

MINUTES
PUBLIC HEARING – PLANNING BOARD
September 18, 2014

Minutes for the Public Hearing - Planning Board Meeting for the City of Daytona Beach, Florida, held on Thursday, September 18, 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
Ned Harper
Jeff Hurt
James Neal
Cathy Washington

Board Members Absent:

Larry Moore
Pat Drago

Staff Members Present:

Richard Walton, Planning Director
Dennis Mrozek, Principal Planner
Rose Askew, Planner
Reed Berger, Redevelopment Director
Charles Bryant, Redevelopment Project Manager
Jason Jeffries, Redevelopment Project Manager
Marianne Pulaski, Planning Technician
Carrie Avallone, Assistant City Attorney
Becky Groom, Board Secretary

1. **Call to Order**

Chairman Hoitsma called the meeting to order at 6:13 p.m.

2. **Roll Call**

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

3. **Presentation by Clarion Associates of the Land Development Code Rewrite**

Craig Richardson, Clarion & Associates, presented a slide presentation that outlined the process that was used to conduct the Land Development Code rewrite. Mr. Richardson stated a number of meetings were held with staff, the public, and City Boards to receive input on the existing code and goals for the new code. Mr. Richardson stated once the procedures were established and a draft was finalized, a Code testing was conducted to compare the process under the existing code with the procedures established in the new code. Mr. Richardson stated refinements were made to the code based on that code testing.

Mr. Richardson stated the goals included implementing the Comprehensive Plan and the City's Vision Plan as well as making the Land Development Code more user-friendly. Mr. Richardson stated a goal was to increase the efficiency of the Development Review process and to encourage economic development.

Mr. Richardson stated the structure of the Land Development Code was reorganized and procedures were consolidated into one article. Mr. Richardson stated the zoning districts and development districts were also consolidated and a summary table of the procedures is included, including public notification requirements. Mr. Richardson stated the new code gives staff the authority to review a project up to 20,000 sq. ft. and outlines criteria for Administrative Adjustment requests without going through a variance process. Mr. Richardson stated a new section is included that outlines neighborhood compatibility standards. Mr. Richardson stated the code rewrite modernizes parking standards, refines landscaping and exterior lighting standards, and consolidates alcoholic beverage standards. Mr. Richardson stated incentives are included for developers who may want to include sustainable development practices in their projects.

Mr. Walton stated that as the Code is used and applied, there will be revisions that will have to be made. Mr. Walton stated staff has met weekly with the VCARD group and all believe the new code is easier to work with and more user friendly.

Mr. Walton presented a listing of recommended changes that is included as part of the packet. Many of the changes proposed were typographical or grammatical changes that need to be made. Mr. Walton stated staff is requesting the addition for the Cigar Lounge use. Mr. Walton stated Cobb Cole is requested the Major Sports (MS) zoning remain as is outlined in the current code. Mr. Walton stated that district was written primarily for the Daytona International Speedway and one parcel of property exists with this zoning that is south of the airport. Mr. Walton stated the Planning Staff recommends TM zoning remain to provide regulations for existing mobile home parks. Mr. Walton stated staff recommends the new code include Ordinance No. 14-243 which is language for the Comprehensive Sign Plan, which the Planning Board has already adopted. Mr. Walton stated the existing code does not have adequate criteria for model home regulations and recommends that criteria be included in the new code. Mr.

Walton stated VCARD has recommended several changes and VCARD is comfortable with the document going forward with the recommended changes as presented.

Mr. Walton stated the rewrite had started before there was any action by the legislature regarding pain clinics and it is recommended that this document include language to prohibit those but does allow for those facilities that are consistent with State law. Mr. Walton stated the recommended changes outline areas where check cashing and tattoo establishments are permitted.

Mr. Walton stated included in the Board's packet is a letter from Board Member Pat Drago who was unable to attend tonight's meeting. Mr. Walton stated Ms. Drago is supportive of the document but recommends that "Washingtonian" palms be removed in Article 4.

Mr. Walton stated staff suggests language be included regarding medical marijuana dispensary.

Mr. Walton stated staff recommends language be included for the requirement to hold mandatory neighborhood meetings for Comprehensive Plan Amendments.

Mr. Walton stated Clarion has provided a memo that is included in the packet regarding Places of Worship. Mr. Walton stated there are Federal regulations regarding Places of Worship and noted that places of assembly that generate traffic and parking should all be treated the same. Mr. Walton stated he suggests that those requirements not be reviewed at this time so the proposed code revisions are not delayed.

Mr. Walton stated he met with VCARD today to provide them with the list of recommended changes that staff is proposing. Mr. Walton provided the Board with recommended changes regarding an issue VCARD raised regarding concurrency, and staff recommends their suggestion be included with the recommended changes as presented by staff.

Mr. Walton stated one of the issues that has been raised by the public is whether a non-conforming structure can be rebuilt that has been damaged. Mr. Walton stated this is outlined on Page 8-4 of the proposed code and noted the code states "the code does not apply to single-family detached dwellings." Mr. Walton stated if someone has an owner-occupied single-family detached dwelling and more than 65% of the dwelling has been damaged, it could be rebuilt.

4. **Public Comments**

Gerry Nolan, stated he is representing the owner of the property at 151 S. Grandview (Rich Wilcox), and distributed a packet to the Board. Mr. Nolan read a letter that was included in the packet. Mr. Nolan stated the letter states on

December 19, 2007, a text amendment to the Land Development Code was adopted regarding planned development and it is not noted in the draft before the Board. Mr. Nolan stated the property owner would like assurance that his property will continue with the designation as adopted by the City Commission. Mr. Nolan stated the property owner believes the RP zoning district would be combined with the BP district and that does not appear to be the case. Mr. Nolan stated the property owner would like confirmation that the previously-adopted height requirements are accurate and that 40 duplex units per acre will be permitted. Mr. Nolan stated he would like to confirm with the city that he can pursue a planned development course. Mr. Nolan stated the entire property is currently zoned RP.

John Anderson, 159 Congress Avenue stated he wants to make sure his home can be rebuilt if it's damaged by a storm. He has a two-bedroom home and when he purchased it, his neighborhood went from single family homes to multifamily family dwellings and wants to know where he stands. We want to get back to our single family homes.

Mr. Walton stated the language in the code regarding repair deals with use; and if the home is damaged or destroyed, a single-family home could be rebuilt.

Rob Merrell, Cobb & Cole, 149 S. Ridgewood, stated he is speaking on behalf of VCARD and is here to support the Code rewrite. Mr. Merrell stated he knows there will be glitches and one code will not fit every situation. Mr. Merrell stated Clarion did a great job and this is a great work product. Mr. Merrell stated Clarion did a great job of explaining changes in the footnotes.

Mr. Hoitsma thanked Mr. Merrell and the rest of the committee for their participation through the process.

Jean Spin, 162 North Street, asked if it would be permitted for a single family home that is non-conforming to be sold and a contingency of the offer be that the home can be remodeled to an amount equal to the purchase cost.

Mr. Walton stated an owner occupied single family use that is non-conforming would be permitted.

Ms. Spin stated right now, the city will not permit you to spend more money than the home is worth.

Ms. Avallone stated she would have to review that but she feels it would be permitted under Section 8.2(f). Ms. Avallone stated as long as the buyer would be living there, it would be an owner-occupied home.

Chris Daun, 132 Pierce Avenue, stated he is confused about the definition for single-family zoning.

Ms. Avallone stated the definition is based on the use, not the zoning.

Mr. Daun asked if there is a time frame and if the 6-month rule will be enforced.

Ms. Avallone stated if there is a hurricane that damages a large amount of the area, she feels an emergency resolution would be enacted to address the 6 month rule.

Mr. Daun asked about the overlay districts and asked where the categories are for art districts.

Mr. Richardson stated the art district designation would have to be designated as a result of petitioning the neighbors for the establishment of an art district and that would have to be adopted by the City Commission.

Mr. Daun stated there is no zoning in a redevelopment area to have a business on the first floor and a residence on the second floor. Mr. Daun stated this would prohibit investment in older neighborhoods.

Mr. Daun stated he does not feel planned developments should be permitted. He stated he feels planned development should be the last scenario for development and people should be able to obtain permits without special consideration. Mr. Daun stated if a surety bond is in place for development, a developer should lose their surety bond and that would deter the number of vacant lots throughout the city.

Mr. Richardson stated there is a category for upper story dwelling in the proposed code.

John Nicholson, 413 N. Grandview, asked if floor area ratio and submerged land are addressed. Mr. Nicholson asked about hotel parking requirements on Page 8 so the number of parking spaces are not overextended. Mr. Nicholson asked if landscaping and lot sizing are addressed. Mr. Nicholson stated he does not understand the Main Street zoning and asked if this will rezone the west side of Main Street.

Mr. Walton stated there is no rezoning with this; there is a conversion.

Mr. Nicholson asked about the E-zone.

Mr. Walton stated the E-zone is in the Comprehensive Plan but rezoning has not occurred.

Mr. Nicholson stated he is concerned about the 20,000 sq. ft. development being permitted by staff without receiving public input. Mr. Nicholson stated that

would encompass 3 city blocks on Main Street. Mr. Nicholson stated he is also concerned about minor variations being approved by staff. Mr. Nicholson stated staff approved a night club next to a residential neighborhood with no parking. Mr. Nicholson stated he feels staff is being given too much power.

Mr. Richardson stated Floor Area Ratio and submerged lands are addressed on Page 11-13. Mr. Richardson stated 20,000 sq. ft. is not a large development and his experience in a city the size of Daytona Beach, 20,000 sq. ft is not a large development and many cities have staff approve site development for developments of a much larger size.

Mr. Nicholson stated Main Street has 7 blocks that have 1 or 2 businesses on them, such as Cruisin Café and the Boot Hill/Main Street Station.

Mr. Berger stated RDB9, 10 & 11 are new and they are place holders in the rewrite. Mr. Berger stated action must be taken by the Redevelopment Board before potential rezoning can be discussed.

Mr. Walton stated staff believes the proposed Land Development Code rewrite is consistent with the Comprehensive Plan. Mr. Walton stated it is a requirement of State Law that the Zoning Code be consistent with the Comprehensive Plan.

Mr. Richardson stated in his opinion, the Land Development Code rewrite is consistent with the Zoning Code.

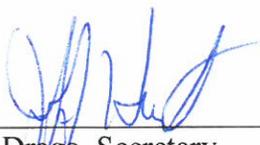
5. **Action by Planning Board – Recommendation to City Commission on the Land Development Code Rewrite**

Board Action:

A motion was made by Mr. Hurt, seconded by Mr. Neal, to recommend approval to the City Commission of the Land Development Code Rewrite, including the recommended changes as presented by staff. The motion carried unanimously (7-0).

6. **Adjournment**

The meeting was adjourned at 7:35 p.m.


for Pat Drago, Secretary


for Robert Hoitsma, Chair