

MINUTES
REGULAR MEETING – PLANNING BOARD
November 20, 2014

Minutes for the Regular Planning Board Meeting for the City of Daytona Beach, Florida, held on Thursday, November 20, 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
Pat Drago
Ned Harper
Jeff Hurt
Larry Moore
James Neal
Cathy Washington
Arthur Wright

Staff Members Present:

Richard Walton, Planning Director
Dennis Mrozek, Senior Planner
Rose Askew, Planner
Elizabeth Matej, Senior Planner
Carrie Avallone, Assistant City Attorney
Becky Groom, Board Secretary

1. **Call to Order**

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** - October 23, 2014

Board Action:

A motion was made by Mr. Hurt, seconded by Mr. Moore, to approve the minutes of the October 23, 2014 Planning Board Meeting. The motion was approved unanimously (9-0).

4. **Land Development Code Text Amendment – Permitting Electronic Message Centers via Comprehensive Sign Plans in Retail Centers, DEV2014-108**

Staff Presentation:

Dennis Mrozek, Senior Planner, presented the staff report which is included as part of the packet. Mr. Mrozek stated he would like to present Items 4 and 5 together. Mr. Mrozek stated Item 4 is a Text Amendment, and Item 5 is a Comprehensive Sign Plan associated with the Text Amendment. Mr. Mrozek stated this text amendment would permit EMC signs on the west side of AIA on sites exceeding 25 acres. Mr. Mrozek stated this is the only site on AIA that would qualify for this approval. Mr. Mrozek stated the approval of EMC signage within the city is a policy decision ultimately made by the City Commission after a recommendation is made by the Planning Board.

Ms. Drago asked if there are 25 acre parcels on ISB that may request this signage as well.

Mr. Mrozek stated it is a possibility but the property owner would have to go through the same process as this request in order for the request to be granted.

Mr. Harper asked if there would be any restrictions relating to the effect of the lighting on turtles.

Rob Merrell, Cobb & Cole, 149 S. Ridgewood, stated according to the County's regulations regarding turtles, the sign must be visible to someone standing on the beach.

Applicant Presentation:

Rob Merrell, Cobb & Cole, 149 S. Ridgewood, distributed larger-scale drawings to the Board members for their reference. Mr. Merrell stated this request is similar to what has previously been reviewed by the Board at other locations.

Mr. Hurt stated this is the new direction for signage.

Mr. Barhoo stated he is concerned about requests that may come through for similar signage on smaller parcels.

Mr. Hoitsma stated requests for other parcels will have to be reviewed by the Planning Board.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Hurt, seconded by Ms. Washington, to approve Land Development Code Text Amendment – Permitting Electronic Message Centers via Comprehensive Sign Plans in Retail Centers, DEV2014-108, in accordance with the staff report as presented.

Board Action:

The motion carried 8-1 (Mr. Barhoo voted no).

5. **Comprehensive Sign Plan – Bellair Plaza, DEV2014-107**

Mr. Mrozek presented the staff report which is included as part of the packet that outlines the types of signs that will be permitted as part of the Comprehensive Sign Plan.

Mr. Moore asked about the placement of banners and flags.

Mr. Mrozek stated the flags will be different heights and the banners will be tied to the light standards within the parking lot. Mr. Mrozek stated the applicant will still have to apply for a sign permit so it will be determined at that time if the request complies with the Comprehensive Sign Plan.

Applicant Presentation:

Rob Merrell, Cobb & Cole, 149 S. Ridgewood, distributed larger-scale drawings to the Board members for their reference. Mr. Merrell stated this request is similar to what has previously been reviewed by the Board at other locations.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Hurt, seconded by Ms. Washington, to approve Comprehensive Sign Plan – Bellair Plaza, DEV2014-107, in accordance with the staff report as presented.

Board Action:

The motion carried unanimously (9-0).

6. **Large Scale Comprehensive Plan Amendment – P&S Paving, DEV2014-114**

Elizabeth Matej, Senior Planner, presented the staff report which is included as part of the packet. Ms. Matej stated the property is located at 3701 Olson Drive. Ms. Matej stated approval will assign a Daytona Beach future land use designation to a parcel of land already located within the City that currently has a Volusia County future land use designation.

Applicant Presentation:

Rob Merrell, Cobb & Cole, 149 S. Ridgewood, stated this property is fully developed. Mr. Merrell stated the property was previously annexed into the city but never received a land use designation. Mr. Merrell stated this is simply a housekeeping item.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Barhoo, to approve Large Scale Comprehensive Plan Amendment – P&S Paving, DEV2014-114, in accordance with the staff report as presented.

Board Motion:

The motion carried unanimously (9-0).

7. **Rezoning, Planned Commercial Development (PCD) – P&S Paving, DEV2014-115**

Mr. Mrozek stated this request is to rezone the property at 3701 Olson Drive from Volusia County Industrial Planned Unit Development (IPUD) and Heavy Industry (M-5) to Planned Commercial Development (PCD), in accordance with the staff report included as part of the packet.

Applicant Presentation:

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, stated P&S paving is a large company that originated in Volusia County and the requested rezoning is a housekeeping item.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Ms. Washington, seconded by Ms. Drago, to approve Rezoning, Planned Commercial Development (PCD) – P&S Paving, DEV2014-115, in accordance with the staff report as presented.

Board Action:

The motion carried unanimously (9-0).

8. **Rezoning, Residential Planned Unit Development (RPUD) – Madison Cove Apartments, DEV2014-122 (Quasi-Judicial Hearing)**

Mr. Mrozek presented the staff report which is included as part of the packet. Mr. Mrozek stated this rezoning is to allow for a multi-family (55+), 7 story, 80 unit apartment complex. Mr. Mrozek stated the property is located at the southwest corner of Madison Avenue and Beach Street and is the former Aloha Mobile Home Park site. Mr. Mrozek stated there was a settlement agreement entered into with the City for the site that required the mobile homes to be removed and the mobile home use abandoned in exchange for a reduction in fines. Mr. Mrozek stated 3 waivers are requested: site plan requirement for rezoning to PD; reduction in the number of parking spaces from 160 to 80; and minimum setback requirements adjacent to single family sites.

Mr. Wright asked if the sewer system will be able to handle this facility.

Mr. Mrozek stated when the project is going through site plan review, the applicant will have to demonstrate that the project can handle stormwater.

Applicant Presentation:

Stacy Banach, 558 W. NE Avenue, Winter Park, spoke representing the applicant, Parametric Design & Development. Mr. Banach stated this is an affordable tax credit development and if approved would receive tax credits from the State of Florida but noted that property taxes will be paid by the developer. Mr. Banach stated a meeting was held with adjacent property owners at a development owned and operated by Parametric in Ormond Beach. Mr. Banach stated he felt holding the meeting at an existing property would give residents an opportunity to see what is proposed for this site.

Mr. Moore asked what the square footage would be of the proposed units.

Mr. Banach stated one bedroom units will be 560 sq. ft and two bedroom units will be 874 sq. ft.

Mr. Barhoo expressed concern about the waiver for the reduction of parking spaces.

Mr. Banach stated statistics regarding parking reductions are outlined on Attachment B of the report. Mr. Banach stated there is no guarantee that the project will move forward this year since the request for tax credits may not be approved by the State. Mr. Banach talked about the building height and lay-out of the project. Mr. Banach stated the site could be mirrored to place the building on the site proposed for parking in order to meet the setback requirement.

Mr. Harper asked if there will be issues with the trees on the site.

Mr. Banach stated a lot of the trees are pines but a tree surveyor will look at the site prior to construction.

Mr. Wright asked if the area around the site will support additional parking.

Mr. Banach stated there is currently on-street parking but noted there have not been problems at their other projects.

Mr. Walton stated an email had been received regarding the project which was distributed to the board.

Michael Oliver, 558 W. NE Avenue, Winter Park, stated he is the applicant and owner of the property. Mr. Oliver stated he feels this project could become the cornerstone of redevelopment in this area.

Mr. Harper asked about the parking and asked why the building is not proposed as being a 4 story building.

Mr. Oliver stated the economics of this site would not work for a 4 story building.

Public Comments:

Carolyn Lehmann, 112 Madison, stated she owns a business directly across the street from this project and stated having something on this site would be an improvement. She stated there is not a lot of parking in the area and asked if the parking at the site would be inside or outside. Ms. Lehmann stated she was not aware a neighborhood meeting was held and would like to be included in any future meetings.

Mr. Banach stated all of the parking will be outside. Mr. Banach stated property owners within 500 feet of the site were invited to the meeting.

Jean Spini, 162 North Street, stated she is for the project and welcomes something new to the area.

John Anderson, 159 Congress Avenue, stated he is the president of the Uptown Neighborhood Watch and was not notified of a neighborhood meeting regarding this project. Mr. Anderson stated he is concerned about flooding in the area. Mr. Anderson stated he has been unable to get his property rezoned to single family. Mr. Anderson stated he feels this project would be a detriment to the area.

Weegie Kuendig, 718 N. Wild Olive, stated she is opposed to the project. She stated she did not feel it was appropriate for residents to have to go to Ormond Beach to attend a meeting about a proposed development in Daytona. Ms. Kuendig stated the building is too tall and will overshadow neighboring properties. Ms. Kuendig stated she is opposed to granting waivers for this project and feels it will negatively impact the area. Ms. Kuendig asked what are the public benefits as a result of the project.

Peter Garrett, 734 Mulberry, stated he was not notified of a neighborhood meeting and is opposed to the project. He stated he does not feel there is adequate sewer in the area now and is concerned about the impacts of this project on the sewer system. He stated there are too many variances requested and parking is a problem.

Robin Tomlinson, 153 Pierce, stated she is opposed to the project. She stated she would like to see something on the site that would enhance the community.

Diane Mintz, 152 Pierce, stated she is opposed to the project and does not feel this is the right area for this project.

Vasken Fakrajian, 705 N. Beach, stated he is opposed to the project. He stated he is concerned about flooding and impacts on the sewer system.

Chris Daun, 132 Pierce, provided a copy of the notice that was received for the neighborhood meeting. Mr. Daun stated he is concerned if the project is approved, the project could change since a site plan is not available. He stated the site is covered with historic trees. Mr. Daun asked what the public benefit is for this project.

Mr. Mrozek stated a number of applications have been processed without the full technical review of a site plan. Mr. Mrozek stated a site plan will be required and any changes made to what is proposed will require a full amendment to the PD which will have to be presented to the Planning Board and City Commission. Mr. Mrozek stated a tree survey will be required; and if there are historic trees on the site, the City Commission is the only body that can authorize their removal.

Ms. Drago asked if there is a requirement to provide a public benefit.

Mr. Mrozek stated technically no. He stated the applicant could outline what he believes are the benefits.

Mr. Banach stated he felt having the public meeting at one of the existing projects would be a benefit so the residents could see the type of project he builds.

Board Comments:

Ms. Drago stated this area has struggled. She stated the parking does not concern her and feels the site plan requirements will be met. She stated the offer to change the location of the building on the site may ease the impact on the residents. She stated she is concerned about the intensity of the development and the setbacks but feels the project will be good. Ms. Drago stated she is concerned about the trees and the intensity.

Mr. Hurt stated he feels this will be a good project. He stated he liked the idea of moving the building and placing the parking where the building was originally proposed.

Mr. Banach stated if the project is flipped, access would be from Madison.

Ms. Washington stated she is concerned about sewage and flooding concerns. She stated she is concerned about placing this project near the proposed marina project. Ms. Washington stated she is concerned about the request for the reduction in parking spaces. Ms. Washington stated the financing is not secure and that is a concern to her. She stated she does not feel the Board is ready to vote on this tonight.

Mr. Harper stated he is concerned about the parking waiver and stated the request is less than one space per unit. Mr. Harper stated he is concerned about guest parking.

Mr. Banach stated the only staff that would be on site would be one manager and one part-time maintenance person.

Mr. Harper stated he is concerned about drainage.

Mr. Banach stated he is looking at acquiring adjacent properties for stormwater storage.

Mr. Harper stated if waivers are given, what are the neighbors gaining.

Mr. Banach stated if nothing is built there, the neighborhood is not gaining anything. He stated he feels the development will be positive for the neighborhood.

Mr. Banach stated if people who live in this development are strapped for money, they will not be able to shop in the proposed Marina project area.

Mr. Banach stated the State of Florida does analysis on the area and have determined that there is a need for this type of project.

Ms. Drago asked if any waivers will be given for impact fees and asked if stormwater or wastewater collection would be funded through this project.

Mr. Walton stated the code does provide for waiver of fees for this type of project.

Mr. Banach stated his application for State funding requires a local government contribution. He stated often times a zero interest loan or a grant can be offered for a project like this or delay of paying building permit fees.

Mr. Barhoo stated he is concerned about the requested waivers and the reduction in parking spaces. He stated he is concerned about the shadow this building may place on surrounding properties.

Mr. Wright stated he is concerned about flooding and stated there is old infrastructure in this area. He stated he is concerned about the impact on the sewer system.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Harper, to approve Rezoning, Residential Planned Unit Development (RPUD) – Madison Cove Apartments, DEV2014-122, in accordance with the staff report as presented, including the waivers for site plan submittal, parking, and compatibility requirements when multi-family is adjacent to single family.

Board Action:

The motion failed (1-8, with Mr. Hurt being the only yes vote).

9. **Site Plan Approval MASCO, DEV2014-112 (Quasi-Judicial Hearing)**

Rose Askew, Planner, presented the staff report which is included as part of the packet. Ms. Askew stated the property is currently vacant and undeveloped. Ms. Askew stated no waivers are requested on this project.

Applicant's Presentation:

Joe Hopkins, Performance Group, 100 Marina Point Drive, stated he is not seeking any waivers. Mr. Hopkins stated the proposed parapets are 39 feet and the code requires 35 feet; therefore, he agrees to lower those by 4 feet. Mr.

Hopkins stated all setbacks, buffers, and parking are exceeded. He stated he is working with the City and the State to resolve wetland issues.

Mr. Moore stated it is a pleasure to see a project presented where no waivers are requested.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Moore, to approve Site Plan Approval MASCO, DEV2014-112, in accordance with the staff report as presented.

Board Action:

The motion carried unanimously (9-0).

10. **Rezoning, Residential Planned Unit Development Second Amendment, Tuscany Woods, DEV2014-140 (Quasi-Judicial Hearing)**

Ms. Askew presented the staff report which is included as part of the packet. Ms. Askew stated the project was originally approved in 2005. Ms. Askew stated some homes were built in excess of the impervious surface area coverage. Ms. Askew stated this PD amendment will correct that and will allow for future homes built on the property to be conforming. Ms. Askew stated the amendment will increase the maximum building coverage to 48% and increase the maximum impervious area to 55%.

Mr. Hurt asked how many houses are affected.

Applicant's Presentation:

Michael Woods, Cobb & Cole, DeLand, Florida, stated the issue does not affect the larger lots in Phase I and he was alerted to the problem within the last month. He stated it has not been determined how many lots are affected. He stated the solution proposed by staff is to increase the impervious surface area. Mr. Woods stated a neighborhood meeting was held to answer the residents' concerns.

Wes Hinton, K B Homes, 1616 Concierge Drive, stated this amendment will not have any affect on the square footage of the house.

Public Comments:

D. A. Bonis, 117 Tuscany Chase Drive, stated he is concerned about the footprint of the house and the side yards. Mr. Bonis stated the side yards are to be 7.5 feet and there are many that are not. He stated he has no concerns about stormwater since he has not seen any flooding in the area. Mr. Bonis stated he is concerned about an inferior fence that KB Homes placed at the rear of the development.

Michael Hellard, 221 Tuscany Chase Drive, stated his home is less than 5 feet to his neighbor's home. He stated he is concerned about what may happen to his property if he tries to sell it. He stated he understands an attempt is being made to correct an error and wanted to know if this will alleviate any legal concerns to the homeowners. He asked how this will affect present and future owners.

Kevin Greene, 172 Campanello Court, stated he owns one of the homes affected by this and is concerned about owning a non-conforming lot.

Patrick Biggs, 104 Campanello Court, stated all of the lots in this area are the smaller lots. He says he owns the smallest home in the area and it does not conform.

Mr. Hurt asked what the setback is on the 50 foot lots in Phase II.

Mr. Woods said 5 feet and nothing will change on the setbacks if this is approved. Mr. Woods stated this issue was brought to him by the City. He stated this is not a variance and this is the proper procedure to address this issue. He stated there will be no impact to adjacent property owners.

Mr. Hurt stated if this is approved, the non-conforming name goes away.

Mr. Hoitsma stated he wanted to be clear that there is no harm to anyone who may have previously purchased property by this action.

Mr. Walton stated by increasing the percentage for impervious surface would help the owners. He stated without this action, the owner would have to go through a variance process.

Mr. Barhoo stated this corrects this item for future owners.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Moore, to approve Rezoning, Residential Planned Unit Development Second Amendment, Tuscany Woods, DEV2014-140, in accordance with the staff report as presented.

Board Action:

The motion carried unanimously (9-0).

11. **Land Development Code Text Amendment – Article 3, Section 2 – Planning Board DEV2014-155**

Mr. Walton presented the staff report that is included as part of the packet. Mr. Walton stated this is a change to the current Land Development in accordance with the recently-passed Charter amendment. He stated the Charter amendment is effective January 1, 2015.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Moore, to approve the Land Development Code Text Amendment to Article 3, Section, DEV2014-155, regarding the Planning Board.

Board Action:

The motion carried unanimously (9-0).

12. **Other Business**

a. Downtown/Balough Road Redevelopment Area Board Report

Ms. Washington stated the Board met on November 4 and discussed Orange Avenue. Ms. Washington stated a Conditional Use was approved for Pai in the Sky at 150 W. International Speedway Blvd.; and a Conditional Use for Mexico at 145 N. Ridgewood Avenue was approved.

b. Midtown Redevelopment Area Board Report

Mr. Barhoo stated he was not in attendance at the last Midtown Redevelopment Area Board meeting.

c. Main Street/South Atlantic Redevelopment Area Board Report

There is currently no representative from the Planning Board on the Main Street/South Atlantic Redevelopment Area Board.

d. Public Comments

There were no public comments.

e. Staff Comments

Mr. Walton stated the City Commission passed the new Land Development Code on First Reading. Mr. Walton stated a workshop will be held to discuss the Land Development Code on December 3 at 4:00 p.m.

f. Board Comments:

Mr. Hoitsma complimented the Board for the way they address the issues presented to them.

Adjournment: The meeting adjourned at 9:00 p.m.



Robert Hoitsma, Chair

ATTEST:



Pat Drago
Secretary