
A regular meeting of the City of Daytona Beach Planning Board was held on Thursday, September 27, 2007, at 6:00 PM in City Hall Commission Chambers, 301 S. Ridgewood Ave., Daytona Beach, FL

Board members present were as follows:

Ms. Anita Gallentine
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

Staff members present:

Ms. Cheryl Harrison-Lee, Chief Administrative Officer
Ms. Marie Hartman, Deputy City Attorney
Mr. Reed Berger, Redevelopment Director
Mr. Steven Spraker, Planning Manager
Ms. Belinda Collins, Principal Planner
Mr. Jason Jeffries, Redevelopment Project Manager
Ms. Lana Loss, Planning Technician

1. **Call to Order**

Ms. Shelley called the September 27, 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.

3. A. **Approval of the Minutes: July 26, 2007**

B. **Approval of the Minutes: August 2, 2007**

C. **Approval of the Minutes: August 23, 2007**

Minutes were not provided and the items were not discussed.

4. **LDC AMENDMENT, DEV-2007-27, Historic Preservation**

A request to amend the Land Development Code as follows: Article 3, Section 6, Historic Preservation Board, Article 4, Sections 1.6, Notice for Public Hearings, 3, Overlay Classification, 11, Certificate of Appropriateness, 12, Certificate of Economic Hardship, Article 16, Section 2, Historic Classification, and Article 20, Section 2.1, Fees, to update the Historic Preservation regulations.

Ms. Shelley stated the Historic Preservation Board requested that the item be withdrawn, because they were still making revisions to the Historic Preservation regulations.

Board Motion

Mr. Hurt made a motion to withdraw the item from the agenda. Mr. Neal seconded the motion.

Board Action

The motion was unanimously approved (11-0).

5. **REZONING, DEV-2007-041, Garden Roof Villas**

A request by Mr. Stan Hoelle on behalf of Stuart Patchett, to rezone a 0.56 ± acre parcel located 415 South Palmetto Avenue from RP-H (Residential Professional - Historic) to PR-H (Planned Redevelopment - Historic) and enter into the Garden Roof Villas PR Development Agreement to establish development standards for a nine unit townhome development.

Staff Presentation

Mr. Jeffries 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. Jeffries reviewed the history of proposed project with the Board. He said the project had been reviewed by the Downtown/Balough Road Redevelopment Area Board, Historic Preservation Board and Staff. He said at some point during the review process, it was suggested that the architectural design be modified to Mediterranean Revival to be compatible with the Old Daytona Neighborhood. He said most recently, on September 18, 2007, the Historic Preservation Board reviewed the Certificate of Appropriateness (for new construction), and they expressed concerns with the height and changes to the elevations and they requested to continue the item to September 26, 2007. He said the Downtown/Balough Road Redevelopment Area Board reviewed and unanimously approved the project on September 19, 2007 with the revised elevations, which included additional windows on Building 2 facing South Palmetto Avenue and the reduction of the height of the fence along Palmetto Avenue from 6 feet to 4 feet. He said on September

26, 2007, the Historic Preservation Board unanimously denied the Certificate of Appropriateness, based primarily on the height of the structure.

Applicant's Presentation

Mr. Stan Hoelle, Architect, and Stuart Patchett, were present to answer questions. Mr. Hoelle stated the project had been in the works for approximately 2 years. He said there were several constraints with the property including having to raise the building 20 inches to comply with stormwater requirements, designing the project around the trees and staying off the property line so that the water flow did not change. He said the top floor, which was a partial floor, would consist of a master bedroom and roof garden. He said they were being respectful of the neighborhood while building a viable project.

Citizen's Comments

Reverend Anthony Starnes, 414 S. Palmetto Avenue, Daytona Beach, stated he lived across the street from the proposed project. He said he should be allowed the same zoning variance to build a hurricane resistant home with a new handicap ramp. He stated traffic would be increased because the structure had been vacant for so long, with the exception of homeless people. He said he strongly objected to the project.

Ms. Glade Koch, 128 Fiddlesticks Circle, Daytona Beach, representing the First Church of Christ Scientist, 137 Live Oak Avenue, Daytona Beach, stated the Church was built in 1916. She said since 1999, the membership replaced the roof, refurbished the interior, painted the exterior and late last year they invested in an air conditioning unit, which was located in the rear courtyard of their property. She said a few weeks later, the Patchett property was demolished, which opened up the property, and vandals had since stolen copper tubing from the air conditioning system. She said last month they invested in a 6-foot high wooden fence along their property boundary. She stated they were in favor of the project, it would enhance the area and hoped it could move forward as quickly as possible.

Mr. Don Gabey, 404 S. Beach Street, Daytona Beach, stated he had been on the Board of Directors for the Halifax Historical Society for many years. He said some of the residents of the Landmark Condominium were in favor of the project and felt it would be a contribution to the City.

Mr. Howard Mines, 432 S. Palmetto Avenue, Daytona Beach, stated he was in favor of the project. He said he lived in the area for 15 years and felt it would be a major contribution to the City. He asked what the selling price of the units would be. Ms. Shelley stated at the Downtown/Balough Road Redevelopment Area Board, the applicant said the selling price of the units would be approximately \$500,000.

Ms. Eleanor Bannerman, 761 Marina Point Drive, Daytona Beach, stated she was a member of the Historic Preservation Board. She said when the applicant requested the demolition permit, they said the building would be 35 feet high. She said there was no transition in an Historic District. She said the Historic Preservation Board had a charge

to maintain the district, which was a Historic District. She said the height of the building should be no taller than 35 feet. She felt the Downtown/Balough Road Redevelopment Area Board should work with the Historic Preservation Board for projects that fall in both areas. She felt the system was flawed and the project should not go forward as presented.

Ms. Tracey Remark, 815 N. Oleander Avenue, Daytona Beach, stated the Board's initially agreed to a concept plan that was 35 feet high. She said there were 1 and 2-story homes in the area, with the exception of the 3-story home on the corner of Loomis Avenue and Palmetto Avenue. She said they originally agreed to a 3-story building. She said the property owner was aware of the constraints that existed on the property. She said the project would dwarf the church next door and everything on the street, and it was out of scale with the area. She said the required side yard setback was 21.5 feet based on the height of the proposed building and the applicant was requesting a 10-foot side yard setback. She said the required rear yard setback was 31.5 feet and the applicant was proposing a 10-foot setback. She said they were proposing a 5-foot building separation instead of the required 40 feet. She asked the Board, if they recommended approval of the project, to require language in the Development Agreement to include criteria for a time line for completion of the project, otherwise they would lose their planned development status. She stated there was language in the agreement that read "Variances shall not be deemed to prohibit any owner of the property within the PR (Planned Redevelopment) from seeking or obtaining one or more variances from the requirements of the PR". She said the language was unclear to whether or not it related to the people who purchased the units or if it pertained to the developer, who would be one of the owners. She said variances were not reviewed by the Planning Board or the Historic Preservation Board, they were reviewed by the Board of Adjustment. She said at the Downtown/Balough Road Redevelopment Area Board meeting last week, Mr. Stefan Shields, who was very involved with the Old Daytona Neighborhood, expressed concerns that there was no height limit in that neighborhood.

Ms. LeSage stated she was happy to restoration of the neighborhood, but she was disappointed by the height of the proposed project at 48 feet. She felt they would be doing a disservice to the neighborhood by allowing the project at that height. She felt that Mediterranean Revival did not fit into the Historic neighborhood, which was predominantly Victorian, which had homes with front porches and an arts and crafts style. She said she would not support the project.

Ms. Gallentine agreed with Ms. LeSage with regards to height and felt the setbacks were unacceptable. She said she understood the church next door supported the project, because it would help protect their property. She said she hoped the applicant could work something out, but she would not support the project because of its size, height and setbacks.

Mr. Hurt said they were constantly trying to get permanent residents in the Downtown area, including the proposed site area. He said it was previously a transient building with a lot of crime associated with it. He said the proposed project would provide permanent residents, alleviate some of the stormwater retention issues and provide aesthetics.

Mr. Hoitsma stated a 35-foot building would fit in better with the neighborhood, but he preferred a varied roof-line presented with the project, as opposed to a flat roof to fit the 35-foot range. He said he was not sure that the proposed project would fit in with the single-family homes in the neighborhood.

Ms. Shelley stated the Downtown/Balough Road Redevelopment Area Board unanimously approved the project. She said she attended the Historic Preservation Board meeting and felt projects in Historic Districts needed to be reviewed by that Board, prior to review of any other Boards. She said she liked the project but was concerned with the architecture. She said the project had been in the works for some time.

Mr. Rogers said all things were negotiable and asked if the applicant was willing to make some adjustments. He felt the project was worthy of those considerations.

Mr. Hoelle stated they started with a blank page, but to get to this stage and then have to make changes was extremely difficult and costly. He said they agreed to lower the fence from 6 feet to 4 feet. He said they also added windows at the request of the Downtown/Balough Road Redevelopment Area Board and Historic Preservation Board. He said the design of the building provided more square footage for a viable project. He said if they removed the top level for a 3-story structure, they would lose 1,000 square feet, which would significantly diminish the project from the owner's intent. He said the first building would be 35 feet from the sidewalk and the second building would be 85 feet from the sidewalk. He said the biggest problem was keeping the canopy of trees, which they accomplished. He said his experience was when they started to change things, they only got worse.

Ms. Shelley asked Mr. Berger how the project would effect future development. Mr. Berger stated they reviewed each project on its own merits. He said transition was important. He said the proposed project was at the beginning of the change toward the Downtown area. He felt that was how the project was viewed. Ms. Shelley asked staff to ensure that projects in Historic Districts went before the Historic Preservation Board to be reviewed prior to review by other City Boards.

Board Motion

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

Board Action

The motion was approved (6-5) with Mr. Gallentine, Ms. LeSage, Mr. McGhee, Mr. Moore and Mr. Rogers casting the dissenting votes.

Mr. Spraker stated the request would go forward to the City Commission with a recommendation for approval by the Planning Board. He said the Historic Preservation Board denied the Certificate of Appropriateness and the owner would have the right to appeal to the City Commission.

6. **SITE PLAN, DEV 2007-090, Furniture Row**

A request by Steve Buswell, Parker Mynchenberg and Associates, on behalf of Larry Fore, Furniture Row, for site plan approval of a 59,142 square foot building located at 630 North Tomoka Farms Road within the Interstate Commerce Planned Commercial Development.

Staff Presentation

Mr. Spraker 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. Larry Fore, representing Furniture Row, 1333 E. 37th Avenue, Denver, Colorado, was present to answer questions.

Citizen's Comments

Mr. John Nicholson, 413 N. Grandview Avenue, Daytona Beach, stated I-95 and I-4 were the Gateways to the City and buildings located in those areas should include impressive, well landscaped buildings, not commercial buildings that could be found in an industrial commercial park.

Board Motion

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

Board Action

The motion was unanimously approved (11-0).

7. **REZONING, DEV 2007-095, Cross Roads PCD (DNR Gas Station)**

A request by Alex Popovic, Upham Engineering, Inc., on behalf of Dale Bartholomew, DNR Constructors, Inc., from AG (Agriculture) to PCD (Planned Commercial Development) and enter into the Cross Roads Development Agreement to establish development standards for a 3,000 square foot gas station. The subject property is located at 2624 Beville Road, approximately 1,100 linear feet west of the intersection of Beville Road and South Williamson Boulevard.

Staff Presentation

Mr. Spraker 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. Alex Popovic, representing Upham Engineering, Inc., 265 Kenilworth Avenue, Ormond Beach, was present to answer questions.

Mr. Moore asked what the hours of operation would be. Mr. Popovic stated they would be open 24 hours.

Mr. Hurt stated it was a good location for a gas station because of the access for travelers going west on Beville Road, rather than having to turn around to gain access to the gas station located across the street, which caused numerous accidents. Mr. Popovic stated the Florida Department of Transportation required a right-in, right-out access to the property.

Citizen's Comments

There were no citizen comments.

Board Motion

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

Board Action

The motion was unanimously approved (11-0).

8. REZONING AND PCD AMENDMENT, DEV-2007-109, Jon Hall Saturn

A request by Mr. Dwight DuRant, P.E., Zev Cohen and Associates on behalf of SunCoast Autobuilders to rezone 0.36 acres from BR-2 (Shopping Center) to PCD (Planned Commercial Development) and for the second amendment to the Jon Hall Saturn Planned Commercial Development. The subject property is located at 636 North Nova Road at the southwest corner of Nova Road and Madison Avenue.

Staff Presentation

Mr. Spraker 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. Chris Challis, Cobb and Cole, 150 Magnolia Avenue, Daytona Beach, was present to answer questions.

Ms. Shelley asked about the existing wrought iron fence with barbed wire on the north side of the property. Mr. Challis stated he believed the barbed wire would be removed.

Mr. Hoitsma stated it was a plus for the applicant to provide a retention pond that would alleviate some of the flooding problems in the area.

Mr. Moore stated he liked the wrought iron fence because it not only provided security for the site, but the Police would be able to see in to the property.

Citizen's Comments

There were no citizen comments.

Board Motion

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

Board Action

The motion was unanimously approved (11-0).

9. LARGE SCALE COMPREHENSIVE PLAN AMENDMENTS:

A. DEV 2007-127, Beachside Height: Riverfront and west side of SR A1A

A request to amend the Future Land Use Element of the Comprehensive Plan clarifying and amending the maximum permitted heights on the beachside along the riverfront and west side of SR A1A.

Staff Presentation

Mr. Spraker stated Ms. Pat Tyjeski, consultant with Land Design Innovations (LDI), would give a presentation to the Board. He said it was important for the Board to decide on how they wanted to review the amendments, one option being to review each Neighborhood. He said they provided the Planning Board's recommendations from the last meeting.

Ms. Shelley thought the Board would only be reviewing Neighborhood B that evening due to the fact that they had already reviewed Neighborhoods A and C. Mr. Spraker stated at the last meeting, options and maps were presented to the Board, but there was no language provided to make a recommendation. He said there was information regarding specific Neighborhood Policies in the Board's packets that were written as LDI

recommendations which they did not have before. He said the Board needed to make recommendations or language changes for each of the Neighborhoods.

Ms. Pat Tyjeski, Senior Planner with Land Design Innovations, gave a PowerPoint Presentation to the Board, a copy of which is hereto attached and made part of the record. She stated the purpose of the meeting was to review existing policies, provide some background, review recommendations and answer any questions the Board might have. She said they initially created three areas of the City for analysis purposes. She said Area A was from the north City limits to University Boulevard, Area B was from University Boulevard to Silver Beach Avenue and Area C was from Silver Beach Avenue to the south City limits. She said they changed the boundaries to coincide with the Neighborhood Policies of the Comprehensive Plan. She said Area (Neighborhood) A, would be from the north City limits to University Boulevard, Area (Neighborhood) B, would be from University Boulevard to International Speedway Boulevard and Area (Neighborhood) C, would be from International Speedway Boulevard to the south City limits.

She reviewed the specific area recommendations with the Board.

Mr. Spraker stated the Main Street/South Atlantic Redevelopment Area Board (MS/SARAB) held a Special Meeting the previous day regarding height. He said staff included a memo with their recommendations in the Board's packets, a copy of which is hereto attached and made part of the record.

Ms. LeSage asked about the definition of abutting. Ms. Shelley stated the definition in the Land Development Code (LDC) for abutting or adjacent property was: any property that was contiguous with the subject property or that was located immediately across any road or public right-of-way from the subject property.

Ms. Gallentine stated on the maps for the west side of A-1-A, "Level 2 Residential" was primarily around Bellair Plaza and surrounded the University to Glenview neighborhood. She said by eliminating "Level 2 Residential", they would be opening the gateway up to anything higher than 35 feet on those two major intersections that engulfed the Seabreeze/University Neighborhood Historic District. She felt they needed to include "Level 2 Residential". Ms. Tyjeski stated "Level 2 Residential" by itself allowed higher density, so eventually if they redeveloped, they would be higher density areas. She said they visited various areas and some of the structures were in locations that needed to be redeveloped. Ms. Gallentine stated they were adjacent to a single-family neighborhood and they were not high-rise or high use structures, they were older 2 story multi-family properties or a motel. Ms. Tyjeski stated they would have to look at the entire peninsula, property by property, to see who would be affected and in what way. She said it was possible to create a Neighborhood Plan to address individual properties. Ms. Gallentine stated she wanted to see language in the Comprehensive Plan. Mr. Spraker stated "Level 2 Residential" was designed to serve as transition from commercial and multi-family to single-family. He said they also had LDC policies, specifically Article 18, Section 1.4, Height and Setbacks, so if there was commercial abutting "Level 2 Residential", which was a single-family home, the LDC would restrict the height of the commercial and

multi-family to 35 feet. He said they needed to use the both the Comprehensive Plan and LDC policies, not one or the other. He said in Bellair Plaza, there was commercial, with a "Level 2 Residential" transition to the single-family. He said in the Main Street Redevelopment area, there was "Level 2 Residential" across a street which had a tremendous opportunity for redevelopment and the Main Street/South Atlantic Redevelopment Area Board said they would like to see opportunities for redevelopment which required Planned Developments with public hearings.

Ms. Gallentine stated the MS/SARAB may recommend one thing, but her neighborhood wanted something else. She said they were recommending 35 feet only within "Level 1 Residential" and they wanted "Level 2 Residential" incorporated because "Level 2 Residential" was on Glenview and University Boulevards and it encapsulated their neighborhood.

Mr. Spraker asked if that was what the Board wanted in the Bellair Plaza area and Main Street Redevelopment Areas. He said they could craft a policy for between Glenview and University Boulevards to be "Level 1 Residential" and "Level 2 Residential" and maintain the areas where it served as transition. He said staff provided recommendations, the Planning Board would provide their recommendations and the City Commission would make their decision.

Ms. Tyjeski stated for Area C, the recommendation was "Level 1 Residential" and "Level 2 Residential". She said there was no "Level 2 Residential" in Area C. She said for Area B, there was only one "Level 2 Residential" area that Ms. Gallentine was referring to and they could consider a specific policy for that area.

Citizen's Comments

Ms. Tracey Remark, 815 N. Oleander Avenue, Daytona Beach, stated "Level 1 Residential" and "Level 2 Residential" in Areas A and C, was what the public understood from the last meeting. She asked the Board to stick to their guns for within 50 feet, and did not care what the LDC said about the definition of abutting. She said she had questions regarding some of the language, including on page 9, Neighborhood A, Westside of A-1-A, which read ... "Existing structures in excess of 35 feet or developments for which site plans have been approved on or before September 1, 2007"...and if it referred to developments that had not been built. Mr. Spraker stated yes. He said if someone had a valid site plan, or Planned Development that had not been constructed, and they did not allow their permit or site plan to expire, they would have the right to construct. She said that language needed clarification. She stated on page 11, the language around the bridges, should read "development adjacent to the bridges greater than 65 feet shall be required to obtain a Planned Development zoning designation to allow public review of proposed projects". Mr. Spraker stated the Neighborhood Policies in the areas that were excluded, were from Glenview Boulevard to Oakridge Boulevard and from Main Street to US 92. He said Neighborhood B could have specific policies from University Boulevard to Glenview Boulevard with a restriction from Main Street to Oakridge Boulevard and the only other places that were open would be from US 92 to Main Street and from Oakridge to Glenview Boulevards.

Ms. Remark stated that opened up a large area. She said on page 12, policy (f) the language requested to be changed from "Multi-family rezonings shall not be "allowed" instead of "encouraged" was a great idea. She asked about the language on the memo from the MS/SARAB for Neighborhood B, that referred to the riverfront from Oakridge Boulevard to US 92, for structures over 65 feet in height being required to go through a Planned Development and from Oakridge Boulevard to Main Street having a 35 foot height limit. She asked why have both; include from Oakridge Boulevard to Main Street (35 feet) and Main Street to ISB (65 feet). Mr. Spraker stated that was the intention.

Mr. Paul Holub, managing member of Bellaria Intercoastal Residences, stated that their project, by virtue of the staff report and correspondence from the City, was vested until November of 2010 and it was their intention to build the project. He said the proposal to reduce height limits was good for his project, because it was one of only two that was vested in the City although he felt that reducing height limits would not be good for the City. He said the Bellaria could not possibly fit on the property with the first floor garage parking and 53 units with a 35-foot height limit. He said a 35-foot height limit on a 3-acre parcel would create a great building mass. He asked the Board to table the matter and review conceptual site plans to see what size projects could fit on properties and to consider the economic impacts and lost tax revenue for the City with a 35-foot height limit. Ms. Gallentine stated her neighborhood appreciated the way the site of the Bellaria appeared.

Mr. John Nicholson, 413 N. Grandview Avenue, Daytona Beach, stated the Board should insist that Area A extend down to Glenview Boulevard. He said Area C should go up to Vermont Avenue. He asked the Board to listen to Tracey Remark's comments. He said the area at the intersection of Halifax Avenue and Oakridge Boulevard near the bridge should be extended south. He said there were single-story businesses between Peninsula Drive and Halifax Avenue for about a block and the Coptic Orthodox Church purchased all the other homes, and going higher in that area would not affect anyone. He said along A-1-A, certain areas that should be excluded from the 35-foot height limit were the south side of Silver Beach Avenue and A-1-A, the corner of Davis Street and International Speedway Boulevard, the Streamline Hotel and International Speedway Boulevard and from Glenview Boulevard to Seabreeze Boulevard.

Ms. Weegie Kundid, 718 N. Wild Olive Avenue, Daytona Beach, stated she would like to see the City stand on its own two feet and she was tired of seeing developers, consultants and Board members from other cities telling our residents and City government what to do and how to do it.

Mr. Jim Cameron, Vice-President of Government Relations, Daytona Beach/Halifax Area Chamber of Commerce, stated they needed to maintain flexibility on a case-by-case basis when it came to height limits. He agreed they did not want to put a high-rise in the middle of a historic neighborhood, but there were certain circumstances where they could co-exist. He said the City was in need of additional tax revenue and additional cutbacks were taking place in local governments.

Ms. Mary Ann Jackson Trumbull, 925 N. Grandview Avenue, Daytona Beach, stated she was very much in favor of extending the neighborhoods, for example for Neighborhood A, going from the north City limits to Glenview Boulevard. She said she agreed with Ms. Gallentine with regards to the "Level 2 Residential" on University Boulevard because she was four houses south of University Boulevard and there could be a massive structure built on the corner. She said she was in favor of having Neighborhood B where they could have development and having Neighborhood C go from Vermont Avenue to the south City limits. Ms. Shelley said the Board could recommend text changes, but the Neighborhood boundaries were part of the Comprehensive Plan.

Mr. Dan Harshaw, 510 Pointsettia Drive, Daytona Beach, asked if Neighborhood C, policy (f) would read "Multi-family rezonings shall not be encouraged or allowed". Ms. Shelley stated there was a recommendation to change it to "allowed" rather than "encouraged". Mr. Harshaw stated the reason they did not have the type of development that they were now getting, was because the riverfront was protected and anything from Silver Beach Avenue to Seabreeze Boulevard was not protected. He said they needed to consider single-family, because there were people who would spend the money on luxury single-family homes. He said he disagreed with Mr. Nicholson with regards to going higher south of Silver Beach Avenue and asked the Board not to allow a 65-foot height limit and keep it 35 feet.

Ms. Karen Ricks, 419 Ocean Dunes Road, Daytona Beach, stated she followed the Board for the past 2 years and they knew what they were doing and felt that City staff had been disrespectful to the Board.

Mr. Glenn Storch, Storch, Morris and Harris, stated he understood the importance of height and dealt with it up and down the Florida coast. He said height was very important from a compatibility standpoint, which was a key issue. He said he had concerns with standard numbers in certain areas without any flexibility. He said there were many different types of uses up and down the area and some of the areas needed additional height for compatibility. He said if they imposed a 35-foot height limit across the Board, there would be a canyon effect along A-1-A, with no architectural or roof line variation. He said they needed to preserve and enhance the neighborhoods with continued growth. He asked the Board to allow flexibility for architectural enhancement or through incentives. He said they needed to encourage pedestrian bridges and that Main Street died as a result of A-1-A becoming wider.

Mr. Chris Challis, Cobb & Cole, asked the Board to consider Mr. Storch's suggestion regarding architecture. He said he attended the Main Street/South Atlantic Redevelopment Area Board Meeting and Mr. Ben Butera, one of the most accomplished architects in the community, spoke about the damaging impacts a 35-foot height limit would have. He said they needed to encourage quality and diverse architectural standards. He said the Vision Plan suggested the establishment of an architectural review board to implement unique and diverse architecture. He said the Vision Process, discussion from the Board and the community in general implied that they wanted to encourage and embrace things like mass transit, mixed use and pedestrian walkable communities. He said a 35-foot height limit might not allow accommodation of those

types of things. He said inter-modal transportation required some level of density and a 35-foot height limit would neuter the ability to have some of the density needed along the main corridors. He said the earlier discussion between Ms. Gallentine and Ms. Tyjeski about the location and impacts of "Level 1 Residential" and "Level 2 Residential" was an indication that this was an inappropriate process to determine what the Board wanted to do and the Comprehensive Plan was not the proper tool.

Mr. Alan Gebhardt, 517 Old Trail Road, Daytona Beach, stated he felt that the attorneys were speaking for developers and he was speaking for residential. He said he lived in Neighborhood C and was strictly against high-rise buildings on the west side of A-1-A.

Mr. Jim Morris, Storch, Morris and Harris, 420 S. Nova Road, stated he was speaking on behalf of the Black Pearl, LLC. He said the Black Pearl might have catalyzed some of the concerns with regards to the proposed amendments. He distributed information on the Black Pearl, which was located in Neighborhood C, and the Bert Harris Act, which dealt with devaluation of property based on local government regulations, to the Board, a copy of which is hereto attached and made part of the record. He said his client purchased the property in August of 2006 and received site plan approval in September of 2006. He said approximately \$9 million had been invested in the property which had an approved building height of 138 feet. He said a height limit of 65 feet would be a 53% reduction and a height limit of 35 feet would be a 75% reduction. He said they needed to consider the implications of the Bert Harris Act and compatibility requirements. He said the proposed project at 13 or 14 stories was generally compatible with what existed around it. He said Neighborhood C was a very long area and there were policies that protected the single-family areas south of Silver Beach Avenue. He said from Silver Beach Avenue north to International Speedway Boulevard there was a different development pattern along the river than from immediately past the node from Silver Beach Avenue to Temple Beth-el and the large homes in the area. He said the area changed, but the policies proposed in the Comprehensive Plan did not recognize that and the Plan needed to go further to determine how to address it. He said this was a major Comprehensive Plan Amendment and there were many recommendations from the consultant and Planning Staff that indicated that the Comprehensive Plan was not the right place to make the changes. He said the idea was to take core urban areas and mandate lower density by virtue of height limitations, but that was contrary to the anti-sprawl policies generally embodied in the Comprehensive Plan of the City as well as in regional and State planning. He said if the concept was that they would go forward with the amendments to the Plan because it would be strong and difficult to change and they ignored the idea that the Plan would not be challenged, perhaps it would work. He said they needed to provide more study and analysis, so they would have a better chance at having the Comprehensive Plan amendments adopted. He asked the Board to consider the fact that developers relied on zoning that had been in place for a long time. He said the proposed project was in an area that had multi-family and if they compared the Black Pearl to a single-story home, it was not a good comparison, because there were multi-story buildings very close to it.

Mr. Mark Karet, Zev Cohen and Associates, representing the Black Pearl, LLC, provided a memorandum regarding the proposed beachside heights to the Board, a copy of which

is hereto attached and made part of the record. He said there were a number of rules and standards, which related to the preparation, review and determination of compliance for Comprehensive Plan Amendments and there were a number of avenues for objection that were opened as a result of selecting the Comprehensive Plan Amendment as opposed to an LDC amendment. He said these objections could be presented to the Florida Department of Community Affairs. He said the primary objection was failure to support the amendment by sufficient data and analysis that demonstrated that the proposed amendments discouraged the proliferation of urban sprawl. He urged the Board not to recommend transmittal of the Comprehensive Plan amendments without the analysis.

Ms. Gallentine asked how long preparing the analysis would take. Mr. Karet stated when they prepared Comprehensive Plan Amendments they did so with an approximate 30-day lead-time.

Ms. Shelley closed public discussion.

Ms. LeSage asked if they could grandfather in the Black Pearl project. She said it was never their intent to devalue anyone's property. Mr. Moore stated it might be an issue if the time limit ran out.

Mr. Morris stated that was the problem. He said his client was moving forward with the site plan, but given the current market, did not know if they would be able to perform the site plan in toto. He asked the Board to consider some way to address the issue outside the life of the site plan. He said there was a deadline in the proposed policy of September 1, 2007. He said site plans were only valid for one year unless they were acted upon and they could add a provision that allowed for a period of 3 years or 5 years after September 1, 2007, for a transition period to allow someone to wait for the market to adjust, accomplish the financing and move forward. He said this meant if someone had an approved site plan, which limited the number, prior to September 1, 2007, and they did not move forward by September 1, 2010, then they would lose whatever rights they had when the effects of the plan were triggered. He said this would provide the opportunity for someone to try to establish and protect the value of his or her proposed project. He said in Neighborhood C, there was nothing south of Silver Beach Avenue that would be impacted and to his knowledge, there was nothing between Silver Beach Avenue and International Speedway Boulevard except the Black Pearl. He said in proximity, there was multi-family to the north and south of the site, with single-family across the street and then larger homes. Mr. Spraker asked if Mr. Morris was referring to until building permits were issued or construction was complete. Mr. Morris stated he was suggesting issuance of a building permit due to the fact that it might take several years to construct. Ms. LeSage asked if staff felt this would be a problem. Mr. Spraker stated no.

Ms. Shelley asked the Board for discussion prior to making motions for the amendments.

Mr. McGhee asked for clarification on the recommendations. Mr. Spraker stated there was a chart labeled Exhibit B, which had the Planning Board, LDI/Staff and MS/SARAB recommendations. He said the Board could take all recommendations including public comment into consideration when making their final recommendations.

Ms. Hartman stated Exhibit A was the actual text of the proposed amendments that would be in the Comprehensive Plan.

Ms. Gallentine stated she felt the Board was clear that they wanted "Level 1 Residential" and "Level 2 Residential" identified as far as the height limit from University Boulevard to Glenview Boulevard. She said she had concerns with Glenview Boulevard to Seabreeze Boulevard, because they had not addressed the area and it did not belong to the Main Street Redevelopment Area Board.

The Board reviewed:

Neighborhood A, Westside of A-1-A:

Mr. McGhee asked if they could amend all of the language that said abutting or adjacent to, to be within 50 feet of.

Mr. Moore said the language should state abutting or within 50 feet of a "Level 1 Residential" or "Level 2 Residential" land use.

Mr. Hurt suggested leaving out "Level 2 Residential" for transition.

Ms. Shelley stated there were concerns with the Bellair retail area and University Boulevard. Ms. Gallentine stated they could exclude Bellair Plaza, but there was still "Level 2 Residential" next to single-family homes.

Ms. Hartman stated if the purpose of the 50-foot separation was to accommodate a roadway, alternative language might be abutting or separated only by a public right-of-way.

Ms. Shelley stated they could also add language for the site plan expiration date. Ms. Hartman asked the Board to be consistent throughout the plan.

Neighborhood A, Riverfront:

Ms. Shelley stated the issue under Policy (d) appeared to be what the Board suggested and they could add the language about the site plan expiration.

Neighborhood C, Westside of A-1-A:

Ms. Shelley stated what the Board recommended for Policy (g) was to have abutting or within 50 feet of a "Level 1 Residential" or "Level 2 Residential" land use designation, shall be limited to 35 feet, with the addition of the site expiration language. Ms. Gallentine stated there was no "Level 2 Residential" in Neighborhood C. Ms. Shelley stated they could omit "Level 2 Residential" because there was no "Level 2 Residential" on the Westside of A-1-A in Neighborhood C.

She said an issue (g) was added that read the maximum height along State Road A-1-A should be limited to protect and preserve single-family homes.

Neighborhood C, Riverfront:

Ms. Shelley stated the language for Policy (c) seemed to be what the Board recommended. She said there was some discussion regarding Vermont Avenue at the last meeting.

Mr. Spraker stated the MS/SARAB recommended the change to Policy (f) stating Multi-family rezonings shall not be "allowed" instead of "encouraged".

Neighborhood B, Riverfront:

Ms. Gallentine suggested for the neighborhood from University to Glenview Boulevards, limit height to 35 feet abutting, adjacent, or within, with the language added for existing structures. Ms. Shelley stated that entire area along the river was "Level 2 Residential". She said they needed to consider the homeowners desires in that area. She said the Board and staff recommended a height limit of 35 feet from University to Glenview Boulevards along the river.

Ms. Shelley asked for Board input on the area from Glenview to Oakridge Boulevards. Ms. Gallentine recommended a 65-foot height limit. Mr. Hurt recommended a case-by-case basis review. Mr. Neal felt a case-by-case basis might be more feasible. Ms. Shelley stated staff's recommendation was to have structures over 65 feet high go through a Planned Development. It was the consensus of the Board to support the staff recommendation. Ms. Shelley suggested removing the language that read around the bridges and adding from Glenview Boulevard to Oakridge Boulevard. Ms. Shelley suggested using 65 feet instead of over six stories to be consistent.

Ms. Shelley asked for Board input south of Oakridge Boulevard. Mr. Spraker stated the MS/SARAB and staff suggested from Oakridge Boulevard to Main Street limit height to 35 feet based on the nationally recognized historic homes, which was the first policy amended under issue (f).

Ms. Shelley asked for Board input for Main Street to International Speedway Boulevard. Mr. Spraker stated the MS/SARAB and staff recommended from Main Street to US 92, if structures exceeded 65 feet, they would be required to go through a Planned Development. The Board agreed.

Neighborhood B, Westside of A-1-A:

Ms. Shelley stated issue (i), the first policy should read Neighborhood B, not A and included language for all development along the west side of SR A-1-A within Neighborhood B, that is abutting a "Level 1 Residential" land use designation shall be limited to a maximum building height of 35 feet. Ms. Shelley asked for Board input. Mr. Spraker stated Ms. Gallentine suggested from Glenview to University Boulevards, to be

“Level 1 Residential” and “Level 2 Residential”. This would allow the “Level 2 Residential” in the Main Street Redevelopment Area between Harvey Avenue and International Speedway Boulevard to be redeveloped.

Ms. Shelley asked the Board about the west side of A-1-A from University to Glenview Boulevards. Ms. Gallentine stated 35 feet high, within 50 feet of “Level 1 Residential” and “Level 2 Residential”.

Ms. Shelley asked about from Glenview to Oakridge Boulevards. Ms. Gallentine stated the area bordered a neighborhood and she would like to see some restrictions on height in that area. Ms. LeSage suggested 35 feet to Seabreeze Boulevard and 65 feet to Oakridge Boulevard. Ms. Gallentine stated she could support that. Mr. Spraker stated the purpose of the height regulations was to protect single-family homes and they were expanding it to areas that should be retail. He said he did not believe the Vision of the community was to keep what was there today, but to grow and develop the area as a commercial district. He said Seabreeze Boulevard and A-1-A and Oakridge Boulevard and A-1-A were the gateways into those areas. He cautioned the Board to be mindful of the original recommendations which were to protect single-family. Ms. Shelley stated she had concerns with their original intent as well, and nowhere was this abutting single-family. She said a 35-foot height limit already existed in the Comprehensive Plan and the 65-foot height limit came about with public input regarding tree line height with development on the river. She said they needed to set a standard to include what the community discussed. Ms. Gallentine asked what Ms. Shelley was recommending for that area. Mr. Moore suggested 65 plus. Ms. Shelley stated they were addressing two small sections with quite a bit of leeway, considering over 65 feet with a Planned Development.

Ms. Shelley asked Mr. Spraker what the MS/SARAB recommended. Mr. Spraker stated their recommendation was to limit it to “Level 1 Residential”, which was the single-family land use, and there was no “Level 1 Residential” within the Main Street Redevelopment Area boundaries on the west side of A-1-A. Ms. LeSage stated she had concerns with the area from Glenview Boulevard to Harvey Avenue. Ms. Shelley asked about the area from Glenview Boulevard to Harvey Avenue, and if the Board wanted to require a 35 foot height limit, abutting single-family or “Level 1” or “Level 2 Residential”. Ms. LeSage stated technically the area between Harvey Avenue and International Speedway Boulevard was planned for redevelopment and asked if the area was considered to be the west side of A-1-A. Mr. Spraker felt the property on the west side of A-1-A in that area, was nothing they wanted to maintain. He said the property was not deep enough to redevelop, and there was an artificial height limit of 35-feet. He said the MS/SARAB asked not to put artificial limits in redevelopment areas for properties that they wanted to explore redevelopment. He said they should not put policies within the Comprehensive Plan that would discourage people from investing in redevelopment opportunities. Ms. LeSage asked if the area was considered to be part of the west side of A-1-A. Mr. Spraker stated it would abut it. He said from A-1-A to Grandview Avenue and 5th Avenue to International Speedway Boulevard could potentially be one site, limited to 35 feet. He said they should have height along A-1-A and US 92 and transition back to Grandview Avenue. Ms. LeSage asked if the area could be required to go through a Planned Development. Mr. Spraker stated yes, they could use

the same language as around the bridges, if projects were over 65 feet they would be required to go through a Planned Development. There was further discussion about the height limit between Harvey Avenue and International Speedway Boulevard and Grandview Avenue and A-1-A. Ms. LeSage asked if they could require that corner to have a 65-foot height limit. Mr. Spraker stated there were no site plan applications for that area today and the Board was proposing major policy changes within the Comprehensive Plan. He said a Planned Development would allow the Redevelopment Area Board, Planning Board and City Commission to review the request. Ms. Harrison-Lee stated it appeared that the Board was attempting to do site plan review at the Comprehensive Plan level. She said the way to deal with some of the issues was through a negotiated Planned Development so that the need for redevelopment and protection of single-family homes would be balanced. She said there were many different design opportunities including a stair step approach that could be applied to that area. She said they would run the risk of limiting development without having a project in front of them and she did not think that was the intent of the Board.

Ms. Shelley asked the Board about the area from Glenview Boulevard to International Speedway Boulevard. Ms. LeSage suggested 65 feet or higher to require a Planned Development. Mr. Morris suggested including language that it shall be a Planned Development which required transition from Commercial on A-1-A to residential along Grandview Avenue, rather than including a height limit. Ms. LeSage stated that would include roughly Harvey Avenue to International Speedway Boulevard. Ms. Shelley asked if they were including Grandview Avenue. The Board was undecided. Ms. Gallentine suggested adding language that said development from Glenview Boulevard to International Speedway Boulevard on the Westside of Atlantic Avenue be required to go through a Planned Development with the transition. She asked why they needed to include Grandview Avenue. Mr. Spraker stated the proposal would make the redevelopment area much more difficult to redevelop and the entire area around the Ocean Center would be required to go through a Planned Development. Mr. Hurt stated that was not the consensus of the Board. He said it was a "Redevelopment District" because it needed to be redeveloped. He said it was not a "Stay the same District". Ms. Shelley asked if they needed to readdress Harvey Avenue to International Speedway Boulevard, which would be a Planned Development. Mr. McGhee stated that sounded correct from Harvey Avenue to International Speedway Boulevard and from Grandview Avenue to west of A-1-A.

Ms. Shelley asked if they were leaving from Glenview Boulevard to Harvey Avenue the way it was. Mr. Hurt stated it would stay the same. Mr. Spraker stated that area was controlled by the LDC regulations and if it abutted single-family, there were restrictions, including a 35-foot height limit in the LDC. He said the purpose of the Redevelopment Area was to encourage redevelopment. Ms. Gallentine stated the area from Glenview Boulevard to Oakridge Boulevard was not in a redevelopment area.

Ms. Shelley asked if the Board wanted to make recommendations neighborhood by neighborhood. The consensus of the Board was yes, they did want to make recommendations neighborhood by neighborhood.

Ms. Shelley asked for motions from the Board.

Mr. Moore asked about the site plan deadline time frame. Mr. Spraker stated he felt the intent of the Board was to allow all site plans approved prior to September 1, 2007, to have until 2010 or 2011.

Ms. Shelley stated Mr. Morris suggested adding language to include “property with site plans approved on or before September 1, 2007, but not having active site plans on September 1, 2011, shall become subject to the restrictions of this policy.”

Ms. Gallentine suggested 2010. Mr. Hurt stated he would like to see 2011 because they wanted development. Mr. Hoitsma said they were almost in the year 2008. The majority of the Board recommended 2011. Ms. Shelley stated the time frame related only to projects that had already been approved.

Neighborhood A west side of A-1-A:

Board Motion

Mr. Hoitsma made a motion that Neighborhood A, Development Policy (a), for the west side of A-1-A should read:

Policy: All development along the west side of SR A-1-A within Neighborhood A, that is abutting **or within 50 feet of** a Level 1 **or Level 2** Residential land use designation shall be limited to a maximum building height of 35 feet. Existing structures in excess of 35 feet or developments for which site plans have been approved on or before September 1, 2007, **but not having active site plans on September 1, 2011 shall become subject to the restrictions of this policy** and shall be permitted to remain as conforming structures and may be rebuilt if destroyed.

Mr. Moore seconded the motion.

Neighborhood A riverfront:

Mr. Hoitsma made a motion that Neighborhood A, Development Policy (d), for the riverfront should read:

The maximum height along the riverfront in Neighborhood A shall be limited to 35 feet. Existing structures in excess of 35 feet or developments for which site plans have been approved on or before September 1, 2007, **but not having active site plans on September 1, 2011 shall become subject to the restrictions of this policy** and shall be permitted to remain as conforming structures and may be rebuilt if destroyed.

Ms. Gallentine seconded the motion.

Board Action

Motions for both items were approved (10-1) with Mr. Hurt casting the dissenting vote.

Neighborhood B riverfront:

Ms. Shelley stated they did not make any changes to the first policy from Main Street to Oakridge Boulevard, which was 35 feet. She said the second policy was for development from Glenview Boulevard to Oakridge Boulevard instead of around the bridges, and would be 65 feet, and they added a third policy that was from University Boulevard to Glenview Boulevard which would be 35 feet.

Ms. Shelley asked if the language regarding dates (that referred to the site plan) should be in each policy. Mr. Spraker stated yes, the language could be added to each of them.

Development Policy (f), for the riverfront should read:

Policy: The area north of Main Street to Oakridge Boulevard has nationally recognized historic single-family homes, generally from Ora Street to Earl Street and Auditorium Boulevard to Main Street that should be maintained as single-family homes with a maximum building height of 35'. Existing structures in excess of 35 feet or developments for which site plans have been approved on or before September 1, 2007, **but not having active site plans on September 1, 2011 shall become subject to the restrictions of this policy** and shall be permitted to remain as conforming structures and may be rebuilt if destroyed.

Policy: Development ^{AROUND THE BRIDGES AND} ~~around the bridges~~ from Glenview Boulevard to Oakridge Boulevard, at the beachside gateways, may be appropriate areas for heights greater than 65 feet. Site development for structures over six stories shall be required to obtain a planned development zoning designation to allow public review of proposed projects. **Existing structures in excess of 65 feet or developments for which site plans have been approved on or before September 1, 2007, but not having active site plans on September 1, 2011 shall become subject to the restrictions of this policy and shall be permitted to remain as conforming structures and may be rebuilt if destroyed.**

Policy: Development from University Boulevard to Glenview Boulevard shall be maintained with a maximum building height of 35 feet. Existing structures in excess of 35 feet or developments for which site plans have been approved on or before September 1, 2007, but not having active site plans on September 1, 2011 shall become subject to the restrictions of this policy and shall be permitted to remain as conforming structures and may be rebuilt if destroyed.

Neighborhood B west side of A-1-A:

Neighborhood B, Development Policy (i), for the west side of A-1-A should read:

Ms. Shelley stated there was no change in the language for the first policy except for adding the language regarding 2011.

Ms. Shelley stated they added another policy, from Harvey Avenue to International Speedway Boulevard regarding Planned Developments, to Grandview Avenue. Ms. Loss stated from Harvey Avenue to International Speedway Boulevard and A-1-A to Grandview Avenue. Ms. Shelley stated yes for a Planned Development that would require transition from the commercial to the Historical neighborhood. Ms. LeSage said those words particularly.

Ms. Shelley stated the next policy... Ms. Gallentine said "Level 1 Residential" and "Level 2 Residential" from University Boulevard to Glenview Boulevard was what they discussed on the west side of A-1-A. Ms. Shelley agreed. Ms. Loss asked for clarification from the Board for development from Glenview Boulevard to University Boulevard that was abutting or within 50 feet of a "Level 1" or "Level 2 Residential" land use to have a maximum building height of 35 feet. Ms. Gallentine stated 35 feet high within 50 feet of a "Level 1" or "Level 2 Residential" on the west side of Atlantic Avenue.

Policy: All development along the west side of SR A-1-A within Neighborhood A B that is abutting a "Level 1 Residential" land use designation shall be limited to a maximum building height of 35 feet. Existing structures in excess of 35 feet or developments for which site plans have been approved on before September 1, 2007, **but not having active site plans on September 1, 2011 shall become subject to the restrictions of this policy and** shall be permitted to remain as conforming structures and may be rebuilt if destroyed.

Policy: All development from Harvey Avenue to International Speedway Boulevard and Grandview Avenue to A-1-A shall be a Planned Development, which required transition from commercial on A-1-A to residential along Grandview Avenue.

Policy: All development from Glenview Boulevard to University Boulevard within Neighborhood B, that is abutting or within 50 feet of a Level 1 Residential or Level 2 Residential land use designation shall be limited to a maximum building height of 35 feet. Existing structures in excess of 35 feet or developments for which site plans have been approved on before September 1, 2007, but not having active site plans on September 1, 2011 shall become subject to the restrictions of this policy and shall be permitted to remain as conforming structures and may be rebuilt if destroyed.

Ms. LeSage made a motion to approve exactly what Ms. Shelley reviewed.

Ms. Washington seconded the motion.

Board Action

Motion was approved (10-1) with Mr. Hurt casting the dissenting vote.

Neighborhood C riverfront:

Neighborhood C, Development Policy (c), for the riverfront should read:

Ms. Shelley stated they did not change the language with the exception that they added the language regarding the site plan time frame to Policy (c).

Policy: The maximum height along the riverfront in Neighborhood C shall be limited to 35 feet. Existing structures in excess of 35 feet or developments for which site plans have been approved on before September 1, 2007 **but not having active site plans on September 1, 2011 shall become subject to the restrictions of this policy and** shall be permitted to remain as conforming structures and may be rebuilt if destroyed.

Ms. Shelley said they also changed the language on Policy (f) to include “allowed” instead of “encouraged” so that:

Neighborhood C, Development Policy (f), for the riverfront should read:

This area shall be maintained primarily as a single-family residential neighborhood. Multi-family rezonings shall not be ~~encouraged~~ **allowed**.

Neighborhood C west side of A-1-A:

Ms. Shelley stated they kept the language and added the information on the site plan time line. Mr. McGhee stated they also added with 50 feet to abutting. Ms. Shelley stated they also added “Level 2 Residential”.

Ms. Shelley said anywhere it said “Level 1 Residential”, they added “Level 2 Residential”. Ms. Gallentine, Ms. Washington and Mr. Hoitsma replied yes. Ms. Loss stated that was on the west side of A-1-A, within 50 feet of a “Level 1” or “Level 2 Residential” land use and the site plan date revision. Ms. Shelley stated yes the west side of A-1-A, Neighborhood C.

Neighborhood C, Development Policy (g), for the west side should read:

All development along the west side of SR A-1-A within Neighborhood C, that is abutting or within 50 feet of a Level 1 **or Level 2** Residential land use designation shall be limited to a maximum building height of 35 feet. Existing structures in excess of 35 feet or developments for which site plans have been approved on before September 1, 2007 **but not having active site plans on September 1, 2011 shall become subject to the restrictions of this policy and** shall be permitted to remain as conforming structures and may be rebuilt if destroyed.

Ms. Gallentine made a motion to approve the language discussed above that pertained to Neighborhood C.

Mr. McGhee seconded the motion

Board Action

Motion was approved (10-1) with Mr. Hurt casting the dissenting vote.

B. DEV 2007-151, Transportation Concurrency Exception Areas (TCEA)

Staff is requesting that this item be withdrawn until a later date.

10. PCD AMENDMENT, DEV-2007-131, Car Care Center

A request by Michael Woods, Cobb and Cole, on behalf of Mr. Frank Sartoretti, Car Care Center for the first amendment to the Car Care Center Planned Commercial Development. The subject property is located at 413 Bellevue Avenue.

Staff Presentation

Ms. Collins presented information contained in the Staff report, a copy of which is hereto attached and made part of the record. She 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. Michael Woods, Cobb and Cole, 150 Magnolia Avenue, Daytona Beach, representing the applicant was present to answer questions. He gave a brief history of the project to the Board, which included a condition on the hours of operation. He said the applicant was originally requesting approval for a truck rental use as well as automotive body work and repair, living unit for on-site security and light and heavy vehicular service.

Ms. Shelley asked if the applicant was going to provide a truck rental service. Mr. Wood stated no, he was asking for a number of uses in the original zoning category to be added back into the list of permitted uses.

Citizen's Comments

Mr. Darrell Hunter, 79 N. Tymber Creek, Ormond Beach, stated his family owned property at 830 S. Seagrave Street, where there were 6 apartments. He stated the applicant had done nothing with the property. He said the tenants of the apartments complained about hearing trucks all hours of the night. He said they did not oppose the original request if they comply with the use. He asked what they intended to do on the property. Mr. Spraker stated if the applicant was performing a use that was not allowed under the zoning district, a notice of violation would be issued by Code Enforcement. He said he was not aware that they were providing a truck rental drop-off service, which was not within their permitted uses. He said there was an enforcement process if it did occur. Mr. Hunter asked about the landscaping. Mr. Spraker stated if they did not provide the

required landscaping, which was tied to the condition of the approval, they would not be able to develop the site.

Mr. Woods stated there was a provision for the landscaping to be in place within 6 months. He said he wanted to be sure that everyone was clear on what the entitlements on the property would be. He said he was unaware of any truck rental drop-off although the owner does operate an auto body repair shop, during normal business hours, which had been on the site for 15 – 20 years.

Board Motion

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

Board Action

The motion was unanimously approved (11-0).

11. HISTORIC DESIGNATION REZONING, DEV-2007-132, Holmes Schoolhouse

A request by Mr. Paul Weaver, Historic Properties Associates on behalf of Holmes Schoolhouse, LLC, for a historic overlay zoning designation from PCD (Planned Commercial Development) to PCD-H (Planned Commercial Development – Historic) to preserve and rehabilitate the existing structure located at 731 S. Ridgewood Avenue.

Staff Presentation

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

Ms. LeSage stated she had several phone calls from residents who lived on South Palmetto Avenue, who were disrupted by the noise from chainsaws and trucks at 7:30 in the morning over the weekend and asked what could be done about it. Ms. Collins stated the issue could be addressed with the property owner.

Ms. LeSage asked if they allowed Palmetto Avenue to serve as the entrance to the property. Ms. Collins stated access to the property would be on Ridgewood Avenue and they were in the process of developing the property.

Ms. LeSage asked where the service vehicles would park, which she assumed would be along South Palmetto Avenue. Mr. Spraker stated they had room on-site to park the vehicles. Mr. Spraker stated Staff would contact the property owner to make them aware of the neighbor's concerns.

Applicant's Presentation

The applicant was not present.

Citizen's Comments

There were no citizen comments.

Board Motion

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

Board Action

The motion was unanimously approved (11-0).

Other Business

• **Downtown/Balough Road Redevelopment Area Board Report**

Ms. Shelley reported on the Board's September meeting.

• **Midtown Redevelopment Area Board Report**

Mr. Rogers stated he would provide a report at the next meeting.

• **Main Street/South Atlantic Redevelopment Area Board Report**

Ms. LeSage reported on the Board's September meeting. She said the Board held a Special meeting, which she was unable to attend because it was during business hours.

• **Vision Committee Report**

Ms. Shelley reported on the status of the Committee and that the Vision Committee had a website: www.daytonabeachvision.com which included information on community input. She said the next meeting would be on Monday, October 8, 2007 at 6:00 at Bethune Cookman University.

• **Public Comments**

There were no public comments.

• **Board Members Comments**

Mr. Hoitsma stated Steven Spraker would be leaving the City of Daytona Beach and he appreciated everything he had done for the Board and his leaving would be a loss to the City. Ms. Shelley stated he would be missed.

Ms. Gallentine asked what the next steps for the height restrictions along the riverfront and the west side of A-1-A would be. Mr. Spraker stated the Planning Board's recommendations would go before the City Commission on October 3, 2007.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 10:55 p.m.

Cathy A. Washington

CATHY WASHINGTON
Secretary

Edith Shelley

EDITH SHELLEY
Chair

w/ Bd correction