

MINUTES

REGULAR MEETING – PLANNING BOARD

November 17, 2022

Minutes of the Regular Meeting of the Planning Board of The City of Daytona Beach, Florida, held on Thursday, November 17, 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	Absent-Excused
Tony Servance	Present
Milverton Robinson	Present
Cathy Washington (Secretary)	Present-Zoom

Also Present:

Ben Gross, Deputy City Attorney
Dennis Mrozek, Planning Director
Doug Gutierrez, Principal Planner
Shannon Ruane, Planner
Hannah Ward, Planner
Rose Askew, Development Services Project Manager
Gina Fountain, Board Secretary

Mr. Gross stated Mr. Barhoo, Chair, Ms. Washington announced present from a remote location in order for her to be able to attend, she has to give a brief explanation as to why she cannot be here. He stated then this board has to allow her to attend based on extraordinary circumstances and the board would do that by a motion.

Mr. Barhoo stated could he have a motion please.

Mr. Gross stated before the motion, Ms. Washington has to give a brief explanation as to why she cannot attend.

Ms. Washington stated the reason for not being present this evening or not being present at the most recent meeting is that, during the last hurricane her home was flooded and it is unlivable at present, she is living in Orlando and she is not driving due to night blindness. She stated that she is willing to attend via zoom if approved by the board.

It was moved by Ms. Humphreys to approve Ms. Washington attendance via zoom, seconded by Mr. Servance. The motion passed 5-to-0 with the breakdown as follows:

Tony Barhoo (Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
Tony Servance	Yea
Milverton Robinson	Yea

3. Approval of Minutes

Approval of the Minutes of the October 27, 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, seconded by Ms. Servance. The motion passed 6-to-0 with the breakdown as follows:

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

4. Daytona MRH at Volusia Mall – Site Plan – DEV2022-140 (Quasi-Judicial Hearing)

A request by Mark Dowst, Mark Dowst & Associates, Inc., on behalf of MRH Daytona Beach LLC (property owner), to approve a Major Site Plan to develop a 350-unit multi-family dwelling and all associated site improvements on 10.17± acres of land located at 260 Bill France Boulevard.

Staff Presentation

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet. She stated the site is located approximately 600 feet east of the Bill France and Legends Lane intersection. She stated the site is in the location of the Macy’s that is now vacant. She stated the Future Land Use on the property is Retail and the zoning on the property is Business Retail – 2 (BR-2). She stated the property operated as a Macy’s department store until 2021. and has since been vacant. She stated no land use or zoning changes have been made to allow for the proposed use. She stated the overall development plan for the property includes one multifamily building with a central courtyard area and parking that wraps around the outside of the building. She stated the proposed architectural elevations for the multifamily structure are designed to fit in with the mall. She stated the project includes 350 dwelling units. Se stated the parking is proposed consistent with Land

Development Code (LDC) requirements and all of the reductions noted are LDC-complaint. She stated the building design was reviewed for compliance with the City's Major City Thoroughfare Design Standards. She stated landscaping complies with the LDC. She also stated signage complies with the LDC for multifamily uses. She stated the applicant is required to obtain an FAA height determination for the proposed building height prior to the issuance of building permits. She stated prior to site plan approval, any outstanding stormwater-related comments will need to be resolved. She stated provided the FAA height determination is acceptable and all outstanding stormwater comments are resolved, Staff recommends approval of the Volusia Mall Apartments Major Site Plan to allow for the construction of a 350-unit multifamily dwelling.

Mr. McLean stated that he noticed on page four of the staff report, it talks about issuing a concurrency certificate and the response was that staff had reviewed it and found it to be acceptable. He asked does that mean the certificate has been issued or the staff was waiting on that.

Ms. Ward stated she think they discussed this at the last meeting that she attended, but they do not actually have a concurrency certificate. She stated the concurrency is reviewed as part of the Site Plan process that would include, availability of utilities, water and sewage at the site as well as they are required to get a school concurrency determination from the school board. She stated all of the reviewers that represent the Technical Review Team (TRT) are a part of process, reviewing for compliance with the LDC. She asked if that answered his question.

Mr. McLean stated yes, this did answer the question, he wanted to put it on the record.

Mr. Bahoo asked about the landscaping for this particular piece of property.

Ms. Ward stated there is landscaping that is going to be wrapping around the perimeter of the site. She stated they also have building perimeter landscaping that is proposed and all of that has been reviewed for compliance with LDC. She stated since this is straight zoning, everything on site had to be fully LDC complaint for them to come forward this way.

Applicant Presentation

Mark Dowst, Project Engineer, Mark Dowst & Associates, Inc., 536 N. Halifax Drive, stated he has with him tonight Naem Coleman and John Wood, with Legacy Partners who are part of the development team. He stated that the staff report covered pretty much everything and that do have the FAA approval. He stated the stormwater comments was a little questioned because they had not received anything but he reached out to Chris Hurst and he verbalized some concerns that can be easily addressed.

Board Comments:

Mr. Gross stated Mr. Hurst confirmed that in a conversation with him before the meeting.

Mr. Dowst stated staff talked briefly about concurrency, the site was occupied by 159,000 square foot building and when they compared traffic, it is far less so it is actually a reduction in traffic and very pleased to bring it to the board.

Mr. Robinson asked how does his construction will affect the flooding issue in the area.

Mr. Dowst stated right now it is completely paved and because they are redeveloping it, it has to have storm water, so he does not see the ponds but there is actually stormwater trenches that are underneath the parking lots. He stated when this project is built, it will actually result in a reduction in stormwater leaving the site. He states as an engineer every time they have a big storm, he is out driving the next day looking to see where the high waters are and they pound nails for surveyors to come back and check them. He stated one thing that was interesting here is the whole mall drains into a ditch, which is just to the north, and he observed that the very next day, it had already drain down and he did not expect that, he thought it would respond slower, but actually this particular area has very good drainage.

Mr. Robinson stated he was concerned about the traffic in that area because there are three apartment complexes, multi-family apartment complexes on that road and now he introduced 350 more apartments.

Mr. Dowst stated they are required to do traffic analysis before and after, this was of course the site of Macy's, which was he think 159,000 retail. He stated when he compares that retail trip generation to the multi-family, it is actually far less, so if Macy's could have found another retail tenant to occupy that space, they would have had more traffic that what they have with this, so this actually results in a reduction in traffic.

Mr. Gross stated just to be clear for the board members, traffic concerns would not be a legitimate basis for staff to deny this site plan. He stated under state law, if there are traffic impacts associated with the development, they are not a basis to deny as long as the developer strokes a check for the proper amount of Proportionate Fair Share fees required by a law representative of their impact.

Mr. McLean stated this is a question for Mr. Gross, he mentioned about they have solved the FAA height situation and it was discussed with Mr. Dowst.

Mr. Gross stated they did receive it, no the question that he had discussed had to do with a comment on the staff report recommending approval subject to stormwater comments. He stated he spoke with Chris Hurst in the City Public Works Department because he is an engineer and he was satisfied that his comments were addressed.

Mr. McLean stated his point is in the motion, should they be including in this case all stormwater comments being accepted and should that be part of the motion that has already been dealt with.

Mr. Gross stated he think it would be acceptable to, if they wanted to include that but they do not need to do that.

Mr. Mrozek stated he have no objection to that.

Mr. Robinson asked what was Mr. Hurst concerns.

Mr. Gross stated there is a lot of calculations, pages and pages of analysis that are used to describe the current situation versus the proposed situation in terms of the amount of stormwater runoff total, the velocity of that runoff, because those are the two applicable standards. He stated in just perusing the document, Mr. Hurst explained to him, he thought he saw an error in the calculation but ultimately that error would not matter because Mr. Dowst pointed out there is a net improvement of drainage that is going to have to happen as a result of this site plan, so that will be code compliant.

Mr. Dowst stated Mr. Hurst was interpreting it as a dry bottom recovery but this is an under drain system, that is what his question was really about.

Mr. Robinson what is going into the Sears building part of the mall.

Mr. Dowst stated he do not know.

Mr. Gross advised Mr. Robinson, if he look at the second map in the staff report, which is an ariel photo of the mall, it outlines in red this property is actually a separate lot. He stated the whole mall has already been subdivided and separate lots. He stated that the Sears that he is talking about Mr. Robinson is a separately platted lot from this lot.

Mr. Barhoo asked how does this impact the rest of the mall.

Mr. Dowst stated obviously they communicated with the merchants and they are excited and the worst thing they can have is to have a dead box, which just not a good thing even in a strip mall they are working on another mall, Volusia Square, trying to revitalize that one too

Citizens Comments:

John Nicholson, 413 M. Grandview Avenue, stated he has a couple of problems with this project because of the location, buses that provide transportation and traffic flow, landscaping issues and density issues but would suggest passing this item.

Mr. Robinson asked if the Mr. Dowst could address two of the issues brought up by Mr. Nicholson regarding the landscape and the bus stop.

Mr. Dowst stated they have a good landscape package and there is landscaping up next to the building in the perimeter and then also interspersed throughout the site that will look a whole lot greener than certainly what it looks like now. He stated there is a bus stop at Dillard Department Store to the left, the transportation, there is a ring road that goes all the way around the mall and that has been left intact. He stated that the circulation element to the two stores next to Macy's, has been studied and

that has been left intact and they should not have any problems with bus service and they are counting on bus service themselves.

Board Action

It was moved by Mr. McLean provided FAA Height determination and acceptable on all storm work comments are resolved. 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
Tony Servance	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

5. Wilder Street – Small Scale Comprehensive Plan Amendment – DEV2022-193 (Legislative Hearing)

A request by the Development & Administrative Services Planning Division staff for approval of a Small-Scale Comprehensive Plan Map Amendment changing the Future Land Use Map (FLUM) designation from Level 2 Residential (L2-R) to Retail for 1.36± acres and Office Transition (OT) to Retail for 1.01± acres of land. Staff is proposing to amend the FLUM from OT and L2-R to Retail (R) to bring the zoning and current uses into compliance with the Comprehensive Plan.. He stated Historically these parcels have been developed as Tourist, Office, and Restaurant uses under the T-2 zoning category, which is incompatible with the FLUM’s were changed for this area. Property owners were notified by letter via first class mail October 13, 2022. The sist is located generally along and east of South Ridgewood Avenue directly north and south of Wilder Boulevard.

Staff Presentation

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. He stated this is the Art Crete Place that started this, it has two land uses on it and is really making it difficult for them to develop and staff found that the joining properties and motel too. He stated on the side also has split land use and staff will amend this as well. He stated these parcels have been developed as Tourist/Office/Restaurant in the T-2 zoning category, which of course is incompatible with the current parcel Future Land Use (FLU) and staff have been unable to find out whether these maps were change for this area or been there since the beginning time and staff did notify the property owners by letter as they always do to inform them that the staff are doing this administrative change. He stated the sites generally located along the east of South Ridgewood Avenue and north & south of Wilder Boulevard. He stated the FLU is split and amendment would rectify this. He stated potential theoretical net decrease in demand of 24,768 GPD in Potable Water and Waste Water and potential theoretical net increase 13,020 PM Peak Hour Trips and 599 ADT,

however, that is not applicable since these currently already have uses. He stated that staff finds that the small-scale amendment is consistent with the Comprehensive Plan, does not represent urban sprawl and the City has available capacity to serve the demand on available water and sewage. He stated based on staff analysis and review, the proposed FLUM amendment from OT and L2-R to Retail (R) appears to meet criteria for the proposed amendment. He stated the item is tentatively scheduled to be heard by the City Commission for first reading on January 4, 2023 for 1st Reading transmittal and for second reading (public hearing) for approval on January 18, 2023.

Board Comments

Mr. McLean asked what brought this situation to staff attention.

Mr. Gutierrez stated it was a proposed development for the Art Crete Place, which is now vacant, that is when staff realized they had an incompatible land use that would not accommodate that. He stated staff receives proposals like this and that is when the FLUM is amended, which they will have more in the future.

Mr. McLean asked Mr. Gutierrez to explain a little more about the theoretical increase in peak hour trips between 599 and 13,020 that caught his attention.

Mr. Gutierrez stated in the FLU they use the highest demand use and it really just kind of gives him a litmus test on, if this was built at the maximum FAR and density with the most intensive top of the mountain then they absorb that. He stated that it shows a large decrease in water usage but residential uses consume a lot of water versus the retail usage and that is why they say theoretical because they do not really know what the actual impact would be until they know what is actually developed. He stated does not really matter at this point because it has already been developed.

Mr. McLean stated after reviewing the staff report it mentioned reclaimed water is not currently available at this site and why not.

Mr. Mrozek stated that there is a lot of property on the east side of the city that does not have reclaimed water and the City just do not have the facilities in place to be able to serve reclaimed on that side of the city.

Mr. Robinson asked Mr. Mrozek what is the possibility of the probability of doing a comprehensive review to ensure that the board do not have these piecemeal amendments coming up. He asked as part of staff process is to just wait until it is brought to their attention or are they planning on doing a comprehensive overview to correct all these dual or incompatible sections of town. He stated it seems to him that would be more productive and efficient than having piece here and piece there.

Mr. Mrozek stated it could be, unfortunately they do not have the staffing to be able to do citywide look at every property and the land uses, so they do see these uses come up time to time. He stated as Mr. Gutierrez mentioned they do have some more waiting to come in and they are doing the analysis on it right now. He stated they have some in the midtown area that they are doing some land

use changes as well as the downtown redevelopment area, so this is part of the process as they look at some of these areas and things change overtime as well. He stated what might have been appropriate 10 years ago is not appropriate now or maybe appropriate now where it was not appropriate. He stated this is part of the Comprehensive Plan, which is a very broad look at how they expect the city to develop and they may see changes as they go on. He stated they did a land use change in 2015 and now they are taking a look at that land use change that was done and they are actually looking at maybe correcting some things because there was a land use change and maybe it was not exactly the way it should have been, so they are looking at that right now with the redevelopment staff.

Mr. Robinson asked have they considered asking the City Manager for additional position to do the Comprehensive Plan.

Mr. Mrozek stated they always ask the City Manager for additional positions and that does not work out. He stated they are short of a planner as they speak, they lost a very well qualified planner a couple of months ago and they have not replaced them yet and it is very difficult finding planners out there.

Mr. Gutierrez stated they do look at surrounding properties to see if they are impacted too and rather than just do one they can expand and take care of potential issues.

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
Tony Servance	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

6. 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 behalf of Ritchey Properties, LLC, to rezone 8.5± acres of land from Planned Development-General (PD-G) to Planned Development-General (PD-G), to allow for the development of a customer and inventory display parking lot to support the

automobile dealership on-site and to the north of the subject property and this will include some minor upgrades to the existing dealership

Staff Presentation

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet. She stated the site is located at the southwest corner of the Madison Avenue and North Nova Road intersection. She stated the site is developed with an automobile dealership that is currently vacant. She stated the Future Land Use (FLU) is Retail (R) and the zoning is Planned Development-General (PD-G). She stated the site was rezoned to the Jon Hall Planned Commercial Development (PCD) in 2000. She stated the PD allowed for the establishment and operation of an automobile dealership on-site. She stated the applicant is looking to make some upgrades for a new tenant to occupy the site. She stated the proposed development plan primarily consists of the rear/west side of the property to support the development of a Hyundai dealership to the north. She stated the applicant wants to add additional inventory and employee parking that will support the existing dealership to the East of the site as well as the proposed dealership to the North. She stated the parking area will provide for off-site as well as on-site parking. She stated a portion of the parking area designated on the plan will be used for inventory. She stated in those areas, the applicant has requested to reduce the drive aisle width from 24 feet to 20 feet. She stated these areas will not be trafficked by customers and will only be used for the parking of inventory. She stated any new buildings proposed within the development will be required to comply with the City's Exterior Color and Design Standards for Major City Thoroughfares. She stated the proposed parking is Land Development Code (LDC)complaint for both the off-site and on-site parking and includes a combination of customer and employee parking as well as inventory parking. She stated that LDC parking requirements regulate maximums for customer and inventory parking but not inventory parking. She stated the applicant proposes to add landscaping along the perimeter of the site because the existing building does not have any. She stated that a waiver has been requested for the addition of building perimeter landscaping. She stated a waiver has also been requested for minimum tree canopy coverage and tree preservation. She stated there are palm trees on-site already but the applicant feels they do not have the ability to meet these requirements with any redevelopment. She stated that dealerships like to be able to display their vehicles and that is an important part of the business. She stated that the applicant is requesting to waive the perimeter buffer adjacent to the stormwater pond to the West. She stated the applicant is proposing to establish a 6 feet tall white vinyl fence that will help to screen the stormwater pond. She stated the area is presently developed as a park and is already being utilized. She stated the applicant has requested to waive shade tree requirements in the Scenic Thoroughfare Overlay (STO) District landscape yard due to the palm trees that are in existence. She stated the applicant has proposed to upgrade the area abutting Nova Road to include the required small trees as well as preserved understory vegetation or planted shrubs. She stated there is one error in the staff report regarding signage. She stated the staff report incorrectly references the proposed signs as the existing signs. She stated they are proposing to replace all of the ground signs no EMC signs are proposed. She stated there will be a total of three ground signs along the Nova Road frontage and the total area will be 600 square feet or 200 square feet per sign. She stated the applicant has requested to develop three wall signs on the existing building with a total area of 378 square feet. She stated that the LDC currently allows two ground signs for one site and they have requested

to develop three. She stated the LDC limits the ground sign area to 120 square feet and they are requesting 200 square feet per sign for a total of 600 square feet for all three signs. She stated the applicant has requested to waive the prohibition on off-site signage because they intend to potentially advertise the dealership to the north on the southern property where inventory will be shared. She stated they have requested a total of 387 square feet for the signs with regard to the wall signs, which would presently be limited to 120 square feet per the LDC with no maximum quantity. She stated they are proposing to potentially develop vehicle display pads on the property. She stated they are requesting a maximum of two display pads within the Scenic Thoroughfare Overlay District landscape yard along Nova Road. She stated the display pads will not clutter the front of the landscape but will allow for additional exposure of the inventory. She stated the maximum elevation of vehicle displays pads in the LDC is 2 feet above grade and they are requesting to elevate them 1 additional foot. She stated provided all LDC modifications are accepted, staff recommends approval to rezone 8.5± acres of land from PD-G to PD-G, to allow for the development of a customer and inventory display parking lot to support the automobile dealership on-site and to the north of the subject property. She stated the item is tentatively scheduled to be heard by the City Commission for 1st reading on January 4, 2023 and 2nd reading on January 18, 2023.

Mr. Gross stated that he wants to clarify something for the board and he think he had this right from a prior conversation he had with Ms. Ward, technically they are tying the two properties together with a unity of title or covenant.

Ms. Ward stated they have to comply with staff off-site parking agreement requirements as part of the site plan, which provides alternatives, they can provide a deed, they can record a parking agreement or they can do some sort of unity of title.

Mr. Gross stated the waiver of the off-site signage is really for the limited purpose of having the sign on one place be used for advertising at the other location.

Ms. Ward stated it is specifically to advertise the dealership to the north.

Mr. McLean discussed the discrepancy between the square feet of the wall signs on page five and page nine of the staff report, if 120 square feet or 200 square feet.

Ms. Ward stated the LDC has it at 200 square feet.

Mr. Robinson discussed his concerns with the number of waivers that the applicant is requesting and that the staff agreed to recommend it.

Ms. Ward stated the waivers are consistent with other automobile dealership PD's that they have approved in the past. She stated they are not above and beyond any of the automobile dealerships that have come through staff process as a PD. She stated in regard to PD's, it is an elective process and the applicant is entitled to request whatever waivers that they would like. She stated the PD

process is intended to grant applicants flexibility in exchange for a quality product, so these are the modifications that the applicant has requested, and staff is in support of them.

Mr. Robinson stated that if waivers are going to be approved on a regular basis, then just include them in the LDC, because it seems to be the norm and it has become the standard and not necessarily an exception. He stated that waivers are supposed to be exceptions not standards.

Ms. Ward stated the LDC cannot entirely contemplate every single development that comes through and that is why they have the PD process. She stated every site and every development is unique, so this allows applicants to come forward if they have a plan that would not feasibly be able to be developed with LDC requirements. She stated so this allows the applicant to come forward with an alternative plan, subject to staff review and approval by the Planning Board and City Commission, to allow for an alternative development that may not be contemplated by the LDC, so this is the reason for the PD process as well as the waivers that have been requested.

Mr. Mrozek stated Mr. Robinson, if you have questions on specific waivers and whether or not they are appropriate, he can address the applicant who would be more than happy to discuss the waivers and why they are requesting those as part of the request for approval.

Mr. Robinson stated but his concerns is that the staff is agreeing and recommending that these waivers be approved, and his contention is that the waivers is now becoming standard practice part of the LDC and not an exception anymore.

Mr. Barhoo asked would the display pads for those cars, would it intrude upon the sidewalk or would it be away from the sidewalk.

Ms. Ward stated that most sidewalks are in public right of way, so they would not be able to put cars there and the display pads has to be in a designated area and cannot exceed 500 square feet and can only accommodate one car.

Applicant Presentation

Robert Merrell, Cobb Cole, 149 S. Ridgewood Avenue, stated he has Glenn Ritchie Jr. and Steve Buswell, Engineer, here with him to answer any questions. He stated that Ms. Ward addressed everything leaving very few words for him but to sum this up they are retrofitting a site that was built back in 2000 by the Ritchie Auto Groups. He stated they are upgrading this site, putting some landscaping in, adding a sidewalk and new signage. He stated that some of these waivers that Mr. Robinson is seeing are because it is already there and they are not tearing it down and starting over from scratch. He stated that they rewrote the LDC in 2015 that consisted of 800+ pages and done a lot of glitch bills and this might be one to think about.

Board Comments

Mr. McLean asked why do they need the amount of parking spaces given the environment in the automobile industry with the problems with the supply chain such as chips and inventories are shrinking.

Mr. Merrell stated that Mr. Ritchie could answer that question better for him.

Glenn Ritchie, Ritchey Automotive, 901 N. Nova Road, stated that he noticed that the lots are filling back up in the automobile industry as well as chips do not seem to be as near of an issue currently as it has been in the past. He stated that most of the requirements that they are asking for is what is required of them from the manufacturers.

Mr. McLean asked about the signage size increasing from 120 square feet to three signs of up to 200 square feet each, so they are going from 120 to 600 square feet.

Mr. Merrell informed Mr. Mclean that the numbers he is looking at are for wall signs but they are talking about replacing in-kind what is there now with a nicer sign and it is the same just changing the look of it.

Mr. Gross stated the staff report compares what the LDC would normally allow versus what they are asking and there was a prior PD that already gave a lot of these out.

Mr. Merrell stated the site was approved in the PD in 2000.

Mr. Robinson and Mr. Mrozek readdressed the issue of the number of waivers being approved, previous modifications that no longer meet standards, and the need to update the LDC.

Ms. Washington stated that the LDC is not changed week after week or month after month because that is a lot of work and she think what they are asking is no more than it deserved to keep their business viable.

Ms. Humphreys stated they cannot tell what somebody needs and they want to make their place unique and she think it is understandable that they have variances.

Citizen Comments

John Nicholson, 413 N. Grandview Avenue, stated he has no objection to any of the waivers because it is a unique building. He discussed his concerns with the retention ponds and the landscaping.

Board Action

It was moved by Mr. McLean to approve the request per staff recommendations provided all LDC modifications are accepted. 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
Tony Servance	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

7. **2nd Amendment to Memorial Health Systems Inc. PD – Planned Development – General (PD-G) Rezoning DEV2022-109 (Quasi-Judicial Hearing)**

A request by Howard Martin, SOS Sign & Lighting Services, to amend the Memorial Systems, Inc. PD, to allow for a modified sign plan, including the addition of an Electronic Message Center (EMC) sign and signage for a surgery center, and to provide language addressing the completion of an additional roadway connection to Strickland Range Road. The subject property is located at 301 Memorial Medical Parkway, on the west side of Williamson Blvd., east of I-95, north of Strickland Range Rd., and south of Hand Ave.

Staff Presentation:

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet. She stated this is a request by SOS Sign and Lighting to amend the Memorial Health Systems Inc. PD, which is for the Advent Health hospital facility, to allow for a modified sign plan, which will include the addition of an EMC monument sign along the interstate, signage for the surgery center, some additional signage modifications throughout the site, and to provide language addressing the completion of Memorial Medical Parkway to Strickland Range Road. She stated the site is located on the west side of Williamson Boulevard, north of Strickland Road and south of Hand Avenue, and also abuts I-95. She stated the site is currently partially developed. She stated the site is also the location where the future Advent Health surgery center will be located, which came before the Planning Board for approval in July of 2022. She stated the termination of Memorial Medical Parkway to the south will extend down to Strickland Range Road in the near future. She stated the Future Land Use (FLU) on the property is Mixed Use (MU), and the zoning on the property is Planned Development-General (PD-G). She stated the City Commission approved the Memorial Health Systems, Inc. PD, which now has become the Advent Health Facility, in 2005. She stated the City Commission approved the 1st Amendment to the PD to modify the existing signage plan in 2019. When the S the conversion from the Florida Memorial Health to Advent Health, and they updated all the signs. She stated the Planning Board (PB) brought approved the site plan for the Advent Health Surgery Center in July 2022. She stated that now the applicant is coming forward with the 2nd Amendment, which will include a modified sign plan, including an EMC and some additional signage to identify the surgery center. She stated the amendment will also require the completion of Memorial Medical Parkway to Strickland Range Road within 3.5 years from the

issuance of a site plan approval letter for the surgery center. She stated the EMC monument sign will be located along I-95 within the limits of the property and it is proposed to be 1,127 square feet. She stated that 580 square feet will be the EMC, 416 square feet will be the static copy area on top of the sign, and it will be 30 feet tall. She stated the LDC would allow the site to have one EMC, but there are specific development standards that the applicant has requested to modify. She stated that an LDC modification has been requested to increase the sign height from 8 feet to 30 feet. She also stated the EMC display area will comprise approximately 68% of the sign cabinet, where the LDC currently limits it to 50%. She stated an LDC modification has been requested to increase the EMC sign area currently permitted by the LDC from 360 square feet to 1,127 square feet. She stated additional static copy area is only permitted by the LDC to represent 15% of the sign cabinet, while the proposed static copy area represents approximately 85% of the EMC sign cabinet or 416 square feet. She stated some of the existing ground signage will be replaced to add an additional panel advertising the surgery center and that the staff report lists 1 monument sign, 4 directional monument signs, and 4 wall signs (Sign numbers 21-29) as proposed signs. She stated 2 additional wall signs are proposed to be added to different elevations of the main hospital building and the package includes a sign detail and construction level detail of what the placement of those signs on the building will look like. She stated the Staff recommends approval of the 2nd Amendment to the Memorial Health Systems, Inc. PD Agreement to modify existing signage and address the completion of Memorial Medical Parkway to Strickland Range Road. She stated the item is tentatively scheduled to be heard by the City Commission for 1st reading on January 4, 2023 and for 2nd reading on January 18, 2023 for public hearing.

Mr. McLean asked about the height requirement going from 8 feet to 30 feet, is the 8 feet in the LDC and not what is necessarily out there now.

Ms. Ward stated they do have EMC's of all different heights and sizes throughout the city and oftentimes those EMC standards were put in place and they are specific. She stated that with the hospital in general and this is an important distinction, they have a Hospital Medical District in the LDC but no large facilities or hospital facilities that are actually developed under that Hospital Medical District, hospitals need a lot more signage than what the LDC currently permits.

Applicant Presentation

Deanna Kaufman, SOS Sign and Lighting Service, 2127 S. Ridgewood Avenue, she presented a couple of picture boards that actually would help the presentation a little easier. She briefly discussed each board regarding the modifications of the EMC Board for advertising, wall signs on building, locations of the signs and sizes, and the numbers of signs requested for the main hospital, cancer center, and surgery center.

Board Comment

Mr. Barhoo asked which one of the sizes will be 30 feet

Ms. Kaufman stated that the monument sign facing I-95 would be the one that will be 30 feet. She stated that the sign will be away from the road that would cause any restrictions in obstructions.

Mr. Robinson asked will there be a indication on the interstate itself to tell him that there is a hospital at the next exit.

Ms. Kaufman stated there is a hospital exit sign going north up to Granada and south onto LPGA Boulevard. She stated that the hospital is located on North Williamson Boulevard, so the Granada and LPGA exits will get him there very easily.

Mr. Robinson stated there is no directional sign located on Hand Avenue to advise to turn left for the hospital.

Mr. Kaufman asked Mark Dowst if he could answer that question. He stated that is a separate process that is not something the City can grant in a PD because it is an off-site sign and there is a way of getting those public information signs and there is a process to go through but that is a good idea.

Mr. Mrozek stated that Ms. Ward had brought up the point that part of the addition to the signs, that they added on late into the process was the connection from the current internal roadway system down Strickland Range Road and that was going to be completed in the next 3.5 years and that is something that does not exist right now and wanted to have that in place and it is a part of the PD.

Citizens Comment

There were no comments

Board Action

It was moved by Ms. Humphreys 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
Tony Servance	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

8. 3rd Amendment to HHMC PD – Planned Development-General (PD-G) Rezoning – DEV2022-121 (Quasi-Judicial Hearing)

A request by the Darren Elkind, Esq., Paul Elkind Branz & Paul, on behalf of Halifax Hospital Medical Center (HHMC), to amend the HHMC PD, to reconfigure an existing parcel within the PD into separate lots, to allow the lot to be accessed via an existing private roadway/driveway. The property is located at 400 N. Clyde Morris Blvd., approximately 200' south of the intersection of Dunn Ave. & N. Clyde Morris Blvd.

Staff Presentation

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet. She stated this is a request by Darren Elkind with Paul Elkind Branz & Paul, on behalf of Halifax Hospital Medical Center, to amend the HHMC PD. She stated this is a request to reconfigure an existing parcel within the PD into separate lots that would allow for one of the lots to be accessed via an existing private roadway, which is considered a driveway by the Land Development Code (LDC). She stated the site is approximately 200 feet south of the Dunn Avenue and North Clyde Morris Boulevard intersection. She stated currently on site there is an existing parking lot. She stated the Future Land Use (FLU) is Mixed Use (MU) and the zoning is Planned Development-General (PD-G). She stated the City Commission approved the HHMC PD rezoning 77.5± acres of land to allow for a mixed-use development in 2012. She stated the City Commission approved the 1st Amendment to the HHMC PD to add 16± acres for a total of 93.5± acres in 2014. She stated the City Commission approved the 2nd Amendment to the HHMC PD to revise the Development Master Plan and Preliminary Plat for the property in 2017. She stated that now the applicant is requesting the 3rd Amendment to the HHMC PD to reconfigure one of the existing parcels within the PD to allow for it to be subdivided into two separate lots with one of those being accessed from a private driveway. She stated the site is currently one parcel and was developed with a building at one point time. She stated the building has since been removed and they are looking to redevelop this property. She stated that one of the proposed parcels will not have frontage on an improved public street. She stated they have requested the amendment to modify LDC requirements. She stated the first modification is to waive the requirement for lot frontage on a public street to allow for the proposed lot configuration. She stated the parcel that does not have frontage on Clyde Morris Boulevard will be accessed through the driveway that currently exists with an access easement. She stated the second modification is to waive the requirement for all lots within a subdivision to have a minimum 20 foot frontage on a public right of way (ROW). She stated provided the two modifications are accepted, Staff recommends approval of the 3rd Amendment to the HHMC PD to reconfigure an existing parcel within the PD into separate lots, to allow the lot to be accessed via an existing private roadway. She stated the item is tentatively scheduled to be heard by the City Commission for 1st reading on January 4, 2023 and for 2nd reading on January 18, 2023.

Applicant Presentation

Darren Elkind, Paul Elkind Branz & Paul, 142 E. New York Avenue Deland, Florida, stated they will be repurposing the building, there is a pending development on the parcel that is off of Clyde Morris to be an office building for a single user. He stated they are selling it to a private developer, which will build the building and lease it long-term to a Government entity. He could answer any questions at this time.

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
Tony Servance	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

9. Add Event Centers – Land Development Code (LDC) Text Amendment DEV2022-097 (Legislative Hearing)

A request by the Growth Management & Planning Department, to amend Article 5 (Use Standards), Sections 5.2. and 5.3 of the Land Development Code (LDC) to add Event Center as a principal, special, or accessory use in various zoning districts and adding use specific standards to govern the new use; amending Article 11 (Definitions), Section 11.5 to add a definition for Event Center.

Staff Presentation

Rose Askew, Development Services Project Manager, presented the staff report which was included as part of the packet. She stated staff reviewed numerous requests to allow weddings, receptions, concerts, banquets dancehalls, birthday parties, comedy shows, and other similar uses in various zoning districts throughout the city. She stated under the previous LDC uses such as these were permitted as a “Place of Assembly” and was defined as follows: “ A place specifically and primarily designed to accommodate the assembly of persons attending athletic events, musical performances, dramatic or dance performances, speeches or ceremonies, and other similar events, including stadiums, coliseum, athletics centers, concert halls, amphitheaters, and arenas.” She stated that with this definition, that was in the previous LDC, it did not address those types of uses, however, that is how staff allowed it under the old LDC. She stated staff allowed them as permitted accessory and conditional use in multiple zoning districts. She stated wherever a place of assembly was allowed, that use would have been allowed to be established in that zoning. She stated when the new LDC was adopted in 2015 the “place of assembly” term was removed. She stated uses previously allowed under the “place of assembly” are now allowed under the “Other Indoor Recreation/Entertainment” use defined in Article 11 as follows: “ Any private indoor (entirely within an enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain, and that is not specifically listed in the principal use tables. Examples include, but are not limited to, health and fitness centers, spas, gymnastic facilities, and dancehalls.” She stated this definition does not incorporate those types of things either, so what the staff is requesting to do is to clarify and provide standards for the allowance of uses/activities such as weddings and receptions, banquet halls, birthday parties, comedy shows, and other similar activities, staff is proposing the following text amendments: Article 5, Section 5.2 and 5.2.A.2,

principle use table, 5.2.A.3, redevelopment use table, and 5.2.A.4, planned district table. She stated that staff will add Event Center as a permitted or special use that originally was going to be for accessory use, but after further discussion it was removed. She stated that it would be allowed in a Planned Development or a Planned Redevelopment District if someone did it on their property. She stated that reason it is done this way is because typically for these kinds of uses there are not a whole entire building, they are typically units like in a shopping center where they may have that kind of use or different areas, but it typically does not take up the entire property. She stated staff worked with legal and the redevelopment department to add some standards that would fit based on the zoning district such as: located a minimum of 250 feet from any residential zoning district or adjacent to a residential use; located a minimum 500-feet from another event use, to make sure staff do not end up with uses that are not operating as event centers, they are operating as other things; parking shall be located on the side or rear of the property; meet the minimum setbacks for the zoning district where the use is located; have direct ingress/egress from an arterial or collector street; event centers with a capacity of 50 to 199 patrons must be located on a site with an area of at 9,000 square feet (sf); event centers with capacity of 200 to 599 patrons must be located on a site with an area of at least 20,000 sf; event centers with capacity of 600 to 1,999 patrons must be located on a site with at least three acres and must have direct ingress/egress from a collector street; event centers with capacity of 2,000 and above must be located on a site of at least five acres and must have direct ingress/egress from a Major City Thoroughfare. Ms. Askew stated where an Event Center is allowed as a special use in a residential zoning district, the use shall be subject to the following additional standards: maximum capacity is 500 patrons; maximum event space of 7,500 sf; and prohibited from operating between the hours of 12:00 midnight and 8:00 a.m. She stated staff completed an amendment to Article 11 to modify the definition for Other Indoor Recreation/Entertainment Use to remove dancehalls because it will be placed under the definition for and event center. She provided a summary of the new definition to clearly identify what is an Event Center because did not want the center to be operated as a bar or nightclub and those uses are already permitted in the Land Development Code (LDC) that have very specific use standards for it. She stated that an Event Center operate based on when someone schedule events at the owners center and not required to have normal operating hours and only required to be open when someone is scheduled to have an event. She stated the proposed text amendment was presented to the Downtown/Balough Road at their November 1, 2022 meeting and discussed the board members concerns. She stated the proposed text amendment was presented to Midtown Redevelopment Board at their November 8, 2022 meeting and discussed the board members concerns. She stated staff recommends approval to amend Article 5 (Use Standards), Section 5.2 and 5.3 of the LDC to add Event Center as a principal or special use in various zoning districts and adding use specific standards to govern the new; amending Article 11 (Definitions), Section 11.5 to add a definition for Event Center.

Board Comments

Mr. Thomas ask how did staff determine the maximum capacity of 500 patrons in terms of a residential area.

Ms. Askew stated that even through they can have 500 patrons, it has to be located a minimum of 250 feet from any Residential Zoning District or adjacent to a residential use but if a special use there are some additional criteria and everything has to be indoors.

Mr. Gross stated just for board members benefit, special uses they require review and approval by the City Commission based on criteria that relate to it such as; does this fulfill public need and is it harmonious with surrounding uses. He stated that the City Commission has a lot of latitude to reject any special use.

Mr. Robinson stated does it also comply with the Health Departments regulations and codes.

Ms. Askew stated she was not sure what Mr. Robinson was asking about the Health Department, but for Code Enforcement they follow the LDC regulations and if they have violated these regulations that get approved, that is when Code Enforcement gets involved.

Mr. Gross stated that nothing they do waives the obligation and comply with State law and that would be something they have to do regardless of whether they get a special use permit.

Board members and staff discussed the sound and volume, buffers, and the number of City Event Center and the permit fees associated.

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
Tony Servance	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

10. Other Business

A. Downtown/Balough Road Redevelopment Area Board Report

No report given due to Mr. Newman absence.

B. Midtown Redevelopment Area Board Report

Ms. Washington stated she did not attend the meeting.

C. Beachside Redevelopment Area Board Report

Mr. Servance stated the meeting was cancelled

D. Public Comments

Ann Ruby, 137 Park Avenue, asked for an update on the Costco Project because it has not come before the City Commission and the newspaper has for February 2024 as an opening.

Mr. Mrozek stated that the Costco Project will not go before the City Commission, it will probably come before the Planning Board as a site plan, they will be meeting code requirements and be based on the PD agreement that has already been approved in One Daytona, that is still in review. He stated they just approved the site plan for the surrounding area for the infrastructure for the roads to be able to go in place, which is a separate site plan with no square footage associated with that, so staff was able to approve that administratively and he would anticipate the Costco site plan probably coming forward to the Planning Board in January or February 2023, because not on staff list to come back in December 2022.

E. Staff Comments

Mr. Mrozek discussed the 2023 Planning Board Meeting Schedule that needs to be approved by the board members as well as the changes for November and December.

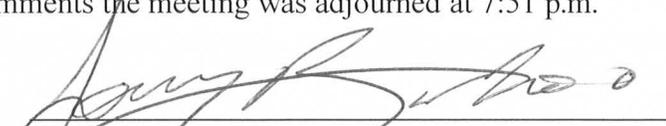
It was moved by Mr. Servance to accept the 2023 calendar scheduled dates. Ms. Washington seconded the motion. The motion passed 6-to-0 with the breakdown as follows:

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

F. Board Members Comments

There were no comments

There being no further discussion or comments the meeting was adjourned at 7:51 p.m.



Tony Barhoo
Chair

ATTEST:



Gina Fountain
Board Secretary