

MINUTES
REGULAR MEETING – PLANNING BOARD

August 22, 2013

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, August 22, 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
John McGuinness
Matthew Bohon
Louis Moore
Cathy Washington
Bob Hoitsma
Tim Davis
James Neal
Tony Barhoo

Absent Members:

Tracey Remark

Staff members present:

Richard Walton, Planning Director
Dennis Mrozek, Senior Planner
Carrie Avallone, Assistant City Attorney
Rose Askew, Planning Technician
Elsie Wiggin, Planning Assistant

1. **Call to Order**

James Neal, Acting 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.

Approval of Amended Agenda

3. **Approval of the Minutes:** June 27, 2013

Board Motion

It was moved by Jeff Hurt to approve the June 27, 2013 Planning Board Meeting Minutes. Seconded by Louis Moore.

Board Action

The motion was approved 9-to-0.

4. **Rezoning, Planned Commercial Development First Amendment – Daytona Beach Convention Hotel & Condominiums, DEV2013-050, (Quasi Judicial Hearing)**

A request by Robert Merrell III, Esq., Cobb Cole, on behalf of Alexey P. Lysich, Vice President, Protogroup, Inc., to rezone 5.91± acres of land located at 500 & 501 N. Atlantic Avenue, Daytona Beach, rezoning 1.33± acres of the subject property from Business Retail (BR-1) and Shopping Center (BR-2) to Planned Commercial Development (PCD) and amending the Planned Development Agreement for the purpose of expanding the existing Daytona Beach Convention Hotel & Condominiums PCD to include a free standing parking garage, increase the maximum dwelling units to 122, and modify the approved building elevations.

Staff Presentation

Reed Berger, Redevelopment Director, gave a presentation on the request as written above and stated the original PCD was approved at the March 20, 2013 City Commission Meeting. He stated during the feasibility study it was determined that some potential changes would have to be made to the hotel and condominiums to accommodate parking because the original plan for a robotic automatic parking garage would not work in terms of what they were planning. The applicant is requesting to amend the PCD to build a conventional parking garage across the street on the northwest corner of Oakridge and Atlantic Avenue. To accommodate the parking garage, the applicant has acquired a piece of property large enough to accommodate 517 parking spaces, which will represent a significant change in appearance on that corner. Staff believes the design of the parking garage fits into the City's vision for the future in this area. The applicant is also requesting to amend the approved PCD to increase the number of condominiums from 102 units to 122 units. The purpose of the request is due to the elimination of the robotic parking. This change does not affect the hotel site. On August 14, 2013 the Main Street/South Atlantic Redevelopment Area Board performed a courtesy review of the proposed amendment. The Board made comments but did not vote because the proposed changes are not in the redevelopment area. The Redevelopment Board liked the design and appearance of the parking building, but they wanted to make sure the designs and materials being used on the east side would be the same as designs and materials on the west side and conform to the guidelines set forth by the major city thoroughfare architectural design guidelines put in place a few years ago. Mr. Berger stated staff recommends approval of the request to amend the Daytona Beach Convention Hotel & Condominiums PCD.

Applicant Presentation

Robert Merrell, III, Attorney, 150 Magnolia Avenue stated the request was to add the piece of property across the street to accommodate building a parking garage. He stated they knew there was a chance that the robotic concept for parking within the resort would not work and that 90% of the parking spaces in the new parking structure were normal size (9' in width) and the 32 narrower spaces were designed solely for valet parking. He stated the owner believes the entire garage will be valet all the time, but he will give people the option to self park in the normal size parking spaces. He stated acquiring the property across the street freed up space on the east side of the street which will allow for 21 more condominium units in the tower, which is within the realm of permitted density. He stated no changes were being requested for the outside of the resort. Mr. Merrell gave a detailed presentation on proposed changes to streets that were affected by the parking garage and stated they had not received final approval from Florida Department of Transportation (FDOT), but they had received positive feedback.

Brian Fredley, BPF Design, 207 Fairview Avenue, Daytona Beach, gave a brief presentation on the design of the parking garage and stated if FDOT approves the proposed parking garage, it will make Oakridge more of a pedestrian street rather than a super highway, which hopefully will slow traffic and make Oakridge a gateway street for beachside.

Mr. McGuinness asked if the setbacks on the garage were 25 feet all the way around.

Mr. Fredley replied he believed it was 20 feet.

Mr. Merrell asked if he was looking at a particular side of the garage.

Mr. McGuinness replied he thought there was more setback on the west side.

Randy Hudak, 300 Interchange Boulevard, Ormond Beach stated A1A had a setback of 20 feet and Oakridge and Grandview had 15 feet setbacks.

Mr. McGuinness asked if that included the overhang.

Mr. Hudak replied the overhang would encroach into the setback but it would provide a covered pedestrian walkway adjacent to A1A and Oakridge.

Mr. McGuinness stated he thought the language read all setbacks had to be 25 feet, but when he looks at the pictures the sidewalks look very narrow, which lead him to believe the covered walkway was included as part of the setback.

Mr. Merrell stated 10 new parking spaces were being created along the right-of-way of the parking garage and 39 new spaces along the road that will be created by the restriping and reconfiguration of Oakridge. He stated the 49 parking spaces could be included in their parking count. He stated the purpose of the restriping and reconfiguration of Oakridge was to make it more of a pedestrian street similar to Seabreeze Boulevard. Mr. Merrell stated there had been some discussion with the County and FDOT about the possibility of streetscaping and landscaping all the way to the river to create a new entrance.

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Mr. McGuinness asked if the 39 spaces were between A1A and the river.

Mr. Merrell replied yes.

Mr. McGuinness asked if Oakridge would become a two lane road.

Mr. Merrell replied yes, but FDOT would like a bike path added to the south side, which takes up more space. He stated the idea is for it to become more like Seabreeze.

Ms. Washington commended the applicant on the design of the parking garage.

Mr. Neal stated he feels it complements the entire area.

Mr. Barhoo stated he felt the project was wonderful but he had concerns about backflow of traffic.

Citizen Comments

Paulita Kundid, 430 North Atlantic Avenue, Daytona Beach stated she had concerns about increased unit density, ingress and egress to Oakridge and the A1A intersection. She also said the actual traffic study was not posted to the website and as an adjacent property owner she felt she was at a disadvantage by not being able to review the traffic study before the meeting.

Michael Kundid, 430 North Atlantic Avenue, Daytona Beach reaffirmed comments made by Paulita Kundid concerning traffic flow.

David Turetski, 608 John Anderson Drive, Ormond Beach spoke in support of the request.

Mr. Merrell responded to citizens comments. He stated the presentation given during the original approval for the project included an in-depth presentation from every angle that showed where the Sea Dunes Motel fits into the project. He stated nothing has changed in regards to the Oakridge approach and a traffic study was done for the original approval. Mr. Merrell stated as a result of the Kundids' comments, they performed a more detailed report that has been provided to Staff. He asked the Board to support the amendment request.

Board Comments

Mr. Moore stated he would like a brief answer to the comment on the number of trips across the street doubling.

Dan D'Antonio, with Lassiter Transportation, 123 Live Oak Avenue, Daytona Beach stated Ms. Kundid was correct when she stated a trip was needed to enter and another trip was needed to exit when the valet facility is used. He stated the traffic study was completely objective and evaluated three different scenarios. He stated all of the scenarios were scored on an engineering basis and the result was the scenario that added a traffic signal at Grandview Avenue and the receiving lane on Oakridge. He stated the purpose of the receiving lane on Oakridge is to receive the additional trips from people leaving the hotel going over to the garage.

Mr. Davis stated the cars must be moved off the site and this solution is the shortest distance between the two.

Mr. Moore asked if any consideration was given to a pedestrian crossover.

Mr. Merrell replied that code requirement was waived at the original approval and will remain as part of the PCD.

Mr. Bohon stated the key was trying to do everything to bring development to the City and bring in businesses that will spend money in the area. He stated if the City wants a pedestrian friendly area there must be a structure that can house the cars. He stated a message needed to be sent to investors in the future that Daytona Beach is ready for positive growth in the area. He stated if developers want to be ambitious let them as long as it is in line with code. He stated he believes 99% of the citizens are in support of the project.

Mr. McGuinness stated he concurs with Mr. Bohon and he was not concerned with the number of parking spaces because the Board dealt with the waivers for that in the original approval. He stated he was concerned about access parking at the Kundid property. He stated in the original approval Mr. Merrell stated language would be included in the development agreement that there would always be an opening for access parking for the Kundid's property.

Mr. Merrell replied that was correct and nothing had changed.

Board Motion

It was moved by Mr. Hurt to approve Rezoning, Planned Commercial Development First Amendment – Daytona Beach Convention Hotel & Condominiums, DEV2013-050. Seconded by Mr. Bohon.

Board Action

The motion was approved 9-to-0.

5. **Large Scale Comprehensive Plan Amendment – Halifax Hospital Medical Center, DEV2013-066, (Quasi Judicial Hearing)**

A request by Robert A. Merrell, III, Esq., on behalf of Michael S. Morgan with Halifax Hospital Medical Center (HHMC), for approval of a Large Scale Comprehensive Plan Map Amendment changing the Future Land Use Map (FLUM) designation from Hospital to Mixed Use for 16.02± acres of land located at the southwest corner of North Clyde Morris Boulevard and Dunn Avenue, to combine the subject property with HHMC's other landholdings already having a Mixed Use future land use map designation, and amending Neighborhood Policy P, Issue (i) to update the Equivalency Matrix & Maximum Density/Intensity Table to reflect additional development that can be built throughout the combined 93.52± acre property.

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Ms. Washington stated Items 5 and 6 would be presented and discussed at the same time but voted on individually.

Staff Presentation

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above and the general site location. He stated currently the site has a future land use (FLU) designation of Hospital and the property to the south and west have a FLU designation of mixed-use. The proposed land use designation encompasses the 16 acres in the northeast quadrant to the property, the request was consistent with the Comprehensive Plan, it does not represent urban sprawl, and it decreases demand on water and sewer capacities and trip generations. He stated the second part of the request is to amend Neighborhood Policy P, Issue (i) keeping development restrictions consistent with current Neighborhood P standards. Mr. Mrozek stated staff recommends approval of the proposed amendment request and the majority vote of the Planning Board members present and voting was required to recommend approval to the City Commission. He stated the item was tentatively scheduled to go to the City Commission for transmittal to Volusia Growth Management Commission and to state agencies and return back to the City Commission after their analysis was complete.

Citizen Comments

No citizen comments.

Board Comments

Board comments included in Item No. 6.

Board Motion

It was moved by Mr. Bohon to approve Large Scale Comprehensive Plan Amendment – Halifax Hospital Medical Center, DEV2013-066. Seconded by Mr. Mr. McGuinness.

Board Action

The motion was approved 9-to-0.

6. Rezoning, Planned Master Development First Amendment - Halifax Hospital Medical Center, DEV2013-026, (Quasi Judicial Hearing)

A request by Robert A. Merrell, III, Esq., on behalf of Michael S. Morgan with Halifax Hospital Medical Center (HHMC), to rezone 93.52± acres of land located at the southwest corner of North Clyde Morris Boulevard and Dunn Avenue, rezoning 16.02± acres of the subject property from Hospital/Medical (HM) to Planned Master Development (PMD) and amending the Planned Development Agreement for the purpose of expanding the existing HHMC PMD, for construction of a mixed-use development that includes a variety of uses intended to complement the surrounding area.

Staff Presentation

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the general site location, current/proposed zoning and current/proposed future land use. He stated the original PMD was approved at the December 19, 2012 City Commission Meeting (Ordinance No. 12-345). He stated the 93.52± acres encompass the existing PMD and the 16.02± additional acres requested in Item No. 5 above. He stated the proposed LSCPA to change the future land use from Hospital to mixed-use will make the entire parcel mixed use, and would also make the site compatible with the proposed PMD zoning. He stated this request does remove the current building demolition credits that were listed in the original PMD agreement and that there was an allowance for building demolition credits to extend up to 25 years past the time the building was removed. Mr. Mrozek stated during staff review the requirement was changed back to one year on building credits to meet the LDC requirements and the applicant is in agreement with the change. He stated this proposed rezoning request cannot be approved without the approval of the proposed LSCPA. He stated staff recommends approval rezoning request and an affirmative vote of six is required to recommend approval to the City Commission.

Applicant Presentation

Robert Merrell, III, Attorney, 150 Magnolia Avenue, stated the hospital has acquired property to the north towards Dunn Avenue for future expansion and would like to use this property for uses other than Hospital uses. He stated the property was in the Hospital land use designation and zoning district so they broadened the uses to a mixed use category from a land use standpoint. Since there was no mixed use zoning they had to use the Planned Development to add the additional acreage so that all of the holdings of the hospital would be in the same PD. He stated at this time the demolition of Atlantic Medical Center had not been decided. Mr. Merrill stated with respect to demolition credits mentioned by Mr. Mrozek there was a provision in the original agreement concerning impact fee credits for demolition. The Impact Fee Ordinance structure takes into account the buildings that were there with respect to impact fees. He stated he wanted to make clear that the provision in the original agreement regarding credits that was approved a year and a half ago allowed them to get credit for demolishing buildings on this piece of property. He stated there was not any language in the code that addressed impact fee credits; only concurrency credits. He stated the proposed rezoning request was not changing the provisions in the development agreement already approved. He stated his client were in agreement with staff in relation to backing off the impact fees, but the original language about the concurrency credits needed to remain.

Mr. Walton stated that the Planning Board recommendation from staff is to follow the current LDC relative to the impact fees.

Ms. Avallone stated that she wanted to make sure the applicant, staff and the Board was in agreement with staff's recommendation to follow the LDC relative to impact fees.

Mr. Merrell replied yes.

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Mr. Moore asked if the City would start to receive tax revenue on the 93.5 acres.

Mr. Merrell replied he was not a tax expert, but his understanding was the use dictated the taxation of the property.

Mr. Barhoo asked if there were any plans for the wildlife in the area.

Mr. Merrell replied most of the site was already paved.

Mr. Neal stated that it is difficult to go back and restate some of the factors, which confuses the Board. Any other questions?

Citizen Comments

No citizen comments.

Board Comments

Mr. Neal stated each item would be voted on separately.

Board Motion

It was moved by Mr. Bohon to approve Rezoning, Planned Master Development First Amendment - Halifax Hospital Medical Center, DEV2013-026. Seconded by Mr. McGuinness.

Board Action

The motion was approved 9-to-0.

ADDENDUM

7. **Rezoning, Planned Commercial Development Minor Amendment – Boulevard Tire, DEV2013-047**

A request by George Jenkins on behalf of Earl Colvard, to rezone 2.43± acres of land located at 800 South Nova Road, amending the approved Planned Commercial Development (PCD), to grant a minor modification delaying the requirement to remove and replace the existing pylon sign for up to 10 years, subject to conditions.

Staff Presentation

Richard Walton, Planning Director stated this request was presented to the Board two months ago and moved on to the City Commission. He stated at the August 7th City Commission Meeting, the Applicant requested a modification to delay the requirement to remove and replace the existing pylon sign with a monument sign for up to 10 years. The City Commission directed the applicant to work with staff on a resolution to the request. He stated

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last night the item went before the City Commission on second reading and the Commission had concerns with making changes that the Planning Board had not had the opportunity to discuss. He stated the Commission approved the development order with the condition that the applicant brings the minor modification request back to the Planning Board for review and approval. Mr. Walton stated after discussions with staff the applicant agreed to the following language that was proposed by the City's legal staff:

10. SIGNAGE.

- a) [Existing text]
- b) The Planning Board may grant a modification delaying the requirement to remove and replace the existing sign for up to 10 years subject to the following conditions:
 - 1. Additional landscaping shall be added at the base of the existing sign to soften the edges.
 - 2. If the ownership of the property changes, the sign will be removed and replaced in accordance with paragraph (a).
 - 3. If the sign is replaced at anytime, the replacement sign will comply with paragraph (a).

Mr. Hurt stated the City Commission's comments last night regarding the applicant requesting a change to the project that had not been reviewed by the Planning Board were very respectful.

Mr. Moore stated originally the applicant was going to take down the pole sign and replace it with a monument sign and now they are saying they do not want to do that.

Mr. Walton stated the current development order did not specify when the sign had to be replaced so it defaulted to when the Certificate of Occupancy was issued. He stated the applicant is requesting a 10 year extension of the time required to replace the sign.

Mr. Hoitsma stated when the Board reviewed this request two months ago; there were several other agenda items that had numerous requests for waivers. He stated this request was such a welcomed change for the Board and he was ok with the applicant's request for a time extension to replace the sign.

Mr. McGuinness asked if line one of the proposed language was the original condition that was approved by the Board.

Mrs. Avallone replied yes and read the text from line "a". She stated language describes what the sign will look like.

Applicant Presentation

No applicant presentation.

Citizen Comments

No citizen comments.

Board Comments

No additional Board comments.

Board Motion

It was moved by Mr. Hurt to approve Rezoning, Planned Commercial Development Minor Amendment – Boulevard Tire, DEV2013-047. Seconded by Mr. Hoitsma.

Board Action

The motion was approved 9-to-0.

Other Business

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

Ms. Washington gave a summary of the August 6, 2013 Downtown/Balough Road Redevelopment Area Board Meeting held at 12:00 PM in City Hall Commission Chambers.

B. **Midtown Redevelopment Area Board Report**

Mr. Barhoo stated he did not attend the meeting because he did not receive notification of the meeting date, time and place. He stated he would fill in on a temporary basis if he receives the information in a timely manner.

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

Mr. Bohon gave a summary of the August 14, 2013 Main Street/South Atlantic Redevelopment Area Board Meeting held at 6:00 PM in City Hall Commission Chambers.

D. **Public Comments**

None

E. **Staff Comments**

Mr. Walton introduced Elsie Wiggin and stated she would be attending the meetings to take notes and transcribe the minutes. He stated each Board member should have received the 2014 draft Planning Board Meeting Schedule. He stated the Board is required to adopt the schedule.

Motion

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It was moved by Mr. Hurt to approve the 2014 Planning Board Meeting Schedule. Seconded by Mr. McGuinness.

Board Action

The motion was approved 9-to-0.

Mr. Walton stated discussion of the By-laws was also listed on the agenda, but staff had not received any comments or recommendations from the Board for discussion.

F. **Board Member Comments**

Mr. Moore stated when two items are presented at the same time it would be more logical to have the discussion and vote on the two items done separately. He stated he was fine with staff giving the presentations together, but the discussion should be done individually.

Adjournment

There being no further actions to come before the board, the meeting was adjourned at 7:47 pm.



JAMES NEAL
Acting Chair

ATTEST:



CATHY WASHINGTON
Secretary