

MINUTES
REGULAR MEETING – PLANNING BOARD

November 15, 2012

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, November 15, 2012, at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board members Present were as follows:

Jeff Hurt
Tracey Remark
Bob Hoitsma
John McGuinness
Louis Moore
James Neal
Shirley Benjamin
Matthew Bohon
Tim Davis

Absent Members:

Cathy Washington
Janet LeSage

Staff members present:

Richard Walton, Planning Director
Thomas Weitnauer, Principal 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.

2. **Roll Call**

Mr. McGuinness called the roll and noted members present as listed above.

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Amended Agenda

Mr. Moore asked for a motion to approve the November 15, 2012 Amended Agenda adding addendum item No. 6, Preliminary Plat – Halifax Media, DEV2012-100.

Board Motion

It was moved by Mrs. Remark to approve the November 15, 2012 Planning Board Amended Agenda. Seconded by Mr. Davis.

Board Action

The motion was approved 9-to-0.

3. **Approval of the Minutes:** October 25, 2012

Board Motion

It was moved by Mrs. Remark to approve the October 25, 2012 Planning Board Meeting Minutes. Seconded by Mr. Hurt.

Board Action

The motion was approved 9-to-0.

4. **Semi-Public Use Permit – Museum of Arts and Sciences, DEV2012-123 (Quasi Judicial Hearing)**

A request by Robert A. Merrell III, Esquire, Cobb Cole, and Robert Ball, P.E., Zev Cohen & Associates, Inc., on behalf of Andrew Sandall, Executive Director, Museum of Arts and Sciences, to approve a resolution to expand an existing Semi-Public Use Permit by 31± acres of land located at 352 South Nova Road, to allow for museum uses similar to the current uses on the adjacent property.

Staff Presentation

Richard Walton, Planning Director gave a presentation that included the chronology and description of the proposed request. He stated the City previously owned the property where the new museum building was proposed to be constructed and that the applicant had received approvals from all parties involved to proceed with their request to expand the existing Semi-Public Use Permit. He stated the site plan for the proposed project would be presented at the December 20th Planning Board meeting and staff was recommending approval.

Mr. Moore asked what the deed restrictions were on the property.

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Mr. Walton replied there were some wetlands on the property and as part of the transfer of the property; they were part of the recording of the deeds. He stated the applicant would expound on the restrictions more but the most important thing was that the applicant's site plan was in compliance.

Mrs. Remark asked if the project met setback requirements.

Mr. Walton replied yes it did meet setback requirements.

Mr. McGuinness asked if this type of request usually included a final site plan.

Mr. Walton replied no and stated, semi-public use applications do not require final site plans to be included.

Mr. McGuinness asked if the Board had reviewed semi-public use requests in the past with conceptual site plans.

Mr. Walton stated he believed Lilian Place was processed the same way.

Applicant Presentation

Robert Merrell, 150 Magnolia Avenue, Daytona Beach introduced his team that was present to address any questions the Board may have. He stated Mr. Walton covered most of the information in his presentation but one of the special aspects of the project was that it was a partnership with the City and Volusia County. He stated the County Council unanimously recommended approval of the project and the City has deeded the property over to his client for the purpose of building the museum. He stated the project would allow the MOAS to come to the forefront for everyone to see and not just knowledgeable locals. Mr. Merrell stated the project would be processed in two phases, the semi-public use permit tonight and on December 20th they would be back before the Board with the details of the site plan. He addressed Mr. McGuinness' question regarding process. He stated this was the normal process and in fact when the project was presented to the Board last year, it had to be withdrawn until the situation with Volusia County was resolved. He stated at that time the plan that was presented was much simpler than what was being presented tonight. Mr. Merrell gave a little bit of history on how the owners, CiCi and Hyatt Brown acquired the art for the museum and encouraged Board members to go out and view the art that would be housed in the new museum. He showed drawings of the proposed facility and briefly discussed the uniqueness of the design and landscaping.

Mr. Hoitsma asked if the site for the proposed building was significantly higher than the original piece of land that caused concerns about flooding. He asked if the land would have to be built up to put the museum on it.

Mr. Merrell replied the site was in an area that was generally a low area of the City and there would be some fill associated with the building pad. He stated for the most part, the low areas were wetlands and in fact were protected. He stated the proposed site for the museum was on the uplands and he could have Bobby Ball come up to give more of a detailed answer to the question.

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Mr. Hoitsma stated it was such a shame when the current museum was flooded.

Bobby Ball, 300 Interchange Boulevard, Ormond Beach, Florida stated the piece of land where the building would go was actually the highest portion of the property but it was pretty low relative to the road, so they were going to bring approximately three to four feet of fill, which would make it approximately two feet above Nova Road.

Mr. Hoitsma stated so Nova Road would flood first.

Mr. Ball replied yes.

Mr. Merrell stated the site would be safe from a flood standpoint and stormwater ponds were being added and they were expanding the ones currently there.

Mr. Hoitsma stated he agreed with Mr. Merrell regarding the current site being hidden and he did not feel enough was being done to let tourist know about the museum. He stated the City should be very thankful for CiCi and Hyatt Brown.

Mr. Moore thanked CiCi and Hyatt Brown for their contributions to the City and for giving back to the community. He briefly talked about the exhibit and stated he felt the new museum would help attract visitors to Daytona Beach.

Mrs. Remark stated she believed it was great when people made the kind of effort the Browns had made to give back to their community. She stated she also agreed that the museum was overlooked and felt this project would help make it well known.

Citizen Comments

No citizen comments.

Board Comments

No additional Board comments.

Board Motion

It was moved by Mr. Hurt to approve Semi-Public Use Permit – Museum of Arts and Sciences, DEV2012-123. Seconded by Mrs. Remark.

Board Action

The motion was approved 9-to-0.

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Addendum item taken here.

6. **Preliminary Plat – Halifax Media, DEV2012-100 (Quasi-Judicial hearing)**

A request by Jerry Finley, P.E., on behalf the property owners shown below, for approval of a Preliminary Plat for 25.66± acres of land located at 1200 North Nova Road, Daytona Beach, Florida:

6th (Daytona), LLC
Huntsville Investors, LLC
LAF Brothers Properties, LLC
As tenants in common, with
Stephen L. LaFrance, Jr., Authorized
Manager
c/o Friday, Eldredge & Clark
400 West Capitol Avenue, Suite 2000
Little Rock Ark. 72201
Signing for all three entities and

RPS news journal building, LLC, a Florida
Limited Liability Company
By: HALIFAX MEDIA HOLDINGS
LLC,
a Delaware Limited Liability
Company, its Manager
By: Michael Redding, Manager

Staff Presentation

Richard Walton, Planning Director gave a presentation that included the request as written and stated the property was generally owned by the News-Journal and that it was unique because some of the plat was located in Daytona Beach and some was located within the City of Holly Hill. He stated approximately two years ago Jerry Finley approached the City regarding a land use amendment being requested in the City of Holly Hill that would make all of the land uses uniform. He stated his understanding was that the City of Holly Hill would like The City of Daytona Beach to review and approve our portion based on our LDC and they would do the same thing with the portion in their city. He stated the final plat would come forward as soon as the preliminary plat was approved. He stated the applicant would like to have a presence off of Nova Road and that they had some parcels that could be redeveloped. He stated the request was in compliance with LDC requirements and staff was recommending approval.

Mr. Moore stated he noticed that the City of Holly Hill would provide water and sewer services and that nine lots were being put into four parcels.

Mr. Walton replied yes, there were a lot of small parcels that were being reconfigured to make them more usable and they were within the City of Holly Hill's water and sewer area.

Applicant Presentation

Jerry Finley, 5531 South Ridgewood Avenue, Port Orange, Florida stated the eastern and southwestern portions of the property are located in Holly Hill. He stated the City of Holly Hill had already approved the future land use amendment for the southwest parcels but they did not like changing the land use on the eastern portion of the property but they recognized that the News-Journal print plant had already been using the property with the current land use

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so they decided to keep the property with the land use it currently had. Mr. Finley stated they were now into the subdivision platting phase. He stated the large lot would continue to be the site for the News-Journal Print Plant. He stated an entry way would be developed off of Nova Road that would also serve the other lots as a private road/access way to a large corner lot that they would like to build an office building on in the future. He stated the lots have been reconfigured so they will have two buildings within the City of Holly Hill and two buildings within the City of Daytona Beach. Parking for all four buildings will be located in Daytona Beach. He stated the owners of the News-Journal are ready to proceed with pad-ready lots for someone to build on.

Mrs. Remark asked who owned the large stormwater pond on the property.

Mr. Finley stated the retention pond was owned by Florida Department of Transportation that was built when Nova Road was developed into four lanes. He stated north of the pond is a large wooded area that would retain a 50 foot buffer in front. He stated they had received approval from St. Johns River Water Management District and the Army Corps of Engineers to fill in a small wetland area. He stated it was a little pocket of land that was not connected to anything and they were also developing a master stormwater system that would serve the print plant and the other four lots.

Citizen Comments

John Nicholson, 413 North Grandview Avenue, Daytona Beach asked for clarification on where the buildings would be placed.

Mrs. Remark replied the two larger buildings and parking would be in Daytona Beach and the two smaller buildings would be in Holly Hill.

Board Comments

No Board comments.

Board Motion

It was moved by Mr. Hurt to approve Preliminary Plat – Halifax Media, DEV2012-100. Seconded by Mrs. Remark.

Board Action

The motion was approved 9-to-0.

5. **Other Business**

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

No report.

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B. Midtown Redevelopment Area Board Report

Ms. Benjamin stated the Board met on November 13, 2012 at 6:00 PM in City Commission Meeting Chambers. The Board received their monthly reports from staff and Code Enforcement. She stated the Board approved an amendment to the Midtown Redevelopment Plan and there was discussion on the Light Up Midtown events that will be held during the month of December. She stated there will be a health fair on December 1st, Christmas Parade on December 8th, Step Show on December 15th and Midtown Community Day on December 22nd. Ms. Benjamin stated on Wednesday, October 31st PMG Associates, Inc., Planning and Redevelopment Consultants, Inc., held interviews with Midtown stakeholders and on November 1st, they facilitated a Board workshop. She stated she was not present at the workshop but was told everything went well and that more reports on the results of the Midtown study would be forthcoming.

C. Main Street/South Atlantic Redevelopment Area Board Report

Mrs. Remark stated the Board met on November 14, 2012 at 6:00 PM in Conference Room 149B. She stated the Board made a recommendation to the Board of Adjustment (BOA) for approval of a variance to allow twenty eight parking spaces in lieu of the required 90 parking spaces for property located at 115 Main Street. She stated the recommendation for approval included the following conditions:

1. No live dancers.
2. Condition regarding outdoor music.
3. Only special vending allowed would be for the restaurant under a TPA, which limits the size.

She stated the item is scheduled to go before the BOA at their December meeting. Mrs. Remark stated the Board also discussed Special Events and recommended some changes to the Master Plan Guidelines in the Main Street Redevelopment Area to bring the plan in line with the E-Zone requirements.

D. Public Comments

No public comments.

E. Staff Comments

Mr. Walton gave an update on the status of Mr. Mrozek.

F. Board Member Comments

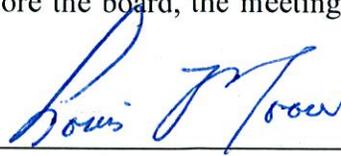
Mr. Hurt wished everyone a Happy Thanksgiving.

Mr. Moore reminded Board members that due to the Christmas holiday, next month's meeting was scheduled for December 20th (third Thursday of the month). He wished everyone a Happy Thanksgiving.

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Adjournment

There being no further actions to come before the board, the meeting was adjourned at 6:35 PM.



LOUIS MOORE
Chair

ATTEST:



JOHN MCGUINNESS
Acting Secretary