

MINUTES

REGULAR MEETING – PLANNING BOARD

November 16, 2023, 2023

Minutes of the Regular Meeting of the Planning Board for the City of Daytona Beach, Florida, held on Thursday, November 16, 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	Absent
Milverton Robinson	Absent
Tony Servance	Present
Cathy Washington	Present
Vernon Weatherholtz	Present

Also Present:

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

3. **Approval of the Minutes** - October 26, 2023

Approval of the Minutes of October 26, 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 (5-0) with the breakdown as follows:

Tony Barhoo, Chair	Yes
Michael McLean, Vice Chair	Yes
Tony Severance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

Continued Items:

Item 5 taken here.

Item 12 taken here.

4. **CONTINUED FROM THE October 26, 2023, PLANNING BOARD MEETING**

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

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 memorialize the existing nonconforming 3-unit multifamily complex, comprised of a duplex dwelling and a one-story garage apartment/accessory dwelling unit (ADU), on the property.

Staff Presentation:

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet. The applicant requests to rezone 0.22 plus or minus acres of land from single family residential five to plan development general to memorialize the existing nonconforming three-unit multifamily complex on the property. It's comprised of a duplex dwelling and 1 story garage apartment or accessory dwelling. The site is located on the east side of Ruger Place. Provided all LDC modifications are accepted, Staff recommends approval 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 multifamily complex, comprised of a duplex dwelling and a one-story garage apartment/ADU, on the property.

Board comments:

Vernon Weatherholtz asked if the duplex and garage apartments are up to code. He asked if the lot met the pervious and impervious area requirements for the city.

Ms. Ward stated that would be presented at another step in the approval process.

Mr. Mzorek stated the property has had a business license with the city for some time. To obtain this license there must be inspections from the Fire Marshall and Building Inspector.

Applicant Presentation:

Alana Smith and Jessica Gow, Esq., Cobb Cole, 149 S Ridgewood, 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). The applicant is proposing to add four new parking spaces, they are also going to add additional landscaping to improve the aesthetic value of the property, and to enclose those new parking spaces. The applicant is also open to leave the existing parking ribbons if additional parking is not permitted.

Public Comments:

Elizabeth Barnes 1229 Ruger Place. She feels the proposed parking spaces in the front lawn should not be permitted.

Holly Beckwith 1223 Ruger Place. She currently manages the property. The new owner assured her that they are open to not going forward with the proposed parking changes.

John Nicholson, 414 N. Grandview Ave. John does not have a problem with the proposed improvements except for the parking spaces on the front lawn.

Board Action:

Mr. McLean asked to make a motion to approve this item without approving the parking spaces on the front lawn.

Jessica Gow Esq, Cobb Cole,149 S Ridgewood, on behalf of the applicant agreed to that modification.

A motion was made by Mr. McLean, seconded by Mr. Servance to approve 1219 Ruger Place – Planned Development-General (PD-G) Rezoning – DEV2022-215. The motion passed (4-1) with the breakdown as follows:

Tony Barhoo, Chair	Yes
Michael McLean, Vice Chair	Yes
Tony Severance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Nay

New Items:

5. **Add Body Piercing – Land Development Code Text Amendment DEV2023-155 (Legislative Hearing)**

A request by Robert Howard, on behalf of Studio 21 Tattoo, to amend Article 5, Section 5.2 (Principle Uses), and Article 11, Section 11.5 (Term and Uses Defined), of the Land Development Code, to add body piercing as a permitted use in all zoning district where tattoo establishments are permitted and modify the definition for tattoo establishments.

Staff Presentation:

Rose Askew, Project Manager, presented the staff report which was included as part of the packet. Staff have received a request to allow body piercing as an accessory use to tattoo establishments. Based on staff analysis and review of the above standards, approval of the requested text amendments concerning tattooing in Article 5 is recommended.

Applicant's Text Amendment Request:

Article 5

- Modify the Accessory Use Tables to add body Piercing as an accessory use in the BR-2, M-5, RDB-5, RDD-7, and RDM-3 zoning districts.
- Modify 5.2.B.22.a.i to delete the text that does not allow body piercing as an accessory use to another retail sales and service use and 5.2.B.22.d prohibiting body piercing establishments on properties abutting Dr. Mary McLeod Bethune and International Speedway Boulevard.

City Staff Text Amendment Expansion Request:

Article 5

- Expand the request to modify the Permitted Use Tables to allow body piercing establishments as permitted in all zoning districts that permit tattoo establishments.

Applicant Presentation:

Robert Howard on behalf of Studio 21 Tattoo. The applicant stated he believes piercings should be attached to a tattoo studio not any other retail establishments.

Board Comments:

Mr. Servance asked if the tattoo studios were regulated by the health department.

Mr. Howard stated there was rigorous inspection of both the tattoo and piercing licensure.

Public Comments:

John Nicholson, 413 N Grandview Ave. Mr. Nicholson stated tattooing should be restricted and not allowed on Mary McLeod Bethune Blvd. or International Speedway Blvd.

Board Action:

M. McLean made a motion to approve the staff recommendation Add Body Piercing – Land Development Code Text Amendment DEV2023-155. The motion was seconded by Mr. Washington. The motion passed (5-0) with the breakdown as follows:

Tony Barhoo, Chair	Yes
Michael McLean, Vice Chair	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

6. **Tiki Supreme – Site Plan – DEV2023-018 (Quasi-Judicial Hearing)**

A request by Joseph Hopkins, P.E., The Performance Group, on behalf of Tiki Supreme, Inc (property owner), to rezone 12.4± acres of land from Planned Development-General (PD-G) to Planned Development-General (PD-G), to allow for the development of three buildings with a total gross floor area of 86,050 square-feet for light industrial use, and associated site improvement. The property is located at 2399 Mason Avenue.

Staff Presentation:

Paula Long, Planner, presented the staff report which was included as part of the packet. The applicant is requesting to rezone 12.4± acres of land from Planned Development-General (PD-G) to Planned Development-General (PD-G), to allow for the development of three buildings with a total gross floor area of 86,050 square-feet for light industrial use, and associated site improvement.

The Tiki Supreme Planned Commercial Development (PCD) Agreement was originally approved by the City Commission (CC) in February of 2007 allowing for the development of a variety of industrial uses with retail sales being permitted as accessory uses to any principal permitted use. Anticipated to be a phased project; completion was targeted within 5 years of the effective date of the agreement. A new agreement, The Tiki Supreme Planned District (PD) Agreement, became effective via CC approval February of 2019 with nearly identical industrial uses with completion required within 5 years. The current request is for a site plan to develop the entire 12.43± acres of land for the purpose of a 3-phase construction of three buildings containing light industrial uses.

Staff recommends approval of the site plan with stated conditions for Tiki Supreme for approximately 86,050 SF of light industrial flex space inclusive of associate site improvements on 12.43± acres of land.

Board comments:

Mr. McLean asked if there was a financial component to letting an approval expire.

Ms. Long stated once the approval expires the applicant must start all over and all approval fees must be paid.

Mr. Mzorek stated the applicant was approved in 2007 right before the economic downturn, there is a possibility that had a lot to do with the applicants letting this project expire.

Applicant Presentation:

Joe Hopkins, P.E., The Performance Group, on behalf of Tiki Supreme, Inc.. Hopkins made a request to rezone 12.4± acres of land from Planned Development-General (PD-G) to Planned Development-General (PD-G), to allow for the development of three buildings with a total gross floor area of 86,050 square-feet for light industrial use, and associated site improvement. The property is located at 2399 Mason Avenue.

Public Comments:

No public comments.

Board Action:

A motion was made by Mr. McLean, seconded by Mr. Servance, to approve Tiki Supreme – Site Plan – DEV2023-018. The motion carried (5-0) with the breakdown as follows:

Tony Barhoo, Chair	Yes
Michael McLean, Vice Chair	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

7. **South Grandview Satellite Parking Large-Scale Comprehensive Plan Amendment (LSCPA) – DEV2022-103 (Legislative Hearing)**

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of Hit The Deck Restaurant Group, LLC, (property owner), for approval of a Large-Scale Comprehensive Plan Amendment changing the Future Land Use Map and amending the Future Land Use Element Neighborhood “B”, creating new issue (i) for 1.25± acres of land. The property is generally located on the east side of Grandview Avenue, north of 5th Avenue and south of Kemp Street

Staff Presentation:

Doug Gutierrez, Planning Manager, presented the staff report which was included as part of the packet. The applicant requests approval of a Large-Scale Comprehensive Plan Amendment

amending the Future Land Use Element Neighborhood “B”, Issue (i), creating new policy (5) for 1.25± acres of land.

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet. Development on the 1.25-acre property located along South Grandview Avenue which is the subject of DEV2022-034, shall be limited to a parking garage or structure, parking lot, and/or public uses, along with accessory uses for self-storage. Accessory self-storage uses within shall not exceed a Floor Area Ratio of 0.18. Staff finds that the large-scale amendment is consistent with the Comprehensive Plan, does not represent urban sprawl and the City has available capacity to serve the demand on available roads, water, and sewer.

Based on staff analysis and review, staff recommends approval of the proposed text amendment to Neighborhood “B”, creating new Policy (5) limiting development to a parking garage and accessory self-storage use with a 0.18 FAR.

Board Comments:

Mr. McLean asked which one was being proposed, a surface parking lot or a parking garage. He also wanted to know why the neighborhood meeting was so delayed. It occurred in January of this year. He asked about a parking study being done by the Redevelopment Board.

Ms. Ward responded that the applicant wanted the option of a lot or a structure. The reason the neighborhood meeting was in January and the board is seeing it now is the project has gone through several revamps to meet Planning standards. She also verified that the Redevelopment Board will be conducting a traffic study to verify a need for a parking lot/structure.

Applicant presentation:

Jessica Gow, Esq., Cobb Cole, 149 S Ridgewood, on behalf of Hit The Deck Restaurant Group, LLC. Applicant requests development on the 1.25-acre property located along South Grandview Avenue shall be limited to a parking garage or structure, parking lot, and/or public uses, along with accessory uses for self-storage.

Mr. McLean asked if the roof was pitched. He also wants to know if the applicant will consider the results of the traffic study. He also had questions about the lot/garage being automated or would there be an attendant on site, when the lot/garage is open.

Ms. Gow stated the roof would be pitched to code. The applicant is going to consider the results of the traffic study in making the decision to either build a surface lot or a parking garage. The lot would probably have an attendant on site during hours of operation.

Mr. Weatherholtz asked if the parking lot would have an attendant on site. He also wanted to know if there would be security and adequate lighting.

Ms. Gow reiterated that there would be an attendant during the hours of operation as well as cameras and lighting as per building regulations.

Mr. Barhoo was concerned about the number of modifications the applicant was asking for.

Public Comments:

Holly Beckwith, 1223 Ruger Place, is against the project.

Amy Pyle, 136 S. Grandview Ave., is against the project.

Alex Riley, 126 S. Grandview Ave., is against the project.

Scott Tyson, 154 S. Grandview Ave., is against the project.

John Nicholson, 413 N. Grandview Ave., is against the project.

Sandy murphy, 136 Park Ave., is against the project.

Steven Pyle, 138 S. Noble Street, is against the project.

Board Action:

A motion was made by Mr. McLean to approve South Grandview Satellite Parking Large-Scale Comprehensive Plan Amendment (LSCPA) – DEV2022-103. The motion was seconded by Mr. Servance. The motion was opposed (3-2) with the breakdown as follows:

Tony Barhoo, Chair	No
Michael McLean, Vice Chair	Yes
Tony Severance	Yes
Cathy Washington	No
Vernon Weatherholtz	No

8. **South Grandview Satellite Parking Planned Development – Redevelopment (PD-RD) Rezoning – DEV2022-034 (Quasi-Judicial Hearing)**

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of Hit The Deck Restaurant Group, LLC, (property owner), to rezone 1.25± acres of property from Residential Professional (RP) to Planned Development – Redevelopment (PD-RD), to allow for development of a parking garage with accessory self-storage. The property is generally located on the east side of Grandview Avenue, north of 5th Avenue and south of Kemp Street.

Staff Presentation:

Doug Gutierrez, Planning Manager, presented the staff report which was included as part of the packet. The applicant requests approval of a Large-Scale Comprehensive Plan Amendment

amending the Future Land Use Element Neighborhood “B”, Issue (i), creating new policy (5) for 1.25± acres of land.

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet. Development on the 1.25-acre property located along South Grandview Avenue which is the subject of DEV2022-034, shall be limited to a parking garage or structure, parking lot, and/or public uses, along with accessory uses for self-storage. Accessory self-storage uses within shall not exceed a Floor Area Ratio of 0.18. Staff finds that the large-scale amendment is consistent with the Comprehensive Plan, does not represent urban sprawl and the City has available capacity to serve the demand on available roads, water, and sewer.

Based on staff analysis and review, staff recommends approval of the proposed text amendment to Neighborhood “B”, creating new Policy (5) limiting development to a parking garage and accessory self-storage use with a 0.18 FAR.

Board Comments:

Mr. McLean asked which one was being proposed, a surface parking lot or a parking garage. He also wanted to know why the neighborhood meeting was so delayed. It occurred in January of this year. He asked about a parking study being done by the Redevelopment Board.

Ms. Ward responded that the applicant wanted the option of a lot or a structure. She also verified that the Redevelopment Board will be conducting a traffic study to verify a need for a parking lot/structure.

Applicant presentation:

Jessica Gow, Esq., Cobb Cole, 149 S Ridgewood, on behalf of Hit The Deck Restaurant Group, LLC. Applicant requests development on the 1.25-acre property located along South Grandview Avenue shall be limited to a parking garage or structure, parking lot, and/or public uses, along with accessory uses for self-storage.

Mr. McLean asked if the roof was pitched. He also wants to know if the applicant will consider the results of the traffic study. He also had questions about the lot/garage being automated or would there be an attendant on site, when the lot/garage is open.

Ms. Gow stated the roof would be pitched to code.

The applicant is going to consider the results of the traffic study in making the decision to either build a surface lot or a parking garage.

The lot would probably have an attendant on site during hours of operation.

Mr. Weatherholtz asked if the parking lot would have an attendant on site. He also wanted to know if there would be security and adequate lighting.

Ms. Gow reiterated that there would be an attendant during the hours of operation as well as cameras and lighting as per building regulations.

Mr. Barhoo was concerned about the number of modifications the applicant was asking for.

Public Comments:

Holly Beckwith, 1223 Ruger Place, is against the project.

Amy Pyle, 136 S. Grandview Ave., is against the project.

Alex Riley, 126 S. Grandview Ave., is against the project.

Scott Tyson, 154 S. Grandview Ave., is against the project.

John Nicholson, 413 N. Grandview Ave., is against the project.

Sandy murphy, 136 Park Ave., is against the project.

Steven Pyle, 138 S. Noble Street, is against the project.

Jessica Gow, Esq., Cobb Cole, 149 S Ridgewood, on behalf of Hit the Deck Restaurant Group, LLC. Advised the immediate need for this property owner is a surface lot.

Board Action:

A motion was made by Mr. McLean to approve South Grandview Satellite Parking Planned Development – Redevelopment (PD-RD) Rezoning – DEV2022-034) the motion was seconded by Mr. Weatherholtz. The motion was opposed (3-2) with the breakdown as follows:

Tony Barhoo, Chair	No
Michael McLean, Vice Chair	Yes
Tony Severance	Yes
Cathy Washington	No
Vernon Weatherholtz	No

9. **7th Amendment to Daytona Beach Kennel Club PD – DEV2023-066 (Quasi-Judicial Hearing)**

Request was made to continue this item to the 12/21/2023 Planning Board meeting.

Board Action:

A motion was made by Mr. McLean to continue Item 9 to the 12/21/2023 Planning Board Meeting. It was seconded by Mr. Servance. The motion was approved (5-0) with the breakdown as follows:

Tony Barhoo, Chair	Yes
Michael McLean, Vice Chair	Yes
Tony Severance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

10. 5th Street Right-of-way - Vacation – DEV2023-040 (Public Hearing)

Staff Presentation:

Doug Gutierrez, Planning Manager presented the staff report which was included as part of the packet. A request by The City of Daytona Beach, Public Works Department, to vacate approximately 140,590 sq. ft. of right-of-way of a portion of undeveloped Fifth Street (50' x 2811.8'). At the request of multiple residents, the City of Daytona Beach Public Works Department has filed an application requesting the vacation of a portion of undeveloped Fifth Street (aka White Street) right of way (ROW) between Orange Avenue to the north, Tarragona Way to the west, S. Lanvale Avenue to the east and Museum Blvd (aka Charles Street) to the south, as highlighted on the attached Exhibit "A", being approximately 2,811.8 ft +/- in length. Fifth Street currently contains utilities and prior to the right of way vacation being completed, the City will be recording a Utility Easement over the entire area to be vacated.

Board Comments:

Mr. Weatherholtz asked if any of the land was buildable.

Mr. Gutierrez explained that it was only 50 feet wide, so it does not meet the criteria for a buildable lot.

Public Comments:

Jim Kress, 623 Tarragona Way, is in favor of the vacation.

Melissa Adams, 425 Tarragona Way, is in favor of the vacation.

Arnold Thomas, 600 S. Lanvale Ave, is in favor of the vacation.

Sharon Stavoy, 606 S. Lanvale Ave., is on favor of the vacation.

Jane Conner-Ziser, S. Lanvale Ave., is in favor of the vacation.

Charlene Rollins, 612 S Lanvale Ave., is in favor of the vacation.

Bonnie Keating, 606 S. Lanvale Ave. is in favor of the vacation.

Melissa McLain 542 S. Lanvale Ave., is in favor of the vacation.

Carol Bristow, 609 Tarragona Way, is in favor of the vacation.

Board Action:

A motion was made by Mr. Servance to approve the 5th Street Right-of-way - Vacation – DEV2023-040. It was seconded by Mr. McLean. The motion was approved (5-0) with the breakdown as follows:

Tony Barhoo, Chair	Yes
Michael McLean, Vice Chair	Yes
Tony Severance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

11. University Transition - Redevelopment Midtown (RDM-4) – Land Development Code Text Amendment DEV2023-483 (Quasi-Judicial Hearing)

Dennis Mrozek Planning Director presented the staff report which was included as part of the packet. A request was made by the Growth Management and Planning Department, Planning Division, and the Redevelopment and Neighborhood Services Division, to amend Table 5.2.A.3 (Principal Use Table for Redevelopment Districts) and Section 5.2.B (Standards for Specific Principal Uses) of the Land Development Code, to add Retail Sales and Service Uses and Residential Uses to the RDM-4 zoning district, and to amend Section 4.7.X.3 (RDM-4 Intensity and Dimensional Standards) to include standards for single-family and duplex uses.

Public Comments:

No public Comments.

Board Action:

A motion was made by Mr. McLean to approve University Transition - Redevelopment Midtown (RDM-4) – Land Development Code Text Amendment DEV2023-483; the motion was seconded by Mr. Weatherholtz. The motion was approved (5-0) with the breakdown as follows:

Tony Barhoo, Chair	Yes
Michael McLean, Vice Chair	Yes
Tony Severance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

12. **Neighborhood Notice Requirements – Land Development Code Text Amendment DEV2023-350 (Legislative Hearing)**

Staff Presentation:

Rose Askew, Project Manager, presented the staff report which was included as part of the packet. Ms. Askew stated that at recent City Commission meetings citizens have raised concerns regarding the regulations for neighborhood meetings. Their concerns are the 300-foot distance for notifying property owners; minimal project information being provided at the meeting, and responses to residents' comments and concerns regarding proposed projects. Their first concern is that the 300-foot mail notice requirement does not reach some neighbors and property owners that would likely be affected by the project. A second concern is the deficiency in information provided on projects and thirdly poor responses from applicants addressing citizens' comments, concerns, or recommendations for changes to projects.

To address citizens' concerns regarding deficiencies in the current Neighborhood Notice Requirements, staff is proposing to amend Article 3, Section 3.3.B of the LDC to modify procedures for Neighborhood Meetings to add additional requirements for applicants and expand the notice requirement from 300-feet to 500-feet. A summary of the proposed text amendment is included in your packet. Staff recommends approval of the proposed text amendment, to amend Article 3, Section 3.3 Standard Procedures, of the Land Development Code, to modify procedures for Neighborhood Meetings.

Board Comments:

Mr. McLean asked where the number 500 came from.

Ms. Askew stated a comparison was made with the surrounding municipalities. A middle ground was found at 500 feet.

Mr. McLean asked how these changes would affect the approval process.

Public Comments:

Carol Bristow, 609 Tarragona Way. Ms. Bristow wanted to know where the 500 feet line starts.

Mr. Dennis Mzorek stated the 500 feet started from the property boundary line.

Board Action:

A motion was made by Mr. Servance to approve Neighborhood Notice Requirements – Land Development Code Text Amendment DEV2023-350 seconded by Mr. McLean. The motion carried (5-0) with the breakdown as follows:

Tony Barhoo, Chair

Yes

Michael McLean, Vice Chair	Yes
Tony Severance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

13. Other Business

- a. Downtown/Balough Road Redevelopment Area Board Report
- b. Midtown Redevelopment Area Board Report
- c. Beachside Redevelopment Area Board Report
- d. Affordable Housing Advisory Committee (AHAC) Report
- e. Public Comments:

Holly Beckwith, 1223 Ruger Place, stated she is here to “fight the good fight”. Feels the Planning Board is always putting the cart before the horse.

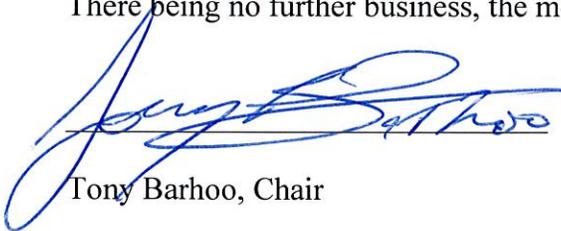
- f. Staff Comments:

Dennis Mrozek, Planning Director, advised there were still Planning Board members who needed to finish their 2023 Ethics Training.

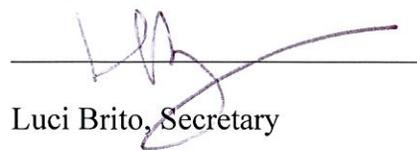
- g. Board Members Comments

Adjournment

There being no further business, the meeting was adjourned at 9:05 PM.



Tony Barhoo, Chair



Luci Brito, Secretary