

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

Tuesday, January 8, 2013

A meeting of the Downtown/Balough Road Redevelopment Area Board was held Tuesday, January 8, 2013, at 12:00 p.m. in the Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

Board Members

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

Board Members Absent

Mr. Daniel Harshaw

Staff Members Present

Mr. Reed Berger, Redevelopment Director
Mr. Jason Jeffries, Redevelopment Project Manager
Ms. Carrie Lathan, Assistant City Attorney
Ms. Becky Groom, Recording Secretary

1. Call to Order

Mr. Goodemote called the meeting to order at 12:02 p.m.

2. Roll Call

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

3. Approval of Minutes: December 4, 2012

Mr. Abraham made a motion to approve the minutes of December 4, 2012. Ms. Kozinski seconded the motion and it was approved unanimously (8-0).

Mr. Goodemote stated that a correction needed to be made to Page 8 in the second paragraph. He stated that the streetscape on "Beach Street" would be great, and not Ballough Road as stated in the minutes.

4. DEV2012-122, Conditional Use, The Filling Station Restaurant

Mr. Jeffries stated that the request before the Board was a request for a site plan for 145 Orange Avenue. He stated the building had been vacant for more than 3 months which required a site plan approval. He stated that in addition, the applicant intended to add on to the building. Mr. Jeffries stated that there were two conditional use requests for the project. The first conditional use was for outdoor table service area and the second was for alcohol beverage service. Mr. Jeffries stated that two outdoor service areas were proposed, one in the front and one in the rear.

Mr. Jeffries stated the site was previously an auto repair service station and the applicant proposed a 676 foot addition to the building. He stated that the building required a Certificate of Appropriateness since it was located within the South Beach Historic District. Included in the packet was the report to the Historic Preservation Board prepared by the Planning Staff.

Mr. Jeffries stated the proposed project was located across from City Hall at the corner of South Palmetto Avenue and Orange Avenue on an L-shaped parcel and portions of the building extended behind the Masonic Lodge. He stated the building was a contributing structure in the Historic district with the existing building centrally located in the center of the parcel with the parking lot to the front. The applicant proposed to make the front porch into a plaza with a front porch service area and a landscape plan had been provided to the Board. He stated the applicant proposed to add on to the rear of the building for an outdoor table service area in the rear and the table lay out and bar lay out for the restaurant were included in the packet.

Mr. Jeffries stated that the proposed addition on the front met the guidelines by the Historic Preservation Board and was given a Certificate of Appropriateness.

Mr. Jeffries stated that in order to obtain the alcohol beverage permit, a full service kitchen must be provided, which was included in the plans. He stated that the service requirements for the kitchen were that the kitchen must remain open up to one hour before closing, with 75% of the customer service area for seating, which was outlined on the plan, and the sale of alcohol beverages may not occur after midnight during week days and 2:00 a.m. on Friday and Saturday nights. Mr. Jeffries stated that live entertainment must cease by 10:00 p.m. Sunday through Thursday and must cease by midnight on Friday and Saturday.

Mr. Jeffries stated that there was a letter from Alex Bounds included in the packet who was an adjacent property owner outlining his concerns about the project. He

stated that a letter had been distributed from Donald Ferrarone that was received that day regarding concerns about the proposed project. Mr. Jeffries stated that many of the concerns related to the Nicely Bar which had a 2COP license. He stated that concerns about the Nicely Bar prompted the City staff to revise the alcohol service regulations but the Nicely Bar was grandfathered in under the old provisions. Mr. Jeffries stated that the proposed site would have to comply with the new provisions in terms of operating where alcohol beverage sales and entertainment were limited.

Mr. Jeffries stated that there are three provisions that must be met for the outdoor service area. The provisions were:

1. Screening from residential use. Mr. Jeffries stated there was a fence along the south side of the L-flag of the property.
2. The perimeter of the use must be defined, which has been done.
3. The entire service area must incorporate landscaping or textured treatment. Mr. Jeffries stated there was textured treatment to the area in the front, decking proposed in the back, and a landscape plan. He stated that the staff report noted the landscape plan had not been received but since the report was prepared, the plan has been submitted. He stated that the landscape plan would be reviewed by Staff.

Mr. Jeffries stated that the outstanding issues that remained were the flood zone, the landscaping plan which had been received since the staff report was prepared, and the outstanding utility issues, which included the identification of grease traps, back flow preventer, and manhole inspections.

Mr. Jeffries stated that the staff recommendation was subject to resolving the outstanding issues. He stated the Board could approve the project subject to the issues being resolved by staff or the item could be continued until the items were addressed.

Mr. Goodemote stated that one of the outstanding items was landscaping, which had been addressed, and asked that Mr. Jeffries to discuss parking.

Mr. Jeffries stated that the project was in the RDD-2 zoning district and parking was not required. He stated that public parking on and off the street was provided in the area.

Applicant's Presentation

Mr. Stan Hoelle, 4 Osprey Way, Ormond Beach, representing the applicant, stated he would answer any questions the Board might have.

Mr. Goodemote asked about Phase 1 and Phase 2 of the project.

Mr. Hoelle stated that Phase 1 would be an addition for new restroom facilities and Phase 2 was the back area which would mainly be used for overflow during busy times. He stated that it was not anticipated that the rear area would be used on a daily basis. Mr. Hoelle stated the restaurant was proposed to be a franchise in the State of Florida and designed for locals featuring feature Florida foods and beverages.

Mr. Goodemote asked if the intent was to do Phase 2 immediately or sometime in the future.

Mr. Hoelle stated that it would be in the future, possibly 6 months or maybe never.

Mr. Goodemote asked if the restaurant would comply with the regulations without the seating in Phase 2.

Mr. Hoelle stated yes. He stated there were currently 200 seats. He stated Phase 2 would be for a portable bar area which would not be permanent.

Mr. Goodemote asked what was envisioned for the back area.

Mr. Hoelle stated there would be masonry walls to match what was currently on the building. He stated there would be a split ceiling with an exposed structure and paddle fans would be installed in the ceiling since it was an outdoor space and casual area. He stated there would be no dropped ceilings but would be an open structure.

Mr. Smith asked the square footage of the kitchen.

Mr. Heolle stated the coolers were separate and there was a storage space in between the kitchen area and the coolers with approximately 710 to 830 sq. ft. of space.

Mr. Smith stated that a lot of professional work had been done on the project but expressed concern that a hand-written menu was included in the packet. He stated that what was on the menu was bar food which he felt would not attract a lot of people.

Mr. John Eiffel Perras, 1620 S. Palmetto Avenue, South Daytona, spoke representing the Filling Station Grub & Pub. He stated the site would be the first one in the State of Florida and they would be selling products from the State of Florida. Mr. Perras stated it would be the first restaurant in the State of Florida to sell alligator ribs and the menu would be based on a Southern menu with fish, meat, and produce all from Florida. He stated that people had expressed placing a similar restaurant in Pensacola and Tallahassee.

Mr. Smith asked if Mr. Perras could provide a menu. He stated a menu was the crux of a restaurant and stated he had concerns when all that had been provided was a hand-written menu.

Mr. Weidman stated that he had concerns about parking since it was a somewhat residential area.

Mr. Hoelle stated that the apartments were down the street but there were businesses close by so it would blend with retail.

Mr. Weidman asked the seating capacity.

Mr. Hoelle stated 200.

Mr. Weidman stated that at capacity, 50 cars would be in the area and asked if parking was possible for that number.

Mr. Hoelle stated there would be a number of people walking to the area. He stated the purpose of the Downtown area was to have people walking.

Mr. Goodemote stated that the plans noted a stage area in the corner of the restaurant and asked if there would be live entertainment.

Mr. Hoelle stated the entertainment would be in the front and was planned to have background music for the restaurant.

Mr. Robinson asked if the addition in the rear would be the same height as the rest of the building.

Mr. Hoelle stated yes.

Mr. Hoelle stated that one of the questions that had been raised was about the flood plain. He stated the building was one foot below where it should be and they were reviewing a product to be used during storms and flash floods. He stated that everything inside would have a new floor so it would be flush indoors and outdoors.

Mr. Perras stated that he did not have a typewritten copy of the menu with him and stated the menu would be for a full-service meal.

Mr. Weidman asked Mr. Perras what made him select Downtown for the site of this restaurant.

Mr. Perras stated that the owner had been visiting Daytona Beach for about 15 years and had previously looked at the site. He stated that initially there were EPA concerns. Mr. Perras stated that the initial drawings for the building were

from 1914 and the interior of the restaurant would be designed around that period. He stated the restaurant had historical significance stating that the building was owned by Standard Oil. He stated Mr. Rockefeller had the gas station built for convenience for the construction that was being done at the Casements in Ormond Beach. Mr. Perras stated that any other franchised restaurant that was built in the State of Florida would have to have the filling station history. He stated the restaurant would not be a bar and entertainment would be on Friday and Saturday nights. Mr. Perras stated that he would propose not doing the addition at the rear for at least 2 years in order to prove to the neighbors that he can be a good neighbor. He stated the rear of the property would be for a fire exit and would also serve as a smoking area.

Mr. Johnson stated he did not see a good visual for the space at the rear of the property.

Mr. Hoelle stated that initially the plans were for a partial covering since the back area was dirt. He stated there were 3 big Oak trees that he would like to keep. He stated the service area would be primarily in the front.

Mr. Berger stated regarding Phase 2, there was a provision in the code that a site plan will expire. He suggested reviewing Phase 1 at this time and coming back with Phase 2 so there would be no distraction from the issues for Phase 1.

Mr. Hoelle stated he agreed with Mr. Berger's suggestion.

Ms. Washington asked how close the property was to the neighbor's property.

Mr. Hoelle stated the 6 foot fence was on the property line.

Ms. Kozinski stated that she liked the name but noted that on the front the project was referred to as The Filling Station Restaurant but in the back it was called the Filling Station Pub and Grub.

Mr. Perras stated that the official name that had been registered is The Filling Station Pub and Grub. He stated that the applicant initially did not want a liquor license and only planned on serving beer and wine because liquors were not made in the State of Florida. He stated the franchise was built around promoting the State of Florida and Florida products.

Mr. Abraham asked the Planning staff what the alternative would be if the proposed use was not approved

Mr. Berger stated that it would be a restaurant or coffee shop.

Mr. Jeffries stated that at one time, someone was interested in putting an art gallery on the property.

Mr. John King, 309 S. Palmetto Avenue, stated that he owned the building at that location which was an art gallery and studio. He stated that his issue was with the grass area at the rear of the property and he encouraged Board members to visit the site. He thought the project was inappropriate for the area since surrounding businesses were art galleries and law offices and was concerned about parking. He asked if a soil study had been done.

Mr. Perras stated the soil had been tested and the soil was clean.

Mr. King stated there was no access on either side and he thought the Fire Department would have concerns. He stated the area was residential and office uses and a retail use would be more appropriate.

Mr. Gordon Robertson stated his mother who was in attendance owned the property at 311 Palmetto Avenue which had a beauty salon on the first floor and two rental apartments on the second floor. He stated that the statement that was made that the fence had been up for a long time was incorrect. Mr. Robertson stated that he attempted to stop installation of the fence since he felt the fence blocked access for his tenants. He expressed concerns about noise and the lack of parking and opposed the project.

Mr. John Nicholson, 413 N. Grandview Avenue, stated he thought the site was ideal for a restaurant but he was concerned that the site would become a Biker bar. He stated that Main Street has 11 restaurants, 7 of which did not serve food and there should be a requirement that 51% of the sales would be for food. Mr. Nicholson stated that sound from a band would go across the street based on the way the building was constructed and noted that no one lives across the street from this site. Mr. Nicholson said parking is not an issue since most people would walk to the site during the day and in the evening parking would be available at City Hall. Mr. Nicholson asked that the Oak trees be preserved and the site was ideal for a courtyard. He stated he thought the proposed landscaping was too much and would not want to see the building covered up with the landscaping.

Ms. Edith Shelley, representing Legacy Estate Planners, 313 S. Palmetto Avenue, stated she thought the proposal was a good location for a restaurant but had concerns about the seating for 200 people. She stated she was concerned about the size of the kitchen to support the restaurant. Ms. Shelley stated that most of the seating was proposed for outside and the proposal was being presented as a restaurant when in actuality it was a bar that served food. Ms. Shelley stated that initially she was told that music would be outside and suggested that the Board may want to address the hours music played during the day. She asked Mr. Hoelle for clarification on Phase 2 and stated it was the first she heard that the outdoor area in the back would not be permanent. Ms. Shelley stated that the fence at the rear of the property had caused issues and she encouraged the Board

to proceed but not include Phase 2 in the request. Ms. Shelley stated that parking was an issue. She stated she would like to see a restaurant at the location where she could take clients and asked if it would be truly a restaurant or truly a bar. Ms. Shelley asked that the name be verified since there was a Filling Station already in Tallahassee and Orlando.

Mr. Smith stated that there was a bar close by that had caused a lot of problems for the neighbors and asked if Ms. Shelley thought it may have influenced the proposed project.

Ms. Shelley stated she did not think so. She stated she was concerned about what was planned for the Downtown and the Daytona Beach image and stated it could be a great spot in the City. She stated that she was concerned about the number of seats requested compared to the size of the kitchen.

Mr. Walter Foster, 315 S. Palmetto Avenue, stated he had a constant problem with trash and beer cans from the Nicely Bar. He asked what provisions were being made for trash removal at the proposed site since City garbage trucks would be unable to access the rear of the site. He expressed concerns about the number of seating in comparison with the size of the kitchen. Mr. Foster stated that the fence at the rear of the property was put up by the Masonic Lodge and was private property that he gave property to the Lodge so the ingress/egress was on someone else's property. He stated the only entrance would be through the front. He stated that what was being presented to the Board was a bar and the tenants to the rear of the property would be affected. Mr. Foster asked that the Board approve only Phase 1 at this time.

Mr. Gary Wisniewski, 4564 Phipps Drive, Port Orange, representing the Masonic Lodge stated that he liked the idea of the restaurant but was concerned about parking. He stated there were issues from Nicely Bar with patrons accessing the Lodge property. Mr. Wisniewski stated that the Lodge would be a good neighbor if the parking issue could be resolved.

Mr. Goodemote asked if the Fire Department reviewed the project during the staff review.

Mr. Jeffries stated the request was for site plan review and the Fire Department only looked at the provisions relating to the Land Development Code. He stated the Fire Department would review the proposal as part of the Building Permit submittal. Mr. Jeffries stated that to his knowledge, the Fire Department has not raised any issues.

Mr. Goodemote asked what the plans were for trash collection.

Mr. Jeffries stated he was working with Solid Waste to consolidate dumpsters in the Downtown area and this could be included as part of that project.

Mr. Goodemote stated that most of the buildings in Downtown had dumpsters behind their buildings.

Mr. Jeffries stated that staff was proposing to have consolidated dumpsters with every day pick up from a shared location.

Mr. Goodemote asked Mr. Smith what the volume of garbage would be from a restaurant of this size.

Mr. Smith stated he thought they would be required to have their own dumpster.

Mr. Jeffries stated yes.

Mr. Smith stated that he was not sure what went on at Nicely's but thought it was unfortunate if they were using other people's dumpsters.

Mr. Jeffries stated it was the first he had heard of the issues with Nicely's and would look into it. He stated possibly they were using toters and then dumping into other people's dumpsters.

Mr. Goodemote asked about the egress issue at the rear of the building.

Mr. Jeffries stated it was a Fire Code issue.

Mr. Hoelle stated the courtyard area and one door was good for 100 people but he would not want 200 people going through one area. He stated the courtyard was 50 x 80 and he did not think it was an issue. Mr. Hoelle stated the entrance would be through the front, not the rear.

Ms. Robertson stated her property was landlocked by the fence that was put up last year.

Mr. Abrahamson asked Mr. Hoelle to clarify the bar aspect of the operation and wanted to know if it would be a service bar or sit-down.

Mr. Hoelle stated there would be both but it would be a restaurant, not a bar.

Ms. Kozinski asked if there was a pool table proposed inside.

Mr. Hoelle stated yes.

Mr. Goodemote asked Mr. Jeffries to address the 51% issue.

Mr. Jeffries stated that 51% of sales was a requirement of the Main Street area but had not been a requirement of the Downtown area. He stated the requirement

related to the alcohol beverage service criteria and the criteria in Downtown was to focus on hours of service and preventing late night alcohol beverage sales. Limits had also been placed on noise and outside entertainment.

Mr. Smith asked Mr. Jeffries if it met the criteria based on what was presented.

Mr. Jeffries stated it met the criteria for alcohol beverage service. He stated the project was deficient regarding the landscape plan but it had been submitted that day and would need to be reviewed.

Mr. Weidman asked about the existing building and asked Mr. Jeffries to point out what would be included in Phase 1.

Mr. Jeffries stated that Phase 1 was indoors and the bathrooms were an addition.

Mr. Weidman stated the public dissention was on Phase 2 but there was general approval on Phase 1 and asked if there was a way to block access to the rear area.

Mr. Hoelle stated that no tables would be put out there and it would just be the smoking area.

Mr. Jeffries stated that it appeared that the applicant was willing to pull Phase 2 from the approval. He stated there were 2 conditional uses before the Board. One was for alcohol beverage service and the other for outdoor table service. Mr. Jeffries stated that the landscape plans that were submitted met the criteria for landscaping in the front and stated there were no plans included for the rear of the property. He stated all that was shown were the existing trees so the criteria was not met for outdoor table service in the rear.

Ms. Kozinski asked if the applicant was only requesting approval for Phase 1.

Mr. Hoelle stated that there was no objection to not considering Phase 2.

Ms. Shelley asked about garbage collection. She stated that what was not being clearly represented to the Board was that the garbage collection would have to be at the front of the building on Orange Avenue or Palmetto Avenue. She stated there was no area in the rear for garbage totes so the garbage would have to go in the front of the building.

Mr. King stated that most of the objections were regarding Phase 2 but stated that he was opposed to Phase 1 as well.

Mr. Hoelle stated there was 4 to 5 feet between the building and the Nicely property and the garbage totes could be placed in that area and be wheeled to the street on trash day.

Ms. Kozinski stated she understood the concerns about Nicely's and another property close by and she had concerns about the pool table. She stated based on what had been presented to the Board in the past, when that type of entertainment was provided, the use turned into a bar and not a restaurant.

Mr. Shawn Stenson, 3200 S. Nova Road, Port Orange, stated that garbage would be an issue and there was no outlet where the garbage was proposed to be placed. He stated the trash would have to go through the building or build up behind the building.

Mr. Hoelle stated garbage would be collected at the front of the building.

Mr. Smith stated that 200 S. Beach Street came before the Board and was not clear on what would be served. He stated he would like to support the request but not with a handwritten menu. Mr. Smith asked that the request be continued until next month so that a menu could be provided and more detailed information on the kitchen area be available. He stated he would feel more comfortable if the issues could be worked out.

Board Action:

Mr. Abrahamson made a motion to table DEV2012-122, Conditional Use, The Filling Station Restaurant, until the February, 2013, meeting. Ms. Washington seconded the motion and it was approved unanimously (8-0).

Mr. Goodemote stated that he would recommend Phase 2 be removed from the plan for the resubmittal.

Mr. Weidman asked if staff recommended approval.

Mr. Jeffries stated there were some deficiencies but felt the Board could have approved the request with what was submitted

Ms. Kozinski stated that garbage was an issue and suggested that garbage handling be included in the landscape design.

Mr. Jeffries stated garbage was discussed with staff and during the TRT process and garbage cans were discussed being placed in that area. He stated that it could be designated on the plan.

Mr. Robinson asked if an enclosure would have to be in place for the dumpster.

Mr. Jeffries stated the issue was not raised in the TRT process. He stated he would have to review the LDC.

5. Discussion Item: Design Standards for Signs

Mr. Jeffries stated he was still working on items requested at the last meeting.

Mr. Goodemote stated that those items were the cost to replace awnings, amortization regarding sunsetting, and an audit of what signs were currently in the businesses.

6. Redevelopment Project Updates

Mr. Jeffries stated a merchant meeting was scheduled for January 15th at Zappi's at 8:30 a.m. He stated Facebook was up to 1,015 likes and had gone up by about 400 since the last meeting. He stated that general television ads for the Riverfront Shops would be running in January and February. Mr. Jeffries stated there would be a Front Porch Friday each month and Commissioner White had taken on the project in an attempt to expand the program into an all-day event. He stated that Cinematique would be part of the event and the DDA was supporting the event through the payment of fees. Mr. Jeffries stated there would be a Riverfront Market every month on the second Saturday and the DDA was supporting that event. He stated the wine and chocolate walk would be on February 16.

Mr. Weidman stated he went to Cinematique and Ivy Lane had amplified outside music playing that was so loud he was unable to hear the movie.

Mr. Jeffries stated that he would discuss that with the owners to make sure the events were better coordinated.

Mr. Goodemote asked for the status of the ISB streetscape.

Mr. Berger stated there were two projects. He stated one project was the area from Nova Road to Ridgewood Avenue with both the Downtown and Midtown participating. Mr. Berger stated that Parker Mynchenberg was under a contract approved by the CRA for the project and there was DOT money in the project. Mr. Berger stated Downtown would be a later phase with the first phase being Nova Road to Lincoln Street. He stated there was a possibility the City could obtain money from the State in order to do the project right. Mr. Berger stated that staff was looking at including additional landscaping since there was none in that area. Mr. Berger stated that Downtown would be done in the future but the planning work would be done and the Board would have an opportunity to review the plans.

Mr. Berger stated there would a meeting the following week with CPH to start the project and establish a schedule and plans plans will be presented to Main Street and Downtown Redevelopment Boards. The stated the cost would be more than the \$3,000,000 that was originally planned.

Mr. Goodemote asked about the stage roof on Manatee Island.

Mr. Berger stated there were no plans for that project.

Mr. Berger stated some concepts would be brought back to the Board to address removal of two lanes north of the post office to add more parking along Beach Street. He stated that the traffic circle on Main Street and Beach Street would be reviewed and staff was also looking at how Beach Street and ISB can all come together. He stated that Parker Mynchenburg would be doing the work and it would be discussed at the February 6 CRA meeting. Mr. Berger stated staff was considering adding to the design for Ballough Road and Beach Street between Mason Avenue and Main Street for streetscape. He stated staff wanted to determine costs so decisions could be made and priorities set. Mr. Berger stated staff would be discussing improvements to Orange Avenue. He stated the Midtown Board had been the driving force behind the project but was now being considered to complete it through to the bridge. Mr. Berger stated there was a lot of work on the table but there was not funding for all of it. He stated staff was also looking at the project on the Riverfront and the Jackie Robinson ballpark.

Mr. Goodemote asked about the car lot and removal of the fences on the property on N. Beach Street.

Mr. Berger stated he did not know. He stated he had not heard regarding the Brownfield and the consultant had to complete the Phase II work.

Mr. Smith asked if that would be the entire parcel.

Mr. Berger stated he asked if only a portion of the fence could be removed and was told it had to be reviewed as one parcel.

Mr. Johnson asked about the Ballough Road Bridge.

Mr. Berger stated he had met with the consultants the day before about feasibility and scope.

Mr. Goodemote stated that Mr. Jeffries and the DDA were preparing a list of maintenance items that would come to the Board at the February meeting. He stated he would like to see financial information so the Board could make recommendations on those items. Mr. Goodemote stated that he would like to see what was collected, what had been spent, and what had been accomplished in the past year.

7. Public Comments

There were no public comments.

8. **Board Comments**

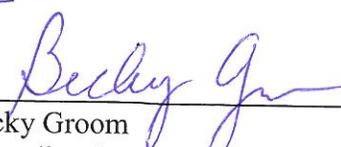
Ms. Kozinski asked that while staff was working on Jackie Robinson if there was a chance of getting a floating dock so the canal could be utilized for activities.

Mr. Berger stated he was not getting positive feedback about that based on conversations he had with Risk Management.

9. **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 1:42 p.m.


Harold L. Goodemote, Chair


Becky Groom
Recording Secretary