

MINUTES

REGULAR MEETING – PLANNING BOARD

June 25, 2009

Minutes of the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, June 25, 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
Jeff Hurt
Tracey Remark
Edith Shelley, **Vice-Chair**
Janet LeSage
John McGuinness
Larry Moore
Sam Rogers

Absent Members:

Bob Hoitsma, **Chair**
Cathy Washington, **Secretary**
James Neal

Staff members present:

Mr. Thad Crowe, Planning Manager
Mr. Reed Berger, Redevelopment Director
Mr. Ben Gross, Assistant City Attorney
Mr. Jason Jeffries, Redevelopment Project Manager
Ms. Rose Askew, Planning Technician

1. **Call to Order**

Edith Shelley, Vice-Chair called the meeting to order at 6:00 pm.

2. **Roll Call**

Mr. Hurt called the roll and noted members present as listed above.

3. **Approval of the Minutes:** May 28, 2009

Board Motion

It was moved by Mr. Moore to approve the May 28, 2009 Planning Board Meeting Minutes. Seconded by Mrs. Remark.

Board Action

The motion was approved 8-to-0.

4. **Land Development Code Amendments, DEV 2009-063, Advisory Board Appointments and Member Qualifications**

An administrative request by the Development and Administrative Services Department, Planning Division, to amend the Land Development Code (LDC), Article 3, Decision-Making Bodies and Procedures, Sections 4 (Code Enforcement Board), 5 (Redevelopment Area Boards), 6 (Historic Preservation Board), and 8 (Board of Building Codes); pertaining to appointment and membership of such boards.

Staff Presentation

Thad Crowe, Planning Manager gave a brief PowerPoint presentation. He stated this was an administrative request being brought forward at the request of the City Commission from a previous meeting. He stated changes were being proposed to the Code Enforcement Board, Redevelopment Boards, Historic Preservation Board, and Board of Building Codes. He stated the recommended changes were as follows:

- Code Enforcement Board appointment responsibility shifted from the City Manager to the City Commission.
- Correction of Midtown Redevelopment Board name.
- Majority of Redevelopment Board members must reside in City.
- Downtown-Ballough Road Area Redevelopment Board changes:
 - DDA members reduced from 9 to 1.
 - Two members who live in or run businesses in Downtown/Ballough Road Redevelopment areas.
 - Two members who live in the CITY or run businesses in the Downtown/Ballough Road Redevelopment areas.

Mrs. Shelley stated in the Board packet the language was different. She stated it read “their principal place of business.”

Mr. Crowe replied she was correct and that he shortened the language but now that he looked at it, he could see the change could imply a different meaning.

Mrs. Remark stated she wanted to make sure DDA meant Downtown Development Authority.

Mr. Crowe replied that was correct. He stated the Downtown-Balough Road Area Redevelopment Board reviewed the proposed changes and by consensus they made the following recommendations:

- Continue to have a City Commissioner on the Redevelopment Board and DDA (not in current or proposed LDC).

Mr. Crowe stated a motion was made to approve the amendment but the motion failed. He stated both the Midtown Area Redevelopment Board and the Main Street/South Atlantic Area Redevelopment Board met, discussed the proposed changes and recommended approval unanimously. He stated the Historic Preservation Board (HPB) met and made the following recommended changes to the request:

- Board appointment responsibility shifted from Manager to Commission.
- Require one member to be an architect.
- Four additional members must meet Certified Local Government (CLG) requirements.
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Mr. Crowe stated a handout was distributed that gave more detail on the CLG requirements and that the program called for some level of education & experience in history, archeology, architectural history, architecture, and historic architecture. He then continued with the remaining changes as follows:

- Two members appointed at large.
- Four additional members appointed “from each of City commission zones.”
- Majority of members be City residents.

Mr. Crowe then stated in addition to the HPB changes they also made the following additional recommendations that were approved unanimously:

- Limit board membership strictly to residents, unless they were not able to get technical expertise (proposed required residents majority would still stay in place).
- Clarify that each zone commissioner appointment need not be a zone resident.

Mr. Crowe stated the Board of Building Codes had one change and it was that the Majority of members be City residents. He stated the amendment was scheduled for first reading on August 5th and second reading on August 19th and that staff was recommending approval of the changes presented with the clarification that staff was proposing what was offered in the original packet.

Board Comments

Mrs. Remark stated the wording in the PowerPoint presentation for the HPB recommendations/changes was not the same as what was in the packet the Board members received. She stated the presentation had four members, one from each zone in the City but the City actually had six zones and in the packet it read two members appointed at large and one member appointed from each commission zone which made six.

Mr. Crowe stated she was correct and that the PowerPoint presentation was a typo, it should have read six members instead of four.

Mrs. Remark stated the other thing she wanted to be clear on was the consensus among the City Commission was that the majority of the members were residents but the HPB said they wanted all of the members to be residents of the City unless they could not get any qualified residents.

Mr. Crowe and Mrs. Remark agreed that what the HPB wanted could be more open than what the City Commission wanted.

Mrs. Shelley stated the PowerPoint presentation was a synopsis but the Board was voting on the language in the packet. She asked Mr. Rogers and Ms. LeSage if they had additional comments from their redevelopment boards.

Both Mr. Rogers and Ms. LeSage replied no.

Mrs. Shelley stated she noticed in the minutes from the Downtown/Balough Road Area Redevelopment Board that it read there was a consensus about the City Commissioner and she remembered it differently. She stated there was a discussion but she did not think Commissioner Shiver said he did not feel a Commissioner needed to be on the board in particular, that a member of the DDA was fine with him and he did not feel the City Commissioner needed to be that one DDA member. She stated the only reason the Downtown/Balough Road Area Redevelopment Board had a City Commissioner on it was because of the DDA and the other redevelopment boards did not have a City Commissioner. Mrs. Shelley stated she had a request for a possible change in wording for the Code Enforcement Board. She stated on the first page, at the bottom, agenda item number five where it said "the City Commission shall appoint the nominees or other qualified electors." She stated she felt it should coordinate with the language on page four that read "the City Commission shall appoint qualified individuals." Mrs. Shelley stated she felt that language "nominees or other qualified electors" was referencing the previous sentence that had been deleted because there would not be any nominees. She made a recommendation to change the language to read "the City Commission shall appoint qualified individuals." She stated for the record again she along with Mr. Jack White and Commissioner Richard Shiver voted in favor of the membership changes to the Downtown/Balough Road Area Redevelopment Board and she reminded the Planning Board members that Mrs. Remark and Mr. Moore were on the Vision Committee and it was said loud and clear throughout the vision process that the citizens of Daytona Beach would like to see more citizen representation on the board. She commended the City Commission for taking that information and moving it forward.

Mrs. Remark stated when she read the City Commission meeting minutes, she determined that the HPB's recommendation was not something that would work with the zone appointments and she had spoken with her commissioner, the majority of the remaining commissioners and the mayor and found that none of them understood that during their discussion they were saying zone appointments.

Mrs. Shelley stated she was also at the meeting and she agreed with Mrs. Remark.

Mrs. Remark replied she felt the language needed to be changed to reflect City-wide especially because they were looking for specific qualifications.

Mrs. Shelley stated staff was saying that was the intent but she agreed with Mrs. Remark that the language needed to be cleaned up because the way she read it in the packet appeared that it read the person had to be from the commissioner's zone.

Mrs. Remark stated the City Commission said limiting it to the specific zone for any board that required specific board member requirements would not work. She stated she clarified it with three commissioners and the mayor.

Mrs. Shelley asked Mrs. Remark is she had a recommendation on the language for the change.

Mrs. Remark stated her recommendation of language would be "two members shall be appointed by the Mayor, one member shall be appointed by each City Commissioner and one member must be an architect." She then had a question on CLG. She asked if the language should be changed from "obtain CLG status" to "obtain and maintain CLG status."

Board Motion

It was moved by Mr. Hurt to approve Land Development Code Amendments, DEV 2009-063, Advisory Board Appointments and Member Qualifications with the comments and changes that were discussed. Seconded by Mrs. Remark.

Board Action

The motion was approved 8-to-0.

5. **Other Business**

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

Mrs. Shelley stated she gave the June report at the June 4th meeting and their next meeting was scheduled for Tuesday, July 7th.

B. **Midtown Redevelopment Area Board Report**

No report.

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

Ms. Lesage stated the Board met on June 10th, they approved (7-to-0) the Ocean Deck's request for Temporary Parking Lot. She stated they had been operating with several issues over the last few years and they were being required to clean it up and complete the appropriate landscaping. She stated the Board denied the Annual Event Promotion Plan and stated the applicant would come back before the Board with a different plan; they had discussion on the LDC Text Amendment that was on the Board's agenda tonight and they passed a schematic of the Peabody Auditorium sign that she and David Lamont voted against. She stated she felt it was a really nice sign but unfortunately there were some components of electronic messaging and it was too tall.

D. **Vision Committee Report**

Mrs. Shelley asked to have the Vision Report taken off the agenda since there would no longer be a representative of the Planning Board on the new Vision Implementation Committee. She stated she would attend some of the meetings and would make comments under the Board Member Comments. She stated the next meeting was scheduled for Tuesday, July 7th at 6:00 pm at the Police Department.

E. **Public Comments**

No comments.

F. **Staff Comments**

No comments.

G. **Board Member Comments**

Mrs. Remark asked what board the Peabody LDC amendment would go to next since there were not any LED signage guidelines in the City's LDC.

Ms. LeSage replied her understanding was it would go before the Board of Adjustment (BOA) for a variance.

Mrs. Shelley asked Mr. Berger to respond to Mrs. Remark's question and Ms. LeSage's statement.

Mr. Berger stated staff was trying to get more reviews. He stated the Historic Preservation Board would review the request and give feedback.

Mr. Crowe stated any change to standards that are known, dimensional and set, go to the BOA but if it is an appeal or interpretations they come to this Board.

Mrs. Remark stated that standard was not anywhere in the LDC.

Mr. Crowe stated the LDC had specific restrictions on the type and size of signs.

Mrs. Remark stated it also prohibited LED signs.

Mr. Berger stated there were different ways to handle the situation. He stated there was a public use provision in the LDC and he thought that was what was being examined and if so it would go directly to the City Commission.

Mr. Crowe stated he agreed with Mr. Berger.

Mrs. Shelley asked if that was how Daytona State College (DSC) got their sign.

Mr. Berger replied he did not know.

Mrs. LeSage distributed literature on the Ezone meeting that was scheduled Monday night at the Peabody Auditorium. She stated Mr. Berger had been pushing the item along and she was pleased to see the mass mailing that went out. She asked if the mailing was City-wide.

Mr. Berger replied it was just the Main Street residents and property owners. He stated in an effort to try to reach more residents, they had some additional flyers printed out that they were going door-to-door and distribute.

Ms. Shelley stated the meeting date was scheduled for Monday, June 29th at 6:00 pm at the Peabody Auditorium.

Mr. Rogers stated he really enjoyed being a member of the Planning Board and this was his last meeting. He stated he was submitting his letter of resignation effective tonight.

Mrs. Shelley stated it had been an honor and privilege serving on the Board with him and she really enjoyed his input and meeting him as a person. She stated he would really be missed.

Mr. Rogers recommended Mr. McGhee as his replacement to serve as the Planning Board representative on the Midtown Redevelopment Area Board.

Mrs. Shelley asked Mr. McGhee if he would be interested in serving on the Midtown Board.

Mr. McGhee replied yes.

Board Motion

It was moved by Mr. Rogers to appoint John McGhee, II as the Planning Board representative to the Midtown Redevelopment Area Board. Seconded by Mrs. Remark.

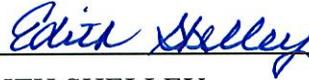
Board Action

The motion was approved 8-to-0.

Mr. Moore stated he was really going to miss Mr. Rogers input and contribution he brought to the Board and wished him well.

Adjournment

There being no further actions to come before the board, the meeting was adjourned at 6:30 pm.



EDITH SHELLEY
Acting Chair

ATTEST:



JEFF HURT
Acting Secretary