

MINUTES

REGULAR MEETING – PLANNING BOARD

September 22, 2022

Minutes of the Regular Meeting of the Planning Board of The City of Daytona Beach, Florida, held on Thursday, September 22, 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
Michael McLean	Present
James Newman	Present
Tony Servance	Present
Milverton Robinson	Present
Cathy Washington (Secretary)	Present

Also Present:

Ben Gross, Deputy City Attorney
Dennis Mrozek, Planning Director
Shannon Ruane, Planner
Rose Askew, Development Services Project Manager
Vanessa Trimble, Planning Technician
Gina Fountain, Board Secretary

3. **Approval of Minutes**

Approval of the Minutes of the August 25, 2022 Regular Planning Board Meeting held at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board Action

It was moved by Mr. McLean to approve the minutes as corrected, seconded by Mr. Servance. The motion passed 7-to-0 with the breakdown as follows:

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

New Items

4. Project Epsilon aka Waypoint Apartments-Site Plan-DEV2021-098 (Quasi-Judicial Hearing)

A request by Kristopher Rowley, P.E., Zev Cohen & Associates, Inc., on behalf of WP Daytona-LPGA FL Owner LLC (property owner), to approve a Major Site Plan for the construction of a 300-unit multifamily complex and all associated site improvements on 14.5± acres of vacant/undeveloped land.

Staff Presentation

Shannon Ruane, Planner, presented the staff report which was included as part of the packet. She stated the current condition is vacant and undeveloped. She stated the project is located north of LPGA Boulevard, around 700 feet east of the Clyde Morris and LPGA Boulevard intersection. She stated the Future Land Use is mixed use, which is consistent with the request and the current zoning is Planned Development-General (PD-G). She stated the City Commission approved the Project Epsilon Planned District Agreement rezoning of 65± acres of land to allow for a maximum of 200,000 square feet (sf) of non-residential development and 300 multifamily dwelling units in January 2021. She stated the project is a total of 300 dwelling units that maxes out that PD limit for residential, 14.5± acres with 1.33± acres of wetlands remaining undisturbed and parking is consistent with the Land Development Code (LDC) in the PD. She stated that they are getting a 5% reduction for bicycle parking, that is an allowable reduction that our LDC has in there. She stated it is essentially a one-to-one ratio because they are taking out 30 parking spaces at 5% and putting in 30 bicycle parking spaces. She stated that some of the parking spaces are in the garages that are part of the development plan. She stated the architectural elevations comply with our Major City Thoroughfare Design Standards and the PD and that the landscaping complies with LDC and PD requirements. She stated the signage is going to be submitted for separately and it must comply with the LDC Business District Sign Schedule for their PD. She stated for the Traffic Proportionate Fair Share Agreement that will be going to the City Commission meeting in October 2022. She stated provided the Proportionate Fair Share is approved and paid for traffic impacts, Staff recommends approval of the Mason Daytona Apartments Major Site Plan for the development of a 300-unit multifamily complex.

Mr. Robinson stated on page two, you mentioned that the project history there is a maximum of 200,000 sf for non-residential development, how much of that have they used up?

Ms. Ruane stated the only thing that has come forward thus far is the multifamily development and the applicant can speak regarding any future plans for the rest of the PD.

Mr. Newman asked what are the conditions for riding bikes out there, are there plenty of bike paths, and do they connect in with the rest of the city?

Mr. Mrozek stated that what you are seeing is some of the improvements that are being done in the area, especially like the Williamson extension, include multi-use paths that allow for bikes to access

back and forth. He stated when we review developments, we always try to review developments to allow access from the right of way into the development.

Mr. Newman asked if there were any plans to connect that with the eastern part of town?

Mr. Mrozek stated that staff is having conversations internally about what we can do to be able to connect the west side of town with the east side of town of being able to jump 95 and how we can do that and there are always costs involved in doing that. He stated they are always looking for grants and grant opportunities to be able to do things like that but a bike network is something that we are very interested in and something we are also pursuing.

Applicant Presentation

Kristopher Rowley, Zev Cohen & Associate, 304 Interchange Boulevard, Ormond Beach, Florida, stated he was here on behalf of the applicant WayPoint Daytona and also have with him, Andres Lozano from the owner, to answer any questions you may have and wrote down a few that you all had. He stated in regard to the commercial, if you look at the site plan, this site is the way that it was designed and completely surrounded by wetlands. He stated we took a lot of effort when designing the site to avoid wetland impacts. He stated these wetlands actually have been priced very high, which means when you impact them the mitigation costs a lot more. He stated the owner at this time has no plans for any commercial in the future, mainly just for costs but all that we are coming forward with is the apartment complex. He stated that as far as the bicycles, the Sanctuary Apartment Complex to the east of ours, which is being under right now, they are providing a sidewalk that we are connecting to and then continuing with that all the way down to Twin Lakes as well as the turn lanes will have bike lanes for future growth that is required by the County.

Ms. Humphreys asked how wider are the sidewalks?

Mr. Rowley stated he believe it is just Couty standard of five feet.

Mr. McLean stated he know that the owner of WayPoint Daytona-LPGA home office is in Atlanta, GA but would WayPoint have a local presence here is Daytona Beach?

Mr. Rowley stated the owners have no plans of the selling the apartment complex and they are really trying to get into Daytona Beach area. He stated he has worked with them on several projects in the area that did not pan through but the representative for the owner can provide more information.

Andres Lozano, Senior Development Manager with WayPoint, 150 E. Palmetto Park Road, Suite 600, Boca Raton, Florida, stated he recently started he recently joined the company about two months ago. He stated that WayPoint has been more of an acquisition firm buying into existing assets and holding long-term. He stated recently we have ramped up on the new ground up development product side. He stated their strategy is to enter secondary markets that we think have a lot of growth potential and that is what we feel about Daytona Beach. He stated we have no plans on selling that project and we are actively looking to be more engaged in this community. He stated that it is all about finding the

right acquisition opportunities but it is hard to say exactly what that presence looks like for now but Mason-Daytona would be the first. He stated Atlanta, GA is the main office but himself and other staff offices are located in Boca Raton, FL.

Mr. Robinson stated in terms of the environmental impact and the wetlands that you said, it is the cost of mitigation is so expensive, you are going to hold on it. He stated you will not be expanding into any commercial development and he can safely say the wetland will be there for quite a few more years?

Mr. Lozano stated that they are paying approximately \$150,000 in mitigation costs that we are paying and WayPoint has never developed retail or any other use specifically a multifamily development.

Mr. Robinson stated the environment and the animals greatly appreciate your business.

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. Servance seconded the motion in accordance with the staff report as presented. The motion passed 7-to-0 with the breakdown as follows:

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

5. **Expanding Covered Area on Boat Docks & Slips- Land Development Code (LDC) Text Amendment DEV2022-175 (Legislative Hearing)**

A request by the Development and Administrative Services Department, Planning and Permit and Licensing Division, to amend Article 5, Accessory Uses and Structures, Section 5.3.C.7 Docking Facility Standards of the Land Development Code (LDC), to modify current development standards for boat slips to allow a roof over the boat slip platform area.

Staff Presentation

Rose Askew, Development Services Project Manager, presented the staff report which was included as part of the packet. She stated current trends for property owners with waterfront properties is to have a roof over their boat docks. She stated roofs allow the property owner the ability to sit in the area and be shielded from the elements. She stated the current trend to have a roof over the boat slip platform area triggered requests from property owners to have a roof over their boat dock platform area. She stated the current regulations for boat slips are located in Section 5.3.C.7 of the LDC and right now, a roof is only permitted over the boat slip, storage or mooring areas. Ms. Askew stated no roof, enclosure, or siding is allowed over any portion of the boat slip dock platform or walkway. She stated that staff is proposing to modify the current development standards in Section 5.3.C.7 to for Docking (boat slip) facilities to allow a roof over the boat slip, boat slip platform and mooring area. The request also includes modifications to the text to make the terminology in the development standards consistent with the text in the definition for "boat slip" in Article 11, Section 11.5. Ms. Askew stated staff recommends approval of the proposed text amendment, to amend Article 5, Accessory Uses and Structures, Section 5.3.C.7 Docking Facility Standards of the LDC, to modify current development standards for boat slips to allow a roof over the boat slip platform area.

Ms. Humphreys asked would they be required to have hurricane tie downs similar to a home?

Ms. Askew stated they would have to meet building code and State of Florida regulations before it can be installed.

Mr. Newman asked the language that disallowed a covered enclosure or siding or roof was removed, so now does it allow siding as well?

Ms. Askew replied no sir, the only language staff wanted to put in there was for roofs and we have never allowed the other because we do not want it to become an enclosed structure and that is why it clearly only talks about roofs, because that is all you are able to have over this approved structure.

Mr. Robinson asked what type of roofs will be permitted?

Ms. Askew stated we do not determine that Florida Building Code, Permits and Licensing determines that when they apply for their permits. She stated there are specific types of materials and other requirements that they have to meet when they turn in the permit for it, but it is not something that we control as part of and we just allow the ability for them to have it when they come in and apply for a permit to put it in, they have to be meeting those regulations.

Mr. Robinson asked would it have to be inspected every five years, so it does not rot and they become an eyesore or a danger?

Ms. Askew stated not that she is aware of and she have not hand anything in here in my staff report relating to that.

Mr. Gross stated we do not have a regular inspection program, but we do have property maintenance standards that apply and are subject to code enforcement.

Mr. Mrozek stated also the building department have a boat that can go out and does inspections of some of the docks and facilities on the waterway, so they do regular inspections out there to catch something that is in need of a repair, which is a part of their services.

Mr. Gross stated that he wanted to go back to a comment that Mr. Newman made, and she want to apologize to Ms. Askew because that was something she missed when I was reviewing the draft. He stated Mr. Newman, you were looking at page two of the staff report that shows a partial red line of that subsection C, we do need to keep part of that in because the intention would not be to allow enclosures. He stated we are just trying to differentiate between a roof which is allowed in these other types of structures that would not be so that is a minor clarification that I really should have committed on with Ms. Askew before the meeting but will be fixed prior to the City Commission meeting.

Mr. Barhoo stated for clarity, they can have a boat shelter that mean a boat can be out there with its covering.

Ms. Askew stated she think what Mr. Gross is trying to clarify is that currently they cannot have any kind of siding and he wants to leave that language in there that says they still cannot have a siding, meaning no walls on the side just the top covering.

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 with amended language. Mr. Servance seconded the motion in accordance with the staff report as presented. The motion passed 7-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. Other Business

A. Downtown/Balough Road Redevelopment Area Board Report

Mr. Newman stated there was no voting items on the agenda, had budget report, and limiting the parking time downtown because a lot of employees or business owners parked on Beach Street and stayed there all day but that has been put on hold because of the upcoming events.

B. Midtown Redevelopment Area Board Report

Ms. Washington there were reports provided by Michele Toliver to discuss the projects in the Midtown area and Ms. Rose Askew discussed the text amendment for DEV2022-149 Single-Family and Duplex Uses per the agenda she received and what she reviewed online.

Mr. Robinson asked were there any recommendations for the DEV2022-149?

Ms. Washington states she was not present and was not provided any information.

Mr. Mrozek stated that Ms. Askew actually did the presentation at the meeting and can provided that information.

Mr. Robinson repeated the question by stating the RDM-1 Single-Family and Duplex Uses DEV2022-149 uses in the Midtown area, part of the recommendation was to consult with the Midtown Redevelopment Board from our last meeting to get their input before it was submitted to the City Commission.

Ms. Askew stated no sir, text amendments do not typically go the redevelopment boards, but they have asked for us to provide a courtesy report to them. She stated we have started going to the redevelopment boards for any kind of amendments or things that affect the redevelopment area. She stated we give them a courtesy review and I stand up and I answer questions, but we make sure they understand there are no recommendations from the board and LDC only requires it to go to the Planning Board and City Commission.

Mr. Mrozek asked Ms. Askew if she could talk about what the boards feelings were about the recommended amendment?

Ms. Askew stated that all of the board members really liked it and they thanked us for bringing it forward. She stated however, the only questions and concerns that they had were not being able to give recommendations to the City Commission, but they all were in support of what we were doing,

when it comes to actual fencing regulations. She provided a summary of the actual amendment to DEV2022-149.

Ms. Washington stated that the board members do not realize for recommendations or comments and want a response they need to attend City Commission meetings.

Ms. Askew stated that is correct, Ms. Toliver made sure they understood that it was a courtesy report that was being provided and if they had any recommendations, they could go to the City Commission meetings to be able to provide any comments or recommendations they wanted from the board or on an individual basis, if it was just them that wanted it.

C. Beachside Redevelopment Area Board Report

Mr. Servance stated there was a presentation presented by David Waller from the City Building and Maintenance Department about the new enhancements and improvements that is going to happen on International Speedway Boulevard (ISB) towards Peninsula area in conjunction with Department of Transportation (DOT). He stated the budget was presented and Chair-Gary Libby has always talked about low hanging fruit and what are the things that the City can do to enhance the Beachside area and the conversation focused on signage in the Main Street area as well as some of the historical areas or communities on the beachside, so they will be working on suggestions or some type of designs for signage.

D. Public Comments

There were no comments

E. Staff Comments

Mr. Mrozek stated that the only thing he has is Mr. Robinson asked for the demographics for the City of Daytona Beach and he has provided the most recent demographics from the Census Bureau to the board members.

Mr. Robinson discussed how to have a better relationship with the redevelopment boards to give them the information prior to recommendations, amendments and information that the board is going to give to the City Commission, if though it is not required in the LDC.

Ms. Askew stated that the staff tried this before these items came to a Planning Board meeting and we were originally scheduled to go to the redevelopment boards and their meetings were cancelled. She stated we could not take it off of the Planning Board agenda. She stated that we spoke to the Redevelopment Directors to present at their next meeting but the original schedule that we had planned was to go to the redevelopment board first.

Mr. Robinson asked could we provide them with an email or a mail of what our proposal is going to be?

Ms. Askew stated she think that would be something you have to address with the Redevelopment Director.

Mr. Mrozek stated we do have weekly meetings with the redevelopment staff and the Redevelopment director, and we talk about all of the projects we have moving forward, so he could take those items forward to all the redevelopment boards.

Mr. Robinson expressed concerns that the Redevelopment Director is not sharing the information that he receives from these meetings with the redevelopment boards.

Mr. Newman stated all this information is online and he gets regular notices with a release of agendas with upcoming meetings and you can sign up on the City website to receive and he think as a member of a board, if you are interested in those things, you would do your due diligence and look those things up, I do.

Mr. Robinson expressed that the work product should be shared with the redevelopment boards to sat this is what we are going to propose before it gets to the agenda.

Mr. Servance stated that the new leadership with the Redevelopment Director, he sees a more interactive vibe, if you want to say, of a new awakening or innovative energy towards getting the boards involved and being at the table. He stated that your recommendation is good but let us just see where it goes.

Mr. Barhoo stated that it is a good process or idea but when the meetings are cancelled that puts everything behind and that is what seems to have happened.

Mr. Gross stated that he is not going to step over to the policy line about whether a board should review something but currently the redevelopment board has no formal role with a lot of these types of applications. He stated the Manager and Redevelopment Director in large part with the encouragement of the City Commission, which has only done this on an informal basis, decided to start giving the board this information as a courtesy. He stated that you have to remember also the distinction between legislative matters in case of judicial masters is the proposal on the tabled was to bring PD agreements that a board would not currently review if that was the case. He stated that actually could undermine the legal process of what we have to go through for Quasi-Judicial items, for legislative items like LDC text amendments that is a different thing. He stated that himself and Mr. Robinson have been parts of many discussions over these over the years and I understand, but he just wants us to all understand, that you are arguing for this on a policy basis and that is not something he want to weigh in on.

Mr. Robinson not necessarily policy but practice for us then if it works then there is no for it to be a policy.

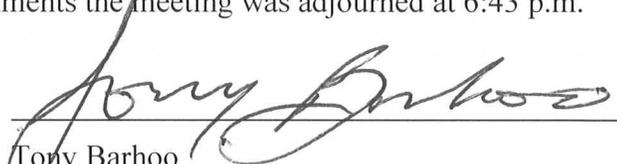
Mr. Gross stated that my point is that as opposed to being a statutory or code requirement.

Mr. Barhoo stated that also we have board members that are representatives on these boards that they come back and take the information or the suggestions and bring them back to the board. He stated this is where we discuss the items or you discuss it and bring it forward and then we vote on it and then it goes to City Commission. He stated that the process is actually there and he understand it is not required.

F. Board Members Comments

There were no comments

There being no further discussion or comments the meeting was adjourned at 6:43 p.m.



Tony Barhoo
Chair

ATTEST:



Gina Fountain
Board Secretary