

MINUTES
REGULAR MEETING – PLANNING BOARD
November 16, 2017

Minutes for the Regular Planning Board Meeting for the City of Daytona Beach, Florida, held on Thursday, November 16, 2017 at 6:00 p.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board Members Present:

Cathy Washington, Chair
Jeff Hurt
James Newman
Tony Servance

Board Members Absent:

James Neal, Vice Chair
Tony Barhoo

Staff Members Present:

Richard Walton, Planning Director
Dennis Mrozek, Planning Manager
Doug Gutierrez, Senior Planner
Carrie Avallone, Assistant City Attorney
Marianne Pulaski, Planning Technician

1. **Call to Order**

Ms. Washington called the meeting to order at 6:00 p.m.

2. **Roll Call**

The roll was called and members were noted present as stated above.

3. **Approval of the Minutes** - October 26, 2017

Board Action:

A motion was made by Mr. Newman, seconded by Mr. Servance, to approve the minutes of the October 26, 2017 Planning Board meeting as presented. The motion carried unanimously.

4. **Small Scale Comprehensive Plan Amendment – 8th, 9th, and Vine, DEV2017-133 (Legislative Hearing)**

This item was presented in conjunction with Item 5.

Staff Presentation:

Doug Gutierrez, Senior Planner, presented the staff report which is included as part of the packet. Mr. Gutierrez stated the property is currently undeveloped.

Applicant's Presentation:

John Zemball, 244 S. Palmetto, stated he is in attendance representing the applicant and is available to answer any questions there may be from the Board.

Public Comments:

There were no public comments

Board Comments:

Mr. Hurt stated he read the report from the neighborhood meeting. Mr. Hurt stated he feels all of the questions have been addressed and the neighbors are satisfied.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve Small Scale Comprehensive Plan Amendment – 8th, 9th, and Vine, DEV2017-133, in accordance with the staff report as presented. The motion carried unanimously (4-0).

5. **Rezoning to Multi-family Residential 20 (MFR-20) – 8th, 9th, and Vine – DEV2017-056 (Quasi-Judicial Hearing)**

This item was presented in conjunction with Item 4.

Staff Presentation:

Dennis Mrozek, Planning Manager, presented the staff report which is included as part of the packet. Mr. Mrozek stated staff recommends rezoning the property from County Urban Two-Family Residential (R-6) to City Multifamily Residential-20 (MFR-20) which will be consistent with the surrounding zoning.

Applicant's Presentation:

John Zemball, 244 S. Palmetto, stated he is in attendance representing the applicant and is available to answer any questions there may be from the Board.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Newman, seconded by Mr. Servance, to approve Rezoning to Multi-family Residential 20 (MFR-20) – 8th, 9th, and Vine – DEV2017-056, in accordance with the staff report as presented. The motion carried unanimously (4-0).

6. **Rezoning to Planned Development-General (PD-G) – Retail and Restaurant District East at Volusia Mall, DEV2017-063 (Quasi-Judicial Hearing)**

Staff Presentation:

Dennis Mrozek, Planning Manager, presented the staff report which is included as part of the packet. Mr. Mrozek stated the site is the location of the current Sears Auto Center which will be demolished and redeveloped. Mr. Mrozek stated the LDC modifications requested are for landscaping at the building perimeter and for parking stall size.

Applicant's Presentation:

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida, stated the development will be similar to what is in place on the west side of the Volusia Mall.

Mr. Hurt stated he feels the proposed project will provide a way for people to walk through the area easier, similar to what has been done at The Pavilion in Port Orange.

Public Comments:

John Nicholson, 413 N. Grandview, Daytona Beach, Florida, stated he was concerned about the irregular shape of the entrance and possible narrowing of sidewalks to allow for planters. Mr. Nicholson stated narrowing the sidewalk will make it difficult for handicapped people.

Mr. Merrell stated what Mr. Nicholson is referring to as an irregular shape reflects the ownership line of the property.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve Rezoning to Planned Development-General (PD-G) – Retail and Restaurant District East at Volusia Mall, DEV2017-063, in accordance with the staff report as presented. The motion carried unanimously (4-0).

7. **Large Scale Comprehensive Plan Amendment, DEV2017-046 (Legislative Hearing)**

Staff Presentation:

Doug Gutierrez, Senior Planner, presented the staff report which is included as part of the packet. Mr. Gutierrez stated this amendment was presented to the Planning Board on September 28, 2017, and was approved unanimously; however, the item was not properly advertised. The item has been properly advertised and is being presented again to the Board.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Servance, seconded by Mr. Newman, to approve Large Scale Comprehensive Plan Amendment, DEV2017-046, in accordance with the staff report as presented. The motion carried unanimously (4-0).

8. **Large Scale Comprehensive Plan Amendment, DEV2017-045 (Legislative Hearing)**

Staff Presentation:

Doug Gutierrez, Senior Planner, presented the staff report which is included as part of the packet. Mr. Gutierrez stated the request will allow restaurants to be a principal use on the oceanfront along the entire City limits.

Public Comments:

John Nicholson, 413 N. Grandview, Daytona Beach, Florida, stated there is a problem in the City of Daytona Beach in that the definition of a restaurant does not require a kitchen nor does a restaurant need to serve food. Mr. Nicholson stated businesses will not locate next to an obnoxious restaurant. Mr. Nicholson stated there are 4 restaurants on Main Street that do not serve food and look what has happened to Main Street over the last 30 years.

Mr. Walton stated the current regulations have been in place since 1980; and staff is not talking about bars; they are talking about restaurants.

Mr. Hurt stated the cost for oceanfront property will dictate what can be placed there.

Mr. Newman stated there are State regulations as to what qualifies for bars or restaurants and there must be food sales for a bar in order to maintain their liquor license.

Board Motion:

A motion was made by Mr. Newman, seconded by Mr. Servance, to approve Large Scale Comprehensive Plan Amendment, DEV2017-045, in accordance with the staff report as presented. The motion carried unanimously (4-0).

9. **Major Site Plan – Eagle Landing Phase III - DEV2017-090 (Quasi-Judicial Hearing)**

Staff Presentation:

Dennis Mrozek, Planning Manager, presented the staff report which is included as part of the packet. Mr. Mrozek stated the request is to construct two buildings with 24 apartments each, a maintenance building, and associated site improvements.

Applicant’s Presentation:

Steve Buswell of Parker Mynchenberg & Associates, 1729 Ridgewood Avenue, Holly Hill, Florida, spoke representing the applicant. Mr. Buswell stated the units will be the same as units that were previously constructed in Phase II of the project. Mr. Buswell stated the buildings will include 12 – 4 bedroom units and 12 – 3 bedroom units.

Public Comments:

John Nicholson, 413 N. Grandview, Daytona Beach, Florida stated he thought it was in the City Code that only 2 unrelated people could live in one unit; and 4 bedroom units will house students that are unrelated.

Ms. Avallone stated that requirement applied to single family homes and that language has been removed from the Code.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Newman, to approve Major Site Plan – Eagle Landing Phase III - DEV2017-090, in accordance with the staff report as presented. The motion carried unanimously (4-0).

10. **Land Development Code Text Amendment – Article 5 - DEV2017-123 (Legislative Hearing)**

Staff Presentation:

Doug Gutierrez, Senior Planner, presented the staff report which is included as part of the packet. Mr. Gutierrez stated the request is to allow indoor recreation/entertainment facilities in the M-3 zoning district, which will make the use consistent with other industrial uses.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Servance, seconded by Mr. Hurt, to approve Land Development Code Text Amendment, Article 5, DEV2017-123, in accordance with the staff report as presented. The motion carried unanimously (4-0).

11. **Other Business**

a. Downtown/Balough Road Redevelopment Board Report

Ms. Washington stated the Downtown/Balough Road Redevelopment Board did not meet in November.

b. Midtown Redevelopment Area Board Report

Mr. Barhoo was not in attendance to provide a report on the Midtown Redevelopment Area Board meeting.

c. Beachside Redevelopment Area Board Report

Mr. Newman stated the Beachside Redevelopment Area Board met on November 8, 2017 and discussed plans for lighting along Main Street and A1A. Mr. Newman stated there were no voting items on the agenda.

d. Public Comments

John Nicholson, 413 N. Grandview, Daytona Beach, Florida stated submerged lands need to be addressed as well as Floor Area Ratio (FAR). Mr. Nicholson stated the State does have regulations for alcohol and food sales. Mr. Nicholson stated it took 4-1/2 years for the City to send an inspector to determine if there was a restaurant at Main Street Station, which does not serve food. Mr. Nicholson stated Froggy's does not serve food and there are only two businesses classified as bars on Main Street, Dirty Harry's and the Full Moon Saloon, and everything else is classified as a restaurant.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida stated she agrees with Mr. Nicholson. Ms. Ruby stated there is a similar issue on Seabreeze. Ms. Ruby asked for the status of the Avista property acquisition on Harvey Street.

Mr. Walton stated nothing has been submitted for staff review.

e. Staff Comments

Mr. Walton stated at the last Planning Board meeting, concern was expressed about debris removal. Mr. Walton stated Public Works has been working with the contractor on getting the debris cleared.

Mr. Walton stated before the next Planning Board meeting, the ground breaking ceremony will be held for the First Step Shelter. Mr. Walton stated he will let the Board members know when the ground breaking ceremony is scheduled.

Mr. Walton stated the Food Truck Wars will be held on Main Street on Saturday.

Mr. Walton stated election of officers will be scheduled for the December Planning Board meeting.

f. Board Comments

Mr. Newman talked about the item that was discussed regarding restaurants locating on the oceanfront and stated he feels barring them from the beach would be a mistake.

Adjournment

There being no further business, the meeting adjourned at 7:10 p.m.


Cathy Washington, Chair

ATTEST:


Secretary