

*Special Planning Board Meeting Minutes  
September 2, 2008*

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A special meeting of the City of Daytona Beach Planning Board was held on Thursday, September 2, 2008 at 6:00 PM in City Hall Commission Chambers, 301 S. Ridgewood Ave., Daytona Beach, Florida.

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Board members Present were as follows:

John McGhee, III  
Anita Gallentine  
Ken Wood  
Larry Moore  
James Neal  
Sam Rogers  
Cathy Washington

Absent Members:

Bob Hoitsma  
Jeff Hurt  
Janet LeSage  
Edith Shelley

Staff members present:

Mr. Richard Walton, Planning Director  
Mr. Thad Crowe, Planning Manager  
Ms. Carrie Lathan, Assistant City Attorney  
Mr. Jason Jeffries, Project Manager  
Ms. Rose Askew, Planning Technician

1. **Call to Order**

Cathy Washington, Acting Chair called the meeting to order at 6:02 pm.

2. **Roll Call**

Mr. McGhee called the roll and noted members present as listed above.

3. **Comprehensive Plan Amendment, DEV 2008-098 – Expediting of Affordable Housing Projects**

Administrative Request (Development Services Department, Community Development Division) to amend Housing Element of the Comprehensive Plan to add policies that provide for expediting affordable housing projects and reviewing regulations that increase housing costs.

**Staff Presentation**

Thad Crowe, Planning Manager gave a PowerPoint presentation. He stated this is a request from the Community Development Department to amend the Housing Element of the City's Comprehensive Plan to add policies that provide for expediting affordable housing projects and reviewing regulations that increase housing costs. He stated the City had previously committed to what is in the proposed policies quite some time ago, so this is more of a house keeping measure. He stated there are three proposed policies in your packets. Policy 1.1.3 which states the City shall adopt into the Land Development Code (LDC) standards that expedite affordable housing projects to a greater degree than other projects; Policy 1.1.4 which states the city shall consider the impact of proposed policies, procedures, regulations, and ordinances on housing costs prior to approving such actions; and Policy 1.1.5 which states through ongoing revisions to the Local Housing Assistance Plan (LHAP), the city shall consider revisions to the Comprehensive Plan and Land Development code to encourage the provision and retention of affordable housing.

Mr. Moore asked if this was originally passed in 1994 and supposedly it was going to be implemented within nine months and 14 years later it is just being amended.

Patricia Askew, Community Development Director replied yes the ordinance was passed in 1994 and it stated these actions were supposed to be implemented six to nine months after adoption of the ordinance. She stated when her division reviewed the SHIP requirements this year they found that the LDC and Comprehensive Plan did not have the language. She stated at that time they determined that some cleanup was needed to be done which is what this amendment is. Ms. Askew stated the City is applying for SHIP dollars and in order to continue receiving those dollars the City has to let the Florida Housing Finance Corporation know that these policies are a part of the City's policies.

Mr. Moore asked if this amendment had anything to do with Housing and Urban Development (HUD).

Ms. Askew replied these are state dollars, SHIP dollars from Florida Housing Finance Corporation.

Mr. Moore asked in the proposed Policy 1.1.4 where it says the City shall consider the impact of housing costs, who is the City.

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Ms. Askew replied it references the City in general when any housing policies are being created or implemented.

Mr. Moore asked if this would in any way short circuit what happened with the housing development recently where there was supposed to be a childcare center and now they are requesting to replace the center with four houses.

Ms. Askew asked if he was referencing the HOPE VI project.

Mr. Moore replied yes.

Ms. Askew stated these are dollars The City of Daytona Beach has received to implement activities within The City of Daytona Beach. The Housing Authority is a separate entity. She stated these dollars are separate and apart from the dollars received by HOPE VI or Daytona Beach Housing Authority.

Mr. Moore asked what the development code standards were.

Ms. Askew replied they are the codes that will be approved in the LDC and Comprehensive Plan.

Mr. Moore asked if they were already approved.

Richard Walton, Planning Director replied what staff will do is follow these Comprehensive Plan policies with LDC amendments.

Mr. Moore stated so these will come back to us and it will not be just carte blanche.

Mr. Walton stated we will first get the policies in the Comprehensive Plan and then the procedures in the LDC.

Ms. Washington stated so what you are saying is this is actually a cleanup issue.

Ms. Askew replied yes, we are ensuring that what is reported to the state are actually a part of the City's rules and regulations.

Ms. Washington stated she wanted to re-emphasize for clarity that this amendment would not short circuit or cut any of the procedures set in place as they are right now.

Ms. Askew stated she did not think this had anything to do with the approval process except that the City would have to consider how the policies being created might affect the increase in the cost of housing.

**Citizen Comments**

No citizen comments.

**Board Motion**

It was moved by Mr. Moore to approve Comprehensive Plan Amendment, DEV 2008-098 – Expediting of Affordable Housing Projects. Seconded by Mr. Neal.

**Board Action**

The motion was approved 7-to-0.

4. **Community Redevelopment Plan Amendments.**

Administrative request (Development Services Department, Redevelopment Division) to amend the adopted Midtown Redevelopment Plan to clarify policies regarding promotion, incentive programs, community policing, maintenance of CRA enhancements, capital projects, and other projects and programs that have been or will be budgeted and eligible to receive CRA funding.

**Staff Presentation**

Jason Jeffries, Redevelopment Project Manager stated staff was in the process of revising all of the redevelopment plans for the City. He stated the only changes to the Midtown Redevelopment Area Plan were on page 17 and they addressed clarity issues with programs and activities that might be undertaken for use of TIFF funds. He stated the changes were generated from the audit. Mr. Jeffries stated staff needed a motion to confirm that the plan was in compliance with the City’s Comprehensive Plan. He stated staff has reviewed the plan and determined that the plan is in compliance.

**Board Comments**

Mr. Moore stated on page 15, second line he noticed the verbiage was changed to read “public utilities that maybe necessary or convenient.” He asked why it was necessary to use the verbiage “or convenient.”

Mr. Jeffries replied the change was made to have the text of the plan to be more in line with the language in the State code. He stated the change was also made in the other redevelopment plans.

Mr. Rogers asked Mr. Jeffries to go back to page 15, under Capital Projects and give an explanation of why the Midtown Area would have to pay \$900,000 for landscape improvements on an area that is not in their district.

Mr. Jeffries asked if Mr. Rogers was referencing Nova Road to Ridgewood Avenue.

Mr. Rogers replied yes but it goes on to ISB from Halifax to Atlantic Avenue.

Mr. Jeffries replied that Mr. Rogers was correct and he would clarify it more.

Mr. McGhee asked for an estimated completion date.

Mr. Jeffries replied they were just projects that would be undertaken over a 30 year period.

There was additional discussion among the board members regarding the changes to the plan.

**Board Motion**

It was moved by Mr. Neal to approve the Community Redevelopment Plan Amendments. Seconded by Mr. Moore.

**Board Action**

The motion was approved 6-to-1.

Mr. Rogers requested more clarification on the amendments because he was not comfortable with the answers he received.

Mr. Walton stated staff would have the information for Mr. Rogers by the next regular scheduled meeting.

Mr. Jeffries stated staff would also have more information for him at the Midtown Redevelopment Area Board Meeting.

5. **Land Development Code Ordinance, DEV 2008-100 – Personal Services and Nursing/Convalescent Homes with Accessory Retail Sales in T-2 Zoning District**

Administrative request (Development Services Department, Planning Division) to amend Article 10, Tourist Districts, adding the personal services use to the list of permitted uses in the T-2 (Tourist, Office & Restaurant) zoning district and to add retail sales and services as a conditional use to a personal service use. Request also includes an amendment to Article 17, Conditional Uses, to add conditions to the nursing and convalescent home use that will allow for limited retail sales and service for such uses.

**Staff Presentation**

Thad Crowe, Planning Manager stated these were two separate actions dealing with the T-2 District. He stated the district allowed offices and restaurants and was limited to those uses. He stated staff had found that when you severely limit the uses like those sometimes it lacked flexibility to encourage reinvestment particularly in older parts of the City. He stated what was before the board was a response to real life requests from people in the T-2 district who

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would like to have personal services in the zoning district. He stated the types of personal services were nail and beauty salons and other types of limited retail sales that accompany those services. He stated the amendment would allow those types of services in the T-2 district in a limited capacity not to exceed 10 percent of the gross floor area of the business. The second part of the amendment dealt with nursing and convalescent homes. Mr. Crowe stated nursing and convalescent homes were a conditional use in the T-2 district and the proposal was based on a real life request that nursing homes be allowed to have limited retail sales and the language that has been drafted was done to make sure it stayed limited.

Ms. Lathan stated that she wanted to clear up the proposed language. She stated the proposed language should read "Nursing homes may include accessory retail space not exceeding 1,000 square feet or 10 percent of the building square footage, whichever is less."

Mr. Crowe stated that language was much better and that he would make the change. He stated the amendment met the criteria in the LDC and was in good keeping with the City's Comprehensive Plan and staff was recommending approval.

**Board Comments**

Ms. Gallentine stated she could understand the use on Ridgewood Avenue because it was pretty commercial but on some of the maps presented it showed the west side of Atlantic Avenue that fronts a lot of single-family neighborhoods. She stated she was not very comfortable with adding the provisions requested because there was no parking and if a multi-family building that currently sat on the west side of Atlantic Avenue that abuts a single-family neighborhood wanted to offer personal services they would not be required to have any additional parking. She asked if that would introduce a more business concept into a residential neighborhood.

Mr. Crowe replied the T-2 district was a little unusual in the sense that it allows a variety of uses. He stated one of the things staff looked at was currently T-2 allowed restaurants and they typically require more parking and have a bigger traffic impact. He stated staff's feeling was that generally a personal services business with limited retail would not present more of an impact than a restaurant.

Ms. Gallentine asked if the change was only for existing businesses or would it open the door to other businesses that might want to go into the T-2 areas.

Mr. Crowe stated by right, it would be allowed but they would have to meet the LDC requirements unless they were in a specific redevelopment area where they would then be exempt from parking and other code requirements. He stated the LDC does have a checks-and-balances safety net for these types of situations.

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Mr. Rogers stated another question would be why the LDC still had archaic language like Turkish baths.

Mr. Crowe replied he did not know and that the entire LDC needed to be updated. He stated Mr. Walton would discuss that later in the meeting.

There was discussion on how archaic the language was in the LDC and the need for it to be revamped.

Ms. Gallentine recommended that the uses be limited to hair and nail salons. She stated she felt if the board allowed it carte blanche it would open the door to too many other uses that would not be consistent with the surrounding areas.

Mr. Moore stated that had been a problem along Atlantic Avenue where there were small lots. He stated the business would go right into the neighborhoods.

Mr. Crowe stated he agreed and that a hair and nail salon could be neighborhood oriented and maybe reduce trips.

**Board Motion**

It was moved by Ms. Gallentine to approve Land Development Code Ordinance, DEV 2008-100 – Personal Services and Nursing/Convalescence Homes with Accessory Retail Sales in T-2 Zoning District with the condition that the personal uses be limited to hair and nail salons. Seconded by Mr. Rogers.

Mr. Crowe asked the board if they were comfortable with the language submitted by the City Attorney's office.

The consensus of the board was yes.

Mr. Moore stated his concern was how this would constrict Ridgewood Avenue because there were a lot of businesses there now.

Ms. Gallentine asked if they wanted more accessory uses like the ones being excluded from the other T-2 areas.

Mr. Moore replied that was a good point.

**Board Action**

The motion was approved 7-to-0.

6. **Land Development Code Amendments - Discussion**

**Staff Presentation**

Richard Walton, Planning Director stated he would bring the board up to date on the LDC amendments. He stated at the first meeting in August the City Commission adopted a resolution directing staff to go out with a Request for Proposal (RFP) to do a major over haul on the City's LDC. He stated staff was looking for a firm that had expertise in preparing a complete code. He stated a lot of the problems with the LDC were piecemeal changes. He stated when you change one and don't change the others that go along with it then it starts to be internally inconsistent. He stated the LDC had a lot of definitions of terms without regulations and regulations that don't have definitions. Mr. Walton stated the firm selected would be responsible for cleaning that up and also making the LDC more user friendly and state of the art. He stated Mr. Jeffries would be coming forward to discuss and answer any questions the board had concerning the memo in the board's packet about the Density Bonus program.

Jason Jeffries, Redevelopment Project Manager stated at the board's direction he included with the memo language from Ordinance 2007-423, which adopted the latest revisions to the City's Comprehensive Plan, which extended the Density Bonus Points program to the 957 Beach Street area. He stated his understanding was the board would give direction to staff which direction to go from here.

**Board Comments**

Ms. Gallentine stated she thought they had to start with the City Commission because they passed the Comprehensive Plan Amendment even though the board voted no. She stated her recommendation to staff was to write a memo to the City Commission stating the Planning Board would like to readdress the Density Bonus Point program in the Comprehensive Plan.

Mr. Moore stated he thought that was still up in the air. He stated he agreed that one of the main points was the allowance of the bonuses and he was still concerned with the formula used to determine the bonus points.

Mr. Walton stated they were correct that staff was directed to proceed down that path but the board also asked staff to bring the current language back for review. He stated staff had not anticipated having the discussion tonight knowing all of the board members would not be present but staff could schedule the discussion for a date in the near future.

Mr. Moore asked about maximum building heights in exhibit "E". He stated he did not have exhibit "E" to review.

Mr. Jeffries stated the only exhibit that referenced the Density Bonus Points program was exhibit "D". He stated the change only affects the downtown redevelopment area and therefore he feels the Downtown Redevelopment Area Board should have the opportunity to give input.

Mr. Moore stated after they give input then the Planning Board might be ready to write to memo.

Mr. Walton stated he distributed a copy of LDC, Article 3 (Decision Making Bodies and Procedures), Section 1.2(c) (Review of Land Development Orders and Regulations). He stated at the August 20<sup>th</sup> City Commission Meeting it was brought up that items reviewed by the Planning Board must go before the City Commission within 60 days. He stated with staff trying to get the minutes prepared for adoption and putting the Planning Board packet together, if extenuating circumstances arise like a hurricane and it takes longer than 60 days the staff would be required to bring the item back to the board again. He stated staff would have some proposed language at next meeting for the board's discussion as well as the scope of services for the RFP. He stated one suggestion would be to extend the time to 90 days; another would be to delete it altogether and come up with new language. He stated he did not think the intent was for items to come back to the board just because it was past 60 days.

Ms. Gallentine stated they were supposed to be starting Round 2 of the LDC changes and it had quite a bit of issues on the list like submerged land. She asked if Round 2 changes would be put on hold due to the RFP.

Mr. Walton replied the Round 2 changes would be part of the scope of services in the RFP. He stated it would be a pretty monumental effort on the part of staff to make sure the document is put together as quickly and comprehensively as possible because the City Commission has that as a top priority for the department.

Ms. Gallentine asked if there was a reason why they could not address some of the large issues in Round 2. She stated her fear was that Round 2 would now disappear. She asked what would happen to all the work done on Round 1. She asked if it would be rewritten by an outside agency.

Mr. Walton stated if we were comfortable with the changes they would use them. He stated typically they ask what in the LDC the City would like to keep.

Ms. Gallentine asked the timeframe for the rewrite.

Mr. Walton replied a minimum of 12 months.

Ms. Gallentine asked that staff take a look at the list for Round 2 and bring it back to the board at the next meeting because she feels the board should be addressing some of those issues now while they do not have developers breathing down their neck.

7. **Other Business**

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

No report.

B. **Midtown Redevelopment Area Board Report**

No report.

C. **Main Street/South Atlantic Redevelopment Area Board Report**

No report.

D. **Vision Committee Report**

No report.

E. **Public Comments**

No comments.

F. **Staff Comments**

No comments.

G. **Board Member Comments**

Mr. Rogers apologized for leaving on last Thursday night. He stated he had some very important business he had to take care.

Ms. Washington stated Mr. Hoitsma did explain that you told him you had to leave to take care of some very important business.

**Adjournment**

There being no further actions to come before the board, the meeting was adjourned at 6:50 pm.



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CATHY WASHINGTON  
Acting Chair

ATTEST:



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JOHN MCGHEE, II  
Acting Secretary