

MINUTES

REGULAR MEETING – PLANNING BOARD

October 26, 2023

Minutes of the Regular Meeting of the Planning Board for the City of Daytona Beach, Florida, held on Thursday, October 26, 2023, at 6:00 p.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

1. **Call to Order**

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

2. **Roll Call**

Board Members Present:

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

Also Present:

Dennis Mrozek, Planning Director
David Russell, Assistant City Attorney
Doug Gutierrez, Planning Manager
Rose Askew, Project Manager
Hannah Ward, Senior Planner
Malisa McCreedy, Senior Planner
Paula Long, Planner
Arthur Abrego, Planner
Vanessa Trimble, Planning Technician
Luci Brito, Office Specialist

3. **Approval of the Minutes** - October 12, 2023

Approval of the Minutes of the October 12, 2023, Planning Board Meeting held at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

A motion was made by Mr. McLean to approve the minutes as amended, seconded by Mr. Severance. The motion passed (7-0) with the breakdown as follows:

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

Continued Items:

4. **Silver Beach Condo-Hotel Planned Development-Redevelopment (PD-RD) Rezoning – DEV2022-155 (Quasi-Judicial Hearing)**

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of Daytona Atlantic Development LLC (property owner), to rezone 2.66± acres of land from the Tourist Accommodations (T-1) zoning to Planned Development-Redevelopment (PD-RD) zoning to allow for a 25-story condo-hotel with the potential for a restaurant and/or bar/lounge uses (open to the public). The property is generally located in the southeast corner of Silver Beach Avenue (CR-4050) and South Atlantic Avenue (SR-A1A), at 1201 S. Atlantic Ave. **CONTINUED FROM THE JULY 27, 2023, PLANNING BOARD MEETING.**

Staff Presentation:

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet. The site is generally located in the southeast corner of Silver Beach Avenue (CR-4050) and South Atlantic Avenue (SR-A1A), at 1201 S. Atlantic Ave. The site is currently vacant and cleared and was previously developed with a hotel. The Future Land Use is Tourist Accommodations and the zoning on the property is currently Tourist Accommodation (T-1) and the applicant is proposing to rezone the property to Planned Development-Redevelopment Development (PD-RD) zoning designation. The applicant made several changes to its original application to comply with city standards.

Applicant Presentation:

Rob A. Merrell III, Esq., Cobb Cole, 129 S. Ridgewood Avenue, Daytona Beach, Florida spoke representing the applicant. Mr. Merrell requested to rezone 2.66± acres of land from the Tourist Accommodations (T-1) zoning to Planned Development-Redevelopment (PD-RD) zoning to allow for a 25-story condo-hotel with the potential for a restaurant and/or bar/lounge uses (open to the public). The property is generally located in the southeast corner of Silver Beach Avenue (CR-4050) and South Atlantic Avenue (SR-A1A), at 1201 S. Atlantic Ave.

Joe Hopkins, Civil Engineer, Performance Group. Sherry Gutierrez, Principal Architect, 2900 Oak Ave. Coconut Grove Florida. Mr. Hopkins and Ms. Gutierrez explained most of

the revisions that have been made to the project. The project was reduced by 25% and the variances went from 7 to 1, which is the side setback. The other six waivers that the applicant was seeking for setbacks, buffers signage and things of that sort, have all been eliminated. Mr. Hopkins advised the entire seawall would be replaced. The applicant will also implement a dune restoration plan.

Mr. McLean had a question about the structure's height and wanted verification that it was going to be approximately 260 feet.

Mr. Robinson had many questions about the project, most were answered with the presentation.

Public Comments:

Mr. Jonny Magill, 122 Southwind Drive, Ormond Beach, was in favor of the project.

Mr. John J. Nicholson, 412 N. Grandview Avenue, Daytona Beach, was in favor of the project.

Mr. Mike Denis, 177 Blue Heron Lake Circle, Ormond Beach, was against the project.

Ms. Elizabeth Barnes, 1229 Ruger Place, Daytona Beach, was against the project.

Mr. Michael Pavelski, 5 Eagle Rock Trail, Ormond Beach, was for the project.

Ms. Lucille Colarusso, 357 Hartford Avenue, Daytona Beach, was against the project.

Mr. Kayden Schaper, 639 Powers Avenue, Port Orange, was for the project.

Mr. Bob Rand, 136 Zaharias Circle, Daytona Beach, was for the project.

Ms. Susanne Odena, 716 N. Wild Olive, Daytona Beach, was against the project.

Mr. Rich Yost, 344 Hartford Avenue, Daytona Beach, was against the project.

Mr. Stanley Escudero, 3034 S. Peninsula Drive, Daytona Beach Shores, was for the project.

Mr. Frank Molnar, 4045 S. Atlantic, Daytona Beach, was for the project.

Mr. Mark McDonald, 32 Kingsbridge Crossing Drive, Ormond Beach, was for the project.

Mr. Nathan Sullivan, 101 Opal Hill Circle, Daytona Beach, was for the project.

Mr. Paul Zimmerman, 356 Woodland Avenue, Daytona Beach, was against the project. He also presented the Board with a certified copy of the county plat map.

Ms. Didiayer Snyder, 1224 S. Peninsula Avenue, Daytona Beach, was for the project.

Mr. Jim Sweeny, 20 N. Halifax Avenue, Daytona Beach, was for the project.

Mr. James Tiger, 1227 Ruger Place, Daytona Beach, was against the project.

Ms. Janet Meredith, 1600 Big Tree Road, Daytona Beach, was against the project.

Mr. Doug Petit, 129 Magnolia Drive, Ormond Beach, was against the project.

Mr. Gus Colarusso, 357 Hartford Avenue, Daytona beach, was against the project.

Ms. Holly Beckwith, 1223 Ruger Place, Daytona Beach, was against the project.

Mr. Omar Haddad, 817 George Hecker Drive, Daytona Beach, was for the project.

Mr. Fabricio Lucchese, 12 Lions Paw Grand, Daytona Beach, was for the project.

Mr. Kevin Manley, 2 Tropical Lane, Daytona Beach, was for the project.

Ms. Joanna Rajendran, 45454 S. Atlantic Avenue, Daytona Beach, was for the project.

Ms. Cat Pante, Brookline, Daytona Beach, was against the project.

Mr. Steve Sather, 211 E. International Speedway Blvd. Daytona Beach, was for the project.

Mr. Jim Cameron, 335 Bucknell Drive, Daytona Beach, was for the property.

Ms. Sandy Murphy, 136 Park Avenue, Daytona Beach, was against the project.

Ms. Anne Ruby, 137 Park Avenue, Daytona Beach, was against the project.

Mr. Martin Tooley, 640 Marion Street, Daytona Beach, was for the project.

Mr. Devin Eskra, 322 Silver Beach Avenue, Daytona Beach, was for the project.

Ms. Susan Schmidt, Silver Beach Club, Daytona Beach, was against the project.

Ms. Jenny Nazak, 501 Harvey, Daytona Beach, was against the project.

Ms. Crystal Anderson, Daytona Beach Shores, was for the project.

Ms. Hadassah Collier, 2263 Old Kings Road, Daytona Beach, was for the project.

Mr. Eddy Avila (Property Owner) 1728 Coral Way #500B, Miami, thanked the board and the public for attending.

Mr. McLean thanked everyone for participating. And explained his reasons for voting in favor of the project.

Mr. Weatherholtz stated he was conflicted with this project; he believes this project something should be built on this lot not necessarily a building this tall.

Ms. Washington is in favor of this project and is looking forward to seeing it to fruition.

Mr. Newman explained that technically this building could be taller the only reason it is before the Planning Board is the issue of rezoning. He is in favor of the project.

Mr. Robinson stated the property owner has fulfilled all the prerequisites in order to move forward with the project. He stated he will be voting for the project.

Mr. Severance is in favor of this project and believes it could possibly move Daytona Beach in the right direction.

Board Action:

A motion was made by Mr. McLean, seconded by Mr. Severance, to approve Silver Beach Condo-Hotel Planned Development-Redevelopment (PD-RD) Rezoning. The motion passed (6-1) with the breakdown as follows:

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

New Items:

5. **1219 Ruger Place – Planned Development-General (PD-G) Rezoning – DEV2022-215 (Quasi-Judicial Hearing)**

A request by Jessica Gow, Esq., Cobb Cole, on behalf of Shemot Tevet LLC (property owner), to rezone 0.22± acres of land from Single Family Residential-5 (SFR-5) to Planned Development-General (PD-G), to allow for the development of a multifamily complex – comprised of one duplex dwelling and one additional residential unit within the property. The property is located at 1219 Ruger Place. **REQUEST TO CONTINUE TO THE NOVEMBER 16, 2023, PLANNING BOARD MEETING.**

Board Action:

A motion to continue was made by Mr. McLean, seconded by Mr. Newman, to approve the continuance. The motion carried (7-0) with the breakdown as follows:

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

6. **Echo Suites Beville – Planned Development-General (PD-G) Rezoning – DEV2023-045 (Quasi-Judicial Hearing)**

A request by Kelly Hyvonen, AICP, Land Development Strategies, LLC., on behalf of NSB 103 Development, LLC (property owners), to rezone 2.98± acres of land from Planned Development General (PD-G), also known as the Andros Isles Planned Development to PD-G zoning and, a new Planned Development (PD) allowing for a visitor accommodation/hotel use.

Staff Presentation:

Paula Long, Planner presented the staff report which was included as part of the packet. The applicant proposes to rezone 2.98± acres of property to allow for development of a hotel and all associated site improvements. The applicant has also currently submitted a Site Plan (DEV2023-053); which is under Staff review. Final Site Plan will require Planning Board Approval.

Applicant Presentation:

Kelly Hyvonen, AICP, Land Development Strategies, LLC., on behalf of NSB 103 Development, LLC (property owners), to rezone 2.98± acres of land from Planned Development General (PD-G), also known as the Andros Isles Planned Development to PD-G zoning and, a new Planned Development (PD) allowing for a visitor accommodation/hotel use. Ms. Hyvonen stated the neighborhood meeting yielded two residents that are very active in the community who had questions about landscaping and parking.

Mr. McLean asked where Land Development Strategies was headquartered. Mr. McLean said he stayed at Echo Suites and enjoyed his stay there.

Mr. Robinson wanted to know if AICP attempted to notify renters. Mr. Mzorek advised a neighborhood meeting notice had to be posted.

Public Comments:

No public comments.

Board Action:

A motion was made by Mr. McLean, seconded by Mr. Servance, to approve Echo Suites Beville – Planned Development-General (PD-G) Rezoning – DEV2023-045

The motion carried (7-0) with the breakdown as follows:

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

7. **Property Maintenance – Land Development Code Text Amendment DEV2023-196 (Legislative Hearing)**

A request by the Growth Management and Planning Department and Neighborhood Services Division to amend Article 6, Section 6.19 Property Maintenance Standards, of the Land Development Code, to add maintenance standards for boarding up vacant structures and to add cross references to other City ordinances and Code provisions.

Staff Presentation:

Rose Askew, Project Manager presented the staff report which was included as part of the packet. A recommendation was made to approve the proposed text amendment, to amend Article 6, Section 6.19 Property Maintenance Standards, of the Land Development Code, to add maintenance standards for boarding up vacant residential and commercial structures and adding text cross reference other provisions of this Code, the International Property Maintenance Code (IPMC) and Code of Ordinances.

The new text will read as follows:

Article 6 Section 6.19.C (New Section)

Vacant Buildings

1. No vacant residential or commercial building shall be boarded up for a period exceeding 120 days unless granted a waiver, or by the Chief Building Official. The Chief Building Official’s decision shall be based on public health, safety, and welfare. All vacant buildings or buildings authorized to be boarded up shall be maintained as follows:

- a. Materials used to enclose the building shall be neatly secured within the window and door openings and shall be painted to match the rest of the building to the greatest extent possible.
- 2. In case of conflict between the provisions in this section and other provisions of this Code, the International Property Maintenance Code (IPMC) Code of Ordinances, or other city ordinances, the more stringent requirement shall apply.

Mr. Weatherholtz stated this is a necessary change to the LDC.

Mr. Robinson was concerned with the consequences and the time allotment.

Mr. Barhoo wanted to know why 120 days was used as a timeframe.

Public Comments:

No public comments.

Board Action:

A motion was made to approve Property Maintenance – Land Development Code Text Amendment DEV2023-196 by Ms. Washington, seconded by Mr. McLean.

The motion carried (7-0) with the breakdown as follows:

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

8. **Other Business:**

a. Downtown/Balough Road Redevelopment Area Board Report

No report provided due to Mr. Newman not being at the latest meeting.

b. Midtown Redevelopment Area Board Report

Ms. Washington stated it was an excellent meeting.

c. Beachside Redevelopment Area Board Report

Mr. Servance stated there was a meeting but was unable to attend.

d. Public Comments

Mr. James Tiger, 1227 Ruger Place, Daytona Beach, wanted to add comments in reference to number 5. He stated this residence has been divided and turned into a multifamily housing facility and is not up to code. He also stated the residence has been altered without any permits.

Mr. John Nicholson, 413 N. Grandview Avenue, Daytona Beach, wanted to state his opinion on parking requirements for the hotels.

Ms. Holly Beckwith, 1223 Ruger Place, Daytona Beach, wanted to speak on item 5, 1219 Ruger Place. She stated that Mr. Tiger was incorrect in his opinions on that residence she is the caretaker of the property and stated the residence is up to compliance. She also wants to know how going forward with community issues presented by the new Silver Beach Hotel.

Anne Ruby, 137 Park Avenue stated item number 4, is not urban density it is something beyond that. She stated the Planning Board did not listen to residents who are most affected. She stated the hotel will need a shuttle. She finds the “yes” vote for Silver Beach perplexing.

e. Staff Comments

Mr. Mzorek welcomed the new Board members as well as the new Planning Department members.

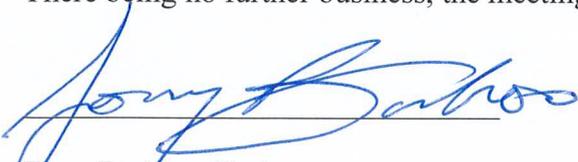
f. Board Members Comments

Mr. McLean stated he was placed on the Affordable Housing Committee.

Mr. Robinson stated the Board should ask themselves “Why do people come to Daytona Beach”. He wants the Board to look at the residents and the compatibility of the new projects.

Adjournment

There being no further business, the meeting was adjourned. 9:44 p.m.


Tony Barhoo, Chair


Luci Brito, Secretary