

MINUTES

REGULAR MEETING – PLANNING BOARD

October 27, 2022

Minutes of the Regular Meeting of the Planning Board of The City of Daytona Beach, Florida, held on Thursday, October 27, 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)	Absent

Also Present:

Ben Gross, Deputy City Attorney
Dennis Mrozek, Planning Director
Shannon Ruane, Planner
Hannah Ward, 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 September 22, 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 with necessary corrections, seconded by Mr. Servance. The motion passed 6-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

4. **Latitude at Daytona Beach Phase 4B – Preliminary Plat – DEV2022-124 (Quasi-Judicial Hearing)**

A request by John Townsend, P.E., Donald W. McIntosh Associates, Inc., on behalf of Minto Communities, LLC., to approve a 53.9± acre Major Subdivision Preliminary Plat for the Latitude at Daytona Beach Phase 4B Development, to allow for 18 single-family paired villa lots and 112 clustered townhouse lots, for a total of 130 additional age-restricted single-family residential units, generally located southwest of the intersection of Tymber Creek Road and Margaritaville Avenue.

Staff Presentation

Shannon Ruane, Planner, presented the staff report which was included as part of the packet. She stated the current conditions are vacant and undeveloped with the existing development having homes already built. She stated the Future Land Use (FLU) is low intensity urban which is consistent with the request. She stated the current zoning is Planned Development-General (PD-G). She stated the Minto Tomoka - Parcel B PD Agreement (Ord. 16-123) rezoning 1586± acres of vacant, undeveloped property to allow for the development of the Latitude Margaritaville subdivision to include approximately 3,400 residential units and 215,000 square feet of commercial space was approved in 2016 by the City Commission. She stated for this project there are a total of 130 age-restricted single-family residential units with 18 paired villa lots and 112 clustered townhome lots, both of those can be already seen in the subdivision and neither of them are new concepts for it. She stated the PD Agreement allows for a total of 3400 units. With 130 units in Phase 4B, there is a total of 3,267 units and this is the last phase of the residential development. She stated the approval of the Major Preliminary Plat will allow the applicant to move forward with the Final Plat approval process. She stated that staff recommends approval of the Major Subdivision Preliminary Plat request for the Latitude at Daytona Beach Phase 4B Development, to allow for 18 single-family paired villa lots and 112 clustered townhome lots, for a total of 130 additional age-restricted single-family residential units.

Mr. Robinson stated with the approximately 3,400 units in Margaritaville will this be the last of it.

Ms. Ruane stated this is the last phase that is contemplated in the phasing plan that staff currently have and they are allowed according to their density, up to 3,400 units.

Mr. Robinson asked approximately how many residents will this increase the population with the 3,400 units?

Ms. Ruane stated she cannot really speak to a population increase that would be included.

Mr. Robinson stated maybe the applicant can provide this information.

Ms. Ruane stated that the applicant maybe able to but these are things that were contemplated in the PD and this is in line with what is already allowed.

Mr. Robinson stated he understand but he was looking to get an idea of how many residents we are going to increase by population.

Ms. Ruane stated the applicant maybe able to speak better on that.

Mr. Barhoo asked how close are we to the bridge because of the traffic condition in that area and everybody pays their Fair Share Agreement?

Mr. Mrozek stated the bridge is kind of tied to a couple other things, the bridge is tied to the interchange at 95 and LPGA. He stated right now there is a study going on for that redesign and when complete it will be rebuilt. He stated that Tomoka River that will be rebuilt at the same time and Department of Transportation (DOT) said it is their responsibility to take care of that bridge as part of the interchange. He stated DOT is doing the design on the interchange and then they will be the funding for the interchange and it will be coming forward for the bridge. He stated they are still a few years away from it being completed and staff will probably see the Dunn Extension approved prior this.

Mr. Robinson stated in government terms what does a few years mean.

Mr. Mrozek stated that would mean approximately 8 years but this is only a guess because this is a part of DOT responsibility. He stated these particular items that staff have over here, these number of units have all been accounted for within the concurrency and it has all been accepted and they have paid their portion.

Applicant Presentation

John Townsend, Civil Engineer, Donald W. McIntosh Associates, stated this is the last piece of the project and rest of the development has been constructed. He stated they are actually building homes in Phase 7 and building at least 13-14 homes a week. He stated he really do not know how to answer Mr. Robinson question but there is an age targeted restriction, so there is probably 2 people at the most per unit and half of them do not live here fulltime most likely. He stated so he would guess approximately 6000 people per the 3,400 units. He stated the age-restriction is 55+ and he has never seen any kids in the subdivision.

Mr. McLean stated staff mentioned about 133 units that are going to be built to make the 3,267 up to potential 3,400 and Mr. Townsend can you say as of today, there are no plans for any additional units on this property as far as you know.

Mr. Townsend stated as far as he knows, he does not know where they would put them without impacting more wetlands and everything around there has been platted, unless they replat by purchasing people houses from them.

Mr. McLean stated he was just asking the question because there is a difference of 133 units between the 3,267 and 3,400 that could be built.

Mr. Townsend stated if Minto Communities could find a spot to put them on they would build them. He stated to be blunt they have kind of stopped as much as we could in there.

Mr. Mrozek stated he think they are coming up short of the 3,400, so they are not even reaching that number total.

Mr. Townsend stated they just cannot physically get there because of the configuration of the property between the wetlands and the conservation areas.

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. 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
Tony Servance	Yea
Milverton Robinson	Yea

5. **ERAU Cici & Hyatt Brown Center for Aerospace Technology – Site Plan – DEV2022-088 (Quasi-Judicial Hearing)**

A request by Parker Mynchenberg, P.E., Parker Munchenberg & Associates, Inc., on behalf of Embry Riddle Aeronautical University, to develop a three-story, 63,302 square-foot (sf) administrative classroom building and a 20,000-sf one-story hangar on the existing Embry-Riddle Research Park West site. The property is located at 1511 Aviation Center Parkway in the southwest corner of South Clyde Morris Boulevard (SR-483) and Aviation Center Parkway.

Staff Presentation

Hannah Ward, Planner, presented the staff report which was included as part of the packet. She stated the property is located in the southwest corner of South Clyde Morris Boulevard and Aviation Center Parkway intersection, at the dead end of the Bellevue Avenue extension. She stated a portion of the site is currently developed. She stated the new development is proposed along the south side of the site. She stated the Future Land Use (FLU) on the property is General Industrial and the zoning on the property is Planned Development-General (PD-G). She stated the property is located within the Embry-Riddle Research Park West Planned District (PD) Agreement. She stated the City Commission approved the initial PD Agreement, rezoning 12.7± acres of property to allow for the development of a university research park, in 2014. She stated the Planning Board approved the site plan for the first phase of the development that included the 51,294± square-foot (sf) Micaplex aerodynamic lab building, an 18,000 sf wind tunnel, and an 18,523± sf hangar in 2018. She stated the Micaplex is located on the hard corner of the site at the intersection, the wind tunnel underneath it, and the hangar to the west. She stated the proposed development for the site will include another classroom building located on the east side. She stated along the west side is where the additional hangar will be located. She stated the development includes landside and airside operations areas. She stated development within the airside operations area is regulated by the FAA, which requires specific development regulations to be met within this area. She stated there is a line on the plans delineating the airside operations area from the landside operations area. She stated the site plan included with the staff report shows the location of the hangar and administrative classroom building with regard to the landside and airside operations areas. She stated the PD allows flexibility with regard to architecture and waives the Exterior Color and Design Standards along Major City Thoroughfares. She stated the west side of the site, which is within the airside operations area, does not include landscaping, consistent with FAA requirements. She stated a seven-foot chain link fence with barbed wire is also required within the airside operations area. She stated surrounding the classroom building and along the site's frontage on Clyde Morris Boulevard, compliant Scenic Thoroughfare Overlay (STO) District landscaping and building perimeter landscaping has been provided. She stated the parking is calculated at one space per 900 sf of academic space, consistent with the requirements for a university in the LDC. She stated the applicant is proposing 141 parking spaces for the overall development. She stated the PD is very flexible with regard to signage and only identifies general locations for signage. She stated the signage details will be provided at the sign permitting phase. She stated staff recommends approval of the ERAU Cici & Hyatt Brown Center for Aerospace Technology Major Site Plan application to develop a three-story, 63,302± sf administrative

classroom building and a one-story, 20,000± sf hangar on the ERAU Research Park West property located at 1511 Aviation Center Parkway.

Mr. McLean stated on page six of the staff report it mentioned in the Major Site Plan review criteria that the concurrency certificate says that the City Technical Review Team (TRT) reviewed the proposed development found it acceptable. He asked does that mean the staff have not received the concurrency certificate yet or will in the future.

Ms. Ward stated the way the concurrency certificate works within the site plans is like for demands related to utilities, sewer, water, and traffic that is dealt with within the site plan application and staff do not issue a separate concurrency certificate.

Mr. Mrozek stated issuance of the site plan approval letter would grant them concurrency certificate.

Applicant Presentation

Parker Mynchenberg, Project Engineer, Parker Mynchenberg & Associates, stated Ms. Ward did a great job as usual and he was here to answer any questions the board may have.

Board members had no questions but discussed the design concept compared to the other buildings.

Board Comments

There were no comments

Citizen Comments

There were no comments

Board Action

It was moved by Mr. Servance 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
Tony Servance	Yea
Milverton Robinson	Yea

6. **Single-Family Residential-5 (SFR-5) Minor Subdivision Development Standards – Land Development Code DEV2022-192 (Legislative Hearing)**

A request by Development and Administrative Services Department, Planning Division, to amend Article 3, Review Procedures, Section 3.4.K. and Article 4, Zoning Districts, Section 4.2.B of the Land Development Code, to modify the review procedures and Dimensional Standards for minor subdivisions in the Single-Family Residential-5 (SFR-5) zoning district.

Staff Presentation

Rose Askew, Development Services Project Manager, presented the staff report which was included as part of the packet. She stated that Ordinance 2017-322 adopted at the September 20, 2017, City Commission meeting approved an amendment to Articles 3 & 4 of the Land Development Code (LDC). She stated the amendment modified the requirements for minor subdivision and dimensional standards for properties located in the Single-Family Residential (SFR-5) zoning district. She stated the modification required any property owner with a lot in the SFR-5 zoning district, requesting to subdivide the lot to have a minimum lot size of 9,000 square feet (sf) and minimum 75-foot-wide lot width at the building line for a single-family detached dwelling to be developed on the newly subdivided lot. She stated that properties in the SFR-5 zoning district not requesting to subdivide their properties could continue to develop single-family dwellings on lots with a minimum lot size of 5,000 sf and a minimum lot width of 50 feet. She stated that the amendment only applied to people that were subdividing to develop single-family home. She stated the outcome of the new regulation eliminated the ability for a large percentage of property owners in the SFR-5 zoning district to subdivide their lots for the purpose of developing a single-family detached dwelling. She stated to correct that unforeseen issue that was created when the amendment was adopted in 2017, staff is requesting to reinstate the previous regulations as follows: Amend Article 3, Section 3.4.K to remove the text and table requiring all requests to subdivide lots in the SFR-5 zoning district prior to March 1, 2015, to have a minimum lot size of 9,000 sf, staff will take all that language out as well as the requirement in the dimensional standard out that would have also been required and putting it back to the way that it was. She stated this would accomplish two things and staff would have consistency in how all minor subdivisions are done in the SFR-5 zoning district and brought back consistency for how it is done throughout the entire city because for subdividing lots throughout the city, typically you can subdivide as long as you meet the minimum lot size in that zoning district. She stated SFR-5 was the only zoning district that had a tweak to it that changed that if you were subdividing and now staff is back consistent with the way it is done throughout the entire city. She stated staff recommends approval to amend Article 3, Review Procedures, Section 3.4.K and Article 4, Zoning Districts, Section 4.2.B of the LDC, to remodify the review procedures and Intensity and Dimensional standards for minor subdivisions in the SFR-5 zoning district.

Mr. Newman asked when she says subdividing, does that create two separate lots, if so, does one lot become a rental or is it up for sale or how does that work?

Ms. Askew stated yes sir, subdividing does create two separate lots and that is not something that is part of the procedures, the property owner determines whether or not they want to sell the lot or if they want to develop it themselves. She stated this is just the process that is required to subdivide and what is done after the lot is subdivided is specifically up to the property owner.

Mr. Gross stated the LDC regulates uses not ownership, so a single-family residential use is if the dwelling unit is occupied residentially by a household unit for a period of 30 days or more, regardless of whether the people in that home rent or own the home.

Mr. Newman asked is staff changing the requirement of the lot size requirements by allowing by this so do those two lots have to meet that minimum requirement?

Mr. Gross stated Mr. Newman if you ignore the provision that is in front of you here, staff have LDC provisions in Section 4.2.B that for SFR-5 there is a minimum lot requirement of 5,000 sf and those two lots have to each meet the minimum requirement of 5,000 sf. He stated this provision that staff is talking about is layered on top of it, so that if he is talking about a lot that was in existence prior to March 1, 2015, they can only subdivide to a lot size of 9,000 sf or more.

Mr. Newman stated that is were he was confused because he thought both lots had to split the 5,000 sf.

Ms. Askew stated she want to make sure she clarified, that a 5,000 sf lot cannot be subdivided into two lots and it would have to be a minimum of 10,000 sf to divide it into two 5,000 sf lots.

Mr. Mrozek stated that this regulation has been creating havoc just trying to do the research on the lots or people in regular regular single-family zoning that wanted to create a couple of lots at 10,000 sf for two homes on there and were not able to do it. He stated that most of nearly all of the lots that were previously subdivided were already done before that date and the ones that staff have seen after that date were usually located in a Planned Development (PD) and those are different requirements and those have the minimum lot sizes that are established in the PD agreement.

Mr. Barhoo asked is the minimum lot size 5,000 sf or can the lot size be 3,000 sf or 8,000 sf.

Mr. Mrozek stated 5,000 sf is the LDC minimum for an SFR-5 zoning district but the size of the house is different. He stated the lot has to be 5,000 sf and not the minimum size of the house.

Mr. Robinson asked if he could subdivide a 9,000 sf lot based on information in staff background.

Ms. Askew stated he cannot subdivide a 9,000 sf lot in an SFR-5 zoning district or any lots of record prior to March 1, 2015, he would need a minimum of an 18,000 sf lot.

Mr. Gross stated there is one circumstance where you could subdivide that lot, if in subdividing the lot he gave the remnant parcel, which us not large enough to the neighbor, which created a larger lot on their part, then he could do it, but otherwise he could not do it.

Mr. Robinson stated that the LDC does not permit him to build anything on the 4,000 sf lot or anything less than 5,000 sf.

Mr. Gross stated that the standard LDC requirement for a lot in a SFR-5 zoning district requires a minimum lot size of 5,000 sf and that is an 50 x 100 lot.

Ms. Askew stated that if he has a lot less than 5,000 sf, he has a legal non-conforming lot, meaning it does not meet the legal minimum requirements for sizes of lots in the SFR-5 zoning district. She stated the LDC does allow him to have a 4,000 sf legal non-conforming lot and he can still develop it but he would have to meet the intensity and dimensional standards and all the requirements to develop that lot in that zoning district. She stated he still has to meet the setback requirements and all of the other regulations to develop it.

Mr. Gross stated he wanted to add to what Ms. Askew stated the question is when did that 4,000 sf lot come into existence, in order for it to be for the lot to be legally conforming, that lot had to have been in existence as a separate lot when staff first applied the minimum 5,000 sf rule. He stated he could not do it today and say, he is now non-conforming.

Mr. Robinson stated so there is no grandfathered rule.

Mr. Gross stated what is grandfathered in is lots that were subdivided prior to the LDC restriction prior to 2015.

Ms. Askew stated the 5,000 sf restriction has been in the LDC for over 20 years based on the research that she had to complete.

Mr. Gross stated there is one other way where he could potentially build on a 4,000 sf lot and there are some areas of the city that were platted so long ago that lots were often small and houses were smaller back then. He stated that he could go through a PD agreement and take an area of property that has substandard lots and staff would allow him to cluster the homes because he would create some additional green space or non-grid pattern houses, something that looks esthetically pleasing and that is what some developers do but do not know if they have done that in this city.

Mr. McLean stated what staff is trying to do here is consistency and that this particular zoning district has a standard that is different than all the others, so staff is going to rewrite that to be able to setup 9,000 or 18,000 homes with them and going to take it to the 5,000 sf that is being done everywhere else that is really the bottom line.

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 6-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

7. Daytona Hyundai/Genesis – Planned Development – General (PD-G) Rezoning – DEV2022-059 (Quasi-Judicial Hearing)

A request by Robert A. Merrell III, Esq., Cobb Cole, on Ritchey Properties, LLC. (owners), to rezone 8.5± acres of land from Planned Development – General (PD-G) to Planned Development -General (PD-G), to allow Motor Vehicle Sales and Service Uses as permitted uses within the property, subject to compliance with the Use-Specific Standards set forth in Article 5, LDC and the provisions herein. The property is located at 650 North Nova Road.

Applicant

Applicant has requested to continue this item to the November 17, 2022, Planning Board meeting

Board Action

It was moved by Mr. Servance to continue item until November 17th meeting. Mr. McLean seconded the motion per the applicant request. The motion passed 6-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

8. Other Business

A. Downtown/Balough Road Redevelopment Area Board Report

Mr. Newman stated cancelled due to hurricane

B. Midtown Redevelopment Area Board Report

No report given due to Ms. Washington absence

C. Beachside Redevelopment Area Board Report

Mr. Servance stated cancelled due to hurricane

D. Public Comments

Jenny Nazak, 501 Harvey Avenue, stated she liked hearing about the flexibility of lot and home sizes because there are some empty lots where houses were torn down on the beachside. She stated that the lots are really small but she would love to see some homes built on them. She stated she was also happy that a member of the Planning Department went to the outside CoLab Conference and getting more of a knowledge base about native and sustainable landscaping here in the city.

E. Staff Comments – Growth Management and Planning Process Presentation

Mr. Mrozek stated that Hannah Ward, Senior Planner, did a large Growth Management and Planning Process Presentation with the City Commission a couple of months ago that took at least a couple of hours. He stated staff do not want to bring the couple hour session over to the Planning Board but what staff can do is bring bits and pieces of things that we have done and things staff is working on. He stated this is going to be just a brief presentation about what staff do in the Planning Department and Ms. Ward is going to be reviewing the Technical Review Team (TRT) process, so when someone submits an application, what staff does with it, when we get the application to the point where it comes to the Planning Board and the City Commission. He stated Ms. Ward is going to give a kind of breakdown on how that works with the staff.

Ms. Ward provided a slide presentation of the application review process for the Technical Review Team (TRT) that consisted of departments involved, how often meet and meeting times, pre-application staff conference, neighborhood meeting, application submittal & acceptance, staff review & action, advisory body review & recommendation, and decision-making body review & recommendation.

Ms. Humphreys stated before anything comes before the board, it has already gone through a very lengthy process, looking for all the bugs and the questions, so a lot of work happens before it comes before to the board.

Mrozek stated the last time he tracked, staff has approximately 170 applications that they have somewhere in the process from beginning to end and it is a cycle that staff are constantly working on. He stated staff have all of these projects coming in and going out and a lot of different applications that staff are dealing with on a regular basis.

Mr. Newman stated during the pre-application process is when staff meet with people that have an issue, so do they call the Planning Department and setup an appointment or do they fill out an application?

Ms. Ward stated individuals will call and they have questions because they do not know what to do and they want to develop something. She stated they are trying to understand what is going to be required of them, what the process is going to be in moving forward, however, they are not required to provide staff anything but they do have to have a site selected and an idea of what they want to do. She stated staff work with them to discuss what the steps are going to be and what they are going to need to look into. She stated they do not have to be a property owner, they can be a contract purchaser or someone just interested in development but try to provide a forum for someone to ask questions, to find out information, and to get a general overview of what is required. She stated staff follow up with emails that summarize the process and provide bullets with a detailed layout of what they are going to be required to do and the meetings are recorded to utilized as a resource for them.

Mr. Mrozek stated that the meetings are done virtually, so there will be City Staff from all over the city as well as applicants from other States or Countries on the meetings. He stated there is a lot of vetting done prior to reaching the Planning Department and if the other departments cannot resolved then they call Ms. Ward whom then schedule a pre-application meeting with all departments.

Mr. Barhoo asked for the Growth Management and Planning Process PowerPoint to be emailed to the board members because that was great information presented.

Ms. Ward replied yes she would.

F. Board Members Comments

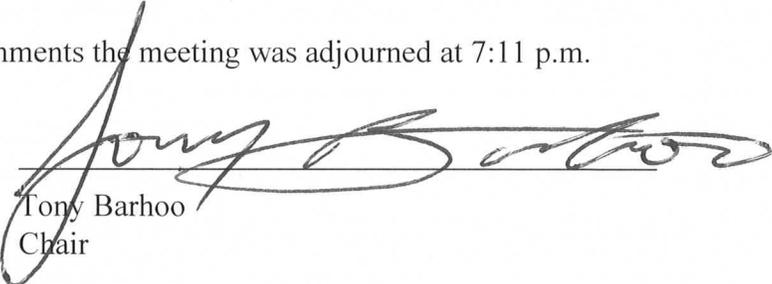
Mr. Newman stated that in Robert's Rules of Order, it does not matter who second a motion, just that it is second.

Mr. Robinson stated to express the boards sympathy and concerns for the victims of Hurricane Ian. He stated that while he was driving around the a beautiful city that was fully flooded by the devastation that Hurricane Ian laid upon us for the short time it was here. He stated it gave him a moment to pause and to think of the responsibility as a Planning Board and this is one of the board members responsibility in terms of what have we done to stop the water from going where it normally usually

goes. He stated the Planning Board get a lot of requests every month from the developers to build and build the use of wetland, space, and environment. He stated when hurricanes and tropical disasters come, there is nowhere for the water to go to. He stated maybe when we get these requests, with all the technicality and the legality board members should look at the human impact and environmental impact when there is a hurricane or flood to determine where does the water go when we remove the land where it went before.

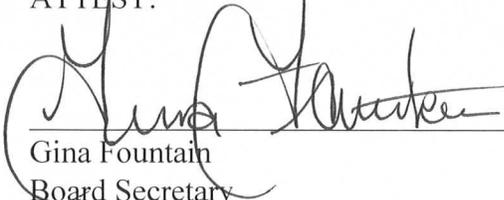
Mr. Barhoo stated the city had a whole lot of water and a lot of individuals were flooded totally and his prayers and thoughts goes out to them. He stated that he does want to thank the City Workers and Emergency Response Team that put their life at risk to help others and the board members do appreciate it. He states there has been some growth in the city but he does think that things can be done a little better than have been done in the city.

There being no further discussion or comments the meeting was adjourned at 7:11 p.m.



Tony Barhoo
Chair

ATTEST:



Gina Fountain
Board Secretary