

MINUTES
REGULAR MEETING – PLANNING BOARD

June 27, 2013

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, June 27, 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
James Neal
Tony Barhoo

Staff members present:

Richard Walton, Planning Director
Reed Berger, Redevelopment Director
Dennis Mrozek, Senior Planner
Thomas Weitnauer, Principal Planner
Carrie Avallone, Assistant City Attorney
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**

Mrs. Remark stated approval of the May 23, 2013 Planning Board Meeting Minutes had been postponed to the July 25, 2013 regularly scheduled meeting.

4. **Rezoning, Planned Commercial Development Amendment – Interstate Commerce Gun Range, DEV2013-057, (Quasi Judicial Hearing)**

A request by Parker Mynchenberg, PE, on behalf of Jeff Robbins, representative for Indigo Development, LLC, to rezone 61.04± acres of land located at 800 North Tomoka Farms Road, amending the approved Interstate Commerce Park Planned Commercial Development (PCD), modifying maximum letter height for signage and to permit the use “gun range” for the purpose of constructing an indoor gun range with associated parking.

Staff Presentation

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the general location, surrounding uses, future land use and zoning designations. He stated the proposed rezoning request was to add “gun range” to the list of permitted uses and that the use would be limited to lot four, located immediately south of the existing Furniture Rowe store. He stated the request also included modifications to expand wall signage from three feet to four and a half feet tall, but it would not modify the maximum overall square footage that would be permitted. He stated the purpose of the request to modify wall signage was to make the letters a little bit easier to see from Interstate 95. Mr. Mrozek stated staff recommends approval of the rezoning request and that an affirmative vote of six was required to recommend approval to the City Commission. The request was tentatively scheduled for the August 7, 2013 City Commission Meeting for first reading and August 21, 2013 for second reading, public hearing.

Mrs. Remark asked if it would create a problem with the language only reading gun range instead of indoor gun range.

Mr. Mrozek replied the language could be changed to read indoor gun range.

Mr. Moore asked if the signage request was only for the buildings and not for the pylon sign.

Mr. Mrozek replied it was only for the buildings and the request was for the entire PD, which meant other buildings may increase the size of their signage, but they could not exceed 300 square feet.

Applicant Presentation

Parker Mynchenberg, 1729 Ridgewood Avenue, Daytona Beach stated Consolidated Tomoka Group, a locally owned company was interested developing the property. He stated they currently own Volusia Top Gun in South Daytona. He stated in reference to the sign, their preference was to have the letters a little taller and the sign shorter. Mr. Mynchenberg gave additional details on the building design and stated he would be happy to answer any questions the Board may have.

Citizen Comments

John Nicholson, 413 North Grandview Avenue, Daytona Beach stated he was not in opposition of the request but he did have a concern about the 60 foot pylon sign because he did not believe it was permitted. He was concerned that the sign was the same as a billboard and asked the Board to look very closely before approving the height. He was also concerned about trees being removed from Interstate 95.

Mr. Mynchenberg stated the pylon sign was already there and they were not proposing to change it. He stated he has had developers to request to have trees removed on I95, but the Department of Transportation does not permit that because they do not want their right-of-ways clear cut, but they do allow under-brushing if there is growth below.

Board Comments

Mr. Hurt stated due to the amount of people getting gun permits he felt this was needed.

Board Motion

It was moved by Mr. Hurt to approve Rezoning, Planned Commercial Development Amendment – Interstate Commerce Gun Range, DEV2013-057. Seconded by Mr. Bohon.

Board Action

The motion was approved 11-to-0.

5. **Land Development Code Text Amendment – Permitting Electronic Message Center Signs at Auto Dealerships Adjacent to Interstate 95, DEV2013-040**

A request by Robert A. Merrell, III, Esq., on behalf of John J. Kendrick, III, Esq., representative for Daytona Auto Mall Association, 505 South Flagler Drive, Suite 700, West Palm Beach, Florida, to amend the Land Development Code (LDC), Article 18 (Appearance Standards), Section 6 (Signs), to allow electronic message center (EMC) signs for car dealerships, limited to sites exceeding 100 acres and adjacent to Interstate 95.

Staff Presentation

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above and asked the Board's permission to present items five and six together because they were related. He stated he would present both items and address questions and comments separately. He stated in March 2011 the City Commission approved an EMC ordinance to permit EMC signs in specific zoning districts and in specific uses. He stated the proposed amendment would modify permitted restricted locations for EMC signs. He stated currently Daytona Beach Kennel Club, Bethune-Cookman University (BC-U), Halifax Hospital and Embry-Riddle Aeronautical University's (ERAU) main campus. He stated all of the sites were eligible to receive EMC signs with the exception of Daytona Beach Kennel Club, which was

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approved as part of a PCD amendment. He stated the use of EMC signage within the City is a policy matter that is ultimately the responsibility of the City Commission after recommendation of the Planning Board. He stated staff supports the Board's recommendation and an affirmative vote of six is required to recommend approval to the City Commission. If the request is approved it will be scheduled for the August 7th City Commission Meeting for first reading and August 21st for second reading (public hearing).

Mr. Moore asked the height of the existing sign.

Mr. Mrozek replied his records reflected 59 feet.

Mr. Moore asked if his understanding that the request was to amend the EMC ordinance to allow EMCs along interstate highways for site that were 100+ acres. He asked if individual auto dealerships would be allowed to put up EMC signs.

Mr. Mrozek replied yes his understanding was correct and this would only be allowed for dealerships that were 100+ acres and be located adjacent to I95.

Applicant Presentation

Robert Merrell, 150 Magnolia Avenue stated distributed handouts that included photos of the site along I95. He stated believes the current regulations that allow EMC signs in the City were very restrictive, but he understands the intent was to bring forward a tasteful version of EMC signage. To address Mr. Moore's question he stated page three and four of the handout reflected the sign as it currently exists and the proposed request would replace the middle section with an EMC sign. He stated the sign would be bigger than what is currently allowed because the existing sign was bigger. He asked the Board for support of the request.

Mr. Moore asked if all of the parameters of the sign would remain the same.

Mr. Merrell replied yes.

Citizen Comments

John Nicholson, 413 North Grandview Avenue asked questions regarding the size of the property and stated based on the property shape he did not understand how they came up with the 100 acres. He stated he felt 60 seconds was a long time between sign changes and asked if that could be changed to 30 seconds.

Board Comments

Ms. Remark stated the language on page two of the staff report for the proposed in the text amendment reads "automotive dealerships," which could mean any automotive dealership on the site could request an EMC sign. She stated she feels the language should be wordsmithed because the current language leaves it open to interpretation.

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Mr. Merrell stated the intent was for the dealership to control 100+ acres. He stated the site 117 acres, so to answer Mr. Nicholson's question, no it could not be broken up. He suggested possibly changing the language to say one sign per 100 acres.

Mr. Barhoo asked what impact the sign would have on drivers or passersby.

Mr. Merrell replied a lot of studies and opinions were performed and the result is the list of restrictions in the ordinance.

Mr. McGuinness stated the ordinance has been in effect for approximately two years and he had not gotten very much feedback on the EMC signs currently in operation. He stated he was concerned that this may be the first of a number of requests from private business he feels more time was needed to determine whether or not the EMC process was working.

Ms. Washington stated she wanted to clarify that the EMC sign was actually being retrofitted just like the one at Bethune-Cookman University.

Mr. Merrell replied yes.

Mrs. Remark stated she agrees with Mr. McGuinness and the City Commission was very clear that they would like to have a waiting period to evaluate whether or not the EMC process was working. She gave a summary on the history of EMC signs in the City and stated the City Commission made a policy statement when they approved very narrow guidelines. She stated she was sure if this gets approved, there will be more requests in the near future. She stated she does not feel it was the Board's place to approve something this controversial.

Mr. Hurt stated when you talk about technology in 2001 versus 2013; it is a completely different animal.

Ms. Washington stated she came in on the tail end of the discussion in 2002. She stated once upon a time technology changed every 10 to 15 years, but now it changes every month and as long as the sign is in compliance with the approved guidelines, she did not see a problem with allowing it.

Mr. Moore stated the original plan was 35 acres, and then it was changed to 50 acres with the approval of Daytona Beach Kennel Club. He stated personally he does not have a problem with the request, but he does feel it will open the door for other private business to request EMC signs. He stated he is concerned that every time a request comes forward the criteria is amended to allow what is being requested.

Mr. McGuinness stated he did not have a problem with technology; his issue was the deviation from current code.

Mr. Bohon stated he felt the requests should be reviewed on a case-by-case basis. He stated he felt the sign was suitable for the size of the site.

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Ms. Remark stated there were auto dealerships on Nova Road and our past mayor had to remove an EMC sign.

Mr. Hoitsma asked the Board to remember that approval of this request will set precedence.

Mr. Barhoo stated if the request is approved with the requested variances it will open the door for other businesses to come forward. He stated in looking at the City's vision he feels this is an area that should be approached with caution. He stated when he drives by Bethune-Cookman University the brightness of their sign is distracting.

Mrs. Remark reminded the Board that several changes were made to the ordinance

Board Motion

It was moved by Mr. Hoitsma to approve Land Development Code Text Amendment – Permitting Electronic Message Center Signs at Auto Dealerships Adjacent to Interstate 95, DEV2013-040. Seconded by Mr. McGuinness.

Board Action

The motion failed 5-to-6 by roll-call vote, with the breakdown as follows:

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

6. **Rezoning, Planned Commercial Development Amendment - Daytona Auto Mall, DEV2013-039, (Quasi Judicial Hearing)**

A request by Robert A. Merrell, III, Esq., on behalf of John J. Kendrick, III, Esq., representative for Daytona Auto Mall Association, 505 South Flagler Drive, Suite 700, West Palm Beach, Florida, to rezone 117± acres of land located at 1450 North Tomoka Farms Road, amending the approved Daytona Auto Mall Planned Commercial Development (PCD), to allow for an electronic message center sign.

Staff Presentation

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the future land use, and current and proposed zoning. He stated proposed PCD amendment would permit an EMC display screen in the existing sign and there were not any additional modifications being proposed. He stated all EMCs were required to meet the standards in the LDC that were approved in 2011 and the proposed EMC request included the following waivers for maximum height, sign cabinet area and additional non-EMC signage. He stated based on staff's analysis the proposed PCD amendment will be in compliance with the Comprehensive Plan and LDC if approved by action of the City Commission. A majority vote of Planning Board members present and voting was required to recommend approval to the City Commission. If approved, the item would be scheduled for the August 7th City Commission Meeting for first reading and August 21st for second reading (public hearing).

Applicant presentation, citizen comments and Board discussion are included in item 5.

Board Motion

It was moved by Mr. Hurt to approve Rezoning, Planned Commercial Development Amendment - Daytona Auto Mall, DEV2013-039. Seconded by Mr. McGuinness.

Board Action

The motion failed 5-to-6 by roll-call vote, with the breakdown as follows:

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

7. **Rezoning, Planned Master Development – Embry-Riddle Aeronautical University, DEV2012-126, (Quasi Judicial Hearing)**

A request by Robert A. Merrell, III, Esq., and Duncan Ross, on behalf of Chris Hardesty, representative for Embry-Riddle Aeronautical University (ERAU), Inc., to rezone 173± acres of land located at 600 South Clyde Morris Boulevard, from Local Service Industry (M1), Light Manufacturing (M2), and Residential Professional (RP), to Planned Master Development (PMD). The purpose of the rezoning is to bring the ERAU campus under the regulatory framework of a single zoning classification to allow for a unified approach that accommodates future campus activity and for the consistent application of development requirements.

Staff Presentation

Thomas Weitnauer, Principal Planner gave a PowerPoint presentation that included the request as written above, property boundaries, zoning and land use designations. He stated the site for the proposed rezoning was comprised of parcels owned by the Embry-Riddle Aeronautical University (ERAU) and property owned by Volusia County leased to ERAU. He stated over the next few years the university estimates that their student population will increase from 4,900 students to 8,500 students and the projected growth forecast necessitates expansion and redevelopment of the campus. He stated the three existing zoning districts do not facilitate future development requirements for the campus and as part of the long range master planning process the university identified the need to rezone the campus from three existing zoning classifications to one PMD zoning classification. Mr. Weitnauer stated the City would use the PMD to regulate land use, development density/intensity maximums, circulation, architectural design, lot development criteria, signage, landscaping and criteria and procedures for modifications, amendments and variances. The illustrative master plan attached to the PMD is shown for conceptual purposes only and the university would be permitted to relocate buildings and uses shown on the concept plan as well as land uses consistent with the agreement. In addition, the PMD does not set forth a forecasting schedule, but instead notes that future phases of development will be dictated by market conditions and will be at the discretion of ERAU. He stated the applicant requested several waivers that were included in the staff report and that the first bulleted item labeled Credits should be deleted because it was addressed during the TRT process. He stated staff recommends approval of the rezoning request and an affirmative vote of six was required to recommend approval to the City Commission.

Applicant Presentation

Robert Merrell, 150 Magnolia Avenue, Daytona Beach stated the PMD Process was a little different from the PCD process because it encompassed larger tracks of land. He used Halifax Hospital and ERAU Technology Center as examples and stated he would be happy to address any questions the Board may have.

Citizen Comments

No citizen comments.

Board Comments

Mr. Hoitsma stated ERAU has been very good to the community and he was pleased with this project.

Mr. Hurt stated he agreed with Mr. Hoitsma and the public benefit required was the school.

Mr. Barhoo stated he attended ERAU in 1989 and it was wonderful to see the university grow.

Board Motion

It was moved by Mr. Bohon to approve Rezoning, Planned Master Development – Embry-Riddle Aeronautical University, DEV2012-126. Seconded by Mr. Hoitsma.

Board Action

The motion was approved 11-to-0.

8. **Rezoning, Planned Commercial Development – Boulevard Tire, DEV2013-047, (Quasi Judicial Hearing)**

A request by George Jenkins on behalf of Earl Colvard, to rezone 2.43± acres of land located at 800 South Nova Road from Business Automotive (BA), Industrial Park (M4), and Tourist/Office/Retail (T3), to Planned Commercial Development (PCD), to construct a 7,500 square foot building addition to an existing tire store including additional parking and a stormwater retention system.

Staff Presentation

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, general location, future land use, current/proposed zoning and details of the site and proposed project. He stated the LDC requires 26 parking spaces; the applicant is providing 30 parking spaces of which two are motorcycle spaces. He stated a signage plan has been provided that removes the existing pole sign located on the corner of Nova Road Bellevue Avenue and replace it with a monument sign. No waivers are being requested with the rezoning request and the applicant has provided a community benefit letter. He stated Mr. Weitnauer has worked diligently with the applicant to produce a product that both the applicant and the City would be happy with. He stated staff recommends approval of the rezoning request. An affirmative vote of six was required to recommend approval to the City Commission. The request was tentatively scheduled for the August 7, 2013 City Commission Meeting for first reading and August 21, 2013 for second reading, public hearing.

Applicant Presentation

Eric Brown, 311 South Woodland Boulevard, Deland stated Boulevard Tire has been in the same location for several years and the purpose of the rezoning request was to allow for expansion to build a warehouse for tire storage and additional space for servicing. He stated Boulevard Tire has 39 locations throughout the State of Florida and they have contracts with UPS, Ryder, and Penske. He stated the expansion will generate more tax revenue and bring new business to the City. He stated they worked very hard with staff to meet architectural standards.

Citizen Comments

No citizen comments.

Board Comments

Mr. Hurt stated it was great to see a business expand in a good way.

Mrs. Remark stated she was pleased to see the sign changed to a monument sign and the landscape improvements in excess of what the code required.

Ms. Washington stated the project was in her neighborhood and she loved it. She stated it was great to see some improvement.

Mr. Hoitsma stated he was very pleased to see a project that did not require any waiver requests.

Board Motion

It was moved by Mr. Bohon to approve Rezoning, Planned Commercial Development – Boulevard Tire, DEV2013-047. Seconded by Mr. Moore.

Board Action

The motion was approved 11-to-0.

9. **Rezoning, Planned Commercial Development – 2900 West International Speedway Boulevard, DEV2013-037, (Quasi Judicial Hearing)**

A request by Daniel Johns, PE, on behalf of Silver Eagles Investment Group, LLC, to rezone 7.5± acres of land located at 2900 West International Speedway Boulevard, from Tourist Highway Interchange (T5) to Planned Commercial Development (PCD), to construct an additional hotel totaling 18,880 square feet with associated parking on the existing developed site and provide for future development.

Staff Presentation

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, general location, future land use, current/proposed zoning and details of the site and proposed project. He stated there were not any plans to make improvements to the existing Days Inn Hotel, but the applicant was requesting waivers for some non-conforming features to the building.

Mrs. Remark asked if the applicant was requesting a 14 foot monument sign.

Mr. Mrozek replied there was a proposal for a 14 foot monument sign and that there was currently a monument sign there, but it was not 14 feet.

Mrs. Remark asked the height of the existing monument sign.

Mr. Mrozek replied 8 feet.

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Mrs. Remark stated is they were proposing to keep the pole sign and also the chain link fence.

Mr. Mrozek replied, the proposal was to keep the pole sign and that there was currently a chain link fence at the front of the property, but code does not permit it. He stated staff spoke with the applicant's representative and was told the chain link fence was an oversight that should not have been included on the site plan and it would be removed and would not be part of the site plan going forward.

Mrs. Remark asked if the illegal banner sign for the Days Inn that is currently on the right-of-way would remain.

Mr. Mrozek replied he had not seen the sign so he would allow the applicant to respond to the question. He stated this was the Phase I of the project and that Phase II would remain undeveloped at this point. He stated the proposed uses were hotel/motel and ancillary uses associated with hotel/motel uses; 277 parking spaces were required by code, the applicant is proposing 278. Mr. Mrozek stated the proposed project met all of the City's architectural design standards; waivers were being requested for building setbacks, signage landscaping and property perimeter and the applicant had also provided a community benefit letter.

Mrs. Remark stated in the community benefit letter listed stormwater and removal of underground fuel storage tanks as benefits. She asked they were a requirement or a benefit.

Mr. Mrozek replied were required.

Mr. Barhoo asked if there had been any studies completed on pedestrian safety or traffic flow in and out of the station.

Mr. Barhoo stated the City would definitely want to make sure it was safe especially with the I95 interchange so close to the site.

Mr. Mrozek replied a traffic impact analysis was not required for the type of rezoning being requested, but the City's traffic reviewer reviewed the request for pedestrian connections and traffic movements and he did not offer any objections. He stated no specific safety study had been performed; only the review for standard movement within the parking lot and separation between pedestrian and vehicle access.

Mrs. Remark asked if there had been any discussion regarding removing the pole sign and updating it to a more modern monument sign.

Mr. Mrozek replied there was discussion on the sign, but it would be best if the applicant responded to the question. He stated staff recommends approval of the proposed rezoning request and an affirmative vote of six was required to recommend approval to the City Commission.

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Applicant Presentation

Daniel Johns, 3869 South Nova Road, Port Orange stated he would be happy to answer any questions.

Mrs. Remark asked why the applicant was proposing to keep the pole sign. She stated the sign looked like a gas station sign.

Mr. Johns replied it was business decision made by his client and the owner of Holiday Inn. He stated the sign would be updated.

Mr. Hurt stated they probably need the sign for visibility purposes because site is hidden. He stated he was sure they would update the signage because they were building a new hotel, which was a huge improvement.

Mrs. Remark asked why they needed a 14 foot monument sign.

Mr. Johns replied the completed project would have three hotels on the site and it would be difficult to advertise all three hotels without having signs with a little bit of height and width to them.

Mrs. Remark asked if all three hotels would be advertised on the sign.

Mr. Johns replied yes.

Mr. Moore asked if the monument sign would be located on Tomoka Farms Road.

Mr. Johns replied yes and also one International Speedway Boulevard (ISB).

Mrs. Remark asked Mr. Johns if he was saying there would be a monument and pole sign on ISB, and another monument sign on Tomoka Farms Road.

Mr. Johns replied yes.

Mrs. Remark asked where the monument sign would be located in relation to the pole sign.

Mr. Johns replied it would be approximately at the halfway point from the sign and I95.

Mr. Hurt stated the sign might be needed from cars traveling from the opposite direction. He stated when people drive down Tomoka Farms Road, they have to look back to see the hotel.

Mrs. Remark stated she understood the need for the sign on Tomoka Farms Road, but sign the one on ISB.

Mr. Moore stated the code allows a maximum height of eight feet.

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Mrs. Remark distributed photos she took of the Hyde Park Storage facility on ISB to show what an eight foot monument sign would look like.

Mr. Hurt stated Hyde Park Storage was advertising to a much smaller venue and he felt the monument sign was needed to let people know the hotel was there.

Mrs. Remark stated she did not think two monument signs were needed and that she distributed the photos to give the Board an idea of the visibility when driving by.

Citizen Comments

Samear Patel, 2900 West ISB asked the applicant the likelihood of getting approval from the Federal Aviation Administration (FAA).

Mr. Johns replied the height restriction was for 100 feet or greater and their sign was approximately 65 feet. He stated that they had already applied to the FAA for approval. He stated he was certain they would get the approval because Daytona International Speedway just built a six story building that is adjacent to the airport.

Board Comments

Mr. Moore asked if it was legal to have both the monument and pole sign on the front of the property.

Mr. Mrozek replied he would have to research that, but he believed it might require another waiver request.

Mr. Johns stated there was extensive discussion during the approval process and that the main point was the hotels sitting in the back would not be allowed to put a sign on ISB unless they had actual frontage on the property. He stated the request was being processed under single ownership to allow advertising of the hotels in the rear of the property.

Mr. Mrozek state he believed they were still restricted to the number of monuments signs allowed on the front of the property.

Mrs. Avallone stated the code requirement is "one ground identification on each frontage 300 or less and two ground identifications on each frontage more than 300 feet".

Mr. Johns stated the frontage was not over 300 feet due to the limited access on I95.

Mrs. Remark stated so it would actually require an additional waiver request.

Mr. Moore stated his issue was with the height of the monument signs. He stated he did not know why they could not be standard height.

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Mr. Johns stated the height of the monument sign at Hyde Park would not work with three hotels on the site. He stated the hotel at the rear of the property would need some type of signage.

Mrs. Remark stated she did not have a problem with the height of the monument sign; she had a problem with the pole sign in addition to the 14 foot monument sign and a 65 foot I95 sign. She stated it appears a lot of money was being put into a sign that would continue to look like a gas station sign.

Board Motion

It was moved by Mr. Hurt to approve Rezoning, Planned Commercial Development – 2900 West International Speedway Boulevard, DEV2013-037. Seconded by Mr. Neal.

Board Action

The motion was approved by roll-call vote 10-to-1 with the breakdown as follows:

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

10. **Rezoning, Planned Commercial Development – Daytona Plaza, DEV2013-012, (Quasi Judicial Hearing)**

A request by Kimley-Horn and Associates, on behalf of Gator Daytona Partners, LTD, to rezone 15.21± acres of land located at 1300 West International Speedway Boulevard, from Shopping Center (BR-2), to Planned Commercial Development (PCD), to construct two additional buildings which, added to the existing shopping center will total 150,487 square feet with associated parking. The request includes the demolition of the existing McDonald's restaurant and construction of a new one elsewhere on the property.

Staff Presentation

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, general location, future land use designation, current/proposed zoning and surrounding uses. He stated the Wells Fargo Bank and retail center fronting on ISB are not included in the proposed rezoning request. He stated the existing McDonald's will be demolished and a new McDonald's will be built adjacent to Wells Fargo Bank and would front

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on ISB. The former McDonald's site will be redeveloped into retail sales and the applicant had been working with Starbucks as a possible tenant. He stated the main shopping center building would remain the same with the exception of the removal of the garden center and the applicant was proposing additional parking and landscape improvements. Mr. Mrozek stated a Traffic Impact Analysis (TIA) was submitted to the City and has been forwarded to the City's consultant for review and comments. He stated the applicant has requested waivers for parking, signage, outside storage/display, landscaping, and architectural design and a community benefits letter has been submitted and included in each Board members' packet. He stated the project would be completed in phases to allow the site to continue to operate while improvements are being completed. He stated Phase I includes the total refacing of the building, additional landscaping in the northwest corner of the site and installation of a couple of landscape islands and trees in the parking lot; Phase II includes parking lot improvements associated with West Marine; Phase III is the beginning of construction of McDonald's on ISB, all of the parking the general area and improvements to the site on ISB; and Phase IV includes demolition of the old McDonald's and rebuilding it into the retail center, improvements to parking areas and landscape requirements. Upon completion of Phase IV the entire shopping center remodel should be complete.

Mr. Neal asked for clarification regarding the start date of the project.

Mr. Mrozek replied the actual process has started. He stated based on the current BR-2 zoning the applicant is allowed to apply for permits for the façade of the building provided all LDC requirements are met. He stated the applicant had made their application for façade improvements, staff has approved them and they have started the work. He stated additionally, a site plan application has been submitted for West Marine, which is the removal of the garden center and façade improvements on the West Marine side of the building as well as improvements to the parking lot and additional landscaping on that side of the building. He stated under the current zoning, that is the extent of what could be done and that any additional work would require the applicant to request a PD rezoning because they were locked out on the number of outparcels allowed on the property.

Mrs. Remark stated West Marine would not meet code if there was signage on the both the awning and the wall.

Mr. Mrozek replied correct; they could move forward with the signage that was currently permitted, which is no awning signage and no signage on the side of the building. He stated the proposed PD rezoning includes a waiver request for additional signage including awning signage, the extra Gordon Food Service signage, and the West Marine signage.

Mrs. Remark asked for clarification on what the awning would look like.

Mr. Mrozek replied the applicant would address that question.

Mrs. Remark asked questions regarding the proposed public benefits to the parking lot areas, traffic flow improvement and back flow preventers being offered by the applicant.

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Mr. Mrozek replied renovations to the parking lot were required by code; Starbucks would be located in almost the exact same location as the old McDonalds and would also have a drive-thru and back flow preventers were required by code and must be complete prior to final site plan approval.

Applicant Presentation

Keith Pelan, 445 24th Street, Vero Beach, Florida introduced William Goldsmith, Gator Investments and stated the reason there were so many waiver requests was because they were correcting a lot of things at the shopping center that had been neglected over the years. He addressed the question regarding the difference between McDonalds and Starbucks. He stated the current McDonald's drive through is undefined and sometimes backs up into the parking lot. Moving McDonalds farther east and reorganizing the Starbucks drive-thru will help define the traffic pattern within the shopping center. Mr. Pelan stated the process has been a little complicated because numerous applications have been submitted to the City for approval. He stated they felt it was a good project and would be a huge improvement and asked the Board to support the request. He stated signage for the non Starbucks tenants was inadvertently omitted from the signage plan submitted to City staff, but they would like to have signage.

Mr. Moore asked what was included in the 200 square feet of outdoor display area.

Mr. Pelan replied the display for West Marine; usually a kayak or dingy and it may be much smaller than 200 square feet.

Mrs. Remark asked why the display was not by the front door like the one at the South Daytona store.

Mr. Pelan replied it was not far from the front door and it was taking up approximately one third of the K-Mart frontage. He stated they did not have enough depth to put it on the sidewalk in front of the door.

There was additional discussion between Mrs. Remark and Mr. Pelan regarding sidewalk width and placement of the outdoor display.

Mr. Hurt stated this form of outside storage was a little bit different because it was a display

Citizen Comments

Evan Futch, 1065 Peter Road, Daytona Beach spoke in support of the request.

John Nicholson, 413 North Grandview Avenue, Daytona Beach stated he was not in opposition of the request, but he believed the landscaping could be upgraded to be more upscale.

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James Giarrusso, Highland Manor Drive, Tampa, Florida stated he was the owner of the proposed McDonalds and they were not requesting any waivers. He stated his concern was they would not be allowed to replace the 20 foot pylon sign.

Board Comments

Mrs. Remark stated tenants in outparcels were restricted from having pawn shops. She asked if the additional signage given to Mr. Mrozek tonight was allowed.

Mr. Mrozek replied he believed it may require another waiver request.

There was a lengthy discussion on landscaping and signage.

Board Motion

It was moved by Mr. Bohon to approve Rezoning, Planned Commercial Development – Daytona Plaza, DEV2013-012. Seconded by Ms. Benjamin.

Board Action

The motion was approved 11-to-0, with the following conditions:

1. No pawn shops allowed in outparcels.
2. Amend the language to read “Outdoor storage display 30 minutes before opening and 30 minutes after close of business day.

11. **Land Development Code Text Amendment to allow Convenience Stores with Light Vehicular Service in the South Atlantic Redevelopment Area, DEV2013-005, (Quasi Judicial Hearing)**

A request by Robert A. Merrell, III, Esq., on behalf of Rolando Bethart, representative for Sunoco, Inc., 203 South Falkenberg Road, Tampa, Florida, to amend the Land Development Code, Article 12 (Redevelopment Areas and Districts), Section 2 (Design Guidelines and Prohibited Uses in Redevelopment Areas), to allow convenience stores with light vehicular service in the South Atlantic Redevelopment Area.

Staff Presentation

Reed Berger, Redevelopment Director gave a PowerPoint presentation that included the request as written and stated the staff presentation for items 11 and 12 would be done concurrently because they were related items. He gave the chronology of events that lead to the proposed text amendment and PCD rezoning requests. He stated the proposed amendment request was required because convenience stores were not allowed in the South Atlantic Redevelopment Area and the exhibit tonight was different from the exhibit included in the April 25, 2013 Planning Board Packet. He gave a summary of the proposed changes and stated the changes were made to address concerns from neighbors at the neighborhood meetings held by the applicant. Mr. Berger stated based on the proposed changes staff believes the facility promotes the type of fueling facility talked about in the Redevelopment Plan and will not allow for a proliferation of convenience stores, but instead will promote the type of fueling stations that are built with convenience stores.

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Mr. McGuinness asked Mr. Berger to clarify why the rezoning application was only for one piece of property but the proposed text amendment included two additional intersections. He asked what the rationale was for bringing in the two additional intersections.

Mr. Berger replied he would allow the applicant to address the question.

Applicant Presentation

Robert Merrell, 150 Magnolia Avenue, Daytona Beach gave a brief summary of Sunoco's presence in Daytona Beach and surrounding cities and distributed renderings of the proposed Sunoco Gas Station associated with the proposed rezoning. He stated his clients came to Daytona Beach four times to meet with the neighbors and staff to make sure the changes being made was right. He summarized the changes on each rendering and asked the Board to reserve time for him to respond to any questions or comments.

Citizen Comments

Elizabeth Barnes, 1229 Ruger Place, Daytona Beach spoke in support of the request and thanked Sunoco for listening to the neighbors.

John Nicholson, 413 North Grandview Avenue, Daytona Beach spoke in support of the request and stated to his recollection, the South Atlantic Redevelopment Area Board decided not to allow convenience stores in the area because on ISB and A1A there had been a series of convenience stores that had drug activity and underage kids being allowed to purchase alcohol. He stated the proposed request did not fall into that category and he felt it would be a wise decision for the Board to pass the request. He asked questions regarding landscaping and building appearance.

Mr. Merrell stated the he believed the south side of the building had bushes and there were trees close to the building that were moved out towards the road to help block the view of the canopy. He asked Mr. Peter Ma address Mr. Nicholson's comments.

Peter Ma, 14775 Old St. Augustine Road, Jacksonville, Florida stated there was some existing palm trees near the drainage pond that were would remain, but they were not included on the proposed landscape plans.

Mr. Merrell stated the proposed landscape plan does not include the existing vegetation. He stated the westerly half of the south boundary had a lot of planting going on and on the easterly half there were a lot of palm trees.

Board Comments

Mr. Bohon stated when the Main Street/South Atlantic Redevelopment Area Board reviewed the request he was not pleased with the project. He stated this project is a perfect example of a large company trying to do whatever was needed to work hand in hand with the City and he was very impressed with the end result and is now in support of the project.

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Mr. Hurt stated the project would help eliminate blight in the area and he was also in support of the request.

Mr. Moore stated he was pleased that the applicant took the time to listen to the neighbors and was also in support of the proposed request.

Mr. McGuinness stated he was not in support of the high intensity commercial use abutting residential.

Ms. Washington stated she was really impressed with all of the effort put forth by the applicant to work with the neighbors, but she had concerns with encroachment on the neighborhood.

Mr. Hoitsma complimented the neighbors and the applicant for working together.

Mr. Neal stated he felt the applicant had restructured the project to address the neighbors concerns.

Mr. Barhoo stated he liked the transition and that it gave the project a futuristic look.

Mrs. Remark echoed the sentiments of her fellow Board members and stated the residents submitted a petition in opposition of the original request, but tonight one representative of the neighborhood spoke in favor of the revised request. She stated she was pleased to see the change in the text amendment to one side of the arterials. She reminded the Board that the requested use for the proposed rezoning was prohibited and it did behoove Sunoco to work as hard as they did. She stated she was glad the building was moved to comply with the Redevelopment Plan and that generally she does not care very much for the PD process due to the amount of requested waivers associated with it, but the request tonight did not include any waiver requests and the project greatly exceeds LDC requirements. She stated the text amendment and rezoning would be voted on separately.

Board Motion

It was moved by Mr. Hurt to approve Land Development Code Text Amendment to allow Convenience Stores with Light Vehicular Service in the South Atlantic Redevelopment Area, DEV2013-005. Seconded by Ms. Washington.

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Board Action

The motion was approved 10-to-1 by roll-call-vote, with the breakdown as follows:

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

12. **Rezoning, Planned Commercial Development – Sunoco Silver Beach, DEV2013-006, (Quasi Judicial Hearing)**

A request by Robert A. Merrell, III, Esq., on behalf of Rolando Bethart, representative for Sunoco, Inc., to rezone 1.08± acres of land located at 1204 South Atlantic Avenue from T-3 (Tourist, Office, Retail), T-4 (Tourist, Office, Retail, Auto Service), and RP (Residential Professional) to PCD (Planned Commercial Development) to redevelop the existing Sunoco Service Station.

Staff Presentation

Reed Berger, Redevelopment Division Director gave a PowerPoint presentation that included the request as written above and stated as a result of additional meetings with representatives from the neighborhood, the original site plan and landscape plan included in the April 25, 2013 Planning Board Agenda Packet had changed and that Attachment C in the current exhibit reflected the revised plans. He gave a detailed summary of revisions and stated all of the changes were made to address prohibited areas that were abutting the residential use. He stated staff was recommending approval of both the LDC Text Amendment and the PCD Rezoning associated with the text amendment.

Applicant presentation, citizen comments, and Board discussion was included in item 11.

Board Motion

It was moved by Mr. Hurt to approve Rezoning, Planned Commercial Development – Sunoco Silver Beach, DEV2013-006. Seconded by Bohon.

Board Action

The motion was approved 10-to-1.

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13. **Other Business**

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

Ms. Washington gave a summary of the June 17, 2013 Downtown/Balough Road Redevelopment Area Board Meeting held at 4:00 PM in City Hall Commission Chambers.

B. **Midtown Redevelopment Area Board Report**

No report was presented.

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

Mr. Bohon gave a summary of the June 12, 2013 Main Street/South Atlantic Redevelopment Area Board Meeting held at 6:00 PM in City Hall Commission Chambers.

D. **Public Comments**

John Nicholson, 413 North Grandview Avenue, Daytona Beach spoke on the quality of trees being that were approved with recent projects. He asked the Board to require higher quality trees for projects coming to the City.

E. **Staff Comments**

Mr. Walton stated the Flood Map Amendment that was postponed several months would be incorporated into the LDC Re-write. He asked Board members to review the copy of the By-Laws in their folder and bring any recommended changes or corrections to the July meeting. He stated the LDC testing meeting that was cancelled last week has been rescheduled for Monday, July 8th at 4:30 PM in Conference Room 149B. He stated a packet with all of the testing results would be sent to each Sub-committee member in advance of the meeting.

F. **Board Member Comments**

Mrs. Benjamin announced that the July Planning Board Meeting would be her last meeting serving on the Board. She stated she had other commitments that prevented her from serving and she had enjoyed serving with everyone.

Mrs. Remark announced that she would not be able to attend the July meeting and that Mr. Neal would serve as acting chair.

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Adjournment

There being no further actions to come before the board, the meeting was adjourned at 9:52 pm.



TRACEY REMARK
Chair

ATTEST:



CATHY WASHINGTON
Secretary