

MINUTES

REGULAR MEETING – PLANNING BOARD

August 25, 2022

Minutes of the Regular Meeting of the Planning Board of The City of Daytona Beach, Florida, held on Thursday, August 25, 2022 at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

1. Call to Order

2. Roll Call.

Tony Barhoo (Chair)	Present
Helen Humphreys	Present @6:15 PM
Michael McLean	Present
James Newman	Present
Tony Servance	Absent
Milverton Robinson	Present
Cathy Washington (Secretary)	Present

Also Present:

Ben Gross, Deputy City Attorney
Dennis Mrozek, Planning Director
Hannah Ward, Planner
Vanessa Trimble, Planning Technician
Gina Fountain, Board Secretary

3. Approval of Minutes

Approval of the Minutes of the July 28, 2022 Regular Planning Board Meeting held at City Hall, 301 South Ridgewood A venue, Daytona Beach, Florida.

Board Action

It was moved by Mr. Newman to approve the minutes as corrected, seconded by Mr. Robinson. The motion passed 6-to-0 with the breakdown as follows:

Tony Barhoo (Chair)	Yea
Helen Humphries	Yea
Michael McLean	Yea
James Newman	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

New Items

4. Land Development Code Text Amendment- RDM-1 Single-Family and Duplex Uses- DEV2022-149 (Legislative Hearing)

A request by the Development and Administrative Services Department, Planning Division, to amend Article 4, Zoning Districts, Section 4.7 Redevelopment Base Zoning Districts and Article 5 Use Standards, Section 5.2, Principal Uses, of the Land Development Code (LDC), to add Duplex and Single-Family detached dwellings as a principal use for properties within the Redevelopment Midtown-Midtown Center Zoning District (RDM-1) and to add Intensity and Dimensional Standards to govern the uses.

Staff Presentation

Dennis Mrozek, Planning Director, presented the staff report which was included as part of the packet. He stated in your packets you should have received some additional material that details a purpose for all zoning districts. He stated staff wanted to modify the purpose for this particular zoning district to identify the single-family in a duplex that we are going to be requesting to be added as part of the LDC amendment request and also have given you a zoning and location maps of where the RDM-1 district is located. He stated that it is a rather small zoning district, and this is the only RDM-1 in the city, which will be included in the amendment request. He stated in the previous LDC properties located in the Midtown Redevelopment Area, they did not have redevelopment zoning districts and the old zoning district previously was the RP zoning district. He stated the RP did permit Single-Family and Duplex homes in the district. He stated that when staff added the RDM-1 zoning district in 2015, that particular district did not allow or does not allow Single-Family or Duplex homes. He stated that anyone that has a single-family or a duplex home in that district now has a legal nonconforming use, which means they are they are not entitled to expend it and to modify it, they have to jump through a bunch of hoops if they want to make any changes to it. He stated that there were a lot of single-family homes out there when staff walked the district and for them to have these now nonconforming uses, it was an oversight for a few years. He stated that staff want to make this correction since there is a particular property owner who is looking to move forward to do some improvements. He stated that staff want to try to take this forward as quickly as we can and were intending to take this to the Midtown Redevelopment Board 1st, but it is not a requirement to go to the Midtown Redevelopment Board, but through timing, we were not able to. He stated that after speaking with the redevelopment staff, they promised to take this up at the next redevelopment board meeting for the Midtown Board as a courtesy to let them know what we are planning on doing here, so they will have it before it gets to the City Commission on this item. He stated that staff will be adding the Single-Family and Duplex as a permitted use within a zoning district and adding Dimensional Standards to the request. He stated that page three of the staff report, everything you see highlighted in yellow that identify a Single-Family and Duplex, those will be added to the Dimensional Standards for the RDM-1 zoning districts. He stated so we will have the Dimensional Standards in the allowable use within the zoning district in addition to the change that we said with the purpose section to highlight the additional two uses. He stated that staff recommends approval of the proposed text amendment to amend Article 4, Zoning Districts, Section 4.7 Redevelopment Base Zoning Districts

and Article 5 Use Standards, Section 5.2, Principal Uses, of the Land Development Code (LDC), to add Duplex and Single-Family detached dwellings as a principal use for properties within the Redevelopment Midtown-Midtown Center Zoning District (RDM-1) and to add Intensity and Dimensional Standards to govern the uses.

Board Comments

Mr. Robinson asked would you get the Midtown Redevelopment Board suggestions and input before you submit it to the City Commission?

Mr. Mrozek stated that if the Redevelopment Board members go to the Midtown Board and if they have something they would like to share with the City Commission, staff will be more than happy to include that in a package to the City Commission that it went to the Midtown Board and they have those suggestions.

Mr. Newman stated you added a Single-Family and Duplex use and set the standards for that but were there any changes to the standards for the mixed use or multifamily?

Mr. Mrozek stated all those stayed exactly the same.

Mr. Barhoo stated in relation to the standard that was said, are there any existing structures that do not comply?

Mr. Mrozek stated it is possible, but these are standards that were actually taken from other Midtown zoning districts that do have Single-Family and Duplex. He stated it is the same standard that would apply in other zoning districts. He stated there maybe cases were there might be some nonconformity but there would have been nonconformity previously, so they would have to be addressed specifically as a nonconformity whether it is a structure or a lot, wherever those requirements would be.

Mr. Barhoo asked can the residents go get the zone variances?

Mr. Gross stated there is an exception that allows non-conforming, detachable Single-Family structures to be rebuilt, even if there non-conforming when they are destroyed.

Ms. Washington stated I was wondering how this got by for so long?

Mr. Mrozek stated he was not sure but it came in front of me last month and he went out there to speak with the gentleman who wanted to combine a couple of lots and he was not allowed to because the use was not a permitted use within the zoning district, which created a little bit of a problem for him when he was looking for his homestead exemption. He stated planning and redevelopment staff met and agreed to correct, straighten out, and move forward. He stated that when we see these errors we try to jump on them as fast as we can and try to get them right in front of the City Commission to get this action taken care of.

Ms. Washington stated she was glad to see that this is happening because it is time that we get everything into conformation.

Citizen Comments

There were no comments

Board Action

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

Tony Barhoo (Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

5. Major Site Plan- Ashley Furniture Tomoka Town Center- DEV2022-041 (Quasi-Judicial Hearing)

A request by Josh Beyer, The Semler Company, on behalf of Ashley Global Retail LLC (property owner), to approve a Major Site Plan for the development of a 61,057± square feet (sf) Ashley Furniture store on 5.8± acres.

Staff Presentation

Hannah Ward, Planner, presented the staff report which was included as part of the packet. She stated the site is predominately cleared and it is currently vacant and undeveloped. She stated the site is located on the east side of I-95, south of LPGA Boulevard, and west of Cornerstone Boulevard. She stated the Future Land Use (FLU) on the property is Interchange Commercial, and the zoning on the property is Planned Development-General (PD-G). She stated this site is located within the Tomoka Town Center PD. She stated the City Commission approved the Tomoka Town Center PD to allow for a mixed-use retail and residential development on 118± acres in 2017. She stated Tomoka Town Center is partially constructed and the site plan will allow development on Lot 8 of Parcel A. She stated to the south is the Rooms To Go Furniture Store and that is the only other parcel that has been developed within Parcel A currently. She stated I-95 is to the west. She stated there is an internal access drive that allows for access to all the lots that have been platted within Parcel A. She stated the site plan shows cross-connectivity for when the remaining outparcels get developed. She stated there is multiple points of connection allowing for cross-access throughout these lots. She stated that the rear elevations will be facing I-95 and the front elevations will be facing Cornerstone Boulevard.

She stated the site has visibility from a Major City Thoroughfare and complies with all the Design Standards with regard to architecture. She stated the site is also located within the City's Scenic Thoroughfare Overlay (STO) District for I-95, and the landscaping complies with those requirements. She stated the required parking is greater than what is required by the LDC. She stated the Tomoka Town Center PD identifies a requirement of four (4) spaces for every 1000 sf for a shopping center, whereas a furniture store would require three and a half (3.5) spaces per 1000 sf. She stated the site plan meets the requirement of 4 spaces per 1000 sf. She stated that with regard to traffic, Staff has received a receipt that the Proportionate Fair Share has been paid., She stated Staff recommends approval of the Major Site Plan for the development of a 61,057± sf Ashley Furniture store.

Applicant Presentation

Jessica Gow, Cobb Cole, 149 S. Ridgewood Avenue, stated that she does not have much to add from Hannah's presentation. She stated that this will be going next to Room To Go and it is creating what I call the furniture row and a one stop shop if you are out shopping.

Mr. Robinson stated that there has been a void, empty spaces, and an eyesore with the abandoned building in one section of town to go to another section of town. He stated it has created a disparity in terms of the City on ISB.

Ms. Gow stated that there was an article in the News Journal recently on the point for Volusia Square, which is where Rooms To Go was and they think there are almost up with potential leases to 80% back having full lease.

Board Comments

There were no further board comments

Citizen Comments

There were no comments

Board Action

It was moved by Mr. McLean 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 Barhoo (Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea

James Newman	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

6. **Major Site Plan – Clyde Morris Landings Apartments Phase V– DEV2022-085 (Quasi-Judicial Hearing)**

A request by Jay P. Brock, Clyde Morris Phase V Partners, LTD. on behalf of Clyde Morris Commercial, LLC (property owner), to approve a Major Site Plan for the development of a 227-unit multifamily complex and all associated site improvements on 12.8± acres land.

Staff Presentation

Hannah Ward, Planner, presented the staff report which was included as part of the packet. She stated the site is currently vacant and undeveloped. She stated the site is located on the east side of Clyde Morris Blvd., approximately 2000 feet south of LPGA Blvd., and is adjacent to the B. Braun Facility. She stated the aerials of the site are a little bit old but the north side is completed with the first phase of the complex, and there is also a senior housing that was approved previously. She stated the Future Land Use (FLU) on the property is Mixed Use, and the current zoning is Planned Development-General (PD-G). She stated the City Commission approved the Clyde Morris Boulevard Industrial PD for industrial development on 101± acres in 2017. She stated the applicant came back to carve out a portion of the property that would permit residential uses on 38± acres that was approved in 2019. She stated in 2020 the Planning Board approved the site plan for the initial phase of the development which included 392 units as well as some affordable housing units. She stated in 2020 the Planning Board approved 80 additional units and those were specifically going to be senior housing units. She stated the senior housing will fit into the vacant corner and then the remaining south side of the property is proposed to be developed with this new phase. She stated the proposed architectural elevations are consistent with what is already developed. She stated that inclusive of all phases, there will be a total 707 total dwelling units. She stated the total Gross Floor Area in this phase is 270,966± sf. She stated the building design complies with the City's Major City Thoroughfare Design Standards. She stated the parking meet a requirement of 1.4 spaces per dwelling unit, which was approved in the PD with the 1st Amendment. She stated the landscaping complies with the City's Scenic Thoroughfare Overlay (STO) District requirements for Clyde Morris as well as the perimeter buffering requirements identified in the PD. She stated the applicant is proposing a new monument sign for this parcel at 64 sf and 8 ft. high. She stated the detail for the monument sign has been provided in order to request an increase in square footage from 32 sf to 64 sf, which must be approved by the Planning Board upon demonstrating that a landscaped entrance feature is being provided. She stated the landscape plan shows the plantings around the base of the sign and the details of those plant materials are included in the board members packet. She stated, provided the Proportionate Fair Share is approved & paid for traffic impacts related to this phase of the project, Staff recommends approval of the Phase V Major Site Plan for Clyde Morris Landings to allow for the development of a 227-unit multifamily complex

Mr. Barhoo asked with the calculated parking, are there visitors parking spaces and is there a number for visitors that will be visiting especially the elderly and residents out there.

Ms. Ward stated she believes that they were just providing the minimum required parking based on what the PD required.

Mr. McLean stated just barely over the minimum, the 1.4 would be 317 and they are providing 325.

Mr. Barhoo asked is the sign in compliance with the other signs in that area.

Ms. Ward stated the LDC actually allows this increase, which is required to be approved by the planning board, provided they are meeting the standards in the code so this is consistent with the LDC and what is permitted for multifamily property in that area throughout the city.

Applicant Comments

Jessica Gow, Cobb Cole, 149 S. Ridgewood Avenue, stated the Clyde Morris Landing site came forward from the affordable housing perspective. She stated when we came through with the rezoning amendment to allow for this, you may recall we had the layout for the 1st four phases of apartments, and then we said the space between the apartments and B. Braun, we are not sure what that could be yet. She stated it turned out that the apartment developers have loved the site and working with the City and County, and they think there is room for more units in the same development. She stated that so it is an expansion of the Clyde Morris Landings and there is interest by the developer for more affordable units in there. She stated that would depend on again and an amended agreement with the City and County over that like it did the first time for 227 units in the expansion and there will be shared access.

Mr. Robinson asked what the proposed rent will be.

Ms. Gow stated a lot of that is going to depend again on if the agreement between the City, County, and developer is amended to include some affordable units in the structure, in which case it would meet the threshold for affordable housing. She stated there is a mix right now of market affordable and senior in their current project.

Mr. Gross stated for those rent controlled units, for the existing units and this would be true for the additional units being proposed and what is affordable is strictly dictated by Federal and State with providing a summary of these guidelines.

Mr. Robinson asked if these was a gated community?

Ms. Gow stated that is not a gate currently but there are license plate readers so that you can track who is coming and going, it is part of the safety initiative that they have worked with the police department.

Mr. Gross stated that it was a requirement of the grant agreement that was done for the 1st Phase of the development that the market rate and subsidized units have to be just like one another, they cannot have a lower level of amenities and less of an access to the onsite amenities.

Mr. Barhoo asked will there be signs posted about license plate readers and what is the legal part of that and there is some legality.

Ms. Gow stated that she could not provide an answer to that question

Ann Ruby, 137 Park Avenue, asked how does that process work and what happens next to get that done?

Mr. Gross stated he can answer part of that, the developer through their law firm has submitted a proposed amendment to the existing grant agreement to include these units and right now we are negotiating the terms of that grant and how would be calculated and paid out.

Ms. Gow stated that would be reviewed and approved by the City and the County.

Mr. Gross stated the agreement we have is only between the two of us, but our agreement depends on them having a mirroring agreement with the County, which is why Ms. Gow is correct that it would be essentially approved by the County. He stated that a funding agreement like this is not really related to the development of the property, which is multifamily units and it is just a City Commission item.

Mr. Robinson stated each month the board have a lot of requests for apartments and subdivisions. Where can I find the demographics of how many people moving into or leaving the area in this request.

Ms. Gross stated I believe Mr. Mrozek or somebody from Planning can email you a copy of this but the City Commission recently accepted a linkage study. He stated although there may still be some further discussion because there were some people who read it who were concerned about the assumptions and the bases for the numbers that were included. He stated it is very filled with data with the kind of information that you are talking about and on the City's website.

Ms. Gow stated there is a PowerPoint on the City's Website that provide information to Bieber reports and studies that show projected population growth and how we are growing.

Mr. Robinson asked does it have the environmental impact by the growth.

Ms. Gow stated the Bieber report is just based on a projection of growth and the environmental impacts are on a case by case are under the Comprehensive Plan Review process.

Ms. Humphreys stated that the Daytona Beach has seen an increase in people moving from other states.

Ms. Gow stated that Daytona Beach has currently 67,000 residents in the area.

Mr. Mrozek stated that there are currently actually 78,000 residents in the Daytona Beach area. He stated there is an actual decline in population in the City of Daytona Beach between 2000-2010 and what we have seen this last decade is a kind of a recorection or a recalibration to get us kind of back on the path where we were going. He stated a City that loses population is usually in a bad shape but we have rebounded pretty well over here and right now we are at 78,000 per the latest polls.

Board Comments

There were no further board comments

Citizen Comments

There were no comments

Board Action

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

Tony Barhoo (Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

7. **Major Site Plan– Eagle View Apartments– DEV2022-019 (Quasi-Judicial Hearing)**

A request by Parker Mynchenberg, P.E., on behalf of Eagle View Apartments LLC (property owner) to approve a Major Site Plan for the construction of a 30-unit apartment building and associated site improvements on 1.51± acres of land.

Staff Presentation

Hannah Ward, Planner, presented the staff report which was included as part of the packet. She stated the site is located east of the Cambridge Avenue & Killian Street intersection and just north of Beville Road. She stated the site is currently vacant, undeveloped, and cleared. She stated the south side of the development is fully developed. She stated the Future Land Use (FLU) is Level 2 Residential (L2R), and the zoning is Planned Development-General (PD-G) and covers the three outparcels to the south as well as the dry retention pond to the east. She stated the City Commission approved the Bellewood Commons PD, which allowed for retail commercial uses along Beville Road and

multifamily uses to the rear in 2017. She stated the southern half of site is fully developed and partially occupied. She stated the buildings include aa Tire Kingdom, O'Reilly Auto Parts, and Huey Magoo's restaurant, and one of the tenant spaces is being built out for a medical marijuana dispensary. She stated the proposed site plan fits into the northwest corner of the property. She stated the site plan proposes a 640 square foot recreation building, one (1) access point, a playfield, and an additional open space amenity. She stated this site plan proposes a single three-story apartment building with 30 units that is 35 feet tall. She stated the density is approximately 19.87 dwelling units per acre, where the maximum is 20 dwelling units per acre. She stated the applicant is providing the required two parking spaces per dwelling unit for a total of 60 spaces on the property. She stated the PD allowed for a 72 square foot monument sign for the multifamily complex and they have maxed out the square footage at 72 sf and a height of 8 feet. She stated they are providing a 640± sf recreation building, a 480 ±sf common area and a playfield as amenities. She stated staff recommends approval of the Eagle View Apartments Site Plan to allow for the development of a 30-unit apartment building and all associated site improvements.

Mr. McLean stated I noticed it talks about issuing a concurrency certificate and the response was staff had it reviewed the development and found to be acceptable and do I take that to mean that the concurrency certificate was issued?

Ms. Ward stated staff has a concurrency application submitted that basically includes the review of the utilities like water, wastewater demand, and traffic reviews. She stated this particular property did not generate enough traffic for additional review of the impacts and the water and wastewater utility reviews happens when they submit their site plan application. She stated the last piece of school concurrency, which they are required to provide us to certificate from the Volusia County School Board that that has been reviewed.

Mr. McLean asked was the certificate from the Volusia County School Board in process?

Ms. Ward stated the certificate has already been provided.

Applicant Presentation

Mr. Mynchenberg, P. E., Parker Mynchenberg & Associate, Inc., 1729 Ridgewood Avenue, , he stated that he has Andy the developer with him for any questions. He stated this is kind on contemplated, another PD, and we are meeting all the requirements. He stated they are not asking for waivers on this development and here to answer any questions.

Mr. Robinson asked what kind of play area will be there, assuming that you are going to get some families in there.

Mr. Mynchenberg stated that there is going to be grassed and open area to throw a football, frisbee, and other outdoor activities.

Board Comments

There were no comments

Citizens Comments

There were no comments

Board Action

It was moved by Mr. McLean 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 Barhoo (Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

8. Rezoning to Planned Development-General (PD-G) - Chick-Fil-A #0866 PD DEV2019-131 (Quasi-Judicial Hearing)

A request by Kendra Lewis, Interplan LLC, on behalf of Chick-Fil-A, Inc. (property owner), to rezone 1.2± acres of land from T-5 to PD-G to allow for the demolition of an existing 3,295± square feet (sf) Chick-Fil-A restaurant with a single-lane drive-through and construction of a new 4,960± sf Chick-Fil-A restaurant with a multi-lane drive-through and associated site improvements.

Staff Presentation

Hannah Ward, Planner, presented the staff report which was included as part of the packet. She stated the site is fully developed. She stated the site is located at the northwest corner of West International Speedway Boulevard and North Williamson Boulevard. She stated the Future Land Use (FLU) on the property is Retail, and the zoning on the property is Tourist/Highway Interchange (T-5), which does allow for the drive-thru restaurant. She stated the proposed zoning is Planned Development-General (PD-G). She stated the applicant is requesting modifications to the Land Development Code (LDC) to allow for the redevelopment of the site. She stated the site is constrained and modifications are needed to accommodate the redevelopment. She stated there is an order canopy that the applicant is proposing over the two drive thru lanes that wrap around the site. She stated the applicant is proposing 42 parking spaces on-site and nine (9) parking spaces off-site on the property of the adjacent shopping center. She stated the applicant has requested waivers from the City's Major City Thoroughfare Design Standards. She stated the applicant has included the exact elevations of what they are proposing within the PD. She stated the applicant has requested to waive roof plane, wall plane, and window coverage requirements in exchange for Chick-fil-A's proposed prototype elevations. She stated the drive-through is proposed to wrap around West International Speedway Blvd. She stated the applicant is requesting a 1900 sf canopy with a 9'6" clearance. She stated that one text amendment has been approved and one is currently going through the public hearing process that would accommodate both the canopy requests without waivers. She stated the applicant has also requested to waive building perimeter, property perimeter, and tree preservation requirements due to the constrained nature of the site in exchange for the landscape plan specifically included in the board

member packets. She stated the applicant has already submitted a site plan application and the site plan is consistent with everything that is shown in the PD. She stated there is a drainage easement on the Williamson side of the property that is currently dedicated to the County. She stated in order to comply with the City's Scenic Thoroughfare Overlay (STO) District landscape requirements, the applicant has requested a reduction to the width from 50' to a minimum of 37' and average of 50'. She stated the applicant is only required to provide a total of 8 stacking spaces per the LDC and the applicant is requesting 38 spaces. She stated the site has some issues with vehicular circulation and stacking into the right of way currently, so the applicant is trying to resolve the issue with the double drive through. She stated she has requested to waive the bypass lane in favor of the double drive thru because the additional queuing is really needed on-site. She stated the applicant is proposing two (2) pole signs which are compliant with the LDC. She stated the wall signs are also compliant with the LDC. She stated provided all LDC modifications are accepted, Staff recommends approval to rezone 1.2± acres from T-5 to PD-G, to allow for the demolition of an existing 3,295± sf Chick-fil-A with a single-lane drive thru and construction of a new 4,960± sf Chick-fil-A with a multi-lane drive through and associated site improvements. She stated the item is tentatively scheduled to be heard by the City Commission for 1st reading on 10/5/2022 and 2nd reading on 10/19/2022.

Mr. McLean stated you mentioned about the 42 parking spaces and the 9 additional to get to 51 is the 9 that are off-site has that been approved by the owners of the Plaza itself or were there some agreement to say, yes, you can use these extra 9 spaces.

Ms. Ward stated we initially got the rezoning request in 2019 and it took that long for them to negotiate with the adjacent property owner to obtain the additional 9 spaces they needed, so it has been in staff review for the past couple of years and all outstanding comments had been resolved with the exception of this and we were just waiting on agreement from the adjacent property owner.

Mr. McLean asked if all 38 vehicles were being cued will there be an issue with traffic going out into either to ISB or Williamson?

Ms. Ward stated that this is intended to resolve that issue.

Mr. Mrozek stated there is a billboard on the property right now, what is being proposed with the billboard.

Ms. Ward stated the billboard is actually offsite on a parcel that is carved out that will stay there.

Mr. Barhoo asked if there was an easement or right-a-way because he has noticed people that try to turn into Chick-Fil-A and have to turn back around.

Mr. Mrozek stated on this design and they are very busy and good at what they do over at Chick-Fil-A and so many people go there on a regular basis that it does back up onto ISB. He stated the entrance for this is actually internal to the site now and they are going to have to go to the back of the property kind of closer to the Big Lots. He stated that is where they enter the property and that is where they have the two lanes, so they are not going to be stacking back onto a street, if there is any stacking, it is going to occur in a parking lot where the Big Lots is and it will be much safer.

Applicant Presentation

Kendra Lewis, Interplan, 220 East Central Parkway Altamonte Springs, stated they initially submitted in 2019 and actually today I got a signed PDF of the parking agreement at 3:00 p.m., so Ms. Ward was gracious enough to keep us on the agenda and I have been crossing my fingers not to ask for a continuance. She stated we will have the actually physical hard copy of that agreement tomorrow and we will record it at Volusia County so that for the next hearing, if approved, we will have that recorded.

Mr. Barhoo asked when will the demolition take place and how long will you be down?

Ms. Lewis stated due to the hearing process, if everything is a go tonight, we are looking like a potential construction start date of early December and it could be down for several months but can not give an exact timeframe.

Mr. Robinson asked what happens to the current employees doing the destruction of this current building and the construction of a new building, especially during the holiday season.

Ms. Lewis stated that she can not speak specifically to that but the operator is here but I can say that in other Chick-Fil-A's they have worked with local operators to try to disperse employees where able among the other locations and just plan for much needed vacation time among some of the fulltime employees.

Chris Kirby, Operator, 100 N. Williamson Blvd, stated this employee situation has been in the works for years and planning what we were going to do with our staff and currently with the demand for employees in quick service restaurants, all the other Chick-Fil-A's in the area such as Deland, Orange City, Port Orange, and Ormond Beach has asked me every other week when are we closing because they all need staff. He stated that he knows that some of them will be able to take at least 20 staff members and another one needs about 15 and I meet with them today. He stated in combination with all of those, I have some folks who are going to want to take some time off and would not be able to really manage that well.

Mr. Robinson asked will you assist the ones with transportation issues?

Mr. Kirby stated I am going down with them individually once we get a little bit closer to that point and discuss mileage reimbursements for employees who can not afford to drive so far. He stated I even have some strategies of, you know, if I can not find a place for everybody and they need to go get a job somewhere else, if it is lower paying than what I am paying them, then we will just offset that and pay the difference for them.

Mr. Robinson asked will they retain their seniority if they go to another store?

Mr. Kirby stated I can not speak for that and I think all those franchisees will have their management staff in place, and they may utilize the skills that my employees will bring and it is more of a short-term play for them and they know that it is either that or maybe take unemployment. He stated I think

they would rather retain their higher wages because if they are not going to maintain their current pay rates then I will be offering that anyways.

Mr. Gross stated he did not have a chance to talk to staff about this and I read the report earlier this week and did not raise the question, but I was not aware or focusing on the fact that according to the staff report, a portion of the parking spaces required for this site plan are off-site and so under the LDC, in order for us to approve those off-site spaces, I have to be able to review that agreement to make sure it meets all LDC requirements, so I would ask Ms. Lewis to send a copy of that agreement over to staff, and they will provide me a copy. He stated I would recommend that the Planning Board make any recommendation for approval of the site plan based contingent upon the agreement meeting LDC requirements.

Ms. Humphreys stated for the off-site parking if the people that own that land and they decide to sell their property does this go.

Mr. Gross stated the LDC requires and this is the only part of the LDC provision that I remember offhand that those spaces be available to the borrowing user for at least five years and that the agreement is recorded. He stated that Ms. Lewis already said that they are going to record the agreement, there are other requirements too. He stated it is specifically a requirement that our office and City Attorney's Office review that agreement for compliance.

Mr. Lewis stated I was able to forward that agreement to Ms. Ward this afternoon but obviously it has not had time to get into your hands. She stated that the lease is up on the billboard and it will be demolished with the building.

Mr. Barhoo confirmed with Mr. Gross that the board can vote on it with the contingency that it will be approved if it meets the site plan.

Mr. Gross stated the site plan would be subject to the shared parking agreement being reviewed and approved as meeting LDC requirement.

Board Comments

Ms. Humphreys stated it is a breath of fresh air that Chick-Fil-A cares about the people that work for you and is looking into ways to help them get through it is definitely commendable.

Citizen Comments

There were no comments

Board Action

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

Tony Barhoo (Vice Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

9. 3rd Amendment – O’Connor Capital PD – DEV2022-090 (Quasi-Judicial Hearing)

A request by Jessica Gow, Esq., Cobb Cole, on behalf of TLO 5 Strickland LLC (property owner), to amend the O’Connor Capital PD to modify Scenic Thoroughfare Overlay (STO) District landscaping requirements along Williamson Boulevard for a portion of the property.

Staff Presentation

Hannah Ward, Planner, presented the staff report which was included as part of the packet. She stated that we heard about this site last month and this is the O’Connor Capital PD property in the Northeast quadrant of LPGA and the I-95 Interstate Interchange. She stated that the site is vacant and partially developed with the Cottage, which is the only site plan that has been approved out there. She stated the Northeast corner of the property is the only piece that is being affected by this amendment. She stated it is the only unplatted outparcel within the subdivision. She stated the Future Land Use designation on the property is Mixed Use, and the zoning designation on the property is Planned Development-General (PD-G). She stated, in 2019, the O’Connor Capital PD was approved on 214.6 ± acres and to allow for a mixed-use development. She stated, in 2020, the applicant came forward with the 1st Amendment that allowed for cottage-style multifamily development. She stated the preliminary and final plat for the overall property was approved in July 2022. She stated she came forward with the 2nd Amendment to allow cottage-style multifamily throughout the PD property at the August 2022 Planning Board meeting, and now the applicant is requesting to reduce the Scenic Thoroughfare Overlay (STO) District landscape yard along Williamson Blvd. just for the unplatted outparcel. She stated the applicant is requesting a reduction from 50 feet to 25 feet to accommodate the proposed development of the outparcel. She stated the reduction would be for a distance of 855 linear feet south from Strickland Range Road along Williamson Blvd.. She stated this is the only modification to the Land Development Code (LDC). She stated the applicant is proposing to meet the minimum required landscaping for the full 50-foot landscape yard. She stated, provided the modification is accepted, Staff recommends approval to amend the O’Connor Capital PD to modify the Scenic Thoroughfare Overlay District landscaping applicable along Williamson Boulevard. She stated the item is tentatively scheduled to be heard by the City Commission for 1st reading on 10/5/2022 and for 2nd reading on 10/19/2022.

Applicant Presentation

Jessica Gow, Cobb Cole, 149 S. Ridgewood Avenue, stated this site is 7 acres outparcel and O'Connor, the property owner had been approached by a Medical Clinic Developer and you are getting a handout of elevations from other projects that they have done, it is called Encompass Health. She stated it is kind of a short-term in-house rehabilitation center and patients go directly from a hospital to the center where they stay for 13 days and be provided rehabilitation services and then they go about their lives. She stated so what we think of the site is that it makes a lot of sense here with Advent in the north and the VA clinic coming in just to the south. She stated what the engineers have seen on an initial review and like Ms. Ward said we do not have the site plan just yet. She stated that with the proposed square footage they are looking for what their smallest kind of building footprint for the company and the site layout is that they cannot fit the required parking and stormwater and all of that with the 50-foot buffer. She stated what they can do is provide 25 feet with the same landscaping that a 50 foot would have. She stated so you are still going to have a lush landscaping, the same number of trees and underbrush and things like that and it will just be closer together and actually appear thicker than otherwise, it was more spread out. She stated that when the cottages came in they extended Strickland Range Road to their access point and as part of that this site had to provide storm water for the Strickland Range Road along the north side of their property. She stated now under the LDC, the 50-foot buffer can include stormwater and so if this site did not have Strickland Range Road there and did not have the stormwater facilities, if it was a completely blank site, the engineer could have said, yes, we can fit 25 landscaping and 50 foot stormwater pond then we will develop the rest of the site because the stormwater has to be along Strickland Range Road for the County drainage rights and cannot do that here. She stated this is a way to bring this use forward that we think makes a lot of sense for the site and allows for all the other kind of site features to remain meeting codes.

Mr. Barhoo asked TLO 5 Strickland LLC where are they from?

Ms. Gow stated they are a affiliate of Timberline Acquisitions, which took over the holdings and if you guys will remember of CTO Reality, which was formerly known as Consolidated of Tomoka.

Mr. McLean stated I kind of suspect that was the case but wanted to hear you say it.

Mr. Barhoo stated looking at that 25 feet, could it not have redesigned the building to make it a little smaller and leave that in place.

Ms. Gow stated that the Encompass Health kind of brand has like three different corporate prototypes and it is classified in the LDC as a Medical Clinic Office and it is licensed by the State as a specialty hospital and there are other prototypes are larger and this is a smaller footprint to really have mixed use here, that is the size that they are working with.

Mr. Newman stated that what you want in a buffer and if it is density is increased, I think that 25 feet would be adequate.

Ms. Gow stated the applicant has committed to the same exact amount of plantings if they had the 50 foot just squeezed into that 25 feet and if you looked at it straight on and a kind of two-dimensional section, the plant would look the same as if you had 50 foot. She stated I think what you would see is

going to be less space if you looked at it from an angle for gaps kind of through and that would make it look sparser.

Board Comments

There were no comments

Citizen Comments

There were no comments

Board Action

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

Tony Barhoo (Vice Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

10. Land Development Code Text Amendment– Fences and Walls– DEV2022-074 (Legislative Hearing)

A request by the Development and Administrative Services Department, Planning Division, to amend Article 6, Section 6.8 and 6.14 Fences, Walls, and Hedges, of the Land Development Code (LDC), to modify and clarify development standards for repair, replacement and maintenance of fences and walls.

Staff Presentation

Dennis Mrozek, Planning Director, presented the staff report which was included as part of the packet. He stated the review of the current Use Specific Standards for fences and walls in Article 6, Section 6.8 and 6.14 of the LDC reveals some inconsistencies and ambiguity in the current standards related to repair and replacement of maintenance of fences and walls. He stated Section 6.8.B of the LDC requires any repair or replacement of 50% or more of fences and walls erected on or before March 1, 2015, to obtain a permit and the standard does not address requirements for fences and walls erected after March 1, 2015. He stated redevelopment area standards in Section 6.14.J.2 of the LDC requires to all auxiliary, which should be accessory structures including fences and walls to be painted to present a neat and finished appearance. He stated the purpose of this language was the to require any auxiliary structures that were already painted to be repainted as part of repairs because of the way the language was written, it has been interpreted that all fences and walls had to be paint regardless of whether the structure was painted prior to the repairs.

Mr. Gross stated turn to page 2 of the staff report and I think Mr. Mrozek has pretty much described the purpose of this amendment frankly, when the amendment initially came to me it was based in part and there have been instances where pursuant to a section of the LDC appendix that says for all applications for permits and surveys shall be required where applicable was being interpreted by some people in the city, as always, requiring surveys. He stated that if you were requiring a fence, maybe a post on a fence, you were being told you needed a permit and you need a survey when neither you know, which may or may not be true. He stated whether or not somebody needs a permit when we are talking about a building permit, is governed by the Florida Building Code, which has plenty of language about differentiating between maintenance activity and repair and new construction. He stated so we said that we will help inform you on the changes. He stated if you look at page 2 of the staff report, Section 6.8.B. 1 we are just taking out some unnecessary language in paragraph A. He stated the provisions of this section applies to all fences or walls that are not required for support of a principal or accessory structure, except this provided into which was unchanged. He stated we deleted Section 3 just because this is not the section that dictates when permits are required and we did not want to have any confusion over that and we are eliminating Section 4, which was also causing some confusion. He stated Section 4 read or currently reads the standards in this section applied to the repair or replacement of 50% or more of any permanent wall or fence existing on March 1, 2015. He stated we have a non-conforming structure provision in the LDC already and you are not working on your fence is non-conforming with regard to some of the various requirements of this section which are not in this staff report, but relate to things like setbacks, types of materials, you are non-conforming and if you are substantially damaged, you will have to repair and you will have to bring your new or repaired fence up to the current code standards. He stated maintenance is required and it is not something that there is an out for in terms of nonconforming. He stated Section 6 on page 2, the way it reads literally right now is that any discoloration of a fence including a fence that might be pressured treated and unpainted you have to fix that. He stated the intent is if it is discolored or other than from natural weathering, it has to be maintained. He stated that Section J of this section, currently 1st auxiliary structures, which is not a term in the LDC, it should refer to accessory structures. He stated that the change is a part of a larger effort at clarifying for both staff and the public what is much required for fence construction, repair and maintenance.

Mr. Barhoo stated Mr. Gross, I am glad that you are addressing that, especially with the discoloration because sometimes they use sprinkler or wall water that hits against certain types of materials and fences causing discoloration, by taking this out certainly makes a lot of sense.

Mr. Robinson asked on page 2, Section J what does neat and finish appearance that is so ambiguous or subjective

Mr. Gross stated we do not think it is ambiguous or subjective at it is existing language. He stated that if staff saw a fence plank that was maybe cut with a kitchen knife from a piece of plywood with jagged edges and obvious splinters, they would say that does not present a neat and finished appearance.

Mr. Robinson stated that could be my design on the fence.

Mr. Gross stated if that is your design, that would not be authorized under our LDC.

Mr. Robinson asked if that could be a non-conforming?

Mr. Gross stated that if you had a very rustic full of splinters fence that was constructed before these provisions went into effect, it may be non-conforming, in which case they can stay.

Mr. Robinson voiced concerns about the subjectivity of the LDC terms or definition of what neat and finished is and subject maybe it should be removed.

Mr. Gross stated with all due respect you are setting up the straw man and if you happen to have a rustic fence as opposed to a dilapidated crumbling and dangerous condition fence, that might be a close call whether that is neat and finished and if it is finished in accordance with community accepted standards, I do not see Code Enforcement giving you a hard time over that but if you have a fence that has exposed nails, does not have planks on straight and all kinds of directions with splinters and graffiti, that is not a neat and finished appearance.

Mr. Robinson stated that my graffiti might be my expression, which should be covered by my constitutional right.

Mr. Gross stated that the bottom of page 1, I would suggest for anybody to use if they are wrestling with terms like neat and finished. He stated the purpose and intent of this section is to regulate the location, height and appearance of fences and walls to maintain visual harmony with neighborhoods and throughout the city.

Mr. Robinson stated it becomes a subjective decision by my neighbor and what is going to determine that my needs and finished might not be in harmonious compliance.

Mr. Gross stated your neighbors opinion of whether something is harmonious that would be relevant. He stated what would be relevant is whether based on photographs, they are harmonious, and that decision would ultimately by a Special Magistrate or Code Enforcement board.

Mr. Robinson stated what I am saying is that we have to look at those terms that is too subjective and without any clear-cut definition.

Mr. Mrozek stated if there is a word use that is not in our LDC, we would look to other definitions of those words. He stated in this case, need being free from dirt and disorder, habitually clean and orderly, the word finished, brought to a state of completion and we would be using those and that is how we would define it.

Mr. Gross stated the charge in the LDC with regard to interpreting words that are not defined is to do exactly that, is to look to their common and ordinary meaning.

Board Comments

There were no comments

Citizen Comments

There were no comments

Board Action

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

Tony Barhoo (Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

11. Other Business

A. Downtown/Balough Road Redevelopment Area Board Report

Mr. Newman stated there was no meeting in the month of August

B. Midtown Redevelopment Area Board Report

Ms. Washington stated there was no meeting in the month of August

C. Beachside Redevelopment Area Board Report

There were no comments

D. Public Comments

There were no comments

E. Staff Comments

Mr. Mrozek stated last night, staff had a growth and management workshop with the City Commission. He stated we went over a lot of different things and some common terms processes. He stated we talked about the Planning Board and their responsibilities, some of the development in the city and where it is occurring. He stated there is a link to that workshop that is available online, if you would like to see that, however, what I think we are going to do is maybe abbreviate that a little bit and going to bring that presentation here and to the planning board as well. He stated that it is probably not going to happen next meeting but after looking at the schedule going to happen at the meeting in October.

Mr. Robinson stated that the presentation by staff is greatly improved and they are so much more understandable, and I appreciate it.

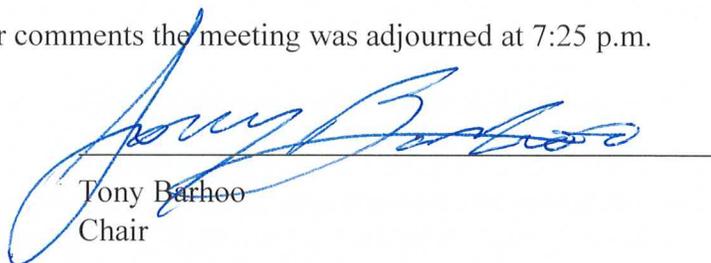
Mr. Barhoo stated he would like to thank staffs for all the materials and all the things they have done, which includes all our City staff, volunteers, visitors, and participants

F. Board Members Comments

Mr. Robinson stated that the presentation by staff is greatly improved and they are so much more understandable, and I appreciate it.

Mr. Barhoo stated he would like to thank staffs for all the materials and all the things they have done, which includes all our City staff, volunteers, visitors, and participants

There being no further discussion or comments the meeting was adjourned at 7:25 p.m.



Tony Barhoo
Chair

ATTEST:



Cathy Washington
Secretary