

MINUTES

REGULAR MEETING – PLANNING BOARD

July 22, 2021

Minutes of the Regular Meeting of the Planning Board for the City of Daytona Beach, Florida, held on Thursday, July 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. Barhoo, Vice Chair, called the meeting to order.

2. **Roll Call**

Tony Servance, Chair	Present (arrived at 6:20 p.m.)
Tony Barhoo, Vice Chair	Present
Michael McLean	Present
Milverton Robinson	Present
Cathy Washington	Present

**Board Members Absent**

Helen Humphreys	Absent
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Also Present:

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

3. **Approval of the Minutes** - June 24, 2021

Approval of the Minutes of the June 24, 2021 Regular Planning Board Meeting held at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida

Mr. Gross stated a member of the public has requested to be heard to correct comments in the minutes.

Sandy Murphy, 136 Park Avenue, Daytona Beach, Florida asked that her comments be corrected in the minutes. She stated she was quoted in the minutes as saying we should have the regulations on Main Street in the Master Plan Area such that businesses had to vend the same materials that they do during Bike Week as a normal part of their business. She stated, she stated the opposite, noting that she said we could make things more lively if they didn't have to sell t-shirts all year long to sell them at Bike Week.

It was moved by Mr. McLean to approve the minutes, including Ms. Murphy's comments. Ms. Washington seconded the motion. The motion carried 4-to-0 with the breakdown as follows:

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

**New Items:**

4 **Ocean Center – Public Use Permit - DEV2019-183**

A request by Clay Ervin, Growth & Resource Management Director, on behalf of the County of Volusia (property owner), to approve the Amended and Restated Ocean Center Public Use Permit (PUP), to consolidate the PUP and all Interlocal Agreements between The City of Daytona Beach and The County of Volusia, related to special events and outside activities at the Ocean Center, located at 101 N. Atlantic Avenue, and its associated parking areas.

**Staff Presentation:**

Hannah Ward, Planner, presented the staff report which was included as part of the packet. She stated the site is 101 N. Atlantic and contains two non-contiguous properties, the Ocean Center, and the parking lots. She stated the request is to allow static displays and food/beverage sales on all Ocean Center facilities when related to an event occurring indoors at the Ocean Center. She stated amplified sound is outlined in the agreement as being restricted within 1000 feet of a residential area (Area A), which is consistent with the Code of Ordinances. She stated the applicant is requesting to have alcohol sales in Area C during Bike Week and Biketoberfest, following the completion of the parking lot improvements. She outlined specific activities that will be permitted during Bike Week and Biketoberfest. She stated the site plan for Area C would have to be submitted within 5 years to the City and work completed within 7 years. She stated joint use of the parking areas is outlined in the agreement. She stated the agreement also allows for an off-site sign for the Peabody to be located on the Ocean Center property, noting the sign will be funded by the City. She the City

proposes the agreement remain in effect for 5 years and the County may petition to modify the agreement at any time.

Mr. McLean stated the staff memorandum indicates that outdoor activities would be permitted in conjunction with an indoor event; but all other events would have to be approved by the City's Special Event process.

Ms. Ward stated that is correct.

Mr. Servance arrived for the meeting at 6:20 p.m.

**Applicant Presentation:**

Clay Ervin, Director of Growth and Resource Management for Volusia County, stated the agreement will allow outdoor uses for events that are held inside the Ocean Center. Mr. Ervin also stated concern have been expressed in the past that the parking areas are not used during non-event times.

Mr. Robinson expressed concern about noise and the adjacent residential neighborhood.

Mr. Ervin stated the residential area is to the west of the Ocean Center parking lot. He stated activities will not be placed in that area to avoid problems for the residential area. He stated events will comply with the current noise level standards.

Mr. Robinson asked if this request was presented to the Beachside Redevelopment Area Board.

Mr. Ervin stated there is not a requirement to meet with the Beachside Redevelopment Area Board; but a neighborhood meeting was held.

Mr. Mrozek stated this is a Public Use Permit and there is a requirement for it to be reviewed by the Planning Board and then presented to the City Commission. He stated there is no requirement for the request to be presented to the Redevelopment Board.

Mr. Robinson asked if this agreement would impact the merchants on Main Street.

Mr. Ervin stated the County's goal is to work with the Main Street merchants. He stated when Volusia County acquired Parcel C, it was agreed with the City that when the parking lot is not used by the Ocean Center or Peabody, it would be available for public parking. He stated there is no charge for the parking.

Mr. Barhoo asked if the proposed activities will compete with local businesses that may sell the same products.

Mr. Ervin stated the goal is not to be in competition with the existing businesses in the area. He stated the goal is primarily for events that are held at the Ocean Center.

**Public Comments:**

John Nicholson, 413 N. Grandview, Daytona Beach, Florida stated he lives near the Ocean Center who owns Daytona Lagoon. He stated he is concerned about the loud noise from Daytona Lagoon as well as noise from Main Street. He stated noise should not be heard 2 to 3 blocks away. He stated they have not been good neighbors.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida stated parking lot C looks terrible and she was told a portion of the property is not zoned for parking. She stated she is opposed to letting it remain in the same condition for another 7 years. She stated the signage is poor. She stated she likes the idea of the expansion for the Public Use Permit, but parking lot C needs to be improved.

Mr. Robinson asked if the applicant would address the issues brought up by the public.

Mr. Ervin stated the property for Lot C was purchased as is and it does not meet the City's requirements for landscaping. He stated the property has not been improved because the project has not been funded.

Tim Riddle, Director, Ocean Center, stated people are in the parking lots to move people in and out of the sites. He stated he works with the city to have a cooperative relationship. He stated the purpose of the agreement is to allow flexibility for the customers and to provide options that are not permitted at this time. He stated a letter was received from the Main Street merchants in support of this request.

Mr. Servance stated the parking area should be cleaned to help beautify the city.

Mr. Mrozek stated the amplified sound for Lot A must meet the City ordinance.

Mr. Gross stated the agreement is not just that Lot A has to comply, the entire area must comply.

Mr. Mrozek stated improving the parking lot was something staff attempted to address; however, the county does not currently have the funding set aside for the improvements.

Mr. Robinson asked if the capital improvements for Lot A are included in the County budget.

Mr. Riddle stated he has looked at plans with the city. He stated an ADA space has been installed with signage since it is close to the Peabody. He stated the lot will have to be re-graded which would be a significant improvement. He stated the funding is not included in the Capital Budget.

Mr. Ervin stated it will have to be included in the budget since there is a deadline of 5 years for the improvements to be made. He stated the County could approach the CRA to see if there is an opportunity for joint funding.

Mr. McLean stated if the PUP is approved, will Area C be a priority.

Mr. Riddle stated it is required as part of the conditions of the agreement so if it is approved, it will be incorporated into the new Five-Year plan.

**Board Action:**

Mr. McLean made a motion to approve Ocean Center – Public Use Permit - DEV2019-183, providing the expiration language proposed by the city staff is incorporated into this agreement, in accordance with the staff report as presented. Mr. Barhoo seconded the motion. The motion carried (5-0) with the breakdown of the vote as follows:

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

5 **Daytona VA Outpatient Clinic – Site Plan, DEV2021-030**

A request by Abdul Alkadry, Harris Civil Engineers, LLC, on behalf of Daytona Beach VA Company LLC, to approve a site plan for 27.3± acres of land located in the southeast quadrant of Technology and Williamson Boulevard intersection, to develop a 131,020 square-foot outpatient clinic for the Department of Veteran Affairs (VA) with associated site improvements.

**Staff Presentation:**

Hannah Ward, Planner, presented the staff report which was included as part of the packet. She stated the site address is 1776 N. Williamson Blvd. She stated this request is to approve the site plan so construction can proceed. She stated the proposed building is consistent with the approved PD and compliant with the

City's Land Development Code. She stated a Votran bus stop is planned to be placed near the entrance to the site.

**Applicant Presentation:**

Rustin Khuri, Carnegie Management and Development Corporation spoke representing the applicant. He stated the services provided at the proposed facility will greatly reduce the need for veterans to travel to other areas to receive service.

Mr. McLean stated the parking agreement outlines 781 spaces and 764 spaces is also mentioned.

Mr. Khuri stated the number meets 125% of the requirement of the Code and noted the government requirement is 750 spaces.

Mr. Robinson asked if this clinic would incorporate the existing facility.

Mr. Khuri stated the services offered at the existing site will be offered at the proposed site and he does not believe the existing clinic will continue to operate.

**Public Comments:**

There were no public comments.

**Board Action:**

Mr. Barhoo made a motion to approve Daytona VA Outpatient Clinic – Site Plan, DEV2021-030, in accordance with the staff report as presented. Ms. Washington seconded the motion. The motion carried (5-0) with the breakdown of the vote as follows:

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

6 **ERAU Parking Garage – Site Plan, DEV2021-041**

A request by Parker Mynchenberg, Parker Mynchenberg & Associates, Inc., on behalf of Embry-Riddle Aeronautical University, to approve a site plan for 7.7± acres of land located 261 W Aerospace Boulevard, to develop a 239,172 square-foot (s.f.) parking garage with 618 total parking spaces, including a 4,274 s.f. security office and a 4,040 s.f. post office with associated site improvements.

**Staff Presentation:**

Hannah Ward, Planned, presented the staff report which was included as part of the packet. She stated the proposed project is a 619-space parking garage including a security office and post office with associated improvements. She stated the project meets the PD requirements as well as the Land Development Code requirements. She stated approval is contingent on approval from the FDA regarding the structure height.

**Applicant Presentation:**

Parker Mynchenberg, 1729 Ridgewood Avenue, Holly Hill, Florida spoke representing the applicant. Mr. Mynchenberg stated a letter has been submitted to the FAA and he expects approval within a week or two.

**Public Comments:**

There were no public comments.

**Board Action:**

Ms. Washington made a motion to approve ERAU Parking Garage – Site Plan, DEV2021-041, in accordance with the staff report as presented. Mr. Barhoo seconded the motion. The motion carried (5-0) with the breakdown of the vote as follows:

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

7. **Legends Preserve (i.e. Silver Pine PD) Phase I and Phase 2, Preliminary Plats – DEV2021-015 and DEV2021-081**

A request by Parker Mynchenberg, Parker Mynchenberg & Associates, Inc, on behalf of LPGA Venture Holdings, LLC, to approve the Preliminary Plats for Phase 1 and Phase 2 of the Legends Preserve Subdivision, to allow for development of 264 single-family lots

**Staff Presentation:**

Steven Bapp, Planner, presented the staff report which was included as part of the packet. He stated Phase 1 will include 161 lots and Phase 2 will include 103 lots.

**Applicant Presentation:**

Parker Mynchenberg, 1729 Ridgewood Avenue, Holly Hill, Florida spoke representing the applicant. He stated the project is consistent with the PD agreement and the Land Development Code.

Mr. Barhoo asked about the lot sizes.

Mr. Mynchenberg stated the lots are 50 and 60 feet wide and are 125 feet deep.

Ms. Washington stated she is concerned about the houses being so close together.

Mr. Mynchenberg stated the VA will be paying a proportionate fair share as well as this project so eventually the bridge will be built over the Tomoka River.

**Public Comments:**

There were no public comments.

**Board Action:**

Mr. McLean made a motion to approve Legends Preserve (i.e. Silver Pine PD) Phase I and Phase 2, Preliminary Plats – DEV2021-015 and DEV2021-081, in accordance with the staff report as presented. Ms. Washington seconded the motion. The motion carried (5-0) with the breakdown of the vote as follows:

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

8 **Bellewood Commons Planned Development-General (PD-G) Rezoning, First Amendment – DEV2021-046**

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of JB Daytona Beach, LLC, for approval of the First Amendment to the Bellewood Commons Planned District (PD) Agreement, located at 1260 Beville Road, to allow a “drug store or pharmacy, without drive-through service” as a permitted use

**Staff Presentation:**

Hannah Ward, Planner, presented the staff report which was included as part of the packet. She stated the request is to allow pharmacy as a permitted use for the site.

**Applicant Presentation:**

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida spoke representing the applicant. He stated the request is to add the pharmacy use which was not included in the original approval. He stated a neighborhood meeting was held and there were no objections noted to the proposed use.

Mr. McLean asked if the proposed use is for a medical marijuana dispensary.

Mr. Merrell stated the proposed tenant is a medical marijuana site. He stated the applicant attended the neighborhood meeting and explained the business operation.

**Public Comments:**

There were no public comments.

**Board Action:**

Mr. Barhoo made a motion to approve Bellewood Commons Planned Development-General (PD-G) Rezoning, First Amendment – DEV2021-046, in accordance with the staff report as presented. Ms. Washington seconded the motion. The motion carried (5-0) with the breakdown of the vote as follows:

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

9. **Large Scale Comprehensive Plan Amendment Text Amendment – Property Rights Element, DEV2021-075**

A request by the Development and Administrative Services Department, Planning Division to approve a Large-Scale Comprehensive Plan Text Amendment, creating the Property Rights Element, adding Goals, Objectives, and Policies to ensure that private property rights are considered in local decision making in accordance with House Bill 59.

**Staff Presentation:**

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. He stated the proposed text amendment is to bring the Land Development Code into compliance with HB59, which became effective July 1, 2021.

Mr. Robinson asked why this is being done.

Mr. Gross stated the Legislature adopted HB 59 and this is something that is required.

**Public Comments:**

There were no public comments.

**Board Action:**

Mr. Barhoo made a motion to approve Large Scale Comprehensive Plan Amendment Text Amendment – Property Rights Element, DEV2021-075, in accordance with the staff report as presented. Ms. Washington seconded the motion. The motion carried (5-0) with the breakdown of the vote as follows:

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

10. **Land Development Code Text Amendment – Accessory Dwelling Units (ADU) DEV2021-073**

A request by the Development and Administrative Services Department, Planning Division, to amend Article 5 (Use Standards), Table 5.3.B.4, Table 5.3.B.5, Table 5.3.B.6 and Section 5.3.C.32; Article 6 (Development Standards) Table 6.2.C.1. and; Article 11 (Definitions and Interpretations) Section 11.5 of the Land Development Code, to add Accessory Dwelling Units as a permitted accessory use, and to provide definitions, dimensional standards, and developmental standards.

**Staff Presentation:**

Steven Bapp, Planner, presented the staff report which was included as part of the packet. He stated a memorandum is included in the packet that reflects a change to the previously distributed memorandum. He stated the purpose of this text amendment is to add Accessory Dwelling Units as a permitted accessory use. He stated the text amendment is addressing the direction from the City Commission regarding flexible housing options to meet increased demands for residential units in the city. He stated staff has reviewed the LDC, researched various Florida cities, and consulted with professional planning sources on the subject. He stated an ADU can be a separate apartment located within the principal single-family house, a dwelling unit attached to a single-family house, or a freestanding dwelling unit on the same lot as a single-family house. Parking requirements are

still being reviewed for ADU's. He stated there may be a number of nonconforming lots throughout the city that may need administrative adjustments to come into compliance. He stated staff recommends that the ADU be limited to 50% of the floor area of the principal structure.

Mr. Robinson stated the staff report reads that only one ADU will be permitted on a lot but further in the report it says two structures would be permitted.

Mr. Bapp stated only one ADU would be permitted and an accessory structure, such as a shed, could be permitted on the site. He stated the property must meet the maximum lot coverage requirements.

Mr. Robinson asked how parking will be established for the additional residents on site.

Mr. Bapp stated a residential unit is required to have two parking spaces and the addition of an ADU would require the owner to place a third parking place on site.

Mr. Robinson stated he feels this will place people in substandard housing and hopes the city will start providing affordable homes so people can afford the rent.

Mr. Bapp stated affordable housing has its own specific language. He stated this is just one way to address the increased housing demand in the city.

**Public Comments:**

Sandy Murphy, 136 Park Avenue, Daytona Beach, Florida stated she is in support of his proposal. She stated this is one strategy for providing affordable units quickly. She stated smaller does not mean substandard.

John Nicholson, 413 N. Grandview, Daytona Beach, Florida stated he is in favor of this proposal but is concerned about parking.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida stated she is in support of this proposal. She stated some older homes may already have these types of units and will activate all the housing stock that is accessible.

Jo Ann DeBaron, 509 Jessamine, Daytona Beach, Florida stated she lives in a historic home and has an accessory building which is a licensed rental property. She stated the rental unit helps her maintain her historical home. She stated Commissioner Quanita May told her if she could not afford to maintain a historic home without a rental unit income, she should not live there, which she finds insulting. She stated when she was looking for her home, most of the homes she toured had an accessory structure. She stated by approving this, the unlicensed units will get inspected and be improved.

Tracey Remark, 818 N. Oleander, Daytona Beach, Florida stated her neighborhood has an overlay district that allows a garage apartment or a duplex in single-family zoning. She stated there have been properties that do not do things legally and have become major Code Enforcement problems. She stated she would hope the Board will send this back to staff for further work. She stated the biggest concern is parking. She provided photos of homes near hers that have had a number of Code violations over the years regarding parking. She stated she is in favor of parking for each bedroom. She stated that an ADU could be built up to 50% of the total living space. She stated her home is 2400 s.f. so she could build a 1200 s.f. ADU. She stated the proposal would allow that structure to be constructed with only the addition of one parking space. She stated other cities have a maximum limit on the permitted square footage other than 50% of the principal structure. She expressed concern about the language regarding a separate entrance since some property owners merely lock a door between units. She stated there should be a physical wall dividing the units. She stated this proposal will mostly affect the older neighborhoods. She stated Commissioner Stacy Cantu asked at last night's Commission meeting if anyone was going to make the homeowners association in Pelican Bay say yes to this. Ms. Remark stated she wants it for everyone else. She stated everyone else deserves to be given the best the city has to offer, and staff can do more. She stated if a portion of a proposed unit would go into the area to trigger the need for a variance, she hopes the modification is not something that would be allowed without a variance. She stated if there is anything that is non-conforming about a property when someone comes forward to do this, the property owner should be required to fix the non-conforming issue. She stated unpermitted work should be addressed as well.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida stated it is her understanding that ADU's are allowed in Pelican Bay and LPGA.

Mr. Mrozek stated he has not found anything in the PD agreements for Pelican Bay but there are 5 different PD agreements in the LPGA area that do permit ADU's.

Mr. Gross stated it was staff's intention to not allow ADU's where there are non-conformities; but it will be added to the text if this item goes forward.

Mr. Robinson stated he would support sending this back to staff to address the issues raised by the members of the public.

Mr. Servance asked if the document should be sent back to address the issues raised, such as parking, or could those items be added as suggested by Mr. Gross.

Mr. Mrozek stated Ms. Remark raised some good points, such as the maximum size of an ADU and asked if that is something the Board would like to consider. Mr. Barhoo stated there should be a maximum size.

Ms. Washington stated she agreed.

Mr. Robinson expressed concern about the parking issues.

Mr. Gross stated the Land Development Code does not allow parking in the front yard other than on the approved driveway.

Mr. Mrozek stated parking on the grass is a Code violation. He stated when this item was discussed at the City Commission meeting, details regarding parking were not discussed. He stated recommendations regarding parking and the size of the units can be added. He stated the larger the lot, the larger the ADU could be. He stated the 50% size limitation is something that is already in the Land Development Code.

Mr. Gross stated the 50% proposed is floor area, not living area.

Mr. Mrozek stated just a having a permitted use does not mean it can be put in. He stated the properties would have to meet the lot coverage, parking, and setback requirements.

Ms. Remark stated if parking is not allowed in the front yard, how can Permits & Licensing allow someone to install bricks to be used as a parking surface. She stated building permits have been issued for such uses. She stated if the language is approved this evening, please make sure the language includes the requirement for a walled separation between the units.

Mr. McLean stated he was appreciative of everyone that had spoken this evening as well as the information that was provided from the public. He stated if a couple of items are to be added, he does not want to delay action on this item.

Mr. Servance stated the items that have been discussed are parking, separation from the principal home, maximum square footage, and non-conforming properties. He stated those are things that can be added and forwarded to the City Commission.

Ms. Washington stated she feels staff should add the items discussed and move the item forward.

Mr. Gross stated the motion should include:

1. Lots with non-conforming principal structures or accessory structure existing would not be allowed to have ADU's.
2. Impose a maximum size in square footage on the size of the ADU based on the size of the lot using the same formula as the City of DeLand.

3. Exempt from the list of exemptions in Section 6.2 of the LDC properties that have ADU's; and would have to have parking for the principal structure and the ADU.
4. If the unit had a second bedroom, it would have to have a second parking space.

**Board Action:**

Mr. McLean made a motion to approve Land Development Code Text Amendment – Accessory Dwelling Units (ADU) DEV2021-073, including the supplemental material provided by Steven Bapp during the presentation and including the recommendations from the Deputy City Attorney and Mr. Mrozek. Ms. Washington seconded the motion. The motion carried (4-1) with the breakdown of the vote as follows:

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

11. **Land Development Code Text Amendment – Affordable Housing, DEV2021-080**

A request by the Development and Administrative Services Department, Planning Division, to amend Article 6.22 of the Land Development Code, to add regulations and standards for compliance with the State Housing Initiatives Partnership Program (SHIP).

**Staff Presentation:**

Rose Askew, Planning Coordinator, presented the staff report which was included as part of the packet. She stated when the Land Development Code was rewritten in 2015, all standards and regulations required for SHIP and LHAP were removed and were replaced with a summary of the requirements, which made the City non-compliant. She stated to receive compliance with the LHAP and SHIP programs, staff is requesting to amend Section 6.22 of the LDC to re-establish the requirement regulations in the current LDC.

Mr. McLean asked how the error was discovered.

Ms. Askew stated the error was discovered and is being brought forward with other amendments that need to be made.

Mr. Robinson asked if an existing structure could have an ADU added for affordable housing and be in compliance.

Ms. Askew stated if the applicant wanted to go through the SHIP program, the criteria as outlined would have to be met.

Mr. Gross stated if the lot is non-conforming, the structure could not be built.

Ms. Askew stated Paula Long, Planner, who previously coordinated the SHIP program for the city has advised that ADU's are not addressed in the proposed document. She stated the proposed documents addresses principal structures only. She stated these are State regulations that cannot be altered.

**Public Comments:**

There were no public comments.

**Board Action:**

Mr. Barhoo made a motion to approve Land Development Code Text Amendment – Affordable Housing, DEV2021-080, in accordance with the staff report as presented. Mr. McLean seconded the motion. The motion carried (5-0) with the breakdown as follows:

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

12. **Land Development Code Text Amendment – Temporary Outside Activities – Main Street and MMB, DEV2021-068**

A request by the Development and Administrative Services Department, Planning Division, to amend Article 5, Section 5.4 of the Land Development Code (LDC), to add Temporary Outside Activities as a temporary use on properties located on Main Street and Dr. Mary McLeod Bethune Boulevard; and to add use specific standards for the temporary use.

**Staff Presentation:**

Rose Askew, Planning Coordinator, presented the staff report which was included as part of the packet. She stated the City Commission directed staff to prepare a text amendment emulating the temporary outdoor activities for art display and sales activities and the regulations that govern the activities with the goal of revitalizing the areas. She stated the City Commission stated the activities would

only be allowed for a year and then a determination would be made as to whether the activities have been successful.

Mr. Servance stated there are commercial businesses that are not involved in the Bike Week Master Plan and use their personal property.

Ms. Askew stated this document states that during special events, they would not be able to have these types of activities because they would interfere with the special events.

Mr. Robinson asked if this item was presented to the Midtown Redevelopment Board.

Mr. Gross stated this was a direction from the City Commission.

Ms. Askew stated staff followed the direction of the City Commission which was to prepare the text amendment and follow the process, noting text amendments are not presented to the Redevelopment Boards. She stated the Redevelopment Board members do have the right to come to these meetings to listen and to also attend City Commission meetings to give input as well.

Mr. Robinson stated the purpose of the Redevelopment Boards is to get input.

Mr. Gross stated the direction from the City Commission came about when there was a Planned Development Agreement being considered by them for a specific property. He stated the City Commission did not direct staff to get input from the Redevelopment Boards. He stated the Redevelopment Boards only have the responsibilities outlined in the Land Development Code and any other responsibilities that may be designated by the City Commission.

Mr. Robinson stated the Midtown Redevelopment Board has been excluded from the process. He stated this information should have been provided to Reed Berger who should have provided the information to the Redevelopment Board. He stated this is not being inclusive and we need to change the way we do business.

Mr. Servance stated the Midtown Redevelopment Board should get their City Commissioner involved and that information should be passed along to that City Commissioner.

Mr. Mrozek stated one of Mr. Robinson's responsibilities as liaison to the Midtown Redevelopment Board is to provide this information to the Board. He stated staff has the obligation to follow the direction from the City Commission and the regulations in the Land Development Code. He stated the regulations in the Land Development Code specifically say that an item like this goes to the Planning Board and then on to the City Commission, and it does not go to the Redevelopment Board.

Mr. Gross stated Mr. Robinson could make a motion to table this item until it is presented to the Redevelopment Board.

Mr. Barhoo stated perhaps he could call Commissioner Paula Reed to ask that items that affect Midtown are brought to the Board for their information, at least as a courtesy. He stated perhaps the Commissioner could be invited to a Midtown Redevelopment Board meeting to hear the Board's concerns.

Mr. Servance stated Mr. Robinson could attend a City Commission meeting as a citizen and state that he feels items should be presented to the Midtown Redevelopment Board.

**Public Comments:**

Sandy Murphy, 136 Park Avenue, Daytona Beach, Florida stated she is in favor of this amendment. She stated we need to look at as many ways as we can to activate the redevelopment areas. She stated the areas are dead between major events and we need to encourage small businesses to locate there.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida, stated she is in favor of this proposal. She stated she is concerned as Mr. Robinson is about how it was handled. She stated it would have been good for either Robert Jagger, City Attorney, or Deputy City Manager, Jim Morris, to ask the City Commission if they wanted this item to be presented to the Midtown and Beachside Redevelopment Boards. She stated it would have been the courteous thing to do.

Mr. Mrozek stated he will make sure that the memorandum that goes to the City Commission reflects that the Board discussed that this item should have gone to the Redevelopment Boards for review prior to them seeing it.

**Board Action:**

Mr. Barhoo made a motion to approve Land Development Code Text Amendment – Temporary Outside Activities – Main Street and MMB, DEV2021-068, in accordance with the staff report as presented. Mr. McLean seconded the motion. The motion carried (5-0) with the breakdown as follows:

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

13. **Land Development Code Text Amendment – Outside Activities Associated with Bike Week and Biketoberfest Master Plan 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:**

Ms. Askew stated this text amendment was originally presented to the Planning Board at their meeting of May 27, 2021. She stated the Board was concerned that the proposed regulations did not adequately address properties and applicants that consistently violate the Land Development Code and Master Plan guidelines. She stated a motion was made and approved that requested staff to bring back revised language that had more stringent regulations for properties that violate the LDC regulations. She reviewed the revised text amendment language. She stated the amendment will require any person that may have a prior development order authorizing temporary outside activities under this section revoked due to non-compliance. She stated a change to the language “the last day” was made to clarify the actual day length of time the person or property is prohibited from participating in outside activities associated with a festival.

Ms. Askew stated the amendment to the Master Plan Guidelines will be presented to the City Commission on August 8, 2021. She stated the Master Plan guidelines go directly to the City Commission and are not presented to the Planning Board.

**Public Comments:**

There were no public comments.

**Board Action:**

A motion was made by Mr. McLean to approve Land Development Code Text Amendment – Outside Activities Associated with Bike Week and Biketoberfest Master Plan Activities, DEV2021-053, in accordance with the staff report as presented. Mr. Robinson seconded the motion. The motion carried (5-0) with the breakdown as follows:

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

14. **Other Business**

a. Downtown/Balough Road Redevelopment Area Board Report

Ms. Washington stated the Downtown/Balough Road Redevelopment Area Board did not meet but there is a Special Meeting scheduled for July 23, 2021 to review a wall mural.

b. Midtown Redevelopment Area Board Report

Mr. Robinson stated the Midtown Redevelopment Area Board did not meet in July.

c. Beachside Redevelopment Area Board Report

Mr. Servance stated the Beachside Redevelopment Area Board did meet but there was not a quorum. He stated there were no action items and reports were heard from staff.

d. Public Comments

There were no public comments.

e. Staff Comments

Mr. Mrozek stated Harley Davis, Planner, had her baby on Monday and is expected to be out about 12 weeks.

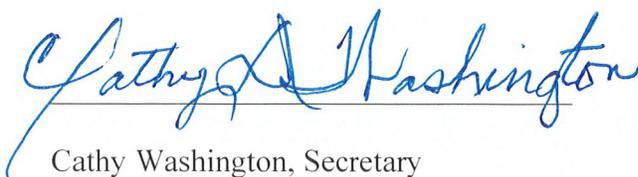
f. Board Member Comments

Mr. Robinson stated staff does a very good job; however, he still feels the process needs to be tweaked and more inclusive.

There being no further business, the meeting was adjourned at 9:13 p.m.



Tony Servance, Chair



Cathy Washington, Secretary