

**DOWNTOWN REDEVELOPMENT BOARD**  
**MINUTES**  
**Tuesday, November 1, 2022**

A regular meeting of the Downtown Redevelopment Board was held Tuesday, November 1, 2022, at 12:00 p.m. The meeting was held in the Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

**Board Members Present:**

Mr. Pete Zahn, Chair  
Ms. Sheryl Cook  
Mr. John Kamchan  
Mr. Tibor Benke  
Mr. Kenneth Hunt  
Mr. James Newman

**Board Members Absent:**

Ms. Freddie Smith-Friend  
Mr. Jake Nicely

**Staff Members Present:**

Mr. Ken Thomas, Redevelopment Director  
Mr. Ben Gross, Deputy City Attorney  
Ms. Michele Toliver, Redevelopment Project Manager  
Captain Jeremy Nikolow, Daytona Beach Police Department  
Ms. Gina Fountain, Board Secretary

**1. Call to Order:**

Mr. Zahn called the meeting to order at 12:00 p.m.

**2. Roll Call:**

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

**3. Pledge of Allegiance:**

The Pledge of Allegiance was stated by the board

**4. Approval of the minutes:** September 6, 2022

**Board Action:**

A motion was made by Ms. Cook, seconded by Mr. Hunt, to approve the minutes of the September 6, 2022, meeting with changes. The motion carried (6-0).

**5. Fencing Use Specific Standards – Land Development Code (LDC) Text Amendment:**

A request by the Development and Administrative Services Department, Planning Division, to

amend Article 6, Section 6.8 and 6.14 Fences, Walls, and Hedges, of the Land Development Code (LDC), to modify and clarify development standards for repair, replacement and maintenance of fences and walls.

**Staff Presentation:**

Rose Askew, Development Services Project Manager, presented the staff report which was included as part of the packet. She stated she is doing a courtesy presentation for a Land Development Code (LDC) Text Amendment. She stated it is a request by the Development and Administrative Services Department, Planning Division, to amend Article 6, Section 6.8 and 6.14 Fences, Walls, and Hedges, of the LDC, to modify and clarify development standards for repair, replacement and maintenance of fences and walls.

Mr. Zahn asked so staff would need the motion by the board to approve this request.

Ms. Askew stated there is no motion required and this is just a presentation for the board to know what is coming forward.

Ms. Cook stated during the presentation there was a mention of the Planning Board, so did this come from the Planning Board.

Ms. Askew stated it went to the Planning Board at their August meeting and then staff was going to bring this item to the DRB meeting in September, but it was cancelled. She stated this is the reason why this item is just coming forward now.

Ms. Cook asked if the Planning Board has approved this item yet.

Ms. Askew stated that the Planning Board has recommended approval to the City Commission.

Ms. Cook stated then it comes to this board and we are not having to recommend approval.

Ms. Askew replied yes madam, this is being provided as a courtesy because typically text amendments do not come to redevelopment boards.

**6. Define and Add Event Centers to LDC- Amendment:**

A request by the Development and Administrative Services Department, Planning Division, to amend Article 5 (Use Standards), Section 5.2 and 5.3 of the Land Development Code (LDC) to add Event Center as a principal, special, or accessory use in various zoning districts and adding use specific standards to govern the new use; amending Article 11 (Definitions), Section 11.5 to add a definition for Event Center because staff currently do not have that in the LDC.

Rose Askew, Development Services Project Manager, presented the staff report was included as part of the packet. Staff is proposing the following text amendments: Article 5, Section 5.2

and 5.2.A.2, principal use table, 5.2.A.3, redevelopment use table, and 5.2.A.4, planned district table.

Mr. Zahn asked how you come up with the criteria, staff do have other municipalities with something like this because that is a tricky thing.

Ms. Askew stated that staff looked at other cities who allow these kind of uses but then staff also looked at some state information that talks about places of assembly and how they are located, the size of the properties to be able to accommodate it and staff did a lot of research because this is an actual item that is been coming forward for about two years.

Ms. Askew stated where an Event Center is allowed as a special use in a residential zoning district, the use shall be subject to the following additional standards: maximum capacity is 500 patrons; maximum event space of 7,500 sf; and prohibited from operating between the hours of 12:00 midnight and 8:00 a.m.

Mr. Zahn asked is there a process to get the schedule beforehand?

Ms. Askew stated that the event center has to keep a record of anybody that rents their facility and staff monitor to make sure it is not operating like a nightclub or a bar.

Mr. Zahn asked Ms. Askew, if she could explain the term Event Center also includes any contracted, leased or sublet premises connected to or operated in conjunction with the Event Center's purpose, including food preparation, facilities, concessions, bars, and structured parking facilities.

Ms. Askew stated that what it means is if she scheduled an event at the center and she wanted the owner to provide food and alcohol for her as part of her event, the owner would be able to provide that for her.

Mr. Zahn stated so I can rent the Event Center and then the owner can sublet these other services. He asked if Ms. Askew could provide a definition of Event Center.

Ms. Askew stated that the current definition that staff has, they have their own catering license that has alcohol with it and whenever someone schedules an event at their event center, they have the option to use the owners catering company to serve the alcohol or the patron can get a different caterer.

Mr. Hunt asked if someone has a restaurant with a bar, are there any limitations between the restaurant in the bar and an Event Center?

Ms. Askew stated yes, that is a totally different use because restaurants have to have normal operating hours, requires different license from the State of Florida and different regulations in the LDC.

Mr. Zahn asked are they generally related to an approved Site Plan or PD in that regards as well.

Mr. Gross stated this is a gap in the City regulations and staff regulate lots of places of mass assembly, churches, movie theaters, civic centers, and stadiums.

Ms. Askew stated to answer Mr. Hunt question further inside for restaurants, they are limited to only 100 sf for live entertainment and there is no dancing allowed. She stated there are some specific regulations in place to differentiate between the actual use.

Mr. Hunt asked if outside entertainment at a restaurant with a bar allowed.

Ms. Askew stated that outside seating at a restaurant with a bar allowed, but not entertainment.

Mr. Newman stated that in the standards, it says shall be located a minimum of 250 feet (ft) from any residential zoning district but then staff have standards for within a residential as a special use within a residential district.

Ms. Askew stated that means is if they are not in a residential district, looking at the tables of the zoning districts that allow it, and if any of those are not residential zoning districts to establish the use there, they have to be a minimum of 250 ft from a residential use that may be adjacent or in the area.

Mr. Newman asked can they get a special use permit within a residential area.

Ms. Askew stated they would have to be a minimum of 500 ft away.

Mr. Newman asked if they are within the residential area then how are they 500 ft away.

Ms. Askew stated if they are on a property that is in a residential area and that use transitions out of the residential area and becomes a little mini shopping centers that is allowed. She stated if they are in a residential district and zoning district and they want to put that use there, if that particular property is not a minimum of 500 sf away from the residential use, they cannot do it there.

Mr. Newman stated so there is a difference between a residential district and a residential use. He asked with that special professional use, is that permitted individually for each event or is it just to put it on the property or just applies to the property.

Ms. Askew stated it applies to the use, in order for them to establish the use on there, when staff review that application for that use. She states it is not based on the event itself, it is based on the use and staff would not approve a use in a residential district that would allow it on a property that is closer than 500 ft.

Ms. Askew stated the board can have discussions with the redevelopment staff regarding it but there are no recommendations that will be moving forward.

Mr. Newman stated he can tell the board that the Planning Board would like to know how the board members feel on these matters and they have had questions specifically asking about the redevelopment meetings and how they went.

## **7. Staff Reports:**

### **a. Safety Report**

Captain Jeremy Nikolow, Daytona Beach Police Department, briefly introduced himself and provided a summary of the CompStat Report, previous events, current events, parking complaint between Art Gallery and Little Italy with one sign that says no motor vehicles allowed on westside of patio and extra barricades placed on the eastside of the patio and staff shortage.

Board members complained by the transient issues that remain in the area.

Captain Nikolow stated that he has two officers who are dedicated fully to working the quality-of-life issues with the Marina and the Kress building being included.

Ms. Cook asked with the 20% shortage of officers how many officers would that be.

Captain Nikolow stated that would be between 40 and 45 officers down.

Mr. Zahn stated that if they graduate from the Daytona State College program, they basically go anywhere but if they come in through the City program then they are like an intern and the Police Department would have them in-house.

Captain Nikolow stated that the City offers a sponsorship program to where they will put them in the police academy and once done they have to agree to work with the City of Police Department for two to three years.

### **b. Park/Garden Area—NW Corner of ISB and Beach Street**

Ken Thomas, Redevelopment Director, stated that apparently some time ago the city agreed to create this area as a park and the City did invest money into putting in park benches and some landscaping and beautify that area. He stated that now the property owner has called in and inquired to see if the City would be interested in purchasing it.

Ms. Cook asked what the property owner is requesting.

Mr. Thomas stated staff do have a lease agreement with them to offer this as a park but at some point, that agreement does terminate. He stated that when it does terminate the property owner want to know if the City would be interested in purchasing the property.

Mr. Thomas asked was the property owner involved with all of the improvements that were made esthetically, because when he talked to the property owner on the telephone, his understanding was that he did not agree to the magnitude of what was inserted onto the property.

Mr. Zahn stated that they had to go to the property owner to get approval to do it. He stated that at least from that perspective, he would have been involved in it somehow and legal would have some kind of history on that and he remembers that there was a timeframe associated with it.

Mr. Thomas stated that the property owner is now asking that staff pay property taxes for the parcel as well. He stated he has not put anything in writing, but he is putting him on notice.

Mr. Zahn stated that there is an opportunity to purchase versus the City get their stuff off because he wants to do something with it.

Ms. Cook asked if it is that same property owner since the early 2000?

Mr. Thomas stated that he did not see any changing in ownership over the last ten years.

Mr. Zahn asked if there is a price associated with it at this time or just an indication of him wanting to sell.

Mr. Thomas stated that there is no price that he can stand here today and tell the board but there were a few numbers thrown out but it was nothing concrete or solid.

Mr. Thomas stated that it appears that the obligation is that the City pay the property taxes.

Mr. Zahn stated that is because the City has not been contributing cost wise at all.

Mr. Thomas stated apparently it is at this point, when he received the phone call from the property owner, it was they want the City to pay the property taxes on this property because they have created this park and the agreement was that the City would pay their property taxes. He stated they were given the ability to add this park as a public amenity.

Mr. Zahn stated that basically the lease fee was the property taxes and that should be in the agreement somewhere.

Mr. Thomas stated that he does have an old agreement that he can bring back at the next meeting and they can look at it. He stated that he will email it to Mr. Gross to review what the obligations are for the City. He stated that if the City agreed to pay the property taxes,

they would pay them but in the long-term they need to consider what would be the position or they cannot continue paying the property taxes. He stated that he was under the impression in talking with the property owner that at some point he really wants to sell it.

Ms. Cook stated that the land is undeveloped being a park, so it is not like the property taxes should be the same as the businesses on Beach Street. She asked if Mr. Thomas could bring property taxes figure to the next meeting along with the agreement.

Mr. Gross stated that the current property taxes on that property is \$1877 and it has been in the \$1800-\$1900 for many years.

**c. Downtown Schedule of Events/Activities**

Ken Thomas, Redevelopment Director, provided an informational only scheduled of events and activities approved by Bullseye Marketing for the upcoming months in the area.

**d. DRB Meeting Schedule for 2023**

Ken Thomas, Redevelopment Director, stated they have submitted a preliminary schedule to look at and make a determination if those days and those times works for the board.

Board members agreed to change the January 3<sup>rd</sup> meeting date to January 10<sup>th</sup> and that the remaining dates and times was fine.

**e. Grant Programs**

Ken Thomas, Redevelopment Director, stated there are several grants available for businesses and residents in the downtown redevelopment area. He stated there have not been any amendments since 2021 and he would like the board to review what staff has existing and if there are any changes or recommendations, they can talk about it here.

Mr. Hunt stated they have the Main Street Redevelopment area and Downtown Redevelopment area but only limited to the Beach Street Shopping District but what if they open it up to the Downtown Redevelopment area.

Mr. Thomas stated that as long as it is in the Downtown Redevelopment area, they should be but in the Business Façade Grant the targeted areas are Main Street, Beach Street, and Midtown Major Corridors.

Mr. Gross stated that Mr. Thomas would want to check the language in the Downtown Redevelopment Area Plan to see if there may have been a narrow focus on either Beach Street or the Riverfront Shops. He stated that there was this trepidation about using the redevelopment funds to improve private property.

Mr. Hunt stated in this particular case, it is a business façade.

Mr. Zahn asked how does a Commercial Façade overlap a Business Façade because businesses it is targeted. He stated that Downtown Redevelopment of Main Street is definitively targeted and commercial it is not.

Mr. Thomas stated he can explain what the intent was, if the businesses own the building they would do a Commercial Façade improvement and if renting the building they would do a Business Façade because it applies to the business.

Mr. Zahn stated for clarification the leases along Beach Street have the ability to apply for the Business Façade Grant and the owners of the building would apply for the Commercial Façade Grant.

Mr. Thomas replied yes that it gives the owner and the proprietor who is actually leasing the building an opportunity to make some improvements and it does not exclude either one of them.

Ms. Toliver stated that it depends on the year that the façade was done because the grants have been modified over the years. She stated the grants have been modified and this is the latest version that they are looking at.

Ms. Cook stated but these grants have been revised in 2011 by the CRA.

Mr. Thomas stated the most recent was in 2021 and they have not made any changes since then. He stated that going back to Mr. Hunt point when he talked about Business Façade for Downtown, Beach Street is the only eligible street.

Mr. Zahn stated that based on the information the board is looking at it says the Business Façade revised version was 2011.

Ms. Toliver stated only the Residential Façade Grant and Commercial Façade Grant were revised in 2021.

Board members discussed the voting procedures with the redevelopment areas, the reason why the board received information regarding all the redevelopment areas, the tentative budget for 2023, expanding the Downtown Redevelopment Area beyond Beach Street for the Business Façade Grant and application for grants that were submitted in 2022 but the funds had already been spent.

Mr. Zahn asked what is need to facilitate the expansion of the redevelopment area in the CRA for the businesses to qualify for the grant money.

Mr. Thomas stated staff just need a consensus from the board that they want them to include the Commercial Façade Grant Program to include properties, commercial properties, commercial buildings within the Downtown CRA.

Mr. Hunt stated for the Business Façade Grant the board is looking at expanding that area to the entire CRA.

Mr. Thomas stated the Landscaping Improvement Grant and Leasehold Improvement Grant as well as other grants only list Beach Street as the eligible area.

Board members stated that they would like to expand all the grants to include all Downtown Redevelopment areas in the CRA.

Mr. Thomas stated another reason why they are bringing this back to the board, because they really want to market the grants to the CRA businesses in the downtown area. He stated that before they do that, they really want to make sure that they are hitting or at least offering the grants to the businesses that they think they are going to be impactful. He stated they really want the board to take a look at it and say, okay they hit in the mark or they need to make some changes.

Ms. Cook stated this use to be the Downtown/Balough Road Redevelopment Board.

Ms. Toliver states the language in the Land Development Code (LDC) combined Downtown and Balough Road into one redevelopment area and it is the same with Main Street. She stated that Main Street and South Atlantic is one redevelopment area, which is Beachside redevelopment area and that is a language change in the LDC and it still exist.

Mr. Gross stated that the Balough Road redevelopment area funds have to stay separate from the downtown area but is there a single plan.

Mr. Thomas replied no, Balough Road has its own separate plan but should have the same opportunities for grant improvement grants for Balough Road CRA and I do not know the history of why Balough Road is not within the offering.

Mr. Newman stated he believes Balough Road was an add on after the fact

Mr. Gross stated he believes the board members and staff are assuming some facts that may not be true. He stated he thinks that after this meeting legal will meet with staff and they will figure out exactly where the current redevelopment areas are, where these programs are available, which programs are available, He stated that they are talking about changing whatever is in these policies currently and the City has some flexibility to do that.

Board members and staff agreed that this item would be brought up again at the next month meeting to provide enough information to answer all the questions presented and information being provided at least a week prior to the next meeting.

#### **8. Public Comments:**

Anna Ventura, 201 Seabreeze Blvd Daytona Beach, stated that herself and family have invested here in areas that are tourist attractions and as residents. She stated that it is very important for them to understand the meaning of Beach Street and the future development of Volusia County because of the need to work together with the City adjacent.

**9. Board Comments:**

Ms. Cook asked about an update of the Magnolia building on the corner of Magnolia and Beach Street.

Mr. Gross stated that from his understanding there was supposed to be a closing on that from the owner who is in foreclosure to a third party with sufficient money to then settle with the bank.

Ms. Cook asked about the status of the Justice Building

Mr. Thomas stated he would have to get an update on it because he was not familiar with what is happened over there.

Ms. Cook stated that will all permitting and other things she just keep seeing in the parking lot behind us the growth of the garden that has grown outside of Salon 230 that has a lot of permanent structures that are there. She stated she was shocked that they lasted during the hurricane, but now they are enclosing in all, is all that property theirs is that not part of the city. She asked is that not been permitting of any kind to have all that done there.

Mr. Thomas stated that he only knows that they had a request to paint the building but he would have to look up the permits pulled in the Track it system regarding enclosures.

Mr. Zahn stated they did some work on it years ago.

Mr. Thomas stated that he would check and see what staff has in their permitting Trakit system and present it at the next meeting.

**10. Adjournment:**

It was moved by Mr. Zahn to adjourn the meeting at 1:41 p.m.

  
\_\_\_\_\_  
Pete Zahn, Chair

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