
A regular meeting of the City of Daytona Beach Planning Board was held on Thursday, July 26, 2007, at 6:00 PM in City Hall Commission Chambers, 301 S. Ridgewood Ave., Daytona Beach, FL

Board members present were as follows:

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

Absent members:

Ms. Anita Gallentine

Staff members present:

Ms. Cheryl Harrison-Lee, Chief Administrative Officer
Mr. Daniel Reed, Planning Administrator
Mr. Steven Spraker, Planning Manager
Mr. Ben Gross, Assistant City Attorney
Ms. Lana Loss, Planning Technician

1. **Call to Order**

Ms. Shelley called the July 26, 2007 Planning Board Meeting to order at 6:00 p.m.

2. **Roll Call**

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

Ms. Shelley stated the applicant requested that Items 4A Marina Point II Rezoning and 4B Marina Point II Right-of-way Vacation be continued to the August 23, 2007 Planning Board meeting.

Board Motion

Mr. Hoitsma made a motion to continue Items 4A and B to the August 23, 2007 Planning Board meeting.

Board Action

Mr. Hurt seconded the motion and it was unanimously approved (10-0).

Ms. Shelley stated because of the number of items on the agenda, Items 7A - Gateway Daytona Small Scale Land Use Map Amendment, 7B - Gateway Daytona Rezoning PCD, 7C - Gateway Daytona Right-of-Way Vacation, 10 - Live Oak Inn Rezoning, 11A, B, C and D - Grande Champion Preliminary Plats, 12 - Right of Way Vacation - Boardwalk, 13 - Right-of-Way Vacation Integra Shores and 14 - Comprehensive Plan Amendment – School Concurrency will be continued to a Planning Board Special Meeting on August 2, 2007.

Board Motion

Mr. Hurt made a motion to continue Items 7A, 7B, 7C, 10, 11A, 11B, 11C, 11D, 12, 13 and 14 to the August 2, 2007 Planning Board meeting.

Board Action

Mr. Hoitsma seconded the motion and it was unanimously approved (10-0).

3A. Approval of the Minutes: June 28, 2007

Mr. Hoitsma made a motion to approve the June 28, 2007 meeting minutes. Mr. Neal seconded the motion and it was unanimously approved (10-0).

3B. Approval of the Minutes: November 28, 2005

Mr. Rogers made a motion to approve the November 28, 2005 meeting minutes. Ms. Washington seconded the motion and it was unanimously approved (10-0).

Continued Items

4. MARINA POINT II

A. PLANNED REDEVELOPMENT REZONING, DEV 2006-103, Marina Point II

A request by New Dawn Daytona, LP, a Florida limited partnership, for approval of a rezoning from M-1 (Local Service Industry) to PR (Planned Redevelopment) to allow multi-family condominiums or hotel/condominiums and 150 marina boat slips together with related amenities on a 4.7 ± acre parcel. The site is located at 645 South Beach Street, Daytona Beach, Florida and is bounded by South Beach Street to the west, the Halifax River to the east and Marina Point Drive to the north.

Continued to August 23, 2007

B. RIGHT-OF-WAY VACATION, DEV 2007-070, Marina Point II

A request by New Dawn Daytona, LP, a Florida limited partnership, for approval of a right-of-way vacation of a 0.109-acre portion of South Beach Street. The proposed right-of-way vacation is located in front of the existing Daytona Boat Works facility at 645 South Beach Street.

Continued to August 23, 2007

5. 2nd CYCLE LARGE SCALE COMPREHENSIVE PLAN AMENDMENTS, DEV- 2007-079, Neighborhood M Amendment

A request by Bobbi Hayashi, Hayashi Syndication, to amend a policy within Neighborhood M of the Future Land Use Element to allow multi-family development along West International Speedway Boulevard, between Nova Road and Clyde Morris Boulevard. ***THIS ITEM IS BEING REQUESTED TO BE CONTINUED UNTIL THE NEXT CYCLE OF COMPREHENSIVE PLAN AMENDMENTS AND SHALL BE RE-ADVERTISED PRIOR TO ANY PLANNING BOARD HEARING.***

Board Motion

Mr. Rogers made a motion to continue the item to until the next cycle of the Comprehensive Plan Amendments.

Board Action

Mr. Moore seconded the motion and it was unanimously approved (10-0).

New Items

6. WAL-MART SUPERCENTER

A. REZONING, DEV 2006-174, Wal-Mart Supercenter

A request by Jason Toole, CPH Engineers Inc., on behalf of Chris Callaway, Wal-Mart Stores East LP, for approval of a zoning map amendment from BR-2 (Shopping Center), BA (Business Automotive), R-1b (Single-Family) and R2 (Multi-Family) to PCD (Planned Commercial Development) for a 21 ± acre parcel and to enter into the Wal-Mart Planned Commercial Development Agreement to establish development standards for a Wal-Mart Supercenter, approximately 160,161 square feet, with associated commercial/retail uses. The site is bounded by Mason Avenue to the north, Madison Avenue to the south, Nova Road to the west and Tomoka Road to the east.

Staff Recommendation

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

Applicant's Presentation

Mr. Jason Gabriel with the law firm of Edwards Cohen, Mr. Peter Sutch, CHP Engineers and Planners and Ms. Quenta Vettel, Senior Manager of Public Affairs for Wal-Mart were present to answer questions.

Mr. Gabriel stated the applicant was requesting rezoning approval to bring the site into compliance with the overriding future land use, which currently designated the entire site as commercial retail.

He said the property was the former location of Father Lopez Catholic School and that there were many problems with the site. He said they held numerous neighborhood meetings with the surrounding stakeholders over the course of the past year and Wal-Mart valued the input and concerns of the community.

He said the proposed project would not only meet but exceed the City's code, as well as state and federal regulations with regards to traffic, drainage, landscaping and setbacks. He said the only deviation from the code that they were requesting, was for an 8-foot wall instead of a 6-foot wall along the east and south sides of the property. He said an 8-foot wall would provide a greater noise buffer and added security. He added City Commission approval would be required for removal of four historic trees on the site.

He said the proposed project was consistent with the existing land use and neighborhood policies in the City's Comprehensive Plan and asked the Board to approve the request.

Mr. Sutch stated they had been working on the proposed project for almost two years, during which time there had been much interaction with City staff and the community.

He said the site currently consisted of a school with a two-story classroom building, gymnasium, administration library, two-story office/residential building, athletic field stadium and parking. He said in addition to the school, the site included two former commercial uses along Mason Avenue and two existing single-family residences located along Julia Street.

He said the proposed plan was for a scaled down version and not as big as the other stores in the Daytona Beach area. He said the proposed building would be 160,000 square feet with a 7,500 square foot garden center, which was 20-25 percent smaller than any of the other super centers in the area.

He said several community meetings had been held starting in May of 2006 where they first learned of the neighbors' concerns, which included traffic, noise, security and flooding. He said they met with various members of the community including Bishop Triplett, the Kingston Community Group, members of the City's Weed and Seed Committee and The Daytona Beach Halifax Area Chamber of Commerce for input on the project and that the input from the community had been invaluable. He said special measures and considerations would be taken in order to make the project compatible with the neighborhood, which included the orientation of the building, access, areas of the site that would generate noise and location of the parking. He said the site was an oddly shaped piece of property, which angled down toward the intersection of Mason Avenue and Nova Road and in an attempt to direct areas that generated noise away from the residential, they orientated the building so that the front of the store faced the intersection of Mason Avenue and Nova Road with primary access on those streets. He said there would not be a turn lane to come off Madison Avenue and enter the site when traveling down Nova Road. He said there would be a right in, right-out only on Madison Avenue.

He said a Traffic Impact Analysis (TIA) had been submitted, reviewed and approved by City staff and consultants. He said traffic impacts to area intersections would be mitigated through signal modifications and the widening of Mason Avenue, which would be paid for by Wal-Mart, and far exceed Wal-Mart's proportionate share for intersection improvements in the area.

He stated compatibility with the neighborhood was their primary concern. He said the wall would be an 8-foot panel wall designed to hurricane standards with decorative columns and colors to match the building and architecture. He said the wall would also help block lighting into neighborhoods. He said landscaping would include oak and magnolia trees to serve as a buffer in addition to the wall. He said the impact on the trees was almost inevitable with respect to redevelopment of the property and many of the trees were slowly dying because of excessive water on the site and flooding. He said they complied with the City's Land Development Code with respect to landscaping and there were currently 795 trees on the site. He said when the project was completed there would be a total of 893 planted and/or preserved trees.

He said the building elevations provided many architectural features and various building materials with an architecturally compatible garden center with columns and metal fencing.

He said some neighbors expressed concerns with significant flooding along Madison Avenue during heavy rainfall in the area of the Father Lopez parking lot driveway and along the roadway. He said a large part of the site drained toward Madison Avenue particularly along the east side where neighbors noticed a lot of standing water. He stated they would do what they could to improve the drainage situation. He said everything collected through the storm inlets and storm pipes on their site would be conveyed to their on site stormwater ponds, which were large enough to comply with the stormwater

requirements by the City, St. John's River Water Management District and the Florida Department Of Transportation.

He said the proposed project not only met the City's code, it was better than code in all facets including the request for flexibility with regards to the fence. He said they would include greater setbacks, landscape buffers and taller walls for better protection as well as site lighting that would respect the neighborhood. He said they would be dedicating storm water pond areas to the community, which were not required by code and maintaining their fair share contribution by improving the local roadway operations and the widening of Mason Avenue.

Ms. Vettel, stated Wal-Mart would like to be a corporate neighbor to the City of Daytona Beach. She added that the store would provide employment opportunities by creating approximately 350 jobs with an average full time wage for the State of Florida of \$10.40 an hour. She said the majority of their positions were full time with additional part time associates for students, retirees or people looking for a second income and they had been honored for their diversity in the workforce.

Ms. Shelley asked what the square footage of a neighborhood market was. Mr. Gabriel stated the square footage of a neighborhood market was approximately 40,000 square feet.

Ms. Shelley asked about the requests recently made by The Kingston Community Group. Mr. Gabriel stated there were issues brought up by Ms. Emma Rogers and Pastor Evans Smith, which Mr. Sutch addressed including concerns with tree preservation, noise and traffic.

Ms. Shelley asked about the truck wells on the east side of building and if they would be accepting deliveries. Mr. Sutch stated there was a drive on the east side of the property to allow the delivery trucks to pull into the rear of the store and back into the wells.

Citizen's Comments

Citizen's who spoke in favor

Ms. Denise Polk, 41 Nathaniel Jenkins Circle, Holly Hill, stated she was in favor of the proposed project which would create approximately 350 job opportunities and open a lot of doors for many people.

Ms. Emma Jean McDonald, 203 Kingston Avenue, Daytona Beach, stated there were many elderly people in the neighborhood that were unable to travel a great distance to get to a store and supported the proposed project and the additional jobs that would be created.

Mr. Hunter Truth, 815 Julia Street, Daytona Beach, stated the proposed store was an answer to his prayers and saw it as nothing but a benefit to the City. He said Daytona Beach needed to develop and grow.

Mr. John Nicholson, 413 N. Grandview, Daytona Beach, asked the Board to approve the request but consider issues such as parking and protecting the neighborhood and trees.

Mr. John Wilbanks, owner of C & C Power, 859 Mason Ave, Daytona Beach, stated Wal-Mart would be the anchor that would bring economic prosperity to the entire area.

Mr. Thomas Blawn, 143 Zarahias Circle, Daytona Beach, stated a project like this one affected the entire community and there were more pros than cons, and the benefits would be awesome.

Mr. Ed Heaphy, 121 Flomich Street, Holly Hill, stated he was representing a group that owned property in the area, several of which were adjacent to the site and they were in favor of the proposed project.

Ms. Shelley asked everyone representing Father Lopez who were in favor of the project to stand. (Approximately 50 people stood to show their support of the proposed project.)

Citizen's who were opposed:

Ms. Terrie Woods, 859 Julia Street, Daytona Beach, stated she lived on the corner of Tomoka Road and Julia Street and asked Mr. Sutch which homes they purchased because she was the 3rd house down. She asked for assurance that her home would not be affected. Mr. Sutch asked if her home was on the east side. She stated yes. Mr. Sutch stated the properties affected were on the west side. She said she fought hard to clean up the area over the past two years and the police were never around and she was concerned with additional crime that would be generated in the area from the store. Mr. Shelley suggested that Ms. Woods meet with Mr. Sutch for further clarification.

Pastor Evans L. Smith, 3377 Gerber Daisy Lane, Oviedo, representing the Morning Star Baptist Church, 636 Madison Avenue, stated Wal-Mart gave a wonderful presentation, but the project did not belong in the Kingston Community. He said there were many residents in the area with various health issues, and there was a fear from the neighbors about safety and quality of life issues. He asked the Board to give them 30 days to review the plans to ensure Wal-Mart was upholding their proposal as presented.

Ms. Shelley asked Pastor Smith if he felt anything would change in 30 days. Pastor Smith stated they wanted to provide their requests to the board members for review and they believed there were some legal issues and violations that needed to be addressed.

Ms. Caroline Russell, 912 Madison Avenue, Daytona Beach, stated she had concerns with the exhaust from the additional traffic that would be created by the proposed project.

Ms. Vonda Morris, 880 Winchester Street, Daytona Beach, stated her main concern was with the amount of traffic that would be created by the super center. She said there were four major bus stops in the area and the additional traffic would jeopardize the lives of children waiting for school buses.

Ms. Wally Lawson, 709 Tomoka Road, Daytona Beach, stated she would be directly affected by the proposal and asked what right Wal-Mart had to cage them into their neighborhood by taking possession of the north end of Tomoka Road. She said the area was a quiet single-family home development, and a safe haven for their families to grow and putting a Wal-Mart on the edge of this community would destroy it.

Ms. Betty Powers, 916 Kingston Avenue, Daytona Beach, stated they met with Wal-Mart representatives and discussed the impacts to the neighborhood that would be created. She said main concerns were with the trucks that would come down on Julia Street, flooding, retention ponds and landscaping. She asked the Board to listen to the neighbors concerns.

Ms. Mary Ann Jackson Trumbull, 925 N. Grandview Avenue, Daytona Beach, stated the City should have taken care of the flooding problems in the area long ago. She said the biggest concerns seemed to be the location, size and impacts on the neighborhood. She said many things needed to be considered with the proposed project.

Ms. Valarie Estes, 818 Forest Lane, Daytona Beach, stated she had concerns with the heavy traffic the project would create and issues with burglary.

Ms. Joy Smith, 504 Arthur Street, Daytona Beach, stated she recently moved back to the area not expecting to return to her old neighborhood beside a Wal-Mart. She said it would negatively affect the neighbors' quality of life.

Mr. John McGhee, 647 North Street, Daytona Beach, stated he had lived in the City for 32 years. He provided a copy of Selected Waivers to City Code to be granted by Wal-Mart, to the Board, a copy of which is hereto attached and made part of the record. He said Daytona Beach was a tree city and Wal-Mart seemed to think trees were no big deal. He said the area had a severe flooding and drainage problem, which the City ignored for many years. He said Wal-Mart was already being a poor neighbor by misleading them on several issues and he agreed with Pastor Smith in asking for additional time to review the proposal.

Mr. David Castello, 4 Stratford Place, Ormond Beach, stated he supported the request, but asked if the property would be zoned commercial without the rezoning request. Ms. Shelley stated no, not all of the property. Mr. Spraker stated when Wal-Mart went through the comprehensive plan amendment process, they stipulated that they would go

through a planned development process. He said the primary retail zoning was along Mason Avenue and the remainder of the site was zoned single family. He said the land use was a commercial retail land use, which required rezoning to a commercial zoning district. Mr. Castello stated he owned property in the area and would like to live next to Wal-Mart.

Ms. Emma Rogers, 927 Kingston Avenue, Daytona Beach, asked what the purpose of the Planned Commercial Development (PCD) was. Mr. Spraker stated the purpose of a PCD was to provide zoning that would not normally fit most zoning districts and flexibility with standards for parking, setbacks or other issues. He said the only variation the applicant was requesting was to raise the height of the wall from 6 feet to 8 feet. He said the applicant made a commitment to the community, staff and the Board to go through a public hearing process, which required notification to property owners within 500 feet, newspaper advertisement and site postings so that the public would be aware of the request. Ms. Rogers stated they were giving Wal-Mart permission to do whatever they wanted to do and her main concern was encroachment into their neighborhood.

Mr. Greg Mellowe, 8679 Contura Drive, Orlando, stated there were many unresolved issues with traffic and urged the Board to take another look at the traffic study. He distributed a Brief Review of Unresolved Traffic Impact Problems to the Board, a copy of which is hereto attached and made part of the record.

Mr. Dan Harshaw, 510 Poinsettia Road, Daytona Beach, stated the City was going through a Vision process and part of the vision discussion recommended that Mason Avenue and Nova Road be part of a new urban design. He said Wal-Mart was looking at an urban type of project in Mississippi, where they suffered from a hurricane and they should ask them to look in to doing the same for Daytona Beach. He said this could include townhomes, apartment buildings and condominiums attached to the Wal-Mart and grocery stores to encourage a pedestrian environment, which would not conflict with the nearby neighborhood.

Mr. Mike Stepler, 884 Winchester Street, Daytona Beach, stated he purchased his home one year ago and his biggest concern was with security and there was no mention of any type of security by the applicant.

Mr. Thomas McGurn, 1065 Hampton Road, Daytona Beach, stated he lived 2½ blocks from the site. He said there were constantly people speeding in the area and he felt the additional traffic would add to the problem. He said flooding issues in the area should have been resolved long ago rather than waiting for someone to come along and develop the property.

Ms. Shelley asked the applicant to address the citizen's concerns.

Mr. Gabriel stated regarding the PCD zoning, the City already made a policy decision that the 21 acres would be developed as a commercial use. He said the City was

mandated by state law to bring zoning into compliance with that policy. He said they were committing to a development agreement, which would memorialize exactly what they were proposing before the Board. He said large commercial developments had co-existed with residential development throughout the City, including the existing Wal-Mart on Beville Road, the Promenade Plaza where the former Winn Dixie was and CVS at the corner of Clyde Morris Boulevard and Beville Road. He said they not only met but exceeded not just the City's code but all federal, state, and local laws as well.

Mr. Sutch stated the driveway that would serve the Wal-Mart was not on Julia Street, therefore, there would be no trucks traveling on Julia Street. He said Julia Street would be maintained as a public right-of-way to serve the single family residential. He said they would be putting a wall on the north side of Julia Street to prevent headlights and noise from their driveway and off of Mason Avenue from reaching the residential. He said with regards to flooding, there was currently a problem and the proposed project would collect the stormwater on the site and be conveyed to stormwater ponds which would be designed to accommodate drainage for a 100 year storm and a 10 day duration as required by the Florida Department of Transportation. He said the site was conservatively designed and the purchase of two homes along Julia Street were not necessary to make the site comply, they were necessary so they could free up the land available on Madison Avenue to provide a retention pond for the community.

Ms. Shelley asked Staff if there was any additional information regarding the project for clarification.

Mr. Spraker stated the City's Land Development Code included language for trees to be removed and a fund for tree preservation be created on an urban site, which had occurred and in addition, Wal-Mart would replant the site to exceed the current number of trees on the site. He said the height of the building would not exceed 35 feet with the exception of architectural features along the front of the building, which would peek at 41 feet. He said the applicant was exceeding the parking requirement, which was 3.5 spaces per 1,000 square feet of building area by providing 4.4 spaces per 1000 square feet. He said Staff's position was they were requesting one deviation from the code, which was the wall height.

Mr. Hoitsma stated they needed to keep in mind that some of the problems were City problems, not site problems. He said flooding has been a problem there for a very long time and it needed to be resolved. He said long term plans for the site was for some type of commercial use and the proposed project (PCD) would give them more control than smaller shopping centers. He said the plan proposed 5 inch trees for the outside wall and 3 inch trees on the inside wall. He asked if there was any way to have 5-inch trees all the way on both sides. Mr. Spraker stated they initially proposed 5 inch trees for the interior and the City's landscape architect determined that a 3 inch tree grew better initially and seemed to have better long term results within the interior landscape islands.

He said this would also allow a contribution to the City's tree fund to be utilized elsewhere in the City.

Mr. Hurt stated he saw the project as a good neighbor because of jobs that would be created. He said the site plan would help correct the drainage issue and the project would be part of the revitalization of the area to bring it back up to where it once was.

Mr. Rogers stated there was no infrastructure or drainage and was something the area needed badly and this was an opportunity for enhancement. He said he was between a rock and a hard place.

Mr. McGhee stated he grew up several blocks from the site and knew the area well. He said he was a fan of Wal-Mart, but the other Wal-Marts in the area did not encroach into the neighborhoods and he felt the store was too large for the site.

Ms. LeSage stated she wanted to echo Mr. McGhee's comments and that she could support the request a lot more if it were the size of a neighborhood Wal-Mart. She asked how many super centers and tire changing places the City needed. She said there was a need for a grocery store. She said she understood the neighborhood fear of encroachment. She said she could support the project better if it was not going to be open 24 hours a day, 7-days a week and if access to the site was only along Mason Avenue and Nova Road. She felt the project was too big for the site.

Mr. Wood stated he drove by the site every day and felt the store would be an asset to the neighborhood as well as improvements to the drainage. He said he would shop there.

Ms. Washington stated she had concerns with the bus routes and the safety of the students. She said she lived in the neighborhood for 10 years and she understood the flooding issues. She said most of her questions had been answered. Mr. Spraker stated staff could look into the public school bus routes.

Mr. Moore stated his major issue was the size of the proposed store, but he felt a Wal-Mart would survive in the area, unlike numerous businesses that had not. He felt the project would be beneficial, but he had a problem with the size which he felt should be considered.

Mr. Rogers asked if it was possible to downsize the project.

Ms. Shelley stated Wal-Mart representatives had worked very hard with staff and the community. She said her main concern was the size of the store. She said she asked if they would consider stores hours other than being open 24 hours a day and they said that was a non-negotiable issue. She said she asked about a smaller parking lot and they felt they needed the proposed parking, which was above the City's requirement. She asked if they would consider the location at the opposite corner of the intersection and they said

they previously considered the site, but there were legal issues with long term leases, which made it very difficult to develop on the site.

Ms. Shelley stated they reduced the total square footage of the building from their original plan. She said she had been struggling with a decision for the request. She felt providing a buffer did not comply with compatibility. She kept asking herself what they could do for her if it was her neighborhood and she could not think of anything more than what they were already willing to do to make the use compatible with the single family residential neighborhood. She said she agreed with Mr. Harshaw regarding a new urban design, which was requested along Mason Avenue as a priority as part of the Evaluation and Appraisal Report. She said new urban design called for a lot of standards that they as a City did not seem to be willing to push right now with Wal-Mart coming in. She said she constantly heard the comment that the City of Daytona Beach needed something, but she did not want to approve a project in desperation. She said she had a great deal of respect for the Wal-Mart team who had been available to answer all of the questions that had come up during the process.

Mr. McGhee stated there was a tire shop on the adjacent corner of the site and a garden center across the street.

Mr. Rogers asked the applicant if there was a possibility of downsizing the project and perhaps eliminating the tire and garden shops. Mr. Sutch stated he was not authorized to commit to downsizing the development. He said the proposed project had been a very marginal development with respect to return for Wal-Mart and they had been very sensitive to the cost associated with it. He said decreasing the size of the store would decrease the return on the store, which would put into question the return on the investment.

Ms. Shelley stated she also had concerns that some type of commercial project would be constructed on the site and if not a Wal-Mart, she hoped the request would have to go through a planned development process. She said with the proposed project, they knew exactly what was being proposed.

Mr. Moore asked about making two entrances along Nova Road and Mason Avenue.

Ms. LeSage stated she would rather inconvenience traffic on Nova Road and Mason Avenue than inconvenience the neighborhood.

Mr. Hoitsma asked if they could eliminate access on Madison Avenue entirely.

Mr. Hurt stated a commercial building could go on the site and employ only 10 people, depending on what type of business it was, compared to Wal-Mart, which would create 300 plus jobs and generate greater property taxes.

Ms. Shelley asked if they would consider closing off Madison Avenue entirely. Mr. Sutch stated a traffic study had already been reviewed and approved, but they could look into it with staff to consider what the impact would be on the traffic distribution. He said the Madison Avenue drive only allowed patrons to come into the site and only allowed an exit toward Nova Road with no turns into the community out of the project.

Mr. Hoitsma stated some members of the community expressed a concern that patrons would come over from Ridgewood Avenue onto Madison Avenue and go into the center the back way.

Ms. Shelley stated maybe they could provide a right exit only but not an entrance.

Mr. Sutch stated they would have to look into it with staff to see what the consequences would be. He said because there was such a small amount of traffic that would be going in, it would be more of a convenience to the neighborhood.

Pastor Smith stated the applicant was telling the neighborhood one thing and the Board another thing in terms of bringing jobs to the area.

Ms. Shelley stated she closed public discussion and felt they heard all the concerns and she could not keep a debate going all evening.

Board Motion

Mr. McGhee made a motion to approve the request with the addition of closing the entrance to Madison Avenue.

Ms. Shelley stated the applicant did not commit to closing off access to Madison Avenue, but agreed to look into the issue with staff.

Mr. McGhee stated the Board could make whatever recommendation they wanted. He said he needed clarification on making a motion. He stated whatever motion the Board made, the applicant had the option to accept it, move forward or not move forward. Mr. Spraker stated that was correct.

Mr. Gabriel stated this was a new issue that they would have to study further to see the feasibility. He said they could commit to eliminating the right in but they would need to check into the elimination of the right-out.

Mr. Gross stated the Board could make whatever motion they wanted and impose conditions as part of the motion.

Board Motion

Mr. McGhee made a motion to approve the request with the conditions that the entrance to the site on Madison Avenue be eliminated, the removal of 200 extra parking spaces, the removal of the tire center, the removal of the garden center and additional landscaping at the intersection of Mason Avenue and Nova Road.

There was no second.

Ms. Shelley stated the motion failed for lack of a second.

Board Motion

Mr. Hurt made a motion to approve the request with the condition that the entrance and exit along Madison Avenue be studied by the applicant and Staff and the comments that the Wal-Mart representatives agreed to. Mr. Wood seconded the motion.

Mr. Moore asked if the motion included the recommendations of Development Review staff as recommended in the staff report. Mr. Hurt stated yes.

Ms. Shelley stated the motion was to approve request with the stipulation regarding Madison Avenue and subject to staff comments at the end of the report as well.

Ms. Loss asked for clarification on the motion and if it included the recommendation to eliminate the right in on Madison Avenue or requesting that the applicant look into the issue with staff.

Mr. Hurt stated he would prefer that the applicant and staff look into the issue and do a study in case it created more of a problem on a different area of the site.

Ms. Shelley asked if the motion made by Mr. Hurt was to have the applicant and staff look into eliminating access and if it improved ingress and egress for the neighborhood, then yes eliminate it. Mr. Wood agreed with the second.

Ms. Shelley asked if everyone understood the motion, which was to study and not close (the right in on Madison Avenue) even though Wal-Mart agreed to close (the right in).

Board Action

The motion was approved (7-3) with Ms. LeSage, Mr. McGhee and Ms. Shelley casting the dissenting votes.

WAL-MART SUPERCENTER

B. RIGHT-OF-WAY VACATION, DEV 2007-057, Portion of Julia Street

A request by Jason Toole, CPH Engineers Inc., on behalf of Chris Callaway, Wal-Mart Stores East LP, for approval of a right-of-way vacation of a 0.14 ± acre portion of Julia Street. The area to be vacated is west of the intersection of Julia Street and Tomoka Road.

Staff Recommendation

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

Applicant's Presentation

Mr. Jason Gabriel with the law firm of Edwards Cohen, Mr. Peter Sutch, CHP Engineers and Planners and Ms. Quenta Vettel, Senior Manager of Public Affairs for Wal-Mart were present to answer questions.

Citizen's Comments

Mr. John McGhee, 647 North Street, Daytona Beach, asked if approval of the request was required for the rest of the project. Mr. Spraker stated yes, it would provide for additional stormwater volume for the project. He said Wal-Mart was the property owner on either side and there was no public interest in order to keep the right-of-way. Mr. McGhee asked how the zoning of the remaining residential homes could be compatible with the planned development. Mr. Spraker stated there was nothing that prohibited having a commercial and residential land use abutting each other and there were buffer requirements in the City's code. He said the request before the Board was if there was a public interest to maintain the right-of-way. Staff and public utilities agreed there was no public interest in maintaining the right-of-way.

Ms. Betty Mitchell, 928 Winchester Street, Daytona Beach, asked why they had to close Tomoka Road to have access to the site. Ms. Shelley stated it was intended to prevent drive through traffic from Tomoka Road into the neighborhood.

Ms. Betty Powers, 916 Kingston Avenue, Daytona Beach, asked what would happen to John's Appliance. Ms. Shelley stated it would be a retention pond. Ms. Powers stated she had a problem with that because it bordered the rear of her property.

Board Motion

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

Board Action

The motion was approved (8-2) with Ms. LeSage and Mr. McGhee casting the dissenting votes.

7. GATEWAY DAYTONA

A. SMALL SCALE LAND USE MAP AMENDMENT, DEV 2007-117, Gateway Daytona Planned Commercial Development

A request by Robert Merrell III, Esquire, Cobb & Cole, on behalf of Kash Patel, Blue Water VI, LLC, for approval of a small-scale Comprehensive Plan land use map amendment of 2.4 + acres from "Level 3 Residential" to "Commercial Mixed-Use". The subject properties are located north of Hewen Place and west of Halifax Avenue.

To be heard August 2, 2007

B. REZONING, DEV 2007-089, Gateway Daytona Planned Commercial Development

A request by Robert Merrell III, Esquire, Cobb & Cole, on behalf of Kash Patel, Blue Water VI, LLC, for approval of a zoning map amendment from BR-1 (Business Retail) and RP (Residential Professional) to PCD (Planned Commercial Development) for a 5.43 ± acre parcel and to enter into the Gateway Daytona Planned Commercial Development Agreement to establish development standards for a mixed-use development including a hotel, restaurants, retail, multi-family units, and docks with public boat slips. The subject property is located at 135 East International Speedway Boulevard, east of the Halifax River and west of Halifax Avenue.

To be heard August 2, 2007

C. RIGHT-OF-WAY VACATION, DEV 2007-103, Gateway Daytona (Portion of Hewen Place & Alley)

A request by Robert Merrell III, Esquire, Cobb & Cole, on behalf of Kash Patel, Blue Water VI, LLC, for approval of a right-of-way vacation of a portion of approximately 275 linear feet of Hewen Place and 177 linear feet of an alley from Hewen Place to East International Speedway Boulevard. The subject vacations are located within the combined properties at 135 East International Speedway Boulevard, east of the Halifax River and west of Halifax Avenue.

To be heard August 2, 2007

8. EAR TRANSMITTAL, DEV-2007-081

An administrative request to transmit and adopt the Evaluation and Appraisal Report to the Department of Community Affairs and other State and local agencies.

Staff Recommendation

Mr. Reed stated Mr. Matt West, Ivey Planning Group, the consultant working on the Evaluation and Appraisal Report (EAR), was present to provide an update.

Mr. West presented information on the changes to the EAR, a copy of which is hereto attached and made part of the record. He said a draft was transmitted to the Florida Department of Community Affairs (DCA) for a courtesy review and they received three comments, which were addressed in the most recent draft. He said the first comment had to do with DCA's concerns with coordinating the City's population projections with Volusia County. He said the county had a higher population projection for the City and they stood by the projection the City had because of the fact that they had worked in concert with the Volusia County School Board to establish those numbers, since the projections would affect the Public School Facility Element. He said the second comment was to provide further analysis on the land use map changes since 1998, with emphasis on the land uses west of I-95, which was completed. He said the third comment was that they wanted more information on the Coastal Management Element, which was not complete at the time of transmittal. He said it was complete in the current document.

Mr. Rogers asked about the photographs on the cover of the proposed EAR. Mr. Spraker stated staff wanted to show photographs of the City, rather than provide the Board a binder with a blank cover. He said the photographs included pictures of the City Commission, the Downtown, Bethune-Cookman University, the Welcome sign at the pedestrian bridge for the Daytona International Speedway and the Main Street Pier. He said staff was trying to provide life to the document and would be happy to change the photographs if the Board desired. Mr. Rogers stated there was little included with regards to the Midtown Area. He said even though Bethune-Cookman University was in the Midtown, there were other ingredients that made up the Midtown, other than the college. He said there were historic sites including the Thurman House. He said the small blurb that referred to the Midtown area, left much to be desired. Ms. Shelley asked if Mr. Rogers was referring to the introduction of the report. Mr. Rogers stated yes.

Mr. Moore stated the Board received a letter regarding another project that referred to the City's Coastal Management Element in the Comprehensive Plan, which was adopted prior to recent amendments to State Statutes, Chapters 342 and 163, which should be addressed in the EAR. Mr. Spraker stated Mr. Moore was referring to the Working Waterfront, which was addressed and part of the statutory changes. He said the Working Waterfront Legislation did not have a come into compliance date as School Concurrency or Proportionate Fair Share had. He said EAR based amendments needed to incorporate the Working Waterfront. He said the existing Coastal Element included policies

regarding the riverfront and coastal areas of the City and they were in compliance. He stated the EAR was an appraisal of where the City was today and what amendments they wanted to make. He said staff felt each element needed major updates. He said the second phase of the EAR was an 18-month amendment process, which would be reviewed by each of the redevelopment area boards or applicable advisory board. He said they were asking for approval to transmit the document to the DCA to meet the state deadline. He said they would make the changes that Mr. Rogers requested.

Board Motion

Mr. Hurt made a motion to approve the request. Ms. Washington seconded the motion.

Board Action

The motion was unanimously approved (10-0).

9. 957 BEACH STREET

A. REZONING, DEV 2007-086, 957 Beach Street

A request by Glenn Storch, of Storch, Morris, & Harris on behalf of Terra Green III, LLC, for approval of a zoning map amendment from M-1 (Local Service Industry) to RPUD (Residential Planned Unit Development) for a 4.52 ± acre parcel and to enter into the 957 Beach Development Agreement to establish development standards for a multi-family residential development of 181 units. The subject property is located at 957 North Beach Street.

Staff Recommendation

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

Mr. Hoitsma asked if they needed to review some of the City's existing regulations regarding parking calculations and building coverage since it seemed there were often requests to deviate from them. Mr. Spraker stated staff believed there were several sections of the City's Land Development Code that needed to be reviewed and amended. He said the Evaluation and Appraisal Report recommended some of the changes.

Mr. Moore asked about the FAR (floor area ratio) calculation with regards to the parking garage. Mr. Spraker stated the proposed project would be under the floor area ratio of 3

whether or not the parking garage was included in the calculation. He said staff's interpretation was that parking garages were not included in the FAR of buildings and FAR referred to living areas related to structures.

Mr. McGhee asked if staff felt the proposed elevations fit in with the Downtown look. Mr. Spraker stated yes, they felt the tropical modern architecture fit in. He said there had been a tremendous amount of site design and research over the past five years associated with the project.

Applicant's Presentation

Mr. Glenn Storch, Storch, Morris and Harris and Mr. Richard Gillett, Gillett Associates, representing the applicant, were present to answer questions.

Mr. Storch stated the site was the former location of Park's Seafood and Smokey Yunick's garage. He said it was one of the more difficult sites he had been involved in because of the way it curved around with a bay inside of the property, environmental problems including leaking underground storage tanks and the fact that it was in a redevelopment area. He said Terra Mark was the property owner, not the contract purchaser and their intent was to make the project happen. He said little has happened in the redevelopment area over the past twelve years and the proposed project would be a catalyst for the entire district.

He said the proposed project would consist of two curved towers having a tropical modern design with a connecting garage, lush landscaping and vistas. He said they would be tying in a bike path to the adjoining park. He said this type of development would attract residents and encourage various shops, businesses and art galleries, which would promote jobs. He said they would reconfigure the intersection at Sickler Drive, which was currently a dangerous intersection. He said they took views from the street, the bridge and the neighboring condominium into consideration when preparing the site plan. He said they paid a great deal of attention to details including creating two smaller buildings instead of one large one with a parking garage which would be three and a half stories tall, hidden by a green wall with creeping ficus and palm trees.

He said there were concerns expressed regarding the bulkhead line. He said the bulkhead line was an imaginary line across the property designated in 1962. He said the State of Florida deeded the property to his client and they requested that the bulkhead line be shifted to the shoreline rather than across their property. He said they would build up the seawall along the shoreline to protect the property and make it more attractive. He said since the project would be a Residential Planned Unit Development (RPUD), the Board would see exactly what was being proposed.

Mr. Hoitsma asked what type of trees would be on the property besides palm trees and cypress trees. Mr. Storch said palm trees worked better with modern structures but they could look into using different types of trees.

Ms. Shelley stated shade encouraged pedestrian activity and many parks and pedestrian areas did not have enough shade. Mr. Storch stated the area of the bike path would be a great area to include shade trees.

Mr. Storch stated he spoke with Ms. Pam Woods prior to the start of the meeting and she expressed her concerns with the calculation of the floor area ratio (FAR). He said they were withdrawing the request to exclude the parking garage in the FAR calculation and that they could fit within the existing FAR and include the garage.

Mr. McGhee asked what the size of the units would be. Mr. Gillett stated the average size of the units would be 1,863 square feet. He said the top three floors would be between 2,100 and 2,400 square feet and the smallest units would 1,100 square feet. He said the townhouses would be 1,600 square feet but most of the units would be approximately 1,500 square feet.

Mr. McGhee asked what the price range of the units would be and expressed a concern that the neighboring condominium was experiencing a lack of sales and felt the market was becoming saturated. Mr. Storch stated they were providing various sized units to suit different needs and the average price of the units would be \$500,000. He said they were aware of the current market.

Ms. LeSage asked about the townhomes. Mr. Gillett stated the townhomes would be two stories with two car garages and a deck on the east side. He said their focus was to make the project a community in itself and provide a variety of units with concentration on value.

Citizen's Comments

Mr. John Nicholson, 413 N. Grandview Avenue, Daytona Beach, stated the proposed project was a dynamic, world-class building and the best project presented to the City, bar none. He said unfortunately he had problems with the project, including the lack of boat slips depicted, which he encouraged them to provide. Ms. Shelley stated the applicant was looking into boat slips. He said he hoped they would provide a penthouse on the top floor. He said he hoped this would be the last parking garage that would include parking on the top level which would be able to be seen from the bridge. He said he favored green space and suggested if they were going to provide a community center and tennis courts that they be located on the top of the parking garage.

Mr. Randy Foltz, 2400 S. Flagler Avenue, Flagler Beach, stated he had several concerns with the proposed project and distributed comments and questions to the Board, a copy of

which is hereto attached and made part of the record. He felt the property was not appropriate for two towers, the submerged land should be taken into consideration and the setbacks were not adequate. He also expressed concerns with stormwater retention, mold and emergency vehicle access (fire trucks and boat access).

Mr. Chris Daun, 132 Pierce Avenue, Daytona Beach, stated he lived in the neighborhood and would be able to see the proposed project from his home. He asked if the property would be gated on Beach Street and Sickler Drive. He asked about the screening on Beach Street and Sickler Drive. He asked how the approval of the planned development would affect the other requests associated with the project, which was in a redevelopment area. Mr. Gross stated all development had to be consistent with the City's Comprehensive Plan. He said a planned development agreement would include setback and lot coverage information. He said the redevelopment plan was a planning guide and legally had no status in a Land Development Code (LDC) approval. He said in theory, a redevelopment plan would result in changes to the LDC. Mr. Daun asked about achieving the goals of the redevelopment element of the Comprehensive Plan. He said Article 12 of the LDC, Section 2.1 regarding Design Guidelines in Redevelopment Areas, included language to encourage pedestrian activity with display windows, retail and courtyards, and landscaped open spaces and plazas which were accessible to the public that should be incorporated into the plan. He said the proposed project did not meet the requirements of the Comprehensive Plan regarding public parks and recreation areas, riverfront parks or shared parking. He said there was no retail, public park space, bus stops, public parking or affordable housing being provided for in the proposed project. He asked what the public benefits would be. He asked the Board to deny the request and to take the recommendations of the ongoing Vision Plan in to consideration.

Mr. Gillett stated there would be a gate located approximately 60 feet inside of the property. He said the streetscape would include a 39-foot setback in front of the townhomes and a 110-foot setback in front of the buildings all of which would be open and fully landscaped to create a contiguous environment and be a pedestrian catalyst, which would be one of the public benefits. He said people could walk along the shoreline from the Ballough Road. He said there would be an 8-foot bike path that would continue past their property and lead to the parks and shops in Holly Hill.

Ms. Shelley asked if the parks were public parks. Mr. Gillett stated they would be public parks.

Mr. Paul Carpenella, 927 N. Beach Street, Daytona Beach, the only resident in the area, and owner of Chez Paul said he was concerned with the traffic pattern that would be created by the proposed project and the length of time it would take to complete the project. He felt the proposed reconfiguration of Sickler Drive would be an improvement and asked the Board to stipulate that the project be constructed within two years rather than five years. He said it would be a great project and a lot of effort had gone into it and he hoped they would provide many public benefits to be utilized by the community.

Mr. Storch stated there would be no impact on the public rights-of-ways other than the fact that Sickler Drive will be moved.

Mr. Storch stated regarding the RPUD, besides the requests specified in the staff report, which included the application to align the State recognized bulkhead line, the parking ratio of 1.5 spaces instead of 2 spaces per unit and a 45 percent building coverage rather than a 40 percent maximum building coverage, they would meet or exceed all the requirements of the LDC.

Ms. Shelley asked Mr. Storch to review the public benefits of the project. Mr. Storch stated some of the public benefits would include cleaning up the site which was extremely contaminated, resolving the safety hazards at Sickler Drive, which was a poorly designed road, the project itself which would include additional landscaping, exceptional architecture and boat slips to tie the project into the location on the river.

Mr. Gillett stated the top of the parking garage would have a canopy over where the cars would be parked and there would also be an 8,000 square foot sun deck.

Mr. Storch said they needed to create incentives for the property owner, so they could market the project and get it completed as soon as possible.

Ms. Shelley asked about Mr. Folz's concern with submerged land. Mr. Storch stated the only areas they were discussing were the areas they owned which included the property in the modification to the bulkhead line.

Ms. Shelley asked about stormwater. Mr. Gillett stated the stormwater retention system would be under the parking garage and designed so that the water would drain out within 36 hours.

Ms. Shelley asked about fire truck access. Mr. Gillett stated they had a clearance of 17 feet, which would allow emergency vehicle access, and they met all building codes.

Ms. LeSage asked if there was an existing bike path on the property. Mr. Gillett stated there was an existing bike path that stopped at the southern corner of their property and turned in to a small 5-foot sidewalk. He said they would remove the existing path, install new drainage and a new water line and construct a new 8-foot wide bike path, which would be offset two feet from the road and connect with the neighboring property.

Ms. LeSage asked about the security control arm that was shown on the site plan. Mr. Gillett stated the security control arm would be well inside the property and have key card access.

Ms. LeSage asked why one building was five stories taller than the other. Mr. Gillett said they tried to create an organic design with varied heights rather than a rigid, strict look.

Board Motion

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

Board Action

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

B. RIGHT-OF-WAY VACATION, DEV 2007-087, 957 Beach RPUD (Portion of Sickler Drive)

A request by Glenn Storch, of Storch, Morris, & Harris on behalf of Terra Green III, LLC, for approval of a partial right-of-way vacation of Sickler Drive for 0.33 ± acres contingent upon final City approval and construction of the proposed Sickler Drive realignment and dedication of new right-of-way and maintaining utility easements for existing services.

Staff Recommendation

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

Applicant's Presentation

Mr. Glenn Storch, Storch, Morris and Harris and Mr. Richard Gillett, representing the applicant, were present to answer questions. Mr. Storch stated the vacation was necessary for the reconfiguration of Sickler Drive.

Citizen's Comments

Mr. Chris Daun, 132 Pierce Avenue, Daytona Beach, stated it seemed that the reconfiguration of Sickler Drive would only benefit the proposed development. He felt the development should provide a left turn lane for the southbound traffic on Beach Street to turn on to Sickler Drive. He said the applicant should provide land for Beach Street to be widened to provide a left turn lane since this would be one of the public benefits that the applicant was providing to the community.

Mr. Storch stated they worked closely with the City and Volusia County, since Beach Street was a County road and Sickler Drive was a City road and they were complying with both City and County recommendations.

Board Motion

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

Board Action

The motion was unanimously approved (10-0).

**C. 2nd CYCLE LARGE SCALE COMPREHENSIVE PLAN AMENDMENTS,
DEV- 2007-091, 957 Beach Street**

A request by Mr. Glenn Storch, Storch, Morris and Harris, to amend Section 8, Redevelopment Element of the City's Comprehensive Plan, to establish criteria to allow a density bonus in the Ballough Road Redevelopment area. The density bonus has been proposed to allow the bonus for the 957 North Beach Street property only.

Staff Recommendation

Mr. Spraker presented information contained in the Staff report, a copy of which is hereto attached and made part of the record.

Mr. Spraker stated approval of the request would establish the framework for a mechanism in determining a density bonus. He said a Land Development Code Amendment would be prepared for review by the Planning Board and approval by the City Commission prior to adoption of the amendment. He said there were a number of challenging issues for development of the property.

Applicant's Presentation

Mr. Glenn Storch, Storch, Morris and Harris, representing the applicant, was present to answer questions. He said the City needed to start creating incentives to get density where it needed to be. He said creating public benefits would be a win, win situation. He said they would work with staff to prepare a formula to determine what and where the public benefits would be prior to adoption of the amendment. He said a formula could be based on a percentage of the value of the additional units, which could go into a fund for parks, benches, sidewalks, bike paths, landscaping, docks and walkways or other public benefits that could be provided in exchange for a density bonus. He said the City had a tremendous advantage with the river and the beach, but what they did not have was the type of development that created the synergy to get certain areas redeveloped.

Mr. Rogers stated a public benefit should be citywide and not only in the redevelopment area where the property was located. Mr. Storch stated there were a number of variables that could be considered when creating a formula.

Citizen's Comments

Mr. John Nicholson, 413 N. Grandview Avenue, Daytona Beach, stated as part of a public benefit, they should consider purchasing the YMCA and use the property for a public park.

Mr. Chris Daun, 132 Pierce Avenue, Daytona Beach, asked how the Board could vote on a density bonus without knowing what the public benefits would be. He asked what incentives had already been given to the applicant, including any waiver of fees, tax increment funding or tax abatement for the proposed project.

Ms. Harrison-Lee, stated the request before the Board was to allow a mechanism for density bonuses and not to vote on an actual density bonus. She said when the density bonus item comes before the Board, public benefit would be assigned based on the criteria established. Ms. Shelley stated the proposed language for the density bonus in the staff report included public benefits that the Board would be voting on. Mr. Storch stated at the Downtown/Balough Road Redevelopment Area Board meeting, they specifically discussed developing a formula, which would be provided prior to adoption of the proposed amendment. Ms. Harrison-Lee asked for input from the Board so they could forward their recommendations to the City Commission. Ms. Shelley stated it would behoove the Board to discuss a formula for public benefits including a monetary contribution and specific guidelines, which would be less of a political issue and fair for both the developer and the community. Mr. Storch stated that was the recommendation of the Downtown/Balough Road Redevelopment Area Board and asked that it be the recommendation of the Planning Board as well. He said the density bonus would apply only to this project, but the formula would create a model for other areas of the City.

Mr. Moore asked if the benefits were the same that were proposed for the Beach Street Condominiums project. Mr. Spraker stated the list of public benefits was the same framework, which the application would be reviewed upon. Ms. Shelley stated the Beach Street Condominiums project provided a dollar amount, without any type of formula, or community input. Mr. Spraker stated staff would prepare a Land Development Code Amendment to define a density bonus.

Mr. Thomas McGurn, 1065 Hampton Road, Daytona Beach, stated it was terrible to continue stacking people in the hurricane, flood surge zone. He said projects like this contributed to the statewide insurance problems they were currently experiencing.

Mr. Storch stated they had not received any tax abatement or incentives for the proposed project at this time, but they would be looked into.

Board Motion

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

Board Action

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

10. REZONING, DEV-2007-107, Live Oak Inn

A request by Delmar & Jessie Glock, Live Oak Inn, for approval of a rezoning from RP-H (Residential Professional - Historic) to PR (Planned Redevelopment) to allow a bed and breakfast facility and accessory restaurant within the South Beach Street Historic District on a 0.44 acre site located at 444 and 448 South Beach Street.

To be heard August 2, 2007

11. GRANDE CHAMPION PRELIMINARY PLATS

A. PRELIMINARY PLAT, DEV-2007-097, Town Center at Grande Champion

A request by Parker Mynchenberg, Parker Mynchenberg & Associates, on behalf of Richard DeLotto, MSKP Volusia Partners, LLC, for approval of a one-lot preliminary plat of 41.42 ± acres at the northwest intersection of US92 and Grande Champion Drive.

To be heard August 2, 2007

B. PRELIMINARY PLAT, DEV-2007-099, Grande Champion –Tract SW –28A

A request by Parker Mynchenberg, Parker Mynchenberg & Associates, on behalf of Richard DeLotto, MSKP Volusia Partners, LLC, for approval of a preliminary plat of 19.73 ± acres into 69 single-family lots within the Grande Champion development along Grande Champion Drive.

To be heard August 2, 2007

C. PRELIMINARY PLAT, DEV-2007-100, Grande Champion –Tract SW –28B

A request by Parker Mynchenberg, Parker Mynchenberg & Associates, on behalf of Richard DeLotto, MSKP Volusia Partners, LLC for approval of a preliminary plat of 32.06 ± acres into 103 single-family lots within the Grande Champion development along Grande Champion Drive.

To be heard August 2, 2007

D. PRELIMINARY PLAT, DEV-2007-093, Grande Champion –Tract SW –28C

A request by Parker Mynchenberg, Parker Mynchenberg & Associates, on behalf of Richard DeLotto, MSKP Volusia Partners, LLC for approval of a preliminary plat of 69.45 ± acres into 72 single-family lots within the Grande Champion development along Grande Champion Drive.

To be heard August 2, 2007

12. RIGHT-OF-WAY VACATION, DEV-2007-103, Boardwalk (portion of Ocean Avenue)

A request by The City Of Daytona Beach to vacate a portion of the 50-foot Ocean Avenue right-of-way totaling approximately 0.53 ± acres located east of Atlantic Avenue between Main Street and Auditorium Boulevard.

To be heard August 2, 2007

13. RIGHT-OF-WAY VACATION, DEV-2007-133, Integra Shores, (Portions of Elm Street and Tomoka Avenue)

A request by Robert McDaniel, Integra Shores, LLC, for approval of a partial right-of-way vacation for unimproved portions of Elm Street and Tomoka Avenue in the undeveloped Fairlawn subdivision totaling 0.631 ± acres in association with the Integra Shores Residential Planned Unit Development.

To be heard August 2, 2007

14. COMPREHENSIVE PLAN AMENDMENT, DEV-2006-177, School Concurrency

An administrative request to amend the adopted Daytona Beach Comprehensive Plan to create a new section to implement school concurrency, titled Public School Facilities Element, amend the Capital Improvement Element, and the Intergovernmental Coordination Element in order to comply with a Volusia County charter amendment and Florida Statute requirements.

To be heard August 2, 2007

Other Business

Ms. Shelley asked if the Board could hear Other Business at the August 2, 2007 meeting. It was the consensus of the Board to hear Other Business at the August 2, 2007 meeting, which would be the continuation of this meeting.

- Development Services Director Report
- Downtown/Balough Road Redevelopment Area Board Report
- Midtown Redevelopment Area Board Report
- Main Street/South Atlantic Redevelopment Area Board Report
- Vision Committee Report
- Public Comments
- Board Members Comments

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 11:17 p.m.


CATHY WASHINGTON
Secretary


EDITH SHELLEY
Chair