

**MIDTOWN REDEVELOPMENT BOARD  
MINUTES OF THE  
REGULAR MEETING  
Tuesday, September 8, 2020**

The regular meeting of the Midtown Redevelopment Board was held Tuesday, September 8, 2020, at 6:00 p.m. in the City Commission Chambers, Daytona Beach City Hall, 301 S. Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

**Board Members Present**

Mr. Pierre Louis, Chair (via audio connection)  
Mr. Byron Cogdell  
Mr. Shawn Collins  
Ms. Tangela Hardy  
Ms. Renee Richardson  
Ms. Valencia Stubbs

**Board Members Absent**

Mr. Milverton Robinson (Planning Board appointee)

**Staff Members Present**

Mr. Reed Berger, Redevelopment Director  
Mr. Ben Gross, Deputy City Attorney  
Ms. Becky Groom, Office Assistant

**1. Call to Order**

Mr. Louis called the meeting to order at 6:00 p.m.

**2. Roll Call**

The roll was called and attendance was noted as stated above.

**3. Pledge of Allegiance**

Ms. Hardy led the Pledge of Allegiance.

**4. Invocation**

Mr. Cogdell gave the invocation.

5. **Approval of Minutes**

March 10, 2020 Regular Board meeting

A motion was made by Mr. Collins, seconded by Ms. Stubbs, to approve the minutes of the Regular Board Meeting of March 10, 2020 as presented. The motion carried unanimously.

6. **Staff Reports**

**Police Department**

There was not a representative of the Police Department in attendance.

**Code Enforcement**

Copies of Code Enforcement Reports for the months of July, 2020 and August, 2020 were provided to the Board.

7. **Summary of Public Comment Procedures**

Ben Gross, Deputy City Attorney, reviewed the summary of Public Comments procedures which was included in the Board agenda.

Mr. Collins asked if this procedure has worked with other Boards and if citizens are providing comments in writing regarding items that are on the agenda. Mr. Collins asked what type of PR has been done so people are aware of the procedures.

Mr. Gross stated he has attended a number of meetings and the procedure has worked well.

Mr. Berger stated the City's Public Information Office has posted the meeting procedures on the City's website and is included on all agendas for Board and City Commission meetings.

Mr. Berger introduced the two new Board members, Renee Richardson and Byron Cogdell.

Ms. Richardson stated she has lived in Daytona Beach all of her life and is pleased to volunteer to serve on this Board. Ms. Richardson stated she has been an employee for the Department of Children and Families for the last 24 years.

Mr. Cogdell stated he has lived in Daytona Beach for 15 years and initially came to Daytona Beach as a student at Bethune-Cookman University.

Mr. Cogdell stated he is currently a pastor in Midtown and has worked for the Community Partnership for Children and the marketing department at Halifax Health.

Mr. Louis stated Ms. Terica Charles has resigned from the Board.

8. **Rezoning to Planned Development-Redevelopment (PD-RD) – Daytona Center, DEV2019-105**

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Mr. Andrew V. Podray, Authorized Member of Daytona Center, LLC, to rezone 18.93± acres of land, located at 100 North Nova Road, from Redevelopment Midtown-Activity Center Mixed Use (RDM-3) to Planned Development-Redevelopment (PD-RD) to promote additional uses for the existing retail center and provide for additional buffers adjacent to residential areas.

**Staff Presentation:**

Mr. Berger presented the staff report which was included as part of the packet. Mr. Berger stated the rezoning is requested in order to provide additional uses for the existing retail center. Mr. Berger stated the applicant is requesting to provide additional buffers from the adjacent residential area. Mr. Berger stated a request is included for an ice vending machine which will provide ice sales on a stand-alone basis. Mr. Berger stated the ice machine will be surrounded with a buffer and landscaping around the machine. Mr. Berger stated other additional uses are also proposed, and the listing of proposed uses is included as part of the staff report. Mr. Berger stated site plan improvements will be required in order to permit some of the proposed uses. Mr. Berger stated Land Development Code waivers are requested for parking, landscaping, tree preservation, uses, and the proposed stand-alone ice machine.

Mr. Berger stated the proposed PD agreement includes a schedule which outlines that a Site Plan must be submitted within 60 days after approval by the City Commission; the project must be substantially complete within one year of approval of the PD agreement; one 12-month extension may be granted; and if the applicant does not comply with the proposed schedule proposed in the PD agreement, the development rights will lapse.

**Applicant Presentation:**

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

is proposing new uses for the site in order to revitalize the area with new tenants. Mr. Merrell stated the applicant plans to upgrade the facility.

Mr. Louis was unable to connect through the internet at this time and the Board agreed to allow Mr. Collins to act as Chair while Mr. Louis was not able to join the meeting.

**Board Comments:**

Ms. Richardson asked about the proposed uses for the site.

Mr. Gross stated the proposed uses are outlined on Page 6 of the staff report, noting all uses highlighted in red are not permitted in the current zoning district. Mr. Gross stated if the PD is approved, the highlighted uses will be new uses for the site.

Mr. Merrell stated the applicant proposed other uses but worked with staff to come to an agreement on uses with which everyone was comfortable.

Ms. Stubbs asked if only one neighborhood meeting was held, noting there were not many attendees.

Mr. Merrell stated only one meeting was held and the meeting went very well. Mr. Merrell stated everyone agreed the improvements would be a positive thing for the neighborhood. Mr. Merrell stated there is a lot of opportunity for people to comment through other means and those who were notified could have attended this evening's meeting as well. Mr. Merrell stated property owners within 300 feet of the site are notified via mail and a notice of the meeting is also placed on the property site.

Mr. Berger stated a summary of the meeting is included as part of the Board packet.

Ms. Stubbs asked if there is only one ice machine and asked if any type of comparison was done to determine if there are other types of these machines in the area.

Mr. Merrell stated there is one single unit and it is self-contained and self-service. Mr. Merrell stated he is aware of a similar unit in place in Bunnell.

Mr. Berger stated he is not aware of staff doing any type of study on the ice machine.

Ms. Stubbs asked how many proposed storage units are planned.

Mr. Merrell stated he does not know if storage units will be located there noting the proposed uses are general.

Ms. Stubbs asked if the landscaping proposed will be for the entire mall area.

Mr. Merrell stated a landscape plan is included in the packet and landscaping will be completed within one year.

Mr. Collins asked if any of the Board members were included in the mailing for the neighborhood meeting.

Mr. Gross stated there is no requirement in the Land Development Code that any City officials attend neighborhood meetings, noting property owners within 300 feet of the proposed site are notified of the neighborhood meeting.

Mr. Berger stated any interested person can be notified of upcoming meetings if they register at the City's website requesting to be notified of all City meetings.

Mr. Merrell stated there was one person in attendance at the meeting who was notified through the public meeting notification process.

Mr. Collins stated he feels the Board should have been invited since the Board is required to review the application.

Mr. Gross stated there could be an issue if two or more Board members attend a neighborhood meeting and may unintentionally discuss the item which would be a violation of the Sunshine Law.

Mr. Louis stated he is notified of City meetings and he can attend but Board members are not to talk about items that are to come before the Board for consideration.

Ms. Hardy stated she agrees with Mr. Collins and asked how the Board is to approve something that they are just receiving and have not heard from residents that will be affected by this.

Mr. Collins asked if any type of assistance was provided to the owner, such as cash or grants.

Mr. Berger stated no.

Mr. Collins stated he would like to address the waivers individually since the area is the gateway to Midtown. Mr. Collins stated he feels this is a

good project but he is concerned about the waivers. Mr. Collins asked about the schedule and stated if the schedule is not met, the property will return to the previous zoning.

Mr. Gross stated if the schedule is not met, the entitlements would be terminated and there is no automatic process for the property to be rezoned back to its previous zoning. Mr. Gross stated Code Enforcement action would be taken if the requirements are not met.

Mr. Merrell stated the project should be completed within one year, but a one-year extension could be granted; but the biggest improvements to the property will be landscaping and parking.

Mr. Collins stated the staff recommendation is to approve the request, including the waivers; and he would like to review the requested waivers individually.

Ms. Stubbs stated she would like to know how the other Board members feel about individually reviewing the waivers.

Mr. Merrell stated on behalf of the property owner, comments on each of the waivers are included as part of the Board packet. Mr. Merrell stated the property owner is making an investment and the proposed PD agreement is a negotiated agreement that includes waivers to make the project a custom fit for this piece of property.

Mr. Louis asked if the item can be tabled to give the Board members an opportunity to review the waivers and be more comfortable to review the item.

Mr. Berger stated the project has gone through staff review, including the Technical Review Team, and staff feels comfortable with the request. Mr. Berger stated if there are concerns about any of the waivers, staff would like to hear those concerns now.

Mr. Merrell stated the applicant would like to proceed with the item as well since this is a Public Hearing and the Board packet has all of the information. Mr. Merrell stated he would not want this item delayed since there are other meetings scheduled regarding this project.

Mr. Collins asked if the Board did not receive the packet earlier because of COVID or is this the way the Board operates, with only one time to review an item.

Mr. Louis stated the Board should have as many times as needed to review an item in order to get it right.

Mr. Collins stated the Board has to consider the applicant and cannot prolong this forever; however, he feels the Board should have two opportunities to review a project.

Mr. Berger stated the Board is not limited to one review; however, the applicant needs to know what the Board's concerns are. Mr. Berger stated now is the time to let staff and the applicant know if there are concerns about the waivers. Mr. Berger stated typically the Board reviews the item one evening and then the item is presented to the Planning Board, which is the process. Mr. Berger stated he does not recall the Board reviewing an item two times.

Mr. Gross stated the Land Development Code only requires one hearing but the Board can postpone the hearing if the members feel they do not have enough information.

Mr. Collins stated if the applicant knows the Board wants to hear an item twice, the applicant will have to adjust their schedule. Mr. Collins stated the City Commission reviews items twice before acting on them.

Mr. Gross stated this Board cannot require two public hearings on an item; however, the Board can continue the item which would be a continuation of this public hearing, not a second public hearing. Mr. Gross stated Mr. Berger has indicated if the Board does not feel they have enough information to review the request, staff will need to know what additional information the Board may want so it can be presented at the next meeting.

Mr. Collins stated he would like to individually review the waivers.

Mr. Merrell stated he is prepared to individually address the waivers and provide any information the Board may need.

Mr. Berger asked Mr. Louis is the Chair is agreeable to addressing the waivers individually.

Mr. Louis stated he is in agreement.

Mr. Berger stated the first waiver is for off-street parking.

The Board had no comments on the waiver for off-street parking.

Mr. Berger stated the second waiver relates to Section 4.7 on the RDM-3 standards which would allow the existing buildings to remain in place.

Mr. Collins asked what will happen with the current tenants.

Mr. Merrell stated he hopes the existing tenants remain. Mr. Merrell noted the existing building has been in place since before the current requirements were adopted. Mr. Merrell stated there will be face-lifting and landscaping additions but the existing building will remain.

Mr. Collins asked if the site includes the former Burlington site.

Mr. Merrell stated no. Mr. Merrell stated the exhibits in the staff report show the existing boundary of the property and noted the Burlington site is owned by another property owner. Mr. Merrell stated the aerial shows that Burlington is not a part of this property.

Mr. Gross stated Page 10 of the staff report shows the map of the shopping center that is within the boundaries of the proposed PD.

Ms. Richardson asked if the other parcels will be updated.

Mr. Merrell stated he does not know since the applicant does not control those parcels.

Mr. Berger stated the next waiver relates to landscaping.

Mr. Collins stated he would like to see improvements to make the area more pedestrian friendly.

Mr. Merrell stated a detailed landscaping plan is included as part of the packet, but Mr. Hopkins is available to address any concerns the Board may have.

Joe Hopkins, The Performance Group, 100 Marina Point Drive , Daytona Beach, Florida addressed the landscaping waiver. Mr. Hopkins stated the Land Development Code outlines the landscaping and parking requirements, and noted there was deficiency in landscaping at the onset of the project. Mr. Hopkins stated he worked with staff to address the scenic thoroughfare buffer along Nova Road which had a fraction of what the Code requires in place. Mr. Hopkins stated a plan was developed to enhance the landscaping to make it 7 feet wider than what is required by the Code. Mr. Hopkins stated the plan includes cluster plantings that will be uniform in width at 32 feet wide. Mr. Hopkins stated the same plan will be applied to the buffer along Dr. Mary McLeod Bethune and Fletcher as well.

Mr. Merrell stated the plan is shown on Attachment D of the Board packet.

Mr. Collins asked how many access points there will be along Nova Road to the property.

Mr. Hopkins stated there was previously a fueling station at the northern area along Nova that had multiple access points and those are being eliminated. Mr. Hopkins stated there will be a side entrance from Dr. Mary McLeod Bethune and there will be one access point further south near Steak & Shake.

Mr. Collins stated he would like to reduce the number of parking spaces in order to add vegetation internal to the property.

Mr. Merrell stated putting landscaping internally can be problematic but noted there will be landscape islands on either side of the entranceway. Mr. Merrell stated there are currently landscape islands throughout the parking area which are substantial.

Mr. Berger stated the fourth waiver relates to Tree Preservation, Section 6.15 of the Land Development Code.

Mr. Collins asked what the minimum canopy requirement will be.

Mr. Hopkins stated the minimum requirement is not met based on the number of parking spaces on site.

Mr. Collins asked how many additional trees are needed.

Mr. Merrell stated it is not a requirement for additional trees; it is keeping the trees that are in place there.

Mr. Collins asked if the City's requirements are more tree friendly or asphalt friendly.

Mr. Berger stated the tree requirements are flexible in terms of moving trees around. Mr. Berger stated the larger new developments may cluster more of the trees and vegetation to create an overall look; but the issue in a Redevelopment Area is how much landscaping is already in place. Mr. Berger stated staff and the applicants are always looking for ways to make projects look more green and to reduce dependency on vehicles.

Mr. Collins asked if asphalt will be removed from the parking area and will sidewalks be widened.

Mr. Hopkins stated the reduction in asphalt was primarily to widen the buffer area along Nova Road which resulted in a slightly less than one

acre impervious area reduction. Mr. Hopkins stated there are already established sidewalks on the site.

Mr. Berger stated the next waiver relates to Use Specific Standards.

Ms. Richardson asked if the applicant proposes to have the ability to pick and choose from the proposed list as to what uses will be placed there.

Mr. Berger stated yes.

Mr. Merrell stated the list is from uses that are included in the Land Development Code now and the applicant is looking to find uses that may work on this site. Mr. Merrell stated he is willing to discuss any proposed use that the Board may have concerns about.

Mr. Collins stated he did not like the pawn shop use.

Ms. Richardson asked what types of outdoor recreation uses could be placed there.

Mr. Gross stated the Land Development Code defines outdoor recreation uses and read the section from the Land Development Code.

Ms. Richardson stated she is concerned about the use for a winery or distillery.

Mr. Merrell stated those uses are currently permitted.

Mr. Berger stated a pawn shop was in operation prior to the 2015 Land Development Code change.

Ms. Stubbs stated she is concerned about the use of a Probation and Parole Office based on the number of youth that visit that area.

Mr. Merrell stated the use is currently there and is grandfathered.

Mr. Collins stated he was concerned about allowing a use that is currently non-conforming.

Mr. Merrell stated the applicant is looking to expand the uses in order to keep the center full. Mr. Merrell stated the footprint of the spaces will have to remain the same and no more than 50% of the value of the property can be spent in order to improve the property.

Ms. Richardson stated she has a problem with a liquor store being located in an area where a day care, school, or place of worship could be located.

Mr. Gross stated there is a provision in the Land Development Code that imposes a minimum distance limitation between places that serve alcohol and places of worship; however, an ordinance is being processed that will limit the distance between alcohol sales and schools.

Jessica Gow, Cobb Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida stated the requirement that covers distances between schools and residential areas is defined in a State statute and it is also defined in the City code.

Mr. Merrell stated those protections are already built in.

Ms. Hardy stated the common denominators in black neighborhoods in every state you go to are package stores, churches and day care centers. Ms. Hardy stated she has a problem with a day care center being within walking distance of a package store.

Mr. Merrell stated 500 feet spacing is the requirement by both State Statute and City code and noted this property is not being asked to be treated any differently than others.

Ms. Richardson asked if other alcohol sales could be placed there.

Mr. Merrell stated unless they violate the space requirements.

Ms. Hardy asked if the City Commission has approved this PD and waivers.

Mr. Gross stated the City Commission has not approved this item. Mr. Gross stated the review process is to go to the Midtown Board first, then Planning Board, and then the City Commission.

Mr. Berger stated the Board could relay through the minutes their concerns about some of the uses proposed for the area.

Mr. Gross stated the Board can approve the application with conditions.

Mr. Gross read from Section 562.42 of the State Statutes concerning the distance requirements between places that sell alcohol and schools.

Mr. Collins stated the applicant knew the proposed uses were not permitted when he acquired the property.

Mr. Merrell stated that is correct; however, he is reinvesting in this property and trying to get a return. Mr. Merrell stated the applicant could

let the property sit there as is or make an attempt to improve it and attract new business. Mr. Merrell stated if there are specific businesses that the Board would not like placed there, state them.

Ms. Richardson stated there are a lot of things on the list that could be successful without having a liquor store there. Ms. Richardson stated she feels liquor stores should be placed elsewhere since there may be children in the area. Ms. Richardson stated having a liquor store use removed from the list would not make the person not to want to do the project. Mr. Richardson stated the applicant could have a successful project without having a liquor store located there.

Mr. Collins stated he would like to hear what uses the Board members may have concerns about.

Ms. Richardson stated she also is opposed to the cigar/lounge use.

Mr. Cogdell stated perhaps it would be most beneficial for the area to not have schools or child care facilities there if businesses can be located there that may benefit the area economically. Mr. Cogdell asked if the applicant is targeting certain businesses or is he just trying to open the space in order to attract business. Mr. Cogdell stated there are malls in the area to the south similar in size to this that are not attracting people to the area and are either sitting vacant or have converted to storage sites. Mr. Cogdell stated he does not want to approve this application and then a warehouse fills up 50% of the space and there is a Dollar Tree and a school in the corner.

Mr. Merrell stated the applicant is trying to open his options and generate revenue in places where people want to shop.

Ms. Stubbs stated liquor stores and cigar/lounges cause her concern if there is a place of worship located there. Ms. Stubbs stated she is concerned about a place where there may be a day care facility and then a Probation and Parole Office. Ms. Stubbs stated she feels a liquor store, cigar/lounge, or pawn shop may take away from the area where families could go. Ms. Stubbs stated she feels the Probation and Parole office should be limited to where it is at the west side of the facility so there is limited exposure. Ms. Stubbs stated she is also concerned about warehouse/storage facilities being located there and feels the center should be filled with businesses that will benefit the community. Ms. Stubbs stated she is concerned that there are transportation issues in the area that may limit access by many of the residents.

Ms. Hardy stated she is concerned about the following uses: club/lounge, cigar/lounge, liquor/package store, and pawn shop.

Mr. Collins stated he does not have an issue with club/lounge. Mr. Collins stated he is hesitant about placing the Probation & Parole office on the restricted list. Mr. Collins stated he would not have a problem with having a warehouse that has access only through the rear of the building. Mr. Collins stated the two uses he has a problem with are the liquor store and the pawn shop. Mr. Collins stated based on his notes, three Board members are concerned about the pawn shop use; four are concerned about the liquor/lounge use; three are concerned about the cigar/lounge use; one is concerned about the Probation and Parole office; one is concerned about the club/lounge; and one is concerned about the mini-warehouse.

Mr. Merrell stated one of the uses mentioned was a club/lounge and that is not correct. Mr. Merrell stated the proposed use is club/lodge which would be a fraternal lodge and is protected.

Ms. Richardson stated since the club/lodge issue has been clarified, that should be removed from the list.

Ms. Stubbs stated she wanted to be clear that she is not against a Probation and Parole Office or anyone that may need support from such use. Ms. Stubbs stated she would hope the Probation and Parole Office could be placed somewhere else and the existing property used for something else, such as a military office.

Mr. Collins stated the list of uses that the Board has issues with includes: Probation & Parole Office, cigar/lounge, liquor/package store, pawn shop, and self-storage/mini-warehouse.

Ms. Stubbs stated the Probation & Parole office should continue but remain at the back of the building.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. Collins, seconded by Ms. Richardson, to approve Rezoning to Planned Development-Redevelopment (PD-RD) – Daytona Center, DEV2019-105, with the following changes regarding approved uses: the Probation & Parole office should remain at the west side of the property; mini-warehouse storage facility should only be on the west side of the building; remove cigar/lounge, liquor package store, and

pawn shop from the list as potential uses. The motion carried unanimously.

**9. Project Updates**

Mr. Berger stated Charles Bryant has retired from the City. Mr. Berger stated staff is currently looking for a new Project Manager for the Midtown Redevelopment area.

Mr. Berger stated the Martin Luther King and Orange Avenue projects are pretty much complete.

Mr. Collins asked who selects the projects that will be placed on the Capital Improvement Projects list.

Mr. Berger stated there are workshops as part of the City budget process where Capital Improvement Projects are discussed.

Mr. Louis stated the Board has not been asked to participate in that process. Mr. Louis noted business owners in the Martin Luther King area have concerns about the project. Mr. Louis stated he was told by Jim Morris, Deputy City Manager, that the Martin Luther King project is not in the purview of the Midtown Redevelopment Board. Mr. Louis stated he attempted to send an email to Board members about the MLK project and the City Manager advised him not to send it. Mr. Louis stated discussion of projects in Midtown should be part of the Board's review process.

Mr. Berger stated prior to 2015, the function of the Board was advisory; but budget and projects are not part of this Board's purview. Mr. Berger stated since 2015, the scope was narrowed for all Redevelopment Boards.

Mr. Louis stated the procedures and functions of the Midtown Board should be defined.

Mr. Collins stated he doesn't understand why this Board does not get to make recommendations. Mr. Collins stated if the Board does not provide input, the only people that make decisions are staff. Mr. Collins stated if this is the way it's going to be, he will not remain on the Board. Mr. Collins stated Mr. Berger just told the Board that the Martin Luther King project is basically complete, however, when Mr. Louis talked to the business people, they indicated they have concerns. Mr. Collins stated we should not be receiving two different stories on the same project. Mr. Collins stated the Public Works Director should make a presentation to the Board every time there is a project going on in Midtown.

**10. Election of Officers – Chair and Co-Chair**

Ms. Richardson nominated Mr. Collins, seconded by Ms. Hardy, to serve as Chair. The motion carried unanimously.

A motion was made by Mr. Collins, seconded by Ms. Stubbs, to nominate Ms. Hardy to serve as Co-Chair. The motion carried unanimously.

Mr. Collins continued the meeting as Chair.

**11. Public Comments**

There were no public comments.

**12. Board Comments**

Ms. Richardson stated she looks forward to serving on this Board.

Mr. Cogdell stated he has been monitoring this Board for the last 5 to 6 years and he is excited to be a part of this Board. Mr. Cogdell stated prior to 2015, the Board had more responsibility and he would like to know what the Board can do to go back to that. Mr. Cogdell stated that is something he will discuss with Mr. Berger. Mr. Cogdell stated he would the Board to be more open to what Midtown can be. Mr. Cogdell stated right now, people leave the Midtown area for shopping and entertainment and the Board should look for more development in the area.

Ms. Stubbs stated she is pleased to see the Board meeting again. Ms. Stubbs welcomed the new Board members and officers. Ms. Stubbs thanked Mr. Louis for his service. Ms. Stubbs thanked staff for their support.

Ms. Hardy stated she is pleased to serve on the Board and looks forward to working to improve the area.

Mr. Louis encouraged the Board to read the Master Plan.

Mr. Collins thanked Mr. Louis for his service on the Board and stated Mr. Louis was always well prepared for the meetings and one of the best Chairs he has ever seen.

**13. Adjournment**

There being no further business, the meeting was adjourned.

  
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Shawn Collins, Chair

  
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Becky Groom, Board Secretary