

MINUTES

REGULAR MEETING – PLANNING BOARD

January 26, 2023

Minutes of the Regular Meeting of the Planning Board of The City of Daytona Beach, Florida, held on Thursday, January 26, 2023 at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

1. **Call to Order**

2. **Roll Call.**

Tony Barhoo (Chair)	Present
Helen Humphreys	Present
Michael McLean	Present
James Newman	Present
Tony Servance	Absent
Milverton Robinson	Present
Cathy Washington (Secretary)	Present

Also Present:

Ben Gross, Deputy City Attorney  
Dennis Mrozek, Planning Director  
Hannah Ward, Senior Planner  
Vanessa Trimble, Planning Technician

3. **Approval of Minutes**

Approval of the Minutes of the December 15, 2022 Regular Planning Board Meeting held at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

**Board Action**

It was moved by Mr. McLean to approve the minutes with necessary corrections, seconded by Ms. Humphreys. The motion passed 6-to-0 with the breakdown as follows:

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

4. **Discovery Place – Major Site Plan – DEV2022-125 (Quasi-Judicial Hearing)**

A request by Nick Miller, Kimley Horn & Associates, Inc., on behalf of Henning Holdings LLC (property owner), to approve a Major Site Plan to develop a 198-unit age restricted multifamily complex, and associated site improvements on 11.2± acres of land located at 1101 Halifax Medical Center Drive.

**Staff Presentation**

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet. She stated the site is located ~300 ft west of the Clyde Morris Blvd and Mayberry Avenue intersection, which is very close to the Halifax Health facility. She stated the site is currently vacant and undeveloped, it and is predominately cleared. She stated the Future Land Use (FLU) is Mixed Use and the zoning is Planned Development-General (PD-G). She stated the property is located within the Halifax Hospital Medical Center (HHMC) PD. She stated the initial HHMC PD was approved for a mixed-use development on 77.5± acres in 2012. She stated that the applicant came forward with the 1<sup>st</sup> Amendment to the PD, which added 16± additional acres, for a total of 93.5 acres within the development in 2014. She stated the applicant came back for the 2<sup>nd</sup> Amendment to the HHMC PD to modify the plat and utilities to serve the subdivision, in 2017. She stated the initial Discovery Place site plan was approved by the Planning Board for 198-unit age-restricted multifamily complex in 2021. She stated the applicant has proposed to modify the layout and architecture for the project, which requires the site plan to be reviewed by the Planning Board. She stated the Planning Board recommended approval of the 3<sup>rd</sup> Amendment to the HHMC PD, to allow for the reconfiguration of one parcel within the subdivision to be accessed via private driveway, in November 2022. She stated the amendment is scheduled to be heard by the City Commission on 2/1/23 for 2<sup>nd</sup> reading. She stated the previous development plan for the property was a “U” shaped configuration with one continuous building and a central courtyard area. She stated now the overall development plan for the new structures will have two access points, one going out to Clyde Morris Boulevard, one going out to Halifax Medical Center Drive, three main buildings configured around a central courtyard area, one monument sign located at the entrance near Clyde Morris Boulevard and amenities including pickleball courts, a pool, garden lounge area, and a dog park. She stated the proposed architectural elevations are compatible with the Halifax Hospital Medical Center across the street.. She stated in addition to the already approved and developed apartments within the HHMC PD, that approved residential units will now total 408 units out of the 1,598 dwelling units that can be developed within the PD. She stated the parking ratio is proposed at approximately 1.32 spaces per dwelling unit and 262 total parking spaces for the development. She stated the required parking was reduced via a Land Development Code (LDC)-compliant parking study that compared the proposed use to other projects that have been constructed by the developers of the project and showing consistent parking requirements. She stated the signage is proposed at 64 square feet for one (1) monument sign. She stated traffic was paid for and approved via the previous site plan approval, since there was no change to the number of residential units from the previous plan, traffic was not required to be re-reviewed for the project. She stated staff recommends approval of the Discovery Place at Daytona Beach Apartments Major Site Plan for the construction of a 198-unit age-restricted multifamily complex.

Mr. McLean asked if Henning Holding LLC, only own the 11.2± acres being considered or the entire 93.5± acres.

Ms. Ward stated that the applicant can provide an answer to his question.

Mr. McLean asked since the traffic study was already done and the Proportionate Fair Share was already paid by the previous site plan submittal, since this is a new site plan do they reconsider the Proportionate Fair Share amount.

Mr. Mrozek stated because the site plan was very similar in the timing between when the Proportionate Fair Share was approved to this one, it was still consistent with the surrounding property, so they were able to accept that Proportionate Fair Share.

Mr. McLean asked, assuming it is approved, when will the Concurrency Certificate be issued.

Mr. Mrozek stated when they approve the site plan that acts as the Concurrent Certificate for the document, site plans cannot be approved until all concurrencies have been met.

Mr. Newman asked what was the age-restriction.

Ms. Ward stated that she could not provide an answer to that question, because they do not review that in the LDC. She stated they have to file separate deed restrictions or covenant related to that, however, they do have to request an exemption letter from the Volusia County School Board, so that they do not have to meet school concurrency and that was a part of the requirement that they requested of them. She stated but they do not have anything in the LDC that reviews for age restricted units, this is elective from the developer.

Mr. Robinson inquired if the two retention ponds on each side of the site per the aerial map, where pre-existing.

Ms. Ward stated based on her understanding these retention ponds for this development includes the entire PD at the time that these were platted. She stated she believed that the stormwater was also developed for the entire subdivision.

Mr. Robinson asked if the updated site plan takes into consideration of the flooding issue.

Mr. Gross stated legally Mr. Robinson, the LDC prohibits the site from casting the drainage off on other properties, so they have to retain it on site and they have to design that drainage to meet what is called a 100 year flood. He stated that is enforced not only by the City in site plan review, but by the Saint Johns River Water Management District, they cannot waive the water management district requirements, so it does not affect these two retention ponds. He stated that the stormwater pond that Mr. Robinson reviewed on the map is a master stormwater pond and the entire development that was designed to accommodate the drainage at maximum build out for all of the properties.

## **Applicant Presentation**

Nick Miller, Kimley Horn & Associates, on behalf of Henning Holdings LLC (property owner), stated that he was there to answer some of the questions voiced by the board. He stated that the age restriction for the multifamily complex would be 55 years of age. He stated that the Henning Holding LLC (property owner) only owns the 11.2± acres and none of the surrounding areas. He stated that the surrounding PD is owned by mostly HHMC and then whoever they have sold some individual parcels. He stated they had to update their Saint Johns River water permit, they just received the approval and it does take into an account the additional purpose area and that pond is sized for this development. He stated they did have to get that updated and run the calculations for that, so that is take into account as well.

Mr. Newman asked were they depending on any grants to build the age restricted multifamily complex, which was his reason for asking the age restriction question because sometimes those hold up the development.

Mr. Miller stated they are not depending on grants because it is more of a branding opportunity for Discovery.

Mr. McLean stated that Henning Holdings LLC Headquarters is located out of Indiana, Landscaping Company from Texas, and Architect Company from Virginia. He asked if Henning Holding LLC had any local Headquarters in Florida in case there were any issues with any other planned projects.

Mr. Miller stated that even though Henning Holdings LLC Headquarters is up north, they have a local office located in Naples, Florida to handle all of Florida projects.

Mr. Robinson asked what the economic impact for the area such as job creations.

Mr. Miller stated he would have to refer that question to the landowner because he was not sure of the economic impact.

Jason Tibbets, Director of Development, Discovery Senior Living, stated as far as job creations, the facility will be staffed by the facility and will create 15-18 full-time employees that will manage the site as well as 4-5 part-time employees.

## **Board Comments**

There were no further questions by the board.

## **Citizen Comments**

There were no public comments.

**Board Action**

It was moved by Mr. McLean to approve the request per staff recommendations. Mr. Robinson seconded the motion in accordance with the staff report as presented. The motion passed 6-to-0 with the breakdown as follows:

Tony Barhoo (Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Milverton Robinson	Yea
Catthy Washington (Secretary)	Yea

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

The Planning Board heard the below rezoning request at its December 15, 2022, meeting. The applicant has since requested to add nursing home and assisted living related uses to the proposed PD-G agreement. The request for the additional uses must be heard by the Planning Board prior to the PD rezoning application going forward to the City Commission for action.

*Below is the original request heard by the Planning Board at their 12/15/2022 meeting. The item was recommended for approval by the Planning Board 6-0:*

A request by A. Joseph Posey, Storch Law Firm, on behalf of Thomas Kirton and Katherine Wingard, Co- Trustees of the Dorothy C. Kirton Living Trust of November 17, 2004, to rezone 365± acres of land from Volusia County Low Impact Urban (A-2) a to City of Daytona Beach Planned Development-General (PD-G), to allow for a mixed-use development to include 1,660 residential units and 340,000 sf of commercial uses. The Property is generally located on the southwest corner of the intersection of Interstate 95 (I-95) and Interstate 4 (I-4) and east of Tomoka Farms Road (CR 415).

**Staff Presentation**

Dennis Mrozek, Planning Director, presented the staff report which was included as part of the packet. He stated the Planning Board had heard this PD at the last meeting and this is the Waypointe mixed-use development that is located south of I-4 and west of 95. He stated that the Planning Board did have a recommendation to the City Commission of approval of 6-0 on this mixed-use development. He stated there are a lot of different uses, a lot of residential use is associated with it, but they also had some office, some commercials, some retail uses as well. He stated the property is vacant and undeveloped. He stated the zoning of the property currently is a County Zoning Designation (VC A-2 (2) A) and proposed zoning is City of Daytona Beach Planned Development-General ( CODB PD-G), the item is scheduled to go to the City Commission in a couple of weeks but they wanted to bring this item back before it went to the City Commission because the applicant is requesting to add

additional uses to the property. He stated there was a breakdown of what was presented at the last Planning Board meeting, the different types of residential and the different types of commercial uses. He stated there is the plan that they may recognize from the last meeting, they will see that the commercial is fronting Tomoka Farms Road and the residential back toward 95, everything is connected pretty well through in that development. He stated that the applicant came to staff after the last Planning Board meeting and they said after thinking about it again, they felt that there were some opportunities for some additional uses, that would work well within that mixed-use development. He stated that staff took a look at these and they agreed with them but they also told them they will need to go back to the Planning Board before it goes back to the City Commission. He stated that the four uses that they are recommending to be added would be the Assisted Living Facility, Community Residential Home, Continuing Care Retirement Community, and Nursing Home Facility. He stated staff did not have any objections to those uses, the thought they would fit appropriately into the mixed use development. He stated staff recommends approval to add the proposed uses to the Waypointe mixed-use development. He stated the Waypointe PD rezoning is tentatively scheduled to be heard by the City Commission for 1<sup>st</sup> reading on February 15, 2023, and 2<sup>nd</sup> reading on March 1, 2023. He stated those dates are tentative because they do not have them locked in yet with the City Commission.

Mr. McLean stated the letter from Storch Law Firm mentions unintentional mission and it sounds like that is what this is, it is just something that they said, gosh this makes sense to add and it just did not happen the first time.

Mr. Mrozek stated they looked and they were like well they should have had them in there and they just missed it but addressed it with staff after the last Planning Board meeting to address this issue.

Mr. Robinson stated there is no documentation about the environmental impact in this large development area.

Mr. Mrozek stated this is the rezoning phase of this project and when they start looking at the environment impact, those are impacts that they will be taking a look at during the platting stage, when they actually start doing the engineering as well as the applicant on the property. He stated that perhaps the applicant-Mr. Storch has some additional information on that requirement.

### **Applicant Presentation**

Glenn Storch, Attorney, Storch Law Firm, stated to answer Mr. Robinson question, the environmental impact actually is minimal in this case. He stated this board has already reviewed some of this already at the last meeting and the last thing they looked at showed that they are maintaining almost all the wetlands intact on the site and preserving it. He stated they are preserving it as an amenity to the project as a matter of fact. He stated that the majority of that site is basically just pasture with no trees or anything else. He stated that they have done a good job preserving everything they could preserve as part of the project and he hopes that answers Mr. Robinson question. He stated that they have already reviewed the exact same thing at the last Planning Board meeting and it was recommended for approval unanimously. He stated that tonight they are just adding the additional uses on this mixed-use project.

Mr. Robinson stated his concerns about the 1600 homes and the distant between the Assisted Living and Retirement Facilities as well as residential in that area.

Mr. Storch stated that it is a large project because it is a mixed-use project, but it was always designed to be that and when the City asked them to annex this property. He stated the idea was because of the location next to two interstates that it needed to have something different about it, it needed to be a mixed use project and needed to have different types of use, it is also just a very large piece of property. He stated he think the City is very pleased to have this as part of the City of Daytona Beach. He stated that the number of units actually is less than the total number that would be allowed under mixed-use.

Mr. Mrozek stated this proposal does not change any of the maximum intensities or densities that were part of the original PD. He stated as a matter of fact, the uses that are being proposed are less intense and create less of an impact versus some of the other uses that might be in the PD, so, it would be kind of a lessening of what could potentially happen.

Mr. Storch stated that their goal especially when it comes to traffic is to make sure they only have so much traffic capacity, so they wanted to make sure that anything they put in there would have eventually less traffic.

Mr. Robinson discussed the current traffic issues on LPGA Boulevard and the potential traffic issues in the location of this project.

Mr. Storch stated that the issue with the traffic on LPGA Boulevard is the bottleneck caused by the bridge and they have been working closely with the County and the City to avoid that bottleneck which is currently at Bellevue Avenue, 92, and 415. He stated that as part of this they will be contributing close to \$5 million dollars in impact fees that will go toward a Proportionate Fair Share that will help resolve some of theses issues and they are trying to get ahead of those issues before this happens, to avoid the same issues that occurring on LPGA Boulevard.

Mr. Barhoo stated he know this is a piece of property that is Volusia County and now the City is going to annexed into the City.

Mr. Mrozek stated this has already been annexed into the City and as a matter of fact the land use has already been changed. He stated the only thing that has been changed over from the County designation is the zoning and that is what they are doing as part of the PD rezoning.

Mr. Storch stated they have a mixed use designation on this from the City, so that is what they are trying to do a zoning that is consistent with that Comprehensive Plan.

Mr. Mrozek stated that he would like to make a correction, there is a small portion that will be a land use change that will be traveling with this PD rezoning and it will be going together.

Mr. Storch stated that was the retention area, drainage retention area, the stormwater area that they had neglected to put in before and now adding.

Mr. Barhoo stated he know they are waiting to get all the different parts of money but can the roads be widened and the money comes back after the builders completes the job.

Mr. Storch stated they have been working with the County about the road issues for nine months and the current problem is that the County Comprehensive Plan does not allow for the widening of the road is specifically prohibited. He stated what they are looking at as a issue is to solve the problem of the intersect because there is sufficient capacity on the road.

Mr. Robinson discussed the flooding issue in the project area.

Mr. Storch stated legally they are not able to supply to take any additional flooding off of the site and added to an additional site, however, they have created massive storm water systems on this site, it is not seen on this site plan but a third and a quarter of the site is lakes for the whole purpose of doing just want Mr. Robinson is talking about.

Board members and Mr. Storch discussed the stormwater systems and lack of stormwater plans in the neighborhoods built in the early 1940-1960 that suffered the most flooding during the last hurricanes compared to the newly built neighborhoods.

**Board Comments**

There were no further comments by the board

**Citizen Comments**

John Nicholson, 413 N. Grandview Avenue, discussed the traffic issues between the intersection of 92, Tomoka Farms Road, Bellevue Road, and Margaritaville subdivision on LPGA Boulevard as well as his discussions with the County for the past two-nine years.

**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 6-to-0 with the breakdown as follows:

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

6. **2<sup>nd</sup> Amendment to the Daytona Promenade PD – Planned Development – General (PD-G) Rezoning – DEV2022-188 (Quasi-Judicial Hearing).**

A request by Jessica Gow, Esq., Cobb Cole, on behalf of Daytona Commons LLC, to amend the Daytona Promenade PD, to allow for a blood & tissue collection center as a permitted use & extend the rights under the existing PD agreement to allow for future development or redevelopment of the vacant outparcels within the Daytona Promenade subdivision.

**Staff Presentation**

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet. She stated the site is located at the northwest corner of the Beville Road and Nova Road intersection. She stated the site is fully developed, but some of the outparcels remain vacant. She stated the main shopping center is fully developed and the proposed amendment only applies to Lot 1 of the Daytona Promenade subdivision, which contains the main shopping center parcel. She stated the Future Land Use (FLU) on the property is Retail and the zoning on the property is Planned Development-General (PD-G). She stated the property is located in the Daytona Promenade PD. She stated the rezoning for 18.22± acres to allow for continued operation of the Promenade Shopping Center and the creation of 5 outparcels within the development was approved in 2013. She stated the preliminary plat and final plat for the subdivision were approved concurrently with the rezoning in 2013. She stated the 1<sup>st</sup> Amendment to the PD was approved to allow for construction of a Twistee Treat on Lot 5 of the subdivision in 2016. She stated the lot is now vacant. She stated now the applicant has come forward to amend the PD to add a blood and tissue collection center use to Lot 1 of the subdivision. She stated the applicant is requesting a modification to reduce the minimum required separation from a residential zoning district, from 200 ft to 20 ft. She stated there is a residential subdivision behind the shopping center, although there is no direct connection between this subdivision and the shopping center. She stated provided the proposed LDC modification is accepted, Staff recommends approval of the 2<sup>nd</sup> Amendment to the Daytona Promenade PD to allow a blood & tissue collection center as a permitted use and extend the rights under the existing PD to allow for future development of the vacant outparcels. She stated the item is tentatively scheduled to be heard by the City Commission for 1<sup>st</sup> reading on 3/1/23 and for 2<sup>nd</sup> reading (public meeting) on 3/15/23.

Mr. Robinson asked if Fairway Subdivision are 100 ft from this request and they cannot comply with this requirement, why are they recommending that it be approved.

Ms. Ward stated they have requested an amendment to modify the requirements to add this use and as she understand the center is partially occupied right now and so they are trying to increase the occupancies within the center by allowing for some other uses that might otherwise not be permitted.

Mr. Mrozek stated Ms. Ward can correct him if he is wrong but the 20 ft where it is the closest is really the back of the buildings where you have the gym, there is a Sear's Retail secondhand store, the actual unit where there might be this actual use is nowhere near that 20 ft and it is probably more in compliance with the 200 ft. He stated that is because the building itself at that one corner comes to be within 20 ft.

Ms. Ward stated as she understands the way the requirements work, it is from parcel line to parcel line and they back up right to the subdivision although there is no connection to the subdivision and existing landscaping in place to buffer the shopping center from the subdivision, so they have to technically request this requirement because of the way that the parcel is shaped and the location of the residences behind there.

Mr. McLean stated to just understand what is being said, is that the blood and tissue center that use to be retail in nature at one time but actually where that center will be, is it within 20 ft at the edge of that building and on that edge is the reason they have to make that adjustment.

Ms. Ward and Mr. Mrozek both replied yes.

Mr. Robinson asked Mr. Mrozek should that information be stated in the staff report.

Mr. Mrozek stated well it can be and staff will have that statement in the staff report prior to going forward to the City Commission meeting. He stated that if they can get a location of where this is, they will measure exactly how far it is from the location but not sure if they have the exact location where the tenant maybe going in that building, but they can put it in the staff report. He stated that the request is to the 20 ft that covers them but they can put what are the exact modifications into the report to the City Commission.

Mr. Robinson stated that also in the report it said that they demonstrated community need for this particular parcel, what is the need.

Ms. Ward stated that the center is partially vacant at the moment and they are trying to increase the occupancies within the center by allowing additional uses.

Mr. Robinson asked why is this blood and tissue center appropriate for it.

Ms. Ward stated because it is taken on a more retail nature in recent years and staff reviewed the proposal and they found it to be consistent with the other retail uses that occupy the center.

Board members and staff discussed how can the blood and tissue center be more consistent with retail and not more medical or health related, other zones in another areas that this center would be allowed, even through the areas that were permitted were very limited in the LDC, there were some allowed in shopping centers, and changes to the LDC text amendment.

### **Applicant Presentation**

Jessica Gow, Associate Attorney, Cobb Cole, 149 S. Ridgewood Avenue, discussed the nature of the use and locational aspects of where this project use would be, and meeting with neighborhood residents.

Mr. Robinson asked about the economic impact on the neighborhood.

Ms. Gow stated she does not have an economic impact analysis study to share with the board but it would be a big help to this area and cause more activity in that center.

Mr. Robinson asked financially how much would she think that would be for the center.

Ms. Gow stated she does not have that information at this time because this item is only about the zoning level.

**Board Comments**

There were no further comments by the board

**Citizen Comments**

John Nicholson, 413 N. Grandview Avenue, discussed the locations of other blood and tissue centers throughout the area and support the opening of this center.

**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 6-to-0 with the breakdown as follows:

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

7. **1<sup>st</sup> Amended and Restated P & S Paving – Planned Development-General (PD-G) Rezoning – DEV2022-163 (Quasi-Judicial Hearing)**

A request by Robert A. Merrell, Esq. & Jessica Gow, Cobb Cole, on behalf of P & S Paving, Inc. and P & S Paving-Concrete Division LLC, to amend & restate the P & S Paving PD to add & rezone 6.16± acres of property located at 3702 Olson Drive from PD-G to PD-G to allow for the development of a cement concrete batching plant to support P & S Paving’s existing operations.

**Staff Presentation**

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet. She stated the site is located on the north and south sides of Olson Drive and in particular the site that is going to be added to the PD is on the north side of Olson Drive at 3702. She stated currently the site is developed with the Progressive Contractors Inc. business and the south side is developed with

P & S Paving Inc.'s present operations. She stated the Future Land Use (FLU) on the property is General Industrial and the zoning will be going from the Progressive Contractors PD to the P&S Paving PD, with the remainder of the property already located within the P&S Paving PD. She stated the City Commission approved the Progressive Contractors Planned Commercial Development (PCD) (Ord. 97-398) for 3702 Olson Drive, to allow for office, shop & maintenance areas, covered bays & related uses associated with Progressive Contractors Inc.'s operations, which include water and sewer line construction, in 1997. She stated the P & S Paving PD (Ord. 15-84) was approved for 3701 Olson Drive to allow for the continued operation of an asphalt processing plant associated with P & S Paving's operations, in 2015. She stated that now the applicant has come forward to add 16± acres of property to the PD, which will total 36.05± acres and allow for redevelopment of the site for a cement concrete batching plant. She stated there are no changes presently proposed to the south side of the property at this time. She stated the north side will be redeveloped into a proposed cement concrete batch plant and the south side is already developed with a P&S Paving batch plant and offices. She stated the applicant is proposing to redevelop the site to accommodate the concrete cement batching plant facility with a 5 ft perimeter landscaping strip and one access point. She stated the applicant is proposing to retain much of the existing vegetation because which includes mature trees and a berm. She stated a cement concrete batching plant require 1.5 parking spaces per 1000 square-foot (sf) + 3.5 parking spaces per 1,000 sf of office and retail area. However, she stated the applicant has requested to reduce required parking down to a ratio of 1 parking space per 260 sf of building area. She the facility is not anticipated to have a high demand for traffic. She stated the applicant has requested to waive for tree preservation, perimeter buffers, and interior vehicular use area (VUA) landscaping. She stated the proposed use is considered a heavy industrial use, which is likely to damage landscaping internal to the site. She stated the applicant is proposing to retain a 5 ft perimeter landscaping strip with plantings averaging 1 shade tree per 40 linear feet (LF), which will either corresponds to the vegetation existing on-site or planting will be necessary to make up the difference if there are any deficiencies. She stated there is presently a 6 ft high perimeter chain link fence in place around the of the property. She stated the applicant is requesting a modification to retain the fence at the current height, where the LDC would only permit 4 ft between the front lot line and the front of the structure or 6 ft for a masonry wall. She stated provided the proposed LDC modifications are accepted, Staff recommends approval to add and rezone 6.16 ± acres of property at 3702 Olson Drive from PD-G to PD-G to allow for the expansion of P&S Paving's operations, to include an additional cement concrete batching plant. She stated the item is tentatively scheduled to be heard by the City Commission for 1<sup>st</sup> reading on 3/1/23 and 2<sup>nd</sup> reading (public hearing) on 3/15/23.

Ms. Humphreys asked for a definition of batching.

Ms. Ward stated that if she reviews the PD Plan in the staff report, it describes batching as the different uses and area of the different aggregate materials that they have to store and utilized for processing those materials.

Mr. McLean stated that he is having a difficult time reviewing the staff report to determine would there be less or more parking, and what is the significance of the difference.

Ms. Ward stated there is existing parking in place and that is really what they are proposing to keep but they have to add a couple of ADA spaces from what she has seen on the plan and that parking

ratio that they proposed is consistent with what is existing out there that they have stated will meet their demands. She stated that PD Plan does not show that clearly but they have a site plan already that they are taking a look at and she believes there is 13 parking spaces that are existing that they are proposing to retain onsite.

Mr. McLean asked for an explanation of 1 parking space to be provided per 9000 sf of yard located on the attachment on number 9 notes.

Ms. Ward stated she had asked the applicant on how they should calculate that and they came forward with the revised count, which was the 1 parking space for 260 sf., so that should be revised.

Mr. Robinson asked was this an expansion of what they currently have.

Ms. Ward stated that P & S Paving has formed what she understands, a batch P & S plant on the south side of the property with offices that support their operations and they do major paving projects. She stated as she understand this is to expand their operations to accommodate another plant on the north side.

Mr. Robinson asked how would that affect the waste products that is going to produce from this concrete plant.

Ms. Ward stated she was not aware of what the waste product demands are but Jessica Gow, the applicant maybe able to enlighten him on that.

Mr. Robinson stated that the reason he was asking her because she recommend that the board approve it and he would conclude that she would have the answer for him.

Ms. Ward stated that Public Works typically evaluate solid waste at the site plan level and they are currently reviewing the site plan, so they would need to be acceptable with the means for waste collection and removal from the site.

Mr. Gross stated that generally the environmental impacts of these plants are regulated by the Department of Environmental Protection (DEP), there is nothing that the City could do to waive the DEP requirements they have to have. He stated that he does not know why it is under the air program and air permit to operate but DEP regulates the potential environmental impacts of batch plants.

Mr. Robinson stated, so they are not going to end up with a toxic plant later on, in some of these industrial places that the Government has to come up and clean up, because of how it affects the neighbors or the city, they do not have to worry about that.

Mr. Gross stated he do not know if they have to worry about that because he do not know what potential environmental impacts there are of the concrete batch plant.

Mr. Mrozek stated that he believes P & S Paving already has a DEP permit to be able to operate and have already been through the process.

Mr. Gross stated that when DEP has an environmental program that requires a permit there is regular inspections, regular reporting, and auditing as well as testing requirements that are imposed.

**Applicant Presentation**

Jessica Gow, Associate Attorney, Cobb Cole, 149 S. Ridgewood Avenue, provided a summarized detail of the project and provided in-depth discussion on the environmental impact, which would be the new proposed facility on parking part of it is the offices are across the street and it is an expansion of that facility and it is projected to add maybe 8-10 new employees with the existing parking spaces that are about 12, that will be plenty of room plus there is already parking for employees on the south side by the offices. She also provided a brief description between the asphalt and concrete batch operations on the north and south side.

Board members and Ms. Gow discussed the fencing conditions and keeping the height at 6 ft surrounding the proposed very large industrial site because of the location and extra level of protection of the equipment.

**Board Comments**

There were no further comments by the board

**Citizens Comments**

There were no public comments

**Board Action**

It was moved by Ms. Washington to approve the request per staff recommendations. Ms. Humphreys seconded the motion in accordance with the staff report as presented. The motion passed 6-to-0 with the breakdown as follows:

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

**8. Other Business**

**A. Downtown/Balough Road Redevelopment Area Board Report**

Mr. Newman provided a brief summary of the meeting held on January 3<sup>rd</sup>.

**B. Midtown Redevelopment Area Board Report**

Ms. Washington provided a brief summary of the meeting held on January 10<sup>th</sup>.

**C. Beachside Redevelopment Area Board Report**

No report provided due to Mr. Servance absence.

**D. Public Comments**

Jenny Nazak, 501 Harvey Avenue, discussed how the landscaping is maintained throughout the City.

John Nicholson, 413 N. Grandview Avenue, discussed the diversity of trees and amount of water used for these trees and moratorium previously discussed at City Commission meeting.

**E. Staff Comments**

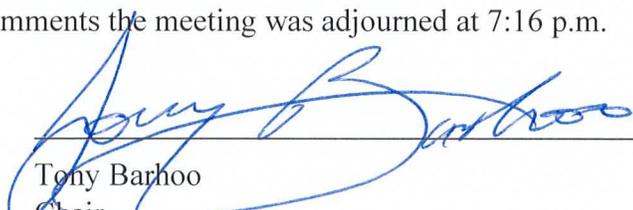
Mr. Mrozek discussed the staff prayers for Mr. Servance and return to the board, voting on reappointment for two board members at City Commission meeting and election of Chair & Vice Chair at next meeting.

**F. Board Members Comments**

There were no board members comments

**Adjournment:**

There being no further discussion or comments the meeting was adjourned at 7:16 p.m.

  
\_\_\_\_\_  
Tony Barhoo  
Chair

ATTEST:

  
\_\_\_\_\_  
Gina Fountain  
Board Secretary