

MINUTES
REGULAR MEETING – PLANNING BOARD

January 28, 2010

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, January 28, 2010, 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
Edith Shelley
Bob Hoitsma
John McGuinness
Larry Moore
James Neal
Kevin Fishback
Cathy Washington

Absent Members:

Tracey Remark
Janet LeSage

Staff members present:

Mr. Richard Walton, Planning Director
Mr. Thad Crowe, Planning Manager
Ms. Carrie Lathan, Assistant City Attorney
Ms. Rose Askew, Planning Technician

1. **Call to Order**

Robert Hoitsma, Chair called the meeting to order at 6:04 pm.

2. **Roll Call**

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

3. **Approval of the Minutes:** December 17, 2009

Board Motion

It was moved by Mr. Hurt to approve the December 17, 2009 Planning Board Meeting Minutes. Seconded by Mrs. Shelley.

Board Action

The motion was approved 9-to-0.

Mr. Hoitsma informed everyone that the applicants for Items 4 and 6 had requested a continuance to the February 25, 2010 Planning Board Meeting.

4. **Rezoning, Planned Commercial Development Substantial Modification, DEV 2009-113, Florida Memorial Hospital, 301 Medical Memorial Parkway**

A request by Mark Dowst, P.E., on behalf of Memorial Health Systems, Inc., to approve the substantial modification of an approved Planned Commercial Development (PCD) for 140± acres of land located at 301 Medical Memorial Parkway, to allow for the installation of three banner style signs. *(Continued from December 19, 2009 Planning Board Meeting) (Applicant has requested continuation of this item to the February 25, 2010 Planning Board Meeting).*

Board Motion

It was moved by Mrs. Shelley to continue Rezoning, Planned Commercial Development Substantial Modification, DEV 2009-113, Florida Memorial Hospital, 301 Medical Memorial Parkway to the February 25, 2010 Planning Board Meeting. Seconded by Mr. Moore.

Board Action

The motion was approved 9-to-0.

5. **Land Development Code Text Amendment, DEV 2009-077, 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 *(Continued from the December 19, 2009 Planning Board Meeting).*

Staff Presentation

Thad Crowe, Planning Manager gave a brief presentation. He stated at the December 2009 Planning Board Meeting, the Board directed staff bring back information on justification of proposed fees. He stated staff has retained a consultant who is working on the justification and will provide that information at the next meeting. He stated staff was recommending a continuance of this item to the February 25, 2010 Planning Board Meeting.

Citizen Comments

Chris Challis, Cobb Cole, 140 Magnolia Avenue, Daytona Beach stated he was speaking tonight on behalf of Blue Waters Group and VCARD. He stated he and his clients were looking forward to working with staff to come up with a reasonable solution for fees.

John Nicholson, 413 North Grandview Avenue, Daytona Beach stated he felt this was a very valuable asset and tool for getting development here in the City. He asked the Board to review the request very wisely and allow staff the flexibility to make deals and broker, sell or trade them based what the City's needs are.

Board Motion

It was moved by Mrs. Shelley to continue Land Development Code Text Amendment, DEV 2009-077, Boat Slip Allocation Ordinance to the February 25, 2010 Planning Board Meeting. Seconded by Mr. Moore.

Board Action

The motion was approved 9-to-0.

6. **Rezoning - Planned Commercial Development, DEV 2009-093, Embry-Riddle Aeronautical University Administration/Worldwide Headquarters Planned Commercial Development Rezoning, 1590 Richard Petty Boulevard.**

A request by Christopher N. Challis, Esq., Cobb Cole, on behalf of Embry-Riddle Aeronautical University to rezone a 9.2± acre parcel of land located at 1590 Richard Petty Boulevard, from Local Service Industry M-1 to Planned Commercial Development (PCD); and to enter into a PCD Agreement, establishing development standards for the PCD.

Board Motion

It was moved by Mrs. Shelley to continue Rezoning Planned Commercial Development, DEV 2009-093, Embry-Riddle Aeronautical University Administration/Worldwide Headquarters Planned Commercial Development Rezoning, 1590 Richard Petty Boulevard to the February 25, 2010 Planning Board Meeting. Seconded by Ms. Washington.

Board Action

The motion was approved 9-to-0.

7. **Rezoning - Historic Overlay Classification, DEV 2009-075, Blodgett House - 404 South Ridgewood Avenue**

A request by the City of Daytona Beach, Historic Preservation Board, to approve the local historic overlay zoning classification for property located at 404 South Ridgewood Avenue.

Staff Presentation

Thad Crowe, Planning Manager gave a brief PowerPoint presentation. He stated this was an administrative request from the City that tied back to the Historic Preservation Ordinance that was adopted in 2008. He stated item was part of a continuing effort by staff to nominate structures in districts for the local historic registry. He stated the request was initiated by the Historic Preservation Board and staff had been working through the process. He stated the Future Land Use designation was Office designation and the zoning was Tourist Office and Restaurant (T2). He gave a brief history on the Queen Ann style of the home and its past owners. Mr. Crowe gave a detailed report on the Land Development Requirements listed below.

Land Development Code Article 16, Section 2.2

1. The character, interest, or value of the site is related to the development, heritage, archaeological, or cultural characteristics of the community, county, state, or country.

Response: significant locally, to the state, and nationally as an excellent representative of the Queen Anne architectural style.

3. The site is readily identified with a person or persons who significantly contributed to the development of the community, county, state, or country.

Response: Blodgett House is associated with locally significant individuals like Delos Blodgett and Julian Arroyo, and with the nationally-known suffragette Susan B. Anthony, who was a visitor.

4. The site is distinguished by an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials.

Response: As stated, house is an excellent example of the Queen Anne architectural style.

5. The site is the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or country.

Response: Local architect S.H. Gove designed the house. As an architect, builder, developer, and supplier of materials Gove was responsible for much of the development of the City.

6. Elements of design, detailing, materials, or craftsmanship render the site architecturally significant.

Response: house includes many distinctive architectural features of the Queen Anne style such as a tower, multi-planed roofs with numerous dormers and gables, larger veranda, and variety of exterior materials and window styles. Distinctive interior elements include fluted woodwork and a coffered ceiling and wainscoting.

7. The site is listed in the National Register of Historic Places administered by the National Park Service of the U.S. Department of the Interior or any successor agency as a historic place or as a contributing site or structure within a historic district.

Response: house is listed in the National Register of Historic Places.

8. The site, because of its unique location or singular physical characteristics, is an established or familiar visual feature.

Response: The house is distinctive as one of the few remaining grand old Victorian mansions on Ridgewood Avenue.

9. The site is a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance.

Response: Response: The house lends itself to a number of potential uses including bed and breakfast and office uses, and as stated, possesses a fairly high level of architectural integrity and significance.

Mr. Crowe stated the historic overlay provides for protection of historic resources through regulation of exterior changes to contributing structures, additions to contributing structures, new construction, and demolition and was unanimously recommended for approval by Historic Preservation Board and Downtown Redevelopment Board. He stated staff was also recommending approval. He stated staff had been advised by the Legal Department that the recommendation should include the design guidelines LDC, Article 4, Section 3. He stated the reason for this requirement is because the Historic Preservation Ordinance stated there must be design guidelines for structures or sites. He stated staff does not typically believe guidelines are needed for an individual structure but are needed for individual districts. Mr. Crowe stated in this case staff feels the criterion set forth in the Certificate of Appropriateness (COA) process is sufficient for this individual structure.

Mr. Walton asked Mr. Crowe to state the language from that section of the LCDC.

Mr. Crowe stated they known as the Secretary of the Interior Standards commonly used by many community for new construction, exterior alterations for historic buildings, demolition and relocation, which covers all of the potential actions that occur to this structure.

Mr. Moore asked if it would be applicable for a bed and breakfast.

Mr. Crowe replied that use was allowed in association with local historic designation.

Board Comments

Mrs. Shelley stated the Downtown/Balough Road Redevelopment Area Board unanimously approved this request.

Board Motion

It was moved by Mrs. Shelley to approve Rezoning - Historic Overlay Classification, DEV 2009-075, Blodgett House - 404 South Ridgewood Avenue. Seconded by Mr. Moore.

Board Action

The motion was approved 9-to-0.

8. **2010-1 Cycle Large Scale Comprehensive Plan Map Amendments, DEV 2009-126.**

a. **CTLC Daytona West Large Scale Comprehensive Plan Map Amendment, DEV 2009-124**

A request from Joel Ivey, Ivey Planning Group, LLC, on behalf of Consolidated-Tomoka Land Company (CTLC), for approval of a Large Scale Comprehensive Plan Map Amendment changing the Future Land Use Map designation from (Volusia County) Forestry Resource (FR), Low Impact Urban (LIU), Environmental Resource Corridor (ESC) and City of Daytona Beach Urban Transition to City of Daytona Beach Low Intensity Urban (LIU, 3,751 ± acres) and Potential Environmentally Significant (PES, 567 +/- acres), for a total of 4,318 ± acres. The subject property is located south of SR 40, west of Tymber Creek Road, and west of LPGA Boulevard; and adding issues and policies to Neighborhood “V” of the Future Land Use Element in the Comprehensive Plan that restrict the floor area ratio (FAR), cap residential density, and guide natural resource protection and infrastructure provision.

Staff Presentation

Thad Crowe, Planning Manager gave a brief PowerPoint presentation. He stated a full exhibit was not provided for this item because staff did not receive all information needed from the applicant in time to be able to provide a report with a recommendation of approval. He stated this amendment was originally part of the 2009-02 Large Scale Comprehensive Plan Amendments (LCAPA) Cycle but due to various objections from Volusia Growth Management Commission (VGMC) and Florida Department of Community Affairs (FDCA) time ran out to address all of the concerns so the applicant has reapplied for the 2010-01 LSCPA Cycle. Mr. Crowe showed slide of the surrounding properties and discussed their land use and zoning. He stated the entitlements of the parcel would not be increased but would be shifted from area C to areas A and B. He stated the bottom line was staff did not receive all information needed from the applicant in time to be able to provide a report with a recommendation of approval in this packet. He stated staff would support the Planning Board’s decision to either move forward to City Commission with an approval, or continue the item to the February Planning Board meeting. He stated staff had been working, as late as

yesterday, with the applicant on the documents needed for the packet and feel the applicant has met the criteria for the policies proposed. He stated there initially were some issues with the timing of the construction of the road but the applicant was now proposing the north/south link from State Road 40 to LPGA. He stated in the area where the project is located, State Road 40 is failing and staff feels the traffic study is a key missing element of the evaluation process. He stated at the current time staff had not received the completed traffic study and the amendment was proposed to go to the March 17, 2010 City Commission meeting for transmittal. He stated this makes it a little bit tight but it is doable.

Mr. Moore asked for clarification on how the various parts worked together.

Mr. Crowe stated the eastern parts are A and B that borders SR40. He stated area C starts at SR40 on the western part and goes all the way down to Bayberry. He stated right now area C has some county Forestry land use; some City Urban Transition land use and the rest is City LIU category. He stated all of the entitlements from area C total approximately 3,000± square feet of commercial land use and approximately 1,900 units. He stated all of those entitlements would be transferred out of this area to areas A and B and area C would no longer have developments rights. He stated it would have a land use but there would not be any development allowed.

Mr. Moore asked about the problems with the traffic study and also with the environmental issues.

Mr. Crowe stated the environmental issues were satisfied and the only amendment that made it out of the 09-02 cycle was the Cloar amendment, which was over to east by the I-95, north of the Humane Society. He stated that amendment got vetted because the County weighed in and some environmental policies along with several other policies were included that satisfied VGMC and County staff who wanted protection for the county-designated Natural Resource Management Area (NRMA), which was applied to much of the subject property.

Mr. Moore stated if the item moves forward, the traffic study would need to be included.

Mr. Crowe stated staff follows the MPO guidelines for traffic studies and at the Comprehensive Plan stage, the MPO guidelines state the traffic study include an impact area of two miles but it is not an absolute requirement. He stated it was something the Board could waive if you all felt comfortable with the information in hand. He stated the applicant might say the VGMC process provides an opportunity for the County, Ormond Beach and anyone else to weigh in on traffic and also DCA would review it. He stated in essence once it leaves this Board, it would not be brought back again.

Mr. Moore stated he understood but it was difficult to review something in such a short timeframe.

Mr. Crowe stated staff understood and did not want to put the Board in a position to make a rushed decision.

There was additional discussion surrounding the traffic study.

Mrs. Shelley asked if the request had a full traffic study last year when the Board voted to move it forward.

Mr. Crowe replied he believed there was a traffic study at that time.

Mrs. Shelley asked if the request was withheld tonight would it then go on the February 2010 Planning Board Agenda.

Mr. Crowe replied yes.

Mrs. Shelley asked when it would go to the City Commission.

Mr. Crowe replied March 17th.

Mr. Walton stated the City could amend the Comprehensive Plan twice a year and if this gets pulled out staff would try to have all of the issues worked out so it could be transmitted with the full packet.

Mr. Moore asked what the timing was for getting a traffic study.

Mr. Crowe replied there were two steps. He stated the applicant presents the methodology to the traffic study; it is reviewed by County Traffic Engineering. Once it is approved the traffic study is conducted and follows that methodology.

He stated the timing on this was staff was given the traffic study and methodology at the same time. He the County is still reviewing the methodology and therefore staff could not include it in the packet tonight. He stated at this point and time, staff did not know if the County has any objections. He stated if the methodology is approved then they will need a couple of weeks to review the traffic study.

Mr. Hurt stated he understood The City of Daytona Beach, the City of Ormond Beach and the County would review the traffic study.

Mr. Crowe replied correct.

Mr. Hoitsma asked if Mr. Hurt was saying that would hold it back or if that was our protection.

Mr. Hurt replied he felt that was the City's protection because if there were going to be objections it would come from the City of Ormond Beach.

Mr. Crowe stated the City of Ormond Beach was very interested in this amendment.

Mr. Hoitsma stated the Board was trying to make sure the residents who would live there would be protected from over traffic.

Mr. Walton stated based on the results, staff might come back after the conclusion of the review and suggest modification to some of the neighborhood policies.

Mr. Moore stated that was a hot area for both Daytona and Ormond Beach and that was the reason the Board was so concerned.

Applicant Presentation

Bill McMunn, Consolidated Tomoka Land Company (CTLIC), 1530 Cornerstone Boulevard, Daytona Beach stated he had a couple of corrections to Mr. Crowe's presentation. He stated the traffic study and methodology had been provided to the City but staff was still reviewing it. He stated he did not feel they should be penalized because the Board did not get the information in a timely manner. He gave a brief history on the property.

Jason McGlashan, HDR Engineering, Inc., 315 Robinson Street, Suite 400, Orlando, Florida stated a new traffic study had been provided but was very late. He stated it was essentially a repeat of work that had already been done and the proposed changes did not result in any new trips. He stated the information had been submitted to the County and they had not received any comments back that would give them cause to think they needed to go back and change anything.

Mr. Hoitsma asked what the County would if there were parts of the study they did not like.

Mr. McGlashan replied they would have to go back and forth until they came to an agreement.

Allen Watts, Cobb Cole, 150 Magnolia Avenue, Daytona Beach explained how the process and calendar works. He stated he was brought aboard to work on this project through the VGMC and DCA process. When this application leaves this Board and goes to the City Commission that is when it is formally delivered to abutting cities and the County. He stated that is when their time for review begins. He stated either those cities or the County can ask VGMC for a hearing if they feel there are any violations of extraterritorial impacts or any other concerns. He stated they could not get to that point until the City Commission transmits the plan. He stated the Board would not know a lot more about the project this time than they did when it was approved last year. Mr. Watts stated the things that have changed are:

1. The gross densities on the application have been held to the amount that exists now but entitlements have been moved closer to the City limits so there would not be urban sprawl.
2. Traffic – Four ago the applicant entered into an agreement with the County for the set-aside of the road rights (for the north-south road through the property connecting LPGA Blvd. and SR 40). He stated the internal network has been long planned to the County's satisfaction and the agreement is in the courthouse as to the road corridors for the Hand Avenue extension, Stage Coach, Tymber Creek and LPGA Extension.

Mr. Watts stated they felt they had answered all questions within purview of the Board but would be happy to answer any additional questions the Board may have. He stated he did not feel waiting one month would make much difference and felt the Board should go with staff's recommendation.

Citizen Comments

John Nicholson, 413 North Grandview Avenue, Daytona Beach spoke in favor of the request. He asked that the Board set aside land for future fire station and schools.

Board Comments

Mr. Hoitsma asked when staff received the traffic study.

Mr. Walton replied one week ago.

Mr. Hoitsma asked how much more time did staff need to complete review of the traffic study.

Mr. Walton replied he could not speak for the Traffic Division but he felt it would be at least a couple of weeks.

Board Motion

It was moved by Mr. Hurt to approve CTLC Daytona West Large Scale Comprehensive Plan Map Amendment, DEV 2009-124. Seconded by Mr. Moore.

Board Action

The motion was approved by roll-call-vote 9-to-0.

b. CTLC West ISB Large Scale Comprehensive Plan Map Amendment, DEV 2009-125

A request for approval by Joel Ivey, Ivey Planning Group, LLC, on behalf of Consolidated-Tomoka Land Company (CTLC), for a large scale comprehensive plan amendment changing the Future Land Use Map designation from County – Low Impact Urban (LIU) and Environmental System Corridor (ESC) to City – Mixed Uses (80 +/- acres) and Potential Environmentally Significant (PES) (84 +/- acres) for 164 +/- acres of land located on the south side of West International Speedway Boulevard and the north side of Interstate 4, approximately 900 feet west of the Interstate 4 ramp. The request consists of the map amendment as well as the addition of a policy in Neighborhood V limiting nonresidential uses to 400,000 square-feet and residential dwelling units to 528.

Staff Presentation

Thad Crowe, Planning Manager stated this item was also originally a part of the 09-02 LSCPA Cycle. He stated the amendment had not changed with the exception of some revised environmental policies and a new traffic study. He stated restated what the request was for and also the location of the property. Mr. Crowe stated the wetlands were in the north east and western parts of the property and the land use is Environmental Systems Corridor (ESC) on the north east part of the property and the southwest part of the property was Low Intensity Urban (LIU). He stated to the west was City Mixed Use and to the east was County LIU. He stated He stated the area to the south near the I-95 was also County land use and was relatively already built. He stated zoning for the area was Resource Conservation for the wetland area, Agriculture, which was a holding category, was assigned to the upland portion of the site. He stated the area to the west was zoned for a residential PCD multi-family development that had not been built. He stated this site was also a part of the County's NRMA, which required higher levels of environmental protection and similar to the last amendment, the applicant placed the Clear policies pertaining to environmental preservation here also. Mr. Crowe stated the changes would represent an increase in density and intensity, because going to the mixed-use category was a fairly intense category and it would also go to a limitation by neighborhood policy of 400,000 square feet of non-residential and 528 dwelling units. He stated there were also other policies that provided a mechanism for a fire station site and a master plan for parks and recreation. Mr. Crowe stated when this request came through last year; this Board was involved in putting the master plan together. He stated the current entitlements were 50,000 square-feet/79 units and restated that if approved it would to 400,000 square-feet/528 units, which is a fairly substantive increase in density and intensity coming into the City on a four lane road with central services provided by other cities. He stated there were a number of Comprehensive Plan policies that supported locating more intensive uses on thoroughfares with capacity, providing a supply of commercial land, having lands for public facilities. He stated there was a specific neighborhood policy that reads the mixed-use land use should be encouraged for property abutting interstates and in reasonable proximity to interstate ramps. He stated rough estimated traffic impact reflect that there will be an increase from 268 to approximately 2,000 and there was operational capacity on nearby roadways. Mr. Crowe stated the preliminary traffic report received from the applicant indicated there would not be any Loss of Service (LOS) on area roads that were caused by the amendment but without having the traffic methodology vetted staff could not determine if that information was accurate. He stated if the traffic study shows something alarming staff would recommend a policy to handle it. He stated Volusia County School District reported that there was minimal impact on area schools and there was capacity in schools in the area. He stated staff does not believe the amendment represents urban sprawl and finally staff was recommending approval with an estimated transmittal date of March 17, 2010.

Mr. Moore asked a question about the last sentence on page eight, of the Staff Report. He stated at this point the applicant had offered a fire station site or proposed neighborhood policies but earlier Mr. McMunn said that had been done. He asked for clarification.

Mr. Crowe replied he did not want to speak for the applicant but the policy as presented provided an opportunity for the City to request a fire station site.

Mr. Walton stated neighborhood seven in the Board's packet is the policy. He stated the statement on page eight is more specific and the neighborhood policy is more generalized.

Mr. Crowe read the neighborhood policy seven and stated this puts the ball in the City's court if that was what the City wanted.

Mr. Moore stated his second question was on page 11 in the section pertaining schools where the school district reported there would only be an increase of 13 additional students coming from 528 housing units. He stated between elementary and middle school children, those numbers did not add up.

Mr. Crowe stated staff would contact the school district and asked that they double check their figures.

Applicant Presentation

Rebecca Hammock, Ivey Planning Group, 1349 South International Parkway, Lake Mary, Florida stated she was representing the property owner, Consolidated Tomoka Land Company (CTLC). She stated they concurred with staff's recommendation and the recommended neighborhood policies and was available to answer any questions.

Board Motion

It was moved by Mr. Hurt to approve CTLC West ISB Large Scale Comprehensive Plan Map Amendment, DEV 2009-125 with staff recommendations. Seconded by Ms. Shelley.

Board Action

The motion was approved 9-to-0.

c. **CTLC North Tomoka Farms Road Large Scale Comprehensive Plan Map Amendment, DEV 2009-127**

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

Staff Presentation

Thad Crowe, Planning Manager stated this item was also originally a part of the 09-02 LSCPA Cycle. He stated in the last cycle this one was relatively trouble free. He one of the lots was the Interstate Commerce Center; there was a large FPL easement that runs just south of the property, a large retention pond to the north and the area was mostly undeveloped. He stated

what happens is North Tomoka Farms Road bends towards the interstate and goes up toward the Auto Mall. He stated if you look to the north of the property, all of the area on the west side all of Tomoka Farms Road, to the north was industrial. He stated therefore staff felt it would be good to extend industrial farther down. Mr. Crowe stated it was not a viable location for residential because it was isolated and there were opportunities for access from the interstate for industrial use. He quickly went through the current entitlements for the property and Comprehensive Plan policies that support the request.

Applicant Presentation

Andrew Young, Consolidated Tomoka Land Company (CTLC), 1530 Cornerstone Boulevard, Daytona Beach stated he was available to answer any questions.

Board Motion

It was moved by Mr. Hurt to approve CTLC North Tomoka Farms Road Large Scale Comprehensive Plan Map Amendment, DEV 2009-127. Seconded by Mrs. Shelley.

Board Action

The motion was approved 9-to-0.

d. First Baptist Church Large Scale Comprehensive Plan Map Amendment, DEV 2009-142

A request by Robert A. Merrell III, Cobb Cole, P.A. on behalf of the First Baptist Church of Daytona Beach, Inc. for approval of a Large Scale Comprehensive Plan Map Amendment changing the Future Land Use Map designation from Volusia County Low Impact Urban and Volusia County Environmental Systems Corridor to Church and Potentially Environmentally Significant for 137.8± acres of land located south of West International Speedway Boulevard, north of Interstate 4, south of Frances Road, and on both sides of the Tomoka River.

Staff Presentation

Thad Crowe, Planning Manager stated this item was also originally a part of the 09-02 LSCPA Cycle. And is literally unchanged. He gave a brief PowerPoint presentation that included the request, the location of the property, current and proposed land use and zoning as stated above. He gave a brief overview of land use and zoning for surrounding properties and stated the area was in the NRMA and one of the reasons VGMC objected to this amendment was because they had a hard time reconciling the approved PUD which did not provide for a higher level of upland preservation. He stated VGMC eventually dropped their objections based on the realization that the applicant had vested rights in the approved PUD and the County was not objecting to it. He stated the current County land use allows for 150 square-foot of commercial and 73 units; specific uses allowed by the PUD are 312, 000± square-foot church and a 1,300 student school. He stated there were various Comprehensive Plan policies that support the amendment including protection of the Tomoka River, wetlands and the applicant had agreed to put the wetlands in the PES category, which will protect them. Mr. Crowe stated traffic impacts will be reduced and a slight increase in water and sewer use. He stated

staff did not believe the request created urban sprawl and there were urban services in the area. He stated the Staff Report included the accompanying neighborhood policy change that ties to the approved PUD. He stated the item is scheduled for first reading at the March 17th City Commission Meeting and staff was recommending approval.

Applicant Presentation

James Stowers, Cobb Cole, 150 Magnolia Avenue stated he was present to answer any questions but also wanted to clear up a couple of circumstances relative to this not related to the other amendments. He stated although this request was continued from the 09-02 Cycle, this Board and the City Commission approved it unanimously. He stated the County and DCA approved the amendment without any objections but VGMC had issues with whether or not the County had jurisdiction to change the land use after it was annexed into the City. He stated the property was annexed into the City years ago and the PCD was approved at that time. He stated the statutes do not allow the County to change the future land use after it had been annexed into the City. He stated his client wanted to make sure they cleared up everything from an environmental standpoint.

Mr. Walton stated of the items on the agenda tonight from the 09-02 Cycle, this was the only one that received certification from VGMC but it was received too late.

Mr. Stowers stated he was glad Mr. Walton made that statement because they did receive a certificate of consistency.

Citizen Comments

John Nicholson, 413 North Grandview Avenue, Daytona Beach spoke partially in opposition of the amendment request. He stated normally he would talk about taking land off the tax rolls and highest and best use because it is on I4 but this a done deal. He stated the only thing he could not understand was the PES. He stated he understood it was said that it was only a creek but it was the beginning of the Tomoka River. He asked what exactly was being done on both sides of the river.

Mr. Walton replied this was a land use amendment and it did not deal with the site plan. He stated this was unique from the other amendments because it already has an approved PUD that is not changing at all.

Mr. Nicholson stated he was only asking if there was some way the City could find out what they would be doing in that area.

Mr. Moore asked staff about the change in policy in Neighborhood U on page 12 and 13 of the Staff Report. He asked if there was a change in the policy in addition to a map amendment.

Mrs. Shelley stated she was going to make that part of the motion.

Board Motion

It was moved by Mrs. Shelley to approve First Baptist Church Large Scale Comprehensive Plan Map Amendment, DEV 2009-142 with the addition of the new issue Neighborhood Policy U and the map amendment to Neighborhood U boundaries as submitted by staff and the applicant. Seconded by Mr. Moore.

Board Action

The motion was approved 9-to-0.

9. **Other Business**

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

Mrs. Shelley stated the Board met on January 5th elected Al Smith as the Board's new chair and Bob Abraham as vice-chair. She stated the Police Department and Code Enforcement Division gave monthly reports; The Board approved the following items: Naming of City Owned Land and Facilities, Daytona Beach Marketing Task Force, and Downtown Streets Team all of which were unanimously approved. She stated the Manatee Island Amphitheater Roof request was sent back because the Board had a lot of concerns and questions about the design. She stated there was an update on the Riverfront Master Plan and the Board is setting up a workshop in February to work on their Redevelopment Plan. Mrs. Shelley stated Board held a Special Meeting on January 14th which consisted of a presentation on the Daytona State College, Mike Curb College of Arts, Music and Science in the downtown area. She stated it was unanimously supported by the Board. The location is on the western side of the News-Journal Center.

B. **Midtown Redevelopment Area Board Report**

Mr. McGhee stated the Board met on January 12th and all of their current officers were reappointed. He stated they also had a presentation on Daytona Beach Marketing Task Force. He stated the most important discussion was on grants that are no longer in place. He stated they discussed ideas and incentives to get them moving forward. He stated they also heard from some organizations in town that went out and painted homes during the Christmas holidays. He stated the Howard Thurman House was featured in the News-Journal online which brought some highlight to the area.

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

No Report.

D. **Public Comments**

John Nicholson, 413 North Grandview, Daytona Beach stated when Bonner Elementary was closed, the school district determined that there was not a real need for the school since would not be any additional children going into the three and four bedroom HUD houses. He stated he believed the reason the school district was only predicting 13 additional students was because there was over 2,000 empty middle schools. He reminded the Board about submerged lands, Floor Area Ratio (FAR) and parking.

E. **Staff Comments**

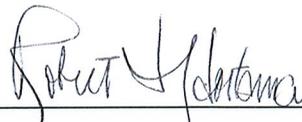
Mr. Walton stated when the packet was put together Smart Growth was placed on it because staff anticipated that Mary Swiderski with Volusia Council of Governments (VCOG) would address County-wide efforts on Smart Growth at the February City Commission Meeting. He stated that date has been pushed back and he would have the new date at the February Planning Board Meeting and all of the Planning Board members were being invited to attend. Mr. Walton stated this started back in 2003, where there some committees/tasks forces set up through VCARD that worked on some of the details. He stated there were two general areas that came out of a final technical report and they are Conservation Development and Joint Planning Agreements. He stated they created model templates for both topics and will walk through them with the City Commission.

F. **Board Member Comments**

No comments.

Adjournment

There being no further actions to come before the board, the meeting was adjourned at 7:36 pm.



ROBERT HOITSMA
Chair

ATTEST:



CATHY WASHINGTON
Secretary