

MINUTES

REGULAR MEETING – PLANNING BOARD

March 28 2013

---

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, March 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 (6:03)  
James Neal  
Tony Barhoo

Absent Members:

Shirley Benjamin

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.

3. **Approval of the Minutes:** February 28, 2013

**Board Motion**

It was moved by Mr. Hurt to approve the February 28, 2013 Planning Board Meeting Minutes. Seconded by Mr. Moore.

**Board Action**

The motion was approved 9-to-0.

4. **Rezoning, Planned Commercial Development, Substantial Modification - Nour PCD, DEV2013-033, (Quasi-Judicial Hearing)**

A request by Joe Hopkins, The Performance Group, on behalf of George Nour, to rezone 1.28± acres of land located at 840 South Nova Road, amending the existing Nour PCD Agreement as a Substantial Modification to permit the expansion of the existing building by 3,915 square feet.

**Staff Presentation**

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above. He stated the site is located at 840 South Nova Road, approximately a few hundred feet south of Bellevue Avenue. The future land use is both general industrial and retail and the current zoning is Planned Commercial Development (PCD). The Nour PCD was originally approved in 2001 and was rezoned from M-4 (Industrial Park) in the T3 zoning districts. The approved permitted uses are: business and professional services, wholesale distribution with incidental retail sales and laundry and dry cleaning. There are some offsite storm water improvements associated with this development that were included in the original PD rezoning with storm water retention located in adjacent and M-4 zoning. He stated the proposed amendment for the Nour PCD would increase the overall total square footage by approximately 4,000 square feet or approximately 49% of larger addition to the existing building. The total square footage for the building and the addition would be approximately 12,000. The closed building increase exceeds 1,000 square foot limit threshold for a minor modification, which triggers the requirement for a substantial modification. Site plans were approved with original PCD rezoning. Mr. Mrozek stated there were some parking spaces associated with the proposed development that would be divided in the M-4 zoning district. He stated staff recommends approval of the request for substantial modification to the Nour PCD. A majority vote of the Planning Board members present and voting is required for approval and the substantial modification to the PCD is the final action by the Planning Board.

Mrs. Remark stated, previously the only thing in the M-4 zoning district was storm water. She asked if part of the request was to move some of the parking into the M-4 zoning district.

## ***03-28-13 Planning Board Meeting***

Mr. Mrozek replied some parking associated with the development will be located in the M-4 zoning district.

Mrs. Remark asked why the entire property was not a PD.

Mr. Mrozek replied staff had conversations with applicant during the TRT process regarding rezoning the entire site to PD. He stated the applicant stated that was something they would like to do and would be coming forward with an application to rezone all of the M-4 zoning to PD.

### **Applicant Presentation**

Joe Hopkins, 100 Marina Point Drive, Daytona Beach responded to Mrs. Remark's comment regarding rezoning all of the M-4 zoning to PD. He stated her comment was valid and they elected to go with a PCD because when they embarked on developing the business park there were a number of different buildings that shared facilities. He stated the park is more than 75% developed and there are a number of shared facilities within the park. He stated after conversations with staff they recognized it would be a benefit to rezone the entire park to PCD. He stated the expansion is purely warehouse distribution and they exceed the number of parking spaces required by code. Mr. Hopkins stated they would like to come back with a request to rezone the entire park and look at some expanded uses. He asked the Board to support the request.

### **Board Comments**

Mrs. Remark stated in the 2001 staff report Mr. Hopkins stated he would bring a PCD forward in the near future and it is now 12 years later and you are hitting the ground running again. She asked if he had a problem tying the Certificate of Occupancy to the PCD submittal or include a date certain in the PD agreement.

Mr. Hopkins replied the park has been developed consistent with M-4 zoning district, which is what prevented them from moving forward with the PCD submittal. He stated there has not been urgency because they thought the dynamics of the park would be different and they also thought they would be relying on a PCD to allow different uses than what are currently in the park today. He stated he would prefer not to tie this approval to an application to a PCD rezoning and asked for some flexibility.

Mr. Hurt stated the business owner was requesting to expand and his recommendation was to move forward with the request as presented. He stated he would not be in favor of adding the PCD amendment with a time certain to this request because it is not required by code and would slow down the process.

Mrs. Remark stated using M-4 to support a PD was actually getting outside of code. She suggested requiring the applicant to come forward with a PD within the next year. She stated she loved Entenmanns and was not in any way trying to slow down the approval process.

## ***03-28-13 Planning Board Meeting***

Mr. Hopkins proposed coming back with a PCD that would allow more flexibility in uses to get more tenants and increase occupancy. He stated there was one more phase left to complete after which they would incorporate everything and the PCD request. He stated after modification, they were going to request a second major modification with an expanded boundary and an overall development plan that includes all of the property.

### **Board Motion**

It was moved by Mr. Hurt to approve Rezoning, Planned Commercial Development, Substantial Modification – Nour PCD, DEV2013-033. Seconded by Mr. McGuinness.

### **Board Action**

The motion was approved 10-to-0

#### **5. Land Development Code Text Amendment – Remove Legal Advertisement Requirements for Certificate of Appropriateness, DEV2013-017**

An administrative request by the Development and Administrative Services Department, Planning Division, to amend Article 4, Section 11.2(b) of the Land Development Code to remove the legal advertisement requirement for Certificate of Appropriateness applications.

### **Staff Presentation**

Tom Weitnauer, Principal Planner gave a Power Point presentation that included the request as written above and a brief summary of what events lead to the proposed amendment request. He read the list of fees assessed when applicants apply for a Certificate of Appropriateness (COA) and stated the purpose of the request was to reduce the financial burden on applicants when they apply for COAs. He stated at the April 17, 2012, Historic Preservation Board Meeting, the Board approved a motion to recommend that the City Commission amend Article 4, Section 11.2(b) of the LDC to remove the legal advertisement requirement for COA applications. The Board's motion also included a statement that COA applications maintain the required 150 foot notice to property owners via certified mail, posting notice on the property and that applicants still be required to pay the \$150 application fee. He stated the Board suggested utilizing the City's website as a method to notice COA applications and that he polled other Certified Local Government (CLG) members and found that Daytona Beach's COA notice requirements were significantly more extensive and expensive. He stated staff recommends approval of the proposed request and an affirmative vote of six by the Planning Board was required to recommend approval to the City Commission.

Mr. Moore asked if there were any plans to advertise COAs on the City's website.

Mr. Weitnauer replied he could not promise that would be done but he would look into that suggestion. He stated the board meeting agenda and exhibits were posted on the City's website and that he could ask to have them moved to the main page.

***03-28-13 Planning Board Meeting***

Mr. Hurt stated the residents that were within 150 feet of the property would already have received notice of the request and he did not believe many people read the notices placed in the newspaper.

Mr. Weitnauer stated large bright signs are posted on the property.

Mr. Hoitsma stated he thought it was a good idea that Mr. Weitnauer took the initiative to poll other CLGs.

**Citizen Comments**

No citizen comments.

**Board Comments**

No additional Board comments.

**Board Motion**

It was moved by Mr. Bohon to approve Land Development Code Text Amendment – Remove Legal Advertisement Requirements for Certificate of Appropriateness, DEV2013-017. Seconded by Mr. Moore.

**Board Action**

The motion was approved 10-to-0.

6. **Other Business**

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

Ms. Washington reported the Downtown/Balough Road Redevelopment Area Board met on March 5, 2013 at 12:00 pm in City Commission Chambers. She stated the Board held election of officers but she did not write down the name of the chairperson. She stated the Board discussed submittal of a grant application for the Halifax River Trail in Riverfront Park. She stated the discussion included funding for the design and construction of the trail. She stated the Board needed approximately \$350,000 to construct the trail and another \$150,000 for the Palmetto Avenue end of the project and that they were applying for several grants to cover the cost.

B. **Midtown Redevelopment Area Board Report**

No report.

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

Mr. Bohon reported the Board met on March 18, 2013 at 6:00 pm in City Commission Chambers. He stated the Board recommended approval of an LDC Text Amendment to allow convenience store with light vehicular service in the South Atlantic Redevelopment Area (DEV2013-005), and a PCD rezoning for Sunoco at Silver Beach with the recommendation to move the wall a little further east and add more greenery (DEV2013-006).

**D. Public Comments**

No public comments.

**E. Staff Comments**

Mr. Walton stated on March 21, 2013 at 4:00 PM the City Commission held a workshop to discuss Module 3 of the LDC Re-write. He stated the public draft of Module 3 was scheduled to be released within the next couple of weeks and that each sub-committee member should have received a hard copy and all other members should have a digital copy. He stated all Board members are encouraged to attend the sub-committee meetings and that Clarion Associates was proposing to hold a meeting on Wednesday, May 15, 2013. He stated to complete review and comments of the entire document will probably take more than one meeting and proposed that the sub-committee meet at least once prior to the meeting with Clarion Associates.

Mrs. Remark asked which advisory board would meet on May 15<sup>th</sup>.

Mr. Walton stated he was suggesting the sub-committee meeting with Clarion be held on May 15<sup>th</sup> but due to the size of the document, he suggested holding a meeting prior to the meeting with Clarion. He stated this would help minimize the questions at the May 15<sup>th</sup> meeting.

Mr. Neal asked for a tentative time.

Mr. Walton replied between 4:00 and 4:30 PM and that staff would pole the subcommittee members.

After a brief discussion, a meeting was set for April 26, 2013 at 10:00 AM with the location of the meeting to be determined.

Mr. Walton introduced and welcomed Ms. Rhonda Patrick and informed the Board she would be attending meetings to take notes and transcribe the meeting minutes.

**F. Board Member Comments**

Mr. Barhoo stated he would not be able to attend the April meeting as he would be traveling.

Mr. Neal stated he was happy to have more time available to dedicate to the Board.

Mr. Hurt announced that White-Chalis was having a presentation at Zappy's tonight until

**03-28-13 Planning Board Meeting**

7:00 pm.

**Adjournment**

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



---

TRACEY REMARK  
Chair

ATTEST:



---

CATHY WASHINGTON  
Secretary