

MINUTES
REGULAR MEETING – PLANNING BOARD

May 23, 2013

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, May 23, 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:

Tracey Remark
John McGuinness
Louis Moore
Cathy Washington
Bob Hoitsma
Tim Davis
James Neal
Tony Barhoo

Absent Members:

Jeff Hurt
Matthew Bohon
Shirley Benjamin

Staff members present:

Richard Walton, Planning Director
Dennis Mrozek, Senior Planner
Jason Jeffries, Redevelopment Project Manager
Carrie Avallone, Assistant City Attorney
Rose Askew, Planning Technician
Virginia Bell, Recording Secretary

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: March 28, 2013 and April 25, 2013**

Board Motion

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

Board Action

The motion was approved 8-to-0.

Board Motion

It was moved by Mr. McGuinness to approve the April 25, 2013 Planning Board Meeting Minutes. Seconded by Mr. Neal.

Board Action

The motion was approved 8-to-0.

4. **Rezoning to Residential Professional, Michigan Avenue, DEV2013-051, (Quasi Judicial Hearing)**

A request by the Development and Administrative Services Department, Redevelopment Division on behalf of John & Frances Witherspoon, to rezone 0.207± acres of land located at 315 to 319 Michigan Avenue from BP (Business Professional) to RP (Residential Professional), to facilitate residential development.

Staff Presentation

Jason Jeffries, Redevelopment Project Manager gave a PowerPoint presentation that included the request as written above. He stated the lots were located on a residential street in the Downtown Redevelopment area and were currently developed as residential lots. He stated recently a fire damaged the property beyond 65%. He stated the property owner would like to rebuild as single-family residential but one of the lots was non-conforming due to the BP zoning designation, which does not allow single-family residential.. He stated staff was proposing to rezone both properties that are contiguous to RP zoning, which complies with the underlying future land use designation of Level 2 Residential. He stated the proposed rezoning request was reviewed by the Downtown Redevelopment Area Board at their May 7, 2013 meeting. The Board recommended approval of the request by vote of 8-to-0. Staff supports the Board's recommendation.

Mr. McGuinness asked for the dimensions on the properties.

Mr. Jeffries replied he believed both properties were 50 feet wide.

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Mr. McGuinness asked if the lots were non-conforming because of their use. He also asked if they would still be non-conforming lots after being rezoned to RP, but permitted to have a single-family house on a non-conforming lot.

Mr. Jeffries replied yes but they may be required to go through the variance process through the Board of Adjustments.

Mr. McGuinness stated he understood it would be a permitted use going through the usual LDC process, but the lot would still be non-conforming.

Mr. Jeffries replied he did not think the lot sizes were non-conforming, but they might have some non-conforming dimensional standards.

Mr. McGuinness stated on page two of the staff report the chart has 60 feet as the minimum lot width.

Mr. Jeffries replied yes.

Tracey Remark asked if there were any comments the applicant would like to address.

Mr. Jeffries replied technically the Redevelopment Division was the applicant and the owners were aware of the meeting.

Citizen Comments

No public comments.

Board Motion

It was moved by Mr. Hoitsma to approve Rezoning to Residential Professional, Michigan Avenue, DEV2013-051. Seconded by Mr. Moore.

Board Action

The motion was approved 8-to-0.

5. **Rezoning, Planned Commercial Development – Racetrac Ridgewood and Beville, DEV2013-030, (Quasi Judicial Hearing)**

A request by Mikal Hale, P.E., on behalf of Heather O'Brien, Senior Transaction Manager with Fifth Third Bank, to rezone 1.65± acres of land generally located at the northwest corner of Beville Road and South Ridgewood Avenue, from T-2 (Tourist, Office, Restaurant), T-4 (Tourist, Office, Retail), and R-3 (Multi-family) to PCD (Planned Commercial Development), to construct a 5,928 square foot gas station and convenience store.

Staff Presentation

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the general location, current land use and zoning. He stated the site was vacant, undeveloped property that the applicant was proposing to build a 5,928 square foot building and 20 gas pumps. He stated the staff report lists the proposed uses as a gas station and convenience store, but the LDC limits convenience stores to 5,000 square feet so the actual use of the site would be retail sales with light vehicular service. He stated the site requires 27 spaces for parking and the applicant was providing 39; a signage plan had been provided, but one of the monument signs did not include a traffic triangle showing safety for vehicles approaching the sign. He stated this would be corrected during final site plan approval and was being listed as one of the conditions of approval. Mr. Mrozek stated the proposed project meets or exceeds all of the LDC architectural standards with the exception of the rear elevation, which does not fully meet the required three foot offsets on every thirty feet of the building. He stated the applicant was also requesting waivers for building setback requirements, building perimeter landscaping, preserved landscaped areas, landscape island areas and tree preservation. Mr. Mrozek stated the applicant provided a waiver and benefit letter, (Attachment B of the staff report) and one of staff's concerns with the project was the ingress and egress points. He stated a traffic impact analysis was sent to the City's traffic consultants for review and overall they were in agreement with the project, but had a couple of suggestions. The one major concern was proposed egress and ingress points on Beville Road. The City's traffic reviewer recommended removing the egress only opening and to move the other ingress/egress openings as far west as practical. He stated staff recommends approval of the rezoning with the following conditions:

1. Remove the egress only point on Beville Road and relocate the other proposed driveway on Beville Road as far west as practical
2. Proposed monument sign located on Beville Road must meet the site visibility triangle prior to site plan approval.

Mr. Mrozek stated the item was tentatively scheduled to be heard by the City Commission for first reading on July 3, 2013 and for second reading on July 17, 2013. An affirmative vote of six was required to recommend approval of the City Commission.

Mr. McGuinness asked how many specimen trees were on the property.

Mr. Mrozek replied he believed there were approximately 11 specimen trees on the property, but the applicant could confirm that.

Mr. McGuinness asked if any existing trees were being preserved.

Mr. Mrozek replied the applicant was proposing no existing trees be preserved.

Mr. McGuinness asked why the applicant was not proposing to preserve any of the existing trees.

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Mr. Mrozek replied he assumed it was because they were not in line with the layout of the building, but the applicant could answer that question better.

Mr. McGuinness stated he was concerned that none of the specimen trees were being preserved.

Mrs. Remark asked if any of the specimen trees interfered with the underground stormwater.

Mr. Mrozek replied he had not done an overlay of where the underground stormwater tanks would be in relation to the specimen trees.

Mrs. Remark asked if the applicant would give a summary of the neighborhood meeting.

Mr. Mrozek replied yes. A neighborhood meeting was held, but no information had been provided to staff.

Applicant Presentation

Tom Sullivan, 215 North Eola Drive, Orlando, Florida introduced Mike Hale, Civil Engineer and Chris Walsh, Traffic Engineer. He stated Mr. Mrozek did a great job presenting the project and they were fundamentally in agreement with the staff report and the professional analysis recommending approval with one exception that he would elaborate on later. He gave a PowerPoint presentation that emphasized the importance of the site location, additional background on the site, zoning and proposed uses. Mr. Sullivan stated he believed the project would be a significant upgrade to the area and RaceTrac was genuinely excited about the opportunity to grow in the Daytona Beach area. He stated six residents attended the neighborhood meeting held on Tuesday and they also received some phone calls and emails prior to the meeting. Mr. Sullivan stated one concern that residents had was the history of vagrants congregating on the property and stated the problem would be eliminated once the project was completed because RaceTrac ran a very tight management structure. He stated there were also comments regarding access that he would cover later in the presentation. Mr. Sullivan discussed the project's unique design and stated the new store would function like a neighborhood market rather than a typical convenience store and benefits of the project were added jobs, increased City tax base in terms of real property sales, as well as gas taxes. He stated the rezoning request was consistent with the City's code requirements with the exception of the requested waivers and that his client was in agreement to staff's condition regarding the monument sign located on Beville Road meeting the site visibility triangle. He asked Chris Walsh to address staff's second condition.

Chris Walsh, 80 Spring Vista Drive, DeBary, Florida stated a traffic impact study was completed and had been approved in terms of concurrency. He provided information regarding the access of the two driveways and stated the eastern driveway location was identified because it lines up with the drive aisle of the site. He stated the fuel trucks would circulate around the pumps counter-clockwise so when they exit the site on SR400 it will take them directly out, which helps with the internal flow of traffic. He stated when you have

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driveways that do not line up with internal drive aisles you have a lot of problems with vehicles flowing through internally, which can cause congestion on SR400. The western driveway was identified because it serves as an additional relief onto SR400. He stated sometimes the main intersection on gas station sites get backed up and cars entering the site off SR400 could get backed up and that there was a delivery area on the west side of the building to provide an additional area for trucks to exit the site. He stated they met with Florida Department of Transportation (FDOT) and their preliminary review was supportive of both the eastern and western driveways, but would like to see the design showing the egress only driveway.

Mrs. Remark asked if FDOT was familiar with the future probability of another right-out ingress and egress just beyond the egress only access point.

Mr. Walsh replied yes.

Mr. Sullivan stated they would appreciate the Board's recommendation of approval with the exception of staff's condition to remove the egress only point on Beville Road and relocating the additional proposed driveway on Beville Road as far west as practical. He stated he knew there would be some comments in opposition of the project regarding access to the property, but they respectfully disagree with those comments and believe any issues regarding a private access easement between two property owners should not be put before the City to resolve. He stated they were on a very tight contractual schedule with their seller and would like a recommendation from the Board tonight. Mr. Sullivan requested to have an opportunity to respond to any comments made regarding the rezoning request.

Mr. McGuinness commented on the location of the building location.

Mike Hale, 80 Spring Vista Drive, Debary, Florida stated Attachment A, Sheet LP010 of the plan shows the removal of trees and also a good overlay of the proposed development. He stated the words "specimen trees" has been used quite a bit tonight, but he felt specimen trees not the most appropriate way to describe the trees on the site. He stated the 10 foot tall tree near the roadway may be worth saving, but he did not feel the trees on the rear of the site were of good quality and were not worth saving.

Mr. McGuinness asked if the replacement trees would be upgraded.

Mr. Hale replied yes.

Mrs. Remark asked is the facility would be open 24 hours a day/7 days a week.

Mr. Hale replied yes.

Mrs. Remark stated the six specimen trees along the back corner of the property served as a shield for the multi-family complex behind the site.

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Mr. Hale stated there were some trees off of RaceTrac's property that would remain and were nicer than the trees on their property.

Mrs. Remark stated she was concerned about the Oak trees and that she had gone out to walk the property. She asked if the trees could be kept.

Mr. Hale replied he could not say they could not be kept and that during the development phase of projects sometimes you don't know what root systems you are dealing with. The existing trees that potentially are not in the area of the new building and foundation could be impacted by cutting the root system to build the foundation for the wall. He stated from a maintenance perspective, RaceTrac put a lot of thought into their landscaping program and try to design sites that are easily maintained.

Mrs. Remark asked why the applicant only proposed Cabbage Palm trees when across the street at Walgreens and also in the median there were Medjool and Queen Palms.

Mr. Hale replied RaceTrac's landscape maintenance program was standardized and they had identified the Sable Palm as one that works well for maintenance reasons.

Travis Henegar, 3225 Cumberland Boulevard, Atlanta, Georgia stated they spent quite a bit of time standardizing their landscape plan but he understood the Board's concerns and they were willing to work with staff to identify possible upgrades to match existing trees in the median and across the street to develop a more uniform feel.

Citizen Comments

Jim Morris, 750 Oak Heights Court, Port Orange, Florida stated he was speaking on behalf of Eternal Order of Eagles, owner of the property immediately to the west of the proposed site. He stated his client was in opposition of the applicant's proposal to utilize the egress only access point that was on the Eagle's property. He proposed the following options:

1. Deny the rezoning request as submitted.
2. Continue the request until issues have been resolved
3. Require the applicant to delete the driveway from the request because it is not included within the boundaries of the project.

Nicki Nichols, 350 Beville Road, Daytona Beach spoke in opposition of the proposed third driveway.

MaryAnn Jump, 350 Beville Road, Daytona Beach spoke in opposition of the proposed third driveway.

John Nicholson, 413 North Grandview Avenue, Daytona Beach stated he was not in opposition of the request but would like the project to be customized for what works in Daytona Beach. He was also concerned about the egress on Beville Road.

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Mrs. Remark asked Carrie Avallone, Assistant City Attorney for comments on the easement.

Mrs. Avallone asked Mr. Sullivan to clarify what was being proposed on the easement area that was missing the owner authorization.

Mr. Sullivan replied he would like to first respond to comments that were made earlier and then address Mrs. Avallone's question. He stated they did not submit any documents that said they were rezoning anything on the Eagles' property and that the easement is shown on the site plan as an off-site access point. He stated staff's condition of approval to remove the easement from the site plan would resolve the issue.

Mrs. Avallone asked Mr. Sullivan to clarify that the easement was not included in the rezoning and nothing would be built on it.

Mr. Sullivan replied not to their knowledge and he could definitively say they were not proposing to include the easement in their rezoning request but the site plan does show off-site access to the easement.

Mrs. Remark asked if the proposal was that the shared easement would be right turn only from RaceTrac's property.

Mr. Sullivan replied right turn only where it exists. He stated RaceTrac was committed to working with neighbors but they were confident that the site would function well as presented. He stated there was an intervening driveway on the Eagles' property that was closer to the A frame house than the RaceTrac driveway and he felt that should be taken into account. He stated each of the requested waivers were critical to the project moving forward and they made some changes to their usual plan to accommodate the smaller site. He stated he respectfully disagreed with Mr. Morris' comments and felt it was not right for the City to be put in the middle of an issue between two property owners regarding an easement agreement. Mr. Sullivan gave a timeline of events that lead to the issues with the shared easement and stated if the project were to be delayed, he did not feel that either property owner would change their position and therefore continuing the request would not serve a purpose.

Mrs. Remark asked Mrs. Avallone if there was a need to continue the request.

Mrs. Avallone replied she did not believe an owner authorization was needed to rezone the property but she was concerned because the site plan appears to propose improvements the Eagles' property. She stated if the Board decides not to allow the access point the problem would be solved.

Mrs. Remark asked if improvements were being proposed on the Eagles' property.

Mr. Sullivan replied there was a driveway shown on the Eagles' property but as Mrs. Avallone pointed out staff's condition of approval was to remove the egress only point on Beville Road and relocate the other proposed driveway on Beville Road as far west as practical.

Board Comments

Mr. Moore asked Mr. Sullivan to clarify which driveway would be removed and how much further west the remaining driveway would be moved.

Mr. Sullivan replied they would need to review the site plan before that could be determined. He suggested revising staff's language to possibly read "remove egress point on Beville Road and relocate the remaining driveway on Beville Road as far west on the site as practical."

There was additional discussion on removal and relocation of the egress only point and the ingress/egress driveway on Beville.

Mrs. Remark asked if everything being proposed regarding the driveway was in the easement.

Mr. Sullivan replied yes because it was the point where the two properties joined.

Mrs. Remark asked Mr. Moore if his question had been answered.

Mr. Moore replied yes and that he was familiar with that corner because he uses that route a lot. He stated he was not a traffic engineer but he did believe the access point was too close to the intersection.

Mr. Barhoo asked if there was an ingress/egress point on Ridgewood Avenue and if so what effect would that have on traffic turning onto Beville Road.

Mr. Hale replied yes it was within an existing turn area. He stated a traffic study had been done that shows it operates acceptably.

Mr. Neal stated he felt they could make the driveway wider to eliminate the need to go to the corner.

Mrs. Remark reminded Board members that the City's traffic engineer disagreed with the applicant's proposed location for the egress only driveway.

Mr. Sullivan stated that decision was based on the set of circumstances that there was potential for a third driveway to exist.

Mr. Walton stated that potential was approved by this Board.

Mr. Sullivan stated the letter from the City's Engineering Department stated the Eagles could not build based on their site plan.

Mrs. Avallone stated the letter did not cancel their site plan, it informed the property owner that the City had been notified of an existing easement that was not included on their site plan and they are required to make revisions to their site plan.

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There was additional discussion on proposed and existing driveways.

Mr. Morris asked that the proposed site plan be revised to coincide with the existing easement so there would only be a need for one driveway. He restated that his client would be fine with the easement being eliminated from RaceTrac's site plan.

Mr. Davis stated Mr. Morris' drawings showed access to the 5th 3rd Bank property.

Mr. Morris replied yes they were legally entitled to it.

Mr. Davis asked if RaceTrac would have access to the property at some point in the future.

Mr. Morris replied yes.

Mr. Davis asked if it would be valid for RaceTrac to develop some type of access there until the Eagles development was completed.

Mr. Moore replied to do that they would be required to go through a driveway modification. He stated common sense was all that was needed to determine whether or not it would be safe to do that.

Mr. Hoitsma stated he liked the project but had a problem with the number of waivers being requested. He stated it bothered him because the applicant did not appear to be willing to compromise. He stated the City must either require applicants to follow the rules in place or change the rules.

Ms. Washington stated she agreed with Mr. Hoitsma's comments regarding the requested waivers. She stated she was in favor of new business in the City but did not agree with all of the waivers being requested. She stated she knew the area and what the traffic was like on that corner. She stated she could not imagine having one access point onto the property and also did not like the applicant's proposal to have access to the easement and not the property owners in the A frame house. She stated her recommendation was for the applicant to have additional discussions with the property owners or she could not support the request.

Mr. McGuinness stated he also agreed that there were too many waivers being requested, but it has been done in other PD applications. He stated he was concerned about the landscaping and the applicant's inclusion of anything on the easement property with the rezoning request.

Mr. Moore restated that he agreed with the City's traffic engineer to close the egress only access point and move the other ingress/egress point as far west as possible.

Mrs. Remark stated she did not recall a time when the Board had been asked to completely scalp a property. She stated she did agree that the easement was a civil matter as long as the Board's decision did not impact any improvements on the easement or the rezoning. She stated she did feel that was the perfect spot for the project, but she had a major problem with

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the fact that they were not preserving any of the trees on the site. She stated Daytona Beach was a tree City, and part of the new code was dedicated to preserving tree canopy. She stated she felt the applicant could preserve at least six specimen trees in the back corner to shield the multi-family condominiums from noise and activity on the site. She stated she appreciated the community benefits letter submitted but needed clarification on how many jobs would be created. She stated the letter lists 30 jobs but the company's spokesperson said 20.

Mr. Henegar replied it would depend on the amount of traffic in the store.

Board Motion

It was moved by Ms. Washington, seconded by Mr. Davis to approve Rezoning, Planned Commercial Development – RaceTrac Ridgewood and Beville, DEV2013-030 with staff recommendations and the condition that the landscaping be improved to match existing gateway trees.

Board Action

The motion failed by roll-call vote 2-to-6, with the breakdown as follows:

Mr. Moore	No
Mr. McGuinness	No
Mrs. Remark	No
Ms. Washington	No
Mr. Hoitsma	No
Mr. Davis	Yes
Mr. Neal	Yes
Mr. Barhoo	No

Mr. Sullivan asked the Board to reconsider the rezoning request with staff's recommendations and the conditions that landscaping match the existing gateway trees and preserve specimen trees at the rear of the property.

Board Motion

It was moved by Ms. Washington, Seconded by Mr. Moore to approve Rezoning, Planned Commercial Development – RaceTrac Ridgewood and Beville, DEV2013-030 with staff recommendations and the following Board conditions:

1. Landscaping match the existing gateway trees.
2. Preserve specimen trees at the north west corner of the property

Board Action

The motion was approved by roll-call-vote 6-to-2 with the breakdown as follows:

Mr. Moore	Yes
Mr. McGuinness	No
Mrs. Remark	Yes
Ms. Washington	Yes
Mr. Hoitsma	No
Mr. Davis	Yes
Mr. Neal	Yes
Mr. Barhoo	Yes

6. **Rezoning, Planned Commercial Development With Preliminary Plat – Racetrac LPGA, DEV2013-034, (Quasi Judicial Hearing)**

A request by Mikal Hale, P.E., on behalf of Jeff Robbins with Indigo Development, LLC, to rezone 3.41± acres of land generally located at the Southeast corner of LPGA Boulevard and Williamson Boulevard, from M-2 (Light Manufacturing) to PCD (Planned Commercial Development), and to approve a Preliminary Plat in conjunction with the rezoning, to construct a 5,928 square foot gas station and convenience store.

Staff Presentation

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, general location, zoning and land use. He stated the site was 3.41± acres of vacant undeveloped land that the applicant was proposing to construct a 5,928 square foot building with 18 gas pumps. He stated due to the building size, the use would be classified as retail sales with light vehicular service to accommodate the gas pumps. He stated the LDC required 27 parking spaces; the applicant was providing 42 spaces. He stated a signage plan had been provided and included in the packet and the City's Traffic Division thoroughly reviewed the traffic analysis. Mr. Mrozek stated the Traffic Division had some technical comments that would be addressed prior to final site plan approval. A neighborhood meeting was held and the applicant would give a summary during his presentation. The Technical Review Team (TRT) reviewed the architectural elevations and determined they meet all of the design standards for major city thoroughfares. He stated the applicant was requesting the following waivers from the LDC: a building setback reduction from the 25 foot PCD requirement. He stated the request was to reduce the setback requirement from 25 feet to 19 feet for the dumpster enclosure only. He stated typically staff does not look at the dumpster enclosure as part of a building setback because a dumpster enclosure can be encroached into the building setback. He stated the actual building was set back further than 25 feet and he would like the PD agreement to clarify that the setback reduction only applied to the dumpster enclosure. Mr. Mrozek stated additionally the applicant was requesting to waive the landscaping requirements for the perimeter of the building, and the minimum standards for landscape islands. He stated the request also included a request to approve a preliminary plat that had been reviewed by staff and found to be in compliance. He stated staff recommends approval of the rezoning request and to approval of the preliminary plat in conjunction with

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the rezoning with the condition that all traffic comments be resolved prior to final site plan approval. He stated the item was tentatively set to be heard by the City Commission first reading on July 3, 2013 and second reading July 17, 2013. An affirmative vote of six was required and recommended approval to the City Commission

Mr. McGuinness asked if the waiver requests were the only reason this was being processed as a PD.

Mr. Mrozek replied there was a requirement in this particular area that properties get rezoned to PD. He stated the requirement was based on a neighborhood policy that it to be rezoned to PD.

Mrs. Remark stated she wanted to be sure the request for a landscape variance around the building was because the applicant was proposing a hardscape look.

Mr. Mrozek replied yes the applicant chose this style due to high volume of pedestrian activity. He stated there was some landscaping adjacent to the building.

Applicant Presentation

Tom Sullivan, 215 North Eola Drive, Orlando, Florida stated a neighborhood meeting was held but no one attended. He stated he believed this was because most of the property around this area was owned by Consolidated Tomoka. He stated they were in agreement with the staff's report and analysis including the clarification in the PD agreement. He stated they would revise the language to reflect what the 19 foot setback variance should apply too.

Mr. Moore stated he was curious why with only 3.41 acres there was a need for 15 extra parking spaces.

Mr. Hale replied although the site is 3.41 acres there is a huge DOT drainage easement and canal that encumbers a large portion of the 3.41 acres, which means there is a large portion of the property they do not have the ability to use. He stated was there quite a bit more landscaping on the site than is required by code.

Mr. Moore asked where the dumpster would be located.

Mr. Hale pointed out the dumpster location on the screen.

Citizen Comments

John Nicholson, 413 North Grandview Avenue, Daytona Beach thanked Mrs. Remark for her comments regarding Daytona Beach being a tree City. He asked the Board to require the applicant to plant more upscale palm trees. He stated he was happy with the proposed project but would like some improvements to the landscaping.

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Dhaval Patel, 105 Logenberry Court, Daytona Beach spoke in opposition of the rezoning request.

Craig Patel, Tampa, Florida spoke in opposition of the rezoning request.

Carl Exford, Ocala, Florida spoke in opposition of the rezoning request.

Reza Afshari, Ormond Beach, Florida spoke in opposition of the rezoning request.

Mr. Sullivan stated he was disappointed in the anti-competitive comments from the operators and owners of other businesses in the area and did not feel it was a valid reason for not approving the rezoning request. He stated in regard to the comment about the gas stations closed in the area, in 2009 the Federal Government imposed additional standards for underground storage tanks and because of the new standards, some of the mom and pop operations were not able to meet the upgrades. He stated they have met the City's criteria for rezoning and he felt this was an exceptional building. He stated Racetrac had raised the bar in the convenience store industry and he felt their facility would raise the bar in this area. He asked for the Board's support of the rezoning request.

Board Comments

Mrs. Remark asked Mr. Sullivan to work with staff on landscaping.

Mr. Walton stated on the previous rezoning request Mr. Sullivan referred to the facility as a neighborhood market.

Mr. Sullivan stated this facility was also a neighborhood market and was the same product as the previous request.

Mrs. Remark stated Racetrac was number 36 on the list of top private companies and she was impressed with the relationship they had with their employees. She stated last year RaceTrac made \$9.5 billion dollars in sales.

Mr. McGuinness stated he was always unhappy with PCD's, but since they seem to be locked in at this location he would accept it.

Board Motion

It was moved by Mr. Neal, seconded by Mr. Barhoo to approve Rezoning, Planned Commercial Development With Preliminary Plat – Racetrac LPGA, DEV2013-034 with staff's recommendation and the condition that RaceTrac work with staff to improve tree landscaping.

Board Action

The motion was approved 8-to-0.

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7. **Other Business**

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

Ms. Washington stated she was unable to attend the May 7, 2013 meeting because she had surgery that day, but she was able to get a briefing on the meeting. She stated the Board recommended approval of a request to rezone 0.207± acres located at 315 to 319 Michigan Avenue from BP (Business Professional) to RP (Residential Professional) to facilitate residential development.

B. **Midtown Redevelopment Area Board Report**

No Report.

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

No Report.

D. **Public Comments**

John Nicholson, 413 North Grandview Avenue, Daytona Beach asked the Board to have a discussion on Floor Area Ratio, submerged lands, hotel parking and landscaping.

E. **Staff Comments**

Mr. Walton stated a Special Planning Board Meeting combined with a Public Input Forum to discuss Module 3 of the LDC Re-write was scheduled for next Thursday, May 30, 2013 at 5:00 PM here in City Commission Chambers. He stated Clarion Associates would facilitate the meeting. He stated the Sub-committee was scheduled to meet on Thursday, May 29, 2013 at 4:30 in Conference Room 149B. He stated the purpose of the special meeting is for the Board to discuss Module 3 as a group to give comments and recommendations. He stated testing of the document will also be held and another special meeting, public hearing will be scheduled sometime in September to approve the final draft.

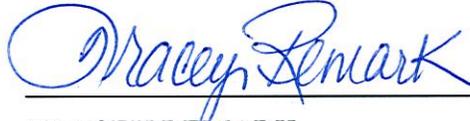
F. **Board Member Comments**

No Board comments.

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Adjournment

There being no further actions to come before the board, the meeting was adjourned at 8:10 PM.



TRACEY REMARK
Chair

ATTEST:



CATHY WASHINGTON
Secretary