



## The CITY OF DAYTONA BEACH Planning Board Minutes

City Hall  
Commission Chambers  
Regular Meeting

301 South Ridgewood Avenue  
Thursday, September 26, 2019  
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.
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### Board Members Present:

Cathy Washington, Chair  
Tony Servance, Vice Chair  
Tony Barhoo  
James Newman  
Jeff Hurt  
Helen Humphreys (arrived at 6:05 p.m.)

### Staff Members Present:

Dennis Mrozek, Planning Director  
Ben Gross, Deputy City Attorney  
Rose Askew, Planner  
Douglas Gutierrez, Principal Planner  
Hannah Ward, Planner  
Marianne Pulaski, Planning Technician

### 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 - August 22, 2019

## **Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Servance, to approve the minutes of the August 22, 2019 meeting as presented. The motion carried (5-0).

Ms. Humphreys arrived for the meeting at 6:05 p.m.

## **Fourth Amendment to Best Buy Planned District Agreement - DEV2018-177**

### **Staff Presentation:**

Hannah Ward, Planner, presented the staff report which was included as part of the packet. Ms. Ward stated the amendment is to allow for the development of a gas station and retail facility at the former Barnes & Noble site. Ms. Ward stated the applicant has requested modifications in accordance with the Corporate model and are similar to the modifications requested for the Wawa site on Mason Avenue. Ms. Ward stated the applicant has requested an EMC sign in order to display gas prices.

Mr. Barhoo expressed concern about permitting the higher canopy. Mr. Barhoo stated Best Buy had asked for additional signage so their business would be more visible from International Speedway and asked if the proposed signage for Wawa will block that signage.

Ms. Ward stated there is a tenant directory sign at the front of the complex and stated she did not think what is proposed would block the existing signs.

### **Applicant Presentation:**

Erika Hughes, VHB, 225 East Robinson Street, Suite 300, Orland, Florida spoke representing the applicant. Ms. Hughes stated Best Buy is the majority owner of this parcel and they have given authorization for Wawa to proceed with the proposed application. Ms. Hughes stated what is proposed is the same for most if not all of their other corporate models.

### **Public Comments:**

There were no public comments.

## **Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve Fourth Amendment to Best Buy Planned District Agreement - DEV2018- 177, in accordance with the staff report as presented. The motion carried (6-0).

## **Preliminary Plat- Crown Park Storage - DEV2018-145**

### **Staff Presentation:**

Dennis Mrozek, Planning Director, presented the staff report which was included as part of the packet. Mr. Mrozek stated the property is west of N. Tomoka Farms Road and north of International Speedway Blvd. and the project is for a single developable commercial lot at the northern end of the property.

### **Applicant Presentation:**

Amir Malek, 444 Seabreeze Blvd., Suite 715 Daytona Beach, Florida, stated he represents the applicant and is available to answer any questions the Board may have.

## **Public Comments:**

There were no public comments.

## **Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Servance, to approve Preliminary Plat - Crown Park Storage - DEV2018-145, in accordance with the staff report as presented. The motion carried (6-0).

## **Large Scale Comprehensive Plan Amendment (LSCPA) - Lago Verde -DEV2019-034**

This item was presented in conjunction with Item 7, Rezoning to Planned Development General (PD-G) - Lago Verde - DEV2019-035.

## **Staff Presentation:**

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. Mr. Gutierrez stated the site is located to the north of Strickland Range Road between Clyde Morris Blvd. and Williamson. Mr. Gutierrez stated the request is to amend the Future Land Use Map from Level 1 Residential to Mixed Use and to reduce the FAR from 3.0 to 0.25.

Mr. Barhoo asked for clarification on the FAR reduction.

Mr. Gutierrez stated the reason for reduction in the FAR is to reduce the potential for traffic, noting a smaller FAR creates a smaller footprint which results in less traffic generation.

## **Applicant Presentation:**

Darren Elkhind, 142 E. New York Avenue, DeLand, Florida spoke representing the applicant. Mr. Elkhind stated the goal is to put tree preservation in the common areas and not on the individual lots and there is more flexibility to do that if the setbacks and lot coverage are reduced. Mr. Elkhind stated he anticipates townhomes going on the north side of the parcel but does not know what will be constructed on the southern end but assisted living facilities are a permitted use.

Ms. Humphreys stated there is a growing concern about future water availability and using gray water to recharge the area's springs. Ms. Hughes stated she is supportive of development but is concerned about water usage in the future.

## **Public Comments:**

There were no public comments.

## **Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Servance, to approve Large Scale Comprehensive Plan Amendment (LSCPA) Lago Verde- DEV2019-034, in accordance with the staff report as presented. The motion carried (6-0).

## Rezoning to Planned Development General (PD-G) - Lago Verde - DEV2019-035

This item was presented with Item 6, Large Scale Comprehensive Plan Amendment (LSCPA) - Lago Verde - DEV2019-034.

### Staff Presentation:

Hannah Ward, Planner, presented the staff report which was included as part of the Board packet. Ms. Ward stated the request is to rezone the subject property from County zoning to City PD-G to allow for a mixed-use development. Ms. Ward stated modifications requested include relocation of shade trees, setback reductions, signage, and lot coverage.

Mr. Newman asked if the increase in lot coverage is consistent with other developments in the area.

Ms. Ward stated it has been consistently requested with residential developments and has been approved.

### Applicant Presentation:

The applicant's comments were included with Item 6.

### Public Comments:

There were no public comments.

### Board Action:

A motion was made by Mr. Servance, seconded by Mr. Hurt, to approve Rezoning to Planned Development (General (PD-G) - Lago Verde - DEV2019-035, in accordance with the staff report as presented. The motion carried (6-0).

## Right-of-Way Vacation - Carol Street - DEV2019-069

This item was presented in conjunction with Item 9, Small Scale Comprehensive Plan Amendment (SSCPA) - Nova Oaks Business Park - DEV2018-152, and Item 10, First Amended and Restated Nova Oaks Business Park Planned District Agreement- DEV2018-153.

### Staff Presentation:

Hannah Ward, Planner, presented the staff report which was included as part of the packet. Ms. Ward stated the request is to vacate a portion of right of way south of Bellevue and north of Shady Place, west of Nova Road. Ms. Ward stated the vacation is requested in order to allow for the expansion of the existing Nova Oaks Business Park. Ms. Ward stated Carol Street is currently unimproved.

### Applicant Presentation:

Joe Hopkins, The Performance Group, 100 Marina Point Drive, Daytona Beach, Florida, spoke representing the applicant. Mr. Hopkins stated Entenmann's was presented as a single lot PCD and then the industrial park was developed. Mr. Hopkins stated there is a sewer main that runs through the right of way and a utility easement will be recorded over the property. Mr. Hopkins stated he is working to have another access off of Bellevue and improved interconnectivity within the park itself.

## **Public Comments:**

There were no public comments.

## **Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Servance, to approve Right-of-Way Vacation - Carol Street - DEV2019-069, in accordance with the staff report as presented. The motion carried (6-0).

## **Small Scale Comprehensive Plan Amendment (SSCPA) - Nova Oaks Business Park - DEV2018-152**

This item was presented in conjunction with Item 8, Right-of-Way Vacation - Carol Street - DEV2019-069, and Item 10, First Amended and Restated Nova Oaks Business Park Planned District Agreement-DEV2018-153.

## **Staff Presentation:**

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. Mr. Gutierrez stated the proposed amendment is to change the Future Land Use Map from Level 2 Residential to General Industry and to include the property with the existing Nova Oaks Business Park Planned District.

## **Applicant Presentation:**

The applicant's comments were included with Item 8.

## **Public Comments:**

There were no public comments.

## **Board Action:**

A motion was made by Mr. Newman, seconded by Ms. Humphreys, to approve Small Scale Comprehensive Plan Amendment (SSCPA) - Nova Oaks Business Park, DEV2018-152, in accordance with the staff report as presented. The motion carried (6-0).

## **First Amended and Restated Nova Oaks Business Park Planned District Agreement - DEV2018-153**

This item was presented in conjunction with Item 8, Right-of-Way Vacation - Carol Street - DEV2019-069, and Item 9, Small Scale Comprehensive Plan Amendment (SSCPA) - Nova Oaks Business Park - DEV2018-152.

## **Staff Presentation:**

Hannah Ward, Planner, presented the staff report which was included as part of the packet. Ms. Ward stated the request will allow for the expansion of the existing industrial park. Ms. Ward stated the property to the west is currently vacant and undeveloped. Ms. Ward stated the modifications requested include parking, landscaping and permitted uses.

## **Applicant Presentation:**

The applicant's comments were included with Item 8.

## **Public Comments:**

There were no public comments.

## **Board Action:**

A motion was made by Mr. Barhoo, seconded by Ms. Humphreys, to approve First Amended and Restated Nova Oaks Business Park Planned District Agreement, DEV2018-153, in accordance with the staff report as presented. The motion carried (6-0).

## **Large Scale Comprehensive Plan Amendment (LSCPA) - Silver Pine -DEV2019-126**

This item was presented in conjunction with Item 12, Rezoning to Planned Development-General (PD-G) Silver Pine - DEV2018-173.

## **Staff Presentation:**

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. Mr. Gutierrez stated the proposed amendment will change the future land use map from Golf (G) and Level 2 Residential to Level 1 Residential. Mr. Gutierrez stated the golf course has been developed and there are remnant Golf FLU designations that are no longer required for the golf course use. Mr. Gutierrez stated the applicant is proposing to designate the property for single family use.

## **Applicant Presentation:**

Robert Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida, spoke representing the applicant.

Mr. Barhoo expressed concern about the setbacks between buildings and emergency access points. Mr. Barhoo stated he feels there should be 3 full access points to the project since it is a large development. Mr. Barhoo also expressed concern about the wildlife that currently exists on the site.

Mr. Merrell stated the Fire Department did review the plan and access points and the Fire Department is in favor of what is proposed. Mr. Merrell stated the property has been reviewed and there does not appear to be any wildlife in the area. Mr. Merrell stated the setbacks are similar to what are in place for the Latitudes project which has been very productive. Mr. Merrell stated the developments are market driven and are based on what people want. Mr. Merrell stated a neighborhood meeting was held and there were no concerns expressed.

## **Public Comments:**

There were no public comments.

## **Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Barhoo, to approve Large Scale Comprehensive Plan Amendment (LSCPA) - Silver Pine, DEV2019-126, in accordance with the staff report as presented. The motion carried (6-0).

## Rezoning to Planned Development-General (PD-G) Silver Pine - DEV2018-173

This item was presented in conjunction with Item 11, Large Scale Comprehensive Plan Amendment (LSCPA) - Silver Pine - DEV2019- 126.

### Staff Presentation:

Dennis Mrozek, Planning Director, presented the staff report which was included as part of the packet. Mr. Mrozek stated the existing site is vacant. Mr. Mrozek stated requested modifications include setbacks, signage, lot coverage and permission to construct 5 model homes; and the applicant has provided a plan with 2 full access points as well as one emergency access point.

### Applicant Presentation:

The applicant's comments were included with Item 11.

### Public Comments:

There were no public comments.

### Board Action:

A motion was made by Mr. Newman, seconded by Ms. Humphreys, to approve Rezoning to Planned Development-General (PD-G) Silver Pine, DEV2018-173, in accordance with the staff report as presented. The motion carried (6-0).

## First Amendment to Retail and Restaurant District East at Volusia Mall Planned District Agreement- DEV2019-127

### Staff Presentation:

Dennis Mrozek, Planning Director, presented the staff report which was included as part of the packet. Mr. Mrozek stated this request is to add additional uses to the PD. Mr. Mrozek stated the applicant was requesting one additional use but staff encouraged the applicant to consider other uses that are permitted in the surrounding BR-2 zoning district. Mr. Mrozek stated staff does recommend approval of the additional uses as outlined in the staff report. Mr. Mrozek stated the Bone Fish Grill and Metro Diner are open and operational and there are vacant facilities to the east of Metro Diner.

### Applicant Presentation:

Robert Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida, spoke representing the applicant.

Mr. Newman asked what the original use was that was planned for the unit.

Mr. Merrell stated a dental facility will be occupying the site.

### Public Comments:

There were no public comments.

## **Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Newman, to approve First Amendment to Retail and Restaurant District East at Volusia Mall Planned District Agreement - DEV2019-127, in accordance with the staff report as presented. The motion carried (6-0).

## **Rezoning to Planned Development-General (PD-G) - Royal Oaks - DEV2018-176**

### **Staff Presentation:**

Dennis Mrozek, Planning Director, presented the staff report which was included as part of the packet. Mr. Mrozek stated the property is located to the east of the LPGA clubhouse and was previously rezoned as Cypress Point PD, which was not developed. Mr. Mrozek stated there are 3 main access points to the development. Mr. Mrozek stated modifications requested include lot width, setbacks, lot coverage, subdivision signage, and the number of model homes.

### **Applicant Presentation:**

Robert Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida, spoke representing the applicant.

Mr. Servance expressed concern about the traffic in the area.

### **Public Comments:**

There were no public comments.

## **Board Action:**

A motion was made by Mr. Hurt, seconded by Ms. Humphreys, to approve Rezoning to Planned Development-General (PD-G) - Royal Oaks - DEV2018-176, in accordance with the staff report as presented. The motion carried (6-0).

## **First Amendment to Minto Tomoka - Parcel A Planned District Agreement- DEV2019-117**

### **Staff Presentation:**

Hannah Ward, Planner, presented the staff report which was included as part of the packet. Ms. Ward stated the request is to amend the Minto Tomoka Parcel A PD to revise the district boundaries. Ms. Ward stated the site is currently vacant and undeveloped. Ms. Ward stated the applicant is requesting to reduce the PD area from 1614 acres to 1590 acres and reducing the minimum lot width for single family lots from 50' to 40'. Ms. Ward stated the applicant is requesting the roads to be either public or private and not just private as was originally planned.

Mr. Mrozek stated one of the requests was to show vehicle connection points from the development to Tournament Drive which is not included on the plan. Mr. Mrozek stated he will discuss it further with the applicant.

## **Applicant Presentation:**

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida spoke representing the applicant. Mr. Merrell stated the reason the Tournament Drive connection is not on the plan is because his applicant is agreeable to having the utility connection but not the vehicular connection at this point. Mr. Merrell stated the request before the Planning Board is merely a clean-up of the agreement since the applicant did not purchase the additional property as was previously planned. Mr. Merrell stated he knows his client is not comfortable with making the road connections as discussed by Mr. Mrozek. Mr. Merrell stated he is in agreement to discuss the road connection with city staff prior to the item being presented to the City Commission.

Mr. Barhoo asked if there is sufficient access for emergency services.

Mr. Mrozek stated emergency services is part of the review of the application.

## **Public Comments:**

There were no public comments.

## **Board Action:**

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve First Amendment to Minto Tomoka - Parcel A Planned District Agreement- DEV2019-117, in accordance with the staff report as presented, and that a discussion be held with the applicant regarding vehicular connection to Tournament Drive. The motion carried (6-0).

## **Large Scale Comprehensive Plan Amendment (LSCPA) - Coastal Element-DEV2019-124**

### **Staff Presentation:**

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. Mr. Gutierrez stated there are specific items which must be included in the Coastal Element of the Comprehensive Plan, which are outlined in the staff report. Mr. Gutierrez presented the proposed text amendment which will become part of the Coastal Element.

### **Public Comments:**

There were no public comments.

### **Board Action:**

A motion was made by Mr. Barhoo, seconded by Mr. Servance, to approve Large Scale Comprehensive Plan Amendment (LSCPA) - Coastal Element - DEV2019-124, in accordance with the staff report as presented. The motion carried (6-0).

## **Land Development Code Text Amendment - Articles 3, 5, and 11 - DEV2019-089**

### **Staff Presentation:**

Rose Askew, Planner, presented the staff report which was included as part of the packet. Ms. Askew stated the Fair Housing Act includes designation that individuals with disabilities are a protected class under the Civil Rights Act. Ms. Askew stated currently, the City's Land Development Code does not include regulations that address reasonable accommodations and equal access to housing for individuals with disabilities. Ms. Askew stated this amendment will bring the city into compliance with the Federal regulations.

Mr. Newman asked if the language will in any way effect the City's rules on short-term rentals.

Mr. Gross discussed the definition of family and noted the maximum number of unrelated persons would go from 2 to 4. Mr. Gross stated short-term rentals would not relate to dwelling units which need to be occupied by families. Mr. Gross stated there are several sites in the city that are referred to as "sober" homes for people recovering from alcohol/drug addiction; but it is believed that some of those may be operating as boarding houses and these amendments would help staff address that.

## Public Comments:

John Nicholson, 413 N. Grandview, Daytona Beach, Florida stated the number of people living in a sober facility should be limited and the Peabody House was a problem.

Mr. Gross stated the Peabody House resulted in a Code Enforcement action in the early 2000's. Mr. Gross stated the owner was required to go through a Special Exception application which was denied, and then the 12 owner sued the City and the City lost the case in Federal court. Mr. Gross stated in order for a sober home to operate legally under the Land Development Code, they would have to get a reasonable accommodation based on the number of people and may have to provide medical and financial information.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida stated in order to operate a sober house, an applicant would have to go through a process to provide reasonable accommodation information and asked if that would have to be renewed every year.

Mr. Gross stated the only way a sober home or group living facility could operate with more than four people would be to request reasonable accommodation; and after one year, a resubmittal would be required to show the reasonable accommodation is still needed.

## Board Action:

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve Land Development Code Text Amendment - Articles 3, 5, and 11 - DEV2019-089, in accordance with the staff report as presented. The motion carried (6-0).

## Other Business:

1. Downtown/Balough Road Redevelopment Area Board Report  
Ms. Washington stated the Downtown/Balough Road Redevelopment Area Board did not meet in September.
2. Midtown Redevelopment Area Board Report  
Mr. Barhoo stated the Midtown Redevelopment Area Board did not meet in September.
3. Beachside Redevelopment Area Board Report  
Mr. Newman stated the Beachside Redevelopment Area Board did not meet in September.

4. Public Comments

John Nicholson, 413 N. Grandview, Daytona Beach, Florida spoke regarding coastal development and the need for expansion of LPGA Blvd.

Ms. Humphreys asked if there is an update to the seawall that is collapsing that has been discussed several times.

Mr. Mrozek stated he did not have an update.

5. Staff Comments

Mr. Mrozek stated the city has a hydrating program for gray water which he would like to present at the next Planning Board meeting.

Mr. Mrozek stated Ms. Taylor was not in attendance as she was out of the city for her wedding.

6. Board Member Comments

Mr. Newman stated he will not be in attendance at the October, 2019 Planning Board meeting.



Cathy Washington, Chair



Jeff Hurt, Secretary