



## The CITY OF DAYTONA BEACH Planning Board Minutes

City Hall  
Commission Chambers  
Regular Meeting

301 South Ridgewood Avenue  
Thursday, January 25, 2018  
6:00 PM

Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by this Board at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.

	For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.
--	--	--	--

### Board Members Present:

Cathy Washington, Chair  
James Neal, Vice Chair  
Tony Barhoo  
Jeff Hurt  
James Newman  
Tony Servance

### Staff Members Present:

Richard Walton, Planning Director  
Dennis Mrozek, Planning Manager  
Douglas Gutierrez, Senior Planner  
Rose Askew, Planner  
Reed Berger, Redevelopment Director  
Robert Jagger, City Attorney  
Marianne Pulaski, Planning Technician  
Becky Groom, Board Secretary

### Call to Order

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

### Roll Call

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

## Approval of the Minutes - December 21, 2017

### Board Action:

A motion was made by Mr. Neal, seconded by Mr. Servance, to approve the minutes of the December 21, 2017 meeting, as presented. The motion carried (6-0).

## Land Development Code Text Amendment - Article 11 - DEV2017-134

### Staff Presentation:

Rose Askew presented the staff report which is included as part of the packet. Ms. Askew stated the request is to amend Article 11, Section 11.5 of the Land Development Code to amend the definition of tattoo establishments and add a definition for cosmetic permanent eye makeup. She stated in May 2017 a zoning verification request was received to allow cosmetic permanent eye makeup as an accessory use to a medical office. She stated based on review of the LDC, it was determined the use was not permitted. In June 2017 staff met with the applicant to discuss the denial of the use and provide options per the LDC. As a result of the options provided, the applicant has chosen to request an amendment to the LDC that would allow permanent cosmetic eye makeup as an accessory use to medical and dental offices. Ms. Askew also provided regulations from surrounding Cities that allow permanent cosmetic eye makeup and stated each city allows the use differently.

Mr. Newman asked if this will restrict the use to medical and dental offices but not allow it as a personal service.

Ms. Askew stated the accessory use to a personal service establishment will continue. The accessory use to medical and dental offices will be additional.

Mr. Hurt asked if this work could be done at a tattoo establishment.

Ms. Askew stated the State of Florida separates tattooing, permanent cosmetic eye make-up, and body piercing.

Mr. Jagger stated eye make-up is limited to cosmetic make-up only for enhancing eyebrows and eye lashes and any other tattooing work would have to be done by a tattoo establishment.

### Applicant's Presentation:

Mark and Keva Matovina spoke regarding their application. Mr. Matovina stated there has been a separation of cosmetic make-up work and work done by traditional tattoo artists. Mr. Matovina stated tattooing of eyebrows only lasts about 18 months and not the same clientele get cosmetic work done that would traditionally be done by a tattoo artist. Mr. Matovina stated personal services includes hair and tanning salons and those salons are not up to the same health code levels as tattoo establishments.

Keva Matovina stated the ink does not go as deep when someone has their eyebrows tattooed as when traditional tattoos are done.

## **Public Comments:**

There were no public comments.

## **Board Action:**

A motion was made by Mr. Neal, seconded by Mr. Newman, to approve Land Development Code Text Amendment - Article 11 - DEV2017-134, in accordance with the staffreport as presented. The motion carried unanimously (6-0).

## **Rezoning to Planned Development-General (PD-G) - Buc-ee's, DEV2017-028 and Preliminary Plat - 95-LPGA, DEV2017-060**

### **Staff Presentation:**

Dennis Mrozek, Planning Manager, presented the staffreport which is included as part of the packet. Mr. Mrozek stated the Buc-ee's facility will be the first phase of a 6 lot development and will include a 53,300 s.f. retail building and 120 gas pumps. Mr. Mrozek stated 284 parking spaces are permitted and the applicant is requesting to increase the number to 482. Mr. Mrozek stated an interstate sign is planned and is proposed to be 85 feet tall and will include 755 s.f. of signage. Mr. Mrozek stated outside display and sales are also being requested.

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

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida, stated this is a rezoning since the property currently has County zoning. Mr. Merrell stated the site plan will be presented later. Mr. Merrell noted the plans indicate 3 pole signs but that is to show alternatives sites; only one 85 foot sign is proposed. A handout of renderings of Buc-ee's was distributed to the Board members. Mr. Merrell stated that was a provision in the report as to what can be seen from the public right of way. To clarify, as shown in the exhibit, we added an exclusive area perimeter, for outdoor sales that will not creep out into the parking lot or out to the right of way and will be limited to these locations.

Parker Mynchenberg, 1729 Ridgewood Avenue, spoke representing the applicant. Mr. Mynchenberg stated outdoor sales are requested and will be restricted to next to the building in an orderly fashion. Mr. Mynchenberg stated items will not be for sale in the parking lot.

Mr. Newman stated he would like to see concrete considered for the parking lot since it reflects the heat.

### **Public Comments:**

Joseph Posey, 400 S. Nova Road, Daytona Beach, Florida, stated he represents Gale Lemerand and the Stonewood's which is adjacent to this site. Mr. Posey stated he has worked with the applicant about access during construction and the applicant has been willing to work in order to keep Stonewood's accessible. Mr. Posey stated he feels the proposed project will be a great development.

Gale Lemerand, 810 Fentress, stated everyone he has spoken with regarding this proposed project which will be adjacent to his restaurant, Stonewood's, has been very cooperative. Mr. Lemerand stated ingress/egress has been his major concern. Mr. Lemerand stated he supports the proposed project.

### **Board Comments:**

Mr. Barhoo expressed concern about traffic in the area and asked what the plans are to widen LPGA since there is a lot of congestion in the area. Mr. Barhoo stated this project will be great for the community but asked that the citizens be considered.

Mr. Walton stated the applicant is working through the traffic requirements and that will be resolved as part of the site plan.

### **Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve Rezoning to Planned Development-General (PD-G) - Buc-ee's, DEV2017-028 and Preliminary Plat - 95-LPGA, DEV2017-060, in accordance with the staff report as presented. The motion carried unanimously (6-0).

Small Scale Comprehensive Plan Amendment - Jimmy John's, DEV2017- 109

This item was presented in conjunction with Item 7, Rezoning to Planned Development-Redevelopment (PD-RD) - Jimmy John's, DEV2017-110.

### **Staff Presentation:**

Doug Gutierrez, Senior Planner, presented the staff report which is included as part of the packet. Mr. Gutierrez stated the project will be located in the Main Street and South Atlantic Redevelopment areas. Mr. Gutierrez stated a 6 foot masonry wall is planned between the proposed business site and the residential properties to the west.

Mr. Barhoo stated the staff report notes that a neighborhood meeting was held but there are no comments from the meeting included in the staff report.

Anne Ruby, 137 Park Avenue, stated Sandy Murphy attended the neighborhood meeting and supported the proposed project.

### **Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve Small Scale Comprehensive Plan Amendment - Jimmy John's, DEV2017-109, as presented by the applicant. The motion carried unanimously (6-0).

## **Rezoning to Planned Development-Redevelopment (PD-RD) - Jimmy John's, DEV2017-110**

This item was presented in conjunction with Item 6, Small Scale Comprehensive Plan Amendment - Jimmy John's, DEV2017-109.

## Staff Presentation:

Reed Berger, Redevelopment Director, presented the staff report which is included as part of the packet. Mr. Berger stated the office building and two residential units that exist on this site will be demolished in order to allow construction of the new Jimmy John's building. Mr. Berger stated one monument and one wall sign are requested. Mr. Berger stated outdoor seating is requested as well as a restaurant with drive-thru service. Mr. Berger stated the PD agreement recommends mill and resurface work be done on Coates and the applicant has agreed to do that. Mr. Berger stated the City Engineer recommends if the applicant wants to include drive-thru service, that the applicant be required to reconstruct Butler; but if the applicant eliminates the request for drive-thru service, the city will not require reconstruction of Butler.

Mr. Hurt stated this is one of the first new projects that has been proposed for the west side of Al A; and for city to request the applicant to reconstruct Butler could be cost prohibitive. Mr. Hurt stated the proposed development will add lighting to a blighted area.

Mr. Newman asked if staff is recommending the reconstruction of Butler due to increase of traffic. Mr. Newman stated it is a city street and should have been maintained better. Mr. Newman stated he does not want to scare developers away and this is not a big project. Mr. Newman stated tax incentives have been given to other developments throughout the city.

Mr. Servance stated the area has been blighted and we finally have someone coming forward to invest in the city. Mr. Servance stated Butler is a city problem. Mr. Servance inquired if there was a cost estimate associated with this.

Mr. Berger stated the road base is failing and the cost would be from \$35,000 to \$45,000 to replace Butler from Grandview to Al A.

## Applicant's Presentation:

Steve Buswell, 1729 Ridgewood Avenue, spoke representing the applicant. Mr. Buswell stated the request for Butler was presented to the applicant last minute and was a surprise to the developer. Mr. Buswell stated the developer has agreed to improve Coates.

Jason Ferrar, 157 S. Ridgewood, stated he is excited about moving to the beachside area. Mr. Ferrar stated this is a small business and resurfacing Butler will be a big expense. Mr. Ferrar stated the request to resurface Butler could be something that stops the project. Mr. Ferrar stated the building could be constructed without the drive-thru; but the last 3 stores Jimmy John's built have had drive-thru lanes and it is a big part of their business.

Ms. Washington stated she agrees with the comments made by other Board members and was surprised to see staff is requesting the applicant to resurface Butler. Ms. Washington stated she feels it is unfair to request this of this applicant. Ms. Washington stated she feels this is an excellent project for this area.

Mr. Newman stated the Beachside Redevelopment Board did not want the resurfacing of Butler included as part of the requirement for this application to move forward.

## Public Comments:

Linda Smiley, 357 Manhattan, Daytona Beach, Florida, stated she supports the project and feels it is insulting for the city to ask the developer to fix Butler.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida, stated she is in support of this project but is appalled that the city has asked the applicant to repave a city street when the city has not maintained the street. Ms. Ruby stated the area needs improvement and needs small businesses to come in. Ms. Ruby stated we shouldn't want to get the reputation that the city expects new developments that come in to take care of the infrastructure that the city should have been maintaining.

## **Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Barhoo, to approve Rezoning to Planned Development-Redevelopment (PD-RD) - Jimmy John's, DEV2017- 110, without the requirement for the applicant to reconstruct Butler. The motion carried unanimously (6-0).

Large Scale Comprehensive Plan Amendment - Williamson Boulevard Industrial, DEV2017-066

This item was presented in conjunction with Item 9, Rezoning to Planned Development-General (PD-G) - Williamson Boulevard Industrial, DEV2017-067.

## **Staff Presentation:**

Doug Gutierrez, Senior Planner, presented the staff report which is included as part of the packet. Mr. Gutierrez stated the project encompasses 80 acres. Mr. Gutierrez stated the project does not represent urban sprawl. Mr. Gutierrez stated the City has the capacity to serve the increased demand on water and sewer service to support this project.

## **Board Action:**

A motion was made by Mr. Newman, seconded by Mr. Barhoo, to approve large Scale Comprehensive Plan Amendment - Williamson Boulevard Industrial, DEV2017-066, in accordance with the staff report as presented. The motion carried unanimously (6-0).

Rezoning to Planned Development-General (PD-G) - Williamson Boulevard Industrial, DEV2017-067

This item was presented in conjunction with Item 8, Large Scale Comprehensive Plan Amendment - Williamson Boulevard Industrial, DEV2017-066.

## **Staff Presentation:**

Dennis Mrozek, Planning Manager, presented the staff report which is included as part of the packet. Mr. Mrozek noted that a 50 foot landscape buffer will be required for this project. Mr. Mrozek stated traffic analysis will be required when the site plan is presented for review. Mr. Mrozek noted there are modifications requested to the Land Development Code, which include a parking reduction; landscaping for the building perimeter; building design on a major city thoroughfare; and increase of fencing to a maximum of 9 feet for security along the 50 foot landscape buffer.

Mr. Newman asked if there will be any types of wildlife or habitat studies being done concerning the wildlife on the currently vacant property.

## **Applicant's Presentation:**

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida, stated the traffic will be addressed at the time building construction will be done and the project is not that far in the process as yet. Mr. Merrell stated an environmental review will also be required as part of the development process.

### **Public Comments:**

There were no public comments.

### **Board Action:**

A motion was made by Mr. Neal, seconded by Mr. Newman, to approve Rezoning to Planned Development-General (PD-G) - Williamson Boulevard Industrial, DEV2017-067, in accordance with the staff report as presented. The motion carried unanimously (6-0).

## **Rezoning to Planned Development-General (PD-G) - Great American, DEV2017-073**

### **Board Action:**

A motion was made by Mr. Newman, seconded by Mr. Barhoo, to continue Rezoning to Planned Development-General (PD-G) - Great American, DEV2017-073, to the February 22, 2018 Planning Board meeting. The motion carried unanimously (6-0).

## **Site Plan - Volusia Mall, DEV2017-111**

### **Staff Presentation:**

Mr. Mrozek presented the staff report which is included as part of the packet. Mr. Mrozek stated this is a 3.7 acre site which is the current site of the Sears Auto Center. Mr. Mrozek stated the development includes off-site improvements for the entranceway to the Volusia Mall site for stacking of vehicles. Mr. Mrozek noted City Commission approval of this request is not required.

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

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida stated what is proposed matches what was presented when the item was considered for rezoning.

### **Public Comments:**

There were no public comments.

### **Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Servance, to approve Site Plan, Volusia Mall, DEV2017-111, in accordance with the staff report as presented. The motion carried unanimously (6-0).

## **Land Development Code Text Amendment - Tattoo Establishments - DEV2017-130**

## Staff Presentation:

Dennis Mrozek, Planning Manager, presented the staff report which is included as part of the packet. Mr. Mrozek stated the request is allow tattoo establishments in additional zoning districts. Mr. Mrozek stated the zoning areas proposed are: BR-1; BR-2; RDB-5, which is the Beachside Redevelopment Area; RDD-7, which is the Downtown Redevelopment Area; and RMD-3, which is the Midtown Redevelopment Area. Staff requests to eliminate proposed use standards associated with tattoo uses.

Mr. Jagger stated there has been case law which establishes that tattoo establishments are a protected art form under the First Amendment and that limits the city's ability to regulate and exclude them from zoning districts.

## Public Comments:

Robert Howard, 935 S. Atlantic Avenue, Daytona Beach, Florida, stated he supports adding the zoning areas for tattooing. Mr. Howard states he wants to have a location for a business of his own in an area where he will be successful. Mr. Howard provided a letter from the Department of Health in Indiana that supports his work as a tattoo establishment.

## Board Action:

A motion was made by Mr. Hurt, seconded by Mr. Neal, to approve Land Development Code Text Amendment - Tattoo Establishments - DEV2017-130, and to not include the use specific standards as the item moves forward in the request to the City Commission. The motion carried unanimously (6-0).

## Other Business

### 1. Downtown/Balough Road Redevelopment Board Report

Ms. Washington stated the Board met in January and received an update on projects in the Redevelopment area. Ms. Washington stated an election was held for new officers.

### 2. Midtown Redevelopment Area Board Report

Mr. Barhoo stated the Midtown Board met and received Code Enforcement and Police Department reports. Mr. Barhoo stated the Board received an update on recent community events that were held, including the Health Fair and Senior Prom. Mr. Barhoo stated officers were elected. Mr. Barhoo stated there was concern about the camp that has been established for the homeless along Clyde Morris and expressed concern for the homeless during the recent cold weather.

Mr. Walton stated the camp is on city-owned property and has been designated as a safe zone. Mr. Walton stated the site is temporary until Safe Harbor is built.

### 3. Beachside Redevelopment Area Board Report

Mr. Newman stated the Beachside Redevelopment Area Board met and reviewed the Jimmy John's item which was on this evening's Planning Board agenda.

#### 4. Public Comments

Linda Smiley, 357 Manhattan, Daytona Beach, Florida, stated she is glad to see staff is asking about traffic impact for projects on the west side of the city. Mr. Smiley stated the Jimmy John's and Buc-ee's projects are nice but they will only provide part-time jobs and will not provide sufficient income to support a family. Ms. Smiley stated there has been a vacant seat on the Planning Board for a long time and asked how the vacancy will be filled, especially since there have been applicants. Ms. Smiley asked what can be done to allow food trucks in the area that will provide fresh fruits and vegetables. Ms. Smiley stated she was concerned about the city asking for a small developer to repave a city street. Ms. Smiley stated the city should have been taking care of the streets and she said there is a pothole on the corner of Grandview where the road has washed away.

Mr. Walton stated Board members are appointed by each City Commissioner and the Mayor and Betty Goodman is the Board liaison. Mr. Walton stated food trucks are only permitted as a part of special events, but staff is working on an amendment to the code that will allow for more uses. Mr. Walton stated projects are reviewed by the Technical Review Team and the request to repave Butler was part of that review. Mr. Walton stated Public Works is responsible for maintenance of city streets so Ms. Smiley can contact Public Works about her concern regarding her street.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida, stated the vacancy has existed on the Planning Board since May, 2017; and she has applied to fill the 10 vacancy. Ms. Ruby stated she has spoken with Commissioner Trager 3 times who informed Ms. Ruby that she was waiting to hear from another applicant. Ms. Ruby stated at a meeting of the Chamber of Commerce, it was stated that jobs paying \$20 an hour are needed to support living in this area. Ms. Ruby stated she feels the city must support housing developments for our working poor. Ms. Ruby stated the staff is responsible to the citizens of this community. Ms. Ruby stated the Boards have indicated that it is an unacceptable request for the staff to ask a developer to replace a street that the city has allowed to deteriorate. Ms. Ruby stated large developers are not required to make same commitments as was requested for Jimmy John's.

#### 5. Staff Comments

Mr. Walton stated the Planning Board recently discussed warehouse storage and warehouse distribution. Mr. Walton stated revisions have been made to that document and a copy was provided to the Planning Board for their information.

#### 6. Board Comments

Mr. Newman stated he would like staff to talk about sober houses and sober living in the North Ridgewood corridor. Mr. Newman stated some of the activities are disruptive to the neighborhoods. Mr. Newman stated he would like clarification in that item and was unable to locate information in the Land Development Code. Mr. Newman stated he would like to look at tweaking the Ridgewood overlay.

Mr. Walton stated there are State and Federal protections on those items and he will provide information to Mr. Newman on those items.

# Adjournment

There being no further business, the meeting adjourned at 8:10 p.m.

A handwritten signature in blue ink that reads "Cathy Washington". The signature is written in a cursive style and is positioned above a horizontal line.

Cathy Washington, Chair

A handwritten signature in blue ink that reads "Jeff Hurt". The signature is written in a cursive style and is positioned above a horizontal line.

Jeff Hurt, Secretary