

**MIDTOWN REDEVELOPMENT AREA BOARD
MINUTES
Tuesday, March 13, 2012**

A meeting of the Midtown Redevelopment Area Board was held Tuesday, March 13, 2012, at 6 PM in the City Hall Commission Chambers at 301 S. Ridgewood Avenue, Daytona Beach, FL with the following present:

Board Members

Mr. Hemis Ivey, Jr., Chairman
Ms. Patricia Heard, Vice Chairman
Ms. Denise McMillon
Ms. Shirley Benjamin (entered 6:13 PM)
Mr. Ken McGee
Mr. Martin Tooley
Dr. Irma Jamison
Mr. Wilburn Williams
Ms. Margaret Symonette

Staff

Mr. Reed Berger, Redevelopment Director
Ms. Carrie Lathan, Assistant City Attorney
Mr. Charles Bryant, Project Manager
Ms. Dana Williams, Recording Secretary

1. Call to Order

Mr. Ivey called the meeting to order at 6:05 PM.

2. Roll Call

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

3. Invocation

Mr. Ivey gave the invocation.

4. Pledge of Allegiance to the Flag

Ms. Heard led the Pledge of Allegiance.

5. **Approval of Minutes of February 14, 2012 meeting**

McGee made a motion to approve the minutes of February 14, 2012. Mr. Tooley seconded the motion and it was approved unanimously (8-0).

6. **Staff Reports**

a) **Public Works Department**

Mr. McLemore was not in attendance.

7. **ACTION ITEM: DEV 2012-018, Prohibited Use in Midtown**

Mr. Bryant presented the staff report, a copy of which is hereto attached and made part of the record, and stated the amendment would prohibit carwashes; vehicular service, light and heavy; sales and rental of vehicles, heavy, light and recreational in the Midtown Redevelopment Area. He then provided an overview and stated the item had gone before the Planning Board in November 2011. The Planning Board requested additional research and have it brought back to them following completion of the Midtown Plan. He stated that when the item originally went before the Planning Board the only prohibited use was convenience stores, which was ultimately approved by the Planning Board and City Commission.

Mr. Bryant stated that the Midtown Plan has been completed and approved by the City Commission and CRA Board and that the items related to vehicle washes, sales and service as listed in the staff report had been added based on Board discussions. He presented a handout of businesses that would be considered non-conforming uses within the Midtown Area if the amendment was approved. He stated he had requested Code Enforcement and the Police Department provide updates of any violations at the nonconforming businesses. Staff's recommendation was to approve the item as presented and forward it to the Planning Board.

Mr. Ivey asked if the vehicle, light and heavy as well as sales and service needed to be more specific, citing the auto body paint store on ISB. He also pointed out the prohibited uses defined in the Master Plan would bring the plan more in line as a means of attracting investors to the area. He stated that by including the uses and any others the Board members may want to discuss, the Board would not have to correct or make additional amendments on the back end. He asked if the members would like to include any other use which is not conducive to the Master Plan.

Ms. Latham read the LDC definition of "light" and "heavy". She stated light uses included fueling and minor servicing of self-propelled vehicles such as would be provided at a gas station as well as nominal accessories; whereas heavy included all types of repair including body work, transmission repair and painting, etc..

Mr. Williams noted the definition did not include auto parts stores such as *Auto Zone*.

Ms. Lathan stated those would be considered retail sales and therefore would not be included.

Mr. Ivey asked if those types of stores could change location and move onto the main corridors of the Midtown area.

Ms. Lathan stated yes they could but if the Board did not want them to they could prevent it by listing auto supply stores as a prohibited use.

Dr. Jamison asked if resale stores were included as a prohibited use.

Mr. Bryant stated yes.

Dr. Jamison requested clarification regarding the auto supply stores.

Mr. Ivey explained the Master Plan was written to eliminate stores such as *NAPA* and *Auto Zone* from operating along the main corridors as a means of attracting larger developments.

Dr. Jamison pointed out those stores generated revenue in the area and along the main corridors and that if they were included as a prohibited use, she would vote against it.

Mr. McGee asked if the plan was to exclude all car washes or only from the major corridors. He stated he did not want to have to leave the area for a car wash or a vehicular service.

Mr. Ivey stated the existing services would be grandfathered in as a non-conforming use, but similar type businesses in the future would be prohibited. He stated the amendment would align with the Comprehensive Plan and automotive services, including dealerships that were on Nova Road and further out.

Mrs. McMillon stated she understood wanting to increase the tax base and bring economic development into the area, the City or a board should not say no to chain-type stores, such as *NAPA* and *Auto Zone*. She stated the area needed services for events occurring along the main corridors of Midtown such as ISB and Orange Avenue. She added to exclude them would be to send patrons to Holly Hill or other locations which she viewed as a disadvantage considering the amount of traffic in the Midtown area.

Mr. Ivey explained the grandfathering aspect, saying the existing businesses could continue to operate and make improvements to their property; although historically each had remained the same. He continued the amendment was not designed to stop those businesses but to bring in something new that would give Midtown a look similar to the rest of the City.

Mr. Williams stated he was concerned that he did not want people in the community prohibited from making a living by providing a simple service such as a car wash. He recommended increasing standards and aesthetics but stated prohibiting a certain use may solve one problem, but create another. He agreed that some businesses, and citing an example of operating as a car wash with merely a bucket, should not exist as they currently do but reiterated a solution may be to simply increase the standards for business.

Dr. Jamison stated she was not convinced retail auto parts should be included in the amendment, citing an example of preferring to do errands in one general location as opposed to running all over town. She then asked what would happen to those types of businesses if they were to relocate.

Mr. Ivey stated they would be grandfathered in as long as the retailer was in operation but if it closed in that location, another of the same type store would not be allowed; and hopefully the parcel would become part of a major development.

A brief discussion followed on compliance of the amendment with the Comprehensive Plan.

Mr. Tooley stated he thought the Board should try to set the agenda for the future and not be reactive as in the past. He also suggested looking at what was happening throughout the entire City and what affect that would have on the Midtown area. He stated the plan, as presented, was good for now but the Board should look into the future. He stated it could be used to set the stage but if the stage was not acted upon, it would not make a difference.

Mr. Ivey stated that the plan could work for both today and the future, saying the Comp Plan was projected out 10-50 years; and that what is being done now would lay the groundwork for the Plan.

Public Comments

Ms. Cathy Washington, 937 Lockhart Street, stated a great deal of work had gone into the Master Plan and was not just the zoning but all components together to make one. She understood the intention of the Board to restrict certain types of businesses, but continued that if Zone 6 was going to be made better, some things could have to be given up. She referred to planning as a "tough pill to swallow" but felt what was being proposed was a move in the right direction.

Ms. Symonette added the key was to have Code Enforcement enforce the code and cite violations accordingly.

Mr. Ivey agreed, but pointed out that if the Board did not make changes, the area would continue to look the same. He added there was not enough of a tax base to offer incentives to investors and developers and urged the members to consider how they wanted the main corridors to look in the future.

Mr. Williams asked if there was a method to put a cap on the number of business types.

Discussion followed on the topic of car washes operating from a bucket and the drainage issues involved with.

Mr. Bryant stated the business in question had a license and inspectors were addressing the drainage issues.

Board Action

Mr. Tooley made a motion to approve the staff recommendation for the following additions to the prohibited use list specific to the Midtown Redevelopment Area: Carwash, vehicular service (light and heavy), sales and rental of vehicles (heavy, light and recreational) and to include auto supply stores. Ms. Heard seconded the motion and it was approved 6-3 with Mrs. Benjamin, Dr. Jamison, and Ms. McMillon casting the negative votes.

Mr. Ivey asked Mr. Bryant to explain inclusion of the additional item to the Planning Board and how important it was to the Board. He also asked members of the Midtown Board to attend any meetings at the next level where an issue related to the Midtown Area would be discussed.

8. Discussion: Midtown Master Plan

Mr. Bryant presented the Midtown Master Plan (MMP) and asked for Board comments. He stated the Assisted Living Facility on Whitehall Street was incorrect in the plan.

Mr. McGee discussed several points which included being a pedestrian oriented community and the provision for wider sidewalks along ISB, MLK and other key streets. He also talked about the spatial relation of building placement to the sidewalks and cited an example of the Seaside community in NW Florida. He described a standard for porches across the front of residential properties and specific elevations above the finished grade. He stated the building height along the mid-block of ISB was 5 stories as compared to other locations allowing only 2-3 stories. He stated there were three universities within the mixed used designation of ISB and the area could be converted to all residential for students in the area as a means of changing the image. He stated the area was blighted and not the "way we want to present ourselves." Next he talked about parking and creation of a program to designate streets, create a multi-story garage, and reserve a certain number of parking spaces as a means of development incentive.

Mr. Williams asked for consideration of the needs of the elderly.

Mr. Bryant stated that it was not that Assisted Living and Skilled Nursing facilities were not wanted, but they were wanted to be relocated to other parts of the area.

Mr. Berger read from page 16 of the Master Plan, about a universal design and taking into account the needs and assets each generation brought.

Mr. McGee called the Master Plan “terrific” but suggested a provision for designating one person as the gatekeeper of the plan who was intricately familiar and could explain it thoroughly. He added the Board was working with a 20-25 year old plan but needed to see it with fresh eyes in order to ensure it was financially viable for investors.

Mr. Ivey agreed and added his compliments to Mr. Bryant, Mr. Berger and the previous Board members for their efforts. He stated the Board needed to remain focused and hopefully within 18 months, the plan could be implemented to include emerging technologies.

Mr. Berger asked for clarification to restore a sense of community and preservation of the area around the Thurman House and to embrace residential as opposed to a garden, assisted living facility or other urban renewal.

Mr. Ivey stated the area should be reserved for residential but with a higher standard such as inclusion of garages, porches and other design guidelines contained within the Master Plan that would complement the Thurman House.

Mr. McGee stated the lights at Nova Road and ISB were based on a streetscape that the Board did not approve. He added the sidewalks were 3’ wide with no concept of what was wanted for the area.

Mr. Ivey stated the Board had received misinformation and because the work was done with federal dollars, there was no public input or recommendation from the Board. He asked for contact information for any future projects.

Mr. Berger suggested the Board have Mr. McLemore attend the next meeting to provide a more complete explanation based on the plans he had requested on the project.

Ms. McMillon discussed several points. She talked about at the Pavilion most all errands could be completed within four blocks and that she would like to see a grocery store and a real drug store in the area before bringing in big retailers. She also stated the auto tint shop on Franklin Street that had not been in business in over three months but was now a car dealership and it had not been before the Board for approval. She stated that the consignment shop and Royals Beauty, an accessory shop, did not come before the Board. She referred to the car wash on Jesse Street which had people there day and night, the tax preparer next to Church’s, the location offering CNA licensing and a restaurant supply

store on MLK, which she referred to as the nastiest looking business in the Midtown Area. She stated the Board needed to be shown more respect and that those who occupied space needed to be held accountable. She stated there was a perception of the Board in the community and the infrastructure needed to be repaired prior to focusing on statues and gateways, adding the need to make things work properly before making them look pretty. She stated that with the Master Plan, she would like to be able to stay within the community for her needs and have the money stay within the community as well.

Mr. Ivey stated he was in the process of checking on each business Mc. McMillon mentioned and had talked to Mr. Berger and Mr. Bryant about them earlier in the week.

Ms. Benjamin stated she had previously brought up the problems with the restaurant supply store, and it should be reflected in previous minutes, but nothing had been done about it. She also felt the area between ISB and Orange Avenue looked terrible.

Mr. Bryant asked that Board members provide him with any issues of concern by email or cell phone and he would look into the matters. He stated he could not address what he did not know about it. He stated that he had contacted Code Enforcement about the issue at the laundromat.

Ms. McMillon commended Mr. Bryant for keeping the Board informed on many issues.

9. **Redevelopment Project Updates**

Mr. Bryant reminded the Board of the CRA Advisory Board workshop scheduled for Wednesday, March 28th from 5 – 8 PM at the Peninsula Club, 415 South Peninsula Drive. He stated this would be a workshop session on the Sunshine Law and other areas of Board responsibility. He informed the Board of the *Rise Above Traveling Exhibit* with the members of the original *Tuskegee Airmen* at the Daisy Stocking Park, March 20-22, 2012. He added the Board would be receiving a VIP invitation for the opening on Tuesday (3/20/12) and requested RSVP's once those invitations were received.

10. **Public Comments**

Mr. Pierre Lewis, 130 S. Franklin Street, commended the Board for including auto services in the prohibited uses of Midtown. He also discussed Assisted Living and Skilled Nursing Facilities and the need in those areas, many of which were income and demographic based. Mr. Lewis added that, as a grant writer, he would be curious to see the census tracks for grant proposals submitted for County or State money, particularly since many grants were awarded based on need in the area.

11. **Board Comments**

Ms. Symonette stated she too would like to make certain the grant applications were legitimate. She stated that code enforcement for the City was key.

Ms. McMillon asked what happened to the site(s) when proposed projects did not come to fruition, such as those sporting “coming soon” or “future home of. . .” signs. She also stated Midtown needed to become better looking because it was depressing.

Mr. Bryant stated he would check with Permits and Licensing on the time frame requirements regarding projects then have Code Enforcement remove the sign if time had expired.

Mr. Williams stated the need to reexamine the process of issuing permits, citing an example of a permit issued to a car wash that had no drainage.

Mr. Ivey responded all that would be tied in with the Master Plan as a process moving through application to redevelopment staff to the Board, etc. He stated there were loopholes, but that they had to let the process catch up.

Ms. Benjamin corrected an address she had previously given from 102 Adams Street to 120 Adams. She also asked about the possibility of assisting the owner of the old Johnson’s Service Center to clean up his place, saying he was trying but didn’t seem to have the ‘touch’.

Dr. Jamison asked for the specific dates for the planned Spring Clean Up in May so that she could recruit volunteers.

Mr. Bryant stated that event was being put on by the Volusia County Health Department and additional information would be forthcoming but he did not yet have the dates. He stated the clean up would include the Midtown Area.

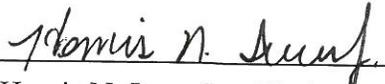
Mr. Tooley suggested the need to determine the timeframe the State and Federal governments used to allocate funds, pointing out the need for coordination with the schedule so that Midtown could be included in the allocation.

Ms. Heard, addressing one of Ms. McMillon’s concerns about unrealized projects, reported the vacant property on Bellevue Avenue which was to be a church had run out of money. She added the grass needed to be cut, and the sign was no longer there. She stated the *Rise Above Traveling Exhibit* was part of Buffalo International and that they were at 560 MM Bethune Blvd, Suite B if anyone wanted to visit. Ms. Heard stated that 105.3 FM would be locating at the former Pandora’s Box. She stated that with regard to the licensing issues discussed earlier, Mr. J’s Wash (258 S. MLK) had an RV there on weekends set up selling cards, balloons, and other retail items.

Mr. Ivey asked everyone to enjoy Bike Week and to be safe.

12. **Adjournment**

Having no further business to come before the Board, the meeting was adjourned at 8:25 PM.


Hemis N. Ivey, Jr., *Chairman*


D. Williams, *Recording Secretary*