

MINUTES

REGULAR MEETING – PLANNING BOARD

September 24, 2020

Minutes of the Regular Meeting of the Planning Board for the City of Daytona Beach, Florida, held on Thursday, September 24, 2020 at 6:00 p.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

1. **Call to Order**

Mr. Servance, Chair, called the meeting to order.

2. **Roll Call**

Tony Servance, Chair	Present
Helen Humphreys, Vice Chair	Present
Tony Barhoo	Present
Jeff Hurt (Secretary)	Present
William Pageau	Present
Milverton Robinson	Present
Cathy Washington	via audio connection

Also Present:

Dennis Mrozek, Planning Director  
Ben Gross, Deputy City Attorney  
Doug Gutierrez, Principal Planner  
Reed Berger, Redevelopment Director  
Rose Askew, Planning Coordinator  
Lauren Davis, Planner  
Steven Bapp, Planner  
Hannah Ward, Planner  
Vanessa Trimble, Development Review Technician  
Off. Courtland Lampe, Daytona Beach Police Department  
Becky Groom, Board Secretary

3. **Approval of the Minutes** - August 27, 2020

Approval of the Minutes of the August 27, 2020 Regular Planning Board Meeting held at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida

It was moved by Mr. Barhoo to approve the minutes as presented, seconded by Ms. Humphreys. The motion passed 6-to-0 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Jeff Hurt (Secretary)	Yea
William Pageau	Yea
Milverton Robinson	Yea
Cathy Washington	unable to hear-no audio connection

4. **Summary of Public Comment Procedures**

Included as part of the agenda is a summary of Public Comment Procedures.

**New Items:**

5. **Land Development Code Text Amendment – Encourage Affordable Housing with the Planned Development Rezoning Process, DEV2020-107**

A request by the Development and Administrative Services Department, Planning Division, to amend Section 4.8, Planned Development Zoning Districts, and Section 11.5, Definitions, of the Land Development Code to encourage and define Affordable Housing and to add specific procedures and standards for the review and approval of Planned Development Districts.

**Staff Presentation**

Dennis Mrozek, Planning Director, presented the staff report which was included as part of the packet. Mr. Mrozek stated a revision has been provided to the Board and changes are outlined in blue text. Mr. Mrozek stated this is a request which was generated by the City Commission in order to address Affordable Housing needs within the City. Mr. Mrozek stated the Legal Department reviewed mandatory inclusionary housing programs as part of the development review and approval process. Mr. Mrozek stated staff would review an application for rezoning, which would then be reviewed by the Planning Board. Mr. Mrozek stated the City Commission would then review the item and determine if the applications meets the requirements. Mr. Mrozek stated an applicant for a PD rezoning would be required to establish measures that would create Affordable Housing opportunities within the PD property area or in another area in the City.

Ben Gross, Deputy City Attorney, reviewed his memorandum that was included as part of the packet. Mr. Gross stated if the City Commission made it a requirement for a developer to provide Affordable Housing, the City may be required to pay just compensation to the developer. Mr. Gross stated there was also a State Statute change last year that would require the city to provide

compensation through measures as waiving impact fees or development fees. Mr. Gross stated staff was asked to put together something quickly, which has been done but noted the requirements are not mandatory. Mr. Gross stated what is presented is merely an item for discussions on the subject.

Mr. Mrozek stated the applicant will have to establish the measures as to what the Affordable Housing will be, noting staff will not set the measures.

Mr. Hurt asked why a study was not included that shows how many Affordable Housing units there are in the City of Daytona Beach and how many people are on waiting lists for Affordable Housing. Mr. Hurt stated what is proposed is very vague and he would like to see what can be contributed, such as possibly \$250 or \$400 per unit. Mr. Hurt stated he would like to see how Daytona Beach compares to other municipalities, such as Ormond Beach and Port Orange, on the number of Affordable Housing units in place. Mr. Hurt stated in 1992, the Sadowski Fund, which is the Affordable Housing Fund, was passed by the Legislature, noting 70 cents on the value of every piece of property for a single-family home goes to that fund. Mr. Hurt stated the fund collected \$292,000,000 last year; and \$130,000,000 was moved to the General Fund in Tallahassee. Mr. Hurt stated since 2003, \$2,000,000,000 has been diverted from the Affordable Housing Fund to the General Fund in Tallahassee. Mr. Hurt stated 70% of the funds collected were to be returned to the municipalities and 30 percent would be retained by the State for coordinating the fund. Mr. Hurt stated the Orlando Sentinel reported that the Florida House and Senate have agreed to fully fund the State's Affordable Housing Trust Fund, known as the Sadowski Fund. Mr. Hurt stated in past years, the City of Daytona Beach has received between \$300,000 and \$400,000 and asked how much the City will now receive. Mr. Hurt stated what is proposed by staff regarding Affordable Housing is so unsure and feels it may change development as we know it in Daytona Beach.

Ms. Humphreys stated every month, the Planning Board approves projects, but they are not what the average working people in the City can afford. Ms. Humphreys stated it does not make any sense that people cannot afford to purchase homes and we need to treat our citizens better.

Mr. Hurt stated he is not against Affordable Housing but is against the Sadowski funds not being appropriated the way they are supposed to be.

Mr. Servance asked if the information Mr. Hurt is talking about will be provided to the City Commission. Mr. Servance stated Orange and Seminole Counties have Affordable Housing programs and yet they are still building other types of homes.

Mr. Gross stated the City Commission did discuss the need for a study. Mr. Gross stated a substantial amount of work will need to be done in order to provide more information than what is presented this evening.

Mr. Robinson stated he supports growth, but everyone should be able to afford it. Mr. Robinson stated we cannot continue to build expensive homes that everyone cannot afford. Mr. Robinson stated he once asked a developer what he considered an affordable home and his response was \$200,000. Mr. Robinsons stated to him, that is an insult. Mr. Robinson stated he applauds Mr. Mrozek and Mr. Gross for the information and supports the City Commission for the action they are taking.

### **Citizens Comments**

Glenn Storch, 480 S. Nova Road, Daytona Beach, Florida, stated he was the individual who stated at a Planning Board meeting that Affordable Housing is now around \$200,000 because that is what a \$1,000 mortgage is. Mr. Storch stated what is proposed is a plan that seems arbitrary because it says you have to come up with an idea. Mr. Storch stated he would like to see more standards on how to address the problem. Mr. Storch stated he talked with the Planning staff and has offered to join a committee to draft an ordinance to address the problem but stated what is proposed is uncertain for the development community. Mr. Storch stated all material costs for new construction have recently gone up enormously. Mr. Storch stated many people cannot afford a \$1,000 a month mortgage. Mr. Storch stated the development community would be willing to work with the city to address this problem.

Mr. Robinson asked Mr. Storch if he sees what is proposed as a negotiation tool and will get everyone to the table to collaborate.

Mr. Storch stated Mr. Robinson is right and this puts the topic in the open for discussion.

### **Board Action**

It was moved by Mr. Robinson to approve the request per staff recommendations. Ms. Humphreys seconded the motion in accordance with the staff report as presented. The motion passed 5-to-1 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Jeff Hurt (Secretary)	Nay
William Pageau	Yea
Milverton Robinson	Yea
Cathy Washington	unable to hear-no audio connection

6. **Site Plan – The Blake, DEV2020-028**

A request by Vincent Orlando, Duplantis Design Group, PC, on behalf of North Williamson Square, LLC, to approve a site plan for 6.3± acres of land generally located in the southeast quadrant of Williamson Boulevard and Sands Parc Boulevard intersection, to construct a 115,000 square-foot assisted living facility with associated site improvements.

**Staff Presentation**

Lauren Taylor, Planner, presented the staff report which was included as part of the packet. Ms. Taylor stated the Planning Board previously approved the PD for this project which was further approved by the City Commission. Ms. Taylor stated the site is currently vacant and undeveloped. Ms. Taylor stated there are outstanding staff comments which must be addressed prior to site plan approval.

**Applicant Presentation**

Michael O. Sznajstajler, Cobb Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida spoke representing the applicant. Mr. Sznajstajler stated this project will be a low traffic generator and will add 70 jobs to the area.

Mr. Barhoo stated he is concerned about traffic this project will add to the area.

Mr. Mrozek stated the proposed use is below what is actually permitted at this location.

Mr. Robinson expressed concern about relocation of wildlife in the area.

Mr. Sznajstajler stated the property is already graded and cleared and has an existing building with a road network in place. Mr. Sznajstajler stated the property was developed 20 to 30 years ago. Mr. Sznajstajler stated and there are State regulations in place concerning wildlife.

Mr. Gross stated the State and Federal permitting agencies review items regarding wildlife and is not something the City staff reviews.

**Citizens Comments**

There were no citizen comments.

**Board Comments**

There were no additional Board comments.

**Board Action**

It was moved by Mr. Barhoo to approve the request per staff recommendations. Mr. Robinson seconded the motion in accordance with the staff report as presented. The motion passed 6-to-0 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Jeff Hurt (Secretary)	Yea
William Pageau	Yea
Milverton Robinson	Yea
Cathy Washington	unable to hear-no audio connection

7. **Third Amendment to Sofran Eckerds Planned District (PD) Agreement – DEV2020-040**

A request by Candi L. Gray, Emerald Coast Permitting, Inc., on behalf of Bharat Gupta, Amba Estates Daytona Beach, LLC, for approval of the Third Amendment to the Sofran Eckerds Planned District (PD) Agreement, to allow for a Dollar Tree retail store to occupy the vacant CVS Pharmacy building located at 1350 Beville Road.

**Staff Presentation**

Steven Bapp, Planner, presented the staff report which was included as part of the packet. Mr. Bapp stated the property is at the northeast corner of Clyde Morris and Beville and is the former CVS site. Mr. Bapp stated the applicant proposes to use the existing signage structure but will change the name and logo. Mr. Bapp stated no additions to the square footage of the building will be made. Mr. Bapp stated if approved, the site will become a Dollar Tree store.

**Applicant Presentation**

Melobe Thomas, 445 – 24<sup>th</sup> Street, Suite 200, Vero Beach, Florida spoke representing the applicant. Ms. Thomas stated the applicant will be upgrading the landscaping and will provide an accessible path to the right-of-way. Ms. Thomas stated the proposed use will reduce the number of traffic trips to the site daily.

**Citizens Comments**

There were no citizen comments.

**Board Comments**

There were no Board comments.

**Board Action**

It was moved by Mr. Barhoo to approve the request per staff recommendations. Ms. Humphreys seconded the motion in accordance with the staff report as presented. The motion passed 6-to-0 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Jeff Hurt (Secretary)	Yea
William Pageau	Yea
Milverton Robinson	Yea
Cathy Washington	unable to hear-no audio connection

8. **Rezoning to Planned Development-General (PD-G) and Preliminary Plat – Reserve at Strickland, DEV2020-024 and DEV2020-083**

A request by Mark A. Watts, Esquire, Cobb Cole, on behalf of CRISP39-6 LLC, and ADJ Strickland, LLC, to rezone 29.7± acres of property generally located at the southeast corner of Strickland Range Road and Clyde Morris Boulevard, from Volusia County Urban Single Family Residential (R-2), to Planned Development – General (PD-G), to allow for the development of a townhome subdivision and professional office/medical office complex, with associated site improvements. This request also includes the preliminary plat for the Reserve at Strickland townhome subdivision, to be developed with a maximum of 172 townhome lots.

**Staff Presentation**

Hannah Ward, Planner, presented the staff report which was included as part of the packet. Ms. Ward stated the applicant did provide Affordable Housing options today which have been added to the Board’s folder. Ms. Ward stated the subject property is located at the southeast corner of Clyde Morris and Strickland Range Road and is currently vacant and undeveloped. Ms. Ward stated the proposed FAR is substantially below what is permitted for the land use. Ms. Ward stated residential and limited health care uses are proposed for the site. Ms. Ward stated Land Development Code modifications are proposed including buffers, landscaping, setbacks, parking, signage, and permitted uses.

Mr. Barhoo stated he is concerned about the number of modifications requested, particularly for signage and buffers.

**Applicant Presentation**

Mark Watts, Cobb Cole, 231 N. Woodland Blvd., De Land, Florida spoke representing the applicant. Mr. Watts spoke regarding the requested waivers. Mr. Watts stated there is a stormwater pond between the office complex and the

townhome development. Mr. Watts stated the pond will be shared so the request is to remove the wall between the two projects. Mr. Watts stated the waiver for parking is to allow additional parking for guest parking. Mr. Watts stated the proposed use of a blood/tissue collection site does not meet the requirements of the LDC due to the location of the residential units.

Mr. Hurt noted that a lot of modifications are required due to the configuration of the lot.

Mr. Watts stated he serves on a state-wide board which has an emphasis on Affordable Housing. Mr. Watts stated the Sadowski Fund has been used in other areas of the State budget for years and he is pleased to see the proposed change. Mr. Watts stated he believes there should be a study conducted to determine how Affordable Housing relates to development activity. Mr. Watts stated he has offered to serve on a committee to help develop strategies for Affordable Housing. Mr. Watts stated he is working with a developer on a tax abatement proposal for their development to help address the Affordable Housing situation. Mr. Watts stated he is proposing that a payment of \$250 be made to the designated Affordable Housing fund that may be established by the city for each townhome constructed as part of this project, which would result in about \$43,000 for this project.

Mr. Watts stated he would be willing to delete the commercial sign waivers based on revisions that have been made.

### **Citizens Comments**

There were no citizen comments.

### **Board Comments**

Mr. Barhoo stated he has a problem with the number of modifications requested. Mr. Barhoo stated he feels there is no need to have rules and regulations in place when people continue to ask for modifications.

Mr. Robinson stated he agrees with Mr. Barhoo's concerns.

Mr. Watts noted the PD process is in place to allow for waivers.

### **Board Action**

It was moved by Mr. Hurt to approve the request per staff recommendations. Ms. Humphreys seconded the motion in accordance with the staff report as presented. The motion passed 5-to-1 with the breakdown as follows:

Tony Servance, Chair

Yea

Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Nay
Jeff Hurt (Secretary)	Yea
William Pageau	Yea
Milverton Robinson	Yea
Cathy Washington	unable to hear-no audio connection

9. **Land Development Code Text Amendment – RV Allowable Location, DEV2020-092**

A request by the Development and Administrative Services Department, Planning Division, to amend Article 5, Section 5.2.B.24 (Use Specific Standards) of the Land Development Code (LDC), to amend the location for Recreational Vehicle Parks (RV). The purpose of the text amendment request is to re-establish previous locations where RV Parks were allowed.

**Staff Presentation**

Rose Askew, Planner, presented the staff report which was included as part of the packet. Ms. Askew stated the purpose of the text amendment is to re-establish previous locations where RV parks were allowed. Ms. Askew stated during the re-write and adoption of the new Land Development Code in 2015, the new code inadvertently made all existing RV Parks non-conforming uses and eliminated the ability for any additional RV Parks to be developed. Ms. Askew stated this request is to re-establish the previous locations where RV Parks were allowed and restore RV Parks to conforming status and allow the development of future RV Parks.

Mr. Hurt stated this was a mistake that was made, and this is a means of addressing the error in the Land Development Code.

**Citizens Comments**

There were no citizen comments.

**Board Comments**

There were no Board comments.

**Board Action**

It was moved by Mr. Barhoo to approve the request per staff recommendations. Ms. Humphreys seconded the motion in accordance with the staff report as presented. The motion passed 6-to-0 with the breakdown as follows:

Tony Servance, Chair	Yea
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Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Jeff Hurt (Secretary)	Yea
William Pageau	Yea
Milverton Robinson	Yea
Cathy Washington	unable to hear-no audio connection

10. **Large Scale Comprehensive Plan Amendment (LSCPA) – Daytona Lakes RV Resort, DEV2019-138**

A request by Glenn D. Storch, Esq., Storch Law Firm, on behalf of Blue Coral Properties, Inc., for approval of a Large Scale Comprehensive Plan Map Amendment (LSCPA) for 173.3± acres of land, amending the FLUM from Volusia County Low Impact Urban (LIU) & Public/Semi-Public (PSP) to City Mixed Use (MU) , and adding Neighborhood “V” Issue (r) policy (1) to limit the commercial square feet to 100,000 s.f. for 480 RV spaces and density to one (1) unit per acre. The property is generally located on the west side of the intersection of Interstate 4 and US 92 / International Speedway Boulevard.

**Staff Presentation**

This item was presented in conjunction with Item 11.

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. Mr. Gutierrez stated the property is located on the west side of the access ramp for I-4 and U.S. 92. Mr. Gutierrez stated the property is currently undeveloped.

**Applicant Presentation**

The applicant’s comments were included with Item 11.

**Citizens Comments**

There were no citizen comments.

**Board Comments**

Board comments were included with Item 11.

**Board Action**

It was moved by Mr. Barhoo to approve the request per staff recommendations. Ms. Humphreys seconded the motion in accordance with the staff report as presented. The motion passed 7-to-0 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Jeff Hurt (Secretary)	Yea
William Pageau	Yea
Milverton Robinson	Yea
Cathy Washington	Yea

11. **Rezoning to Planned Development-General (PD-G) – Daytona Lakes RV Resort, DEV2018-124**

A request by Glenn D. Storch, Esq., Storch Law Firm, on behalf of Blue Coral Properties, Inc., to rezone 173.3± acres of land, from Planned Development – General (PD-G) to Planned Development – General (PD-G), to allow for the development of an RV resort with a maximum of 480 RV spaces and associated site amenities and approximately 100,000 square feet (s.f.) of stand-alone commercial uses. The property is generally located on the west side of the Interstate 4 (I-4) and US-92 / West International Speedway Boulevard intersection.

**Staff Presentation**

This item was presented in conjunction with Item 10.

Hannah Ward, Planner, presented the staff report which was included as part of the packet. Ms. Ward stated the current Planned Development Agreement has expired but the property was proposed to be used for an RV Park. Ms. Ward stated commercial uses are proposed along the U.S. 92 frontage. Ms. Ward stated over 50% of the property, which is about 89 acres, will be preserved due to the wetlands and conservation areas. Ms. Ward stated there are several other uses along the U.S. 92 frontage, including a single-family residence and bail bonds offices. Ms. Ward stated a waiver is requested to allow an RV Park adjacent to the single-family residence. Ms. Ward stated a waiver is requested for the setbacks in certain areas due to the amount of property that is being preserved. Ms. Ward stated other waivers included are for an on-site caretaker, signage, and landscaping.

**Applicant Presentation**

Glenn Storch, 480 S. Nova Road, Daytona Beach, Florida spoke representing the applicant. Mr. Storch stated the property will be brought up to the current standards. Mr. Storch stated the maximum amount of time someone will be permitted to stay on site will be six months but there are no permanent rentals.

**Citizens Comments**

There were no citizen comments.

**Board Comments**

Mr. Barhoo stated the proposed modifications make sense.

Mr. Hurt stated the area is a hodge-podge of uses and he does not know what else could go there, noting the developer will be using only 50% of the property.

Mr. Robinson stated he is pleased to see the property that is being preserved. Mr. Robinson asked if the amenities will be available to the public.

Mr. Storch stated the amenities will be for the people using the RV Park.

**Board Action**

It was moved by Mr. Barhoo to approve the request per staff recommendations. Mr. Robinson seconded the motion in accordance with the staff report as presented. The motion passed 7-to-0 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Jeff Hurt (Secretary)	Yea
William Pageau	Yea
Milverton Robinson	Yea
Cathy Washington	Yea

12. **Rezoning to Planned Development-General (PD-RD) – Daytona Center (Nova & ISB), DEV2019-105**

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of, Daytona Center LLC, to rezone 18.9± 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 allow for additional uses to the existing retail center and other associated site improvements.

**Staff Presentation**

Reed Berger, Redevelopment Director, presented the staff report which was included as part of the packet. Mr. Berger stated this is the property that is known as the Daytona Mall located at 100 N. Nova Road. Mr. Berger stated the rezoning request is being made in order to establish new uses for the property.

Mr. Berger stated the Midtown Redevelopment Board met and reviewed the application and recommended approval; however, the Board requested that certain restrictions be placed on the uses: the probation and parole office should remain on the west side of the property; mini-warehouse storage facility should only be permitted on the west side of the building; cigar lounge, package store, and pawn shop uses should be removed from the list of permitted uses. Mr. Berger stated LDC modifications include parking and landscaping. Mr. Berger stated some of the existing asphalt will be removed in order to provide additional landscaping around the perimeter, but existing parking will remain. Mr. Berger stated the applicant is requested to locate a self-contained vending ice machine on site. Mr. Berger stated the applicant must apply for site plan approval within 60 days and the schedule for development must be met.

Mr. Gross stated if the development rights lapse, the property will have to be rezoned.

### **Applicant Presentation**

Rob Merrell, Cobb Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida spoke representing the applicant. Mr. Merrell stated there are a number of vacancies on the site and the applicant is trying to find a way to fill those vacancies. Mr. Merrell stated there was a long discussion about this item at the Midtown Redevelopment Board. Mr. Merrell stated his client is comfortable with the probation-parole office and mini-warehouse/storage facility being located on the west side of the building; however, the applicant would like the three uses that were recommended to be removed from the approved list be permitted (pawn shop, liquor-package store, and cigar lounge). Mr. Merrell stated a cigar lounge and pawn shop could be done tastefully and liquor-package stores are included as part of grocery stores, such as Publix. Mr. Merrell stated the applicant will meet the spacing requirements for a liquor-package store.

Mr. Hurt asked if the use is permitted, wouldn't restricting those uses be taking uses away.

Mr. Gross stated yes.

Mr. Merrell stated the three uses that are being requested are uses that are being requested by the applicant and are not currently permitted. Mr. Merrell stated if the Board does not want to allow those uses, he would like to know why.

Mr. Servance stated there are already many of these types of businesses in Midtown and does not think additional facilities would be appropriate. Mr. Servance stated he would like to see more positive uses at the site.

Mr. Merrell asked if a Publix locates there, would the Board not want a liquor store as part of the site.

Mr. Servance stated that is different because it is not primarily a liquor store and provides other needs for the community. Mr. Servance stated he would support the Midtown Redevelopment Board's recommendation.

Mr. Robinson stated he would also support the recommendation from the Midtown Redevelopment Board. Mr. Robinson stated perhaps Mr. Berger could provide the applicant with a study that would indicate the types of businesses that may be detrimental to the community, such as liquor and CDB stores.

Mr. Merrell stated there are restrictions in place for spacing for a liquor store; and to treat his client differently does not seem fair but to qualify it with a grocery store may be helpful.

Ms. Humphreys stated she would have a difficult time opposing what the Midtown Redevelopment Board has recommended.

Ms. Washington stated those types of businesses usually cause a great deal of loitering and that is a reason for not wanting those located there.

### **Citizens Comments**

Shawn Collins, Box 9787, Daytona Beach, Florida stated he is the Chair of the Midtown Redevelopment Board. Mr. Collins stated the three uses addressed by the Midtown Redevelopment Board currently are not on the list of approved uses for the area and the owner knew the permitted uses prior to acquiring the property. Mr. Collins stated the Board discussed the uses at length and noted the subject property is at the entrance to the community and were concerned about the perception of the community.

### **Board Action**

It was moved by Mr. Robinson to approve the request per staff recommendations, including the recommendations from the Midtown Redevelopment Board for excluded usage. Mr. Barhoo seconded the motion in accordance with the staff report as presented. The motion passed 7-to-0 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Jeff Hurt (Secretary)	Yea
William Pageau	Yea
Milverton Robinson	Yea
Cathy Washington	Yea

13. **Third Amendment to Minto Parcel B Planned District (PD) Agreement - DEV2019-021**

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Sutton Land Trust No. 1, for approval of the Third Amendment to the Minto Tomoka – Parcel B Planned District (PD) Agreement to add additional commercial uses, revise minimum landscape buffers, and incorporate additional signage for the commercial area consisting of approximately 36.4± acres of property generally located in the northeast quadrant of LPGA Boulevard and Tymber Creek Boulevard.

This item was pulled.

14. **Large Scale Comprehensive Plan Amendment (LSCPA) – Project Epsilon, DEV2020-045**

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of CRISP39-6, LLC & CRISP39-7, LLC, property owner, for approval of a Large Scale Comprehensive Plan Amendment for 65.4± acres of land, generally located northeast of the intersection of Clyde Morris Boulevard and LPGA Boulevard, changing the Future Land Use Map designation for 59.2± acres of land from Level 1 Residential (L1R), Level 2 Residential (L2R) and Potentially Environmentally Sensitive (PES), to Mixed Use (MU) and Potentially Environmentally Sensitive (PES); and amending the Future Land Use Element, Neighborhood “K”, creating Issue (g), Policy (1) limiting the entire 65.4± acres to a maximum of 200,000 square feet of commercial development and 300 dwelling units.

This item was presented in conjunction with Item 15.

**Staff Presentation**

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. Mr. Gutierrez stated the property is located at the corner of Clyde Morris and LPGA and is currently vacant and undeveloped. Mr. Gutierrez stated this is an amendment to the Future Land Use for Neighborhood K.

**Applicant Presentation**

Rob Merrell, Cobb Cole, 149 S. Ridgewood, Daytona Beach, Florida spoke representing the applicant. Mr. Merrell stated the subject property surrounds the existing Twin Lakes Surgery Center and the property is currently in Volusia County zoning. Mr. Merrell stated the area needs compensating storage and this piece of property does not have zoning that would permit water storage. Mr. Merrell stated there are two building parameters that are noted on Page 10 of the

staff report that he would like included relating to building spacing and lot coverage.

**Citizens Comments**

There were no citizen comments.

**Board Comments**

There were no additional Board comments.

**Board Action**

It was moved by Mr. Barhoo to approve the request per staff recommendations. Ms. Humphreys seconded the motion in accordance with the staff report as presented. The motion passed 7-to-0 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Jeff Hurt (Secretary)	Yea
William Pageau	Yea
Milverton Robinson	Yea
Cathy Washington	Yea

15. **Rezoning to Planned Development-General (PD-G) Project Epsilon, DEV2020-039**

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of CRISP39-6, LLC & CRISP39-7, LLC, property owner, to rezone 65.4± acres of land, generally located northeast of the intersection of Clyde Morris Boulevard. and LPGA Boulevard, from Volusia County (VC), to Planned Development – General (PD-G), to allow for a mixed-use development.

This item was presented in conjunction with Item 14.

**Staff Presentation**

Lauren Taylor, Planner, presented the staff report which was included as part of the packet. Ms. Taylor stated the property is located on the north side of LPGA and is currently vacant and undeveloped. Ms. Taylor stated the LDC modification relates to a buffer and setbacks between the stormwater use and other uses.

Ms. Taylor stated a memorandum regarding the applicant’s response to the proposed text amendment regarding Affordable Housing is included as part of the packet.

**Applicant Presentation**

The applicant’s comments were included with Item 14.

**Citizens Comments**

There were no citizen comments.

**Board Comments**

There were no Board comments.

**Board Action**

It was moved by Mr. Barhoo to approve the request per staff recommendations, including the changes as addressed by the applicant regarding building spacing and lot coverage. Mr. Robinson seconded the motion in accordance with the staff report as presented. The motion passed 7-to-0 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Jeff Hurt (Secretary)	Yea
William Pageau	Yea
Milverton Robinson	Yea
Cathy Washington	Yea

16. **Large Scale Comprehensive Plan Amendment (LSCPA) – Project Kappa, DEV2020-046**

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of CRISP39-7, LLC, property owner, for approval of a Large Scale Comprehensive Plan Amendment, for 9.7± acres of land, generally located southeast of the intersection of Clyde Morris Boulevard and LPGA Boulevard, changing the Future Land Use Map designation from General Industrial (GI), to Mixed Use (MU); and amending the Future Land Use Element Neighborhood “K”, creating new issue (h) and policy (1) limiting commercial uses to a maximum 125,000 square feet, and 200 dwelling units.

This item was presented in conjunction with Item 17.

**Staff Presentation**

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. Mr. Gutierrez stated the property is located at the southeast

corner of Clyde Morris and LPGA and is vacant and undeveloped. Mr. Gutierrez reviewed the proposed text amendment as it relates to Neighborhood K.

**Applicant Presentation**

Rob Merrell, Cobb Cole, 149 S. Ridgewood, Daytona Beach, Florida spoke representing the applicant. Mr. Merrell stated this particular request will reduce traffic. Mr. Merrell stated if a building is constructed, the application will have to be reviewed for traffic impact analysis. Mr. Merrell stated compensating storage is not allowed in the LDC. Mr. Merrell stated the law requires that when something is built in a flood plain, compensating storage must be required in an area that is not in the flood plain.

**Citizens Comments**

There were no citizen comments.

**Board Comments**

Ms. Washington asked if there are any plans to widen LPGA.

Mr. Merrell stated the project before the Board will result in a limitation on trips and will not have an additional impact on traffic. Mr. Merrell stated when a project comes forward with an exact use, it will be analyzed to determine the need on the roadway. Mr. Merrell stated a Proportionate Fair Share Agreement will help to fund improvements to the roadway.

**Board Action**

It was moved by Mr. Barhoo to approve the request per staff recommendations. Mr. Robinson seconded the motion in accordance with the staff report as presented. The motion passed 7-to-0 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Jeff Hurt (Secretary)	Yea
William Pageau	Yea
Milverton Robinson	Yea
Cathy Washington	Yea

17. **Rezoning to Planned Development-General (PD-G) – Project Kappa, DEV2020-038**

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of CRISP39-7, LLC, property owner, to rezone 9.7± acres of land generally located southeast of

the intersection of Clyde Morris Boulevard and LPGA Boulevard, from General Industrial (M-3) to Planned Development – General (PD-G), to allow for the development of a stormwater pond.

This item was presented in conjunction with Item 16.

**Staff Presentation**

Lauren Taylor, Planner, presented the staff report which was included as part of the packet. Ms. Taylor stated the zoning request is needed to allow for a compensating storage pond and/or commercial development. Ms. Taylor stated the applicant is requesting to waive the buffer requirements and tree replacement standards.

**Applicant Presentation**

The applicant’s comments were included with Item 16.

**Citizens Comments**

There were no citizen comments.

**Board Comments**

There were no additional Board comments.

**Board Action**

It was moved by Ms. Washington to approve the request per staff recommendations. Mr. Robinson seconded the motion in accordance with the staff report as presented. The motion passed 7-to-0 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Jeff Hurt (Secretary)	Yea
William Pageau	Yea
Milverton Robinson	Yea
Cathy Washington	Yea

18. **Other Business**

- a. Downtown/Ballogh Road Redevelopment Area Board Report

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

b. Midtown Redevelopment Area Board Report

Mr. Robinson stated the Board did meet but he was unable to attend the meeting.

c. Beachside Redevelopment Area Board Report

Mr. Servance stated the Beachside Redevelopment Area Board did not meet in September.

d. Public Comments

Shawn Collins, Box 9787, Daytona Beach, Florida stated he recently sent an email to Reed Berger regarding changes he will be recommending to the Midtown Redevelopment Board regarding the Board's responsibilities. Mr. Collins stated he would like the City Commission to authorize the Chair to review and approve all agenda items prior to them being presented to the Board. Mr. Collins stated he would like the Board to review and approve the budget and all Capital Projects in the Midtown area. Mr. Collins stated he would like the Midtown Redevelopment Board to have an annual workshop to establish goals for the upcoming year. Mr. Collins stated he would like the City to establish a GIS file to show all projects that have been funded in all CRA areas throughout the City. Mr. Collins stated he would like the Planning Board's support in his efforts.

e. Staff Comments

There were no staff comments.

f. Board Member Comments

Mr. Hurt asked about Affordable Housing and stated one suggestion is donate funds to support Affordable Housing development or build additional units to be designated as Affordable Housing. Mr. Hurt stated one applicant suggested that they pay \$250 per unit to an Affordable Housing fund per house in their final plat. Mr. Hurt stated Mr. Merrell indicated that his plan did not meet the specific requirements to require Affordable Housing. Mr. Hurt stated other applications presented this evening did not address Affordable Housing. Mr. Hurt asked how this will be defined.

Mr. Gross reviewed the agenda items and stated the representative for Item 8 voluntarily agreed to contribute \$250 per unit for Affordable

Housing. Mr. Gross stated Items 11 and 12 are commercial only. Mr. Gross stated Item 13 was pulled from the agenda. Mr. Gross stated there are potentially residential uses for Items 14 and 15 since a portion of that property is zoned Mixed Use and a portion is currently zoned Agriculture. Mr. Gross stated there are no residential uses proposed for Items 16 and 17.

Mr. Hurt asked if the \$250 per unit proposed by one applicant will become part of their agreement.

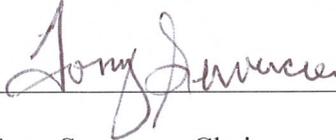
Mr. Gross stated right now there is a Planning Board recommendation for approval which must go to the City Commission for consideration. Mr. Gross stated if the application is approved, that language will be included in the PD agreement.

Mr. Hurt stated that could be set as a precedent.

Mr. Mrozek stated if the policy is adopted by the City Commission regarding Affordable Housing, future staff reports will provide information as to whether a project qualifies for the Affordable Housing requirements.

**Adjournment**

There being no further business, the meeting was adjourned.

  
\_\_\_\_\_  
Tony Servance, Chair

ATTEST:

  
\_\_\_\_\_  
Jeff Hurt, Secretary