

MINUTES  
REGULAR MEETING – PLANNING BOARD  
February 26, 2015

Minutes for the Regular Planning Board Meeting for the City of Daytona Beach, Florida, held on Thursday, February 26, 2015 at 6:00 p.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board Members Present:

Cathy Washington, Chair  
Tony Barhoo  
Pat Drago  
Ned Harper  
Robert Hoitsma  
Jeff Hurt  
James Neal

Staff Members Present:

Richard Walton, Planning Director  
Rose Askew, Planner  
Reed Berger, Redevelopment Director  
Jason Jeffries, Redevelopment Project Manager  
Elizabeth Matej, Senior Planner  
Dennis Mrozek, Principal Planner  
Carrie Avallone, Assistant City Attorney  
Becky Groom, Board Secretary

1. **Call to Order**

Ms. Washington called the meeting to order at 6:08 p.m.

2. **Roll Call**

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

3. **Approval of the Minutes** - January 22, 2015

**Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Neal, to approve the minutes of the January 22, 2015 Planning Board Meeting. The motion was approved unanimously (7-0).

4. **Land Development Code Text Amendment – Midtown Redevelopment District Use Tables, DEV2015-019**

**Staff Presentation:**

Reed Berger, Redevelopment Director, presented the staff report which is included as part of the packet. Mr. Berger stated staff has determined there were errors and omissions in the use tables for the Midtown Redevelopment District. Mr. Berger stated the Midtown Redevelopment Board reviewed the proposed revisions and recommended approval unanimously.

Mr. Harper stated the document shows in some areas there is to be a 25 foot setback yet some areas show 15 foot side yard setbacks.

Mr. Berger stated the item on the agenda this evening pertains only to the use tables and he would discuss the setbacks with Mr. Harper at another time.

**Public comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Harper, to approve Land Development Code Text Amendment, Midtown Redevelopment District Use Tables, DEV2015-019. The motion carried unanimously (7-0), in accordance with the staff report as presented.

5. **Semi-Public Use Permit – Miracle Media Studios & Offices, DEV2015-011**

**Staff Presentation:**

Jason Jeffries, Redevelopment Project Manager, presented the staff report which is included as part of the packet. Mr. Jeffries stated the request is for a semi-public use permit in the Downtown Redevelopment area. The property is the former Bennett's Framing Studio and three uses are proposed for the property: a radio station, the radio station business office, and a classic rock café. Mr. Jeffries stated the café is a permitted use in the zoning district and the radio station request requires a semi-public use permit. Mr. Jeffries stated the location of the offices in the rear of the building will require a Conditional Use, which was approved by the Downtown-Balough Road Redevelopment Board at their February meeting. Mr. Jeffries stated alcohol beverage service is planned for the café so a Conditional Use is required for the café.

Mr. Hoitsma asked if the project will have an effect on Cinematique.

Mr. Jeffries stated Cinematique is located in the same building and there is insulation between the shared walls and there will be sound insulation around the studio.

Mr. Harper asked what will happen to the use if the café does not exist.

Mr. Jeffries stated concerns have been expressed as to what will happen to the site should the radio station succeed and the café closes. Mr. Jeffries stated staff is requesting an additional condition be placed on the use that if the café moves out within 6 months, the applicant must bring in another permitted use and not expand the semi-public use into the front space.

Mr. Jeffries stated the plan submitted to the Downtown Redevelopment Board did not show a grill and a hood in the kitchen. He stated a criteria to serve alcohol in the downtown area is to have a full-service kitchen with a grill or stove and a suppression hood. Mr. Jeffries stated the Downtown Redevelopment Board recommended approval of the Conditional Use, subject to the applicant revising their plans.

### **Applicant's Presentation**

Colleen Miles, Land Development Resource Group, 140 S. Beach Street, stated the café is currently permitted and the applicant is only seeking conditional use approval for alcohol beverage service. Ms. Miles stated the hood and fire suppression would not have to be installed if they do not serve beer and wine so the applicant is evaluating that. She stated the applicant anticipates putting in the suppression system in order to serve beer and wine but the café will happen regardless. Ms. Miles stated the owners are requesting semi-public use for the studio to be in the back and the studio and café are two separate units. Ms. Miles stated the applicant's intend to have some viable use occupy the front portion of the building. Ms. Miles stated the plans are currently being revised to include the suppression system.

Mr. Walton asked if the three properties are owned by one corporation.

Ms. Miles stated the units are owned by three separate entities.

Mr. Walton asked if the three units are owned by the same group.

Ms. Miles stated there are separate incorporations.

Mr. Walton asked Mr. Jeffries if that is consistent with his recommendation.

Ms. Miles stated there is Miracle Media Group which is the semi-public use and the front portion is the classic rock café owner. Ms. Miles stated the ownership is by the same people, just different entities.

Mr. Jeffries stated the ownership is all the same.

Mr. Walton asked if it is the same ownership.

Ms. Miles said correct, it is the same ownership.

Mr. Jeffries stated the ownership is by all the same people.

Ms. Drago asked if the café ceases within 6 months, will the use for the radio station cease to exist.

Mr. Walton stated if there is not another permitted use within 6 months to occupy the space, it would not be consistent with the approval of the radio station.

Ms. Avallone stated the Board's motion should state whether the condition from staff regarding the use for the café and radio station is part of the approval.

### **Public Comments**

There were no public comments.

### **Board Motion**

A motion was made by Mr. Hoitsma, seconded by Mr. Neal, to approve Semi-Public Use Permit, Miracle Media Studios & Offices, DEV2015-011, including staff's recommendation that a permitted use shall be reestablished within six months of any discontinuance of the café, in accordance with the staff report as presented. The motion carried unanimously (7-0).

## 6. **Rezoning, Planned Commercial Development (PCD), First Amendment – Halifax Humane Society, DEV2014-161**

### **Staff Presentation:**

Rose Askew, Planner, presented the staff report that is included in the packet. Ms. Askew stated the request is to expand the Halifax Humane Society property to include a dog park. Ms. Askew stated the request also includes additional signage and retail sales. Ms. Askew stated the applicant is requesting to replace the 4 foot high fence with a 6 foot high decorative fence.

Mr. Barhoo asked if the pole sign will be visible from I-95.

Ms. Askew stated it will not be visible from I-95.

### **Applicant's Presentation:**

James Stowers, 44A W. Granada Blvd., Ormond Beach, Florida, spoke representing the applicant. Mr. Stowers stated the goal of the Halifax Humane Society is to expand and upgrade the existing facilities. Mr. Stowers stated the proposed dog park will be managed by the Halifax Humane Society but will be open to the public. Mr. Stowers stated the

Halifax Humane Society has obtained an ECHO grant in the amount of \$400,000 which will be matched by the Humane Society.

Mr. Hurt stated the location of the dog park along I-95 will be a great addition and will be welcomed by travelers.

Mr. Barhoo stated the improvements will be a plus for the area and asked if there will be road improvements planned for the entrance to the facility.

Mr. Stowers stated he is not aware of any improvements planned for the roadway at this time.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Neal, to approve Rezoning, Planned Commercial Development (PCD), First Amendment – Halifax Humane Society, DEV2014-161, in accordance with the staff report as presented and including the signage as presented by staff during the Planning Board presentation. The motion carried unanimously (7-0).

7. **Preliminary Plat, Tomoka Town Center, DEV2014-164**

**Staff Presentation:**

Dennis Mrozek, Principal Planner, presented the staff report which is included as part of the packet. Mr. Mrozek stated the preliminary plat includes the extension of Cornerstone Blvd., 5 buildable lots, 5 tracts and 3 parcels, including the billboard parcel.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Hurt, seconded, by Mr. Barhoo, to approve Preliminary Plat, Tomoka Town Center, DEV2014-164, as presented in the staff report. The motion carried unanimously (7-0).

8. **Land Development Code Text Amendment – Permitting Electronic Message Center Signs at Retail Centers located within 0.5 mile of an Interchange on I-95, DEV2014-165**

**Staff Presentation:**

Dennis Mrozek, Principal Planner, stated he would like to present Items 8 and 9 together. Mr. Mrozek presented the staff report which is included as part of the packet.

Mr. Mrozek stated the text amendment will include a statement in Section 6.20 that electronic message center signs shall not be processed “on sites exceeding 35 acres located within 0.5 of an Interchange on I-95.”

**Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Neal, to approve Land Development Code Text Amendment, permitting Electronic Message Center Signs at Retail Centers located within 0.5 mile of an interchange on I-95, DEV2014-165, in accordance with the staff report as presented. The motion carried unanimously (7-0).

9. **Rezoning, Planned Commercial Development (PCD) – Project Shopper, DEV2014-166**

**Staff Presentation:**

Mr. Mrozek presented the staff report which is included as part of the packet. Mr. Mrozek stated the property is 39 acres and will consist of 400,000 square feet of retail space. Mr. Mrozek stated the design of the project will keep pedestrian traffic within the site away from vehicular traffic and parking. Mr. Mrozek stated a waiver is requested for the installation of an EMC sign covering 3,800 sq. ft. and 85 feet high. Mr. Mrozek stated a waiver is requested to relocate one billboard that is currently on the site to be within 1,010 feet of an existing billboard on I-95.

Mr. Hoitsma asked the size of the proposed EMC and what is permitted.

Mr. Mrozek stated the proposed EMC is 770 sq. ft. Mr. Mrozek stated the sign cabinet can be 360 sq. ft. and the EMC can be half of that.

Mr. Harper asked if the entrance signage will be coordinated with other developers and projects at that area.

Mr. Mrozek stated he is working to develop a comprehensive sign plan for that area.

Mr. Barhoo asked if a traffic study was conducted.

Mr. Mrozek stated a traffic study was completed and signalization is proposed for Technology and LPGA.

Mr. Barhoo asked if the signs will be larger than the signs currently located across I-95.

Mr. Mrozek stated the signs will be larger but will be consistent with the development.

Mr. Hurt stated the Board has never reviewed a project of this size and feels that perhaps latitude should be given regarding signage due to the size of the project.

**Applicant's Presentation:**

Rob Merrell, Cobb & Cole, 149 S. Ridgewood, Daytona Beach, Florida, distributed a hand-out to the Board regarding the proposed project. Mr. Merrell stated Tanger Outlets has developed 45 other outlet malls. Mr. Merrell reviewed the proposed architectural renderings for the project noting traffic is separated from the pedestrian traffic area. Mr. Merrell stated the signage will be proportional to the project and the EMC will be incorporated into the signage. Mr. Merrell stated the project will generate between \$700,000 to \$900,000 in ad valorem taxes each year with \$120,000,000 in annual sales. Mr. Merrell stated construction of the project will generate 300 jobs in construction with 800 total jobs at build-out.

Mr. Harper asked if there are plans to link this project to the Mason Avenue extension that runs south of this site.

Mr. Merrell stated the plat has the right of way dedicated all the way to Mason. He stated at some point, the project will connect to Mason.

Mr. Barhoo asked if the billboard could remain where it is currently located.

Mr. Merrell stated the billboard is being relocated to clear the view of the project. He stated no billboards are being added.

Parker Mynchenberg, 1729 Ridgewood Avenue, stated the landscaping will mask the rear of the stores. He stated there will be a double hedge row in front of the parking.

Ms. Drago asked if delivery trucks will be visible from I-95 and Williamson.

Mr. Mynchenberg stated the rear walls will be screened and noted this facility will have most deliveries made via box trucks, not semi's.

Mr. Hoitsma stated there cannot be any argument as to what the project will do for the economy. He stated he is a little disappointed the architect did not do better on the roof line for the project.

**Public Comments:**

John Anthony, 25 Pine Valley, Ormond Beach, Florida, spoke representing the Daytona Beach Regional Chamber of Commerce. Mr. Anthony stated the Chamber is behind and supports the proposed project.

**Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Barhoo, to approve Rezoning, Planned Commercial Development (PCD), Project Shopper, DEV2014-166, in accordance with the staff report as presented. The motion carried unanimously (7-0).

10. **Small Scale Comprehensive Plan Amendment – Vystar Credit Union, DEV2014-175**

**Staff Presentation:**

Elizabeth Matej, Senior Planner, presented the staff report which is included as part of the packet. Ms. Matej stated based on staff analysis, the proposed Future Land Use Map amendment from Level 2 Residential to Office Transitional appears to meet criteria of the Comprehensive Plan.

Mr. Walton noted the staff report reflects the item as DEV2014-174 and the agenda lists the item as DEV2014-175. Ms. Matej verified DEV2014-175 is the correct item number.

**Applicant's Presentation:**

Parker Mynchenberg, 1729 S. Ridgewood, spoke representing the applicant. Mr. Mynchenberg stated the site plan will be presented later for a single-story bank at this site that will be 4,500 sq. ft. Mr. Mynchenberg stated a neighborhood meeting was held and was attended by adjoining property owners, including a representative from Daytona State College.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Neal, seconded by Mr. Barhoo, to approve the Small Scale Comprehensive Plan Amendment, Vystar Credit Union, DEV2014-175, as presented in the staff report. The motion carried unanimously (7-0).

11. **Comprehensive Sign Plan Amendment – Embry Riddle Aeronautical University, DEV2014-173**

**Staff Presentation:**

Rose Askew, Planner, presented the staff report which is included as part of the packet. Ms. Askew stated Embry Riddle plans to make their signs consistent throughout the campus.

**Applicant's Presentation:**

Duncan Ross, Prosser, Inc., Jacksonville, Florida, stated he represents the applicant as the campus planner for Embry Riddle Aeronautical University. He stated signs have not been added but design has changed to make the signs consistent. He stated 3 signs will be 30 feet high but may vary due to grades. Mr. Ross stated the marquis sign on International Speedway Blvd. will be higher due to the low grade in that area. Mr. Ross stated the static graphic sign will be similar to what was approved for Bethune-Cookman University.

Ms. Washington asked if the logo is changing since the eagle in the diagram presented is facing the opposite direction.

Mr. Ross stated he will verify the placement of the eagle.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Hoitsma, to approve Comprehensive Sign Plan Amendment, Embry Riddle Aeronautical University, DEV2014-173, in accordance with the staff report as presented. The motion carried unanimously (7-0).

12. **Other Business**

a. Downtown/Balough Road Redevelopment Area Board Report

Ms. Washington stated the Board met on February 3 and reviewed the Miracle Media item that was presented to the Planning Board this evening. Ms. Washington stated the Board received a presentation regarding Marina Village. Ms. Washington stated the Board discussed games of skill in the Downtown area and decided pool tables will no longer be permitted in the front windows of their businesses.

b. Midtown Redevelopment Area Board Report

Mr. Barhoo stated the Midtown Redevelopment Board met on February 10 and discussed the Land Development Code text amendments that were presented to the Planning Board this evening. Mr. Barhoo stated there have been changes to Board membership and stated he will no longer have voting power since he serves as the

Planning Board representative at the Midtown meetings. He stated it may not be the best use of his time to attend and not be able to vote.

Ms. Washington stated a similar discussion was held at Ballough Road meeting and she asked for an explanation as well. She stated to participate in the discussion and then not vote is a waste of time.

Mr. Walton stated the new Land Development Code has outlined the appointments for all three Redevelopment Boards. Mr. Walton stated he would check with the Redevelopment Department to determine how that change was made.

Ms. Avallone stated she believes the change was made by Clarion and the feeling is the members would be able to attend the Planning Board meetings and relay how the Redevelopment Boards felt about certain items. She stated the weight of the vote would be at the Planning Board meeting.

Ms. Washington stated she would prefer to just get a copy of the agenda.

Mr. Barhoo stated by voting, he could help decide whether an item is approved or not. He stated if he is going to participate, he would like to have a say in the item; otherwise, he could receive a copy of the agenda and discuss the Board's actions with the chair.

Mr. Harper stated he is not a resident of the Main Street area but is excited to learn about the area. He stated he will vote here and his attendance at the Redevelopment Board meeting is to relay information from that Board to the Planning Board.

Mr. Walton stated he will check to see how the change came about and relay the Board's concerns to the Redevelopment Department.

Mr. Barhoo stated he did not like the way the process was handled. He stated he was unaware that there was a change to the Board until that evening. He said he was not told anything before hand and the change just happened.

c. Main Street/South Atlantic Redevelopment Area Board Report

Mr. Harper stated he attended the Main Street/South Atlantic meeting and sat in the audience. He stated the Board approved a new restaurant at the former Wreck site and the business will now be Sunsetter's. Mr. Harper stated the Board discussed and approved revisions to the site at Neptune's to incorporate outdoor seating. Mr. Harper stated the Board name will change to the Beachside Redevelopment Board.

d. Public Comments

There were no public comments.

e. Staff Comments

Mr. Walton stated the new Land Development Code will be effective March 1, 2015. He stated there are still some applications being reviewed under the existing code. Mr. Walton stated the new code allows more flexibility.

Mr. Harper stated comments have been made about restaurants on Seabreeze that do not have commercial kitchens. He stated the Board discussed this evening a café on Beach Street that will only have a full-service kitchen if it serves alcohol. He asked what can be sold that does not require a kitchen.

Mr. Walton stated those requirements were outlined in the existing code and that does not change.

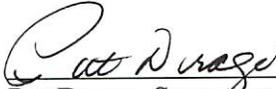
Ms. Drago expressed concern about the radio station being contingent on the café.

f. Board Member Comments

**Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 8:40 p.m.

  
Cathy Washington, Chair

  
Pat Drago, Secretary