

MINUTES

REGULAR MEETING – PLANNING BOARD

April 22, 2021

Minutes of the Regular Meeting of the Planning Board for the City of Daytona Beach, Florida, held on Thursday, April 22, 2021 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
Tony Barhoo, Vice Chair	Present
Helen Humphreys	Present
Michael McLean	Present
Cathy Washington	Present

Board Members Absent:

William Pageau	Absent
Milverton Robinson	Absent

Also Present:

Dennis Mrozek, Planning Director
Ben Gross, Deputy City Attorney
Douglas Gutierrez, Principal Planner
Rose Askew, Planning Coordinator
Paula Long, Planner
Lauren Taylor, Planner
Hannah Ward, Planner
Vanessa Trimble, Planning Technician
Becky Groom, Board Secretary

3. **Approval of the Minutes** - March 25, 2021

Approval of the Minutes of the March 25, 2021 Regular Planning Board Meeting held at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida

Mr. Barhoo asked that the minutes be corrected to reflect that he serves as Vice Chair, not Ms. Humphreys as is listed in the minutes.

It was moved by Mr. McLean to approve the minutes as corrected. Mr. Barhoo seconded the motion. The motion passed 5-to-0 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Michael McLean	Yea
Cathy Washington	Yea

4. **Summary of Public Comment Procedures**

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

New Items:

5. **Third Amendment to the First United Methodist Church Planned District (PD) Agreement – DEV2020-057**

A request by A. Joseph Posey, Esquire, Storch Law Firm, on behalf of the First United Methodist Church of Ormond Beach Inc (property owner), to amend the existing Planned District (PD) Agreement, totaling approximately 78.2± acres of land, to remove 42.2± acres of vacant, undeveloped land, for a remainder of 36± acres of land. The amendment also includes a request to extend the completion schedule for the development. The property is generally located in the northwest quadrant of the Williamson Boulevard and Strickland Range Road intersection.

Staff Presentation:

Hannah Ward, Planner, stated this item would be presented in conjunction with Item 6, Hallmark Heritage Planned Development – General (PD-G) Rezoning, DEV2020-056.

Ms. Ward stated this is a request to amend the First United Methodist Church PD to remove 42 acres of vacant and undeveloped land, leaving a remainder of 36 acres. Ms. Ward stated the request also includes an extension of the completion schedule for the development with a deadline for submittal of the site plan in 2028 and full buildout to be completed by 2041. Ms. Ward stated the request is to remove the northern half of the property from the existing PD Agreement to allow for a new Planned Development.

Mr. McLean stated it appears the Future Land Use on both pieces of property and the zoning for both parcels will be PD-G zoning so there is no distinction between

the two parcels. Mr. McLean asked why this process is being done since the same FLU and zoning will apply for the entire area.

Mr. Gross stated PD agreements are tailored to specific circumstances for a parcel of property. Mr. Gross stated sometimes the developer may want to revise the standards for a particular parcel, so it does not relate to another parcel.

Mr. Barhoo asked how many times an extension to a PD agreement can be granted.

Mr. Gross stated there is not a limit on the number of extensions that can be granted and noted staff can administratively extend a PD agreement up to one year; but anything beyond that must be approved by the City Commission.

Mr. McLean stated the applicant has not completed the development over the last 20 years; and now the request is to grant another seven-year extension. Mr. McLean stated he does not see where there is a public benefit to extend the agreement.

Applicant Presentation:

Joey Posey, Storch Law Firm, 420 S. Nova Road, Daytona Beach, Florida, spoke representing the applicant. Mr. Posey stated the applicant has an opportunity to develop the northern piece and the developer is ready to move forward. Mr. Posey stated the applicant is planning on placing a medical village on this site since the property is close to other medical services.

Mr. Barhoo stated he is concerned about the number of modifications requested and putting a larger structure on a smaller lot. Mr. Barhoo stated having buildings closer to each other concerns him and feels it may affect the crime rate.

Mr. Posey stated a lot of what is proposed is market driven. Mr. Posey stated a lot of people want less lawn area to maintain and would rather enjoy the amenities in a development. Mr. Posey stated smaller lots does not necessarily mean there will be more lots with smaller homes on them but could mean there are more open spaces and other amenities. Mr. Barhoo stated we are in a pandemic and are telling people to keep their distance, yet we are proposing to have them live closer together.

Ms. Humphreys stated she is concerned about the cost of the homes and whether people will be able to afford them.

Mr. Posey stated the plan is to have a community that reflects the need to connect medical and commercial needs to a residential community.

Ms. Washington stated she is concerned about the maximum lot coverage.

Mr. Posey stated he is willing to revisit and look into the maximum lot coverage if that is the direction of the Board.

Mr. McLean stated the property has not been developed for 21 years and stated he does not see a medical village as a compelling public need. Mr. McLean stated perhaps the applicant should look for something that may be a public need in that area. Mr. McLean stated there is a concern in the LPGA area due to the large number of developments about cell phone transmission and additional cell towers will be needed. Mr. McLean stated those are the types of discussions that should be held with developers. Mr. McLean stated there should be a way for the developer to say here is what we are asking of you and this is what we are willing to give back to you to get what we want.

Mr. Posey stated he would be happy to look into that because there will be a growing need and to see if there is any way the developer can help. Mr. Posey stated he is here representing the church property as well as the developer; and although he cannot address what has happened with the lack of development over the last 20 years, he is here representing someone who is willing to get started.

Mr. McLean stated perhaps the seven-year construction deadline for the 1st United Methodist Church PD could be reduced and could be completed in a more reasonable amount of time. Mr. McLean stated he is concerned that nothing has happened on the southern tract and there have been no consequences and the agreement continues to be extended.

Mr. Posey stated he would be happy to present a reduction in time for the extension of the PD on the southern parcel to the property owners. Mr. Posey noted both applications have to proceed simultaneously and he does not want to hold up the portion that is ready to be developed but he would be happy to discuss the southern tract and the other items discussed by the Board with the property owner.

Public Comments:

There were no public comments.

Board Action:

Mr. Barhoo made a motion to approve Item 5, Third Amendment to the First United Methodist Church Planned District (PD) Agreement – DEV2020-057 and Item 6, Hallmark Heritage Planned Development – General (PD-G) Rezoning, DEV 2020-056, in accordance with the staff reports as presented. Ms. Humphreys seconded the motion. The motion carried 3-to-2 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Nay
Michael McLean	Yea
Cathy Washington	Nay

6. **Hallmark Heritage Planned Development – General (PD-G) Rezoning - DEV2020-056**

A request by A. Joseph Posey, Esquire, Storch Law Firm, on behalf of First United Methodist Church of Ormond Beach Inc (property owner) to rezone 42.2± acres of the property subject to the First United Methodist Church PD to a new Planned Development, to allow for a mixed-use development to include a variety of residential, medical, and limited commercial uses. The property is generally located on the west side of Williamson Boulevard, north of Strickland Range Road, approximately 750 feet southeast of the intersection of Memorial Medical Parkway and Williamson Boulevard.

Staff Presentation:

Hannah Ward, Planner, presented the staff report which was included as part of the packet. Ms. Ward stated the request is to rezone the proposed development to allow for development of residential, medical, and limited commercial uses. Ms. Ward stated this property is the northern half of the First United Methodist Church PD. Ms. Ward stated the property is currently vacant and undeveloped and will consist of 42.2 acres. Ms. Ward stated the applicant has requested modifications to the setback requirements for the proposed residential uses within the development.

Public Comments:

There were no public comments.

Board Action:

Action on this item was included with Item 5.

7. **Clyde Morris Landings – Preliminary Plat - DEV2020-124**

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Northern Investment Partners LLC and Clyde Morris Commercial to approve a 37.9± acre Preliminary Plat to allow a mixed use development generally located on North Clyde Morris Boulevard approximately 2000 feet south of LPGA Boulevard.

Staff Presentation:

Harley Davis, Planner, presented the staff report which was included as part of the packet. Ms. Davis stated this project is located on the east side of North Clyde Morris and south of LPGA and is currently under construction. Ms. Davis stated this is a request to approve the Preliminary Plat.

Applicant Presentation:

Jessica Gow, Cobb Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida spoke representing the applicant. Ms. Gow stated the site is under construction and this request is to plat the property in accordance with City procedures.

Mr. McLean asked if the applicant has completed other projects in the City.

Ms. Gow stated the applicant is an affiliate of Atlantic Housing.

Public Comments:

There were no public comments.

Board Action:

Mr. McLean made a motion to approve Clyde Morris Landings – Preliminary Plat - DEV2020-124, in accordance with the staff report as presented. Mr. Barhoo seconded the motion. The motion carried 5-to-0 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Michael McLean	Yea
Cathy Washington	Yea

8. **Hand Avenue – Large Scale Comprehensive Plan Map Amendment (LSCPA) - DEV2021-023**

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of CRISP39-6, LLC, property owner, for approval of a Large Scale Comprehensive Plan Amendment changing the Future Land Use Map designation for 4.9± acres from Volusia County Commercial (C) and 17.3± acres from Urban Medium Intensity (UMI) (22.2± total acres) to City Level 2 Residential (L2R).

(Request to continue to the 5/27/2021 Planning Board Meeting)

Board Action:

A motion was made by Mr. McLean to continue Hand Avenue – Large Scale Comprehensive Plan Map Amendment (LSCPA) – DEV2021-023 to the May 27, 2021 Planning Board Meeting. Ms. Washington seconded the motion. The motion carried 5-0 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Michael McLean	Yea
Cathy Washington	Yea

9. **Masonova Commerce Park – Large Scale Comprehensive Plan Map Amendment (LSCPA) - DEV2021-012**

A request by Harry Newkirk, of Newkirk Engineering Inc., on behalf of Masonova LLC and The City of Daytona Beach Planning Division, on behalf of the City of Daytona Beach, to approve a Large Scale Comprehensive Plan Map Amendment, changing the Future Land Use Map designation for 3.4± acres of land from Level 1 Residential (L1R) to Retail; 2.4± acres of land from Level 2 Residential (L2R) to Retail; 2.9 acres from Level 2 Residential (L2R) to Park/Recreation (P/R); and 5.9 Acres from Level 1 Residential (L1R) to Park/Recreation (P/R). Total acreage included in the LSCPA request is 14.6± acres of land.

Staff Presentation:

Doug Gutierrez, Principal Planner, stated this item will be presented in conjunction with Item 10, Masonova Commerce Park – Planned Development-General (PD-G) – Rezoning and Preliminary Plat – DEV2018-055 and DEV2019-048. Mr. Gutierrez stated an application was submitted for a Small-Scale Comprehensive Plan Amendment to correct inconsistencies between the residential Future Land Use and the current non-residential zoning and existing uses. Mr. Gutierrez stated staff expanded the application to include the Rufus G. Young Jr. park to the south and properties located west and adjacent to Masonova that currently have existing commercial uses and zoning. Mr. Gutierrez stated the expansion exceeds 10 acres which now qualifies this application as a Large-Scale Comprehensive Plan Amendment. Mr. Gutierrez stated the current FLU has been in place since the 1990’s and may have been in place through an error.

Applicant Presentation:

The applicant’s presentation is included as part of Item 10.

Public Comments:

Public comments are included under Item 10.

Board Action:

Board action is noted under Item 10.

10. **Masonova Commerce Park – Planned Development-General (PD-G) – Rezoning and Preliminary Plat – DEV2018-055 and DEV2019-048**

A request by Bradley D. Bauknecht, P.E., Newkirk Engineering Inc., on behalf of Masonova LLC and 1011 Mason LLC (property owner), for approval of the Amended and Restated Masonova Commerce Park Planned Development to redevelop the existing shopping center located at 1021 Mason Avenue to include additional building area and uses; façade, parking, and landscaping upgrade; and to incorporate the property located at 1011 Mason Avenue. This request also includes a Preliminary Plat for the Masonova Commerce Park Subdivision.

This item was presented in conjunction with Item 9, Masonova Commerce Park – Large Scale Comprehensive Plan Map Amendment (LSCPA) - DEV2021-012.

Staff Presentation:

Hannah Ward, Planner, presented the staff report which was included as part of the packet. Ms. Ward stated the parcels are non-contiguous on the south side of Mason Avenue. Ms. Ward stated there are a number of businesses in the shopping center, including a private school, a probation/parole office, a bingo hall, an outdoor storage facility for boats and RVS, and a self-storage facility, but the bank building is vacant. Ms. Ward stated the bank building will remain but will be redeveloped as a self-storage facility. Ms. Ward stated the applicant proposes to upgrade the landscaping and will add compliant landscaping along Mason Avenue. Ms. Ward stated modifications are also requested for parking and signage.

Mr. McLean stated he is concerned there is a parole and probation office at this location within a retail environment.

Mr. Servance stated there are two offices, one at each end of the shopping center, and have been at that location for quite a while.

Mr. Barhoo stated he is glad to see that something is being done to improve this area but is concerned about the number of modifications requested. Mr. Barhoo stated he is also concerned about the number of storage facility sites in the area, noting there are a number of storage facilities along Mason Avenue.

Ms. Ward stated this project has been under staff review since 2018. The applicant is trying to retrofit this property to current Land Development Code requirements *to the greatest extent practicable*.

Ms. Humphreys expressed concern about the height of the signs.

Applicant Presentation:

Andy Clark, President and CEO of All Aboard Storage, stated he is the owner of the subject property. Mr. Clark stated he is excited to upgrade the property. Mr. Clark stated that All Aboard Storage is the largest owner and operator of self-storage facilities in East Central Florida and occupancy in self-storage facilities has never been as high as it is right now. Mr. Clark stated that the probation/parole offices and the motorcycle training are no longer located at this site. Mr. Clark stated he will be submitting an application for a business incubator office in the space that has been vacated by one of the probation/parole offices. Mr. Clark stated a school is interested in locating in the space occupied by the second probation/parole office, and that tenant has submitted a BTR application. Mr. Clark stated Precision Flooring is the main tenant at the shopping center. Mr. Clark stated he is trying to acquire the convenience store site that is located on the property.

Mr. McLean stated he is concerned about the number of storage facilities in the area and is concerned about the request to reduce the number of parking.

Ms. Ward stated the application meets code requirements for parking with the inclusion of the compact parking spaces.

Public Comments:

Marsha Johnson, Esq., 412 N Halifax, Daytona Beach, Florida, spoke representing an adjacent property owner, James Imsais, who owns the convenience store at 1027 Mason Avenue, Daytona Beach, Florida. Ms. Johnson stated Mr. Imsais is opposed to the building of the additional storage units. Ms. Johnson stated removal of the access road, Hamilton Court, is part of the proposed storage facility development. Ms. Johnson stated the majority of Mr. Imsais' customers use Hamilton Court to access his business as well as delivery trucks. Ms. Johnson stated removal of the access point will detrimentally affect his business. Ms. Johnson has a petition signed by many of Mr. Imsais' customers who use the access road. Mr. Imsais has also prepared a binder with photos.

Mr. Imsais stated he has a number of petitions signed by his customers that access his business from Nova Road to Hamilton Court and then into his business.

Mr. Imsais stated there is a lot of traffic congestion in the area and traffic backs up due to the traffic light at Nova Road. Mr. Imsais stated he also has safety concerns.

Ms. Humphreys requested to see an aerial showing the location of the access road.

Ms. Ward stated the City's maps do not reflect that Hamilton Court right-of-way has been vacated but the survey reflects that the right-of-way was vacated so it is part of the Masonova property.

Mr. Servance asked who owns Hamilton Court.

Ms. Ward stated it is private property owned by Masonova Commerce Park.

Mr. Servance asked if the developer plans to block access along Hamilton Court.

Mr. Ward stated the private drive aisle within the development will be removed as well as the access point.

Mr. Gross stated he does not have enough information to address some of the legal concerns. Mr. Gross stated staff is relying on a survey to reach the conclusion that the Hamilton Court property is owned entirely by the Masonova Commerce Park. Mr. Gross stated if the road was platted and the Masonova property as well as the convenience store were part of that plat, it is possible that the convenience store has taken title to the eastern half of the right-of-way. Mr. Gross stated that if the road represents the eastern edge of the plat with the Masonova property, then Masonova would have taken ownership of the entire right-of-way. Mr. Gross stated if the site plan the Board is reviewing tonight shows an encroachment on the gentleman's property, that would have to be revised. Mr. Gross stated if the property has been vacated and the property now belongs to Masonova, he does not know if the gentleman could claim a private easement over what has been vacated. Mr. Gross stated the city does not enforce private agreements, including private easements. Mr. Gross stated reserve a portion of the Masonova property to provide access to the neighbors could represent an exaction by the City and Mr. Gross stated it is within the City's purview to impose reasonable conditions in exchange for the modifications being requested.

Mr. Clark stated his attorney, Jeff Brock, did a title search on the vacation of Hamilton Court and that recorded document could be provided to the City. Mr. Clark noted the convenience store does have two other access points on Mason to the east of the vacated Hamilton Court.

Ms. Ward stated the Hamilton Court issue was brought up early in the 2018 review of the project and the right-of-way issue was resolved and the documents clearly reflect the vacation.

Mr. Barhoo asked if the gas station could continue to function with the two access points.

Mr. Mrozek stated yes.

Mr. Gross stated if the right- of-way still exists, nothing in the proposed PD agreement would have the effect of vacating the right-of-way. Mr. Gross stated the attorney and surveyors have concluded that the right-of-way does flow to the Masonova property owner.

Mr. Mrozek provided Mr. Gross with a copy of the title opinion prepared by Jeff Brock, Esq., dated March 13, 2019. Mr. Gross stated the letter states that Hamilton Court was vacated; and when that happened, the easterly side of the right-of-way went to the gas station and the westerly side went to Masonova; however, in May, 1969, a previous owner, Reid Hughes, conveyed their portion of the Hamilton Court right-of-way to the prior owner of Masonova. Mr. Gross stated Mr. Brock's letter is lengthy regarding the chain of title for the right-of-way and he will have to review it further.

Mr. McLean asked Mr. Clark if the issue is not resolved, would this right-of-way issue be a deal-breaker for him.

Mr. Clark stated yes it is and he would like to have a vote tonight. Mr. Clark stated when you vacate a street, each neighbor gets half of the right-of-way; but the gas station owner sold his half interest to Masonova. Mr. Clark stated the title search indicates Masonova owns the entire vacated street.

Mr. McLean stated he feels the Board needs to give all parties more time to research this issue so the Board can make an informed decision.

Mr. Gross stated there is no question that Hamilton Court was vacated in 1969. Mr. Gross stated City Resolution 69-43 vacated Hamilton Court. Mr. Gross stated Mr. Brock's letter concludes based on the chain of title that the gas station was conveyed after the vacation and that a later conveyance of the gas station excluded the eastern portion of the vacated right-of-way. Mr. Gross stated, based on that, the current owner did not acquire an interest in the right-of-way. Mr. Gross stated the copy of Mr. Brock's letter that has been circulated does not include all of the documentation regarding the chain of title and the letter indicates it would be provided under a separate attachment; however, Mr. Gross does not have that information at this time but could request it from Mr. Brock.

Mr. Gross asked Mr. Clark if he objects to continuing the item to the May 27, 2021 Planning Board meeting.

Mr. Clark stated that is fine.

Mr. Gross asked staff if they objected to postponing this item.

Mr. Mrozek stated he was not opposed to continuing these items.

Mr. Mrozek stated that he recommends continuing both the Large-Scale Comprehensive Plan Amendment and PD Rezoning applications.

Mr. Servance asked Ms. Johnson and Mr. Insus if they are opposed to continuing this item.

Ms. Johnson stated she had no objection.

Mr. Imsais stated he has over 500 photos and petitions for the Board to review.

Mr. Gross stated the documents could be left with the Board's clerk so they can be copied and provided to the Board and Mr. Clark as well. Mr. Gross stated there is a concern about the expense and time that would be taken to prepare the copies of Mr. Imsais' documents by Staff.

Ms. Johnson stated there are photos of delivery trucks using the access, photos of customers using the access, photos of the traffic congestion, and petitions from customers as well as a personal statement from Mr. Imsais regarding the adverse effect the proposed closure of the existing southerly access point will have on his business.

Mr. Gross asked Ms. Johnson if she plans on submitting that documentation into the record.

Ms. Johnson stated yes.

Mr. Gross stated if it is burdensome for staff to prepare the copies, the applicant could be asked to provide the copies they would like distributed to the Board.

Mr. Mrozek asked that Ms. Johnson provide the copies to staff who will distribute the copies to the Board. Mr. Mrozek stated he would need the copies two weeks prior to the next meeting.

Mr. Gross requested than an extra copy also be provided for the Masonova property owner.

Board Action:

Mr. McLean made a motion to continue Item 9, Masonova Commerce Park – Large Scale Comprehensive Plan Map Amendment (LSCPA) - DEV2021-012, and Item 10, Masonova Commerce Park – Planned Development-General (PD-G) – Rezoning and Preliminary Plat – DEV2018-055 and DEV2019-048, to the May

27, 2021 Planning Board Meeting. Ms. Humphreys seconded the motion. The motion carried 5-0 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Michael McLean	Yea
Cathy Washington	Yea

11. **Neighborhood F – Large Scale Comprehensive Plan Text Amendment (LSCPA) - DEV2021-033**

A request by The Development and Administrative Services, Planning Division to approve a Large Scale Comprehensive Plan Amendment, amending the Future Land Use Element Neighborhood “F”, removing issue (b), Policy (1) prohibiting retail uses on properties adjacent to South Ridgewood Avenue in Neighborhood “F” Development Area.

Staff Presentation:

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. Mr. Gutierrez stated currently there is a restriction in Neighborhood “F” prohibiting retail uses along S. Ridgewood from South Street to Wilder. Mr. Gutierrez stated this language creates a roadblock to potential uses and current businesses along this corridor are considered non-conforming. Mr. Gutierrez stated the proposed amendment would remove that prohibition.

Public Comments:

There were no public comments.

Board Action:

Mr. Barhoo made a motion to approve Neighborhood F – Large Scale Comprehensive Plan Text Amendment (LSCPA) – DEV2021-033, in accordance with the staff report as presented. Mr. McLean seconded the motion. The motion carried 5-to-0 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Michael McLean	Yea
Cathy Washington	Yea

12. **Land Development Code Text Amendment - BOA Quorum - DEV2021-042**

A request by the Development and Administrative Services Department, Planning Division, to amend Article 2, Section 2.5.I. of the Land Development Code (LDC), to amend the quorum and necessary vote requirements for the Board of Adjustments.

Staff Presentation:

Rose Askew, Planning Coordinator, presented the staff report which was included as part of the packet. Ms. Askew stated there have been difficulties in meeting the quorum requirements for the Board of Adjustments. She stated, currently, there is a requirement that the quorum for the Board of Adjustments is five members and no official action can be conducted without having five members in attendance. She stated staff reviewed quorum requirements for other City Boards and no other Board with seven members has a five-member requirement to provide a quorum. Ms. Askew stated the quorum requirement can create a hardship for an applicant who may need a variance approved to proceed with a project. She stated the quorum requirement is also an issue when there are vacancies on the Board.

Dennis Mrozek, Planning Director stated the draft text amendment language in the PowerPoint presentation was different from the language in the staff report. He asked Ben Gross, Deputy City Attorney to determine which language should be used moving forward.

Mr. Gross stated he was not aware the language had been changed from what was in the staff report and from reading the text in the PowerPoint presentation and the staff report, he felt the language in the staff report was clearer. He stated the text amendment will give the Board the ability to act on items when there are fewer than five members present at the meeting or appointed by the City Commission. The quorum would consist of the greater of three members or the majority that is appointed. Mr. Gross stated if there was a situation where only four members appointed and three positions were vacant, the quorum would consist of 3 members. He stated if there were five or six members present, the quorum would be five members. He stated one of the reasons there is an issue with the Board having a quorum is the City is having difficulty in finding people who are willing to serve on the Board.

Public Comments:

There were no public comments.

Board Action:

Mr. Barhoo made a motion to approve Land Development Code Text Amendment – BOA Quorum – DEV2021-042, in accordance with the staff report as presented. Ms. Humphreys seconded the motion. The motion carried 4-to-1 with the breakdown as follows:

Tony Servance, Chair	Yea
Helen Humphreys, Vice Chair	Yea
Tony Barhoo	Yea
Michael McLean	Yea
Cathy Washington	Nay

13. **Other Business**

a. Downtown/Balough Road Redevelopment Area Board Report

Ms. Washington stated the Board met on April 6, 2021 and stated almost all Board members are new to the Board. Ms. Washington stated Pete Zahn was voted Chair and Ken Hunt was voted Vice Chair. Ms. Washington stated Reed Berger, Redevelopment Director, provided Board orientation.

b. Midtown Redevelopment Area Board Report

Mr. Robinson was not in attendance to provide a report to the Board.

c. Beachside Redevelopment Area Board Report

Mr. Servance stated the Board did not meet in April.

d. Public Comments

John Nicholson, 413 N. Grandview, Daytona Beach, Florida, spoke about the vacation of right-of-way for Items 9 and 10 and affordable housing.

e. Staff Comments

There were no staff comments.

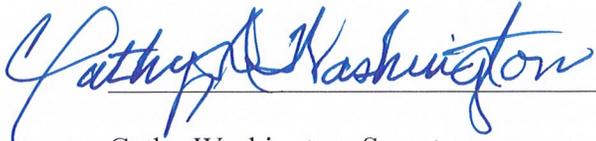
f. Board Comments

There were no Board comments.

There being no further discussion, the meeting was adjourned.

A handwritten signature in blue ink, appearing to read "Tony Servance", written over a horizontal line.

Tony Servance, Chair

A handwritten signature in blue ink, appearing to read "Cathy Washington", written over a horizontal line.

Cathy Washington, Secretary