

MINUTES

REGULAR MEETING – PLANNING BOARD

May 27, 2021

Minutes of the Regular Meeting of the Planning Board for the City of Daytona Beach, Florida, held on Thursday, May 27, 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
Milverton Robinson	Present (arrived at 6:05 p.m.)
Cathy Washington	Present

Board Members Absent:

William Pageau	Absent
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Also, Present:

Dennis Mrozek, Planning Director
Ben Gross, Deputy City Attorney
Douglas Gutierrez, Principal Planner
Paula Long, Planner
Steven Bapp, Planner
Hannah Ward, Planner
Vanessa Trimble, Planning Technician
Becky Groom, Board Secretary

3. **Approval of the Minutes** - April 22, 2021

Approval of the Minutes of the April 22, 2021 Regular Planning Board Meeting held at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida

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

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

New Items:

4. **Latitude at Daytona Beach Phase 7 – Major Subdivision Preliminary Plat – DEV2021-037**

A request by Cameron Houmann, Donald W. McIntosh Associates, Inc. on behalf of Minto Communities LLC, to approve the Preliminary Plat for Phase 7 of the Latitude Margaritaville subdivision, an age-restricted community, to develop 583 single family lots on 296.7± acres of land. The property is generally located 0.5 miles west of Interstate-95 (I-95), north of and adjacent to Tournament Drive, and north/northwest of and adjacent to LPGA Boulevard.

Mr. Robinson arrived for the meeting at 6:05 p.m.

Staff Presentation:

Steven Bapp, Planner, presented the staff report which was included as part of the packet. Mr. Bapp stated staff has determined the project is consistent with the approved Planned Development Agreement. Mr. Bapp stated the plan is to develop 583 single family lots.

Mr. McLean noted there will be 239 single-family homes that will be part of this project.

Applicant Presentation:

John Townsend, Donald W. McIntosh Associates, 2200 Park Avenue, Winter Park, Florida stated he was available to answer any questions on behalf of the applicant.

Public Comments:

There were no public comments.

Board Action:

Mr. Barhoo made a motion to approve Latitude at Daytona Beach Phase 7 – Major Subdivision Preliminary Plat – DEV2021-037, in accordance with the staff report as presented. Mr. McLean seconded the motion. The motion carried (6-0) with the breakdown as follows:

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

5. **Project Zeta – Large Scale Comprehensive Plan Map Amendment (LSCPA) – DEV2020-047**

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Lamms Investments LLC, for approval of a Large-Scale Comprehensive Plan Amendment (LSCPA), changing the Future Land Use Map for 5.3± acres from Level 1 Residential (L1R), 10.9± acres from Level 2 Residential (L2R), and 7.0± acres from Office Transition (OT), to Mixed Use (MU) (total of 23.2±) acres; and amending Future Land Use Element Neighborhood “U”, creating a new issue (M) limiting the 23.2± acres to a maximum of 95,000 square feet for nonresidential development and residential density to a maximum of 300 multifamily units or 100 townhome units. The property is generally located approximately 2,500 feet northeast of the intersection of West International Speedway Boulevard and LPGA Boulevard.

This item was presented in conjunction with Item 6, Project Zeta – Planned Development-General (PD-G) Rezoning – DEV2020-037.

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 northeast of International Speedway Blvd. and LPGA and consists of 23.2 acres. Mr. Gutierrez stated that staff finds the Large-Scale Comprehensive Plan Amendment consistent with the Comprehensive Plan, does not represent urban sprawl, and the city has the capacity to serve the demand on available roads, water, and sewer.

Applicant Presentation:

The applicant’s presentation was included under Item 6.

Public Comments:

Public comments were included under Item 6.

Board Action:

Mr. Barhoo made a motion to approve Project Zeta – Large Scale Comprehensive Plan Map Amendment (LSCPA) – DEV2020-047, in accordance with the staff report as presented. Mr. McLean seconded the motion. The motion carried (6-0) with the breakdown as follows:

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

6. **Project Zeta – Planned Development-General (PD-G) Rezoning – DEV2020-037**

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Lamms Investments LLC, to rezone 23.2± acres of property, from Single Family Residential-5 (SFR-5) to Planned Development – General, to allow for a mixed-use development, including residential, commercial, office and compensatory storage as a principal use.. The property is generally located approximately 2,500 feet northeast of the intersection of West International Speedway Boulevard and LPGA Boulevard.

This item was presented in conjunction with Item 5, Project Zeta – Large Scale Comprehensive Plan Map Amendment (LSCPA) – DEV2020-047.

Staff Presentation:

Hannah Ward, Planner, presented the staff report which was included as part of the packet. Ms. Ward stated the property is currently vacant and undeveloped. Ms. Ward stated LDC modifications include setbacks, landscaping, and compensatory storage.

Mr. Barhoo asked about the LDC modifications proposed for the project. Mr. Barhoo stated he feels applicants should be required to meet the Code and build within those guidelines. Mr. Barhoo stated he feels the developments are too crowded and is concerned about the setbacks between properties.

Ms. Humphreys expressed concern about the water supply to serve future development and saltwater intrusion. Ms. Humphreys asked if this will be a gated community.

Ms. Ward stated the applicant has not identified the project as gated, noting the project is designed for multi-family and townhomes. Ms. Ward stated the Utilities Department reviews the plans to ensure they can accommodate the demand proposed for the development. Ms. Ward stated the applicant is required to comply with the Land Development Code's open space requirements.

Applicant Presentation:

Jessica Gow, Cobb Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida spoke representing the applicant. Ms. Gow stated the project will reduce the allowed development by 240 homes and 800,000 s.f. of commercial development. Ms. Gow stated the reduction will decrease potential traffic on the roadways. Ms. Gow stated the Code requires 15 ' 6" setback and the applicant is proposing a 15' setback. Ms. Gow noted the site includes 10 acres for wetlands.

Mr. Robinson asked about the wildlife in the area.

Ms. Gow stated the LDC requires a habitat review.

Mr. McLean stated he understands the development plan is not in place; however, he would like to suggest the applicant make sure the development has adequate parking and would like to suggest the applicant consider including a telecommunications tower for the expanded use of cell phones in the area. Mr. McLean asked how close the Integrated project is to this development.

Ms. Gow stated the Integrated project wraps around the proposed development.

Mr. Robinson asked about the availability of public transportation.

Ms. Gow stated there are no plans for public transportation at the moment but there is no opposition to a public transportation stop and will note the city is interested in public transportation for the area.

Mr. Robinson asked if the development would include affordable housing.

Ms. Gow stated there are no plans for the development of the site yet.

Public Comments:

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida stated she would like to see tree replacements in the PD. Ms. Ruby stated if Votran does have a stop there, she would like included in the PD that the developer will provide a covered bus bench.

Ms. Gow stated the waiver for tree preservation only applies in the area where the compensating storage facility is on site and noted the LDC requires 15% tree preservation.

Board Action:

Ms. Washington made a motion to approve Project Zeta – Planned Development-General (PD-G) Rezoning – DEV2020-037, in accordance with the staff report as presented. Ms. Humphreys seconded the motion. The motion carried (5-1) with the breakdown as follows:

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

7. **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, 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). The property is located on the northeast intersection of Williamson Boulevard and Hand Avenue.
Continued from the April 22, 2021 Planning Board meeting.

Staff Presentation:

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. Mr. Gutierrez stated the request is to add two parcels that currently have Volusia County land use designation. Mr. Gutierrez stated the property is located at Hand and Mason and is currently undeveloped.

Mr. McLean asked who owns the property between the two parcels.

Mr. Gutierrez stated the same property owner owns that section of land and this Amendment will make the land use consistent on all parcels.

Applicant Presentation:

Rob Merrell, Cobb Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida spoke representing the applicant. Mr. Merrell stated the zoning is in place on the property but never had the city's land use designation applied.

Public Comments:

There were no public comments.

Board Action:

Mr. Barhoo made a motion to approve Hand Avenue – Large Scale Comprehensive Plan Map Amendment (LSCPA) – DEV2021-023, in accordance with the staff report as presented. Mr. McLean seconded the motion. The motion carried (6-0) with the breakdown as follows:

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

8. **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. Continued from the April 22, 2021 Planning Board meeting.

Staff Presentation:

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. Mr. Gutierrez stated the City added onto this amendment since it was determined there were inconsistencies in the area.

Ms. Washington asked if the discrepancy on the right-of-way issue that was presented at the April meeting has been resolved.

Mr. Gutierrez stated the right-of-way issue relates to rezoning and this request clarifies land uses.

Mr. Mrozek stated the rezoning will be coming back to the Planning Board; however, the applicant wants to make a change, so staff asked him to make the change prior to bringing the item back to the Planning Board. Mr. Mrozek stated

the gentleman who was concerned about the right-of-way issue provided information to staff and that will be included as part of the packet when the item is presented.

Mr. McLean asked why this item is being presented now and not concurrently with the rezoning.

Mr. Mrozek stated the site is developed and this will bring the property into compliance with the uses on the site. Mr. Mrozek stated this is a commercial development and should have a commercial land use on it. Mr. Mrozek stated when the applicant presented the proposed land use, the staff determined it was a good opportunity to expand the land use and include some of the city's adjacent property.

Mr. McLean stated he had concerns that moving this item forward may give the perception that concerns of the adjacent property owner are being dismissed.

Mr. Mrozek stated this item does not approve or authorize anything in the other application.

Ben Gross, Deputy City Attorney, stated the map which is included in the agenda packet does not indicate whether the roadway extends to any part of this area; and if it does, it would only be the northeast corner of the area that is being changed as far as language.

Mr. Barhoo asked about the park that is in the middle of a commercial area.

Mr. Mrozek stated the property is an existing city park that is a stormwater pond that has a walking area and benches around it.

Public Comments:

There were no public comments.

Board Action:

Mr. Barhoo made a motion to approve Masonova Commerce Park – Large Scale Comprehensive Plan Map Amendment (LSCPA) – DEV2021-012, in accordance with the staff report as presented. Mr. McLean seconded the motion. The motion carried (6-0) with the breakdown as follows:

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

9. **Land Development Code Text Amendment Temporary Outside Activities – DEV2021-053**

A request by the Development and Administrative Services Department, Planning Division, to amend Article 5, Section 5.4.C.11 of the Land Development Code to modify the use standards for Temporary Outside Activities Associated with a Festival; and amending Article 10, Section 10.4.B to modify the criteria for remedies and penalties for properties that violate the regulations and conditions in Section 5.4.C.11.

Staff Presentation:

Mr. Mrozek stated this is a request to modify the use standards for outside activities. Mr. Mrozek stated the current regulations in the Land Development Code do not align with city practices for processing outside activities associated with a festival, such as Bike Week and Biketoberfest. Mr. Mrozek stated the appeal process will change on a denial and will allow an appeal to the City Commission as opposed to going to the Magistrate.

Mr. Gross stated the LDC states that if an application is denied holding outside activities, it can be waived by the Magistrate; however, in practice, the approval of outside activities for major events is done at the City Commission level.

Mr. Mrozek stated the current Code requires a three-year penalty for someone that is in violation and the amendment will reduce the penalty to one year.

Mr. Gross stated included in the packet is the current ordinance which was adopted in 2002 and attachment B reflects the proposed changes.

Public Comments:

Sandy Murphy, 136 Park Avenue, Daytona Beach, Florida stated her concern is that the proposed change does not address the habitual offender or someone who lets their property deteriorate and then cleans it up prior to submitting an application for the next event. Ms. Murphy stated she would like to see the language changed so that the products that are sold are the same as the principal use in the store. Ms. Murphy stated there are a number of vacant lots that do not meet these standards that are used routinely for parking for special events.

Mr. Gross stated Temporary Promotional Activity is not being changed by this amendment and is found in a different section of the Land Development Code. Mr. Gross stated Temporary Promotional Activity allows retail businesses to sell things that are normally sold within the store outside for a specific number of days.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida stated the document needs to be more stringent to be effective. Ms. Ruby stated the amendment talks about LDC standards but does not address Redevelopment Standards. Ms. Ruby stated the Redevelopment Standards are not being addressed and that document should be added to the amendment. Ms. Ruby encouraged the Board to vote no on this amendment. Ms. Ruby stated there are standards for parking in vacant lots and they are not being enforced.

Mr. Servance stated the owners do capitalize on the vacant lots and the city should hold them to a standard of compliance.

Mr. Gross stated the Planning Board could vote to send the document forward to the City Commission with suggested changes or send it back to staff to reflect the items that have been discussed.

Board Action:

A motion was made by Mr. Barhoo to approve Land Development Code Text Amendment Temporary Outside Activities – DEV2021-053, as presented. Ms. Washington seconded the motion. The motion failed (1-5) with the breakdown as follows:

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

A motion was made by Ms. Humphreys to table Land Development Code Text Amendment Temporary Outside Activities – DEV2021-053 and ask staff to bring back a revised document that would reflect the items discussed by the Planning Board. Mr. McLean seconded the motion. The motion carried (6-0) with the breakdown as follows:

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

10. **Maley and Windsor Apartments – Public Use Permit– DEV2021-061**

A request by The City of Daytona Beach Planning Department, on behalf of the Daytona Beach Housing Authority, for approval of a Public Use Permit (PUP) to allow the Daytona Beach Housing Authority's Maley and Windsor Apartments to continue to operate as a legal conforming development, in conjunction with the Housing Authority's Windsor & Maley Towers RAD Project.

Staff Presentation:

Hannah Ward, Planner, presented the staff report which was included as part of the packet. Ms. Ward stated the properties are fully developed and in operation. Ms. Ward stated the structures are legal non-conforming since they were developed prior to the current Land Development Code. Ms. Ward stated the Housing Authority is looking to do improvements to the site for safety purposes. Ms. Ward stated the City Commission approved bond financing to allow for the improvements. Ms. Ward stated the lender for the Housing Authority requires the structures to be legal conforming to utilize the bond financing. Ms. Ward stated the Public Use Permit will allow the applicant to memorialize the existing site conditions for completion of the improvements. Ms. Ward stated Land Development Code modifications include setbacks, parking, and density.

Mr. Gross stated the financing will be used for internal improvements, with the exception of the addition of a one-story meeting space/emergency staging area for the benefit of the residents which are predominantly disabled and elderly. Mr. Gross stated the addition was approved by the Board of Adjustment at its meeting on May 20, 2021.

Mr. McLean asked why this item is an emergency and was added to the agenda this evening.

Mr. Gross stated the project is on a schedule and, if not approved, the financing could be in jeopardy.

Public Comments:

There were no public comments.

Board Action:

Mr. Barhoo made a motion to approve Maley and Windsor Apartments – Public Use Permit– DEV2021-061, in accordance with the staff report as presented. Ms. Humphreys seconded the motion. The motion carried (6-0) with the breakdown as follows:

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

11. **Other Business**

a. Downtown/Ballogh Road Redevelopment Area Board Report

Ms. Washington stated the Downtown/Ballogh Road Redevelopment Area Board did not meet in May.

b. Midtown Redevelopment Area Board Report

Mr. Robinson stated he did not attend the Midtown Redevelopment Area Board meeting in May.

c. Beachside Redevelopment Area Board Report

Mr. Servance stated the Beachside Redevelopment Area Board did meet but there were no items on the agenda other than staff reports.

d. Public Comments

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida, apologized to Mr. Gross for her comments during an earlier discussion and stated she feels Mr. Gross does an amazing job in providing legal support to the Boards.

e. Staff Comments

Mr. Mrozek advised the Board that the seminar planned in New Smyrna Beach regarding Growth Management is full. Mr. Mrozek stated he will ask to see if another seminar will be planned or if he may obtain a recording of the seminar.

f. Board Member Comments

There were no Board comments.



Tony Servance, Chair



Cathy Washington, Secretary