

MINUTES

REGULAR MEETING – PLANNING BOARD

March 23, 2023

Minutes of the Regular Meeting of the Planning Board of The City of Daytona Beach, Florida, held on Thursday, March 23, 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
Michael McLean (Vice Chair)	Present
Cathy Washington (Secretary)	Present
James Newman	Present
Tony Servance	Absent
Milverton Robinson	Present
Vernon Weatherholtz	Present

Also Present:

- Ben Gross, Deputy City Attorney
- Dennis Mrozek, Planning Director
- Paula Long, Planner
- Rose Askew, Development Services Project Manager
- Doug Gutierrez, Principal Planner
- Vanessa Trimble, Planning Technician
- Gina Fountain, Board Secretary

3. Approval of Minutes

Minutes of February 23, 2023 Board Meeting held at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida, tabled until next month meeting due to not being included in Board Members packets for review prior to meeting.

Board Action

No further action taken by the board members.

4. Costco – Site Plan – DEV2022-122 (Quasi-Judicial Hearing)

A request by Russell McFall, Colliers Engineering & Design, on behalf of Daytona Beach Property Holdings Retail LLC (property owner), to approve a Major Site Plan to allow for the construction of

a 161,774± square-foot (sf) Costco wholesale facility and a twenty-four (24) pump fueling facility on 17.17± acres of land.

Staff Presentation

Paula Long, Planner, presented the staff report which was included as part of the packet. Ms. Long stated the site is generally located at 1894 West ISB Blvd., within the One Daytona Mixed-Use Development. It is pushed back a little bit, but it is actually holding that address. The aerial view shows it is vacant and developed as a parking lot currently and a small portion of this development is going to encompass the retention pond that will be redeveloped at the time. Future Land Use for this property currently is Commercial Amusement and the zoning designation is Planned Development-General surrounded by mostly the same with a small portion to the Northwest holding an Industrial M-4 Designation. The City Commission approved the Daytona Live! Planned Master Development (PMD) Agreement via Ordinance 07-355 rezoning 71± acres of property that allowed for construction and operation of a mixed-use project that included multi-family residential units, hotels and various commercial uses in 2007. The 1st Amended & Restated Daytona Mixed Use Planned Development was approved by the City Commission via Ordinance 12-290, allowing for the development of One Daytona, a 189± acre mixed-uses development that added office uses including a movie theater, retail, restaurants, and other entertainment uses in 2012. The 1st Amendment to the 1st Amended & Restated Daytona Mixed Use PD via Ordinance 16-141, added 3± acres to the PD for a total of 192 ± acres of land and also allowed for an increase to the maximum height for street lighting in the development in 2016. And then the most recently, the City Commission approved the 2nd Amendment to the 1st Amended and Restated Daytona Mixed-Use PD via Ordinance 2022-280, which added an additional 4.1± acres to the PD, for a total of 196.08± acres of land within the development in 2022. Since the approval of this PD, eight (8) site plans have been approved as part of the phased development of the project. Costco will be the ninth (9) and will be on the left side of the project. The Dimension Plan, which actually shows the structure as well as the parking associated with that project and The Proposed Architectural Elevations were shown to the Board members. The City's Land Development Code (LDC) as it relates to the square footage for this development does require a minimum of 565 parking spaces. A parking study was performed by the Institute of Transportation of Engineers (ITE), which found peak days required more than the maximum allowable parking for the LDC at 125%, which will be 707 spaces of the minimum allowed. The study indicated that during peak season days, are generally Saturdays in the month of December. They get 125% of the minimum number of parking spaces that are allowed. That parking study indicated that there is a need, so they are asking for an additional 14% on top of that, which would be an additional 79 spaces. The building design does comply with the 1st Amended & Restated Daytona Mixed-Use PD. The landscaping complies with the PD as well as those details in the staff report that the Board members received. Signage for the property development is also in compliance and meets the standards for the 1st Amended and Restated Daytona Mixed-Use PD. The Traffic Impact Analysis (TIA) and Proportionate Fair Share Agreement for the project will need to be approved and the payment identified proportionately for this project prior to the issuance of the Site Plan approval letter. There are some outstanding technical comments for both Utilities and the Fire Department that will need to be resolved prior to the issuance of the approval letter. Staff does recommend approval of the Major Site Plan to allow for the construction of

a 161, 774± square-foot (sf) Costco wholesale facility and twenty-four (24) pump fueling facility on 17.17± acres of land.

Applicant Presentation

Mark Watts, Cobb Cole, 231 N. Woodland Blvd., Deland, Fl., stated that he is accompanied by a few individuals just in case they are required to answer any questions such as Heidi Jewel with Costco, Doug Brook, Architect, MG2, Russell McFall, Civil Engineer, and Roxanne River-Coffee, President, One Daytona. He stated that the list on page two with regard to the uses that are next door does not include Wawa or the Seaco Bank, so he does not think this is an exhaustive list it is just the larger uses that are in that center, which is part of a separate PD. He stated with regard to the need or appropriateness of that use; that question was asked when they came through with the amendment to the PD last year and if Mr. Robinson may recall that 2nd Amendment to the 1st Amended and Restated Development Agreement came through the Planning Board and then went to the City Commission and they actually added the use of fueling station to the One Daytona PD at that point in time. So that question of whether or not it was an appropriate use was answered when they added that to the PD as a permitted use within the footprint here. He stated that Costco is a members only fueling station for members of their wholesale club and a featured part of their membership. He stated that the school entrance is to the north and faces Dunn Avenue and they have a separate easement with the school and some separate agreements with them that require a certain amount of buffering and they are maintaining all of those. He stated they are not seeking any kind of waivers from concurrency and they still have to meet all of those tests, including Proportionate Fair Share payment as appropriate to handle any traffic impacts.

Mr. Barhoo asked what are the plans for the traffic patterns getting in and out.

Mr. Watts stated that they are going into a site that was planned for, they have received up to 1.6 million square feet of entitlement for the One Daytona project and for a couple of decades now, they have been planning for the level of traffic that would work in there. So, all the ISB improvements that have went in through the years and the configuration of ISB, has all been done with the idea of Daytona Live or now One Daytona in the background of what was going to occur. The particular traffic improvements in the TIA and everything else has been closely coordinated with the DOT, the County and the City to make sure they have circulation. So, they will have improved connections to ISB and improved connections to go back out to Dunn Avenue and all of that has been coordinated and going through the typical process to make sure those connections are there and the flow is appropriate.

Board Comments

There were no further comments

Citizen Comments

Ann Ruby, 137 Park Avenue, Daytona Beach, stated the closes Costco is in Orlando, Florida and having it here in Daytona Beach would be a big boom to the economy and the community.

John Nicholson, 413 N. Grandview Avenue, Daytona Beach, discussed the top tier companies in Daytona Beach and bringing in Costco would be an excellent idea.

Board Action

It was moved by Mr. McLean to approve the request for 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
Michael McLean (Vice Chair)	Yea
Cathy Washington (Secretary)	Yea
James Newman	Yea
Milverton Robinson	Yea
Vernon Weatherholtz	Yea

5. Sporty’s Car Wash – Planned Development General (PD-G) Rezoning – DEV2021-084 (Quasi-Judicial Hearing)

A request by Corey Brown, Esq., Storch Law Firm, on behalf of Daytona 1500 LLC (property owner) to rezone 2.11± acres of land from Tourist/Office/Restaurant (T-2) and Planned Development-General (PD-G) to PD-G, to allow for the development of a 7,100± square-foot (sf) automated car wash and enclosed vacuum court.

Staff Presentation

Rose Askew, Development Services Project Manager, presented the staff report which was included as part of the packet. She stated the City Commission approved the Castle Adventure Planned Amusement Entertainment District (PAED) Agreement via Ordinance # 89-102 to allow the development of an 18-hole miniature gold course on the northern half of the property presently zoned PD-G in 1989. The miniature golf course was demolished in 2001 and since it has been demolished that portion of the property has remained vacant. The southern half of the property has been operated as a number of different restaurants since 2000. The structure is still remaining, but it has also been vacant since 2020. So, there have been no other licenses that have been approved to operate on that property since 2020. The property is located on the northwest corner of West ISB (US-92) and Hagen

Terrace. PowerPoint was shown of the aerial view of the property current condition. The Future Land Use on the property is Retail, the Current Zoning is T-2 and PD-G, and Proposed Zoning is going to be PD-G to make all of the zoning consistent on the property. Another aerial view PowerPoint was shown of what the property currently looks like and then an overlay to show what the proposed carwash will look like once it is developed. The property is to develop a 7,000 square foot (sf) automated carwash and enclosed vacuum court. The existing structure on the property, which has been utilized for restaurants, will be redeveloped to accommodate the automated carwash. A new structure will be built to house a private office and storage on the rear of the property to accommodate the new carwash use for stormwater and an onsite stormwater retention facility will be constructed in conjunction with the development. The stormwater facility and pond will meet all of St. Johns River Management and City Zoning regulations for it. The applicant is proposing to comply will all of the landscaping requirements in the LDC. PowerPoint shown of the site of the existing development and the proposed site development from what it would look like off ISB. The proposed development contemplates one entrance on Hagan Terrace and two exists, one on ISB and one on Hagan Terrace for cross access. The applicant is asking to waive the requirement for cross access to be able to go from one property to another one for security purposes for the development. The LDC has a minimum of fifty feet between the distance of two access point but the applicant is asking to waive that requirement to accommodate the internal circulation of the property for the car wash between the two proposed access points on Hagan Terrace to allow each access point to be one way. So typically, they require the fifty feet because there are both ways in and out and the applicant is asking to modify this because the two will be one way in and one way out. The parking lot entrance driveway stacking lane distance is typically twenty-five feet and the applicant is requesting to modify that from the property line to the center line of the closest parking space, they will be providing a minimum of 25 feet from the right of way line to the center line of the closest parking space. The applicant has asked to waive the minimum Light Reflectance Value (LRV) of 70 and maximum application of 20% for accent colors not meeting the LRV requirements, waive maximum of 10% permitted for use of metal on walls, waive requirement for screening of garage doors integrated into the design of the car wash, waive the minimum of 15% for the east and west elevations for window coverage because the Halloween store on ISB is very close to them, and waive a minimum of 15% of the east and west elevations. The applicant is asking for three signs; one sign will be the existing pole sign that is on the property, which will retrofit existing pole sign and two wall signs will be in lieu of putting in the required signage that will be allowed there then put in two wall signs totaling 162 sf at approximately 81 sf per sign. Provided all LDC modifications are accepted, staff recommend approval to rezone 2.11± acres of land from T-2 and PD-G to PD-G, to allow for the development of an automated carwash and enclosed vacuum court. The item is tentatively scheduled to be heard by the City Commission for first reading on May 3, 2023 and for 2nd reading on May 17, 2023. This is a property that has already been developed, so they will not be tearing down trees for animals and the carwash will be using recycled water.

Mr. Robinson stated he was not clear on the height of the signage, will it be comparable to the other signs in the area, will they be changing the wall signs and the reason those signage will increase from 80 sf to 81 sf.

Ms. Askew stated that is will replace the existing sign that is there now and they will change the walls for the development for the car wash, the sign that is there now was from a previous restaurant, and they can have 120 sf of signage based on the T-2 zoning this property had previously and they can put as many signs as they would want as long as they do not exceed 120 sf and in lieu of that they are only asking to have two signs and make those signs 81 sf each and one sign will be on the front and the other will be on Hagen Terrace side.

Board members and staff discussed the comparability of the signage waiver request by the applicant to the existing businesses in the area.

Applicant Presentation

Joey Posey, Attorney, Storch Law Firm, 420 South Nova Road Daytona Beach, stated he was there filling in for the Attorneys of record. He cannot answer all the questions but he will do his best. He stated that this property has been a struggle and been every restaurant in the world. He briefly discussed the property owners interest in this property and future plans for improvement.

Mr. Weatherholtz asked if the applicant will be pulling a remodeling permit instead of a tear down because of the glass in the garage doors meeting all the requirements.

Mr. Posey stated that this project will be a tear down and the glass part of it will be a compromise and it is one of those type of buildings that does not lend itself to glass and this type of use. He does not know the specific engineering side of it or what type of issues that will cause. Engineer of records obviously confident that this is something that is feasible on their end.

Board Comments

There were further comments

Citizen Comments

John Nicholson, 413 N. Grandview Avenue Daytona Beach, discussed his agreement about the project and the temporary signage that still exist on the beachside.

Board Action

It was moved by Mr. McLean to approve the request for 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
Michael McLean (Vice Chair)	Yea
Cathy Washington (Secretary)	Yea
James Newman	Yea
Milverton Robinson	Yea
Vernon Weatherholtz	Yea

6. **Fair – Large-Scale Comprehensive Plan Amendment (LSCPA) – DEV2020-043 (Legislative Hearing)**

A request by Robert Merrell, Esquire, Cobb Cole, on behalf of Fairlawn Development, LLC and Plain Sight Management, LLC, (property owners), for approval of a Large-Scale Comprehensive Plan Amendment changing the Future Land Use Map and amending the Future Land Use Element Neighborhood “K,” creating new issue (h) for 198.0± acres of land.

Staff Presentation

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. He stated that the property is located northeast of the intersection of Clyde Blvd. and Strickland Range Road and undeveloped. The applicant proposes changing the Future Land Use Map designation from Volusia County Low Urban Intensity (LUI) for 9.1± acres to City Level 1-Residential (L-1R). Based on the PowerPoint graphic the applicant brought several properties that are scattered throughout and the rest are City Land Use, which is a little complicated because they are scattered. The Proposed Amendment to the Neighborhood “K” Development Policies creating Issue (h) for 198.0± acres and prior to this it was an 88± acre parcel and then this is expanded. The policy is to ensure appropriate development of the property and that City infrastructure is maintained at an adequate level of service. Under 198± acres now that use to be 88± acres are showing in Exhibit “A” in the staff report to DEV2020-044 and be developed as a PD, where the maximum residential density shall be a total of 350 units on that portion of the property designated “Level 1 Residential”, and a maximum nonresidential intensity on that portion of the property designated “Office Transition” of 60,000 square feet (sf) of gross floor are (F.A.R. of 1.70). The 68.93± acres comprising Parcel ID Nos. 423300000080 and 423200000050 that are to the east, shall be restricted to use as a stormwater or compensatory storage pond location. The Potable Water and Waste Water Demand: potential net decrease of 0.27 MGD in demand and Trip Generation: A potential net decrease 2,849 PM Peak Hour Trips and 29,567 ADT. Staff finds that the large-scale amendment is consistent with the Comprehensive Plan, does not represent urban sprawl because utilities are available and the City has available capacity to serve the demand on available roads, water and sewage. Based on staff analysis and review, staff recommends approval of the proposed Future Land Use Map amendment from County Low Urban Intensity (LUI) to City Level 1-Residential (L-1R) for 9.1±acres of land and amendments to Neighborhood “K” creating Issue (h) limiting density and non-residential square footage. The item is tentatively scheduled to be heard by the City Commission for first reading and transmittal on May 3, 2023 and the second reading (public hearing) is to be scheduled at the next available City Commission meeting subsequent to DEO and VGMC review.

Mr. Newman stated there were a little patch of properties that were County in among what was zoned, so in rezoning, which was just to unify all of that.

Mr. Gutierrez replied no, they are not part of rezoning or land use. So, they are parcels that they were not able to purchase and still owned. They did a tremendous job of tracking down these owners to purchase the properties because many of the owners had already passed away.

Mr. Newman stated that the ones that they were able to purchase are the ones going from County to City for consistency.

Mr. Gutierrez replied that would be correct.

Applicant Presentation

Robert Merrell, Esquire, Cobb Cole, 149 S. Ridgewood Avenue, see comments in item #7 pertaining to this text amendment.

Board Comments

There were no further comments

Citizen Comments

Miro Lakic, 206 Moore Avenue, Unit C., Daytona Beach Shores, FL., see comments in item #7 pertaining to this text amendment.

Dana Rhymes-Jones, Tuscan Woods Home VP, 109 Tuscan Bend Street, see comments in item #7 pertaining to this text amendment.

Emilio Cirelli, Manager, In Land We Trust, LLC., see comments in item #7 pertaining to this text amendment.

Jim Pickett, 124 Tuscan Chase Drive, see comments in item #7 pertaining to this text amendment.

Board Action

It was moved by Mr. McLean to approve the request for 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
Michael McLean (Vice Chair)	Yea
Cathy Washington (Secretary)	Yea
James Newman	Yea
Milverton Robinson	Yea
Vernon Weatherholtz	Yea

7. **Fairlawn – Planned Development-General (PD-G) Rezoning – DEV2020-044 (Quasi-Judicial Hearing)**

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of Fairlawn Development LLC and Plain Sight Properties Resifund I LP (property owners), to rezone 198± acres of land from Volusia County (VC) Urban Single-Family Residential (R-2) to City of Daytona Beach (CODB) Planned Development-General (PD-G) to allow for a maximum of 350 residential units, as well as medical and office-related uses on ~4± acres of property.

Staff Presentation

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. He stated that the property is located northeast of the intersection of Clyde Blvd. and Strickland Range Road and undeveloped. The current and proposed zoning is Planned Development-General (PD-G). The applicant proposes to rezone 198± acres of property from VC R-2 zoning to City PD-G zoning to allow for a maximum of 350 multi-family residential or townhome units and ~4± acres of medical or office-related uses. Concurrent with the proposed PD-G rezoning application for a Large-Scale Comprehensive Plan Amendment (LSCPA) and a request to annex 9.1± acres of the overall 198± acres into the City. The development will stay closer to the southern part of the development and the northern part is left as basically the wetlands. The compensating storage and stormwater would be on the portion to the east and south. Although the entire 198 acres remains undeveloped, most of the property was platted in 1925 as part of the Fairlawn at Daytona subdivision. Prior to development of the property, Right-of-Way (ROW) vacations will need to be approved for the platted ROWs within the property boundary. There are properties that are still owned by people that they were not able to purchase it and they have to leave the ROW for them if they intend to develop it. That is why they are saying that ROW access for the parcels is not included and will be retained. There is a building height request to increase the maximum height for multi-family residential uses from 25' for densities not exceeding 20 dwelling units per acres (du/ac) to 60'. Townhouse Setbacks to reduce minimum front and rear setbacks for individual townhome lots from 25' to 20'. Reduce minimum required parking for residential uses from 2 parking spaces per dwelling unit (du) to 1.7 parking spaces per dwelling unit (du). Waive requirement for establishment of perimeter buffer when stormwater pond (Institutional Use) abuts another use type. Increase signage for a multi-family complex or townhome subdivision from two signs with a maximum area of 32 sf/sign or a total combined sign area of 64 sf to 2 signs with a maximum area of 64 sf/sign or a total combined sign area of 128 sf that is the residential signage, waive prohibition on off-site signage for uses within the development and provided the off-site signage supports uses developed within the PD boundary. The final request is to waive the requirement that use be located a minimum of 200' from a residential use or district.

Provided the concurrent annexation and LSCPA applications are approved and all LDC modifications are accepted, staff recommends approval to rezone 198± acres of land from Volusia County (VC) Urban Single-Family Residential (R-2) to City of Daytona Beach (COBD) Planned Development-General (PD-G) to allow for a maximum of 350 residential units, as well as medical and office-related uses on ~ 4± acres of the property. The item is tentatively scheduled to be heard by the City Commission for first reading on May 3, 2023. The second reading (public hearing) will be scheduled following review of the concurrent Large-Scale Comprehensive Plan Amendment (LSCPA) by DEO and VGMC.

Mr. Mrozek stated that based on the supplemental slide in the PowerPoint this project number DEV2020-043, came in about three years ago and staff have been working on this project with the applicant for the last three years. So, there are a lot of moving parts that were associated with this and he wanted to give the board an example of what they are looking at here. He provided an overview of the PowerPoint slide of the area of the development within this project.

Mr. McLean asked if Mr. Mrozek could elaborate a little about the delay to the project and the public meeting that was held over a year ago.

Mr. Mrozek stated that the proposed project has not changed in the last year and what is being presented now is from the result of the neighborhood meeting that was held. There were some details associated with some of the access to the existing lots that they have not acquired and they wanted to make sure that in the future, if those property owners were to come in and want to develop their property for their rights that they were allowing them to have or are keeping the access in place for them to be able to develop their sites.

Mr. McLean asked in doing this is there a need for another neighborhood meeting.

Mr. Mrozek replied no, they have gone through all of those requirements.

Mr. McLean stated on page four of the staff report, it talks about that the property was platted as part of the Fairlawn at Daytona Subdivision in 1925 and was trying to make sure that was not a typo.

Mr. Gutierrez stated that is correct, it is an old subdivision and if he looks at the lot development, it has a grid pattern with small lots.

Mr. Gross stated that he wanted to address this in case the questions come up tonight but there will be some annexation that needs to occur and with that they had to review whether this would create enclaves, which would make it prohibited annexation. It actually, in each instance reduces existing enclaves by bringing the properties that the owner came into control of the City. So, it is legal to do that in case they are wondering under State Statue. As Mr. Gutierrez pointed out, the other issue had to do with ensuring that all of those lots that they see that are excluded from this application would continue to have access through the ROW to surrounding public road infrastructure. So, that was one of the requirements for the applicant to complete and will be done as part of this application and this was a part of the year delay. There were a lot of very in-depth discussions between City staff, himself

representing the City Attorney Office and their Deputy City Manager, and Andy Holmes, Public Works Department to make sure that those properties would continue to have access.

Mr. Newman asked, so that original plat from 1925, ever actually developed or was it just platted and never moved forward.

Mr. Gutierrez replied no, the parcel or development that was previously discussed by Mr. Mrozek showing that it would have been a grid pattern in the development.

Mr. Weatherholtz asked what would be the zoning for the little parcels in the development.

Mr. Gutierrez stated that those parcels would be zoned as County R-2

Mr. Weatherholtz stated with those parcels still being County R-2 zoning, they could not go out there and say, they want to raise animals or any other agriculture because of the leeway from the County.

Robert Merrell, Esquire, Cobb Cole, stated that he is not an expert on this matter but he believes that the County has in the residential classifications a little looser in terms of some agricultural but they are far enough away that he does not think it will be a problem.

Applicant

Robert Merrell, Esquire, Cobb Cole, 149 S. Ridgewood Avenue, stated this has been a very interesting project that had real estate twists such as annexations, platting, three years of stalling and some change in ownership that happened on the applicant side, so that it probably have been a year and a half project but still it is pretty complicated. He stated the comprehensive planning aspect is they had to change the land use designation on the County pieces and the other thing they did was a text amendment that applied to all of it. He stated they do that a lot in Daytona Beach because they are allowed too and they started this trend back in the late-mid-nineties the Comprehensive Plan was adopted in 1991. He stated they have these neighborhood policies that they adopt that custom fit land use designations to certain situations. He stated in this case, they limited the number of units that can be built on the property and limited the amount of office development than can be out on Clyde Morris, so they have a reduction in allowances. He stated the reduction in terms of water impacts the water system, sewer system, and transportation, which is a major concern for everybody these days. He stated that the PD rezoning is what being discussed tonight and a large part is that it is consolidating other zoning into a packet to display what the product would look like. He stated that these are custom zonings and Mr. Robinson some of them have waivers because the fit does not work out just right but it is a balance and it is a negotiated zoning and custom zoning for this piece of property, which is what they are seeing here.

Mr. Robinson inquired about the increase from 35 feet to 60 feet up in height on page five of the rezoning in the staff report.

Mr. Merrell indicated that they limited the number of units by the Comprehensive Plan for the first piece and then ultimately by PD such that it is less than what they could build there. He stated that they are going up in height but keeping more natural areas and they had to go up to get the units that they need to build to make the project work. He stated that there are plenty zoning categories that allow 60 feet in height, this is a PD, so they pretty much custom fitted anyway.

Mr. Mrozek stated that this is not a waiver to the Land Development Code (LDC), because they are allowed to set what their standards and height is for the building. He stated that what they do in the staff report and it probably could do it a little bit better and be a little bit clearer is just comparing what the current zoning district would allow for the height versus what they are proposing.

Mr. Robinson and Mr. Merrell discussed the increase in people due to the height increase in the multi-family apartments, which will cause an impact in the area.

Jessica Gow, Cobb Cole, 149 S. Ridgewood Avenue, stated that the current zoning allows over 600 residential units but they are asking for 350 residential units, so they are stacking or clustering within the development.

Mr. Barhoo asked what would prevent them from coming back before the board within the next two-to-five years requesting the need to build more units on the green space that they have. Is there a guarantee that they are not going to have that built.

Mr. Gross stated there is a guarantee in the sense that this does not be approved unless the City approves it, because in the PD agreement that would be approved if this goes forward, is going to be a limitation on the number of units. He stated that the City could not legally require them to relinquish their right to at anytime as a property owner ask for property to be rezoned or have their Comprehensive Plan changed, because that is a fundamental right as a property owner. He stated to speak of covenants, to some extent he think some of those wetlands will be covered by restrictive covenants because of the St. Johns River Water Management.

Mr. Weatherholtz and Mr. Merrell discussed the recharge systems in the green areas, stormwater retention areas, and engineering science.

Mr. McLean and Ms. Gow discussed the Fairlawn Development ownership group, contracting arms (contractors) and the five to six local projects they assisted in building.

Mr. Robinson and Mr. Merrell discussed the benefits of some of the properties being rezoned from County land into City jurisdiction to remove the County enclaves or islands by State law.

Board Comments

There were no further comments

Citizen Comments

Miro Lakic, 206 Moore Avenue, Unit C., Daytona Beach Shores, FL., discussed the parcel numbers that he owns in the subdivision, grievances about Mr. Merrell, losing his access to the properties that he owns because of the rezoning, and retaining counsel in regard to this matter.

Dana Rhymes-Jones, Tuscany Woods Home VP, 109 Tuscany Bend Street, stated that she needed clarification regarding if the project will be apartments or townhouses. If townhomes, would they be for sale properties or rental properties, height concerns from 35 feet to 60 feet, and a warning of taking the parking spaces from 2 to 1.7. Discussed the wild animals in the neighborhood such as bears and bobcats and natural buffers between the properties where these animals can move around. Concerns about the second access being located on Strickland Range Road and the additional traffic this will cause.

Emilio Cirelli, Manager, In Land We Trust, LLC., discussed the three parcels that they own in the subdivision that he was never approached about purchasing by the developers. How easy will the utilities be able to connect if the project gets approved. This subdivision is no different than the other subdivisions that was recorded and accepted in 1925 and does not devalue the property. Ask will they be struck with zoning and that they cannot do anything with their properties because they will be rezoning everyone else's properties but theirs, that could eventually deny them from obtaining a building permit.

Jim Pickett, 124 Tuscany Chase Drive, discussed that his property and his neighbors on his side of the street on Tuscany Chase Drive are right on the back of a flood zone. The flood zone is encroaching on part of his property and has gone further since he lived there. What guarantee are they going to have if the developer miscalculate the flood zone and the water runs down his property line. Explained that Tuscany Bend in the subdivision near his subdivision, that entire area is already a flood zone. He would like to be provided with a copy of a flood study that will be completed in the subdivision. Voiced concerns of the increase in crime in the neighborhood as a result of this project.

Janice Brink, 27 Cold Spring Court, Palm Coast, FL., stated that she hope when the developers contact her that something would happen in this area for the good because her family his owned a parcel in the subdivision since 1930. Asked if there was any chance that they could resolve all issues and have something positive come up that she could see something happen in her lifetime.

Mr. Merrell and Ms. Gow and board members addressed all the concerns and complaints presented by the citizens such as parking spaces and the height from 35 feet to 60 feet.

Mr. Merrell stated after further discussion with the developers the height will remain at 35 feet.

Board Action

It was moved by Mr. McLean to approve the request for staff recommendations provided the concurrent annexation and LCPA applications are approved and all LDC modifications including removal of the 60 feet height requirement are accepted. 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
Michael McLean (Vice Chair)	Yea
Cathy Washington (Secretary)	Yea
James Newman	Yea
Milverton Robinson	Yea
Vernon Weatherholtz	Yea

8. Other Business

A. Downtown/Ballogh Road Redevelopment Area Board Report

Mr. Newman stated the board met on March 21st and had a presentation by Mr. Mrozek regarding site plan approval for 400 N. Beach Street and Framework Apartments, just north of Brown & Board and was approved by the board.

B. Midtown Redevelopment Area Board Report

Ms. Washington stated the met on March 14th, receiving a CompStat report from DBPD that report there were only two arrest during Bike Week. Also, the board discussed redevelopment projects for the area. Felt the board is moving along and accomplishing things now.

C. Beachside Redevelopment Area Board Report

No report provided due to Mr. Servance absence.

D. Public Comments

Dana Rymes-Jones, 109 Tuscany Bend Street, asked when future projects come before the board to review the schools safety nearby and the emergency services that would be required. Products that is being built around them, the cottages hideous, apartments in front of Grand Preserve are hideous and should not infringe upon their quality of life as property owners and do not want to see their value of life depreciate. Also, they do more natural buffers and not just cheap wooden fences or nothing at all and be good neighbors to the neighbors that are already there.

E. Staff Comments

Mr. Mrozek discussed the LDC attendance requirement of board members in a 12 month period. If it is deemed necessary the Planning Board shall consider the cause of the absence, may request that member to resign or that the City Commission can remove the member in accordance with the LDC. Also, the City Commission at any point can remove a member from the Planning Board at their discretion too. It is a matter for the board to consider and discuss, so he will leave it up to the board to make that decision.

Mr. McLean stated that one of the options would be to allow Mr. Servance to continue on the board from his understanding if he is steadily improving and hopefully will be in attendance at some point in the future.

Mr. Gross stated just to be clear the board shall consider it and may make a recommendation but does not have to make any recommendation to the City Commission. Regardless of whether the board do or do not make a recommendation, the City Commission can remove any board member at any time for any reason. The board's decision not to send something to the City Commission does not seal the deal but the board have the option of making no recommendation or recommending that the board member be retained.

Ms. Washington provided an update of Mr. Servance medical condition without violating the HIPPA law to the board.

Board members discussed the decision to allow Mr. Servance to remain on the board due to medical circumstances beyond his control and have someone to reach out to him to discuss his will and wish of what he would like to do. Also, considered the option to allow him to attend the meeting remotely until he is able to return in person based on his decision.

Mr. Barhoo made a recommendation to the board that a motion be made that they retain Mr. Servance or at least they consider that or they contact him to determine his decision.

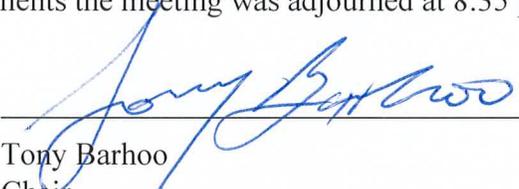
It was moved by Ms. Washington to recommend that Mr. Servance to be retained as a board member. Mr. McLean seconded the motion. The motion passed 6-to-0 with the breakdown as follows:

Tony Barhoo (Chair)	Yea
Michael McLean (Vice Chair)	Yea
Cathy Washington (Secretary)	Yea
James Newman	Yea
Milverton Robinson	Yea
Vernon Weatherholtz	Yea

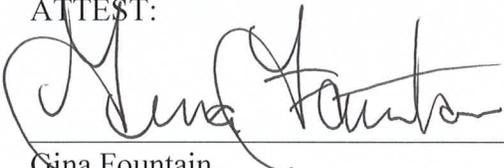
F. Board Members Comments

Mr. Newman stated that the arguments that the board is hearing are the same about developments and new developments coming in are the same arguments they have been hearing over the years for a long Time. Now those same people are arguing against even further development and it is a sad thing, but as more people moved into the area, they need these developments for people to live. As they see more infill development, they are going to see a lot of modifications so that they can fir their development to the lot that they have because they are surrounded by other buildings. So, as far as the modifications given with those PD Agreements or developments, he thinks they are doing to see a lot of that and as long as it is explained in tonight's presentation, he thought they were very well explained as to why those modifications were called for and that is something he think they can need to learn to expect. Without any modifications there is really no point in bringing things before this board and they are already complaint with everything in the LDC, they would not see them.

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



Tony Barhoo
Chair

ATTEST:


Gina Fountain
Board Secretary