

*Planning Board Meeting Minutes
April 23, 2009*

A regular meeting of the City of Daytona Beach Planning Board was held on Thursday, April 23, 2009, at 6:00 PM in City Hall Commission Chambers, 301 S. Ridgewood Ave., Daytona Beach, Florida.

Board members Present were as follows:

John McGhee, II
Jeff Hurt
Tracey Remark
Edith Shelley
Bob Hoitsma
Janet LeSage
John McGuinness
Larry Moore
Cathy Washington

Absent Members:

James Neal
Sam Rogers

Staff members present:

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

1. **Call to Order**

Robert Hoitsma, 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. **Approval of the Minutes:** March 12, 2009 Special Meeting and March 26, 2009 Regular Meeting.

Mr. Hoitsma asked if there were any changes or corrections to the March 12, 2009 Special Planning Board Meeting Minutes.

Mr. Hurt had one change on page 27, Item 10G, 1st paragraph, 1st sentence. He stated Mrs. Gallentine should be Ms. LeSage.

Board Motion

It was moved by Mrs. Remark to approve the March 12, 2009 Special Planning Board Meeting Minutes with changes. Seconded by Mrs. Shelley.

Board Action

The motion was approved 9-to-0.

Mr. Hoitsma asked if there were any changes or corrections to the March 26, 2009 Regular Planning Board Meeting Minutes.

Mr. Hurt stated he had one on page six, 3rd paragraph. He stated it should reflect that the second to the motion was not withdrawn.

Board Motion

It was moved by Mr. Hurt to approve the March 26, 2009 Regular Planning Board Meeting Minutes with changes. Seconded by Mrs. Shelley.

Board Action

The motion was approved 9-to-0.

Mr. Hoitsma welcomed Mr. John McGuinness to the Board.

Mr. McGuinness stated he was happy to be a part of the Board and looked forward to working with all of the Board members, City staff and residents.

4. **Site Plan, DEV 2009-013, ERAU Hagedorn Aviation Complex**

A request by Parker Mynchenberg, P.E., Parker Mynchenberg and Associates, on behalf of Embry Riddle Aeronautical University, to approve a site plan for 9.5± acres of land located at 600 South Clyde Morris Boulevard, to allow for the construction of three campus buildings totaling 97,550± square feet.

Staff Presentation

Thad Crowe, Planning Manager gave a PowerPoint presentation. He stated the applicant was Embry-Riddle Aeronautical University and the purpose was to continue their expansion plans for the campus. He stated it was an aviation complex that would replace an older obsolete building and a hanger. He stated it was located in the interior part of the campus, west of Clyde Morris Boulevard and immediately adjacent to the airport. He stated there were two phases to the site plan which are: Phase I was construction of 21 parking spaces, a three-story laboratory building, a two-story operations center and a one-story hanger. He stated Phase II would be the demolition of the existing classroom building, the construction of a parking lot and retention pond. He stated the Planning Board was responsible for reviewing all site plans in excess of 20,000 feet with the criteria listed below:

- No variances have been requested.
- Project has gone through the technical review process.
- Project is compatible with the City's Comprehensive Plan.
- The ingress and egress to the site is suitable (loop road).
- The storm water management plan is sufficient and has been approved by the City's development review engineer.
- Tree and landscape code met, with allowable internal transfers of landscaping.
- Utility service available and sufficient.
- Sufficient parking on site & overall campus.

Mr. Crowe stated the Planning Board was the final approval for the site plan and staff recommended approval subject to the resolution of minor TRT conditions and issues.

Mrs. Remark asked if there was enough signage and if the applicant was limited to the amount of signage they could have.

Mr. Crowe replied they were not limited but he would allow the applicant to reply to the question. He stated he believed they would have wall signs but no ground signs.

Mrs. Remark stated because it was a college campus, she wanted to make sure they had enough signage.

Applicant Presentation

Parker Mynchenberg, 1729 Ridgewood Avenue, Daytona Beach, stated he was the design engineer and landscape architect for the project. He stated Mr. Crowe did a great job of describing the project. He stated in reference to the signage ERAU had a standard sign plan that they use for all of their new buildings and he copied exactly what they had on the other buildings. He stated per City code, the addresses are on the buildings and one of the buildings has Hagedorn's name on it.

Board Comments

Mr. Moore stated the project would be 95 parking spaces short for the three buildings but there were 1,492 surplus parking spaces throughout the campus. He asked where the closest lot was in case all parking spaces for the three buildings were required at the same time.

Mr. Mynchenberg replied all of the programs that would be in the new buildings presently exist in the buildings that are being demolished but to answer your question it would be the dormitory parking lot and the Falcon parking lot across the street on the other side of Clyde Morris Boulevard. He stated with this project, they would actually have over 100 more parking spots that what they presently have.

Mr. Hoitsma asked if there were rules applied to what type of vegetation could be placed where.

Mr. Mynchenberg replied in the City's ordinance there were requirements for different types of trees.

Mr. Hoitsma stated he noticed they only had approximately eight trees.

Mr. Mynchenberg replied ERAU did not have a lot of variety in the types of trees they used because they had a specific pallet which they do not deviate from. He stated they do this because they know the maintenance requirements of those types of trees.

Board Motion

It was moved by Mrs. Shelly to approve Site Plan, DEV 2009-013, ERAU Hagedorn Aviation Complex subject to staff and TRT comments. Seconded by Mr. Moore.

Board Action

The motion was approved 9-to-0.

5. **Land Development Code Ordinance, DEV 2009-046 – Construction Fees Revisions**

Administrative request by the Development Services Department, Permitting and Licensing Division, to amend the Land Development Code (LDC) Article 20 (Fees), revising construction permit fees.

Staff Presentation

Thad Crowe, Planning Manager gave a brief PowerPoint presentation. He stated the four revisions listed below were being proposed by the City's building official to update the current fee schedule.

1. Establish minimum penalty (greater of \$250 or double permit fees) for work done without permit.
2. Establish \$20 administrative initial and nonrefundable processing fee for all construction permits, to be applied toward total permit fee.

3. Establish zoning determination fee of \$15.
4. Remove fee for accessory structures, as it is already covered in plan review fees.

Mr. Crowe stated staff recommends approval.

Board Comments

Mr. Moore asked on number three, if all applications would require zoning determination.

Mr. Crowe replied not all applications would require zoning determination. He stated window replacements, roofing or a lot of interior re-models would not require it.

Mr. Moore stated he felt the City was nitpicking because developers already pay a fee to begin with.

Mr. Crowe stated they do pay a fee but sometimes zoning requires more staff time. He stated sometimes there won't be anything but sometimes it requires a lot of leg work and this fee would help recover some of the cost when leg work is required because currently it is not covered in the fee structure.

Mr. Moore asked for an estimate of how many did not require leg work.

Mr. Crowe replied he did not have that information but his best guess would be approximately 50 percent.

Mr. Walton stated most of the City's neighboring communities have the fee in their schedule and it was approximately \$30.

Mrs. Remark stated she sat on the Code Enforcement Board for five years and what she saw was zoning always ended up in front of the Code Enforcement Board.

Mr. Hoitsma stated he noticed on page two at the bottom the language read the fee would be a nonrefundable deposit that would later be applied to the permit fee. He stated in the recommendation the language regarding it being applied to the total permit fee was left off. He asked if the language should read the same way.

Mr. Crowe replied the nonrefundable fee was the initial processing fee and to his knowledge, the zoning fee was nonrefundable.

Board Motion

It was moved by Mr. Hurt to approve Land Development Code Ordinance, DEV 2009-046 – Construction Fees Revisions. Seconded by Mrs. Shelley.

Board Action

The motion was approved 9-to-0.

6. **Land Development Code Ordinance, DEV 2009-044 – TPA Appeals**

Administrative request by the Development Services Department, Planning Division, to amend the Land Development Code (LDC), Article 17 (Conditions and Requirements for Specific Uses), adding language for an appeals process for temporary outside activities.

Staff Presentation

Thad Crowe, Planning Manager gave a brief PowerPoint presentation. He stated this was a proposal to transfer the waiver process from the City Commission to the Special Magistrate for Temporary Promotional Activities (TPA). He stated TPAs are outside displays associated with principal uses, granted to year-around businesses and are not transferable to other parties; staff reviews and approves TPAs based on LDC criteria; and currently the LDC prohibits code violators from getting TPAs, unless the City Commission provides waiver from such prohibition. He stated staff was recommending approval to transfer the waiver process for TPAs from the City Commission to the Special Magistrate.

Board Comments

Mr. Hoitsma asked if the Commission received a lot of TPA appeal request during the year.

Mr. Crowe replied to his knowledge there were very few.

Mrs. Remark stated it was the same handful of applicants every year.

Mr. Hoitsma asked the cost for the Special Magistrate to hear the appeal.

Mr. Crowe replied the fee was assessed and he believed the applicant was responsible for paying the fee.

Mr. Walton stated he knew it was a standing meeting and to his knowledge none had ever been cancelled for lack of applicants.

Mrs. Remark stated the City pays the Special Magistrate for whatever time it took to hear the appeals.

Mr. Hoitsma recommended having the applicant cover the cost.

Mrs. Remark and Mrs. Shelley agreed with amending the fee schedule to have the applicant cover the cost for the Special Magistrate to hear their appeals.

Mrs. Shelley requested to have the language added that called for the applicant to cover the cost of the Special Magistrate especially because there had been some issues with some of the appeals.

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Mrs. Remark reminded the board that the appeal would be coming from a person that was in violation of City code and was requesting special privilege.

Mr. Hoitsma called for a motion.

Mrs. Shelley asked if the motion should be for the applicant to cover the cost of the time or should it be for staff to set a fee.

Mr. Walton replied he felt staff should bring to the next meeting an amendment to the LDC, Article 20 (Fee Schedule).

Mrs. Shelley asked if the item should be continued to the May 28th meeting.

Mr. Walton replied if that was the desire of the Board but he would like to get the process going.

Mrs. Shelley stated she would feel more comfortable approving the item if the cost for the fees was in the language.

Mrs. Remark stated to do that you would have to wait until the hearing to determine the cost and sometimes the appeal takes quite a bit of time.

Mrs. Shelley stated that was why she wanted to discuss the request because the Board might want to implement an application fee and then also have the applicant pay above and beyond.

Mr. Moore stated he would still like to know what the per billable hour was for the Special Magistrate.

Mrs. Shelley stated she did not think the item should be a rushed issue and she would rather vote on it at the next meeting after staff had provided the Board with more data.

Board Motion

It was moved by Mrs. Remark to continue Land Development Code Ordinance, DEV 2009-044 – TPA Appeals to the May 28, 2009 Planning Board Meeting. Seconded by Mr. Moore.

Board Action

The motion was approved 9-to-0.

7. **Other Business**

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

Mrs. Shelley reported that she was giving her report from the meeting minutes because she had been out of town and did not attend. She stated if anyone had questions that she could not answer, she would be happy to get the information and get back with them. She stated the Board met on Tuesday, April 7th at 12 noon; there was discussion from the Police Department and Code Enforcement on issues with Club Essence located on Beach Street. She stated the Board asked staff to review the club's alcohol license and that Deputy City Manager Paul McKitrick stated they had a quota license and were in compliance, however if they had the SRX license, there would be an issue. Mrs. Shelley stated Ms. Cook stated Club Essence had not come before the Board and the exclusion was made for Zebas. She stated Mr. McKitrick stated the conditional use was attached to the property and Assistant City Attorney Carrie Lathan stated there was a provision in the LDC that could attach the approval to the applicant but Mr. McKitrick stated if it was not specified, then it was attached to the land use. Mrs. Shelley stated the Board had been wrestling with this issue for quite some time and wanted to make sure establishments of this type were not continued in the downtown area because it was not the desire of the Board. She stated the Board also reviewed and approved the priority list that was established at a previous meeting; they discussed bike racks and Beach Street improvements and the Board requested that the Daytona Beach Partnership Design Review Committee look at the designs and issues concerning bike racks and report back to the Board. She stated Commissioner Richard Shiver, Mr. Goodemote and Mr. Abraham voted against the recommendation. Mrs. Shelley stated the Board discussed redevelopment incentive programs and Jason Jeffries, Redevelopment Project Manager was scheduled to meet with the Economic Structuring Committee of the DBPA to bring criteria back on retail, historic preservation and loft apartments in the downtown area. Mrs. Shelley stated there was also discussion on the Butterfly Conservatory and Catholic Charities, board membership, Old Daytona Streetscape, and the Riverfront Master Plan Process. She stated a public meeting was being set to discuss the process and get citizen input.

Mr. Hoitsma asked Mrs. Shelley what her understanding was in reference to Catholic Charities.

Mrs. Shelley stated it could come back to the Board. She stated the Downtown/Balough Road Redevelopment Area Board approved it; this Board and the City Commission rejected it but the argument was that the record was not clear why it was rejected.

Mr. Hoitsma asked if it would go back to the City Commission.

Mrs. Shelley stated the City Commission would determine if the request had to go back through the entire process.

B. **Midtown Redevelopment Area Board Report**

No Report.

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

Ms. LeSage reported their meeting was held on April 8th and they reviewed two items, a request from some of the Boardwalk owners for some temporary blowup amusement rides that could be deflated and moved in the event of a storm. She stated the second item was an update on the improvements between Ora and Breakers Ocean Front Park. She stated they were trying to put the wiring underground for most of the lighting but there were some issues with the turtles but they were going to remove the row palm trees on the boardwalk because it was a high maintenance issue. She stated she had mixed emotions because the trees looked very nice. Ms. LeSage distributed papers regarding the proposed purchase of public land located at 42 South Halifax which was the block just south of Main Street. She stated the lot was less than two acres and it was quite expensive but she felt it was a good and rare opportunity. She stated the park was more of a boater's park and was high use. She stated the thought was it was more of a passive, low impact park with low lighting and the City Commission voted to approve the purchase. Ms. Lesage stated the last two items on the agenda were in regards to the same piece of property dealing with conditional use and architectural embellishment for the Big Kahoona, a historic building located in the first block, east of the pier, on Main Street. She stated the current occupant had a very nice restaurant and wanted to do a sidewalk café. She stated the request was passed unanimously.

Mrs. Shelley asked if there was a building on the land.

Ms. LeSage stated she thought at one time, there was a building.

Mr. Walton stated the building had been removed.

Mrs. Shelley asked if the land had to be vacant in order to participate in the Trust for Public Land.

Ms. LeSage replied she did not have the answer for that question.

Mr. Crowe stated he did not believe there was a building on the land and his experience with FCT, which is the program Florida Forever, was typically the land was vacant in kind of a natural state.

Mrs. Shelley stated she thought the price was extremely high.

Ms. LeSage stated it was kind of pristine.

Mrs. Remark stated the City Commission would have to get a second appraisal.

Ms. LeSage stated the Board thought the price was high also but the opportunity was there to have a park on the river and they could negotiate.

D. **Vision Committee Report**

Mrs. Shelley reported the last meeting of the Vision Steering Committee would be on Monday at 6:00 pm at the Police Department. She stated the City Commission had made their zone appointments; the subcommittee had met and went through all of the applications received and the Steering Committee would make their selections at the meeting on Monday.

E. **Public Comments**

Mr. Hurt stated he wanted to make sure John Nicholson received a copy of the letter from Sara Lee Morrissey, Volusia County School Board representative because he believed Mr. Nicholson had some misconceptions on some things that were explained in the letter.

Ms. LeSage stated there was a schematic of what the Peabody Auditorium sign would look like. She stated the only issue she had with the sign was they were kind of getting away from digital display worded signs calling it changeable copy. She stated she had not got clarification on what that meant.

Mr. Walton stated the plan she saw was still being worked on.

F. **Staff Comments**

Mr. Walton stated Mrs. Morrissey could not be present tonight but she still planned on addressing the Board. He stated a letter from Mrs. Morrissey was placed in each Board member's folder. He stated at the last City Commission Meeting the contract for the LDC rewrite was approved and staff would be calling subcommittee members to set up a meeting as soon as a date was set with the consultants. He stated all Planning Board members are invited to attend but it was very important that subcommittee members be present.

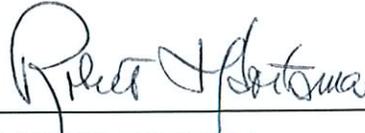
Mr. Crowe stated the Florida Planning and Zoning Association were having their annual conference June 10th through June 12th in Tampa, Florida. He stated anyone interested could go to www.fpza.org. He stated he knew they would have planning commissioner training.

G. **Board Member Comments**

Mr. Hurt stated Mr. Riddle was from his hometown and his sister was their County Court Clerk.

Adjournment

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



ROBERT HOITSMA
Chair

ATTEST:



CATHY WASHINGTON
Secretary