

MINUTES

REGULAR MEETING – PLANNING BOARD

December 15, 2022

Minutes of the Regular Meeting of the Planning Board of The City of Daytona Beach, Florida, held on Thursday, December 15, 2022 at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

- 1. **Call to Order**
- 2. **Roll Call.**

|                              |                |
|------------------------------|----------------|
| Tony Barhoo (Chair)          | Present        |
| Helen Humphreys              | Present        |
| Michael McLean               | Present        |
| James Newman                 | Present        |
| Milverton Robinson           | Absent-Excused |
| Cathy Washington (Secretary) | Present-Zoom   |

Also Present:

Ben Gross, Deputy City Attorney  
Dennis Mrozek, Planning Director  
Paula Long, Planner  
Hannah Ward, Senior Planner  
Doug Gutierrez, Principal Planner  
Vanessa Trimble, Planning Technician  
Gina Fountain, Board Secretary

Mr. Gross stated Mr. Barhoo, Chair, Ms. Washington is here and she needs to explain why she cannot be here physically and then he needs to by a motion to authorize her appearing remotely due to extraordinary circumstances.

Ms. Washington stated due to the storm she is currently homeless, she has been away from her home since August 4<sup>th</sup> living in Orlando. She stated that she does not see very well at night causing her not to drive a night.

It was moved by Mr. McLean to permit Ms. Washington to attend the meeting via zoom, seconded by Ms. Humphreys. The motion passed 4-to-0 with the breakdown as follows:

|                     |     |
|---------------------|-----|
| Tony Barhoo (Chair) | Yea |
| Helen Humphreys     | Yea |
| Michael McLean      | Yea |
| James Newman        | Yea |

3. **Approval of Minutes**

Approval of the Minutes of the November 17, 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. Humphreys. The motion passed 5-to-0 with the breakdown as follows:

|                              |     |
|------------------------------|-----|
| Tony Barhoo (Chair)          | Yea |
| Helen Humphreys              | Yea |
| Michael McLean               | Yea |
| James Newman                 | Yea |
| Cathy Washington (Secretary) | Yea |

4. **Tomoka Village South – Major Subdivision Preliminary Plat – DEV2022-038 (Quasi-Judicial Hearing)**

A request by Parker Mynchenberg, P.E., Parker Mynchenberg & Associates, Inc., on behalf of TLO 1 TV South, LLC (property owner), to approve a preliminary plat for the development of the Tomoka Village South mixed-use subdivision, to include two multifamily residential parcels, six commercial outparcels, and one parcel for drainage, utilities, and conservation on a total 118± acres of land.

**Staff Presentation:**

Paula Long, Planner, presented the staff report which was included as part of the packet. Ms. Long indicated the site is generally located in the Northwest quadrant of the LPGA Boulevard and Clyde Morris Boulevard intersection. She stated the site is vacant and currently undeveloped, with zoning for this site being Planned Development-General and all of the surrounding properties are also zoned the same. She stated the project holds a Future Land Use of mixed-use with the majority of the project being designated as Potentially Environment Sensitive (PES) areas. North and south of the project also presents as mixed-use with the northern portion being PES. Further, she stated Office Transition (OT) represents the east and west areas with a portion of mixed-use to the southeast and southwest of the subject. She indicated the proposed Major Preliminary Plat development is consistent with Article 7 of the Land Development Code (LDC) subject to the Project Sigma Planned District Agreement. She stated the proposed Major Preliminary Plat for a mixed-use subdivision will include two multifamily residential parcels, six commercial outparcels, and one parcel for drainage, utilities, and conservation on a total 118± acres of land and approval of this will allow the applicant to move forward with the Final Plat approval process. Staff does recommend the approval of the Major Subdivision Preliminary Plat for the Tomoka Village South.

Mr. McLean stated he noticed that none of the various circumstances have been signed off, the entire page is blank in the board members packets. He stated is that because at this point the Preliminary Plat step where they have not made these approvals at this point and that is why it is blank.

Ms. Long stated that at the time that is actually is being recorded, everything will be there, so that it can be submitted appropriately and recorded at that time.

Mr. Gross stated there is a final plat approval process and after this it goes to the City Commission and only after the City Commission approves that plat, the applicant then submits an executed mylar with a request to have the City Manager certify for recordation.

Mr. McLean stated just to clarify at that point, that is when he would see this piece of paper with the appropriate signatures.

Mr. Gross replied yes, in fact because the process can take several months and it is not incredibly uncommon to have ownership change. He stated it can be pretty cumbersome to have the applicant sign a Preliminary Plat then have to re-sign it at the final plat approval stage with the City Commission and then in some instances have to re-sign afterward for certification.

Mr. McLean stated it just caught his attention because it is usual that all various signing had not been addressed but he understands the logic that Mr. Gross had just explained.

Mr. Barhoo stated that are there any wildlife left on that piece of land.

Ms. Long stated that this is the Preliminary Plat and not the Site Plan where they would have all of the plans together and everything is place for him to be able to see where the developments happen exactly.

Mr. Gross stated the main function of the plat is to show the boundaries of various properties that might be sold separately to different parties. He stated whether those properties are sold or not, if there is endangered species habitat on one of those properties, the owner of the lot will inherit those restrictions under the environmental loss regardless of whether that property has been separately deeded to them.

**Applicant Presentation:**

Steve Buswell, Project Engineer, Parker Mynchenberg & Associates, Inc.,1729 Ridgewood Avenue Holly Hill, Florida. He stated that he wanted to thank Paula Long, Planner, for her presentation and she covered the project description and what has been platted. He stated that he is here to answer any questions the board may have.

**Board Comments:**

There were no further comments

**Citizen Comments:**

There were no comments

**Board Action:**

It was moved by Mr. McLean to approve the request per staff recommendations. Ms. Humphreys seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

|                              |     |
|------------------------------|-----|
| Tony Barhoo (Chair)          | Yea |
| Helen Humphreys              | Yea |
| Michael McLean               | Yea |
| James Newman                 | Yea |
| Cathy Washington (Secretary) | Yea |

**5. Village Plaza – Major Subdivision Preliminary Plat – DEV2022-117 (Quasi-Judicial Hearing)**

A request by Bryan Cohen, Cohen Strategic, LLC on behalf of Cohen Square, LLC and ALD.DBF, LLC (property owner), to approve a Preliminary Plat for an existing 3-lot commercial development where 2 of the 3 lots are currently developed.

**Staff Presentation:**

Paula Long, Planner, presented the staff report which was included as part of the packet. Ms. Long indicated the site is generally located on the north side of Beville Road and west of S. Nova Road. The entire project contains a portion of the site destroyed by a fire in November 2020. It was stated that portion, as well as what they have seen in the board package, is shown, but it has since been demolished. The ariel photos do not show it as demolished. She stated that particular portion of the site is vacant at this time and the rest of the project is actually developed. She stated the project is currently zoned as Business Retail-2 (BR-2) and surrounded by the same to the east and west PD-G, to the south with a portion to the southeast zoned as Business Automotive (BA), and a portion northeast being Hospital Medical (HM). Paula stated the project does hold a Future Land Use of Retail (R) surrounded by the same to the east, south and west with Level-2 Residential holding a majority of the land use north of the subject property with a portion northeast of the project being Office Transition (OT). It was stated that there are three plats that are actually going to take place there, Plat 1; which actually holds that portion that has the property that was destroyed, Plat 2; which of course is the majority of the northern most portion, and Plat 3; which is where the Aldi is located. She indicated the Preliminary Plat Map is included in the board packages; however, it is very small. Ms. Long stated the proposed Major Preliminary Plat is consistent with Article 7 of the LDC subject to the BR-2 district. She stated the proposed Major Preliminary Plat will include 11.84± acres of land with 2 lots developed and the lot designated as “Lot 1” is undeveloped. She informed the Board that the approval of the Major Preliminary Plat will allow the applicant to move forward with the Final Plat approval process, stating staff recommends approval of the Major Subdivision Preliminary Plat for the Village Plaza allowing a 3-lot existing commercial development on 11.84± acres of land.

Mr. McLean asked is there a reason why there is no specific scheduled date for the Final Plat to be approved by the City Commission.

Ms. Long stated the Public Works Department will be bringing that Final Plat forward. She stated as Mr. Gross mentioned before the schedule is posted 2-3 months in advance, so it really depends on sometimes the ownership changes, different things have to be brought in and because of that they do not actually have a date certain, however, they seen it happen where it comes back several months after the fact.

Mr. Mrozek stated that he spoke to Ms. Long regarding this item today but this is a Preliminary Plat and they do have a Final Plat that goes with it but a lot of times they want to take the Preliminary Plat and Final Plat together to the City Commission and sometimes there is a little more work to be done of the Final Plat, which is a little bit longer on the lead time. He stated sometime the Preliminary Plat will go alone and sometimes it will go with the Final Plat but they just do not want to give a date it is going to be on the agenda because they are not sure.

Mr. Gross stated that he wanted to add one more thing for Mr. McLean's benefit under the LDC, somebody who receives a Preliminary Plat approval has two years to bring the Final Plat forward.

**Applicant Presentation:**

Jeremy Gannon, Cohen Square LLC, 533 Northlake Blvd, North Palm Beach, Florida. He stated he was there representing Cohen Square the ownership group and he has Rich Jackson with KCI surveying and he is the engineer on the project. He stated they were there to answer any questions from the board.

**Board Comments:**

There were no further comments

**Citizen Comments:**

There were no comments

**Board Action:**

It was moved by Mr. McLean to approve the request per staff recommendations. Ms. Washington seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

|                              |     |
|------------------------------|-----|
| Tony Barhoo (Chair)          | Yea |
| Helen Humphreys              | Yea |
| Michael McLean               | Yea |
| James Newman                 | Yea |
| Cathy Washington (Secretary) | Yea |

6. **326 S. Grandview – Small-Scale Comprehensive Plan Amendment (SSCPA) – DEV2022-221 (Legislative Hearing)**

A request by Development & Administrative Services Department, 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 ( R) for 326 S. Grandview Ave. (PID# 530902010143) 0.69± acres and a portion of 400 E. International Speedway Blvd. (PID# 530902010240) 0.35± acres totaling 1.04± acres of land.

**Staff Presentation:**

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. He stated this is another one of those situations they came across where they have an existing use and rezoning that is not compatible with the Future Land Use (FLU). He stated that the site is located at 326 S. Grandview Avenue (PID# 530902010143) 0.69± acres and a portion of 400 E. International Speedway Blvd (PID # 530902010240) 0.35± acres totaling 1.04± acres of land. He stated the proposed amendment to the Future Land Use (FLU) from Level 2 Residential (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 commercial under the Business Retail-2 (BR-2) zoning category, which is incompatible with the Future Land Use designation. He stated the site has partially developed structures on the property. He stated the zoning is BR-2 and the current land use is L-2 Residential (L2-R) but should have been Retail (R). He stated the proposed Retail ( R) Future Land Use (FLU) allows for a 3.0 FAR & 40 Dwelling Unit per Acres (DU/AC). He stated the potential theoretical net increase in demand of 9,390 Gallons Per Day (GPD) and potential theoretical net increase of 5 Average Daily Trips (ADT). He stated this is all potential theoretical they already have existing uses on there. He stated 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 Future Land Use Map amendment from Level-2 Residential (L2-R) to Retail (R) appears to meet criteria for the proposed amendment. He state this item is tentatively scheduled to be heard by the City Commission for 1<sup>st</sup> reading on February 1, 2023 and 2<sup>nd</sup> reading (public hearing and adoption) on February 15, 2023. He stated there is no zoning associated with this item.

Ms. Humphreys discussed the complaints from previous residents regarding the noise during bike week from the bands playing at the local bars and she wanted to make sure that she was not going to vote yes on something that will be approaching where people live.

Mr. Gutierrez stated that at this level it is really just the land use, rezoning, and site plan that is where the river meets the road and what they are dealing with is the separation uses and incompatibility is where that comes in. He stated that the bars that are there now are existing so they are not going away.

Mr. Newman asked the area that is L2-R currently are there any residences on that property, is it just undeveloped or vacant.

Mr. Gutierrez stated that the area is partially developed but there is structure on there now that is vacant.

Ms. Humphreys stated that there are some parking lots basically just sitting there and a sandwich shop slightly to the east.

Mr. Barhoo stated just for clarification when they are looking at the map that shows actually two buildings that is on it, are they commercial buildings.

Mr. Gutierrez replied yes.

Mr. Humphreys stated that she is still having thoughts about this item. She stated that there is a major area that they are thinking about making sure that it really looks like an entrance to Daytona Beach, so she wants to be sure they are not thinking it through.

Mr. Mrozek stated that is an excellent point and something that they always took a look at. He stated right now, this is just making the zoning consistent with the land use that the work development come in would come in the under the site plan process based in the BR-2 zoning district. He stated they would review it based on their development standards, which would include compatibility to single-family, so anything that would go in would be compatible to the single-family. He stated if they recall, in the LDC they have some requirements for the depth, walls and landscaping that would be installed, which currently he do not think really is installed. He stated so if they need development then they would have to go through the process and install those buffers.

**Board Comments:**

There were no further comments

**Citizen Comments:**

Jenny Nazak, 501 Harvey Avenue, Daytona Beach, discussed about the vacant lots in that neighborhood and the urban infield, natural native eco and progressive landscaping , urban wildlife and the need for retail in the area.;

William Bittorf, 402 E. International Speedway Blvd, Daytona Beach, discussed his fern farm in Pierson, Florida and the comparison to the landscaping in Daytona Beach but see it moving in a better direction due to Mr. Mrozek and the City Manager. He discussed the building cost compared to 20 years ago and a future meeting with someone from Dubai to invest in a Publix Supermarket and the appreciation he has for Ms. Nazak landscaping expertise.

**Board Action:**

It was moved by Mr. McLean to approve the request per staff recommendations. Mr. Newman seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

|                              |     |
|------------------------------|-----|
| Tony Barhoo (Chair)          | Yea |
| Helen Humphreys              | Yea |
| Michael McLean               | Yea |
| James Newman                 | Yea |
| Cathy Washington (Secretary) | Yea |

7. **Daytona Lakes RV Resort – Large-Scale Comprehensive Plan Amendment (LSCPA) – DEV2021-130 (Legislative Hearing)**

A request by Glenn D. Storch, Esq., Storch Law Firm, on behalf of Blue Coral Properties, Inc., for approval of a Large-Scale Comprehensive Plan Amendment (LSCPA) to change the Future Land Use Map (FLUM) from Volusia County Low Impact Urban (LIU) & Urban Low Intensity (ULI) to City Mixed Use (MU) of 179.8± acres.

**Staff Presentation:**

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. He stated that he first wanted to point out there is a typo in his staff report and he apologize for that on page two of the staff report under policy two, he had initially 7200 RV spaces but it should be 720 RV spaces and it will be corrected before the City Commission meeting. He stated this is a request by Gleen D. Storch, Esq., Storch Law Firm, on behalf of Blue Coral Properties, Inc., for approval of a Large-Scale Comprehensive Plan Amendment (LSCPA). He stated that the site is generally located on the west side of the access ramp for Interstate 4 at US 92 & International Speedway Boulevard and is currently undeveloped. He stated the proposed amendment to the Future Land Use Map (FLUM) consist of 179.8± acres which the applicant proposes amending the FLUM from Volusia County Low Impact Urban (LIU) & Urban Low Intensity (ULI) to City Mixed Use (MU). He stated the proposed amendment to Neighborhood “V”, the applicant proposes amending Neighborhood “V” Issue (s) policy (2) to limit the RV spaces 720 RV spaces or density to 1 unit per acre. He stated the property to the north and east was originally proposed two years ago and this is the second part of that, so it will be a collective of the three hundred acres. He stated the potential net decrease of 139,971 Gallons Per Day (GPD) in demand and potential net decrease of 697 PM Peak Hour Trips and 9,465 Average Daily Trips (ADT). He stated staff finds that the large-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 sewer. He stated based on staff analysis and review, staff recommends approval. He stated the item is tentatively scheduled to be heard by the City Commission for 1<sup>st</sup> reading on February 1, 2023 for transmittal and for 2<sup>nd</sup> reading (public hearing) for approval subsequent to DEO and VGMC review.

**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. Humphreys the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

|                              |     |
|------------------------------|-----|
| Tony Barhoo (Chair)          | Yea |
| Helen Humphreys              | Yea |
| Michael McLean               | Yea |
| James Newman                 | Yea |
| Cathy Washington (Secretary) | Yea |

8. **1<sup>st</sup> Amended and Restated Daytona Lakes RV Report – Planned Development Agreement Rezoning DEV2021-127 (Quasi-Judicial Hearing)**

A request by Corey D. Brown, Esq., Storch Law Firm, on behalf of Blue Coral Properties Inc. (property owner), to amend the Daytona Lakes RV Resort PD to add & rezone 179.7± acres of property from Volusia County (VC) A-2(1)A (Rural Agriculture/Activity Center) to City Planned PD-G, for a total of 353± acres within the development, increase the number of RV sites from 480 sites to 1,200 sites & modify the phasing plan for the development.

**Staff Presentation:**

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet. She stated the site is located in the southwest quadrant of I-4 & US-92, She stated it is also located between US-92/International Speedway Boulevard (ISB) and I-4. She stated the site is predominately vacant and undeveloped but there are some borrow pits existing on the property. She stated the current Future Land Use (FLU) is split between City of Daytona Beach Mixed Use (MU) on the part that has already been rezoned and Volusia County Low Impact Urban (LIU) on the part that has not yet been rezoned and changed to a City FLU designation. She stated the current zoning on the property is split between City of Daytona Beach (CODB) Planned Development-General (PD-G) and Volusia County (VC) Rural Agricultural/Activity Center (A-2(1)A) for the part to be rezoned. She stated the City Commission approved a LSCPA & PD-G Rezoning application for the Daytona Lakes RV Resort PD to allow for the development of 480 RV sites and ~100,000 sf of stand-alone commercial uses on 173.3± acres in 2021. She stated now the applicant is coming forward to add an additional 179.7± acres of property, for a total of 353± acres within the development, and add an additional 720 RV sites, for a total of 1,200 RV sites within the development. She stated the commercial area will remain at ~100,000 sf maximum. She stated the applicant also proposes to add 4 acres of accessory outdoor storage to serve the people staying within the RV Resort. She stated the applicant will also be adding an ATV/lake trail amenity and telecommunications facilities as permitted uses within the property to allow for the potential development of cell towers. She stated the current plan proposes four phases. She stated the applicant proposes to increase the project to five phases to accommodate the additional property to be added into the development. She stated the amendment also includes an explicit prohibition on residential uses within the project and limits leases of RV sites to a maximum of 210 days per year, concurrent with the proposed Large Scale Comprehensive Plan Amendment (LSCPA)

. She stated that phase two will be for the added property and along ISB, phases three, four and five will be for the commercial outparcels contemplated. She stated there are two primary access points, one along ISB and the other along Roosevelt Blvd. She stated there will be a third emergency access point, leading from the amenity center out to Roosevelt Blvd. She stated there is a large area they are proposing to preserve natural vegetation along I-4 and at the junction between I-4 and US-92. She stated there is also an area along US-92 and I-4 that will be planted to comply with the City's Scenic Throughfare Overlay (STO) District requirements. She stated there are a number of existing borrow pits and proposed stormwater ponds within the development that limit compliance with STO requirements. She stated the buffer will be planted in areas that are deficient. She stated where existing features limit compliance, the planting requirements are requested to be waived. She stated the LDC contains a number of RV resort use-specific standards, that were modified as part of the initial PD approval, but they are now being restated for the expanded property requested to be added. She stated the applicant is requesting to waive the minimum setback for RV spaces in certain areas. She states due to required plantings, there will not be any RV spaces directly abutting a property boundary. She stated the applicant is requesting to waive Type B buffer requirements in exchange for preservation of existing material. She stated the LDC requires the establishment of a specific type of buffer around the entire perimeter of an RV park. She stated in this circumstance the applicant is requesting to utilize existing preservation in those areas. She stated where the stormwater features limit planting, the applicant is requesting to waive those requirements. She stated that a couple of the other use-specific standards that have been restated include a reduction in the width of two-way traffic roads internal to the RV park from 24' to 22'. She stated this would actually be permitted as an administrative adjustment, if they were to go through the development site plan process, but they have identified this standard as part of the PD to memorialize the request. She stated the applicant has also requested to waive the requirement for a 24-hour caretaker. She stated they are proposing to have a 24-hour security guard on site. She stated the applicant has requested to allow stays for up to 210 days where typical visitor accommodation uses would be limited to 30 days, with an explicit prohibition on permanent residential uses within the development. She stated, provided the proposed LDC modifications are accepted, Staff recommends approval of the 1<sup>st</sup> Amended and Restated Daytona Lakes RV Resort PD increasing the acreage from 173.3± acres to 353± acres, increasing the number of RV sites from 480 to 1,200, and modifying the phasing plan for the development. She stated the item is tentatively scheduled to be heard by the City Commission for 1<sup>st</sup> reading on February 1, 2023. She stated the 2<sup>nd</sup> reading (public hearing) will be scheduled following review of the concurrent Large-Scale Comprehensive Plan Amendment (LSCPA) by the Department of Economic Opportunity (DEO) & Volusia Growth Management Commission (VGMC).

Ms. Humphreys asked if there depth of the borrow pits, lime water or natural water that would accrue in those pits due to safety concerns.

Ms. Ward stated she do not have the details of the depth of the borrow pits, they have not gone through the full engineering phase yet for this site, however, they are required to meet a minimum flow for the stormwater areas. She stated it cannot be so steep that is would cause an issue but do have minimum standards for that LDC, but she does not have that information but maybe if the applicant has an engineer with them that can answer this depth question.

Mr. McLean stated that on page 4 of the staff report, that documented the Connectivity Index Score, is the applicant requesting to waive that requirement, which is fine, but the note afterwards talks about the LDC exempts them from it anyway, so why ask for the waiver when they do not need it.

Ms. Ward stated they identified it in their waiver benefit letter, when they were completing the staff report, which was discussed between herself and Mr. Mrozek. She stated that during the discussion Mr. Mrozek brought it to her attention that this letter was actually considered the waiver because of the LDC language, so that is why it has been addressed in that manner.

Mr. McLean stated he now understands these was for technical purposes.

**Applicant Presentation:**

Glenn Storch, Esquire, Storch Law Firm, provided a PowerPoint overview of the initial plan of the phase two project, annexation, County Comprehensive Plan Entitlements, proposed Comprehensive Plan Amendment, existing PD Daytona Lakes RV Resort, elevations, proposed PD Amendment to add annexed area, proposed Concept Plan with large preservation areas, proposed Concept Plan with large preservation areas and lakes, RV Resort amenities, new amenities, preservation, additional benefits, working with neighbors, FLU with new neighborhood policy consistent with the Comprehensive Plan, reduces entitled density and provides for commercial tax base.

Mr. Humphreys asked how old were the borrow pits.

Mr. Storch stated some are older but some of them were done in the last two years because of the 95 interchange improvements.

Mr. McLean stated this was a very comprehensive presentation and an ideal location for this project. He asked if Mr. Storch can expand a little about the duration of stay because the LDC has a month but they want seven months. He just wants to know about the marketplace and how does that amount of time fit in.

Mr. Storch stated the initial PD they have allows them to have six or seven months stay already and this would be doing the same thing because most of the RV Resorts require six to seven months for that stay. He stated that part of it is because they will come in and stay for a few months then go some where else and then they will want to come back to stay, so this is a total of 210 days per year and not necessarily they will be staying there the entire seven months. He stated their goal is to not have any permanent residence, the ability to leave in case there is an hurricane or storm with the need to make them leave, and do not want to prevent their good customers from coming back and make them go somewhere else.

Mr. McLean stated okay, usually best questions asked , when they already know the answer but just wanted to hear him put it on the record.

Mr. Newman stated he was pleased to see the preservation areas and the reuse of the borrow pits and plenty of drainage, which is really important. He stated it is such a well planned out project and he is pleased to see it happening.

Mr. Storch stated that he loves when they can do dual and triple uses of the same property, in such a way where it gives a feel in the community.

Mr. Barhoo asked if the traffic signal will be on ISB for clarification.

Mr. Storch stated that is correct, it will be at the main entrance

**Board Comments:**

There were no further questions

**Citizen Comments:**

Anne Ruby, 137 Park Avenue Daytona Beach, stated that she very much in favor of this project and simply is part of a domino thing she wants to see happen. She would really like to see RV's disallowed on the beachside and in the downtown areas during bike week events but people that comes with RV's where would they go. She stated she could not wait for this place to open up so they will have a place to go. She stated she was hoping that they would hold aside some reservations as time comes up so that they can kind of coordinate that they can phase it out at the time they are coming online and there will be space available. She asked Mr. Storch how does he know that there is alligators in the retention ponds.

Mr. Storch stated that he is a seventh generation Floridian and if there is a body of water in Florida, there is an alligator in it but obviously they would not be swimming in the retention pond.

Jenny Nazak, 501 Harvey Avenue, stated that in addition to anything else that Mr. Storch said, the magic word about transportation, like being provided to minimize the car trips because this is the way to the future and discussed the wildlife in Florida.

**Board Action:**

It was moved by Mr. McLean to approve the request per staff recommendations. Ms. Washington seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

|                              |     |
|------------------------------|-----|
| Tony Barhoo (Chair)          | Yea |
| Helen Humphreys              | Yea |
| Michael McLean               | Yea |
| James Newman                 | Yea |
| Cathy Washington (Secretary) | Yea |

9. **DME – Small-Scale Comprehensive Plan Amendment (SSCPA) – DEV2022-036 (Legislative Hearing)**

A request by Joseph H. Hopkins, P.E., The Performance Group, Inc., on behalf of DME Holdings, for approval of a Small-Scale Comprehensive Plan Amendment (SSCPA). The property is located at 2509 Bellevue Avenue on the south side of Bellevue Avenue, between Williamson Boulevard and Clyde Morris Boulevard adjacent to the Daytona Beach International Airport and to the DME Sport Campus

**Staff Presentation:**

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. He stated that this property currently contains two storage buildings and was previously used as a contractors storage yard. He stated that the current zoning is Planned Development-General (PD-G) and proposed Future Land Use (FLU) is mixed use. He stated the property is comprised of a 3.8± acre parcel of land owned by the applicant and the property was located in unincorporated Volusia County and was annexed (DEV2021-072 into the City of Daytona Beach on October 20, 2021 (Ord.2021-209) and retained a County Future Land Use (FLU) designation of “Activity Center-Industrial”. He stated the applicant proposes changing the Future Land Use Map (FLUM) designation from County Activity Center-Industrial to Mixed Uses. He stated the applicant requests to amend the Future Land Use Map designation for the property to be included with the main campus for DME’s operations and the property is concurrently processing an amendment to the current Planned Development zoning. He stated the City’s potable water treatment and waste water plants with have a theoretical potential decrease in demand 2,850 Gallons per day (GPD) and the proposed Future Land Use Map (FLUM) amendment will result in a theoretical potential net increase of 315 Peak Hour Trips(PHT) and 3,250 Average Daily Trips (ADT). He stated staff finds that the small-scale amendment is consistent with the Comprehensive Plan, does not represent urban sprawl and the City has the capacity to serve the demand on available water and sewage. He stated staff recommends approval of the proposed Future Land Use Map (FLUM) amendment from Volusia County Activity Center-Industrial (AC-I) to City Mixed Use (MU). He stated the item is tentatively scheduled to be heard by the City Commission for first reading on February 1, 2023 and for 2<sup>nd</sup> reading on February 15, 2023 (public hearing and adoption).

**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. Ms. Washington seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

|                              |     |
|------------------------------|-----|
| Tony Barhoo (Chair)          | Yea |
| Helen Humphreys              | Yea |
| Michael McLean               | Yea |
| James Newman                 | Yea |
| Cathy Washington (Secretary) | Yea |

Mr. Newman stated that he may have a conflict present here.

Mr. Barhoo asked why would you have a conflict.

Mr. Newman stated because he works for the Halifax Historical Museum and Mike Panaggio is a member of the board there. He asked does that create a conflict for him.

Mr. Gross stated he did not know, that is the kind of thing whereas I have mentioned to board members before, that they should contact him beforehand so he can research from the ethics laws and conflicts are pretty complicated. He stated that at this moment he does not know the answer to that, so he may have a conflict.

Mr. Newman asked if it would be better if he recuse himself from voting on this item

Mr. Gross stated that the good thing is that is a simpler question and answer now that it was four or five years ago because the sunshine law requires him to vote if he do not have a conflict, however, that is why again, he just wanted to use this as an opportunity to urge board members to call him before the meeting and allow him to review the mini commission on ethics. He stated in the last five years, the legislation was changed to allow somebody to abstain if there is an appearance of a conflict. He stated that Mr. Newman cited something that at least gives the appearance of the conflict and that would justify him not voting and he agrees with his suggestion for him not voting.

Mr. Newman stated out of prudent he will not be voting.

Mr. Gross informed Mr. Newman that he will let him know after the meeting if he needs to fill out a statutory form based on having the conflict.

**10. 2<sup>nd</sup> Amendment to DME PD – Planned Development-General (PD-G) Rezoning DEV2022-037 (Quasi-Judicial Hearing)**

A request by Joseph Hopkins, P.E., The Performance Group, on behalf of Michael Panaggio, DME Holdings LLC and Direct Mail Express Inc. (property owners), to amend the DME PD to add 3.8± acres to the satellite tract, for a total of 17.48± acres within the development, increase the total number of student housing units from 164 units to 324 units, and allow for the development of additional academic and sports training facilities.

## **Staff Presentation:**

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet. She stated the address to the property is 2509 Bellevue Avenue, located south of the Daytona Beach International Airport and west of the satellite tract that is currently in the PD. She stated on the site that is being added there is currently a pole barn and a garage and the DME academy comprises the remainder of the property. She stated the current Future Land Use is split between City of Daytona Beach Mixed Use (MU) and Volusia County (VC) Activity Center (AC) and the proposed Future Land Use is City of Daytona Beach Mixed Use. She stated the zoning on the properties is split between City of Daytona Beach PD-G & Volusia County Rural Agricultural-Activity Center (A-2(2)A) with an Airport Overlay, and the proposed zoning is City of Daytona Beach PD-G for the entire site. She stated the City Commission approved an annexation, Small-Scale Comprehensive Plan Amendment (SSCPA) & PD-G rezoning for DME PD to allow for the continued operation and future expansion of the DME Sports Academy & additional industrial, medical, and office uses, on 13.2± acres in 2018. She stated those additional uses have since gone away and now the entire site comprises the DME Sports Academy. She stated the City Commission approved an annexation, SSCPA & 1<sup>st</sup> Amendment to DME PD adding 0.47 acres, for total of 13.68 acres in the development, to allow for a stormwater pond & an increase to the number of student housing units from 80 to 160 in 2019. She stated the annexation of this parcel of 3.8± acres was approved by the City Commission in 2021. She stated that now the applicant has come forward with the land use change and rezoning for the parcel. She stated that as part of the 2<sup>nd</sup> Amendment, the applicant proposes to add the parcel already discussed, expand two of the buildings on the parent parcel, buildings D & E, for additional sports training and academic facilities, develop an additional 160-unit student housing complex (Building H) for a total of 324 units, add a field house (Building G), as well as a concession/restroom structure (Building I), add a fabric dome (Building J) over the practice field and develop an additional turf soccer field. She stated, as Mr. Gutierrez described, there is a Concurrent Comprehensive Plan Amendment associated with this request. She stated that there is only one modification that is requested as part of this amendment. She stated the applicant is requesting to waive the Type B buffer landscape materials for the southerly 424 feet of the expanded satellite tract to allow for proper maintenance, accessibility, and overlap of the sports fields. She stated that the sports fields pretty much comprise the southern half of the satellite parcel and the northern half would be fully compliant with LDC requirements. She stated, provided the LDC modification is accepted and the concurrent SSCPA is approved, Staff recommends approval of the 2<sup>nd</sup> Amendment to the DME PD to add 3.8± acres, for a total of 17.48± acres, increase the total number of student housing units from 164 units to 324 units, and allow for additional academic and sports training facilities. She stated the item is tentatively scheduled to be heard by the City Commission for 1<sup>st</sup> reading on February 1, 2023 and for 2<sup>nd</sup> reading on February 15, 2023.

Mr. Gross stated that he was going to circle back to their discussion earlier regarding using Mr. Newman question to ask board members to raise those questions earlier. He stated that he forgotten he had his computer with him to review the voting conflict statute. He stated that the voting conflict statute would include “votes that would be in order for special profit, gain, or loss, not only yourself but a business associates” but his status on the Board of Director does not make him a business associate under this statute, so Mr. Newman do not have a conflict.

Mr. Gross clarified that Mr. Newman does not have to recuse himself from voting on this item.

**Applicant Presentation:**

Joe Hopkins, Project Engineer, The Performance Group, 100 Marina Point Drive, Daytona Beach, he thanked Mr. Mrozek and Ms. Ward for their assistance on this project. He stated they have been before this board several times with this project, this has been a long road and been very successful. He stated that is why they keep coming backing and adding to make it better and better as they can. He stated if the board has any questions, he would be happy to answer them, if not he appropriates their support.

**Board Comments:**

There were no comments

**Citizens Comments:**

There were no comments

**Board Action:**

It was moved by Mr. McLean to approve the request per staff recommendations. Mr. Newman seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

|                              |     |
|------------------------------|-----|
| Tony Barhoo (Chair)          | Yea |
| Helen Humphreys              | Yea |
| Michael McLean               | Yea |
| James Newman                 | Yea |
| Cathy Washington (Secretary) | Yea |

11. **Waypointe – Small-Scale Comprehensive Plan Amendment (SSCPA) – DEV2022-115 (Legislative Hearing)**

A request by A. Joseph Poesy, Esq., Storch Law Firm, on behalf of the Dorothy C. Kirton and Katherine Wingard, Co-Trustees of the Dorothy C. Kirton Living Trust of November 17, 2004, for approval of a Small-Scale Comprehensive Plan Amendment (SSCPA) changing the Future Land Use Map and amending the Future Land Use Element Neighborhood “R”, Issue (f), creating new Policy (9) for 44.9± acres of land.

**Staff Presentation:**

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. He stated the site is generally located at the South of Interstate 4 (I-4), west of Interstate 95 (I-95), and east of Tomoka Farms Road (County Road 415) and is currently undeveloped. He stated that

actually it is a borrow pit that has no activity on it and full of water. He stated the applicant requests to amend the Future Land Use Map designation for the property in order to match the Future Land Use (FLU) of the surrounding property. He stated the existing use of the property is a borrow pit and is proposed to be utilized for stormwater. He stated the proposed amendment to the Neighborhood R is the existing borrow pit (PID#'s 523400000372 and 620200000020) shall be limited to stormwater use, the density and FAR associated with the Mixed Use FLU shall not be used as additional density and intensity for the 383± acre Kirton Tract and the land use would be to make it consistent with the rest of it. He stated the Potable Water and Waste Water Demand would be a potential new demand of 0 MGD from the maximum allowed by current land uses, the proposed amendment will result in zero trips and the Neighborhood Policy limits the use to stormwater and density & intensity is not to be used as additional density & intensity for the 383± acre parent parcel. He stated staff finds 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 Future Land Use Map amendment from County Low Impact Urban (LIU) to City Mixed Uses (MU) appears to meet criteria for the proposed amendment. He stated the item is tentatively scheduled to be heard by the City Commission for 1<sup>st</sup> reading on February 1, 2023 and for 2<sup>nd</sup> reading on February 15, 2023 (public hearing and adoption).

**Board Comments:**

There were no comments

**Citizens Comments:**

There were no comments

**Board Action:**

It was moved by Mr. McLean to approve the request per staff recommendations. Ms. Washington seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

|                              |     |
|------------------------------|-----|
| Tony Barhoo (Chair)          | Yea |
| Helen Humphreys              | Yea |
| Michael McLean               | Yea |
| James Newman                 | Yea |
| Cathy Washington (Secretary) | Yea |

**12. Waypointe – Planned Development-General (PD-G) Rezoning – DEV2022-024 (Quasi-Judicial Hearing)**

A request by Joey Posey, Storch Law Firm, on behalf of Thomas Kirton & Katherine Wingard, Co-Trustees of Dorothy C. Kirton Living Trust, to rezone 426.7± acres, that has now been clarified to 414.97± acres upon receipt of a revised survey that modified the 426.7± acres from Volusia County Rural Agriculture (VC A-2(2)A) that also has the Activity Center and Airport overlay to City PD-G,

to allow for a mixed-use development to include 1,660 residential units, including multifamily, single-family detached & single-family attached products and 340,000 sf of non-residential uses, including commercial, institutional, and light industrial uses.

**Staff Presentation:**

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet. She stated the site is located in southwest quadrant of I-4 & I-95 interchange and is on the east side of Tomoka Farms Road. She stated the existing conditions reflect that it is pretty much vacant and cleared but there are a couple borrow pits, a pole barn, and a well house on the property. She stated the current Future Land Use (FLU) is split between City of Daytona Beach Mixed Use (MU) & Volusia County Low Impact Urban (LIU), and the proposed FLU is City of Daytona Beach Mixed Use (MU). She stated the current zoning is Volusia County Rural Agriculture/Activity Center (VC A-2(2)A) with Airport overlay and the proposed zoning is City of Daytona Beach Planned Development-General (PD-G). She stated the City Commission approved an annexation & Large-Scale Comprehensive Plan Amendment (LSCPA) to assign a City Mixed Use (MU) FLU designation to the property in 2018. She stated that nothing was rezoned at that time. She stated the Comprehensive Plan Amendment also limited development entitlements for the property to a maximum density of 20 dwelling units per acre (du/ac) and a maximum intensity or Floor-Area Ratio (FAR) of 1, which is a reduction of what is currently permitted under the Mixed Use FLU designation. She stated within the 1,660 residential units there will be 800 multifamily units, 610 single-family detached dwellings, and 250 townhome/duplex units and the breakdown of the 340,000 square footage (sf) of non-residential uses would include 200,000 sf of light industrial uses, 100,000 sf of storage buildings, 30,000 sf of commercial space, and 10,000 sf of general office space. She stated there are three primary access points going out onto Tomoka Farms Road and there will also be public roads internal to the development and throughout the development. She pointed out the location of the Mixed Use area on the PowerPoint presentation and then stated the remainder of the area will be developed with residential uses. She stated there is quite a bit of open space proposed as well as part of this development, at approximately 46%. She stated that the number of access points proposed is LDC-complaint because all the roads internal to the development are proposed to be public. She stated the building design will comply with the LDC's Exterior Color & Design Standards for Major City Throughfares, which would be applicable to Tomoka Farms Road, I-4 and I-95 but excludes duplexes, single-family, and townhomes. She stated the Connectivity Index Score for the development is proposed to be reduced from 1.7 to 1.59 but the development is very well connected. She stated parking is proposed to be LDC-compliant. She stated that as part of the open space requirement that includes an active recreation requirement, the applicant is proposing an 8' wide private multi-use trail that will amenitize the stormwater pond on the eastern side of the plan. She stated the stormwater area is proposed to buffer the residential uses from I-95 in addition to the wall they are proposing. She stated with regard to the Scenic Throughfare Overlay (STO) District Landscaping, she has some updated counts from what is requested to be modified. She stated in order to screen and also provide a sound barrier between the residential uses and I-95, the applicant is proposing an 8' concrete wall that will be atop of a 4' berm at 12' high and planting as shown on the plans. She stated the applicant is proposed to have some pockets of landscaping interspersed on the outside and inside of the wall. She stated the applicant is requesting a reduction to the plantings in this area because the wall will block the view of anything from I-95. She stated the property is required to have 655 shade trees and

small trees based on the property frontage and the applicant request to reduce the trees down to a total of 39. She stated the applicant is required to have 729 shrubs but they are requesting to increase the total number to 7,227 shrubs. She stated the plantings for the I-4 & Tomoka Farms STO landscape yards will be LDC-compliant, but the applicant is requesting to allow the existing cell tower maintenance road to be located within the TO landscape yards. She stated there is a cell tower outside of the site that they will be relocating internal to the site. She stated there are 6 existing billboards on the outside of the proposed wall that are nonconforming due to their spacing. She stated the applicant is requesting to keep the billboards until the lease terms and any additional renewals expire, but no additional billboards will be proposed once those expired. She stated the applicant is requesting one interstate monument sign, which would be compliant with the LDC as identified in the report. She stated the sign is proposed to be 50' x 50' and is intended to be developed as a destination monument sign and an identification sign for the development. She stated all other signage will be LDC-compliant. She stated, provided all LDC modifications are accepted, Staff recommends to rezone 414.97± acres of land from VC Rural Agriculture/Activity Center (A-2(2)A) with Airport overlay to City Planned Development-General (PD-G), to allow for a mixed-use development, to include 1,660 residential units and 340,000 sf of non-residential uses. She stated the item is tentatively scheduled to be heard by the City Commission for 1<sup>st</sup> reading on February 1, 2023, and 2<sup>nd</sup> reading on February 15, 2023.

### **Applicant Presentation:**

Glenn Storch, Esquire, Storch Law Firm, provided a PowerPoint overview of the history, request, plan, signage, utilities (creates utility connection for west of I-95 and transition from septic), waivers (consistent with existing FLU), benefits (proposed plan will result in a massive reduction of entitlements, but still a viable plan), design works around the environmentally sensitive areas of the property (predominately open fields with minimal tree clearing).

Mr. McLean stated that they have a lot of waivers here because this is a large project with a lot of changes and a lot of adjustments. He stated that he just wanted to hear him say on the record, without these waivers and adjustments is this project viable.

Mr. Storch replied no it is not, that is the reason they worked hard to minimize the number of waivers. He stated that he does not think the staff has opposed to these waivers but that is why they are bringing them to the board. He stated these waivers are a part of the project and when a PD is done for a planned community like this and there are so many issues they have to work through they really need these waivers.

Mr. McLean stated he knew the answer to that and he certainly understand that the connectivity index for 1.7 and he explained his logic and what they are doing but he is so close between 1.7 and 1.6, essentially talking about four links, is there a way to find four links somewhere, just so they can say they have taken one off of the massive amount of waivers that they have done.

Mr. Mrozek stated when they developed the standards it was part of the LDC and something they need to take a look at and one of the ideas was to incorporate a development into the surrounding area, so they want to be able to connect to the surrounding area but the building over there they just cannot

connect to the east because of I-95 or connect to the north because of I-4. He stated that restricts the ability to have those connection points, which could have potentially brought them up to 1.7 or even beyond the 1.7. He stated they have a physical barrier that is kind of preventing them from doing this. He stated they took a look at it and actually worked with the County staff extensively on this to have those inner connections and they were doing things to increase the number of connection funds internally to get as high as they possibly could and this is where they ended up.

Mr. Storch stated also he has to be very careful because they are trying to preserve the natural vegetation areas and he would have to mow through a vegetation area to get that.

Mr. McLean stated that he mentioned letting the leases expire on the billboards but what happens when they are damaged or knocked down by a storm that needs to be repaired or replaced.

Mr. Storch stated that they are typically advertised out but he can make a commitment that no matter what they would only have five years to advertise on the billboard but in case of a storm or damage they will find a way to refund their money.

Mr. Gross stated that the billboard is a nonconforming structure under the property current zoning, so if the billboard gets destroyed by a certain percentage either 50% or 67%, under the LDC the way it stands right now, it could not be rebuilt and he want to be clear cause it is not clear from the staff report and maybe this was not a question discussed.

Eric Morrisette, 1724 Pine Creek Court, Lake Mary, Florida, stated regarding the billboards that in other municipalities that if it gets certified with 50%-60% destruction rate, it has to be torn down within 30 days but he does not know if they can provide these kind of stipulations in their approvals but that seems reasonable, that if it is not cleaned up within a certain timeframe and there is damage beyond a certain point, they will agree to that.

Mr. Gross stated so the answer to Mr. McLean question is they are agreeing that the LDC provisions and nonconforming billboards would apply. He stated their request to do with allowing the billboards to remain provisional five years, barring that destructive event that would be required to be taken down.

Mr. Storch stated that they are comfortable with that because basically it is reasonable at this point.

Mr. Mrozek asked Mr. Storch to provide some clarification on the billboards because they are permitted on I-95 and the nonconformity is based on the number of billboards they have and how close they are together and if he is asking if the LDC allowed him to have a billboard there or allowed him to keep billboards there.

Mr. Storch stated that if they were approved for a five year period, that would give them the billboards to keep them up and help fund the Homeowners Association (HOA) for a while and that will work out and then they will go away, correct Mr. Morrisette.

Mr. Morrisette stated he would have to speak with their legal department because he does not know what the current leasing agreements entail but they will not renew their leases when expiring.

Mr. Barhoo asked are there any plans to widen the roadway for Tomoka Farms Road because of the increase in traffic.

Mr. Storch stated that the County Comprehensive Plan does not permit the expansion of Tomoka Farms Road and they have had to deal with other issues to try to solve these traffic additions. He stated they have tried to integrate a lot of the internal capture and those points at US-92 and the Farmer's Market because Tomoka Farms Road is not a real bad problem for traffic and have been working with the County on this issue. He stated that there will be a 6 million in impact fees that would go toward providing for fair share.

Mr. Mrozek stated that what Mr. Storch is speaking of is that as they go through the site plan process and the platted process, they have to meet concurrent requirements and be able to demonstrate that they need traffic concurrency, which is the improvements and the portion of the fair share associated with that.

Mr. Storch stated they have been working closely with the County for over a year working with the TIA, trying to find the impacts and direct monies toward those impacts.

**Board Comments:**

There were no further comments

**Citizen Comments:**

Anne Ruby, 137 Park Avenue, Daytona Beach, asked would the five year begin when the PD is signed, from when construction starts, or when the project is built out.

Mr. Mrozek stated it could say to the expiration of the lease, because he does not want to get locked into the five years and it can be vented out once in the City Commission meeting.

Jenny Nazak, 501 Harvey Avenue, Daytona Beach, discussed the idea of not widening the roads because it is an antiquated solution and public transportation in that area.

**Board Actions:**

It was moved by Mr. McLean to approve the request per staff recommendations. Ms. Humphreys seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

|                              |     |
|------------------------------|-----|
| Tony Barhoo (Chair)          | Yea |
| Helen Humphreys              | Yea |
| Michael McLean               | Yea |
| James Newman                 | Yea |
| Cathy Washington (Secretary) | Yea |

13. **Definition of Family – Land Development Code (LDC) Text Amendment DEV2022-190 (Legislative Hearing)**

A request by the Growth Management and Planning Department, to amend Section 5.3, 5.5, and 11.5 of the Land Development Code to modify the use standards for family occupancy and modify the definition for “family”.

**Staff Presentation:**

Dennis Mrozek, Planning Director, stated the City Commission approved an amendment to the of “family” intended to include non-traditional family dwelling units because of the difference of how families occupy family units, so this was meant to increase the non-traditional family units. Mr. Gross stated this amendment was a byproduct of a discussion the City Commission had on the evening when a revised definition of family was presented in a larger ordinance and several City Commissioners on their own started expressing concerns about on-traditional family living arrangements in January 2020. He stated where they might not have people related by blood but they function as a household unit. He stated that question was how would they accommodate that while also at the same time trying to enforce their dorm living rules. Mr. Gross stated they did some research and found some LDC’s in the United States that have these definitions of what are references of functional families. Mr. Mrozek stated as Mr. Gross was speaking about, they added the definition of functional family and described exactly what a functional family was and it had different criteria; functions as a single unit, share entire dwelling and living area, cooking responsibilities, expenses, demonstrate evidence of permanency and stability, and there is no limit on the number of people as long as they met that requirement then they would be operating as a functional family. Mr. Gross stated that the way the current LDC provisions reads is that these would all be ways in which they could show that they are a functional family. He stated but the LDC right now, does not say they have to show three of seven of these or two of seven or all seven, but these are ways to show that they function in that mode. Mr. Gross stated that was consistent with the sample ordinances they look at and which of these items they need to show to be able to meet that functional family definition. Mr. Gross stated as Mr. Mrozek mentioned, they add in the fact that there is not for dysfunctional family, at least a limitation on size, that can become a difficult definition to deal with, if in fact the complaint is something like dorm living or boarding houses. Mr. Mrozek stated they are looking to simplify the definition to still allow for non-traditional family units and step away from the term “family” and went toward a household because that is where they are looking at what constitute a household that can occupy a single dwelling unit. Mr. Mrozek stated they came up with this definition and a lot of it with legal help with putting this together. Mr. Gross stated the LDC originally had a definition of family basically being an either/or, it was basically a bunch of people related by blood, adoption, foster care, a typical tradition family unit or up to three unrelated individuals. He stated that the “or” the second leg of that, the condition at this meeting a couple of years ago was too restrictive for non-traditional families. Mr. Gross provided a brief summary of a Supreme Court case in East Cleveland. Mr. Mrozek provided a summary of the definition proposed by Growth Management and Planning Department that can be found in the staff report. Mr. Gross stated there is a point not clear, even though this is something he drafted but they should read that as six or fewer adults and any number of minor children that are in their care or any one of their care, that is not a limitation to a total of six people. He stated the limitation is on the number of adults in that definition.

Mr. Gross and Mr. Newman discussed the period of 30 days or longer and sober homes protection under the Fair Housing Amendments Act, Oxford model, and City of Daytona Beach lost case regarding a sober home in 2002.

Mr. Mrozek stated staff recommends approval of the proposed text amendment to modify Section 5.3, 5.5 and 11.5 of the LDC to modify the use standards for family occupancy and modify the definition for “family”.

**Board Comments:**

There were no comments

**Citizen Comments:**

There were no comments

**Board Actions:**

It was moved by Mr. McLean to approve the request per staff recommendations. Ms. Humphreys seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

|                              |     |
|------------------------------|-----|
| Tony Barhoo (Chair)          | Yea |
| Helen Humphreys              | Yea |
| Michael McLean               | Yea |
| James Newman                 | Yea |
| Cathy Washington (Secretary) | Yea |

**14. Other Business:**

**a. Downtown/Balough Road Redevelopment Area Board Report:**

Mr. Newman stated there was no meeting for November 2022

**b. Midtown Redevelopment Area Board Report:**

Ms. Washington stated there was no meeting for November 2022

**c. Beachside Redevelopment Area Board Report:**

No report provided due to Mr. Servance absence

**d. Public Comments:**

Gus Colarusso, 357 Hartford Avenue, Daytona Beach, discussed his involvement in the Ortona Neighborhood Association, environment on the beach due to latest storm, conserving resources, tax revenue, changes in the Setbacks, and Volusia Soil & Water.

Michael Arin Ciftci, 2665 N. Atlantic Avenue #242, Daytona Beach, discussed his concerns regarding the two attempted official neighborhood meetings organized by Scott Miller, Gelcorp and Robert Merrill, Cobb Cole at Steve's Restaurant in Ortona and their attempts to develop 2100 N. Atlantic site, LDC in Section 3.3 and his discussion with Mr. Mrozek as well as two newspaper articles.

Anne Ruby, 137 Park Avenue, Daytona Beach, discussed her attendance at both of the meeting that was held by Scott Miller, Gelcorp and Robert Merrill, Cobb Cole but do not know if they have even applied for a site plan and that there is no such thing as a mandatory pre-planning meeting based on her experience.

Jenny Nazak, 501 Harvey Avenue, Daytona Beach, discussed the living shoreline are the wave of the future and more effective than sea walls, which are less costly as well as the need to no longer build east of Atlantic Avenue.

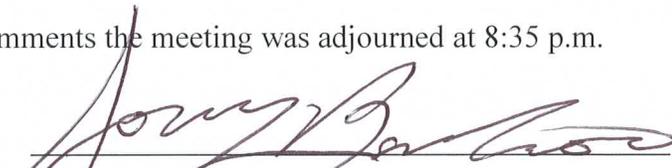
**e. Staff Comments – Ethics Training – Election of Board Officers 2023 – End of Terms:**

Dennis Mrozek, Planning Director, stated he wanted to follow up with the comment from Mr. Ciftci, that they do have the neighborhood meeting and there is a policy that staff does not attend those neighborhood meetings because it is an opportunity for the neighbors to speak to the developers or property owners without staff interaction, so that they can have a good communication. He stated that they encourage a summary of those meetings from the applicants in the package and also encourage the neighbors, who attended the meetings to provide a summary, so they can have the other side of what happened in the meetings. He discussed the required ethics training for the board members and the election board of officers at the next monthly meeting.

**f. Board Members Comments:**

There were no further comments

There being no further discussion or comments the meeting was adjourned at 8:35 p.m.



Tony Barhoo  
Chair

ATTEST:



Gina Fountain  
Board Secretary