

MINUTES

REGULAR MEETING – PLANNING BOARD

February 28, 2013

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, February 28, 2013, 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
John McGuinness
Matthew Bohon
Louis Moore
Cathy Washington
Bob Hoitsma
Tim Davis
Shirley Benjamin (6:03)
James Neal (6:04)
Tony Barhoo

Staff members present:

Richard Walton, Planning Director
Dennis Mrozek, Senior Planner
Thomas Weitnauer, Principal Planner
Carrie Lathan, Assistant City Attorney
Charles Bryant, Redevelopment Project Manager
Rose Askew, Planning Technician

1. **Call to Order**

Tracey Remark, Chair called the meeting to order at 6:00 pm.

2. **Roll Call**

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

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3. **Approval of the Minutes:** December 20, 2012 and January 24, 2013

Board Motion

It was moved by Mr. Hurt to approve the December 20, 2012 Planning Board Meeting Minutes. Seconded by Mr. Moore.

Board Action

The motion was approved 9-to-0.

Board Motion

It was moved by Mr. Hurt to approve the January 24, 2013 Planning Board Meeting Minutes. Seconded by Mr. Bohon.

Board Action

The motion was approved 9-to-0.

Richard Walton, Planning Director introduced Evan Futch, a planning student at University of Central Florida (UCF). He stated he would be mentoring Mr. Futch on planning works.

4. **Wall Graphic Request - Big Shark Wall Graphic, DEV2013-013**

A request by Timothy Pace, owner, of Daytona Shells & Curios, for approval to replace the existing wall graphic design with a new design on the building located at 2715 North Atlantic Avenue.

Staff Presentation

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the general location, code requirements for wall graphics, a brief history on the wall graphic currently on the building and details of the applicant's proposed changes. He stated staff recommends approval to replace and expand the existing wall graphic design with the proposed design. A majority vote of Planning Board members present and voting was required to recommend approval to the City Commission.

Applicant Presentation

Tim Pace, 2715 North Atlantic Avenue, Daytona Beach stated he has owned the business since 1960 and he was available to answer questions.

Citizen Comments

No citizen comments.

Board Comments

Mr. Hurt stated the artist does very good work.

Mrs. Remark asked when they would start working on the new design.

Mr. Pace replied as soon as possible. They were ready to start but the design had to be approved by the City.

Board Motion

It was moved by Mr. Hurt to approve Wall Graphic Request - Big Shark Wall Graphic, DEV2013-013. Seconded by Mr. McGuinness.

Board Action

The motion was approved 11-to-0.

5. **Small Scale Comprehensive Plan Amendment – West Street, DEV2013-014**

A request by Pete Zahn, P.E. of Zahn Engineering, on behalf of Alex Spanos with AVS Investments, LLC and Mr. and Mrs. Robinson Leal, to approve a Small Scale Comprehensive Plan Map Amendment for approximately 0.78± acres of land generally located at the rear of Spanos Imports, 520 International Speedway Boulevard, the rear of 112 North Charles Street, and the full lot of 531/535 West Street, changing the Future Land Use Map designation from Level 2 Residential to Retail.

Staff Presentation

Thomas Weitnauer, Principal Planner gave a PowerPoint presentation that included the request as written above and stated to some degree this request was considered a cleanup item but the three parcels included in the request were located across the street from single-family homes so staff wanted to make the residents aware of the proposed changes. He stated Mr. Spanos was interested in combining a small parcel he recently purchased with his larger abutting parcel (Spanos Imports). The new parcel had a Retail land use designation in the front and a Level 2 Residential land use designation in the back. During review of the new parcel, staff noticed that the lot where Spanos Imports was located also had two land use designations. So that lot was added to the amendment, which left the parcel owned by Mr. & Mrs. Robinson Leal. Mr. Weitnauer stated the applicant contacted the Leals to discuss the possibility of including their parcel in the request to make all of the land use designations consistent. He stated since Spanos Imports was already zoned Industrial and the Leal's property was zoned BA (Business Automotive), a rezoning request was not being proposed. He stated the Leal's zoning of BA was not an allowed zoning category within the Level 2 Future Land Use Map designation, so approval of this land use amendment to Retail would allow the property to achieve compatibility between the existing zoning category of BA and the proposed Future Land Use Map designation of Retail. He stated the Leal's also own two of the four houses

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across West Street from the back of Spanos Imports. Mr. Weitnauer stated objectives and policies of the Comprehensive Plan relevant to the application were located in Future Land Use Element, Policy 2.2.2 and stated since there were single-family homes across the street, staff responded to the owner's agent that an amendment would be necessary to amend the land use map. Spanos Motors plans to continue to use their main lot as they have been doing and plan to use the building at 112 Charles Street for auto detailing and vehicular storage. All site plans would go through the TRT process and also to the Midtown Redevelopment Area Board for review. He stated the site was located in Neighborhood H and there were not any policies relevant to the request located in Neighborhood H. He stated there was a Midtown Master Plan that had been approved and the Midtown Redevelopment Board unanimously recommended approval of the request at their last meeting. He stated staff recommends approval of the proposed amendment request and that Charles Bryant, Redevelopment Project Manager and Pete Zahn were present to answer any questions.

Applicant Presentation

Pete Zahn, 244 South Palmetto Avenue, Daytona Beach stated Mr. Weitnauer had given a good presentation and he was available to answer any questions.

Citizen Comments

No citizen comments.

Board Comments

Mr. McGuinness stated page seven of the staff report referenced the possibility of a neighborhood meeting being held and the applicant providing the Board with a summary of the meeting. He asked if a neighborhood meeting was held.

Mr. Weitnauer stated a neighborhood meeting was not a requirement but staff had been advising applicants to hold meetings to address concerns from neighbors. He stated he was not sure whether or not a neighborhood meeting had been held or whether the applicant was utilizing an alternate plan of action to discuss the project with neighbors.

Mr. Zahn stated the Leal's owned two of the parcels across the street; Mr. Spanos owned one parcel across the street, the property owner that owned a lot in the middle had not been contacted, and the balance was owned by the electric company

Board Motion

It was moved by Mr. Hurt to approve Small Scale Comprehensive Plan Amendment – West Street, DEV2013-014. Seconded by Mr. McGuinness.

Board Action

The motion was approved 11-to-0.

6. **Rezoning, Planned Commercial Development – 530 Mason Avenue, DEV2012-128 (Quasi-Judicial Hearing)**

A request by Jerry K. Finley, P.E., on behalf of John Schnebly, Sr., to rezone 0.675± acres of land located at 530 Mason Avenue and an adjacent property to the north, from Business Automotive (BA) and R-1a1 (Single Family Residential), to Planned Commercial Development (PCD), for the purpose of upgrading and renovating the existing building and site and to allow for uses consistent with BA zoning.

Staff Presentation

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the general site location and the future land use designation. He stated the applicant was proposing to remove the chained fence along the front of the property and install landscape buffers, replace the existing pole sign with a monument sign, replace the chain link fence on the side of the property with a concrete block wall and improve the parking area. He stated the building on the site was currently vacant and was approximately 2,253 square feet in size. Mr. Mrozek stated the applicant was requesting to reduce the 10 foot LDC landscape buffer requirement along the back wall to five feet and to compensate for the five foot loss, build an eight foot concrete wall instead of the six foot wall required by code. Additional waiver requests include outside automotive service, storage containers in the rear of the property, minimum property size for PCD requests and architectural design standards for the existing building. He stated the original request was to rezone only the back parcel to BA. Unfortunately several of the BA zoning uses were not compatible with the adjacent Residential use. He stated if the applicant had elected to rezone only the back parcel to BA, staff would have required a land use change to restrict some of the uses. The second option was to rezone to PD, which would restrict the uses and would only require one process. The applicant has elected the second option. He stated staff recommends approval of the rezoning request and an affirmative vote of six was required to recommend approval to the City Commission.

Mr. Moore asked for more detail on the storage containers.

Mr. Mrozek replied the height of the containers was eight feet, they would be adjacent to the eight foot wall in the rear, and would be painted the same color as the building. He stated the rendering illustrated five containers because that was the maximum number allowed and that the containers were typically what you might find on the back of trucks, they were very sturdy and could be locked up. He stated he would allow the applicant give additional details on the storage containers.

Mr. Moore asked if that was the wall adjacent to the residential use.

Mr. Mrozek replied yes.

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Mr. McGuinness stated landscape architect plans were usually required for landscape areas greater than 3,000 square feet and if this request were being processed in two phases of less than 3,000 square feet there would be justification for a variance. He stated the first page of Attachment B lists the landscape area as 9,300 square feet and asked if the Board should consider the square footage when considering the variance.

Mr. Mrozek replied anything over 3,000 square feet would require a variance, so it would not matter if it was 3,500 square feet or 9,000 square feet, it was still over 3,000. He stated for clarification, originally the applicant planned to develop the BA portion only, which would have been in compliance with the code. The project was expanded to include the back of the property and he put together another plan for that. With the expansion there were two plans, which increased the square footage over the 3,000 mark. He stated he felt the applicant had done a pretty good job at making the numbers work.

Mr. Hoitsma stated he thought it would be good having vegetation out front. He asked if anything could be done to improve the appearance of the front of the building.

Mr. Mrozek replied he would allow the applicant to address that question. He stated staff would like, if possible, the applicant to make some modifications to bring the building closer to meeting the LDC's design standards.

Ms. Washington stated building appearance was also her concern. She stated she had an issue with approving a variance that would only require the applicant to paint the building because she felt more needed to be done, especially with Mason Avenue being a main City thoroughfare.

Mrs. Remark asked how long the building had been vacant.

Mr. Mrozek replied over six months.

Mrs. Remark asked if a site plan, landscape plan, and irrigation system were required to reopen the business.

Mr. Mrozek replied correct.

Mrs. Remark stated compatibility standards from Article 18 of the LDC would also have to be addressed.

Mr. Mrozek replied correct.

Mr. Hurt stated his feelings were the landscaping being provided and replacing the chain link fence with a concrete block wall were huge improvements to the site.

Mr. Barhoo stated he read that traffic in and off the site had been found acceptable, but he knew from personal experience that with all of the businesses in that area, traffic was hazardous. He asked if a traffic study would be done.

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Mr. Mrozek replied for this particular project a traffic impact analysis (TIA) was not required. He stated the types of uses being proposed and the proposed zoning, did not trip a threshold to do an extended type of TIA. He stated the current process required the applicant to submit a traffic plan and the City's traffic reviewer reviews it, taking into account past conditions and the proposed new uses.

Mr. Moore stated actually there had not been any changes to ingress and egress.

Mr. Mrozek stated the greatest change was the fact that this lot used to be a car lot, which had quite a bit more cars coming and going, whereas the proposed use is more automotive service.

Mr. Moore asked if Mr. Weitnauer could offer any additional recommendations relating to embellishments for the building.

Mr. Weitnauer stated he reviewed the design guidelines relative to the building. The building was 90 feet long and less than 30 feet wide. He stated if a project like this came in new, the only requirement would be to have "changes of planes along the front wall and roof with at least a three-foot projection, recess, ridge or valley no less than every 30 feet" (LDC, Article 18, Section 4.3(8)) and it appears that there is enough glass to meet the minimum of 15 percent and there is glass or doors within every 30 feet so it meets the standard. He stated it just happens to be a narrow building that does not trigger a lot of extra requirements. Mr. Weitnauer stated the standards were fairly minimal, but they do make a difference and cities must tailor their guidelines to what would be acceptable to the development community. He stated some possible solutions would be to add a front waiting room or a small air block to keep the air-conditioning in. He stated he did not want to try to draw the design, but if the applicant would like to submit some revisions to the building he would review them.

Mrs. Remark asked if an awning could be used to break up the building.

Mr. Weitnauer replied there had not been any discussion on adding an awning, but anyone who had the opportunity to see old photographs of the site would definitely say the new paint and windows were an improvement to site. He stated presently staff and the applicant had not discussed possible ways to improve the building.

Mr. Hoitsma asked if potted plants could be used to break up the building.

Mrs. Remark stated they could also affix architectural details that would not require mounting into the concreted areas.

Mr. Hurt stated he understood the Board's concerns regarding breaking up the front of the building, but the site was already being enhanced with the proposed changes and he would hate to place restrictive qualifications on the applicant that would generate additional cost.

Mr. Davis stated this was a pretty big capital investment for a 2,200 square foot building and at some point dollars and cents had to be taken into consideration.

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Ms. Washington stated she felt with the amount of variances being requested, more could be done to further enhance the site. She stated it had come a long way, but because it was on a major thoroughfare, she would like to see a little more improvement done to the building.

Mrs. Remark stated referencing back to Mr. Davis' comment on capital improvements; the applicant was seeking a rezoning of the back of the site, which right now is useless, so this would actually add to the value of the business.

Mr. McGuinness stated once all of the enhanced landscaping in the front and on both sides of the property has been completed; the building will not look as stark as it does now. He stated given the entire picture and what the end result will look like takes away from the starkness that is visible now.

Mr. Moore stated he agrees with the idea of placing plants along the building to break it up and it would not be a major expense.

Applicant Presentation

Jerry Finley, 5531 South Ridgewood Avenue, Port Orange stated Mr. Mrozek presented maps showing the BA zoning on the east and west side of the property. He stated his client's original request only included rezoning the back of the property to BA, but based on concerns expressed by staff about some undesirable BA uses the plan was revised. He presented photos to illustrate what the site looked like in the past. He stated his client elected not to hold a public meeting, but they did send notices to neighbors, of which the majority was returned. Mr. Finley stated he feels the enhancements are an improvement and the residents should be happy with the final product. He stated they would work with staff to find a resolution for breaking up the front of the building.

Citizen Comments

No citizen comments.

Board Comments

Mrs. Remark asked staff if any of the storage containers were in front of the portion of the wall that was six feet tall.

Mr. Mrozek replied no.

Mrs. Remark asked for how the Board could be assured that tires or any other type of equipment would not be left outside.

Mr. Mrozek replied the PD agreement specifically prohibited outside storage.

Board Motion

It was moved by Mr. Hurt to approve Rezoning, Planned Commercial Development – 530 Mason Avenue, DEV2012-128. Seconded by McGuinness.

Board Action

The motion was approved 11-to-0.

7. **Other Business**

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

Ms. Washington reported the Board held their regular scheduled meeting on February 5, 2013 at 12:00 PM in City Commission Chambers. She stated the Board approved a conditional use request for outdoor seating at the Filling Station Restaurant that was continued from the special meeting held on January 22, 2013. She stated the Board received their monthly Code Enforce Report, a list of redevelopment improvements, and list of project updates that included a copy the Community Redevelopment Agency's adopted budget with a comparison of 2012 to 2013. Mrs. Washington stated additionally, the Board received a copy of the budget for capital funds.

B. **Midtown Redevelopment Area Board Report**

Ms. Benjamin reported the Board met on February 12, 2013 at 6:00 PM in City Commission Chambers. The Board agenda included the monthly Code Enforcement report, a discussion item for a proposed duplex on Oak Street and Fulton Street, a discussion item on proposed improvements to property located at 885 & 887 West International Speedway Boulevard, and the proposed small comprehensive plan amendment for West Street (Spanos Imports). She stated a public meeting was held on February 26, 2013 at 6:00 PM at the Dickerson Community Center. The topic of discussion was Orange Avenue improvements.

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

Mr. Bohon reported the Board met on February 13, 2013 at 6:00 PM in City Commission Chambers. The Board approved a conditional use request for Tower Bar and Grill, located at 601 Main Street and a conditional use for Main Street Pub and Grill, located at 821 Main Street. He stated the Board welcomed new members Carrie Register and Randall Phillips.

D. **Public Comments**

No citizen comments.

E. **Staff Comments**

Mr. Walton stated a City Commission Workshop was scheduled for March 20th at 4:00 PM in City Commission Chambers. The workshop topic was the LDC Re-write, Module 3 and Craig Richardson with Clarion Associates would be the presenter. He stated staff's intention was to recommend the City move forward with the project subject to comments received and

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encouraged Board members to attend the workshop. Mr. Walton stated a survey by the ISB Coalition should have been placed in each Board members folder. The survey asked for input and ideas on possible future uses for the ISB corridor that the survey could also be completed online. He encouraged all Board members to complete and submit the survey.

Mr. McGuinness asked when Module 3 would be available for Board members to review.

Mr. Walton replied it depended on the outcome of the City Commission workshop.

Mr. Neal asked what day of the week was the 20th.

Mr. Walton replied Wednesday and the time was from 4:00 PM to 5:00 PM, followed by the regular scheduled City Commission Meeting at 6:00 PM.

Mr. McGuinness asked if Module 3 was complete.

Mr. Walton replied Craig Richardson would give the presentation, but he probably would not go into a lot of detail due to time constraints. He stated staff had identified tasks from the contract that were not included in Module 3 and staff was recommending those things be added as the draft moves forward. He stated at the City Commission Strategic Planning Workshop, the Commission stressed the need to streamline the process. He stated staff was not necessarily proposing to change the scope of services in the contract, but the requirement for Clarion Associates to come for two days to hold sessions that in the past have been poorly attended, may not be needed. He stated this was the first draft of Module 3, committee comments were needed and testing was still required.

Mr. McGuinness asked if the sub-committee would be included in the input process.

Mr. Walton replied yes but they were not quite at that stage.

F. Board Member Comments

Mr. Neal stated he would not be able to attend the workshop because he would be attending his annual teaching session in Jacksonville. He stated he retired today and he spent the entire day teaching and talking with students. He stated he would now have more time to devote to the Board.

Ms. Benjamin apologized for arriving late. She stated if any Board members knew anyone who would like to serve on the Midtown Redevelopment Area Board to please let her know.

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Adjournment

There being no further actions to come before the board, the meeting was adjourned at 7:10 pm.



TRACEY REMARK
Chair

ATTEST:



CATHY WASHINGTON
Secretary