

A regular meeting of the City of Daytona Beach Planning Board was held on Thursday, December 13, 2007, at 6:00 PM in City Hall Commission Chambers, 301 S. Ridgewood Ave., Daytona Beach, Florida.

Board members Present were as follows:

John McGhee, III
Cathy Washington
Jeff Hurt
Anita Gallentine
Edith Shelley
Bob Hoitsma
James Neal
Janet LeSage
Larry Moore (arrived at 6:10)
Sam Rogers

Staff members present:

Cheryl Harrison-Lee, Chief Administrative Officer
Richard Walton, Planning Director
Belinda Collins, Principal Planner
Marie Hartman, Deputy City Attorney
Reed Berger, Redevelopment Director
Rose Askew, Planning Technician

1. **Call to Order**

Edith Shelley, Chair called the meeting to order at 6:00 pm.

2. **Roll Call**

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

3. **SITE PLAN APPROVAL, DEV 2007-155, Daytona Live! Office Building**

A request by Robert Merrell III, Esquire, Cobb & Cole, on behalf of Daytona Live! Holdings, LLC, for site plan approval of an office facility as part of the Daytona Live Planned Master Development (PMD), located at 1800 W. International Speedway Boulevard. The building will serve as the headquarters for NASCAR, International Speedway Corporation and Grand Am Road Racing.

Belinda Collins, Principal Planner stated the PMD was approved on August 20, 2007, which rezoned the property and outlined in the development agreement what the uses would be for the site. She stated this is phase one of a mixed development that includes a hotel, restaurants, retail sales and services, multi-family residential and other commercial uses. Mrs. Collins stated the site plan approval is for construction of the office building and associated parking.

She stated the over all PMD is a total of 71± acres of which phase one is 13.39± acres and includes an eight story office building and associated parking. The approximate size of the building is 220,000 square feet but because it is a site plan approval it does not have to be heard by the City Commission.

Mrs. Collins further reported that the project was reviewed using the criteria in the Land Development Code (LDC) for site plans and all criteria required was met. She stated the site is adjacent only to the Volusia Point Shopping Center and is across the street from Daytona International Speedway, which is also compatible with the use. Mrs. Collins stated that the project would connect to sidewalks across from International Speedway Boulevard (ISB), that access to the office building would be internal to the overall PMD and there would be no direct access from ISB. She stated parking would be adjacent to International Speedway, it would be screened with landscaping and that staff recommends approval.

Doug Bolis, 1801 West International Speedway Boulevard stated he was available to answer questions.

Mr. Hoitsma stated this is headed in the direction we want to go and he feels this is a great project.

Mr. McGhee stated he is no longer abstaining from voting since he no longer works for the company.

Board Motion

It was moved by Mr. Hurt to approve the Site Plan, Dev 2007-155, Daytona Live! Office Building. Seconded by Mr. McGhee.

Board Action

The motion was approved 11-to-0.

4. **SEMI-PUBLIC USE APPROVAL, DEV 2007-169, Halifax Hospital Medical Center Parking Amendment**

A request by Halifax Hospital Medical Center for approval of a semi-public use permit changing a parking lot located along the east side of Clyde Morris Boulevard adjacent to the medical center from a temporary use to a permanent use.

Mrs. Shelley stated there was a request from the applicant to continue the item until the January meeting.

Board Motion

It was moved by Mr. Hurt to continue DEV 2007-169, Halifax Hospital Medical Center Parking Amendment until the January 24, 2008 Planning Board Meeting. Seconded by Mrs. Washington.

Board Action

The motion was approved 11-to-0.

Other Business

Mrs. Shelley stated last month there were a couple of items that the board asked to be brought forward. One of those items dealt with Article 4, Section 8.2 of the City's LDC regarding site plans greater than 20,000 square feet in the redevelopment areas. She stated there are other sections in the LDC that also deal with this. Mrs. Shelley stated the concern is usually projects of this size are brought forward to the Planning Board and then the City Commission. The Downtown Redevelopment Area Board was concerned and a little startled that they would be the final say on this particular project. She wanted to know how the board felt about it and how they wanted it to be addressed in the LDC. She stated her feeling is if you look at other areas of the LDC it could be argued both ways. She thinks typically there has been a project in the South Atlantic Redevelopment Area larger than 20,000 square feet that went forward without coming to the Planning Board or City Commission and believes part of the reason it did not seem to cause the outcry that this development is causing is because the zoning had to do with condominium zoning. She stated she was not quite sure of the zoning but this particular zoning is an industrial zoning and has been left that way in order to maintain the working water front, so the zoning in and of itself does not fit with the downtown area unless it is being used to maintain that working water front. Mrs. Shelley stated she feels this has caused some of the issues and asked for input from the board on how they would like to see the LDC address this. She further stated all through the LDC there are sections that state except in redevelopment areas but there are other areas that state the Redevelopment Board is to keep the Planning Board apprised of these projects and then other areas that say if projects are over 14,000 square feet they should go to the Planning Board. Mrs. Shelley stated she wanted input from the board on how they feel the policy should be throughout the community regardless of redevelopment areas or not.

Ms. Gallentine stated first of all since it is a policy that is up to interpretation and the board seems to find itself at numerous times interpreting it one way where an opposing attorney may interpret it another way, she feels the wording should be cleaned up. When the Marina Point Project came to the Planning Board six to eight months ago it was very controversial. She stated there is an attorney that is representing the homeowners of Marina Point and it is already up for legal challenge. She feels it is a little strange that the project is not coming to the Planning Board. Ms. Gallentine stated she feels the owners of the project knew the board had numerous issues with the size of the project; the board was concerned that they were being allowed to use submerged land to figure into the size of the project and so they pulled it because they felt it would not get approved. She stated now it is coming forward and the Planning Board is being bypassed all together. Ms. Gallentine stated she is very disappointed that the City is interpreting the language a new way and bypassing the board. She stated the

board has passed other projects on Beach Street that are in redevelopment areas and all of them came to the Planning Board. She stated she is very skeptical as to why it is being brought forward this way and if what needs to be done is changing the language then she recommends the board do that.

Mr. Hoitsma stated when you have major projects come to a city he feels they affect more than just the people that are involved in the district and feels it should not just have the organization that is handling that part of the city make a major decision with things that affect other people in the community. He stated he feels the entire city should look at the project and not just one part of the city.

Mr. Moore stated his concern is the fact that in this case there would be a board of appointed people and not the elected people making the decision. He stated he does not feel anything should move forward for this City without going before the City Commission.

Ms. LeSage stated the area of concern for her is that most of the redevelopment areas are abutting, adjacent or within residential housing and a lot of the properties have been there for a long time. She stated they should be given some consideration and feels everything of this size should come before the Planning Board.

Mrs. Washington stated she agrees also had two points she wanted to address. The first point is, Mr. Moore said for it not to go before the City Commission and the other point is that issues of this matter should not be left up for interpretation. She stated it should be clear because one group may interpret it one way today and then six or seven months down the road it is interpreted differently. Mrs. Washington feels for the sake of being consistent it should be cleared up.

Mrs. Shelley asked Mrs. Washington what her preference for clearing it up would be.

Mrs. Washington replied she believes it should come back before the Planning Board and the City Commission.

Mrs. Shelley stated she thinks for a project this size most of the board members feel it should come before the Planning Board and City Commission.

Mr. Neal stated he would say the same thing. He stated the board has been monitoring all of the areas for redevelopment with a close eye because of the many factors that are involved, especially those with homes and neighborhoods. He feels it is important that they watch it closely because if you do not have any type of control you will have an overflow of large businesses or hotels right in the middle of a neighborhood. He stated the clarification should be that the board accepts new business in the area; consider everybody's and not allow the board or City Commission to be bypassed. Mr. Neal stated the City Commission's job is to make sure the City grows and that if a project is important to the City, the City Commission will make sure it is also a benefit.

Mrs. Shelley stated her understanding is that the board would like the policy currently in the LDC regarding site plans for any project greater than 14,000 square feet come before the Planning Board and City Commission. She asked if that was the consensus of the board and stated she believes that is the feeling throughout most of the community. She restated that the redevelopment board was surprised to find out that they were making the final decision for the project.

Mr. Moore asked if the changed plans for the development were presented to the Downtown/Balough Road Redevelopment Area Board. He stated he was at the meeting and he did not see any plans.

Mrs. Shelley stated it was presented to the board in their packet at the last meeting and they ended up continuing it. The chairman requested the Mayor meet with the developer and residents but even above and beyond that there are some issues that must be looked at on that particular site.

Mr. Moore stated it concerns him that citizens have to hire their own attorneys to fight the City. He feels there are some problems that need to be address.

Mrs. Shelley asked Mrs. Collins how they should proceed.

Mrs. Collins stated the board would need to come forward with an LDC amendment changing the language and staff would then prepare a packet to present to the board.

Ms. Gallentine asked if a change in the language would affect this particular project or would it continue along the same direction.

Mrs. Hartman stated it could affect it (no mike, not auditable).

Mr. Hoitsma asked if it was something they should have a motion on.

Mrs. Shelley stated there is full consensus from the board and staff will bring back some language and she feels comfortable that when it comes back before the redevelopment board she will state that. She also stated she would like to put on the record that the only reason the Downtown/Balough Road Redevelopment Area Board continued the item was because it had to be continued to a date certain. Mrs. Shelley asked if there was any notice requirement for a project this size.

Mrs. Collins stated not for site plans.

Mrs. Shelley stated she feels that is part of the problem why people are stunned because it is such a large project and no notice had to be given informing them that this was the final chance they would have to give input.

Ms. Gallentine stated if this project fails and the developer decides to bring it back then it would have to come back through the Planning Board and City Commission.

Mrs. Hartman stated they would have to comply with whatever was in effect at the time of their application.

CITIZEN COMMENTS

Tracy Remark, 815 North Oleander Avenue, Daytona Beach, Florida stated she had a question based on what Ms. Gallentine just asked. She asked if the interpretation had changed in the LDC Article 1, Section 6.1.

Mrs. Hartman stated that piece was taken from case law of a pending amendment. What it's applied to is when an application was filed. She stated if the application was already filed then you can't apply that but if an amendment is pending before the board and then they file an application (cross talk between Mrs. Hartman and Mrs. Remark)

Mrs. Remark stated it doesn't say anything about when it is filed it says when the development is authorized.

Mrs. Hartman stated she does not believe the court would approve an application pending changes.

Mrs. Shelley stated some of us believe the LDC actually covers it now. She stated the other item the board asked to have come back was the Comprehensive Plan Amendment on height. At the December 5, 2008 City Commission Meeting the amendment passed on first reading and is up for second reading on December 19, 2007. She stated there is a letter from the Department of Community Affairs (DCA) where they have the amendment listed on the 1st Cycle for 2008. However, the City Commission did vote to have it included in the 2nd Cycle for 2007. She stated they are waiting to hear back from the Over Sight Review Committee (ORC), which should be towards the end of December. Mrs. Shelley stated cities have included things in the cycle without hearing back from the ORC and also that it is not a requirement.

Downtown/Balough Road Redevelopment Area Board Report

Mrs. Shelley stated the board met on December 4, 2007. The board heard updates from the Police Department's Code Enforcement Division and the Redevelopment Department. The Marina Point II project was continued until the January 8, 2008 meeting. She stated the board reviewed some LDC text amendments. The first text amendment was to provide policy and guidelines for providing density bonuses in the Downtown Redevelopment Area. The Planning Board previously asked for some kind of formula to be developed so when people make contributions there would be a way to have an across the board commonality. A formula was worked out and the redevelopment board went with that. She stated board made some changes to the information brought forward regarding funding and those changes should come before the Planning Board in January 2008. Mrs. Shelley stated there was also an administrative request to prohibit some additional uses within the Downtown Redevelopment Area to stabilize the downtown area. The board requested to have that request looked at in more detail and possibly add additional items to the request. The board also discussed the Community Redevelopment Area audit and the Riverfront Master Plan.

Midtown Redevelopment Area Board Report

Mr. Rogers stated he attended December 11, 2007 meeting but he did not have his notes. He stated he would give a double report at the January 24, 2008 Planning Board Meeting.

Main Street/South Atlantic Redevelopment Area Board Report

Mrs. LeSage stated she missed the November 2007 meeting due to family medical reasons and the December 12, 2007 meeting scheduled was cancelled due to lack of a quorum.

Vision Committee Report

Mrs. Shelley reported the Vision Steering Committee met on December 10, 2007. She stated they have quite a bit of information but they are having a problem getting the information into a legal document. She stated they formed a subcommittee to get together and draft all the information into a document where every area is in the same format. She clarified the goal of the subcommittee is not to change content or intent of community input. It is to verify the input and make sure the format is the same and everything lines up. Mrs. Shelley stated all of the meetings will be publicly noticed. She stated the committee is working hard to have a real first draft on their website in early January to begin the public hearing process on January 14, 2008. She stated the sub-committee is made up of six people and each member has been assigned to a section. The first step in the sub-committee's process is ensuring the communities intentions are accurately reflected in the draft. Once that step is completed they then begin working on the writing style. The sub-committee members are as follows: Vicki Henderson – Education; Gerald Chester – Economic Development; Al Smith - Government Relations; Mike Woods – Infrastructure; Quality of Life – Weegie Kuendig; and Bishop Derek Triplett – Living Environment. Meetings are open to the public to observe. The next meeting is scheduled for Tuesday, December 18, 2007 at 5:30 pm at 1540 Corner Store Boulevard, Suite 200 located at the corner of LPGA and Williamson Boulevard. Mrs. Shelley stated she was grateful to citizens for stepping up and volunteering.

Public Comments

John Nicholson, 413 North Grandview Avenue asked the board not to forget the height limits for Beach Street, Ridgewood, Martin Luther King and Nova Road. He stated it had come to his attention that the money or the improvements no longer had to be done in the area where the density bonus was being given.

Mrs. Shelley stated that is not what the redevelopment board decided. She stated there should be changed language coming before the Planning Board.

Mr. Nicholson stated it happened on the Main Street CRA. He stated \$1 million was given outside that should have benefited the CRA area and what the City has done is used different finaglings to move money from one area to another.

Mrs. Shelley stated for clarification, the Main Street project was not a density bonus. She stated it was at the behest of the developer and a decision he made. Mrs. Shelley stated she did not want to confuse the issue with the density bonus.

Ms. Gallentine asked when the board would receive the language on the density bonus.

Mrs. Shelley replied they should receive it in January 2008.

Staff Comments

Cheryl Harrison-Lee, Chief Administrative Officer stated she was not able to attend the last meeting due to a conflict with the Growth Management Commission Meeting. She stated the board should have received a letter regarding questions on the Comprehensive Plan Transmittal for height and staff is hoping to get a response from DCA before the December 19, 2007 City Commission Meeting. She wished everyone a happy and safe holiday. Mrs. Harrison-Lee introduced Richard Walton the new Development and Administrative Services Planning Director.

Richard Walton, Planning Director stated he has worked in three counties in Florida; he has also worked in Missouri and St. Louis where he was born and raised; he has been a director of planning and development since 1988; his family lives in Celebration, Florida and he has two daughters. Mr. Walton stated he is looking forward to working with the board.

Board Member Comments

Mr. Hoitsma stated he feels Mr. Nicholson made a good point regarding height. He stated he feels sometime in the near future the issue should be addressed.

Mrs. Shelley asked if the board was interested in doing that. She stated what was done before was it was brought to the board by staff and the intent at that time was to keep moving across the community. She stated several workshops were held and a lot of public input and feedback was received. Mrs. Shelley stated they would start in January 2008 to tie it in with the visioning work going on in the community and asked how board wanted to address the issue.

Mr. Moore stated he guesses it depends upon staff.

Mrs. Shelley asked Mrs. Harrison-Lee for assistance.

Mrs. Harrison-Lee asked Mrs. Shelley to repeat the request.

Ms. Gallentine replied the request is for staff to bring forward height requirements in areas all over the City.

Mrs. Mrs. Harrison-Lee stated she was not sure what time frame the board was looking at but staff was gearing up for Evaluation and Appraisal Report (EAR) based amendments which are required to be completed within 18 months and that the City Commission discussed at the last meeting that they wanted staff to start looking at making changes to the LDC. She stated she does not want to commit tonight and then come back next month and change it.

Mrs. Shelley stated what they did before was held public Planning Board Workshops where people came in and gave input on what they thought about it. She stated they had some volunteers from the University of Florida to come and give assistance and that she had not heard anything negative about the process.

Mrs. Harrison-Lee stated she would access staff's resources and see what the Commission's priorities were. She stated she would give a report at the next meeting.

Ms. Gallentine stated in Monday's paper she read a notice from the City of Ormond Beach that she feels is very appropriate because Steven Spraker when he worked for The City of Daytona Beach and now works for Ormond Beach talked about this issue that has to do with Marina Point. She stated the Commission in Ormond has noticed that they want to change their LDC to modify the terms of land and lot and to create a new term called submerged land. The purpose of this modification is to clarify that submerged land cannot be used to calculate minimum lot area or dimensional requirements. Ms. Gallentine stated when Marina Point first came before the board it was a bone of contention that they were using submerged land to calculate the floor area ratio (FAR). She stated when the board questioned Mr. Spraker on the issue he stated, the LDC does not really address the issue, so staff has taken the position to use other types of land to calculate FAR and submerged land is the type that has been chosen for this project. She stated Ormond is making it very clear in their LDC that submerged land would be identified and she believes Daytona should do the same thing. She does not believe the issue should be put on the back burner and asked that staff bring back language at the next meeting to say that submerged land cannot be used.

Mrs. Shelley stated she would like that also. She asked the board their feeling on that suggestion.

There was a consensus of the board for staff to bring back at the January 2008 meeting language stating that submerged land could not be used to calculate FAR.

Mr. Rogers wished everyone a Happy Holiday.

Mr. Moore asked if there was any progress on the computer program discussed at the last couple of meetings to show the models of projects.

Mrs. Harrison-Lee stated some progress has been made on that issue. She stated staff had been in discussions with JS Computer people trying to determine what language needed to be put in the LDC to require the applicant to make that a part of their submittal requirements when they submit an application. The plan is for staff to bring back language amending the code so that when the application is submitted (for a certain threshold) the drawing will be required.

Mrs. Shelley asked if the City could also purchase the software so the board could use it to assist them in reviewing things like height and density.

Mrs. Harrison-Lee stated staff would require the applicants to submit that so staff would have it and if staff is bringing a special project forward like planning or a neighborhood study they would also have visuals for the board to view.

Mr. Moore asked how they would know if the dimensions the applicant brings forward is correct.

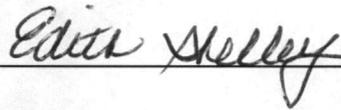
Mrs. Shelley stated that is what she would like to know.

Mr. Rogers stated the City should have the technology at its disposal and that is what the board is requesting.

Mrs. Shelley wished everyone a happy holiday. She announced to the board that Lana Loss had moved to Human Resources and would no longer work with the board. She introduced Carmina Lewis and Rose Askew as the new staff members supporting the board.

Adjournment

There being no further actions to come before the board, the meeting was adjourned at 6:47 pm.



EDITH SHELLEY
Chair

ATTEST:



CATHY WASHINGTON
Secretary