

**DOWNTOWN/BALLOUGH ROAD  
REDEVELOPMENT AREA BOARD  
MINUTES  
Tuesday, November 4, 2014**

A meeting of the Downtown/Balough Road Redevelopment Area Board was held Tuesday, November 4, 2014, at 12:00 p.m. in the Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

**Board Members**

Mr. Harold Goodemote, Chair  
Mr. Robert Abraham  
Mr. Daniel Harshaw  
Mr. Larry Robinson  
Dr. Kent Sharples (left the meeting at 12:50 p.m.)  
Ms. Cathy Washington  
Mr. Scott Weidman  
Mr. Jack White  
Mr. Paul Zappitelli

**Staff Members Present**

Mr. Reed Berger, Redevelopment Director  
Mr. Jason Jeffries, Redevelopment Project Manager  
Mr. Ron McLemore, Public Works Director  
Ms. Carrie Avallone, Assistant City Attorney  
Ms. Becky Groom, Board Secretary

**1. Call to Order**

Mr. Goodemote called the meeting to order at 12:04 p.m.

**2. Roll Call**

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

**3. Approval of Minutes – October 7, 2014**

**Board Action:**

Mr. Harshaw made a motion to approve the minutes of the Regular Meeting of October 7, 2014. Ms. Washington seconded the motion and it was approved unanimously (9-0).

4. **Discussion: Orange Avenue Project**

Ron McLemore, Public Works Director, stated crews working on the section of Orange Avenue from U. S. 1 to Beach Street will be leaving that area in about two weeks to work in other areas of Orange Avenue. Mr. McLemore stated the crews will return after the first of the year. He stated once the crews return it will take about 6 months to complete the project. Mr. McLemore stated the road closures on Palmetto relate to utility work, not Orange Avenue. He stated the east side of Palmetto will be closed for 60 days until the utility work is finished.

Mr. McLemore stated he recently met with FDOT and staff was advised to make application for design of International Speedway Blvd. from U. S. 1 to Beach Street in order for FDOT to consider design grant applications.

Mr. McLemore stated he has received approval to proceed with the Flexipave.

Mr. McLemore stated Federal Alley has been temporarily opened.

Mr. Harshaw stated he likes the Japanese Blueberry trees that are being planted and suggested those be used instead of Palm trees.

Mr. McLemore stated he is very pleased with the new landscape person that has been hired in his department. Mr. McLemore stated he is the individual that suggested the use of the Japanese Blueberry trees.

5. **DEV2014-095, Conditional Use, Pai in the Sky**

Mr. Jeffries stated a request is included in the packet from the applicant to continue this item until the January, 2015, Downtown/Balough Road Redevelopment Area Board Meeting.

**Board Action:**

A motion was made by Ms. Washington, seconded by Mr. Harshaw, to continue DEV2014-095, Conditional Use, Pai in the Sky, until the January Downtown/Balough Road Redevelopment Area Board Meeting. The motion carried unanimously (9-0).

6. **DEV2014-139, Conditional Use, MexiGo Restaurant**

Mr. Jeffries presented the staff report which is included as part of the packet. He stated this is a restaurant site that has been vacant since 2007-08. Mr. Jeffries stated three actions are required by the Board: approval of a site plan; conditional use request for alcohol beverage service; and a conditional use for outdoor table service.

Mr. Jeffries outlined the criteria for alcohol beverage service and stated the applicant has not provided the restaurant operations information, including business hours, information as to whether live entertainment will be provided, and a proposed menu.

Mr. Jeffries stated in order for outdoor table service to be approved, a 6 foot fence must be provided to screen the business from residential properties. Mr. Jeffries noted a textured pavement must be used on the outdoor table service area.

Mr. Jeffries stated there are TRT comments that are still outstanding, including delineation of a handicap parking space; replacement of pole sign with a monument sign; and backflow preventer with manhole inspection access provided.

Mr. Jeffries stated staff is recommending site plan approval, subject to the applicant working with staff to resolve the outstanding TRT comments; however, staff does not recommend approval of the two conditional uses since there is not sufficient information to recommend approval of those two items at this time.

Mr. Zappitelli asked if the neighboring residents have been notified of this meeting.

Mr. Jeffries stated there is only one residential unit and it is owned by the applicant.

**Applicant's Presentation:**

Stan Hoelle, 1493 Granada, Daytona Beach, stated he is the architect for the project and represents the applicant, James Lai, who is the owner of the property. Mr. Hoelle distributed renderings to the Board of the proposed project.

Mr. White asked what type of signage is proposed.

Mr. Hoelle stated the bottom of the existing sign will be enclosed with stone to create a monument sign and the panels will be changed.

Mr. Goodemote asked if the issues are resolved regarding alcohol service.

Mr. Hoelle stated he will be asking for a 2-COP license and plans to serve beer and wine only.

Mr. Jeffries stated a 6 foot screening fence is required.

Mr. Hoelle stated he proposes a landscape buffer as opposed to installing a fence.

Mr. White asked about live entertainment.

Mr. Hoelle stated live entertainment is not being considered at this time.

Mr. Goodemote asked if the Land Development Code requires a fence, does the Board have the ability to waive that requirement.

Ms. Avallone stated the Board would be creating a precedent by waiving an explicit condition. Ms. Avallone stated the treatment to be used on the pavement must be addressed and the operational plan. Ms. Avallone asked if the applicant would state for the record that live entertainment will not be provided.

Mr. Hoelle said to make that statement would be too prohibitive.

Mr. Jeffries suggested Mr. Hoelle state for the record that if live entertainment is provided, the regulations must be adhered to.

Mr. Goodemote stated the applicant has stated it is their intent to enclose the bottom of the existing sign to create a monument sign.

Mr. Jeffries stated that would be fine.

Mr. White asked if the landscaping would be tall enough to act as a fence.

Mr. Hoelle stated landscaping could be added that would be 6 feet high.

Ms. Avallone stated one of the conditions that must be met is the installation of a 6 foot fence. Ms. Avallone suggested the Board make three separate motions regarding the conditions for this request.

**Board Action:**

A motion was made by Ms. Washington, seconded by Dr. Sharples to approve DEV2014-139, Conditional Use, MexiGo Restaurant, site plan for a restaurant, in accordance with the attached staff report and subject to any outstanding staff comments. The motion carried unanimously (9-0).

**Board Action:**

A motion was made by Ms. Washington, seconded by Dr. Sharples to approve DEV2014-139, Conditional Use, MexiGo Restaurant, for alcohol beverage service in accordance with a 2-COP license and in accordance with the attached staff report, subject to any outstanding staff comments. The motion carried unanimously (9-0).

Mr. Goodemote stated if a fence is required, he does not feel that is something that should be waived by the Board.

Ms. Avallone stated the Code states a 6 foot fence or masonry wall must be installed. She stated a variance could not be granted for a conditional use.

Mr. Hoelle stated he will install a 6 foot fence in order to get the item approved.

**Board Action:**

A motion was made by Ms. Washington, seconded by Dr. Sharples to approve DEV2014-139, Conditional Use, MexiGo Restaurant, outdoor table service, with the condition that a 6 foot fence be installed on the east side, in accordance with the attached staff report and subject to any outstanding staff comments. The motion carried unanimously (9-0).

Big John asked if Mr. Hoelle would provide an update on the former gas station site.

Mr. Hoelle stated an extension was granted on the permit and people are working on the site.

Dr. Sharples left the meeting at 12:50 p.m.

**A-1. DEV2014-145, Conditional Use, Lucky 13 Grill**

Mr. Jeffries presented the staff report which is included in the packet. He noted this is a tenant space inside the Masonic Lodge building and the request is a change of use. He stated the applicant is requesting a 2-COP license in order to serve beer and wine. Mr. Jeffries stated the floor plan notes a hood but no grill and asked for clarification. Mr. Jeffries stated staff recommends approval.

Mr. Harshaw stated he sees this request as a bar, not a restaurant.

**Applicant Presentation:**

Colleen Miles, Land Development Resources Group, spoke representing the applicant, Greg Thomsey. She noted the area marked on the bar is a counter, not a bar. Ms. Miles stated the seating area will cover 75% of the floor space and a kitchen will be installed. Ms. Miles stated the site is proposed to be a fresh food restaurant serving beer and wine only and there will be no live entertainment.

Mr. White stated having a pool table in the front of the site encourages a bar atmosphere.

Mr. Robinson asked if the pool table could be located in the back.

Ms. Miles stated the water service is in the back so the pool table could not be placed there.

Mr. Harshaw stated the site will have shared patrons from the bar next door.

Mr. Robinson stated he feels the proposed site plan is out of scale and does not feel there will be any open space.

Mr. Jeffries stated before the occupational license is issued, an inspection would occur to assure the grill has been installed. He stated the table arrangement will be reviewed to make sure it matches what is proposed on the floor plan.

Mr. White stated since the site plan presented is not an accurate representation of the space, could the pool table be moved to the middle or rear of the space so it appears to be more like a restaurant.

Ms. Miles said yes.

**Board Action:**

A motion was made by Mr. Abraham, seconded by Ms. Washington, to approve DEV2014-145, Conditional Use, Lucky 13 Grill, in accordance with the staff report as presented, including the criteria as outlined and relocation of the pool table. The motion carried unanimously (8-0; Dr. Sharples left the meeting).

**7. Public Comments**

Big John stated he appreciated the back-up material from the packet being available for the public.

**8. Board Comments**

Mr. Harshaw expressed concern about the number of homeless that have active TB.

Big John stated the Volusia County Health Department is charged with monitoring TB cases.

Mr. Zappitelli stated the homeless are charging devices on the city's street poles and asked if they can be secured.

Mr. Berger stated he will look to address the poles near the benches.

Mr. Zappitelli asked if there is free Wi-Fi in downtown and perhaps that equipment could be relocated.

Mr. Berger stated he will check into relocating the Wi-Fi equipment to Midtown.

Mr. White asked if the date has been set for the workshop with Dr. Marbut regarding the homeless.

Mr. Berger stated he did not have a date and he will check on that.

Mr. Harshaw commented on the Halifax Art Show and stated the parking along Beach Street where the patrons could be parking was taken by the artists prior to the beginning of the art show.

Mr. Jeffries stated he will address that with the coordinator of the event.

Mr. Zappitelli stated the vendors left a mess after the art show.

Mr. Zappitelli stated offering food in the park during events does not benefit the downtown. He stated these types of events take away from the businesses in downtown.

Mr. Jeffries stated he will speak with the coordinators of the events but feels the car show and beer festival should be separate events.

8. **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 1:30 p.m.



Harold Goodemote, Chair



Becky Groom  
Recording Secretary