

MINUTES  
REGULAR MEETING – PLANNING BOARD

October 22, 2009

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Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, October 22, 2009, at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

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Board members Present were as follows:

Jeff Hurt  
Tracey Remark  
Edith Shelley  
Janet LeSage  
John McGuinness  
Larry Moore  
James Neal (6:07)  
Kevin Fishback (6:06)  
Cathy Washington

Absent Members:

John McGhee, II  
Bob Hoitsma

Staff members present:

Paul McKitrick, Deputy City Manager/Administrative Services  
Thad Crowe, Planning Manager  
Ben Gross, Assistant City Attorney  
Rose Askew, Planning Technician

1. **Call to Order**

Edith Shelley, Chair called the meeting to order at 6:03 pm.

2. **Roll Call**

Ms. Washington called the roll and noted members present as listed above.

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3. **Approval of the Minutes:** September 24, 2009 Planning Board Meeting

**Board Motion**

It was moved by Mrs. Remark to approve the September 24, 2009 Planning Board Meeting Minutes. Seconded by Mr. Moore.

**Board Action**

The motion was approved 7-to-0.

Item No. 5 taken here.

Item No. 7 taken here.

**Continued Items**

4. **Bayberry Colony RPUD Amendment, 2009-076**

A request by Andre Anderson, AICP, Planning Design Group, on behalf of KB Homes, Inc., to approve an amendment to an approved Residential Planned Unit Development (RPUD) for 365± acres of land including the existing Bayberry Colony subdivision, located on the west side of LPGA Boulevard, approximately 1.4 miles west of I-95, to allow for reduction in minimum living areas. *(Continued from the September 24, 2009 Planning Board Meeting)*

**Staff Presentation**

Thad Crowe, Planning Manager stated he had a brief PowerPoint presentation.

Mrs. Shelley announced that Mr. Neal arrived at 6:07 PM.

Mr. Crowe stated this was a zoning amendment request for the Residential Planned Unit Development (RPUD) for Bayberry Colony. He stated at the applicant's request the item had been continued from September 24, 2009 Planning Board Meeting, to allow the applicant time to hold a neighborhood meeting to clarify the request, resolve neighborhood issues and to collect the required approvals that the City is requiring. He stated the request was to amend the development agreement to allow for smaller living areas and the changes would only be applicable to an undeveloped area including all properties on Loganberry Court, Mulberry Branch Court, and the 200 and 300 block of Thornberry Branch Lane. Mr. Crowe stated the changes would apply to minimum living area for homes on 65, 75 and 80 foot lot widths. He stated minimum living area for homes built on 85 foot lot widths would remain at 1,800; minimum living area for homes built on 75 foot lot widths would go from 1,700 to 1,650 and minimum living area for homes built on 65 foot lot widths would go from 1,500 to 1,425. He further stated that the applicant held a neighborhood meeting on October 15<sup>th</sup> and 40 to 50 residents were in attendance. He stated the applicant further reported that that the residents in attendance raised issues concerning architectural trim of the new houses to be built; the quality of construction; lower-income residents moving into the neighborhood; lower value of

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the smaller homes and the fact that houses being sold in today's market not being the same as those sold four years ago. Mr. Crowe stated originally staff recommended approval of the request because it was in keeping with the zoning criteria and the Comprehensive Plan, however the applicant has not been able to secure the required approvals from all parties that are subject to this PD and therefore staff was now recommending denial.

Mrs. Remark asked if it was a requirement of the development agreement for the applicant to have approvals from all of the other Homeowners Associations.

Mr. Crowe replied staff's interpretation was yes that was a requirement.

Ben Gross, Assistant City Attorney stated it was a requirement of the LDC and actually it required signatures from all of the owners for any application. He stated the LDC further reads that Homeowners Associations (HOA) could stand in for the owners they represent when amendments were being made to PUD or PCD agreements.

### **Applicant Presentation**

Andre Anderson, AICP, Planning Design Group, 940 Woodcock Road, Orlando, Florida. He stated tonight he was representing KB Homes, Inc., and as indicated by Mr. Crowe, the request was to amend the RPUD for Bayberry Colony to allow smaller living area below the minimum thresholds that are currently in the Master Development Agreement for the 65 and 75 foot wide lots. He stated the minimum living area for homes built on 75 foot lot widths would be reduced from 1,700 to 1,650, affecting 16 lots on the northern portion of the property and minimum living area for homes built on 65 foot lot widths would be reduced from 1,500 to 1,425 affecting 73 lots on the northern portion. He stated KB Homes currently owns to 278 lots of the entire subdivision of which 147 are currently available for sale. Of the 147 lots currently available for sale, 89 of those lots are the ones KB Homes is requesting the reduction for. Mr. Anderson stated in the original request, which was submitted approximately one year ago KB Homes submitted an application for rezoning and at that time the request was to reduce the minimum living area from 1,500 square feet down to 1,100 and the minimum living area of 1,700 square feet down to 1,200. He stated they held a community meeting that brought up quite a bit of opposition. He stated another difference in the two requests if that the original request was for the entire 147 units so it involved a sporadic inclusion of lots through the subdivision. He stated based on the residents' concerns, they put the project on hold for approximately one year and are now coming back with the request amended to include only lots on the northern portion of the subdivision. He stated additionally the request includes an entry feature on the north portion by Thornberry Branch Lane and Tournament Drive. It will be an entry sign very similar to the one that is already on the south portion of the project. Mr. Anderson stated as Mr. Crowe stated earlier, one of the requirements of the Master Development Agreement was that approval from all of the developers was required. He stated he was not sure if that meant the individual lot owners but the agreement indicated they had to have signatures from Bayberry Colony and Bayberry Lakes Development LLC. He stated they had spoken with representatives from both Bayberry Colony and Bayberry Lakes Development LLC and they were in both in agreement with signing the amendment, unfortunately they did not have the signatures tonight. He recommended the Board approve

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the request with the condition that they get the signed agreement in hand prior to the November 4<sup>th</sup> City Commission Meeting on first reading. He asked the Board to allow him the opportunity to rebut any comments raised in opposition of the request.

Jeremy Kemp representing KB Homes, 9102 South Park Center Loop, Orlando, Florida. He stated the current housing market had changed substantially since KB Homes bought into the community. He stated KB purchased the lots from another developer and since that time the economy and times have changed. He referenced an article in the newspaper that read the new trend was smaller homes because that was what people could afford today. He stated KB's business motto is about choice and the application before the Board tonight is about offering homeowners another choice. Mr. Kemp stated they did not feel the small reduction in square footage would devalue the property any more than the economy already had and one thing they were continually seeing was prices dropping. He stated he felt what they were selling related to what the current market wanted.

### **Citizen Comments**

John Nicholson, 413 North Grandview Avenue, Daytona Beach spoke in favor of the request.

Charlene Bull, 152 Boysenberry Lane, Daytona Beach spoke in opposition of the request.

J.D. Blevins, 445 Bayberry Lakes Boulevard, Daytona Beach spoke in opposition of the request.

Russ Wetherington, 469 Bayberry Lakes Boulevard, Daytona Beach spoke in opposition of the request.

Scot Forrest, 472 Bayberry Lakes Boulevard, Daytona Beach spoke in opposition of the request.

Julius Sittnick, 104 Mableberry Court, Daytona Beach spoke in opposition of the request.

Michelle Wetherington, 469 Bayberry Lakes Boulevard, Daytona Beach spoke in opposition of the request.

Rod Hagler, 136 Huckleberry Branch Court, Daytona Beach spoke in opposition of the request.

Ryan Will, 140 Huckleberry Branch Court, Daytona Beach spoke in opposition of the request.

Mr. Camp restated their original request from approximately one year ago where they requested to build homes with minimum square footage of 1,200. He stated because they received so much opposition they pulled that request and were now before the Board with a request that they feel is more reasonable. He stated KB felt the current was for an isolated part of the community that currently has no homes built in it and the homes they were requesting to build reflected homes that would sell in the current market. He stated the actual minimum

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square footage was 1,453 versus the current 1,500. Mr. Camp stated they hoped they could have reached some kind of compromise with the homeowners by reducing the request of how much square footage they were going down and by locating the homes in an isolated area.

### **Board Comments**

Mrs. Remark asked Mr. Camp if he said they were already offering a model under 1,500 square feet.

Mr. Camp replied no it was under 1,700 square feet on the larger lots. He stated on the larger lots the minimum square footage is 1,700 and they offer 1,676 on the 60-foot lot, which is allowed. He stated they were not offering that on the smaller lots.

Mr. Fishback stated he thought he heard 1,443 square feet.

Mr. Camp replied 1,443 was the actual square footage because when they made the request they were not completely finished with the design so it is at 1,425 but he would be happy tonight to say it goes to 1,443.

Mrs. Remark asked Mr. Gross if page 7, Section 12, paragraph C of the RPUD agreement was saying that the Homeowners Associations (HOAs) would represent the individual homeowners for any modifications of amendments to the agreement.

Mr. Gross replied yes which is the same language that the LDC provides except it gives the HOAs the option to represent the individual homeowners; the actual agreement requires the HOAs to represent the homeowners.

Mrs. Remark asked if her understanding was correct in thinking that their signatures were not necessary for modifications and amendments to the formal agreement.

Mr. Gross replied the HOAs would be required to stand in for the homeowners to approve the agreement. He referenced the second sentence that read “with respect to formal amendments to this agreement the property owners association referenced here shall represent the individual lot owners.”

Mr. McGuinness stated he wanted to make sure he understood the requirements.

Mr. Gross stated for the amendment to take place all of the HOAs covering the property in the RPUD and not just that one section would need to sign off on the amendment.

Mr. McGuinness asked if that was why at the beginning of the meeting the applicant asked for a conditional approval to allow them time to get the required signatures.

Mr. Gross replied he believed that was what the applicant said.

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Mrs. Remark stated the applicant was saying they only needed signatures from Bayberry Lakes and Bayberry LLC, which she did not think was the same as the individual HOAs.

Mr. Gross asked how many HOAs there were in the RPUD.

Mr. Crowe replied he believed there were three but he could not say for sure because staff had not received the final approvals and documents to be able to answer that question.

Mr. Gross stated he did not believe staff had a factual answer to that question but the Board could not make a conditional approval without having all of the required HOAs partake in the request.

Mr. Camp stated he did not necessarily agree with what Mr. Gross said. He asked to have the language read again.

Mrs. Shelley stated the Board was aware that the applicant was not in agreement with staff and that they did not believe they needed all of the signatures.

Mr. Camp stated he wanted the Board to know that they were the majority property owner within the community and they owned lots just like everyone else here tonight.

Mr. Moore stated he was confused and asked if staff was saying the master HOA could not speak for each sub association or it could.

Mr. Crowe replied it was just like other PDs that come through that start off as one entity and then as time passed individual subdivisions were developed with their own HOAs and each of those inherits a slice of the bigger pie and they all have to agree with the changes to the MDA.

Mr. Gross stated he did not have an answer as to whether or not the master HOA could speak for the individual associations. He stated he believed part of it may depend on the association's documents but it would need to be researched. He stated if the Board approved the request tonight with a condition the statement should read approved subject to all of the required HOAs approvals, which is what the LDC and the RPUD agreement require.

Mrs. Shelley stated personally she could not support the request because she had been out to the subdivision and looked at the site. She stated a large concern for her was the quality of the proposed homes.

Mr. Moore stated it was a difficult decision because the Board also had to consider the rights of the builder as well as the property owners. He stated the concern he had with the request was the current homeowners had already made an investment at a certain level and expect it to stay at that level and a part of that community would now be diverted in another way. He stated he also understands the builder's point of view but he feels the problem is they selected the wrong area to try these types of homes.

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Mr. Hurt stated normally he would be inclined to go with the builder because he did not really see a large difference in the square footage but when you have 100+ petitions from residents opposing the request he can't.

### **Board Motion**

It was moved by Mrs. Remark to approve Bayberry Colony RPUD Amendment, 2009-076. Seconded by Mr. Moore.

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### **Board Action**

The motion was denied 9-to-0.

Mrs. Shelley asked that they submit the original petitions to the Board clerk for the record.

Mr. Hurt stated to the residents that their input was very important in the Board's decision made tonight.

### **New Items**

5. **Land Development Code Text Amendment, DEV 2008-077, Boat Slip Allocation Ordinance**

An administrative request by the Development and Administrative Services Department, Planning Division, to add a new Section 5.10, Boat Slips, to the Land Development Code Article 16 (Overlay Classifications and Regulations), Section 5 (Waterfront Classifications), providing for boat slip allocation and fees associated with the Manatee Protection Plan. *(Staff recommends discussion and continuation of this request to the November 26, 2009 Planning Board Meeting)*

### **Board Motion**

It was moved by Mrs. Remark to continue Land Development Code Text Amendment, DEV 2008-077, Boat Slip Allocation Ordinance to the November 19, 2009 Planning Board Meeting. Seconded by Mr. Hurt.

### **Board Action**

The motion was approved 7-to-0.

6. **Historic Overlay Classification, DEV 2008-074, Seabreeze Historic District**

A request by the City of Daytona Beach, Historic Preservation Board, to approve the local historic overlay classification for the area generally located between University Boulevard to the north and Auditorium Boulevard to the south; the Halifax River to the west and North Atlantic Avenue to the east.

**Staff Presentation**

Thad Crowe, Planning Manager gave a PowerPoint presentation. He gave a brief history on historic preservation in the City with the following points:

- Seabreeze District was an independent City between 1901 and 1926, when it merged with Daytona and Daytona Beach.
- Southern boundary of the district was the town's boundary.
- In 1886 the first post office was located on the river near what is now Main Street.
- In 1887 the first Bridge opened at what is now Main Street to connect to Daytona on the mainland.
- Seabreeze quickly became a fashionable resort with multiple Victorian hotels.
- Population grew from 308 in 1910 to 571 in 1920 (seasonal population was greater of course)
- Land Boom of 1920s was the peak development time for Seabreeze (around half of the contributing structures were built in that decade).
- Development tailed off and the area built out going into the post-war period.
- Colonel C.C. Post, was the first mayor, and his wife Helen Wilmans Post, "Mental Scientist" was among the founders of Seabreeze
- John Rogers, Harry Griffin – notable local architects.
- Jerome Weatherby – furniture magnate

Mr. Crowe stated Ordinance No. 08-302, passed by the City Commission on November 19, 2008, directed the Historic Preservation Board to nominate any site, building, structure, object, or district listed on the National Register of Historic Places for local register historic overlay classification. On February 24, 2009, the Historic Preservation Board nominated Seabreeze National Register District for local register overlay.

He stated in the LDC Article 16, (Overlay Classifications and Regulations), Section 2.1 (Purpose) it states the purpose of historic preservation is to:

- Enhance public awareness of City's historic resources and promote civic pride.
- Foster social stability, strength, economy of the city, and enhance attractiveness of the city.
- Revitalize and preserve City's older neighborhoods, and stabilize and improve property values.
- Protect City's historic sites, structures, and social heritage.
- Conserve existing housing stock and extend its economic life through rehabilitation.
- Discourage deterioration and eventual loss of historic neighborhoods through demolition, neglect, or destruction.

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Mr. Crowe stated the Historic Overlay District classifies properties within the district as either contributing or noncontributing. Contributing properties are structures constructed in the district's "period of significance" (1898 to 1956) and are distinguished by architecture, culture, or local/state/national events. Historic overlay provides for protection of historic resources through the following factors: regulation of exterior changes to contributing structures, additions to contributing structures, new construction, and demolition. He stated noncontributing properties are not regulated. Mr. Crowe stated staff approves alterations and routine maintenance if the actions are in keeping with the historic character of the building (awnings; decks and fencing not visible from street; replacement of similar doors, windows, roofs, and siding; painting; skylights; burglar bars). More major exterior changes require Historic Preservation Board review and approval. The "H" or "HR" suffix is required for the historic district. The "H" suffix allows for bed and breakfasts and offices through special use permit in residential zoning districts while the "HR" suffix allows only for bed and breakfasts through special use permit in residential zoning districts. He stated the five methods of historic rehabilitation are as follows: 1) Remodeling – not recommended for historic buildings, 2) Stabilization – first step in preserving historic structures, 3) Restoration – accurately recovering form and setting of historic structure, 4) Reconstruction – also not recommended and 5) Rehabilitation – repairing/altering historic structure for modern use while retaining historic features and character. The Secretary of Interior's Standards for Rehabilitation are as follows: Identify, Retain, and Preserve, Protect and Maintain, Repair, Replace (if repair not an option), Alterations are limited to those that are needed to utilize in contemporary manner, Uncovering original detail and maintaining the original building materials.

### Design Standards Exterior Materials

- Utilize same historic materials in repairs.
- Do not cover original historic exterior.
- Avoid abrasive cleaning methods.

### Other Design Standards

- Accessory structures – allow for traditional garages, garage apts.
- Awnings – encourage style that complements building.
- Fences and walls – allow for traditional fencing materials.
- Foundations – retain traditional brick or stone piers/continuous foundations.
- Painting – wood surfaces should be painted, brick unpainted.
- Parking – parking lots discouraged, screened when necessary.
- Porches – front and side porches not to be closed in.
- Roofs – preserve barrel tile roofs, avoid bright colors.
- Satellite antennas – screen from view.
- Storefronts, doors, and entrances – preserve original elements and location.
- Signs – allow for traditional historic signs such as wall signs, projecting signs, and awning signs.
- Windows – repair whenever possible, replace in like kind.
- Additions – avoid mimicry or clashing.
- New construction – Identify and blend in with context (setbacks, height, materials, porches, windows, etc.).
- Demolition – only appropriate for non-significant buildings, additions, or site features.

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Mr. Crowe stated the request was considered at the September 9<sup>th</sup> Main Street/South Atlantic Redevelopment Area Board Meeting and the Board unanimously recommended denial of the area south of Oakridge and approval of the area north of Oakridge. He stated the Board believed the historic district would deter redevelopment efforts. He stated staff was recommending approval of the Historic Overlay District with following additional recommendations:

- The “HR” suffix is applied to the district north of Seabreeze Boulevard, and the “H” suffix is applied south of Seabreeze Boulevard.
- The addition of 410 Riverview Boulevard and 718 North Wild Olive Avenue to the district.
- The following properties are excluded from the historic designation: 711 Glenview Boulevard; 500 block of North Grandview Avenue; the two parcels on the west side of North Halifax Avenue, north of the Oakridge Bridge and 615 & 617 Riverview Boulevard.
- The following change is made to the Design Guidelines, Introduction section: *Guidelines include standards, which are mandatory; and recommendations, which are not.*

Mr. Hurt asked if the economic hardship was still set at the 30 percent threshold.

Mr. Crowe stated staff was recommending that be taken out. He stated if the Board wanted him to he could go over the economic hardship section but it was already in the Historic Preservation Ordinance.

Mr. Hurt asked if there was a figure in the ordinance.

Mr. Crowe replied it applies to all development for instance if you were building a new house, renovating a house or building an addition economic hardship would be considered along with the design standards. He stated in essence what it meant was there was a set of criteria that had to be met and there was not a specific threshold that determined economic hardship. He stated the Board would have to make a decision whether they believed it was a hardship based on what was presented by the applicant and that there were quite a bit of economic factors that had been put in place to make sure residents were being treated fairly. Mr. Crowe asked the Board if he could speak briefly on the Certificate of Appropriateness (COA) process pertaining to economic hardship.

It was the consensus of the Board to allow Mr. Crowe to make a brief presentation.

Mr. Crowe read examples of criteria from Section 11.3 (Criteria) (F) of the LDC that would be reviewed/required to determine if there was an economic hardship.

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### **Citizen Comments**

Eleanor Bannerman, 761 Marina Point Drive, Daytona Beach, spoke in favor of the request.

Matthew Romanik, 4 Fountainebleau Circle, Daytona Beach, spoke in favor of the request.

Thomas Blawn, 143 Zaharias Drive, Daytona Beach, spoke neither in favor nor against the request. He asked how many businesses on Seabreeze and A1A would be affected if the overlay gets approved and would it add another bureaucratic roadblock to revitalization.

Mr. Crowe replied Seabreeze Boulevard was about half-and-half for contributing and non-contributing. He stated it has between 10-to-12 buildings that are contributing some of which have multiple tenants in them. He replied yes there would be another board reviewing development in that area but the flip side of that was there would be a certain amount of stability when people invest because they would know people could not come in and build just anything and there would be a level of quality that must be adhered too. He stated statistics show that other historic districts across the nation have seen a steady increase in property values as a result of the historic overlay classification. He stated A1A was not included in the request.

Mr. Moore asked if the HPB could have a special meeting if there were a special project that needed to go through.

Mr. Crowe replied yes the board had the ability to call a special meeting. He stated when staff tracks the projects; they are taken to multiple boards in the same month.

Neil Harrington, 101 Grand Oaks Circle, Daytona Beach, spoke in favor of the request.

John Nicholson, 413 North Grandview Avenue, Daytona Beach spoke in opposition of the request because in his area neighborhood, specifically between Main and Ora Street so much had been destroyed and he felt including it as part of the historic district would make it very difficult to redevelop.

Jim Morris, 420 South Nova Road, Daytona Beach, spoke in opposition of the request. He stated tonight he was representing the Orfinger family and Kelly Every. He stated he mailed a letter to all of the Board members with a transcript of the minutes from the Main Street/South Atlantic Redevelopment Area Board Meeting and a map of the proposed Ezone and showed a PowerPoint presentation of the Orfinger property.

Laura-Grace Orfinger, 27 Iroquois Trail, Ormond Beach, spoke in opposition of the request.

Rusel Najduct, 411 Ora Street, Daytona Beach, spoke in opposition of the request.

Diane Garrity, 501 Ora Street, Daytona Beach, spoke in opposition of the request.

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Juanita Garza, 307 North Oleander Avenue, Daytona Beach, spoke in opposition of the request.

### **Board Comments**

Ms. LeSage stated at the time the Main Street/South Atlantic Redevelopment Area Board made their recommendation she was a member, however it was the week her father passed away. She stated she stated the vote would not have been unanimous if she would have been present. She stated she really understands what the residents were saying because she lived in the same circumstances in Surfside Village. Ms. LeSage stated she felt all the residents could see was what they currently had and not what their neighborhood could become. She stated she felt if we as citizens do not start to do as much as we can to protect historic areas, then we might as well pave over Yellowstone National Park because it is just that important. She stated although she did understand that there was a problem with the area south of Oakridge the Board should still take steps to try and save as much as possible because once it is gone you can't get it back.

Mr. Hurt stated he was in favor of historic preservation but he was against the added cost it puts on the homeowners. He stated he felt historic preservation should be voluntary.

Mrs. Remark stated she was happy both the United States Supreme Court and the State of Florida Courts both recognize that historic preservation should not be voluntary. She stated no one would have moved into her neighborhood 17 years ago because it was just like this. She stated what she heard regarding the problems with properties south of Oakridge had more to do with bad community redevelopment decisions and nothing to do with historic preservation. She stated historic preservation did not restrict the property, land use determined what could or could not be done on the property and she did not believe there was additional cost involved with becoming a historic property. Mrs. Remark stated statistics show that of the 20,000 parcels that were studied between 1990 and 2001, out of 18 historic districts, 16 of the historic districts' property values increased at a much greater percentage than any of the surrounding values of the non-historic properties. She stated there were approximately 200 contributing properties south of Seabreeze Boulevard. She referenced several cities that had historic districts next to Ezone districts and asked the Redevelopment Department to contact other cities that have historic districts and Ezone districts to see how the process works. She stated it was critical that this be approved and when the Board was ready to make the motion, she would be happy to make it without changing any of the boundaries.

Mrs. Shelley stated over the years she had traveled to several states doing research on historic preservation and one of things that she heard consistently from residents were concerns about economic development, which she felt was extremely important. She stated all historic districts start out blighted but historic preservation was a crucial component in economic development because it creates local jobs, small business incubation and brings diversity to neighborhoods. Mrs. Shelley stated the reason the boundaries were drawn the way they were was because they were the boundaries of the original Town of Seabreeze. She stated she strongly supported the request and commended the Mayor and City Commission for moving the request forward.

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Mr. Morris asked how long the district had been in place before 1997 and what besides restrictions being put on property owners was being done to accomplish the goals and objectives just outlined because he did not feel there were any incentives.

Mrs. Remark replied from the time it was built (from 1997 to 2006).

Mr. Morris stated there had not been change in circumstances in that time period except decline.

Mrs. Remark replied actually that was not true but Mr. Morris was not part of the board so he could not argue that. She stated there was incentives depending on how farther the City wanted to go. She stated when you have local historic designation you could then start looking into property tax incentives for restoring the property and applying for grants if you live in a redevelopment district that have the local historic designation. She stated to follow up on what Mrs. Shelley was saying, behind beaches, shopping and Disney, tourist come to Florida for historic monuments, historic districts and historic places.

Mr. Moore requested a roll-call-vote.

**Board Motion**

It was moved by Mrs. Remark and seconded by Ms. LeSage, to approve the Historic Overlay Classification, DEV 2008-074, Seabreeze Historic District with the following recommendations:

1. Include staff's recommendations from page 15 of the Staff Report and removal of the second sentence under 3a.
2. No change in boundaries
3. Use same set of sign standards along Seabreeze Boulevard for contributing and non-contributing structures.

**Board Action**

The motion was approved by roll-call vote 7-to-2, with the breakdown as follows:

Jeff Hurt	Nay
Tracey Remark	Yea
Edith Shelley	Yea
Janet LeSage	Yea
John McGuinness	Yea
Larry Moore	Yea
James Neal	Yea
Kevin Fishback	Yea
Cathy Washington	Nay

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Mrs. Shelley stated the request would go before the City Commission for first reading on November 18, 2009 and second reading, public hearing on December 2, 2009.

### **7. Annual Review and Updates to the Capital Improvement Element of the Comprehensive Plan, DEV 2009-109**

An administrative request by the Development and Administrative Services Department, Planning Division, to review the City's annual update of the Capital Improvement Element (CIE), which is part of the City's Comprehensive Plan. *(Upon request of the Utilities Department, Staff recommends continuation of this request to the November 26, 2009 Planning Board Meeting)*

#### **Board Motion**

It was moved by Mrs. Remark to continue Annual Review and Updates to the Capital Improvement Element of the Comprehensive Plan, DEV 2009-109 to the November 19, 2009 Planning Board Meeting. Seconded by Mr. Hurt.

#### **Board Action**

The motion was approved 8-to-0.

### **8. Other Business**

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

Mrs. Shelley stated the Board met Wednesday, October 13<sup>th</sup> at noon. They had all discussion items on the agenda. Those items were the Riverfront Master Plan, Economic Incentives and Downtown Marketing Plan

#### **B. Midtown Redevelopment Area Board Report**

No report.

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

Mrs. Remark stated the Board met October 14<sup>th</sup> at 6:30 p.m. The agenda consisted of one action item and four discussion items. The action item was a request for extension of a conditional use at Ocean Walk Shoppes to continue use of an Entertainment Center as a part of the Beach Village Retail Commercial Plaza mixed-use development located at 250 N. Atlantic Avenue and the Board approved the request. The four discussion items were updates on the Daytona Beach Pier, Boardwalk Improvements, Redevelopment Projects and Economic Development Incentives. She stated the Police Department gave an update on their crime report that reflected crime was down from what it was in 2007 and 2008 except in the areas of shoplifting, larceny and domestic violence.

#### **D. Public Comments**

John Nicholson, 413 North Grandview Avenue, Daytona Beach stated to make a correction on his comments pertaining to the Seabreeze Historic Overlay Classification. He stated he was

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referring to the out parcels and not asking for the entire area not be included in the historic district. He asked that the two houses in the area west of Peninsula be excluded and the area from Peninsula to Grandview be included. He reminded the Board to bring back the discussion on Floor Area Ratio (FAR), submerged lands and PD time limit extensions.

Mrs. Shelley asked Mr. Nicholson if he was present when staff distributed the information on submerged lands and FAR.

He replied he was present.

### **E. Staff Comments**

Mr. Crowe stated following up on Mr. Nicholson's statement, next month's agenda would have for discussion FAR, PD time limits and submerged lands. He stated in the back of the Board's packet was the revised 2010 Planning Board Meeting Schedule that would need to be approved. He stated the original schedule had some dates that were incorrect and in order to correct those dates the Board would have to approve the revised schedule.

### **Board Motion**

It was moved by Mr. Neal to approve the revised 2010 Revised Planning Board Meeting Schedule. Seconded by Mrs. Remark.

### **Board Action**

The motion was approved 8-to-0.

Mr. Crowe stated Mr. Walton sends his regrets that he could not be in attendance but he was in St. Louis taking his daughter to tour a college.

### **F. Board Member Comments**

Mrs. Shelley stated the packet that staff put together on the Seabreeze Historic Overlay District was excellent.

Mrs. Remark stated working with Mr. Crowe was great and it gave her an appreciation for the depth of knowledge he had and what an asset he was to the Board.

Mr. Fishback stated Mr. Crowe had always been impressive to him. He stated in reference to the Bayberry Colony request, it bothered him to hear the residents say they did not want the smaller homes because of the people it would attract. He stated he hoped the Board would not begin to allow that type of thing to influence their decisions.

Ms. Washington stated what designated throughout the entire discussion was the fact that the home they had built was everything but an eyesore. She stated they discussed the quality, and the product that was used and the representative from KB acted as if that did not matter. She stated that was a big concern for her because he only seemed to be concerned with pushing his product.

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Mrs. Remark stated fortunately in historic districts since you have all sizes of homes it really does promote a diverse community.

**Adjournment**

There being no further actions to come before the board, the meeting was adjourned at 8:47 pm.

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*Edith J. Shelley*  
EDITH SHELLEY  
Acting Chair

ATTEST:

*Cathy A. Washington*  
CATHY WASHINGTON  
Secretary