

MINUTES

REGULAR MEETING – PLANNING BOARD

July 27, 2023

Minutes of the Regular Meeting of the Planning Board for the City of Daytona Beach, Florida, held on Thursday, July 27, 2023 at 6:00 p.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

1. **Call to Order**

Mr. Barhoo, Chair, called the meeting to order.

2. **Roll Call**

Tony Barhoo, Chair	Present
Michael McLean, Vice Chair	Present (arrived at 6:15 p.m.)
Cathy Washington, Secretary	Present
James Newman	Present
Tony Servance	Present (via Zoom)
Milverton Robinson	Present
Vernon Weatherholtz	Present

Also Present:

Dennis Mrozek, Planning Director
Ben Gross, City Attorney
David Russell, Assistant City Attorney
Rose Askew, Development Services Project Manager
Doug Gutierrez, Principal Planner
Hannah Ward, Senior Planner
Vanessa Trimble, Planning Technician

Mr. Gross stated the Board would have to approve participation by Mr. Servance's via Zoom.

Board Action:

A motion was made by Mr. Newman, seconded by Mr. Weatherholtz, to allow participation via Zoom by Mr. Servance. The motion carried (6-0).

3. **Approval of the Minutes** - June 1, 2023 and June 22, 2023

Approval of the Minutes of the June 1, 2023, and June 22, 2023 Planning Board Meetings held at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida

A motion was made by Mr. Servance, seconded by Mr. Newman, to approve the minutes as presented. The motion passed (6-0) with the breakdown as follows:

Tony Barhoo, Chair	Yes
Cathy Washington, Secretary	Yes
James Newman	Yes
Tony Servance	Yes
Milverton Robinson	Yes
Vernon Weatherholtz	Yes

Continued Items:

4. CONTINUED FROM THE JUNE 1, 2023, PLANNING BOARD MEETING.

Silver Beach Planned Development-Redevelopment (PD-RD) Rezoning – DEV2022-155 (Quasi-Judicial Hearing)

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of Daytona Atlantic Development LLC (property owner), to rezone 2.66± acres of land from Tourist Accommodations (T-1) to Planned Development-Redevelopment (PD-RD) to allow for a 27story condo-hotel with the potential for a restaurant and/or bar/lounge use (open to the public). The property is generally located in the southeast corner of Silver Beach Avenue (CR-4050) and South Atlantic Avenue (SR-A1A), at 1201 S. Atlantic Ave. REQUEST TO CONTINUE TO SEPTEMBER 28, 2023.

Ben Gross, City Attorney, stated this is a continuation of the case presented initially at the June 1, 2023 meeting. Mr. Gross stated before the case is continued again, the Board should hear from the applicant as to why the case should be continued.

Applicant Presentation:

Rob Merrell, Cobb Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida, spoke representing the applicant. Mr. Merrell stated the Board heard two hours of testimony at the June 1, 2023 Planning Board meeting and all of the items presented at that meeting have not been addressed. Mr. Merrell stated he requests the item be continued for

two months in order to allow time to address items that have been raised.

Mr. McLean arrived for the meeting at 6:15 p.m.

The Board discussed the applicant holding a neighborhood meeting prior to bringing the item back to the Planning Board for review. Mr. Merrell stated if a neighborhood meeting is required to be held prior to presenting the case to the Planning Board, he would like the item continued to the October meeting.

Mr. Gross stated anyone who attended tonight's meeting may provide comments to the Board on this item during the Citizen Participation section of the meeting.

Board Action:

A motion was made by Mr. Newman, seconded by Ms. Washington, to continue Silver Beach Planned Development-Redevelopment (PD-RD) Rezoning – DEV2022-155 (Quasi-Judicial Hearing) at the October Planning Board meeting. The motion carried (7-0), with the breakdown as follows:

Tony Barhoo, Chair	Yes
Michael McLean, Vice Chair	Yes
Cathy Washington, Secretary	Yes
James Newman	Yes
Tony Servance	Yes
Milverton Robinson	Yes
Vernon Weatherholtz	Yes

New Items:

5. **Water Supply Plan – Large-Scale Comprehensive Plan Text Amendment (LSCPA) – DEV2022-194 (Legislative Hearing)**

A request by the Growth Management & Planning Department, on behalf of the Utilities Department, to approve a Large-Scale Comprehensive Plan Text Amendment, adopting the 2023 Water Supply Plan and amending the Comprehensive Plan in accordance with Florida Statutes, Sections 373.709 and 163.3177(6)(c)3.

Staff Presentation:

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. Mr. Gutierrez stated the intent of the Water Supply Plan is to identify and plan for the water supply sources and facilities needed to serve existing and new development within the utilities service area of the City.

The Board discussed agreements to provide service to surrounding jurisdictions; using re-use water for fire systems; the impacts future development in Daytona Beach and surrounding cities will have on the utility system; salt water intrusion into the City's water supply; and re-lining city utility lines.

Eric Smith, Deputy Utilities Director, discussed water service to adjacent areas. Mr. Smith stated the city does monitor salt water intrusion and has a number of monitoring wells. Mr. Smith stated there is a plan in place to line city utility lines.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Ms. Washington, seconded by Mr. Servance, to approve Water Supply Plan – Large-Scale Comprehensive Plan Text Amendment (LSCPA) – DEV2022-194 (Legislative Hearing), in accordance with the staff report as presented. The motion carried (7-0) with the breakdown as follows.

Tony Barhoo, Chair	Yes
Michael McLean, Vice Chair	Yes
Cathy Washington, Secretary	Yes
James Newman	Yes
Tony Servance	Yes
Milverton Robinson	Yes
Vernon Weatherholtz	Yes

6. **Hallmark Heritage – Major Site Plan – DEV2022-021 (Quasi-Judicial Hearing)**

A request by Michelle Widick, Zev Cohen & Associates, Inc., on behalf of Evergreen on Williamson, LLC (property owner), to approve a Major Site Plan to develop a 323,083 square foot, 516-unit residential apartment complex and associated site improvements on 19.6± acres of land located on the southeast quadrant of Williamson Boulevard and Strickland Range

Road. The property is generally located east of Advent Health, west of Williamson Boulevard and north of Strickland Range Road.

Staff Presentation:

Paula Long, Planner, presented the staff report which was included as part of the packet. Ms. Long stated the project is to construct an apartment complex on vacant and undeveloped land. Ms. Long discussed buffer areas, signage and parking, noting while there is a requirement for two parking spaces per unit a reduction is allowed due to the public transit stop being within 1,000' of the site.

Applicant Presentation:

Joey Posey, 420 S. Nova Road, Daytona Beach, Florida stated he was available to answer any questions the Board members may have.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. McLean, seconded by Ms. Washington, to approve Hallmark Heritage – Major Site Plan – DEV2022-021 (Quasi-Judicial Hearing) , in accordance with the staff report as presented. The motion carried (6-1) with the breakdown as follows:

Tony Barhoo, Chair	Yes
Michael McLean, Vice Chair	Yes
Cathy Washington, Secretary	Yes
James Newman	Yes
Tony Servance	Yes
Milverton Robinson	No
Vernon Weatherholtz	Yes

7. **1st Amendment to Karis Cold Storage PD – Planned Development-General (PD-G) Rezoning Amendment – DEV2023-034 (Quasi-Judicial Hearing)**

A request by Jessica Gow, Esq., Cobb Cole, on behalf of KCS ICEBOX DAB1, LLC (property owner), to amend the Karis Cold Storage Planned District (PD) Agreement to modify parking for industrial uses, memorialize existing billboards on the property, increase permitted wall signage standards, and allow for electronic message center (EMC) signs. The

request also identifies one (1) additional historic tree to be removed that will require approval by the City Commission.

Staff Presentation:

Rose Askew, Project Manager, presented the staff report which was included as part of the packet. Ms. Askew stated the project is currently under construction. She stated the current zoning on the property is Planned Development-General and the Future Land Use is General Industrial. She reviewed the proposed amendments to the current plan. She gave a brief history of the development and stated the proposed amendment to the Karis PD is to replace the approved PD plan approved with the original PD rezoning and replace it with the site plan that administratively approved by staff in May of this year. Ms. Askew stated the approved site plan consists of construction of a 439,982± square foot shell industrial warehouse building, a 197,206± square foot cold storage building and a 140,400± square foot distribution building, with all associated site improvements. She stated requested modifications to the approved PD Agreement include changes to parking, existing billboards, wall and electronic message center signs. She stated there was also a request to the City Commission to remove one historic tree and that the request was not Part of the PD amendment request. Board discussed sidewalk requirements; reduction in parking; signage; and removal of a historic tree.

Mr. McLean asked if there were any standards in the LDC that would require a sidewalk for the portion of the property that fronts on Williamson Boulevard.

Dennis Mrozek, Planning Director replied any project that is developed with frontage along the right-of-way is required to install a sidewalk. He also stated the approved site plan for the project included development of a sidewalk along Williamson Boulevard.

Mr. McLean stated based on the proposed changes to parking it was possible that the current parking that was approved could be reduced by 490 spaces. He stated he believes that would be a large number of parking spaces that could possibly be removed.

Ms. Askew replied that was a question that could be addressed by the applicant.

Mr. McLean also commented on the request for increased signage. He stated he would defer a response to the applicant.

Mr. Newman stated he would prefer the historic tree be kept.

Ms. Asked restated that the request to remove the historic tree was only included in the staff report for informational purposes and was not included as part of amendment request. She stated that request goes directly to the City Commission.

Mr. Barhoo asked if the existing billboards faced I-95.

Ms. Askew replied yes and that the applicant was not requesting to change anything relating to the existing billboards. They were requesting to memorialize their ability to keep the existing billboards.

Applicant Presentation:

Rob Merrell, Cobb Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida stated they were requesting to remove the historic tree because they needed the area for the stormwater pond. He stated most of the information included in the packet is a collaborative effort with city staff. He stated in regards to parking, sometimes the market is what drives things and there were a couple other industrial projects that did the same thing.

Mr. McLean stated he feels this is an excessive amount of parking spaces being removed.

Mr. Mrozek stated a similar reduction in parking was done at the B Braun project on Clyde Morris.

Chair Barhoo expressed concern about the amount the size of signage requested.

Mr. Merrell stated it was a large development with multiple tenants. He stated a lot of the signage was for directional purposes.

Jessica Gow, Cobb Cole, 149 S Ridgewood Avenue, Daytona Beach, Florida provided clarification on the signage requests.

Mr. Robinson stated the design is removing a total of eight trees. He asked if the trees could be placed somewhere else.

Ben Gross, City Attorney stated for clarification the approved PD included the removal of eight trees. The request would be to remove one additional tree for a total of nine trees.

Chris Rowley, Zev Cohen & Associates, discussed the proposed tree removal and stated the project could not proceed as planned without the tree removal.

Mr. Weatherholtz stated he feels the signage is extreme and may be setting a precedent.

Mr. Merrell stated the project is along the interstate and feels the signage is needed.

There was additional discussion with the applicant relating to signage and tree removal.

Public Comments:

Janet Meredith, 1600 Big Tree Road, Daytona Beach, Florida, stated she is opposed to the removal of a historic tree.

Jenny Nazak, 501 Harvey, Daytona Beach, Florida, expressed concern regarding the removal of the historic tree and parking.

John Nicholson, 413 N Grandview, Daytona Beach, Florida spoke regarding the removal of the historic tree.

Board Action:

A motion was made by Mr. Newman, seconded by Ms. Washington, to approve 1st Amendment to Karis Cold Storage PD – Planned Development-General (PD-G) Rezoning Amendment – DEV2023-034 (Quasi-Judicial Hearing), in accordance with the staff report as presented. The motion carried (4-3) with the breakdown as follows:

Tony Barhoo, Chair	No
Michael McLean, Vice Chair	No
Cathy Washington, Secretary	Yes
James Newman	Yes
Tony Servance	Yes
Milverton Robinson	No
Vernon Weatherholtz	Yes

8. **Fence Height – Land Development Code Text Amendment DEV2023-193 (Legislative Hearing)**

A request by the Growth Management and Planning Department, to amend Article 6, Development Standards, Section 6.8 Fences, Walls, and

Hedges of the Land Development Code to increase the maximum height for fences in the side and rear yard from six feet to eight feet.

Staff Presentation:

Rose Askew, Project Manager, presented the staff report which was included as part of the packet. Ms. Askew stated the proposed amendment would allow an increase in the height of fences located in side and rear yards from six feet to eight feet. She stated the request is being made to address privacy and security issues requests from property owners. She stated she visited several neighborhoods. What she saw was quite a few properties with special circumstances beyond the property owners' control such as different elevation levels from surrounding properties and properties with sloped areas. She stated the amendment request will allow some flexibility for property owners to provide fencing that will improve privacy and security for the properties.

Mr. Weatherholtz stated he did not have a problem with the eight-foot height but he did have a problem with structural guidelines for the increased height. He stated he feels eight-foot fences should be required to have concrete around the bottom of the posts, include a drawing, and be reviewed by the Engineering Department.

Ms. Askew stated this request came from the Permits & Licensing Division and she worked with Permits & Licensing to put this request together and all the things stated are reviewed through the Permit & Licensing Department as part of permit review.

Mr. Mrozek stated eight-foot fences are currently permitted in industrial zoning districts.

Public Comments:

Holly Beckwith 1223 Ruger Place, Daytona Beach, Florida, spoke in support of the proposed fence amendment and the proposed Silver Beach development.

Board Action:

A motion was made by Mr. McLean, seconded by Mr. Newman, to approve Fence Height – Land Development Code Text Amendment DEV2023-193 (Legislative Hearing), in accordance with the staff report as presented. The motion carried (5-2) with the breakdown as follows:

Tony Barhoo, Chair	Yes
Michael McLean, Vice Chair	Yes

Cathy Washington, Secretary	Yes
James Newman	Yes
Tony Servance	Yes
Milverton Robinson	No
Vernon Weatherholtz	No

9. Other Business

a. Downtown/Balough Road Redevelopment Area Board Report

Mr. Newman stated the Board did not meet in July.

b. Midtown Redevelopment Area Board Report

Ms. Washington stated the Board did meet and discussed their assignments.

c. Beachside Redevelopment Area Board Report

Mr. Servance stated the Board did meet but he did not attend the meeting.

d. Public Comments

John Nicholson, 413 N. Grandview, Daytona Beach, Florida stated he is concerned about the delay in the Silver Beach project, parking requirements for hotels that have restaurants, Floor Area Ratio, and submerged lands.

Gus Colarusso expressed concern about the Silver Beach project being delayed.

James Tiger, 1227 Ruger Place, Daytona Beach, Florida spoke about the Silver Beach project and opposes the height of the proposed project.

Jenny Nazak, 501 Harvey, Daytona Beach, Florida spoke about the Silver Beach project and plants and vegetation on the beachside.

Janet Meredith, 1600 Big Tree Road, Daytona Beach, Florida, spoke regarding the delay of the Silver Beach project and the historic tree removal.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida stated she supports the continuance of the Silver Beach project in order to allow another meeting with residents.

e. Staff Comments

Mr. Gross stated this will be the last regular Planning Board meeting he will attend. Mr. Gross stated Mr. Russell, Assistant City Attorney, will be attending future Planning Board meetings.

f. Board Members Comments

There were no Board Member comments.

Adjournment

There being no further business, the meeting was adjourned.



Tony Barneo, Chair



Cathy Washington, Board Secretary