

MINUTES  
REGULAR MEETING – PLANNING BOARD

March 22, 2012

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Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, March 22, 2012, at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

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Board members Present were as follows:

Jeff Hurt  
Bob Hoitsma  
Janet LeSage  
John McGuinness  
Louis Moore  
Cathy Washington  
Matthew Bohon

Absent Members:

Tracey Remark  
James Neal  
Kevin Fishback  
Shirley Benjamin

Staff members present:

Richard Walton, Planning Director  
Dennis Mrozek, Senior Planner  
Carrie Lathan, Assistant City Attorney  
Rose Askew, Planning Technician

1. **Call to Order**

Louis Moore, Chair called the meeting to order at 6:00 pm. He stated agenda item number six Land Development Code Text Amendment – Internet Cafés, DEV2012-023 was being continued to the April 26, 2012 Planning Board Meeting.

Mr. Walton stated the City Attorney had some issues with the request and she would not be in the office to discuss them until next week. He stated staff was requesting a continuance to allow additional time to address the City Attorney's issues and concerns.

Mr. Moore stated anyone present tonight to speak on agenda item number six, that would not be able to attend the April meeting, could speak tonight.

## ***03-22-12 Planning Board Meeting***

### **2. Roll Call**

Ms. Washington called the roll and noted members present as listed above.

### **3. Approval of the Minutes: February 23, 2012**

#### **Board Motion**

It was moved by Mr. Hoitsma to approve the February 23, 2012 Planning Board Meeting Minutes. Seconded by Mr. McGuinness.

#### **Board Action**

The motion was approved 7-to-0.

### **4. Land Development Code Text Amendment - Regulations Related to Site Restoration Fencing Requirements, DEV2011-108**

A request by the Development and Administrative Services Department, Redevelopment Division to amend Article 8 (Supplemental Performance Standards), Section 6.5 (Site Restoration) of the Land Development Code (LDC), pertaining to site restoration requirements for properties located east of Atlantic Avenue, specifically reviewing fencing requirements. *(Continued from the February 23, 2012 Planning Board Meeting)*

#### **Staff Presentation**

Reed Berger, Redevelopment Director, gave a PowerPoint presentation that included the request as written above and stated the request was continued from the February 23, 2012 Planning Board meeting to allow the Main Street/South Atlantic Redevelopment Area Board adequate review time. He stated the Redevelopment Board's primary interest was making sure the amendment included language regarding the coverage and stabilization of the natural vegetation and that staff was trying to remove fences that were in poor condition as opposed to repairing them. He went through the changes made since the February Planning Board Meeting, and clarified what was considered to be substantial coverage. Mr. Berger stated the Redevelopment Board wanted language that required least 70 percent of the site to be covered and that the reason for this language was to have a quantifiable number that could be used to determine coverage. He stated the Redevelopment Board also discussed in detail, depths of roots for the vegetation but could not come to a consensus because of the numerous types of vegetation. Mr. Berger stated the language regarding the appeal process had not been changed because the Redevelopment Board and staff felt the Planning Board was the best place for it. Mr. Berger addressed Mrs. Remark's concerns from the February meeting regarding fence construction. He stated the Redevelopment Board recommended fence construction be handled administratively by creating a one page provision that would define what was considered "workman like" fences and that they be built on-site.

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Mr. Hurt stated he agreed with what Mr. Berger presented and asked if the word “planted” in “e” should be removed because 80 percent of the lots were already covered with vegetation that grew naturally.

Ms. Lathan stated the word “planted” was being used in reference to exposed sand that was not covered. She stated if vegetation had already covered the sand, then it was not exposed sand. She stated if the language was a concern for the Board the language could be changed but she understood it to mean areas that were not covered. She asked Mr. Berger if he was ok with changing the language.

Mr. Berger replied he did not think it made a big difference but he was OK with taking out the word “planted” with the understanding that staff would make the determination whether or not the existing vegetation was stabilized. He stated what staff was trying to avoid was having to come back with an appeal.

Mr. Moore asked who would determine the 70 percent coverage.

Mr. Berger replied Redevelopment staff.

Ms. Lathan stated if the word “planted” is taken out of E then G will also need to be tweaked.

Mr. Hurt recommended the possibility of changing the language to read “planted or grown naturally”.

Ms. Washington stated Form 8B had been filed by Mr. Hurt due to his having part ownership in one of the properties involved and due to this conflict, he would not be able to vote. She asked if this would cause a quorum issue.

Ms. Lathan stated this was a text amendment which required a minimum of six affirmative votes to recommend approval to the City Commission. She stated without Mr. Hurt’s vote the remaining six Board members still meet the requirement but the vote would have to be 6-to-0 to recommend approval to the City Commission.

Mr. McGuinness asked for clarification on the revised language.

Ms. Lathan stated in her notes she had the revised language for E as “shall have native vegetation to cover the exposed sand surface” and for G she had “when the native vegetation or plantings have been in place ...”

Mr. Walton stated Mr. Berger had a list of acceptable vegetation that was published by the University of Florida. He stated the list was approximately three pages long and changed constantly.

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**Citizen Comments**

No citizen comments.

**Board Comments**

No additional Board comments.

**Board Motion**

It was moved by Ms. Washington, seconded by Mr. Bohon to approve Land Development Code Text Amendment - Regulations Related to Site Restoration Fencing Requirements, DEV2011-108 with the revised language to read as follows:

(e) “shall have native vegetation ~~planted~~ to cover the exposed sand surface ...”

(g) “When the native vegetation or plantings have been in place ...”

**Board Action**

The motion was approved 6-to-0. Mr. Hurt abstained from voting.

5. **Preliminary Plat - Daytona Automall III, Mercedes-Benz Dealership, DEV2012-020 (Quasi-Judicial Hearing)**

A request by Parker Mynchenberg, P.E., R.L.A., on behalf of TT of Daytona Beach, LLC, to approve a preliminary plat for 12.41± acres of land located on North Tomoka Farms Road, for the development of a 34,850 square foot auto dealership facility.

**Staff Presentation**

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the general location, future land use, current zoning and the LDC, Article 4, Section 2.1 purpose for a preliminary plat. He stated no waivers were being requested and final plat approval only required City Commission Approval. He stated staff recommends approval and a majority vote of Board members present and voting was required to recommend approval to the City Commission.

Mr. Moore asked a question regarding changes being made to the access road.

Mr. Mrozek replied currently there was an easement access on the property and the new plat would move it further south on the property in addition to other improvements. He stated he would allow the applicant to further address the question.

**Applicant Presentation**

Parker Mynchenberg, 1729 Ridgewood Avenue stated the request was for the Mercedes Dealership that was being added to the Automall. He stated they had already relocated the Automall access to the south on two previous occasions and that there was one way in at the north end and one way out at the south end. As dealerships are added they close the existing exit at the south end and move it further south. He stated they were adding a couple of acres that were not platted and that they would be on the agenda for the April meeting with the site plan for the project.

**Citizen Comments**

No citizen comments.

**Board Comments**

Mr. Hurt stated this was a good project and that it would bring permanent jobs to the City.

**Board Motion**

It was moved by Mr. Hurt to approve Preliminary Plat - Daytona Automall III, Mercedes-Benz Dealership, DEV2012-020. Seconded by Mr. McGuinness.

**Board Action**

The motion was approved 7-to-0.

6. **Land Development Code Text Amendment – Internet Cafés, DEV2012-023**

A request by the Development and Administrative Services Department, Planning Division, to amend Article 1 (Purpose, Administration and Enforcement), Section 4.3 (District regulations and uses permitted) of the Land Development Code (LDC), to prohibit internet cafes, sweepstakes redemption centers, establishments using slot machines or slot machine like equipment, and other similar indoor entertainment and amusement activities throughout the City.

**Staff Presentation**

Dennis Mrozek, Senior Planner read the request as written above and stated staff was requesting to continue this item to the April 26, 2012 Planning Board Meeting.

**Citizen Comments**

No citizen comments.

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**Board Comments**

No Board comments.

**Board Motion**

It was moved by Mr. Hurt to continue Land Development Code Text Amendment – Internet Cafés, DEV2012-023 to the April 26, 2012 Planning Board Meeting. Seconded by Ms. Washington.

**Board Action**

The motion was approved 7-to-0.

7. **Other Business**

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

Ms. Washington stated the meeting was held on March 6, 2012 at 12:00 PM in the City Commission Chambers. The Board elected new officers as follows: Harold Goodemote, Chair and Al Smith, Jr., Vice Chair. The Board had discussion on dog parks and retail strategies for the downtown area. They approved a conditional use for Windy City Bar and Grill and received updates on redevelopment projects.

B. **Midtown Redevelopment Area Board Report**

No Report.

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

No Report.

D. **Public Comments**

No citizen comments.

E. **Staff Comments**

Mr. Walton stated Tarragona Shoppes would be on the April 26<sup>th</sup> Planning Board Agenda but as of today, staff had not received any of the revisions the applicant said he would be submitting. He stated today was the deadline for receipt of all documents for the April Planning Board Agenda, so based on that, and the City Commission outcome for the land use change, staff may be requesting another continuance to allow time to review the changes once they are received.

Mr. Moore asked what date the land use amendment would be on the City Commission Meeting Agenda.

Mr. Mrozek replied April 4<sup>th</sup>.

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Mr. Walton stated most of staff's data and recommendation for the Internet Café item on tonight's agenda came from data received from Orange County. He stated the Legislature had several bills this year, none of which made it out and he thinks the Legislature will be coming back for the final session to work on the budget and a few other things. He stated staff may request a continuance until a decision is made by the State. He stated other counties are approving Internet Cafés with restrictions subject to what the State outcome is. Mr. Walton stated if the request is changes, it may require different advertising so staff will continue to monitor and update the Board at the April meeting.

F. **Board Member Comments**

No Board comments.

**Adjournment**

There being no further actions to come before the board, the meeting was adjourned at 6:28 pm.



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LOUIS MOORE  
Chair

ATTEST:



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CATHY WASHINGTON  
Secretary