

MINUTES

SPECIAL MEETING – PLANNING BOARD

June 4, 2009

Minutes for a Special Meeting of the Planning Board for The City of Daytona Beach, Florida, held on Thursday, June 4, 2009, at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board members Present were as follows:

John McGhee, II
Tracey Remark
Edith Shelley, **Vice-Chair**
Bob Hoitsma, **Chair**
Janet LeSage
John McGuinness
Larry Moore
James Neal

Absent Members:

Jeff Hurt
Sam Rogers
Cathy Washington, **Secretary**

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**

Mrs. Shelley called the roll and noted members present as listed above.

Mr. Hoitsma stated the three minute clock would be enforced tonight because he anticipated it would be a very long meeting and anyone wanting to speak would need to complete the Request to Speak form on the front table. He asked the Board and citizens in the essence of time, not to reiterate things that were discussed at the last meeting.

Discussion Item

3. School District representative invited to attend (follow-up to the letter addressed to the Board dated March 31, 2009).

Mr. Hoitsma stated last month the Board received a copy of a letter sent by Saralee Morrissey with the School Board of Volusia County, regarding questions the Board had. He stated Ms. Morrissey was present tonight to answer those questions.

Saralee Morrissey, School Board of Volusia County apologized for not attending the March meeting. She stated she received questions from the Board through Mr. Walton and she attempted to answer them in her letter dated March 31st. She stated she would be happy to go over specific points or just answer some questions because she knew there were a few hot questions in the City and she thought maybe she should start out giving the status on the closure of schools. She stated for the record and asked that the verbiage be put in the minutes that last year the school board voted to close seven schools one of which was Bonner Elementary and they had not proceeded to move forward on any further closings and are not discussing further closing. She stated the school board was not proceeding with any attendance boundary changes that were based on closing schools and that was about as clear as she could get on that issue. She stated attendance boundary changes was a topic that the school board was beginning a full court press on and they had just completed an attendance boundary change for all of the elementary schools that were south of Beville Road and that did include some geographic areas that were within The City of Daytona Beach. Ms. Morrissey stated none of the schools that were affected were in the City but there were neighborhoods south of Beville that were included. She stated during the next year, they would be proceeding north which would be in the central Halifax area, which they defined as from Beville Road up to somewhere between Flomich and Hand Avenue (from the ocean to the interstate). She stated they would actually look at elementary and middle schools and one of the closures was Holly Hill Middle which was scheduled to close at the end of the 2011 school year. Ms. Morrissey stated part of the attendance boundary change would not only be to redistribute but to also maximize the utilization in area schools at the elementary level and prepare for the closing of Holly Hill Middle School. She stated this would affect Ormond Beach Middle School, Hinson Middle School and Campbell Middle School and they were moving forward on a K-8 at Holly Hill Elementary. She stated they were adding a classroom building that would provide for some sixth, seventh and eighth graders at that school, which would be a significant attendance boundary change that would occur during the school year. She stated a few preliminary meetings had been held but nothing more than that. She stated the new Hurst Elementary replacement school would open this August and it kind of related to some of the items on tonight's agenda. She stated the replacement school was the school district working with Consolidated Tomoka to address a large portion of the development of the regional impact that was a part of LPGA. She stated they were fortunate to be able to take the sales tax money that was designated to replace Hurst Elementary and relocate the school into an area of future residential growth. Ms. Morrissey stated two board meetings ago, the school's name was changed to Champion Elementary to reflect the fact that it was sitting amidst the golf and tennis communities and that the children selected the name. She stated they would continue

working with Consolidated Tomoka and others west of the interstate as they moved forward with planning. She stated from a school planning standpoint, they looked to plan for additional schools when and if they are ever necessary and they would be sitting down with Mr. McMunn and his colleagues soon to look at LPGA north and west of the interstate. She stated they took a very hard hit in their budget this year and there would not be new school construction in the near future and the building program associated with the half penny was close to completion and there was not any money for additional building. She stated unless something changed, their focus would be on trying to take very good care of all 9,000,000 square feet of their assets.

Mrs. Remark asked how the changes to the attendance boundaries for the central Halifax area would affect Daytona Beach.

Ms. Morrissey replied there were several schools in Daytona Beach that the school district referred to as underutilized, which meant there was a lot of available capacity. She stated the second issue was small schools, which was a large part of the conversation last year pertaining to school closings because they were very expensive to operate. She stated gave an example using Longstreet and Turie T Small Elementary Schools and stated the district was looking closer at utilization, diversity and choice and that there was an opportunity to revisit attendance areas and address what they felt would be good for the community and allow them to more fully utilize the spaces they already had because she did not think they would be able to build any new schools for quite some time. She stated the school board had to look at schools with seats available and develop a plan to fill them with the existing population. Ms. Morrissey stated for the past three decades, the district had been in the practice of following the growth trend and building out, as you build the new school that is out and rezone, you take from within and move out. She stated what happened over a period of years was schools in older well established communities were now underutilized and they needed to be looking at where they could build an addition if they had to. She stated if a school became popular again, building an addition on an underutilized school would be better from a financial stand point than building a new school. She stated, in summary it was a combination of all of the things she discussed and it very much affected Daytona Beach and she hoped it would be a positive impact.

Mr. Moore asked the total number of students currently being transferred out of the City.

Ms. Morrissey replied she did not have a total and if his question was broader than elementary, at the high school level it got really complicated because high schools were very much about choice and academies. She stated it really had to deal with what level you were looking at.

Continued Items

4. **Semi-Public Use, DEV 2008-066 - Catholic Charities**

A request by Ms. Anna Landman, P.E., of MSCW, Inc, on behalf of Bishop Thomas G. Wenski as the Bishop of the Diocese of Orlando, for a Semi-Public Use Permit, for a social service outreach center, for a 0.77± acre property located along the west side of North Ridgewood Avenue, north of San Juan Avenue. *(Continued from the May 28, 2009 Planning Board Meeting)*

Staff Presentation

Richard Walton, Planning Director stated in the packet each Board member received was a draft resolution for this item that had been discussed considerably with the applicant outlining their request in items that were prohibited from their proposal. He stated there was also two maps in the packet, one was based on information from the state website and the second map was based on United Way and located in the general vicinity. He stated the packet also included the May 6, 2009 City Commission Meeting Minutes, which reflected the discussion from the Circuit Court and the City Commission exhibit packet. Mr. Walton stated the City Commission felt since the request changed after the Planning Board made their determination; it should come back to the Board to hear what was now being requested and make a recommendation based on the new information.

Applicant Presentation

Allison Turnbull, with Baker & Hostetler, 200 South Orange Avenue, Orlando, Florida stated as indicated by staff the Board had seen the project before but due to substantial changes from the original request she would like to take a brief period and walk the Board through the new proposal. She stated since the proposal last year, they had been working with the City's planning and legal department staff to address the Board's concerns regarding putting this particular use in this particular area. She stated they had added some very specific criteria to make sure the City retained control over what would and would not be allowed to occur on the property. Ms. Turnbull stated the result of the meetings was the draft resolution the Board received, which incorporated a very clear list of permitted and prohibited uses. She stated as Mr. Walton stated, at the last meeting the Board was given maps that showed other social service providers in the area and in reviewing the list of social service providers she determined that she would like to take a moment to give the Board a little background information about the Catholic Charities Organization and how it related to the Diocese of Orlando and the unique services they provided. She stated the Catholic Diocese promotes its mission of servicing the poor and the needy through its Catholic Charities Organization, which has been actively involved in helping the Daytona Beach community since 1962. She stated the center was currently located on White Street and it provided services that were truly unique in that they were aimed at a very specific niche of the community the "working poor" that was not serviced by any other social service providers in the area. She stated the term "working poor" was used to describe a person or family that lives at or near the poverty line. She stated typically they were persons or families that held jobs but had difficulty making ends

meet due to a number of different circumstances like an unexpected financial expense or some form of catastrophe that had caught them off guard. Ms. Turnbull stated she knew there was a very high level of concern for homelessness in Daytona as well as a lot of other places and this concern allowed Catholic Charities to further highlight the purpose for their services, which was to prevent the working poor from becoming homeless. She stated the services currently provided at the White Street location had been so necessary to the community that they now needed a larger building. She stated the White Street location had approximately 530 cases pending, of which 75 percent were from the Daytona Beach 32114 zip code and they received approximately 315 calls per month from individuals seeking assistance, which was over and above the cases they were actually able to handle. She stated they received 115 requests for other forms of assistance above and beyond what they could currently provide, which was approximately 430 cases a month that were being turned away. She stated in an effort to make the Board comfortable with the proposal she would go through each permitted use on the draft resolution to try to give the Board a better comfort level. She stated the permitted uses would be case management for women and children services, mental health counseling for women and children, marriage and family counseling, abstinence education programs, pregnancy counseling, adoption counseling and services, elderly counseling and referral services, financial assistance for clients, life skills, job training and vocational/rehabilitation services, non-emergency medical and dental services and disaster/emergency services. She stated all of the services would be provided by appointment only between the hours of 8:00 a.m. to 9:00 p.m. Ms. Turnbull stated the reason the facility needed to be open past 5:00 p.m. would be so the working poor would be able to utilize the services and not interfere with their regular jobs during the day. She stated with regards to the job training and rehabilitation services, she wanted to emphasize that the target group for those services were for people that were not yet homeless but temporarily out of a job. She used the example of a newly divorced, separated or widowed woman who had not worked before and required some training to enter the workforce. She stated on the same page, there were some prohibited uses that they had agreed would not be provided under any circumstances at the center. She stated they were services targeted specifically for the homeless, which were: no form of food distribution, distribution of identification or bus vouchers and no hospice or medical respite facilities. Ms. Turnbull stated Catholic Charities would not offer the Pathways to Care Program, and no residential or other accommodation facilities of any sort at this location. She stated in addition during their conversations with staff it was indicated that the City had a couple more items they wanted so the Diocese agreed to make additional commitments to close the walk-up window at the church next door, which was very significant because the window had been in operation for almost 100 years. She stated the Diocese was also willing to commit that neither the church nor the school property, which were directly adjacent to the Catholic Charities site, would be used for a homeless shelter of any sort. Ms. Turnbull stated the Diocese was making some very strong commitments to the City in order to demonstrate their commitment to the community not only in the form of uses that they could or could not have at the actual center but also in the form of limitations on their adjacent properties as well. She stated they were asking for the Board's recommendation for approval of the proposed resolution and would be happy to answer any questions the Board had and the opportunity to respond to any questions or concerns from residents.

Mrs. Remark asked what identification vouchers were.

Ms. Turnbull replied she was not clear what identification vouchers were and they would not be offered at the site and with the walkup window closing, they would not be offered there either.

Mrs. Remark asked Ms. Turnbull if she was not clear, why it mattered if they were being distributed. She asked if identification vouchers determined if someone was a resident in the 32114 area code.

Ms. Turnbull replied she was not sure, they were asked to put that language in the agreement because they knew some form of identification vouchers were given out somewhere so they made the commitment not to offer them at this site.

Mrs. Remark stated so currently this was not something Catholic Charities did.

Ms. Turnbull replied no.

Mrs. Remark asked if they had plans on moving the walk-up window and food bank to another location in the City.

Ms. Turnbull replied they were not sure at this time but they had spoken with Mr. Walton and Mrs. Hartman about having some sort of transition time period where they could figure out where the services could be moved to. She stated she was assuming the Diocese would like to move the services somewhere else like Halifax Urban Ministries or somewhere the City would approve.

Mrs. Remark asked where the divorced woman that they might provide job training services for would live. She asked how they would determine if she was or was not homeless.

Ms. Turnbull replied it would depend on the individual. She stated as she stated earlier 75 percent of the cases they handled were from the 32114 zip code, which was the heart of the City.

Mrs. Remark stated that was the current facility and asked if the request was no longer being proposed as a regional facility. She stated if it was still being proposed as a regional facility, what region it would cover.

Ms. Turnbull replied it would cover Daytona Beach and greater Volusia County.

Mrs. Remark asked how regional the facility would be for the Diocese and if it would cover Flagler County.

Ms. Turnbull replied she was not sure that Flagler County would be included and the main aim would be to expand the services at the White Street facility, most of which were being utilized by residents of Daytona Beach. She stated from the data given earlier, there was obviously a

local demand for these types of services and right now 430 of those cases were not currently being serviced.

Mrs. Remark stated she was not on the Board the first time the request came forward and apologized to the Board for having so many questions. She stated on the record when the item went before the City Commission Ms. Turnbull stated 75 percent was from the zip code 32114 but Mr. Rettig stated it was 32114 and 32117, which also included Holly Hill. She stated he went on further to include South Daytona. She asked who exactly would be serviced.

Ms. Turnbull replied Mr. Rettig was present tonight and she could ask him to come up and clarify his statement but their review of the records reflected Daytona Beach as the primary user of the White Street site.

Mrs. Remark stated when she spoke about unique services, just taking anything to do with babies; there was within a six to eight block area the Pregnancy Crisis Center, Women's 4/24 Daytona Center and the Department of Children and Family Services, which was the state department with financial assistance. She asked Ms. Turnbull what made their services unique from what the other organizations offered.

Ms. Turnbull replied that was just one of the services being offered and the primary goal was to assist the working poor in the community with the services that had been carved out. She stated Catholic Charities did offer other services at other locations but because of the concerns of the community they were limiting their services at this location to what was in the resolution. She stated she felt Catholic Charities was unique in that it was not aimed at homeless and was not only a pregnancy or drug or medical counseling center. She stated it serviced a wide variety of social services and was aimed directly at the working poor to keep them from becoming homeless. She stated in their research, they did not find another social service organization that was directly aimed at that group.

Mrs. Remark asked Ms. Turnbull if she would have a problem if part one of the conditions were if the Diocese wanted to continue the existing food bank it would be in concert in The City of Daytona Beach with existing facilities rather than moving it to another parish.

Ms. Turnbull asked what that would entail.

Mrs. Remark stated it meant they would not close the food bank there and open it up at another catholic church somewhere in the City; Catholic Charities would work with the existing food bank facilities whether they were catholic or not.

Ms. Turnbull stated she could not make that commitment tonight and that she would have to speak with her client. She stated she knew they would want to consider working with whomever they could work with in the same area because they had established a great need for those services here. She stated she did not know where the program would go but she would be happy to ask her client and let the Commission know their response.

Mr. Moore asked Ms. Turnbull if she knew how many of the services Catholic Charities was requesting were already being serviced in the Community Redevelopment Area (CRA). He stated as he looked and broke down the 315 calls for financial assistance, the additional 115 calls for other assistance and 75 percent of the total that was said to be from the 32114 zip code and then the remaining 25 percent from surrounding cities, using four and a third weeks as the average from the monthly totals given, that would come down to 221 per week or 37 cases a day assuming a six day week. He stated that would mean they would be adding 19 additional part-time counselors based upon the ratio of one part-time counselor handling 45 to 50 sessions per month, which meant they would be adding 19 additional part-time staff members and nine full-time staff members plus the part-time staff they already had.

Ms. Turnbull replied she would have to check on the exact numbers but yes they would have to hire some new staff in order to handle the increased caseload. She stated that would be the reason to move to Ridgewood instead of staying at the White Street location.

Mr. Moore stated according to that they would almost be doubling the request for staff on White Street plus the business currently being offered on White Street.

Ms. Turnbull stated the case load.

Mr. Moore stated so that still left one-third for expansion and he believed the questions came back to what was regional because that was something that started to get very near and dear to the citizens.

Ms. Turnbull asked if he could tell her what the particular concern was. She stated she heard the question asked before but would like a more specific question as to what the concern would be. She stated the way the new center would work would be even more restrictive but in order for people to utilize the services they would have to go through an extensive process where certain information and a number of things would be required before they could receive services. She stated she did not understand what the concern would be about it being a regional center if the people were in the City and wanted to use this facility as opposed to a facility in Orlando or somewhere else.

Mr. Moore stated he believed the problem the residents of Daytona Beach had was they would be the people that would have to foot the tax burden of any added services that would occur because Catholic Charities was tax exempt and therefore the facility would not contribute any assistance in lightening that tax burden. He stated there were already 15 similar facilities in this CRA, some of which duplicated part of what was being offered in this proposal. He stated the feedback he received from residents focused on the concern if it was regional why wasn't in an area where there was a large need or staying on White Street and supplementing what was currently being provided, which meant the facility would not grow from the site outward. He stated the problem was not Catholic Charities or what it did because both the Board and City Commission felt what Catholic Charities did was wonderful. He stated the problem was the location of the facility.

Ms. Turnbull stated the location was chosen because it was right next to the Basilica so it could finish out the block and make it kind of like a church campus for the Diocese. She stated they already owned the property and it was the most logical choice because it was near the White Street location. She stated there was no way to maintain the White Street location and increase the volume in that current location. She stated the Ridgewood Avenue location would be a good location because it was surrounded by other similar social service providers and as stated previously Catholic Charities did provide a unique niche that was not provided by the surrounding service providers. She stated as far as the Board's regional concerns go, it was basically a spatial issue and all of the Catholic Charities organizations coordinated with each other and with the Diocese to provide whatever need there was, wherever it was. She stated this facility being almost three times larger would allow them to not only to serve the increased case load that they would like to serve but to also coordinate with other Catholic Charities facilities or other Diocese in order to provide additional services not just for Daytona Beach but for areas as well. She stated she understood the Board's concerns but they had already purchased the property and so they had to focus just on this piece of property and its appropriateness.

Mr. Moore stated he hoped she understood that was what the Board had to make their decision based on.

Ms. Turnbull replied she did.

Mr. McGuinness asked with the case load almost doubling and staff increasing what would be the increase in people going in and out of the building from what it currently was at the White Street Facility.

Ms. Turnbull replied she did not have exact numbers but obviously there was a concern of people loitering or just more people coming to the site and that was why they had put the stringent appointment only requirements; in addition there would not be a waiting room facility or any place for people to queue. She stated they had agreed in the resolution to participate in the Police Department's TresPass Program and also to not allow people to congregate or loiter outside the building. She stated the way the resolution was structured was intended to control people entering and exiting so they could avoid some of those types of problems before they even started.

Mr. McGuinness stated but it would be almost double the number of people.

Ms. Turnbull replied conceivably yes.

Mrs. Shelley stated for the record Mr. Nicholson was shown as being in opposition in the transcript but she was at the meeting and he spoke in favor of the request.

Citizen Comments

John Nicholson, 413 North Grandview Avenue, Daytona Beach referenced the comments made by Sara Lee Morrissey, School District Representative. He stated he could not understand the question about creating new jobs and the exact number was 1,873 black students that were bussed out of the City from 21 zones. He spoke in favor of the Catholic Charities request. Mr. Nicholson stated he was not in favor of closing the food bank at the current location because there was only one other Catholic Church in the City that had a food bank and he did not want the food bank transferred to the beachside because they were already having problems. He stated he felt the building was acceptable in the requested location because it was an office building. He stated the property was zoned for it, it was on a business corridor, and it was the most logical place to put the business. He stated the request met all of the criteria for the location and he felt legally what the City was fighting against was the perception that the City did not want that type of business at that location. He stated the initial complaint was about the homeless and people being serviced that did not reside in the 32114 zip code. He stated this location would not service the homeless so they would not have fake IDs or temporary IDs for the Homeless Assistance Center and he felt the people being serviced were actual residents in the 32114 zip code. He referenced Mrs. Remark's question about the divorced woman. He stated she would be considered homeless if she lived at home with her parents. He stated the Downtown CRA had a discussion on this request and could not answer the question why they opposed it. He stated Daytona State College wanted to purchase the White Street location for expansion and he felt the logical thing for the church to do was sell them the property. Mr. Nicholson stated the map distributed to the Board with United Way social service providers was not accurate. He stated he called United Way and was told the first two providers at the top were not affiliated with United Way they were service halls, so there were only 13 service providers and not 15. He stated of the 13 remaining, nine of the providers he felt were terrible places to have in the City and on the next page there were five Serenity Houses which were not homeless service providers. He asked the Board to review the information carefully because at first glance it appeared to be massive when it really was not.

Barbara Scott, 620 Mulberry Street, Daytona Beach spoke in opposition of the project. She stated four years ago she purchased her home for its historic value. She stated she felt the neighborhood should be protected for its historic richness and value and having another social service agency in the neighborhood would have a negative effect. She stated she did not feel the Kingston area should be the nucleus to serve all of Volusia County's poor and homeless and felt the proposed facility and services were not adequate. She recommended a facility like the proposed Tiger Bay Village where rehabilitation, job training, medical and psychological evaluations and treatment could be given in a safe environment where skills could be learned to eventually give back to the community. She asked the board to review their initial reasons for denying the request and to stand strongly by those reasons and deny the appeal.

Weegie Kuendig, 718 North Wild Olive Avenue, Daytona Beach spoke in opposition of the project. She stated she was speaking on behalf of Save Our Neighborhoods. She stated they had no problem with the applicant expanding their services at their current White Street location and Daytona Beach had for many years supported services for those in need. She asked the board to go on record and deny the special use request because the neighborhood was a CRA and CRAs were supposed to invigorate and revitalize the neighborhood and felt this request would be harmful to the neighborhood, would not improve prospects for economic development and would not raise the value of taxable real estate. She stated they felt it would also have a negative effect on the Downtown area and also the beachside. She stated the City should stand up for itself and not be afraid to say no to projects that do more harm than good.

Frances Witherspoon, 309 Michigan Avenue, Daytona Beach spoke in opposition of the project. She stated she was approximately two blocks away from Catholic Charities because she and her husband purchased two pieces of property on Michigan Avenue and one piece of property on Michigan Avenue and Ridgewood Avenue. She stated neighboring residents did not want the facility and asked how quickly and what the criteria were for people to become a resident of the 32114 zip code. She stated the reason she purchased property in the neighborhood was because it was in a redevelopment area and felt if this project was approved it would be harmful to the neighborhood.

Chris Daun, 132 Pierce Avenue, Daytona Beach spoke in opposition of the project. He stated he felt the Board had done a good job asking the applicant questions unfortunately he did not feel the applicant had done a good job answering the questions. He stated he hoped the Board would ask for more forthright answers and not just accept the applicant's response of "I'll get back to you." He stated he was very concerned that the case was based on evidence and strategy. He asked the Board to challenge the applicant to prove the need and the niche for the regional service center in this neighborhood by requesting them to quantify how many of their clients were receiving services with the addresses listed on the handout they distributed to the Board. He stated the reason for his request was because he had seen people from other cities and states go to Catholic Charities for services and in order for them to be eligible they would have to have proper identification. If the person did not have proper identification, Catholic Charities would give the person an ID voucher that would list their address in Daytona Beach 32114 zip code. He stated that was why he wanted Catholic Charities to prove that the people on the list were actual residents of Daytona Beach. Mr. Daun submitted for the record a petition with 70 signatures from neighboring residents that were in opposition of the project. He stated if the Board approved the request he would like the condition added that all clients serviced at the facility be prioritized for services based on their residency and that Daytona Beach residents receive first priority.

Barbara Morgan, 225 San Juan Avenue, Daytona Beach spoke in opposition of the project. She stated she did not believe Catholic Charities proposal that they would not serve the homeless. She asked the board to deny the request.

Greg Gimbert, 255 Euclid Avenue, Daytona Beach spoke in opposition of the project. He stated he felt the applicant was reluctant to answer simple questions asked by the Board and also reluctant to work with anyone. He stated he felt there was a lack of communication between Catholic Charities and the residents. He asked the Board to work with Michael Arth, a person who was known for taking homeless people out of the core business areas of cities and move them to a place where they could receive social services in a safe, productive environment. He stated Mr. Arth's concept was that of a homeless village. He stated Mr. Arth tried for months to work with Catholic Charities and could not get any return calls. He asked the board to try to bring different points or views together and find a solution that worked. He asked the Board to table the request until that option had been explored.

Brian Fredley, 220 & 207 Fairview Avenue, Daytona Beach spoke in opposition of the project. He stated he was speaking as a business owner. He stated he did not feel the area could afford another social service facility. He stated there were foreclosed homes and property values have dropped more than in other areas in the City and he felt if this project was approved it would put a heavier load on the residents. He asked if they could not deny the request to table it until other options were explored.

John Anderson, 159 Congress Avenue, Daytona Beach spoke in opposition of the project. He stated he had lived in Daytona Beach for 33 years and he remembered how nice the area was. He asked the Board members to come to the neighborhood and see firsthand what was taking place before they voted on the request.

Geofrey Ballard, 507 Bowman Avenue, Daytona Beach, President of the Uptown Neighborhood Association spoke in opposition of the project. He stated he had a couple of concerns that had not been addressed. He stated the congregation and loitering problem was his first concern. He stated he heard them say they would cooperate with Police Department but his concern was with the overflow into the surrounding neighborhoods. He stated what happened was when people found out there was a trespass order for one piece of property, they would just loiter on a piece of property that did not have a trespass order. He stated his second concern was the facility on North Street originally was not supposed to have dormitories and now there were residences being provided there and approximately one year ago, there was some discussion surrounding moving St. Paul Catholic School to a new location. He asked what guarantee would the residents have that in the future the school would not be converted into a dormitory for the homeless.

Sherry Keith, 210 Weber Avenue, Daytona Beach spoke in opposition of the project. She stated in the 18 years she had lived in the neighborhood, she had seen it deteriorate substantially. She stated there were many senior citizens in the neighborhood and she was concerned for their safety. She gave examples why she felt the neighborhood was unsafe and asked the board to deny the request.

Ms. Turnbull stated she wanted to remind the Board the reason they were in the current position was because the redevelopment board originally voted to approve the use but both the this board and the City Commission voted to deny the request. She stated they appealed the denial through the Circuit Court and the court ruled in Catholic Charities favor because the judge felt the City did not have substantial evidence to support denial of the request. She stated the City's Staff Report stated the request meet all of the criteria for approval and recommended approval and their position was that the request must be voted on tonight and not continued. She stated as she mentioned at the City Commission public hearing, they did fall within the purview of Religious Land Use and Institutionalized Persons Act (RLUIPA), which was a federal act that prohibited denial of a religious land use just because it was not wanted it in that exact location. Ms. Turnbull stated they had economic data that demonstrated the use would not be a detriment to the surrounding area and it would operate as a high-end office building that would bring jobs to the area, therefore improving the area. She stated it sounded like the area was already having a substantial number of problems and nothing had been shown to prove that the use would be a detriment to the area. She stated Mr. Alan Rettig, Director for the White Street Center was present to answer any questions concerning the day-to-day operations of the White Street Center and of the proposed Ridgewood Avenue Center. She apologized to the Board if they thought her answers were not particularly clear and stated Mr. Rettig could help clarify them. Ms. Turnbull stated they had discussed the possibility of having a priority system for local residents but as a practical matter, it would be extremely difficult to enforce or operate and the Diocese was concerned that it would contradict the mission of their entire entity, which was to serve anyone in need. She stated they would be happy to discuss the idea but they did not see a way to make that feasible. She stated the only thing she could say was by increasing the size of the center by almost three times its current size would almost definitely allow local residents to receive any assistance needed. Ms. Turnbull stated under RLUIPA they could not be required to move somewhere else just because residents and the City did not want the use there and they already owned the property, so moving to another location could not be discussed at this point. She stated she took exception to the portrayal that they were not working with the community and also not interested in working with the City because there had not been any reluctance on their part. She stated they came before the Board approximately one year ago and when the Board told them they had issues with the request, they immediately met with staff and voluntarily placed what they see as highly restrictive conditions of approval on the request. She stated they were eliminating uses that they were allowed to do at every other Catholic Charities site in Florida and probably across the nation and they had removed everything that appeared to be a targeted homeless service, everything having to do with food distribution and only included the uses that the City said would be acceptable. She stated they had also gone above and beyond by agreeing to close the walk-up window at the church and agreeing that the church and school would never be used as a homeless shelter. She stated they would be bound by those conditions in the resolution and the City could enforce those if they violated the terms of the resolution. She stated in reality they would be required to come back before the Board and City Commission if they wanted to do anything that was not in the resolution. She stated in closing she wanted to say the Board could not deny the request just because they thought the City had reached some arbitrarily tipping point of service providers in the area. She stated that would contradict the City's LDC, Florida law and the Federal RLUIPA statute.

Mr. Hoitsma asked the Board if anyone had more questions for the applicant.

It was the consensus of the Board that no one had more questions for the applicant.

Mr. Hoitsma closed the public participation part of the meeting and opened the floor for Board comments.

Board Comments

Mrs. Shelley stated she understood why the Board was present tonight and she had carefully read through the judge's ruling. She stated she and one other redevelopment board member voted against the original request. She stated the reason she voted against the request was very clear and she believed she had substantial evidence that the use did not belong in the redevelopment area. She stated Judge Parsons stated that evidence of regional draw was not in the record. She stated she would like to go back to the Catholic Charities of Central Florida Daytona Beach Outreach and Service Center's concept of operations which state, "therefore CCCF has decided to place the new regional service center on the thoroughfare US1 and near the largest Catholic Church in Daytona." She stated this statement says the facility would be a regional center. Mrs. Shelly stated she agreed with the judge's finding that the request was totally consistent with the character of the neighborhood. She stated the whole point of a redevelopment area was to redevelop a blighted area. She stated part of the reason this particular area was deemed blighted and part of the criteria for blight was the existence of social service problems; it was the indigent ratio and medical indigence that was there and so yes, the fact that it was consistent with the character of the neighborhood was inconsistent with the redevelopment plan. She stated the redevelopment plan, which this was in direct conflict with says, the City's goal was to eliminate blight. She stated she would also like to make a point regarding prohibition, on page 287 that read, "these conditions would be all we were allowed to do short of coming back to you and asking to revise them." Mrs. Shelley stated she had been through multiple things as a non-board member and realized that all it would take was for someone to come back and revisit an issue and have it brought before a board. She stated Judge Parsons's judgment did not say he agreed with the use he said it was not proven in the record. She also stated when you look back through the blight studies and part of the reason the area was declared blight, was the creation of a poor business environment, working to prevent the investment in rebuilding and rehabilitation of the area, the adverse impact of businesses, anything that would keep potential customers away, property owners, businesses and potential developers find that character of the area creates an environment that was not good for their investment. She stated her decision all along had been because she personally believed that in reading through the redevelopment plan this request was in direct conflict with the plan the City adopted. She stated in Catholic Charities, Daytona Beach Outreach Service Center, Concept of Operations they stated in the first paragraph that the request stayed within the building codes and guidelines of the Daytona Beach Vision Plan, for providing needed social services within the City. Mrs. Shelley stated as the former chairman of The City of Daytona Beach's Vision Committee the vision strongly stated the committee felt The City of Daytona Beach was bearing the brunt of social services for the community and the vision was not encouraging more social servicing within the City, it was encouraging a broader perspective of social services and that the burden be carried throughout the county and not just

in our City. She stated she would not support the request and she did not believe anything had changed since the request came before the redevelopment board or her original vote on the Planning Board.

Mrs. Remark stated like Mrs. Shelley she was quite a detailed reader and she did not hear that the judge said he agreed with the applicant, he ordered that the request come back due to lack of substantive evidence. She stated it was interesting that the judge did note that when Ms. Morgan spoke before in listing all of the services in the area, while he thought it were somewhat vague it was the closest thing to substantive evidence. She stated while she appreciated being told what she could not do she also wanted to point out that for her, it had nothing to do with whether it was benevolent or Catholic Charities or anyone else that was trying to get this request approved. She stated the request was not in compliance with the City's Comprehensive Plan, Future Land Use (FLU) Element, Policy 1.1.7, which the Board was supposed to utilize neighborhood policies for future direction in the neighborhood and this was a redevelopment neighborhood so they should go right to the Redevelopment Element and as Mrs. Shelley pointed earlier she also did not feel the request came close to being in compliance with the objectives or standards of the redevelopment plan for the area. Mrs. Remark stated she did not believe the request was in compliance with the FLU Element 1.5.3 because she did not feel the effects of the request were properly mitigated in the residential area especially the hours of operation, which she considered overly long and there was another non emergency medical service provider in the community called the Jesus Clinic and they closed at 8:00 p.m. because they were in a residential area. She stated she felt 9:00 p.m. was extremely late for a business to operate in a residential area and she also noticed that there was not any language in the agreement that stated the facility would not operate seven days a week and yet she was supposed to believe the facility would operate like a normal professional corporate office building. She stated she worked in a normal professional corporate office park and they were not open seven days a week from 8:00 a.m. until 9:00 p.m. Mrs. Remark stated as one of the speakers stated earlier, the overflow was a real factor and was something the facility would be creating in the heart and most visible part of the redevelopment area. She stated she did not believe the request complied with FLU Objective 1.6 because she had not heard a compelling argument that the request, if approved would enhance the viability of the redevelopment area. She stated she did not believe the request was in compliance with FLU Element, Goal 4 because she did not see how it addressed the neighborhood issue in a way that provided neighborhood protection and that they had heard substantial evidence that if approved, it would do just the opposite. She stated she would not go into the redevelopment plan because she felt Mrs. Shelley covered it very well but felt the request was not in compliance with the Comprehensive Plan, Economic Element, Policy 1.1.7, because rather than seeking to promote a viable synergetic business area she felt, the project would continue to degrade it. She stated the redevelopment plan for the area was aimed at strengthening the area for residential, business and visitors alike and she had not heard anything tonight that made that the case. Mrs. Remark stated it had nothing to do with it being a special use request it was the fact that it was within a redevelopment area and that was critical. She stated she felt whether or not they already owned the property was a mute point, it was about whether or not it worked well with the other factual things the Board had to consider and one of the biggest things about a redevelopment area had to do with crime. She stated from the time she sat on the City Commission and Chief Ken Small identified the top 10 crime areas in the City of

Daytona Beach this area was number one. She stated she did not know if it was still number one but it was a huge crime area and the whole idea of redevelopment was to address crime and she had heard more on the record that said this would be more of a crime problem. Mrs. Remark stated while she would not support the request along with the 70 signatures on the petition she also did not think the request was unique given the overlap of services because all of the services were offered if not in the six to eight block radius, they were certainly in the half mile area. She stated she did not plan on supporting the request but if there seemed to be a consensus of the Board to approve the request she had 11 recommendations for changes to the draft resolution that she felt would need to be inserted to tighten it up especially considering the number of "I'm not sure" responses she heard in the applicant's presentation tonight. She stated the biggest thing was getting some definitions added for the terms working poor and homeless and restricting the hours of operation.

Mr. Hoitsma asked how that could be done.

Ms. Lathan, replied after everyone had made their comments, the Board could determine if there was a consensus and if there was a consensus Mrs. Remark's recommendations could be added into the Board's recommendation.

Mr. Hoitsma stated he believed a motion had to be made.

Mrs. Shelley stated she was not comfortable with a consensus.

Ms. LeSage stated she lived in a redevelopment area on the beachside that had social services and while she believed in helping her fellow man she also believed there was a time and place for everything and this request was in total contrast to what a CRA was supposed to do. She stated she wanted to go by the book and if the judge wanted to go by the book, this request did not follow the redevelopment plan and she would not support it.

Mr. Hoitsma stated he did not like the fact that precedence kept being set for bringing this type of facility into this area, which was already loaded and in his opinion it was not the function of a CRA.

Board Motion

It was moved by Mrs. Shelley to approve Semi-Public Use, DEV 2008-066 - Catholic Charities. Seconded by Mr. Moore.

Board Action

The motion was denied, by roll-call-vote 8-to-0.

New Items

5. **2009-2 Large Scale Comprehensive Plan Amendment Cycle, DEV 2009-033**
 - A. **LSCPA, DEV 2008-146, Cloar Anderson**

A request by Beth Lemke, AICP, Zev Cohen and Associates, on behalf of Cloar Development, for approval of a Large Scale Comprehensive Plan Map Amendment (LSCPMA) changing the Future Land Use Map designation from (Volusia County) Environmental Systems Corridor and Low Impact Urban to Potentially Environmentally Significant and Low Intensity Urban for 375± acres of land west of Interstate 95 and north of LPGA Boulevard; and adding an issue with accompanying policies to the Neighborhood V section of the Future Land Use Element of the Comprehensive Plan that limits development density and intensity and provides for environmental/open space preservation.

Staff Presentation

Richard Walton, Planning Director stated as discussed earlier in the week, staff would like to submit all of the staff reports for all of the Comprehensive Plan requests for the record so the Board would have all of the technical backup and data but staff's presentation would be brief. He stated staff would be available to answer any questions but would not get into the technical materials in the written record.

Thad Crowe, Planning Manager gave a brief PowerPoint presentation. He stated the project was located just north of LPGA Boulevard, west of Interstate 95 (I-95) and the request was to change the Future Land Use Map designation from (Volusia County) Environmental Systems Corridor and Low Impact Urban to (City) Potentially Environmentally Significant and Low Intensity Urban for 375± acres of land and add an issue with accompanying policies to the Neighborhood V section of the Future Land Use Element of the Comprehensive Plan that limited development density and intensity and provided for environmental/open space preservation. He stated basically staff had worked with the applicant to develop a laundry list of neighborhood policies that staff felt addressed the hot button issues. He stated toward the 11th hour of this particular amendment staff and the applicant worked out the second to the last neighborhood policy dealing with access to LPGA Boulevard they agreed to some changes to the policy but due to the late those changes were not included in the packet the Board received. He stated the applicant would present those changes when he gave his presentation.

Mrs. Remark stated when the Rossmeyer LSCPA came before the board, staff recommended that the Transportation Element Policy 1.9.3, referencing future rights-of-way be repeated as a neighborhood policy and she was not sure why it was not in any of the amendments being presented tonight.

Mr. Walton stated when that amendment went to the City Commission it was discussed that those policies were already in the plan and if you recall the applicant had some concern about credits and things that were not part of the Comprehensive Plan and staff felt the Comprehensive Plan would apply and whatever policy regarding credits that happened later would take care of it.

Mrs. Remark stated that was also the discussion at the Planning Board meeting that it seemed redundant but she just wanted to be sure of that.

Applicant Presentation

Jim Morris, 42 South Nova Road, Daytona Beach stated he was joined with Beth Lempke who was the planning consultant. He stated the only difference between what he and staff had was in regards to the policy Mr. Crowe discussed in relation to a 100 foot right-of-way (r-o-w) that would connect to a County or City approved roadway. He stated he was recommending changing it to a code approved r-o-w because it might not require 100 feet as the point. He stated the property would have access from Champions Way, which was a CTLC property and they believed it has an 80 foot r-o-w, with the point being they would connect to a City r-o-w and they would do what the code required. Mr. Morris distributed an email that reflected his client and staff was in agreement with the change. He stated the property was annexed into the City quite a few years ago and Florida annexation laws provide that once a piece of property was annexed into the City the County zoning and planning categories apply until the City amended its plan and zoning. He stated it was an in-kind designation to the extent that County and City plans match up. He stated the policies stated in the staff report were for the purpose of tailoring the City's plan to make it identical to the County's plan and were not a change in terms of yield or use but had been put into City's plan language as opposed to County plan language.

Mrs. Remark stated she understood going for code compliant especially if it gave the applicant 20 extra feet. She asked with the property going to Potentially Environmentally Significant why the applicant would not want to have the 100 buffer.

Mr. Morris replied it was not a buffer it was an r-o-w. He stated his first question was whether or not you could obtain 100 feet and the second question was the cost.

Mrs. Remark asked if 100 feet could be obtained would the applicant be comfortable with that.

Mr. Morris replied again, part of it was a matter of cost. He stated from a standpoint of the code, 100 feet was sufficient to accommodate more than what was at US1 and the r-o-w was probably 80 feet from curb to curb, so that would certainly be adequate roadway for a residential subdivision that probably would not have any exit other than what it had back to LPGA. He stated from the standpoint of being code compliant when they get to the instance of doing traffic studies, particular intersections and just how the traffic would work at the development review stage, they would meet the City's code requirements. Mr. Morris stated he did not feel the plan was the appropriate place to put that type of requirement and if you contrast this to the Rossmeyer question asked earlier, Rossmeyer would have been or could be an extension of LPGA, which was a thoroughfare road in the County thoroughfare system. He stated in the matter of the 100 feet, the first thing that needed to be determined was if it would be obtained, secondly the cost of obtaining it and third where you would expect to answer that question would be at development review stage and not at the planning stage.

There was additional discussion between Mr. Morris and Mrs. Remark.

Citizen Comments

John Nicholson, 413 North Grandview Avenue, Daytona Beach asked if all three properties were being lumped together.

Mr. Hoitsma stated they were being done separately and this was just for 5a.

Mr. Walton stated he wanted to clarify there were two changes, one was on the r-o-w and the other was on the open space requirement and staff was comfortable with both changes.

Mrs. Remark stated she would not support the request.

Mr. Morris stated they were in agreement with staff's changes.

Board Comments

Mrs. Remark stated she had a problem with the request in a few major areas. She stated she did not feel staff had made the case that the request was not premature development and therefore urban sprawl. She stated her biggest complaint was the roadway system was not in place or planned and she felt it was leap frogging. She stated while the applicant may have gotten from the courts the opportunity to negotiate for an easement, they did not have an actual easement and she felt the lack of a road plan made the proposal inconsistent with the FLU, Policy 1.2.1 and 1.1.4. She stated she took the opposite view from staff in the staff report and stated if the Board passed the request, she had a recommendation for language to the last policy.

Mr. Morris stated there was a court order regarding the r-o-w and the negotiating of the purchase price was what remained to be accomplished. He stated to the Board, his client could submit a development proposal tonight with the yield under the current County Comprehensive Plan and County zoning regulations to develop the property. He stated annexation statutes do not say you temporarily lose your right when you annex into the City. It simply says what applied when you were there, continues to apply until City standards are applied. He stated they simply asked for the City to give them the same land use and zoning they had in the County. He asked to revisit the urban sprawl question because it inferred a sort of leap frog approach. He stated if they would have had a 9J5 problem it would have existed before the County could have effectively applied the land use designation and from the standpoint of concurrency, it was an evaluation that occurred when a development was brought forward the concurrency evaluation before you get the actual, was based on your actual yield and not your theoretical yield, which isn't determined at the planning stage. He stated from a hypothetical perspective, if his client were to submit a development proposal tonight, staff would be compelled to review it and the Board would be compelled to approve it assuming they met the City's development standards but they would have the difficult situation of staff trying to take standards that were not common to them because they would be County standards and try to review and evaluate a development proposal. He reiterated they were simply trying to reach the same standards. He stated they would have to come back before any dirt was moved on the property and from an economic perspective it would not be tomorrow or the next day.

Mr. Moore asked how they could plan something without a roadway.

Mr. Morris stated there was an r-o-w that went north; second there was a court order that allowed for a way of necessity of 100 feet connecting to LPGA. He stated they had to build the road and that was why the language was in the plan that said they would have a code compliant road connecting to LPGA. Mr. Morris stated they were not asking for an increase.

There was additional discussion between Mr. Moore Mrs. Remark and Mr. Morris in reference to a developed roadway.

Mrs. Remark stated they were asking for an increase.

Mr. Morris stated he was relying on the interpretation from the County of its plan.

Mr. Crowe stated he wanted to clarify that staff felt there was a requested increase in residential. He stated staff calculated that currently in the report fewer than 200 units would be allowed under the County's designation but 375 units would be allowed under the City's designation. He stated he wanted to make sure the Board understood it was a rural designation now and there would be a natural increase that would be expected when it changed from County to City and it was up to the Board to gage what kind of increase was appropriate. He stated the other part of that was the 300,000 square feet that was currently allowed would stay the same under the neighborhood policy and the applicant volunteered limit it to 300,000 square feet.

Board Motion

It was moved by Mrs. Shelley to approve LSCPA, DEV 2008-146, Cloar Anderson subject to changes agreed to by the applicant and staff. Seconded by Mr. Neal.

Board Action

The motion was approved by roll-call-vote 6-to-1.

Break at 8:15 pm.

Reconvened at 8:20 pm.

Mrs. Shelley announced for the record that Ms. LeSage left the meeting at 6:42 pm but they still had a quorum.

B. LSCPA, DEV2008-113, First Baptist Church

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of First Baptist Church of Daytona Beach, Inc., for approval of a Large Scale Comprehensive Plan Map (LSCPMA) Amendment, changing the Future Land Use Map designation from County - Low Impact Urban (LIU) and Environmental System Corridor (ESC) to City – Church and Potential Environmentally Significant (PES), for 138 ± acres of land located west of Tomoka Farms Road, north of Interstate 4, and south of International Speedway Boulevard; and adding an issue with an accompanying policy to the Neighborhood U section of the Future Land Use Element of the Comprehensive Plan that limits development density and intensity.

Staff Presentation

Thad Crowe, Planning Manager gave a brief PowerPoint presentation. He stated the subject property was 138± acres west of Tomoka River, north of I-4, and south of West ISB. He stated there was an access point that went to Tomoka Farms Road, which was a main access for future development. He stated staff was recommending approval with some minor suggested revisions to the policies as a housekeeping measure.

Applicant Presentation

Robert Merrell, Esq., Cobb Cole, 150 Magnolia Avenue, Daytona Beach stated this was purely a housekeeping request, that the project was approved in 2004/2005 and they were happy to proceed with the approved PUD with the County's land use but the City wanted to clear up the Comprehensive Plan to assign a City land use and zoning designation. He stated the one similarity to Mr. Morris's project was that it had already been annexed and the County land use by statute continues to apply until the City amends their Comprehensive Plan. He stated the difference his request and Mr. Morris's request was his already had a very detailed development approval with a site plan that had already been approved for the construction of the church on site.

Mrs. Remark asked Mr. Merrell to go to page seven of the staff report. She asked what was covered in the planned development for the church. She stated when she looked at the minimum upland preservation, 28 acres currently if it stayed in the County and only five if it is moved into the City; 20 percent drop in total preservation and a 50 percent increase in developmental uplands.

Mr. Merrell stated he could not explain the chart because he had a conceptual block in the sense that it compared zoning to land use. Mr. Merrell stated all of the conservations were already there and the development agreement had already been approved so comparing a theoretical maximum of the County Comprehensive Plan to an actual development order that has already been issued was a feudal exercise in his opinion.

Mr. Crowe stated what was in the table was in fact not tied to the development order it was tied to actual water management district upland buffer rules and staff considered that appropriate for a Comprehensive Plan calculation.

Mrs. Remark asked Mr. Crowe what he meant when he said it was not tied to the development order.

Mr. Walton stated he thought Mrs. Remark was asking if the total preservation be made to match what they would be in the County and work with the plan that was approved.

Mr. Crowe replied yes the example given was some of the other amendments coming up where staff asked for a 10 percent upland preservation component in an effort to meet half-way with what the County and City had. He stated the Board had the ability through a neighborhood policy, working with the applicant to change what it currently was and staff did not pursue it because it was already approved for final zoning and it was a little late to put Comprehensive Plan provisions in the equation.

Mr. Merrell stated he did not have any objections to anything put in the Comprehensive Plan that related to the subject Mrs. Remark was talking about as long as it did not do anything that was contrary to the approved development order and he wanted to understand how it was not inconsistent before he agreed to it.

Mrs. Shelley stated she noticed staff had some revisions from what was shown earlier and she wanted to make sure the applicant was familiar and comfortable with the changes.

Mr. Merrell stated he was in agreement with the changes.

Mr. Crowe stated the five percent of upland preservation equated to approximately 16 percent of the developable uplands based on the 50 and 25-foot buffers. He stated if the Board was looking for a figure according to the current Water Management District and Outstanding Florida Rules that was what was in place now.

Mr. Merrell stated the one thing he did not point out was in trying to make sure they were not allowed to do anything on the property that would be contrary to the County's previous Comprehensive Plan they put in the text language that they would develop in accordance with the recorded PUD agreement or they would have to come back to the Board for changes.

Mrs. Remark stated now she understood why they did the Comprehensive Plan first and the PUD afterwards.

Mr. Crowe stated he apologized but his map was wrong. He stated the five acres was seven percent.

Mr. Walton stated the overriding was the neighborhood policy that limited the applicant to the PD.

Board Motion

It was moved by Mrs. Remark to approve LSCPA, DEV2008-113, First Baptist Church subject to staff's changes. Seconded by Mr. Moore.

Board Action

The motion was approved 7-to-0.

C. **LSCPA, DEV 2009-009 Indigo, North Tomoka Farms Road**

A request by Indigo Development, LLC, for approval of a Large Scale Comprehensive Plan Map Amendment (LSCPMA), changing the Future Land Use Map designation from Level 1 Residential to General Industrial for 13 ± acres of land west of North Tomoka Farms Road, east of the Tomoka River, and north of a Florida Power and Light easement.

Staff Presentation

Thad Crowe, Planning Manager gave a brief PowerPoint presentation. He stated this was another amendment located just below Rossmeyer, west of North Tomoka Farms Road, east of the Tomoka River and west of Interstate 95. He stated it was a straight map change with no policy changes.

Applicant Presentation

Andrew Young, Indigo Development, 1530 Cornerstone Boulevard, Suite 100, Daytona Beach stated as staff stated it was just a general housekeeping amendment to bring it into conformance with the development to the north and south.

Board Motion

It was moved by Mr. Moore to approve LSCPA, DEV 2009-009 Indigo, North Tomoka Farms Road. Seconded by Mrs. Remark.

Board Action

The motion was approved 7-to-0.

D. **LSCPA, DEV 2009-048, Indigo/CTLC West ISB**

A request by Joel Ivey, Ivey Planning Group, LLC, on behalf of Consolidated-Tomoka Land Co., for approval of a Large Scale Comprehensive Plan Amendment changing the Future Land Use Map designation from County – Low Impact Urban (LIU) and Environmental System Corridor (ESC) to City – Mixed Uses (80± acres) and Potential Environmentally Significant (PES) (84± acres) for a total of 164± acres of land located on the south side of West International Speedway Boulevard and the north side of I-4, approximately 900 feet west of the I-4 ramp; and adding an issue with accompanying policies in the Neighborhood V section of the Future Land Use Element that limits development density and intensity and provides for environmental/open space preservation.

Staff Presentation

Thad Crowe, Planning Manager gave a brief PowerPoint presentation. He stated the property was located on the south side of West International Speedway Boulevard and the north side of I-4, approximately 900 feet west of the I-4 ramp and the request was to go from County Low Impact Urban (LIU) and Environmental System Corridor (ESC) to City – Mixed Uses and Potential Environmentally Significant (PES). Mr. Crowe stated staff had worked with the applicant on various neighborhood policies that would limit development intensity and density and similar to other amendments that would provide for open space and environmental preservation. He stated staff was recommending approval of the map amendment and accompanying neighborhood policy.

Mrs. Remark asked Mr. Crowe if he had a conversation with the applicant about the other recommendation regarding affordable housing.

Mr. Crowe replied staff did meet with the applicant after the packet went out and the applicant agreed to change their methodology in terms of calculating the current impacts under the County land use to exclude the affordable housing. He stated they were no longer proposing the affordable housing calculation of intensity for the current County land use, therefore staff was recommending the Board not include affordable housing policy.

Mr. Walton stated that was not in this one.

Mr. Crowe apologized because the affordable housing policy did not apply to this request.

Mrs. Remark asked if she was looking at the wrong request. She read the request for the record.

Mr. Walton replied neighborhood policies did not include affordable housing.

Mr. Crowe stated the applicant did include it for their calculation of impacts under the current land use but this was not an LIU and staff was not recommending any affordable housing limitations because this was a different land use situation that was going to mixed use, which was a much higher level density.

Mrs. Remark stated she just wanted to make sure they did not use it to figure their residential that went from 80 under the County to 528 under the City.

Mr. Crowe stated those were staff's calculations in table two.

Mrs. Remark asked what density was used to come up with those calculations.

Mr. Crowe replied staff used one-to-one which was what was used in all of the amendments. He stated the applicant did use the affordable housing limitations but they now agree with staff that one-to-one was more appropriate.

Applicant Presentation

Rebecca Hammock, Ivey Planning Group, 1349 South International Parkway, Suite 1349, Orlando, Florida stated they concurred with staff's recommendations and were available to answer any questions.

Board Motion

It was moved by Mrs. Shelley to approve LSCPA, DEV 2009-048, Indigo/CTLC West ISB subject to staff recommendations. Seconded by Mr. Moore.

Mrs. Remark stated she had some additional comments.

Mrs. Shelley withdrew her motion and Mr. Moore withdrew his second.

Mrs. Remark stated in the report staff said providing for more urban uses in the land use change reduced the need and feasibility for land preservation but she felt it argued more strongly for the feasibility of land use preservation because in looking down the road it was very hard for her to see 30 or 40 years down the road. She stated when she looked at the comparison on page six of the staff report and saw that it had gone from a minimum of 16+ acres to three, that was an 80 percent drop; when she looked at the total preservation had dropped from 62 percent under the County land use to 53 percent under the City; when she looked at the increase in developable lands she could not see why recommendations were not being made to maintain some of the open space.

Mr. Crowe stated staff was recommending a 10 percent upland preservation policy in staff's recommendations which translated to almost eight acres.

Mrs. Remark state she had to go back to the floodplain issue. She stated she was certain this was in flood plain "A" again in the life of a 30 year mortgage there was a 26 percent chance it would flood at least once in that time. She asked if this would be the place where staff would put some additional protections or deal with the fact of future flooding or would they just totally leave it in the hands of the applicant coming back as a PD and whatever the code required.

Mr. Walton stated at the time the applicant comes back with their development plans they would have to design that into their development plans.

Board Motion

It was moved by Mrs. Shelley to approve LSCPA, DEV 2009-048, Indigo/CTLC West ISB subject to staff recommendations. Seconded by Mr. Moore.

Board Action

The motion was approved 7-to-0.

E. **LSCPA, DEV 2009-049 Indigo/CTLC Old Tomoka Road**

A request by Joel Ivey, Ivey Planning Group, LLC, on behalf of Consolidated-Tomoka Land Co., for approval of a Large Scale Comprehensive Plan Map Amendment (LSCPMA), changing the Future Land Use Map designation from County - Low Impact Urban (LIU) and Environmental Resource Corridor (ESC) to City – Mixed Use and Potential Environmentally Significant (PES), for 148 ± acres located west of I-95 and south of Old Tomoka Road; and adding an issue with accompanying policies to Neighborhood “V” of the Future Land Use Element of the Comprehensive Plan that limits development density and intensity and provides for environmental/open space preservation.

Staff Presentation

Thad Crowe, Planning Manager gave a brief PowerPoint presentation. He stated the property was located below Rossmeyer where Interchange Boulevard dead ends. He stated Old Tomoka Road which intersects with Interchange Boulevard right-of-way meets this property. He stated the property was approximately 148 acres and was to change the Future Land Use Map designation from County - Low Impact Urban (LIU) and Environmental Resource Corridor (ESC) to City – Mixed Use and Potential Environmentally Significant (PES) and add an issue with accompanying policies to Neighborhood “V” of the Future Land Use Element of the Comprehensive Plan that limited development density and intensity and provided for environmental/open space preservation. He stated the applicant was willing to not utilize the affordable housing density to calculate County impacts, staff was recommending deleting policy number five as recommended and also staff and the applicant agreed that there was some language in policy six that pertained to tying the upland preservation to the Tomoka River.

Mr. Walton stated there were a couple of projects staff received letters on after the packet had gone out that needed to be part of the record. He asked Mr. Crowe to distribute the letters to the Board.

Mrs. Remark asked Mr. Crowe to speak briefly on the roadway. She asked if the road on the front of the staff report was supposed to handle everything (gutters, drainage, and sidewalks).

Mr. Crowe replied actually the roadway was not there, the improved road did not connect to the property but the applicant did provide an easement that connected to the property. He stated the main access was through Rossmeyer and they had an easement that went from Interchange Boulevard through the Rossmeyer parcel so there were actually two points of access both of which do not exist but have legal easements that could be utilized.

Mrs. Remark asked if there was a reason why they did not build the road that would go into Interchange Boulevard.

Mr. Crowe replied the Comprehensive Plan provisions did not require the applicants to build the roads but they did allow staff later in the process to require the r-o-w dedicated from the owner of the land for future roadways that were needed.

Applicant Presentation

Rebecca Hammock, Ivey Planning Group, 1349 South International Parkway, Suite 1349, Orlando, Florida stated the applicant concurred with staff's recommendation with the changes outlined in the memo distributed and they were available for questions. She stated the property owner was present and was available to answer Mrs. Remark's question concerning road access.

Mrs. Shelley stated the policy submitted was different from the one in staff's recommendation.

Mr. Walton replied yes and staff agreed with the change.

Mrs. Shelley stated their wording was different on the 10 percent.

Mr. Walton stated the change had to do with the applicant dropping the affordable housing.

She stated she understood that but the language in the new one was different. She stated they added instead of just the western portion of the property they said property along the Tomoka River and she was clarifying so if it was approved the Board would know they were looking for the Tomoka River one that was distributed.

Bill McMunn, 1530 Cornerstone Boulevard, Suite 100, Daytona Beach stated they sold the land to the north first to where Interchange Boulevard exists to Paul Haulob and others. He stated that road was built when they sold the land, which was now owned by Rossmeyer and Danhauer. He stated there was also a contractual requirement that upon notice they had to build a dedicated road from where it stopped now to the south end of the property to access their property. He stated so the road was not built now but there were contract requirements for dedicating and building it but they had not pushed to build it right now because of the market.

Mrs. Remark asked if that would be something that would connect because that was Interchange Boulevard.

Mr. McMunn replied yes the hope was eventually it would come down to the Humane Society. He stated they hoped at one time that it would become a thoroughfare road similar to Tomoka Farms Road from LPGA south but presently the County did not want to make it a thoroughfare road.

She asked if the applicant was building the road.

Mr. McMunn replied yes.

Mrs. Remark stated on page 12, Ivey Planning Group's background on parks and recreation analysis stated they pointed out that the City already had 474 acres of parkland and their contribution would only create an additional 5.19 acres. She stated she felt they were saying basically the City could already accommodate that with existing park land and she wanted to know what point Policy number four had because there would not be a shortfall for a good long time in the City and she did not see that staff was agreeing to anything. Mrs. Remark stated she did not see the remedy as being a donation of land because there would not be a shortfall so there would not be impact fees.

Mr. Walton stated the key to that was the first part at the time of development. He stated one of the things identified during the Evaluation and Appraisal Report (EAR) process was relooking at the City's level of service and changing it by zone or by area.

Mrs. Remark stated she remembered the discussion but she did not know how long that process would take and if this was something that would turn around before the EAR process was completed. She stated she would like to make sure there would actually be some park space out there.

Mr. Walton stated he believed she had identified that there was not a shortfall today and there would not be in the near future, however if the level of service were to be changed, then they would be required to meet the level of service if it were changed prior to them moving forward.

Mrs. Remark asked if that language were put in would the applicant have a problem with it.

Mr. Walton stated the policy already said at the time of development approval the applicant must meet the level of service.

Mrs. Remark stated she guessed what she was saying was she wanted a geographical level of service out there and asked if that could be done.

Mr. Walton replied if the applicant would agree to it.

Mr. Crowe stated there could probably be a policy at least advocated for onsite recreational facilities to meet the needs of future residents. He stated without setting standards at this point and time, that could be anything from a top lot to a ball field but it would give a point of entry.

Mrs. Remark stated she would be very comfortable with that language. She asked Mr. McMunn if that would be a problem.

Mr. McMunn replied he was not sure if along the interstate, in that particular area, a small park would be feasible or something the City would want to maintain. He stated he felt the next amendment coming after this one which was a larger piece was where they planned to have parks and open space. He reminded Mrs. Remark that Hand Avenue would go directly through the property. He stated by law they did have to meet the City's requirements and suggested the board look at modifying the City's ordinance pertaining to park land and look at certain areas of the City because there may be enough park land but it may not always be in

the right place.

Mr. Moore asked what if there was something near a residential area, of a certain size that required a park, could they make it a part of the area and be required to maintain it.

Mr. McMunn stated the Board could do that and he had seen that type of requirement in certain PUDs but this particular piece was a rather small size and the numbers discussed were hypothetical and would never be developed to that type. He stated the problem with that would be it would not be a public park so it would not help everyone and if you try to make it private, it would be contrary to law because you could not have residents maintain a park for the benefit of everyone. He stated the City would have to look at whether it would be feasible to have parks in certain areas.

Mr. Moore asked if a neighborhood had land or someone donated the land, could they put in a pocket park and maintain it themselves.

Mr. McMunn replied yes they could but you cannot make a neighborhood bear the burden of a public park when it was allocated for certain people. He stated he thought the discussion was about parks the entire community could enjoy.

There was additional discussion on parks and open space.

Board Motion

It was moved by Mrs. Shelley to approve LSCPA, DEV 2009-049 Indigo/CTLC Old Tomoka Road subject to staff comments. Seconded by Mr. Neal.

Board Action

The motion was approved 7-to-0.

F. **LSCPA, DEV 2009-051, Indigo/CTLC SR 40**

A request by Joel Ivey, Ivey Planning Group, LLC, on behalf of Consolidated-Tomoka Land Co., for approval of a Large Scale Comprehensive Plan Map Amendment (LSCPMA), changing the Future Land Use Map designation from County-Forestry Resource (FR), County - Low Impact Urban (LIU) and Environmental Resource Corridor (ESC) to City - Low Intensity Urban (LIU) and Potential Environmentally Significant (PES), for 2,698 ± acres located on the south side of SR 40, west of I-95, and adjacent to the City of Ormond Beach; and adding an issue and accompanying policies to Neighborhood “V” of the Future Land Use Element of the Comprehensive Plan that limits development density and intensity and provides for environmental/open space preservation.

Staff Presentation

Thad Crowe, Planning Manager gave a brief PowerPoint presentation. He stated the property was almost 2,700 acres and it was located south of State Road 40, west of Tymber Creek Road. He stated the request was to change the Future Land Use Map designation from County-Forestry Resource (FR), County - Low Impact Urban (LIU) and Environmental Resource Corridor (ESC) to City - Low Intensity Urban (LIU) and Potential Environmentally Significant (PES); and add an issue and accompanying policies to Neighborhood “V” of the Future Land Use Element of the Comprehensive Plan that limits development density and intensity and provides for environmental/open space preservation. He stated it was similar to the other amendments to the LIU category and staff was recommending approval with an additional staff recommended policy. He stated staff met with the applicant and worked out some issues as a result policy number three would be changed to not exceed 4,170 units because staff wanted to establish a cap. He distributed a letter from the School District that stated they were requiring a capacity enhancement agreement, because the size of the project would warrant various school facilities and eventual land dedication for schools. He stated staff was currently reviewing a draft of the agreement which was required by the Interlocal Agreement and the agreement had to be adopted prior to the Comprehensive Plan amendment.

Mrs. Remark asked if the policy referencing the use of private wells and septic tanks being prohibited were relating to irrigation wells.

Mr. Walton replied no.

Mrs. Remark asked if it was referring to drinking wells.

Mr. Walton replied yes.

Mrs. Remark asked where the conservation concerns were being addressed in the policies being proposed.

Mr. Crowe replied he would allow the applicant answer that question.

Applicant Presentation

Rebecca Hammock, Ivey Planning Group, 1349 South International Parkway, Suite 1349, Orlando, Florida stated they concurred with staff's recommendations for the additional neighborhood policies and changes that were distributed in the memo. She also addresses the question proposed to Mr. Crowe regarding protection of environmentally sensitive areas. She stated the applicant attempted to address the issue through the neighborhood policy by not allowing wells or septic tanks and also by going from the ESC in the County to the PES in the City's land use category. She stated in addition to that one of the neighborhood policies also encouraged clustering and through clustering of development they hoped to protect the environmentally sensitive areas.

Mrs. Remark asked Ms. Hammock if she would have a problem with changing the policy that stated any shortfall may be remedied by donation of land, payment of impact fees, etc. to strictly a donation of land.

Ms. Hammock replied she would allow the property owner to answer that question.

Mr. McMunn went back to the area map that was previously displayed. He stated south of the area in yellow was another very large area that was previously comp planned and may be as appropriate or more appropriate for the park land. He stated he felt it might be harmful to approve something that only allowed for donation of land and determine at a later date that you money was needed instead of land. He stated the land would not be developed anytime soon so there would be time to decide what the City wanted.

Mr. Walton stated the way it was right now, the language gave the City the most flexibility and if they were to start striking out language, it would reduce the City's flexibility.

Mr. Crowe stated it might be worthwhile to have the language reflect it was at the City's request so the City would have the ability to say what they wanted and not leave it up to the applicant to choose.

There was additional discussion between the Board members, Mr. McMunn and Ms. Hammock on policies to regulate where park land should be.

Citizen Comments

John Nicholson, 413 North Grandview Avenue, Daytona Beach recommended when land was donated for schools, that the City either donate parkland next to it so children could use the pool for swimming lessons during the day and then open it up to the residents on weekends and evenings. He stated he also recommended the same policy for softball fields. He stated the LPGA area had quite a bit of elderly residents and very few children and recommended making the development family friendly by building schools, ball parks, soccer fields, etc. He stated this combined with the area going south would be ideal for a very large facility, even larger than the Derbyshire facility.

Board Motion

It was moved by Mrs. Shelley to approve LSCPA, DEV 2009-051, Indigo/CTLC SR 40, subject to staff comments and the memo submitted by the applicant. Seconded by Mr. Moore.

Board Action

The motion was approved 7-to-0.

6. **Other Business**

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

Mrs. Shelley reported there was a meeting May 5th at noon. She stated the Board had a site plan for Whole Child Academy (charter school), located at 320 Orange Avenue that was approved unanimously and that the property would stay on the tax roll. She stated the Board also approved a conditional use request at Christina's Café for a sidewalk café and it was approved unanimously. Discussion items: Redevelopment Incentive Program, Beach Street improvements and a motion was made to approve seven capacity bike racks in the east side of Beach Street. She stated Go Green Daytona would be holding a community meeting on June 8th at 6:00 p.m. in Room 116. Mrs. Shelley stated the Board also met on Tuesday, June 2nd and there was one action item, which was the LDC Text Amendment. She stated the item was brought forward by the City Commission and would be coming to the Planning Board for action; Ms. Cook, Mr. Abraham, Mr. Smith, Mr. Robinson, Mr. Goodemote and Mr. Schaufert voted no and Mrs. Shelley, Commissioner Shiver and Mr. White voted yes. Discussion items: Ideas for a downtown trolley service, Redevelopment Incentive Program, bars and lounges in the downtown area.

Mrs. Remark asked if the Board members that voted no lived in the City.

Mrs. Shelley stated she believed a couple did but most of the no votes served on the DDA.

B. **Midtown Redevelopment Area Board Report**

No report.

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

No report.

D. **Vision Committee Report**

Mrs. Shelley stated the new Vision Implementation Committee met on June 1st and she was not on the new committee but gave a brief orientation to bring the new members up to speed. Carol Killian was elected chair, Jack White was elected Vice-chair, and some of the other members included Andrew Young, Tim Stockman, Weegie Kuendig and John Nicholson. She stated meeting dates and time would be publically noticed on the City's website.

E. **Public Comments**

John Nicholson, 413 North Grandview Avenue, Daytona Beach stated Ms. Morrissey was correct when she stated the School District had not voted to close Ortona Elementary, however when they voted it was on what schools would be closed within four years and then they would revisit the issue. He stated when she spoke about the boundaries for the City of Daytona Beach her wording was west of Interstate 95 to the ocean, which was most of Daytona Beach. He stated what she did not say was what was happening west of Interstate 95 because that area was being put with Ormond Beach. He stated that was also the area where the new elementary school was placed and the problem was with Hinson Middle School. Mr. Nicholson asked the Board to be very careful when they listened to what Ms. Morrissey said because what she said was true but it was not in the City's favor. He stated thirdly part of the reason why there were so many empty classrooms in the City was because kids were being shipped out. He stated this year 1,873 children were shipped out and last year it was in excess of 2,000. He asked the Board to be careful when the School District did redistricting because the City could get hurt again.

F. **Staff Comments**

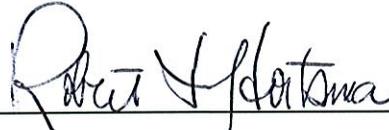
Mr. Walton stated June 10th from 5:00 p.m. to 6:30 p.m. was the Planning Board Subcommittee meeting on the LDC Update. He stated staff would be providing food because right after the meeting at 7:00 p.m. there was a Public Kick-off meeting at the Police Department. He stated all of the Board members were invited but it was very important that the subcommittee members were present and that a survey from the consultants was included with the packet in an effort to get the Boards thoughts on how they should proceed with the rewrite.

G. **Board Member Comments**

Mr. Hoitsma stated the Board had a very difficult item tonight and he felt the way the Board handled it was very well done.

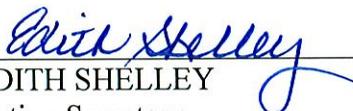
Adjournment

There being no further actions to come before the board, the meeting was adjourned at 9:45 pm.



ROBERT HOITSMA
Chair

ATTEST:


EDITH SHELLEY
Acting Secretary