 15 residential units that could be mixed use. He stated there were no zoning issues but the lift station would need to be upgraded by the City. He stated Traffic Engineering had issues with the internal drive aisles and wanted to be sure there was adequate turning radius for vehicles to get into the garages. The project met the architectural design guidelines and was consistent with the Redevelopment Plan. He stated that Engineering required platted lots must front on the existing right-of-way because units on the south end of the project did not front on the platted eight-of-way. He stated that a landscape plan had not yet been received but would be more for an urban environment. He asked for Board feedback for the staff review.

**Applicant's Presentation**

Mr. Jack White, 208 Wall Street, stated that he needed to adapt the plan according to the times and needed flexibility for the mixed use.

He explained that the corner unit had to be mixed use and had to be 3 – 4 stories. He stated he had looked at a similar project in Savannah and other cities and would keep the historic look to the buildings. He stated the biggest issue was the right-of-way and for the second phase he would need to look at the adjacent parking lot.

Mr. Harshaw asked how the project would work if someone bought a lot but was not ready to build it would cause a vacant lot in between buildings.

Mr. White stated that was possible but like any other subdivision there could be 2 homes then a vacant lot. He stated that he had checked and that could be done. He needed to provide flexibility for market demands but whatever was built would be the style they were looking for.

Mr. Harshaw stated if there was no timeframe then there could be investors who would buy a lot, wait 10 years and not build anything, then flip it.

Mr. White stated no, his target was people who lived in a house on a ½ acre who wanted to downsize but not to 1,000 sq. ft., but to a 3,000 sq. ft. home with no yard. He stated they may not be ready now but they would be in 3 years. He stated that he did not need to cut costs to start the project because he owned the land and would sell to people who want to move, not to investors.

Mr. Robinson asked if infrastructure would be installed or if it would be the property owner's responsibility.

Mr. White stated he would construct the infrastructure and it would be ready when someone was ready to build their home. He stated there would be a small pocket park on the interior for the residents as well as a roof top garden.

Mr. Robinson asked if owners would need to conform to City rules and may not be able to build 8 stories.

Mr. White stated that the maximum height would be 55' and that would be an intense 4 story unit. The corner unit would be 4 stories and the setback was 7 feet.

Mr. Abraham asked if there would be any common walls between units.

Mr. White stated no, there would not be any shared walls.

Mr. Abraham asked if there were any setback requirements.

Mr. White stated that someone could build a zero lot line but it would not touch the unit next to them. He stated if someone wanted more light in their unit they would have to pull it off the lot line.

Mr. Abraham asked if there would be enough space for people to walk between the buildings.

Mr. White stated there would be very little space. He stated that on a 30' lot they would have to build a 20' building to have a 10' alleyway. He stated that on Magnolia Avenue there would be a 10' alleyway but there won't be a lot of yard.

Mr. Robinson asked what the lot widths would be.

Mr. White stated 25' – 30'.

Mr. Goodemote asked how Mr. White would deal with the retail and if retail on the first floor would go with the residential above it.

Mr. White stated the only one he would require to have mixed-use would be the corner unit then they could have a mix of residential and professional but could be retail or an attorney could have their office on the first floor and live above.

Mr. Goodemote asked if there might be retail on the second floor.

Mr. White stated he did not think so because there would be access issues.

Mr. Robinson asked what would happen if someone wanted just a first floor but did not want anything above them if they would be able to buy only a first floor.

Mr. White stated he did not think that would be permitted but if it did happen he would encourage the person to build the entire unit then rent out the upper floor. He explained that a person would not be allowed to build one story. The minimum on Magnolia Avenue was 3 stories and on Palmetto Avenue the minimum was 2 stories.

Mr. Abraham asked if there would be a homeowners association.

Mr. White stated yes, with a very strict architectural review board that he would monitor.

Mr. Parker Mynchenberg, Parker Mynchenberg & Associates, stated the project would be back before the Board with the PD agreement and when planning they would consider what Mr. Robinson was talking about. He stated the intent was to have retail on the first floor and the person who owned it would have the residence above.

Mr. Harshaw asked how it could be regulated if someone wanted retail in the middle of the residential units.

Mr. White stated that he would not allow retail except on the corner. The other areas would be only professional offices.

Mr. Smith asked if Mr. White knew how much interest there was in the type of units he was proposing.

Mr. White stated he had done a few focus groups and there were empty nesters who wanted to be rid of a yard but still want 3,000 sq. ft. and be able to design their own space. He stated the home sizes would range from 1,500 to 2,000 or 3,000 sq. ft. He wanted to be able to give people an opportunity to buy something downtown for under \$200,000.

Mr. Smith stated the Board had hoped the property would be a higher density to get more people living in the Downtown. He stated the idea had been to take what was done at the lofts and extend it to get more density.

Mr. White stated that the proposed project was 15 units per acre and the lofts were 18 units per acre so it was slightly below but the sizes would be twice as big. He stated they had to get to a critical mass before people started building in mass. He stated that he wanted to build the William at 38 units but he would have had to presell half of them and the capital expense for that size building would be very high. He stated he wanted to work toward that but he needed to get to the point to show that people wanted to move Downtown.

Mr. Smith asked if Mr. White had considered apartments.

Mr. White stated that it was difficult to build a small apartment building because you have to get to a certain number before it was worthwhile and that could be 50 or 100 units so he focused on the boutique project on an acre.

### **Board Motion**

Mr. Abraham made a motion to approve the concept plan. Mr. Weidman seconded the motion.

Mr. Goodemote stated there had been discussions about Brownfield and a parking garage.

Mr. White stated that Chris Challis was working with DEP to close out on the Brownfield. He stated he did not know the status of the City parking garage.

**Board Action**

The motion was approved unanimously (9-0).

**6. Revised Redevelopment Grant Programs**

Mr. Jeffries stated that at the previous meeting he had given a preliminary presentation of the proposed changes to the grant programs. He stated staff wanted to focus on recruiting and retaining businesses and restaurants in Downtown and to insure the program leverages physical exterior improvements and that the residential grants encouraged home ownership. He presented the staff report indicating additions were underlined and deletions had strike throughs. He explained that the residential program would limit the façade grant to home owned properties and there were incentives for people to convert non-homesteaded properties and multifamily residential to homesteaded homeowner occupied single family homes. The focus was on the exterior improvements and removing language that allowed repair of a roof. He stated there was also language that when someone applied for a residential façade grant they would be required to come into compliance with the residential design guidelines. He stated there had been instances where when someone used a residential grant you could not see the improvements. He stated that the commercial grant would insure visible exterior improvements would be made and would no longer be used for interior improvements, roof or A/C replacement. He stated that a provision would be added that only taxable properties would be eligible to use the grants. The Business Incentive programs had been available to office buildings Downtown and but now would focus on the retail area. He stated that in the core Beach Street area from Orange Avenue to the Post Office there were 26 vacant storefronts and by focusing on retail and restaurants and the Gibbs Report they would reduce the vacancy rate from 24%. Mr. Jeffries asked for a recommendation from the Board to forward the changes to the CRA.

Mr. Koenig asked if the proposed changes would cover all redevelopment areas.

Mr. Jeffries stated yes.

**Board Motion**

Mr. Koenig made a motion to approve the proposed changes for the grant programs. Ms. Washington seconded the motion.

Mr. Goodemote asked what it meant when it stated “match must be in cash”.

Mr. Jeffries stated it meant that in-kind services could not be used. He stated he would review the wording and make any necessary changes.

Mr. Harshaw stated he did not see anything about the lease subsidy grant for offices.

Mr. Jeffries stated that offices would no longer be eligible. He stated that when the grant program started in 2009 staff had worked with the DBA Restructuring Committee and wanted to assist building owners in getting offices rented. Since that time there was such a reduced amount of funds for the new fiscal year that staff wanted to focus on retail and restaurants.

### **Board Action**

The motion was approved unanimously (9-0).

## **7. Land Development Code Rewrite**

Mr. Jeffries stated that there were 3 modules to the Land Development Code rewrite and the proposal before the Board was the first draft of the second module which included zoning districts and permitted uses. He stated that Module 3 would deal with the architectural design guidelines. Throughout the process the Board would have an opportunity to look back at the different modules because they all were dependent on each other. He stated that Clarion, the consultants working on the rewrite, would be holding a public hearing on September 27<sup>th</sup> at 6:00 p.m. and any comments of the Board would be given to Clarion. He stated Article 2, dealt with Board Duties, Article 3 dealt with review process, Article 4 dealt with development standards in zoning districts and Article 5 dealt with permitted and conditional uses in zoning districts and hopefully the end result would be a more user friendly document. Mr. Jeffries reviewed Article 2, Duties of the Board and stated that it basically clarified the Board's duties. He stated that there were specific criteria that made it difficult to get board members for the South Atlantic and Ballough Road boards. He stated that the Redevelopment Board would review major site plans for new construction and clarification had been made on the process for Board review of certain items. He stated that Article 3 had a chart that laid out the review process. Currently the Board did not review text amendments but there were instances when staff did bring them before the Board.

Mr. Smith stated that if there was a text amendment specific to a redevelopment board he would want to review it.

Mr. Abraham agreed.

Mr. Jeffries stated that map amendments and historic overlays relating to redevelopment areas remained the same. He reviewed the procedure with special use permits that the Board reviewed and made a recommendation to the Planning Board and stated that article remained the same. He stated that he Board was not

involved in the public use process but they would wait to see how the entire Code would come together before making a decision. He stated that they had differentiated between major site plans and minor site plans and the Board would remain the final vote on major site plans and minor site plans would be reviewed by staff. He stated that the Board did not have review of Certificates of Appropriateness, subdivisions or technical review to certain aspects of the Code. A change had been made the previously year regarding the site plan review and the appeal process would be carried through and could be appealed to the City Commission. He stated there was no appeal to staff decisions regarding design standards. He stated that in the past there had been an appeal process where an applicant who did not agree with staff could appeal to the Board. In the current Land Development Code, that appeal process was in Article 18 and not in the review process but he thought it was a good idea for the applicant to have an opportunity to appeal to the Board.

It was the consensus of the Board to keep the appeal process for a staff decision.

Mr. Jeffries stated that Module 2, Article 4 page 486 dealt with redevelopment zoning districts and stated that the Downtown currently had 4 redevelopment zoning districts specific to Downtown. He stated that RDD-1 was for Beach Street retail and kept the purpose of Beach Street as retail and restaurants on the first floor with offices on the upper floors. He stated that RDD-2 was the Central Business District which was the remainder of the core of Downtown along Palmetto Avenue with a mix of offices, multifamily residential and institutional uses. The RDD-3 was similar to RDD-2 but was more along Ridgewood Avenue with tourist accommodations and auto dependent uses such as Burger King with a drive through. He stated that RDD-4 was mostly on the north end of Beach Street but when the condominium project came in it eliminated almost all of RDD-4. He stated that the proposal was to carry through RDD-1 through RDD-3 zoning district with a few tweaks. He stated that the 4 existing zoning districts did not cover the entire redevelopment area and there were still areas that had a tourist zoning district such as Ridgewood Avenue south of Orange Avenue and north of MMB as well as other areas that dated back to the 60's. He recommended that all of the Downtown be updated with redevelopment zoning districts. He stated that RDD-4 would be transitional Riverfront mixed use. RDD-5 would be the Ridgewood Avenue corridor mixed use. RDD-6 would be single family residential, including Old Daytona and RDD-7 the local business district that would replace the current zoning along the Railroad. That process would be for zoning map amendments once the new Code was adopted. He presented a map showing how the zoning would look with the new Downtown zoning.

Mr. Jeffries asked the Board to let him know if they saw any conflicts and he would take it up with Clarion.

Mr. Koenig asked what Mr. Jeffries would do with Board comments.

Mr. Jeffries stated that he had created a list of comments that would go into a master list then be forwarded to Clarion. If the Board had concerns in the proposed draft they could let him know and they would be addressed prior to the formal approval.

Mr. Smith asked if changes came from the Visioning Report.

Mr. Jeffries stated yes, the Code rewrite was to make it clearer.

Mr. Goodemote stated that RDD-7 was on the map but standards were not included.

Mr. Jeffries stated that was on his list for clarification. He stated the pages for the Board to focus on were pages 486 – 496 and 497 would have information for RDD-7 and those pages would cover development standards for redevelopment areas. Article 5 would be the corresponding permitted and conditional uses for those zoning districts starting on page 514 through page 524.

Mr. Weidman stated it looked like Fairview Avenue was going to be all residential and half of the properties on that street were commercial uses.

Mr. Jeffries stated that the boundaries were not final and staff was questioning whether or not to carry residential to Fairview Avenue or extend the Ridgewood Avenue mixed use zoning to Fairview Avenue and apply standards that applied to the east side of Ridgewood Avenue to the south side of Fairview Avenue and permit what was permitted in RDD-6.

Mr. Weidman asked if it became residential only if offices would be processed as an exception.

Mr. Jeffries stated that it would be whatever was in RDD-6.

Ms. Lathan stated that non-conforming uses could continue.

Mr. Jeffries stated that legal non-conforming uses would continue but illegal non-conforming uses could continue but if it went vacant for 3 months and someone wanted to put in an office, they would not be able to. He stated that staff needed feedback from the Board on the Fairview Avenue corridor and whether to zone it single family or mixed use on the south side.

It was the consensus of the Board to have mixed use on the south side of Fairview Avenue.

Mr. Jeffries stated that RDD-6 would be single family and would protect the Old Daytona neighborhood. He stated that three or four years ago the area was rezoned from RP to R-1 (single family) at the request of the neighborhood.

Mr. Smith asked that before the next meeting the Board review the proposed sections and bring back any questions or concerns at the October meeting.

Mr. Jeffries stated he would have the item on the agenda for further review and would share specific redevelopment comments.

Mr. Smith asked if the Board's comments would be shared only with staff or if they would go to the Planning Board.

Mr. Jeffries stated no, public hearings were being held but not with the full Planning Board, but only with a sub-committee who was having meetings with Clarion. He stated the feedback from those public meetings was incorporated with staff comments then forwarded to Clarion.

Mr. Berger stated that the Board was encouraged to attend the public meeting with Clarion on September 27<sup>th</sup> at 6:00 p.m.

#### **8. Public Comments**

Mr. John Nicholson, 413 N. Grandview Avenue, asked the Board to consider maintenance on the City Island Park. He stated that the rusted benches that were previously on Main Street were now Downtown on City Island. He also stated that the water fountains were broken and bathrooms had rusted iron doors. Big trucks were cracking the sidewalks, and he recommended painting the bathrooms a dynamic color.

Commissioner Edith Shelley noted that Mr. Berger and Mr. Jeffries would be attending the International Shopping Center Conference in Kissimmee on August 15.

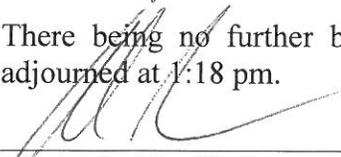
#### **9. Board Comments**

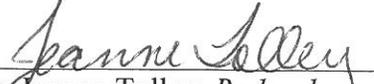
Mr. Harshaw noted that his address had changed. He asked if the City had looked into acquiring the old pet shop building behind the Beach Street buildings and possibly converting it to parking. He asked when the Harley museum would open.

Mr. Smith stated that he thought it would be opening in October.

10. **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 1:18 pm.

  
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Mr. Al Smith, *Chairman*

  
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Ms. Jeanne Tolley, *Redevelopment Technician*