

**DOWNTOWN-BALLOUGH ROAD
REDEVELOPMENT AREA BOARD
MINUTES
Tuesday, May 1, 2012**

A meeting of the Downtown-Balough Road Redevelopment Area Board was held Tuesday, May 1, 2012, at 12 PM in Commission Chambers of 301 S. Ridgewood Avenue, Daytona Beach, FL. The following people were present:

Board Members

Mr. Harold Goodemote, Chair
Mr. Al Smith, Jr.
Mr. Robert Abraham
Mr. Dan Harshaw
Mr. Bob Johnson
Ms. Tammy Kozinski
Mr. Larry Robinson
Ms. Cathy Washington
Mr. Scott Weidman

Staff Members Present

Mr. Reed Berger, Redevelopment Director
Mr. Jason Jeffries, Redevelopment Project Manager
Ms. Carrie Lathan, Assistant City Attorney
Ms. Jeanne Tolley, Redevelopment Technician

1. Call to Order

Mr. Goodemote called the meeting to order at 12:10 PM.

2. Roll Call

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

3. Approval of the Minutes: April 3, 2010

Mr. Johnson made a motion to approve the minutes of April 3, 2012. Mr. Harshaw seconded the motion and it was approved unanimously (9-0).

4. DEV2011-010, Site Plan, Renaissance Place

Mr. Jeffries stated that the RPUD conceptual plan was presented at the previous meeting as a Conceptual Plan and was before the Board for full site plan review. He outlined the process for review explaining the first step was concept review by staff and the Redevelopment Board, and then the project was presented to the

Redevelopment Board for full review with a recommendation to the Planning Board and the final decision made by the City Commission. He stated the location of the proposed project was the former Beach Street Condo project in the rear portion of the property which was previously considered for stormwater. The front part of the property, which was the next item on the agenda, was proposed to be rezoned to RDD-3. The only outstanding issue was the use for the property as an Assisted Living Facility which was not permitted. He stated the use could be allowed by planned development with ultimate approval by the City Commission. He presented the site plan and architectural, a copy of which is hereto attached and made part of the record.

Mr. Rob Merrell, representing 400 Beach Street Acquisition, LLC, stated he was available to answer any questions. He stated the project was reviewed in detail at concept plan review. He stated there would not be any type of medical treatment, mental health treatment, or drug/alcohol treatment at this facility. He stated there were statutory limitations and the uses would be outlined in the PUD.

Ms. Washington stated even though the structure would be located on the back of the property, she felt it was bland.

Mr. Merrell stated that the site would be heavily landscaped. He stated that the developer was trying to develop a use that would fit with other projects being developed Downtown and felt the project would be a good transition.

Mr. Harshaw asked about a duplex on the property and if it would remain.

Mr. Merrell stated a separate multi-family site plan could come forward for that portion of the property and the ALF would not be on that portion of the property.

Mr. Harshaw stated that this facility would be required to be open 24 hours per day and everyone living there would be relying on the building to support them.

Mr. Merrell stated that the facility would have people living and sharing their meals together but it was not a medical facility. He stated that Mr. Jeffries comments regarding statutory limitations were a result of the LDC, and it would be addressed in the Clarion rewrite. He stated the code was written 15 years before and the statute had changed. He stated the developer was asking for the least intensive use.

Ms. Lathan stated that she and Mr. Merrell disagreed on the statutory interpretation.

Mr. Harshaw asked about the facility on U. S. 1 near the church and if it was the same type of facility or if those apartments had kitchens.

Ms. Kozinski stated that it was still an ALF and her concern was if the City let it be built, what the guarantee was that there would not be drug rehab or other undesirable developments in the area.

Mr. Merrell stated that the proposal was a PUD and would be the same if there was a development in another part of the City. To allow other uses, the PUD would have to be amended by the City Commission. The PUD would become the zoning on the property and would clearly state what was permitted on the property. If the PUD agreement was violated, it was a violation of the zoning code and would be subject to code enforcement action.

Mr. Weidman asked if the ALF would be developed by the property owner.

Mr. Merrell stated he did not know. He stated there had been discussions with others who had developed ALFs and they may partner with the property owners.

Mr. Weidman stated that he was concerned if another developer came in, he may completely revamp the architecture.

Mr. Merrell stated that they would have to come back to the Board with a site plan. He stated the request before the Board was for approval of the rezoning and approval of the site plan showing the landscaping, parking, and footprint of the building.

Mr. Smith asked for Mr. Berger to address some of the issues that had been presented.

Mr. Berger stated that the building met design standards.

Mr. Jeffries stated that what was presented was basically the same as was previously presented.

Mr. Berger asked if there was something that he felt needed to be added.

Mr. Smith stated he thought it was a very plain looking building.

Mr. Merrell stated that what was presented was only the building with no landscaping. He stated the project would be landscaped and asked if the Board had any suggestions for improvements.

Mr. Smith stated there were ways to break up the roof line to make it stand out more.

Mr. Merrell stated there were different shapes in the roof line.

Mr. Robinson stated that he felt the building was generic looking and looked like a barracks. He stated more could be done with the entranceway and he felt it was not anything real impressive.

Mr. Smith stated that he did not want to end up on a slippery slope and asked that staff speak to that.

Ms. Lathan stated that it was a PUD and could be defined with a lot of detail which someone later could argue.

Mr. Smith asked if it was setting a precedent.

Mr. Merrell stated the idea of one PUD setting precedent over another would be a different case which was what he and Ms. Lathan disagreed on.

Ms. Lathan stated a PUD operated under a specific set of circumstances and she was concerned about what the Board would think in the future.

Mr. Merrell stated there was no more vacant land Downtown so there would be no more new construction in the future.

Mr. Berger stated the definition of ALF had changed and staff was concerned about definitions so a PUD was the way to handle it and it would be very specific. He stated he felt it was the right location but did not think he wanted to see a proliferation of elderly housing throughout the area. He stated they needed to accommodate where it made sense and architectural concerns could be addressed. He stated residents would be able-bodied people who could get out and shop and it would be a taxable project. He stated the challenge would be what was developed on Beach Street on the river but he was comfortable with the proposed project.

Mr. Goodemote stated that if the proposal was on Beach Street, there would be a different discussion but he thought it would work well.

Ms. Washington stated she was concerned about the architecture. Since they did not know when the project on the front of the property would be developed, she was concerned about the visibility of the proposed development. Also she was concerned about the metal roof proposed for the project.

Mr. Merrell stated that the metal roof was expensive and they were being used more frequently. He stated the architecture tied into the old Florida style architecture in the neighborhood to the west. He stated that the view from Beach Street would be nice.

Mr. Berger stated that there would be land from Beach Street to look through and buildings blocking it from the north.

Mr. Abraham asked if they were dealing with the site plan first or zoning approval.

Mr. Jeffries stated they were combined and Item 4 was for site plan and rezoning.

Board Motion

Mr. Abraham made a motion to recommend approval of the site plan and rezoning to the Planning Board. Mr. Smith seconded the motion

Mr. John Nicholson, 413 N. Grandview Avenue, stated that the building would be prominent. He stated that he did not like the garage entrance into the building but all in all, he said he thought it was a good project.

Mr. Harshaw asked how they could determine if it would be an upscale project since they did not know who would be living there and if it would be primarily social security based income.

Ms. Lathan stated the Board packet included a response from Mr. Merrell regarding comments by staff. She stated they could insure amenities were very nice but there would not be high-class clientele if there were no amenities.

Mr. Merrell stated that he had to be careful how he addressed what was asked. He stated someone might ask him if he could do a nice pawn shop Downtown and the answer would be yes. The question was how far he could go to tell the pawn shop owner what was classy and what was not.

Mr. Berger stated the elderly did not get out on their own however visitors and families took them out. He stated residents did not eat in the cafeteria every day and when they went out, they would take 2 or 3 other people with them, which would be an advantage for area businesses.

Board Action

The motion was approved unanimously (9-0).

5. DEV2011-099, Zoning Map Amendment, Beach Street Condos

Mr. Jeffries stated the rezoning was for the remainder of property to RDD-3. One issue had been identified by staff on Page 3 regarding permitted uses as were outlined in the staff report. He stated the rezoning would allow drive-up windows only at restaurants. Staff recommended approval of the zoning map amendment, subject to the addition of allowing only drive-up windows.

Mr. Goodemote asked about the proposed map amendment to allow drive-up windows.

Mr. Jeffries stated that without the text change, fast food restaurants could be allowed on Beach Street.

Mr. Merrell stated he had spent a great deal of time coming up with a general zoning category for the property since they did not have a proposed project. He did not know about the fast food issue but he had no intention of putting a fast food restaurant on the property. He will have to bring a site plan back for review and approval on the property. He stated he did not want to take the possibility of a restaurant such as an Outback, with a window where a customer could walk up to pick up an order. Restaurants with cars stacked up and drive through to pick up food would not be permitted but a walk-up window would be permitted. He did not want the idea of take-out prohibiting a quality restaurant being located on the site.

Mr. Goodemote noted that would be a walk-up window as opposed to a drive up window.

Ms. Lathan stated A-1 and A-2 restaurants were permitted uses in the use schedule in the LDC so that would need to be changed.

Mr. Merrell stated someone would have to park then walk to the window to pick up food.

Mr. Jeffries stated there was a conflict in the code and Clarion would correct it.

Mr. Merrell stated he wanted it to be clarified that walk-up windows would be permitted.

Ms. Lathan suggested voting on the next amendment then it would be omitted as a condition.

Mr. Harshaw stated that boat sales were listed as permitted uses on Beach Street and he did not think that was an appropriate permitted use for Beach Street.

Mr. Jeffries responded that if the property was rezoned, no vehicular use would be permitted including boat sales.

Mr. Harshaw asked about a church being placed on the property.

Mr. Jeffries stated that churches were permitted but he did not think the developer was pursuing a church on the property.

Mr. Merrell stated that the cost of the land would dictate what would be developed

Mr. Harshaw asked if they could have rules on what would front on Beach Street.

Mr. Merrell stated that there were legislative issues that could be addressed in the LDC.

Mr. Jeffries stated that a lot of the conflicts would be resolved with the Clarion rewrite.

Mr. John Nicholson, 413 N. Grandview Avenue, suggested a stipulation of 150 seats or less would help address the problem. He stated that he would like to see a nice upscale restaurant across from the Chart House. He was concerned the restriction may fall into other areas.

Mr. Jeffries stated that the rezoning only affected that particular piece of property.

Mr. Robinson asked about lot coverage on page 3 of the Staff Report.

Mr. Jeffries stated that the report had a typo.

Mr. Berger stated that the intent was for high density.

Board Action

Mr. Abraham made a motion to approve staff's recommendation, subject to the text amendment. Mr. Robinson seconded the motion and it was approved unanimously (9-0).

6. LDC Text Amendments

A. DEV2012-044, Downtown Hotels

Mr. Jeffries stated the proposed text amendment was to allow hotels in the RDD-1 zoning category. He stated a developer had bought the old Beach Street Courtyard property and was considering a boutique hotel for the site. Currently, hotels were not permitted although Bob Gibbs had identified a hotel market for Downtown and staff felt it was appropriate for hotels to be allowed in the RDD-1 zoning district.

Mr. Goodemote asked if there was a limit to the number of rooms or height.

Mr. Jeffries stated the proposal was to convert 12 residential units to a hotel. He stated there was no clear definition of the number of rooms for a

boutique hotel but the amendment would allow for hotels, not motels or motor courts.

Mr. Harshaw asked if there was a restriction on time – daily, weekly.

Mr. Jeffries stated it could be daily or weekly.

Mr. Berger stated the developer wanted the option to rent for a day or week.

Mr. Harshaw stated that he was concerned about someone renting for 3 to 6 months.

Mr. Berger stated the economics was the motivator and shorter stays were better.

Board Action

Mr. Smith made a motion to approve the zoning for downtown hotels on Beach Street, as discussed. Ms. Kozinski seconded the motion and it was approved unanimously (9-0).

B. DEV2012-045, Dogs in Designated Outdoor Dining Areas

Mr. Jeffries stated the proposal to allow dogs in outside dining areas had been submitted to the City by a Beach Street business. He stated the State would allow the City to permit dogs at outdoor dining areas if the City had adopted it as part of their code. The Legal Department drafted the amendment in accordance with State requirements and if approved, there would be an application process in place available to any restaurant in the City.

Ms. Kozinski asked if the restaurant owner would have to pay for a permit.

Ms. Lathan stated there would be a minimal fee associated with the permit process.

Board Action

Mr. Abraham made a motion to approve the amendment to allow dogs in outdoor dining areas. Mr. Smith seconded the motion and it was approved unanimously (9-0).

C. DEV2012-046, Restaurants with Drive-Up Windows

Board Action

Mr. Smith made a motion to amend the code regarding drive-up windows. Ms. Washington seconded the motion.

Mr. Merrell asked that it be clarified that it would not restrict a walk-up window for take-out.

Mr. Jeffries stated that drive-up was an existing word in the code and there was not a problem in clarification.

Ms. Lathan stated that as long as the record was clear, the language could be clarified.

The motion was approved unanimously (9-0).

7. Board Priorities

Mr. Jeffries stated the Board had discussed priorities at the previous meeting and a report of the priorities was included in the packet. He stated there would be a focus on the old auto lots and how they would be developed. He stated staff would target specific developers to bring them to Downtown

Mr. Berger stated that banks were not lending for mixed use, such as apartment buildings and restaurants.

Mr. Smith asked if the commercial community had an understanding of what the Board was trying to do.

Mr. Jeffries stated that in the past he had made a presentation to the commercial realtors in Volusia County and he would see about meeting with them again.

Ms. Kozinski agreed that he should make a presentation to the realtors.

Mr. Berger stated that he met with realtors 2 months ago and would continue to find opportunities with the realtor community to educate them.

Mr. Smith stated that he had recently organized the Halifax Oyster Festival on Manatee Island and not having a roof on the stage was a problem. It would be better to have no stage as opposed to one with no roof but to put on a major production, there needed to be a roof.

Mr. Berger stated that should be added to the Riverfront Master Plan.

Mr. Smith said there was a 10 foot wide bridge used for all traffic going on and off the Island and trash had to be manually removed.

Mr. Jeffries referred to the report as contained in the packet. He stated property owners along Ballough Road had discussed the Root Canal Bridge and public parking. The bridge should be replaced to enhance future development and there was also a need for public parking in the area. The relocation of the Salvation Army was also key to redevelopment of area.

Mr. Johnson stated he talked with a property owner who owned two buildings and was considering putting them up for sale due to the lack of parking.

Mr. Jeffries stated parking should be a priority for Ballough Road since there was a need.

Mr. Harshaw asked about on street parking on both sides of the street.

Mr. Jeffries stated that when Caribbean Jacks was busy, parking was taken quickly.

Mr. Harshaw suggested diagonal parking on one side of the street.

Mr. Jeffries stated space was limited.

8. Redevelopment Project Updates

Mr. Jeffries provided an update on the Farmers' Market and stated Ms. Kelley would be submitting a grant on behalf of the DDA.

Mr. Jeffries stated a merchants meeting was scheduled for May 3, 2012, at 8:30 a.m. at Cinematique and they would be discussing the Riverfront Master Plan. He noted that 60% to 70% of customers that go to Beach Street identified with water. He stated the new website should be up soon.

9. Public Comments

Mr. John Nicholson, 413 Grandview Avenue, stated the boundaries for the Beach Street redevelopment area should be extended to Fairview Avenue.

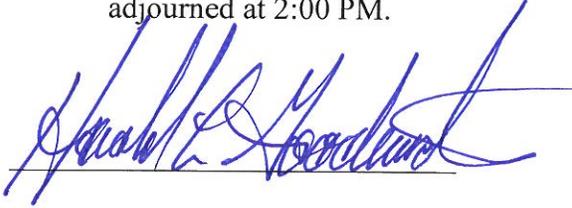
Mr. Tom Myers, 200 N. Beach Street, asked for assistance in helping to address the issues of the homeless in the area. He was concerned about the lack of respect shown by these individuals to customers and business owners

10. Board Comments

Mr. Smith reminded the Board of the auto show Friday and Saturday, May 4th and 5th.

11. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 2:00 PM.



Harold Goodemote, Chairman



Rebecca Groom, Recording Secretary