

MINUTES
REGULAR MEETING – PLANNING BOARD
June 26, 2014

Minutes for the Regular Planning Board Meeting for the City of Daytona Beach, Florida, held on Thursday, June 26, 2014 at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board Members Present:

Robert Hoitsma, Chair
Tony Barhoo
Tim Davis (arrived at 6:10 p.m.)
Pat Drago
Ned Harper
Jeff Hurt
Larry Moore
James Neal
Cathy Washington

Board Members Absent:

Michael Benedict

Staff Members Present:

Richard Walton, Planning Director
Jason Jeffries, Redevelopment Project Manager
Dennis Mrozek, Principal Planner
Ben Gross, Assistant City Attorney
Ken Kruger, Development Review Engineer, Public Works
Becky Groom, Board Secretary

1. **Call to Order Minutes**

Chairman Hoitsma called the meeting to order at 6:00 p.m.

2. **Roll Call**

Ms. Drago called the roll and noted members present as stated above.

3. **Approval of the Minutes**

Approval of the Minutes – May 22, 2014

Board Motion:

Mr. Hurt made a motion to approve the May 22, 2014, minutes. Mr. Moore seconded the motion.

Board Action:

The motion was approved unanimously 8-0.

4. **Land Development Code Text Amendment – Permitting Electronic Message Center Signs within Comprehensive Sign Plans for Retail Centers along International Speedway Blvd., DEV2014-056**

Staff Presentation:

Mr. Mrozek presented the staff report which is included as part of the packet. Mr. Mrozek stated the text amendment will permit the use of electronic message center signs for retail centers located along International Speedway Boulevard on sites exceeding 35 acres through the City's approval of a Comprehensive Sign Plan.

Applicant Presentation:

Rob Merrell, Cobb & Cole, 149 S. Ridgewood, provided a hand-out to the Board that provided background information on CBL, the owners of Volusia Mall. Mr. Merrell stated the interior of Volusia Mall and landscaping will be renovated in addition to the sign modifications.

Board Comments:

Mr. Moore asked if there are other sites along ISB that exceed 35 acres.

Mr. Mrozek stated there are none.

Public Comments:

There were no public comments.

Board Motion:

Mr. Hurt made a motion, seconded by Ms. Washington, to approve Land Development Code Text Amendment – Permitting Electronic Message Center Signs within Comprehensive Sign Plans for Retail Centers along International Speedway Blvd., DEV2014-056.

Board Action:

The motion was approved 9-0.

5. **Comprehensive Sign Plan – Volusia Mall, DEV2014-055**

Staff Presentation:

Mr. Mrozek presented the staff report which is included as part of the packet. Mr. Mrozek stated the main Volusia Mall entrance sign along International Speedway Blvd. would include an Electronic Message Center (EMC).

Applicant’s Presentation:

Rob Merrell, Cobb & Cole, 149 S. Ridgewood, provided a hand-out to the Board that showed the signs at a larger scale than what was included in the Planning Board packages.

Board Comments:

Mr. Harper asked the height of the existing monument signs.

Mr. Merrell stated the existing signs are in the 20 foot plus range and are of an older design. Mr. Merrell stated the proposed sign will be to scale with the size of the property.

Ms. Washington expressed concern about the proposed height of 35 feet for the entrance sign.

Ms. Drago also expressed concern about the size of the proposed monument sign.

Mr. Merrell stated there is a lot of open space in front of the mall and the sign will fit with the area surrounding it.

Mr. Moore stated he feels the height is appropriate due to the number of lanes of traffic in front of the mall along ISB.

Chairman Hoitsma asked what vegetation will be planted in front of the mall.

Mr. Merrell stated a very elaborate landscaping plan is currently going through the review process.

Chairman Hoitsma asked the Board if they felt the height of the monument sign should be reduced.

Mr. Harper stated that he did not feel the sign will be unattractive and feels it will fit into the project site.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Barhoo, to approve Comprehensive Sign Plan – Volusia Mall, DEV2014-055.

Board Action:

The motion was approved unanimously 9-0.

6. **Rezoning, Planned Commercial Development Rezoning – Tarragona Shoppes, DEV2013-125 (Quasi Judicial Hearing)**

Staff Presentation:

Mr. Mrozek presented the staff report which is included in the packet. Mr. Mrozek noted there are 10 code waivers requested by the applicant which are listed in the report. Mr. Mrozek stated a 10 foot buffer is requested adjacent to the residential property. Mr. Mrozek stated the code requires a minimum of a 30 foot setback where offices are adjacent to residential single-family and the applicant has requested a reduction to 10 feet. Mr. Mrozek stated the applicant has requested a waiver of the sidewalk requirements along Cordova since the neighbors have indicated they do not want a sidewalk in that location in order to avoid the removal of additional trees.

Ken Kruger, Development Review Engineer, Public Works, stated the project was originally proposed to have two-way in and out on Central but is now proposed to have traffic exiting the site onto ISB.

Ms. Washington asked if the adjacent property owner has given approval for landscaping to be installed on their property.

Mr. Mrozek stated he does not believe the property owner has given approval to have additional landscaping placed on his property.

Applicant's Comments:

Rob Merrell, Cobb & Cole, 149 S. Ridgewood, stated Paul Holub, the developer, distributed to the Board copies of the presentation he will be making to the Board. Mr. Merrell stated this property was presented to the Board a couple of years ago

with a much larger project proposed. Mr. Merrell stated there are several letters included in the packet from the School District as well as elected officials from other communities that support Mr. Holub and the projects he has developed in other areas. Mr. Merrell stated the Code waivers that are requested are small in nature for a project of this size and the project will work with the requested waivers.

Paul Holub, 675 N. Beach Street, Ormond Beach, stated no trees along Cordova Avenue will be removed that are within the City right of way. Mr. Holub stated the neighbors do not want a sidewalk installed along Cordova so a waiver is requested for that requirement; however if the Board requires that a sidewalk be installed, some trees will have to be removed. Mr. Holub stated the project is totally restricted from the neighborhood and there is no egress point into the neighborhood. Mr. Holub stated that based on his history in developing projects, neighbors have been opposed to a project but then will use the center. Mr. Holub stated he feels there should be an access point for the neighbors to access the center. Mr. Holub stated a private wall is proposed to be installed at the rear of Mr. Kemmer's property. Mr. Holub stated he met with Mr. Kemmer about installing landscaping on Mr. Kemmer's side of the property. Mr. Holub stated there is existing vegetation at the rear of Mr. Kemmer's property and it will be supplemented with a wall. Mr. Holub stated that Mr. Kemmer asked that the landscaping be moved 10 feet in and placed the landscaping on his side of the fence, which is what is proposed.

Public Comments:

Anita Parrish Emery, 219 Tarragona Way, stated she is opposed to the project. She stated she lives in the home that was constructed in 1938 and has lived in that home since she married.

Tina Volasquez, 205 Tarragona Way, stated she is concerned about the antiquated sewers in the area and the effect the project may have on the sewer system.

Mr. Gross stated Federal law requires that the City to have pretreatment requirements for businesses that dump sewage into the City system.

Gary Kemmer, 1144 Cordova, stated he is opposed to the project and does not need retail intruding into the neighborhood. Mr. Kemmer stated he is concerned about increased traffic through the neighborhood. Mr. Kemmer stated he is concerned about traffic congestion on ISB where traffic will be backed up to enter the proposed site. Mr. Kemmer stated he is concerned about odors from the restaurants on the proposed site that will affect his property. Mr. Kemmer stated he is expected to give up property at the rear of his home in order to provide space for a buffer for Mr. Holub's project. Mr. Kemmer stated he is concerned about damage to the trees at the rear of the property as a result of the construction. Mr. Kemmer stated he does not give permission for anyone to access his property and

cut down the vegetation he has in place. He stated the buffer zone is to be provided off his property, not on his property.

Robert Kelly, 1110 Loomis, stated he is president of the Homeowners Association in the Highlands and the neighbors are opposed to this project. He stated the neighbors are concerned about the integrity of the neighborhood.

Fred Favorite, 100 Tarragona Way, stated he does not oppose the project and feels this could be good for the neighborhood. He stated Mr. Holub has done other great projects throughout the area and this will bring much-needed jobs to the area. Mr. Favorite suggested that the homeowners association members get together to help improve some of the properties in the subdivision.

Carol Bristol, 609 Tarragona Way, stated she is opposed to the project. Ms. Bristol stated she would like to see the project designed with something similar to the historical arch.

Frank Marzitelli, 100 Tarragona Way, stated he supports the development. He stated many of the properties within the subdivision are not maintained. He stated he encourages the Board to support the project.

Paul Holub stated grease traps are required by the Code and any problems would only occur from the building to the manhole. Mr. Holub stated that every inquiry for a business to locate at this site has been from a retailer that is new to the area or one that wants to open an additional location. Mr. Holub stated he has met with FDOT regarding the left turn lane on ISB and the spacing requirements are met. Mr. Holub stated he has a 5 foot buffer on his side of the property along Mr. Kemmer's property line. Mr. Holub stated a 10 foot buffer is required and stated he thought adding additional landscaping and fencing would provide more protection to Mr. Kemmer. Mr. Holub stated if the Board feels a 10 foot buffer is necessary, the site will be redesigned in order to accommodate the 10 foot buffer. Mr. Holub stated the arch was discussed and he will consider looking at the design to include something similar to the existing arch.

Board Comments:

Mr. Harper stated when he first looked at the project, he had a lot of issues; but there is now a brilliant plan in place to meet the needs of all involved.

Mr. Hurt stated incorporating the 10 foot buffer will help.

Mr. Neal stated he had concerns about the buffer when the project was previously discussed; but if something can be done to keep the neighbors happy, Mr. Holub will have his project.

Mr. Barhoo stated sooner or later, something will be developed on this property; he stated this is a beautiful project and is concerned about the 10 foot buffer. Mr. Barhoo stated he is concerned about pedestrian safety for those who cross ISB.

Mr. Hurt stated that marked crossings and a safety strip are noted for ISB.

Ms. Drago stated she is concerned that a drive-thru restaurant is too intense for this parcel. Ms. Drago stated she is concerned about the accumulative reduction in landscaping.

Ms. Washington stated Mr. Holub has attempted to satisfy the neighbors and most of the items she questioned have been resolved. Ms. Washington stated the 10 foot buffer is needed.

Mr. Davis stated the drive-thru could be for a bank which would have a lower stacking lane.

Mr. Moore stated something will be developed on the site and he feels for the neighbor that is most affected by the project. Mr. Moore stated Mr. Holub has made an effort to address the concerns and he supports the project.

Chairman Hoitsma stated he is frustrated because a developer should look at the rules first and try to build something that will fit into the rules. He stated projects are proposed and then waivers are requested to meet a developer's needs.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Moore, to approve Rezoning, Planned Commercial Development Rezoning – Tarragona Shoppes, DEV2013-125 including a 10 foot landscaping buffer in rear adjacent to single family residential use.

Board Action:

The motion was approved 7-2 (Ms. Drago and Chairman Hoitsma voted no).

7. **Rezoning, Residential Planned Unit Development 1st Amendment – Andros Isle RPUD, DEV2014 -049 (Quasi Judicial Hearing)**

Staff Presentation:

Mr. Mrozek presented the staff report which is included in the packet. The project will consist of the installation of a RaceTrac gasoline station which is a permitted use in the zoning district. Mr. Mrozek stated two waivers are requested: a reduction to 35 feet for the landscape buffer and a waiver to permit a 100 sq.ft. monument sign along Beville Road.

Ms. Drago asked if modifications are proposed to the Sign Code since so many requests are coming through for variances to allow for larger signs.

Mr. Walton stated it is something that will be reviewed in the future.

Applicant Presentation:

Paul Momberger, Zev Cohen & Associates, 300 Interchange Blvd., stated two signs were permitted and the request is to combine them into one sign. Mr. Momberger stated that RaceTrac has changed their logo since the application was submitted and noted for the record that the logo has changed. Mr. Momberger stated additional landscaping will be added to the south which is above and beyond what is required by code.

Public Comments:

Richard Smith, ICI Homes, 2377 Beville Road, stated he is opposed to the project. He feels a better project should be placed at a major gateway to the city. Mr. Smith stated the ICI site has a 50 foot buffer and a waiver was not requested for the ICI site.

Lydia Banks, 152 Kingbird Circle, stated she is opposed to the project since her property will be affected by lights from vehicles that exit the site onto Williamson Blvd. She stated the buffer should meet the Land Development Code requirement of 50 feet. Ms. Banks expressed concerns about lighting and signage and how it will affect surrounding areas.

Tamara Hopkins, 136 Duck Hawk Circle, stated there were previously two gas stations on Beville Road and now there is only one. She stated she does not feel there will be sufficient business to support another gas station in that area. She stated she has concerns about lighting that will affect her property. She stated she feels the 500 foot buffer should be required.

Mr. Hurt stated the 7-11 that was along Beville closed because the State of Florida bought the property.

Dennis Hopkins, 136 Duck Hawk Circle, stated another gas station is not needed in this area.

David Wensel, 128 Duck Hawk, stated he is opposed to the project and asked the board to not reduce the buffer. Mr. Wensel expressed concern about increased crime in the area such as robberies and speeding traffic.

Peggy Niebling, 120 Black Crow, stated she is opposed to the project and has concerns about lights and noise from the proposed project. Ms. Niebling provided

the Board with a petition with 41 signatures from residents of West Gate who do not want a gas station at this site.

Jim Sutch, 128 Black Crow, stated he is opposed to the project due to noise concerns and increased traffic congestion.

Mr. Momberger stated the site will be retail, not a restaurant site. Mr. Momberger stated that everything that would be proposed for a 50 foot buffer on the site will be installed in a 35 foot buffer. Mr. Momberger stated the lights will be recessed and shielded so there is no overflow of lighting off the site.

Mr. Moore stated he is concerned about increased traffic in the area as a result of the project and lights that will go into the homes that are close to the project.

Mr. Neal stated vegetation will help to block the lights.

Board Motion:

Mr. Hurt made a motion, seconded by Mr. Davis, to approve Rezoning, Residential Planned Unit Development 1st Amendment – Andros Isle RPUD, DEV2014 -049.

Board Action:

The motion was approved 7-2 (Mr. Moore and Ms. Washington voted no).

8. **Rezoning, Residential Planned Unit Development Rezoning – Becks Homestead RPUD, DEV2014-032 (Quasi-Judicial Hearing)**

Chairman Hoitsma stated a request has been received from the applicant to continue this item until the July meeting.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Moore, to continue Rezoning, Residential Planned Unit Development Rezoning – Becks Homestead RPUD – DEV2014-032, to the July Planning Board meeting.

Board Action:

The motion carried unanimously 8-0 (Mr. Davis was not in attendance at this time).

9. **DEV2014-059 – Bay Street: Rezoning to RDD-2 (Quasi-Judicial Hearing)**

Staff Presentation:

Mr. Jeffries presented the staff report which is included in the packet. Mr. Jeffries stated the request was presented to the Downtown Development Board and the Board recommended approval.

Applicant Presentation:

Dwight Selby, 1535 Oak Forest Drive, Ormond Beach, stated RDD2 does not require on-site parking. He stated there is available parking on Bay Street and rezoning will help to get the property back to a productive use.

David Riccio, 2112 Oak Meadow, South Daytona, stated he proposes to open an authentic Mexican restaurant at the site.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Harper, to approve DEV2014-059 – Bay Street: Rezoning to RDD-2.

Board Action:

The motion carried unanimously 9-0.

10. **Land Development Code Text Amendment – Permitting Digital Billboards along Interstate 95, DEV2014-016 (Continued from April 24, 2014)**

Mr. Mrozek presented the staff report which is included as part of the packet. Mr. Mrozek stated information has been received from the applicant but a text amendment has not been prepared. Mr. Mrozek stated he is seeking Board direction on several items prior to proceeding with the text amendment. Those items are removal of existing billboards; allowance of graphics and multiple colors; display changing time; application fees; and provision for city use during emergencies.

Board Comments:

Mr. Moore stated he would like to know the number of square footage of existing billboards that would be removed in order to allow for a digital billboard. He also

stated he would like to know the number of seconds that would be allowed for the message to change.

Mr. Barhoo asked how many billboards currently exist in the city.

Mr. Mrozek stated he does not know the total but he is finding that some are non-conforming.

Chairman Hoitsma asked how the message will be provided to the sign company in order to have it placed on the board.

Applicant Discussion:

Drew Williams, Kinsey, Vincent & Pyle, 150 S. Peninsula, stated he wants to work with the staff in order to update the code to include digital billboards.

Jeff Burton, Lamar Advertising, 1140 N. Williamson, stated Daytona Beach currently allows changeable message signs and the message changes within 6 to 8 seconds.

Mr. Hurt suggested the city staff work with the applicant in order to develop guidelines.

Mr. Moore asked what the time frame would be before a text amendment could be presented to the Board.

Mr. Walton stated a text amendment would not have to be advertised and as soon as it is ready he will bring it back to the board.

11. **Other Business**

a. Downtown/Balough Road Redevelopment Area Board Report

Ms. Washington stated the Downtown/Balough Road Redevelopment Area Board met on June 3 and reviewed and approved the request for Bay Street that the Planning Board reviewed and approved this evening. Ms. Washington stated the Board reviewed and approved a request for outdoor table service at 200 S. Beach. Ms. Washington stated the Board discussed downtown improvements and heard a presentation on the marina district. Ms. Washington stated implementation of the Riverfront Master plan was also discussed.

b. Midtown Redevelopment Area Board Report

Mr. Barhoo stated the Midtown Redevelopment Area Board met on June 10 and approved a request for the installation of an urgent care facility on ISB

and Nova Road. Mr. Barhoo stated the Board discussed the Juneteenth celebration.

Mr. Barhoo stated he will not be in attendance at the July Planning Board meeting.

c. Main Street/South Atlantic Redevelopment Area Board Report

Mr. Davis stated the Main Street/South Atlantic Redevelopment Area Board did not meet in June.

d. Public Comments

There were no public comments.

e. Staff Comments

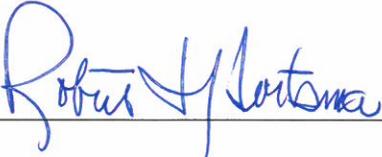
Mr. Walton stated the TPO survey is available on line or a paper copy is provided for Board members to complete.

Mr. Walton stated the LDC has been received from Clarion and Planning Board members have been given a copy and it will be published on the website. Mr. Walton stated he would like to schedule a special meeting possibly on August 14 to discuss the LDC rewrite.

f. Board Comments:

Mr. Harper stated he will not be in attendance for the July Planning Board meeting.

Adjournment: The meeting adjourned at 8:50 p.m.



Robert Hoitsma, Chair

ATTEST:



Pat Drago
Secretary