
A regular meeting of the City of Daytona Beach Planning Board was held on Thursday, March 22, 2007, at 6:00 PM in City Hall Commission Chambers, 301 S. Ridgewood Ave., Daytona Beach, FL

Board members present were as follows:

Ms. Anita Gallentine
Mr. Bob Hoitsma, Vice Chair
Mr. Jeff Hurt
Ms. Janet LeSage
Mr. John McGhee II
Mr. Larry Moore
Mr. Sam Rogers
Ms. Edith Shelley, Chair
Ms. Cathy Washington
Mr. Kenneth Wood

Absent members:

Mr. James Neal

Staff members present:

Mr. Steven Spraker, Planning Manager
Mr. Ben Gross, Assitant City Attorney
Ms. Belinda Collins, Principal Planner
Ms. Lana Loss, Planning Technician

1. Call to Order

Ms. Shelley called the March 22, 2007 Planning Board Meeting to order at 6:00 p.m.

2. Roll Call

Ms. Washington called the roll and noted members present as stated above.

3. Approval of the Minutes: February 22, 2007

Mr. Moore stated the top of page 3 read Ms. Spraker and should be Mr. Spraker.

Mr. Hoitsma made a motion to approve the February 22, 2007 meeting minutes as amended. Mr. Hurt seconded the motion and it was unanimously approved (10-0).

4. REZONING, DEV 2007-028, Hurst Elementary Replacement School

A request by Ms. Saralee Morrissey, AICP, Director of Site Acquisition and Intergovernmental Coordination for the Volusia County School Board, for approval of a rezoning of 25.33 ± acres from Volusia County A-2 (Rural Agriculture) to the City of Daytona Beach R-1a (Single-Family). The subject property is located along Tournament Drive Extension, approximately 4,700 feet north of the intersection of Tournament Drive and LPGA Boulevard.

Staff Recommendation

Mr. Spraker presented information contained in the Staff report, a copy of which is hereto attached and made part of the record. He gave a PowerPoint presentation showing the location of the site to the Board, a copy of which is hereto attached and made part of the record.

Applicant's Presentation

Ms. Saralee Morrissey, Director of Site Acquisition and Intergovernmental Coordination for the Volusia County School Board, was present to answer questions.

Citizen's Comments

Mr. John Nicholson, 413 N. Grandview Avenue, Daytona Beach, stated the proposed school was something that was needed for the students of the City but he had concerns that students who lived in the City would not be able to attend the school. He said one of the first things people considered when relocating to the City were the schools in the area.

Mr. Spraker stated the proposed school would serve the LPGA area subdivisions and Bayberry Cove as well proposed subdivisions such as Tuscany Woods and Townhomes of Tuscany.

Ms. Shelley stated one of the reasons Consolidated Tomoka Land Company donated the property was to encourage families to move into the area.

Board Motion

Mr. Hurt made a motion to approve the request. Mr. Moore seconded the motion.

Board Action

The motion was unanimously approved (10-0).

5. **PUBLIC USE PERMIT & PRELIMINARY PLAT, DEV 2007-029, Hurst Elementary Replacement School**

A request by Ms. Saralee Morrissey, AICP, Director of Site Acquisition and Intergovernmental Coordination for the Volusia County School Board, for approval of a public use permit and one-lot preliminary plat of 25.33 ± acres to allow the construction of an elementary school. The subject property is located along Tournament Drive Extension, approximately 4,700 feet from the intersection of Tournament Drive and LPGA Boulevard.

Staff Recommendation

Mr. Spraker presented information contained in the Staff report, a copy of which is hereto attached and made part of the record. He gave a PowerPoint presentation showing the location of the site to the Board, a copy of which is hereto attached and made part of the record.

Applicant's Presentation

Ms. Saralee Morrissey, Director of Site Acquisition and Intergovernmental Coordination for the Volusia County School Board, was present to answer questions. She said there were concerns with the trend of the loss of families residing in the community. She said the proposed school was a sales tax project identified in 1999 and 2000 using the ½ penny sales tax. She said Hurst Elementary School was based on facility needs and the significant investment in renovation or replacement and not related to growth. She said they also considered the decline in enrollment since the year 2000. She said the School Board and Consolidated Tomoka Land Company worked out an agreement for a public school site that would include areas where they had a vested interest. She said the students that currently attended Hurst Elementary would continue to attend the new school.

She said the proposed school would be 2-stories with more classrooms due to class size reduction.

Mr. Hoitsma asked if they were only allowed to build for existing students and not anticipated growth. Ms. Morrissey stated when schools were state funded they could impose certain requirements. She said when local dollars were used; they could build to anticipated capacity and their objective was to open schools with 2/3 of the school population. She said their goal was to open at 80% capacity.

Citizen's Comments

There were no citizen comments.

Board Motion

Mr. Hurt made a motion to approve the request. Mr. Wood seconded the motion.

Board Action

The motion was unanimously approved (10-0).

6. **HISTORIC OVERLAY REZONING, DEV 2007-24, Stirling Sotheby Office Building**

A request by Mr. Robert J. Ball, P.E., Zev Cohen and Associates on behalf of Stirling Sotheby LLC, for a historic overlay zoning designation for the property located at 150 West International Speedway Boulevard.

Staff Recommendation

Ms. Collins presented information contained in the Staff report, a copy of which is hereto attached and made part of the record. She gave a PowerPoint presentation showing the location of the site to the Board, a copy of which is hereto attached and made part of the record.

Mr. Hurt asked about the elevation of the building being below the flood plain. Ms. Collins stated the applicant was requesting a variance for relief of the standard requirement for flood proofing the building.

Applicant's Presentation

Mr. Mark Karet and Mr. Bobby Ball, Zev Cohen and Associates, representing the applicant, were present to answer questions. Mr. Karet reviewed the history of the building with the Board.

Mr. Hoitsma asked if the shields that would be placed on the lower portion of the building during storms or hurricanes would prevent them from obtaining flood insurance, and if it did not, would the City be liable for any damages due to the fact that a variance was granted. Mr. Karet stated a process was established in order for the applicant to obtain financing and conventional insurance, which would include obtaining a variance and providing flood proofing. Mr. Gross stated the City was not liable for permitting decisions, which essentially a variance would be.

Ms. LeSage asked if they would be removing the glass block and replacing it. Mr. Ball stated the glass block on the curved side of the building would remain. He said they would be replacing the upstairs windows with identical windows and leaving the glass block in place.

Ms. Shelley stated the Downtown/Balough Road Redevelopment Area Board supported the request.

Citizen's Comments

There were no citizen comments.

Board Motion

Mr. Hurt made a motion to approve the request. Mr. Moore seconded the motion.

Board Action

The motion was unanimously approved (10-0).

7. **REZONING, DEV 2007-009, Fifth Street Commerce Center**

A request by Parker Mynchenberg, P.E. of Parker Mynchenberg and Associates, on behalf of Ronnie Bledsoe, managing member of Fifth Street Commerce Center, for a rezoning from M-2 (Light Industry) to PCD (Planned Commercial Development) for a 14.35± acre parcel and to enter into the Fifth Street Commerce Center Planned Commercial Development Agreement to establish development standards for a mixed use commercial and industrial development. The subject property is located at 1738 Fifth Street.

Staff Recommendation

Ms. Collins presented information contained in the Staff report, a copy of which is hereto attached and made part of the record. She gave a PowerPoint presentation showing the location of the site to the Board, a copy of which is hereto attached and made part of the record.

Mr. Hoitsma asked if the natural vegetation buffer were damaged in some way, would the applicant be required to replace it.

Applicant's Presentation

Mr. Parker Mynchenberg, Parker Mynchenberg and Associates, representing the applicant was present to answer questions. He said he toured the site with Mr. Dan Hunter, City Landscape Architect, and they agreed to add specific notes on the landscape plan, which included overstory and understory trees along with shrubs. He said if a disaster destroyed the vegetation, the property owner would replace it. He said it was their intent to provide a 6 foot precast masonry wall along the front of the subdivision with 30 feet of existing and planted vegetation as a buffer.

Mr. Mynchenberg provided a copy of the release of the reverter clause for the property to Mr. Spraker, a copy of which is hereto attached and made part of the record. He said the property was originally purchased by WORC (Work Oriented Rehabilitation Center), who sold the property to Mr. Ronnie Bledsoe.

Mr. Hoitsma asked about the incompatibility of the art, dance, modeling and music schools, bakeries and industrial manufacturing as listed in the proposed uses. Mr. Mynchenberg stated manufacturing typically operated during the daytime hours and the

schools would operate in the evening hours. He said they anticipated more of a warehouse and retail type use.

Ms. LeSage said she had concerns with early morning noise in the neighborhood with trucks entering the property. Mr. Mynchenberg stated the existing M-2 zoning allowed for heavier industrial uses with only a 15-foot buffer. He said the proposed uses would have less of an impact on the neighborhood and they would be doubling the size of the required buffer.

Mr. Moore asked about the number of parking spaces at 581. Mr. Mynchenberg stated they exceeded the parking requirement, which was 3.5 spaces per 1000 square feet of gross floor area. He said they provided additional parking spaces because they anticipated service oriented businesses that would involve the use of service vehicles, which would be parked on the premises when not in use.

Citizen's Comments

Mr. Jim King, Executive Director of the Association for Retarded Citizens (ARC), 100 Jimmy Huger Circle, Daytona Beach, representing over 142 disabled clients, stated he was very concerned that the applicant had not given any consideration to the impacts on ARC whatsoever, whose entrance was on Fifth Street.

Mr. King stated Fifth Street was already failing due to the large number of vehicles on the road each day. He said when Consolidated Tomoka Land Company donated the land to ARC and WORC, it was intended for non-profit organizations and felt the proposed development was not consistent with the existing uses and would adversely affect the health and safety of ARC's clients.

Mr. Hoitsma asked what particular concerns with health and safety Mr. King had. Mr. King stated his concerns were traffic and the nature of the proposed businesses. Mr. Hoitsma asked if the clients of ARC were confined to the property. Mr. King stated no, they did not confine or restrain anyone, although some clients were confined to a wheelchair, blind or could not perform normal everyday activities.

Mr. Moore asked about the configuration of Fifth Street. Mr. Spraker stated Fifth Street was a private easement, which acted as any other road. He said the applicant owned the road and ARC had an access easement for entry to their property. Mr. Spraker stated at certain peak times the roadway might fail because of school pick up and release the same as any other roadway might, but on the average, the segment of Fifth Street would not fail. He said most of the businesses would recognize the peak periods and avoid them.

Mr. Moore asked about the intent to have only non-profit facilities for the property. Mr. Spraker stated there was a reverter clause that would not allow anything but an institutional type use on the property. He said he spoke with Consolidated Tomoka Land Company and Mr. Mynchenberg, who both provided information showing the release of the reverter clause, which was a private transaction.

Mr. Moore asked about the enclosed or covered parking as discussed on page 2 of the agreement. Mr. Mynchenberg stated there would not be any covered parking and the sentence pertaining to covered parking and the next sentence should be deleted from the agreement.

Ms. LeSage asked who would be providing the 5-foot sidewalk on the south side of the easement. Mr. Mynchenberg stated they would provide a sidewalk on their property that would extend out to Jimmy Ann Drive.

Board Motion

Mr. Hurt made a motion to approve the request with the deletion of the reference to enclosed and covered parking in the agreement. Ms. Washington seconded the motion.

Board Action

The motion was approved (9-1) with Ms. LeSage casting the dissenting vote.

8. ROW VACATION, DEV 2007-035, Briere Avenue ROW Vacation

A request by Mark Dowst, P.E., of Mark Dowst and Associates, on behalf of TDC Daytona Beach, to vacate the 40-foot Briere Avenue right-of-way located near the northeast intersection of Ridgewood Avenue and Beville Road totaling 0.263 ± acres.

Staff Recommendation

Mr. Spraker presented information contained in the Staff report, a copy of which is hereto attached and made part of the record. He gave a PowerPoint presentation showing the location of the site to the Board, a copy of which is hereto attached and made part of the record.

Applicant's Presentation

Mr. Mark Dowst, Mark Dowst and Associates, representing the applicant, was present to answer questions. He said approximately four years ago, a Hess Gas Station was being proposed for the site and they decided not to move forward with the project. He said a Walgreens was being planned for the site.

Citizen's Comments

Ms. Kay Kincaid, 275 Indigo Drive, Daytona Beach, stated the road from Ridgewood Avenue to Palmetto Avenue was very narrow and the City should request additional right-of-way. Mr. Hurt stated the road would be a one-way street. Mr. Spraker stated staff believed the best solution for the road would be to maintain it as a one-way street so that there would be minimal impacts on residential areas. He said they preferred main access to the site on Ridgewood Avenue.

Mr. John Nicholson, 413 N. Grandview Avenue, Daytona Beach, stated he had concerns that condominiums would be built in the area, which would have additional traffic impacts on the area. He said the road from Ridgewood Avenue to Palmetto Avenue should be wider, even if it was maintained as a one-way street.

Board Motion

Mr. Hurt made a motion to approve the request. Mr. Wood seconded the motion.

Board Action

The motion was unanimously approved (10-0).

9. SITE PLAN, DEV 2006-106, Halifax Hospital

A request by Mr. Robert Merrell, Esquire, of Cobb & Cole, on behalf of Mr. Michael Morgan, Halifax Medical Center, for site plan approval of a 493,663 square foot expansion of the existing Halifax Medical Center and associated site improvements. The subject property is located at 303 North Clyde Morris Boulevard.

Staff Recommendation

Mr. Spraker presented information contained in the Staff report, a copy of which is hereto attached and made part of the record. He gave a PowerPoint presentation showing the location of the site to the Board, a copy of which is hereto attached and made part of the record.

Mr. Spraker asked that the approval be contingent on the historic tree removal, land use and zoning request approval by the City Commission.

Applicant's Presentation

Mr. Chris Challis, Cobb & Cole, representing the applicant, was present to answer questions.

Citizen's Comments

There were no citizen comments.

Board Motion

Mr. Hurt made a motion to approve the request with the condition that the approval be contingent on the historic tree removal, land use and zoning request approval by the City Commission.

Mr. McGhee seconded the motion.

Board Action

The motion was unanimously approved (10-0).

Other Business

• **Evaluation and Appraisal Report Update**

Mr. Spraker stated staff was in the process of finalizing the City's EAR (Evaluation and Appraisal Report) which assessed the City's Comprehensive Plan by identifying issues through a public scoping meeting. He said staff would like to bring the draft report to the Board in April, either at the regular meeting, or through a workshop. Mr. Spraker suggested holding an additional meeting either April 30th or May 1st, 2007. He said staff would contact the Board to see what their preference was. Mr. Spraker stated if the agenda for April appeared to be light, they might be able to discuss it then.

• **Downtown/Balough Road Redevelopment Area Board Report**

Ms. Shelley reported on the Board's March meeting.

• **Midtown Redevelopment Area Board Report**

Mr. Rogers stated he would give a report on the Board's March meeting next month.

• **Main Street/South Atlantic Redevelopment Area Board Report**

Ms. LeSage reported on the Board's March meeting.

• **Vision Committee Report**

Ms. Shelley stated the next meeting would be held on March 26, 2007 at 6:00.

• **Public Comments**

Mr. John Nicholson, 413 N. Grandview Avenue, Daytona Beach, said the Board did not do the City any favors by recommending approval on the items for Hurst Elementary School. He said some of the lowest scoring FCAT schools were in the City of Daytona Beach. He said this would add another low performing school into the middle of a suburb and would deter any development growth in that area, due to the fact that parents would not want their children to attend it.

• **Board Members Comments**

Mr. Rogers stated he saw much growth in neighboring cities, but not within the City of Daytona Beach to bring it into the 21st Century. He said he hoped the Vision process would encourage development and growth in the City.

Ms. Gallentine stated at the last meeting the Board discussed an item they previously approved regarding the height of new development along the west side of A-1-A and asked why it had not moved forward to the City Commission. Mr. Spraker stated the height and density issues did not go forward so that they could be addressed through the Vision process.

Ms. Gallentine asked about the status of the new fence standards. Mr. Spraker stated there was a 90-day time period to come into compliance, which would be April 2007. He said some property owners were voluntarily complying and others had no intention of complying and would be cited for a notice of violation.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 7:34 p.m.

EDITH SHELLEY
Chair

CATHY WASHINGTON
Secretary