

MINUTES  
REGULAR MEETING – PLANNING BOARD

February 25, 2010

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Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held Thursday, February 25, 2010 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:

John McGhee, II  
Jeff Hurt  
Tracey Remark  
Edith Shelley  
Bob Hoitsma  
John McGuinness  
James Neal  
Kevin Fishback  
Cathy Washington (6:08PM)

Absent Members:

Larry Moore  
Janet LeSage

Staff members present:

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

1. **Call to Order**

Robert Hoitsma, Chair called the meeting to order at 6:03 pm.

2. **Roll Call**

Mrs. Shelley called the roll and noted members present as listed above.

3. **Approval of the Minutes:** January 28, 2010

**Board Motion**

It was moved by Mr. Hurt to approve the January 28, 2010 Planning Board Meeting Minutes. Seconded by Mrs. Shelley.

**Board Action**

The motion was approved 8-to-0.

***Continued Items:***

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 January 28, 2010 Planning Board Meeting*).

**Staff Presentation**

Thad Crowe, Planning Manager gave a PowerPoint presentation. He stated this was a modification to an approved Planned Commercial Development (PCD) that was part of a previous request. He stated the original request was approved in December 2009. He stated it included architectural modifications to the maintenance building of the hospital, a landscape waiver for the cancer center both of which were approved and a third request for banners that was continued at the request of the applicant to resolve issues the Board had with that request. He stated the request was for three types of banners, light poles, building and main entry banners. He restated for the record the Future Land Use designation and zoning for the property and the surrounding properties. Mr. Crowe stated the LDC, Article 18 Section 6.18 allowed limited use of banners associated with temporary periods such as special events and that the applicant was proposing to limit banner use to no more than 80 days per year (as in LDC) and also not allow the banners up for more than 31 consecutive days at a time. He stated the applicant was proposing the following size limitations: light pole banners: 32 square-feet (per light pole), entry banner: 240 square-feet and building banner: 1,000 square-feet. He stated TRT had reviewed and approved the applicant's recommendations. Mr. Crowe stated staff requested that the applicant justify their request to exceed the 32 square-foot LDC requirement. He stated the applicant's reply was the request was due to the large size of the property. He stated the entry sign was only visible from the property which generally was not a nuisance to adjacent properties and roadways and He the building banner was in scale with the large building. He stated staff looked at comparable building banners and had placed a brief memo in each Board member's packet that discusses the issue. He stated the Speedway allows individual banners up to 1,000 feet and the LDC allows oceanfront hotels during spring break to have banners up to the greater of 360 square-feet or 150 square-feet per 50-feet of ocean frontage. He stated the Daytona Live PMD

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has a total cumulative banner size of up to approximately 5,000 square-feet but does not have an individual banner limitation. He stated Halifax Hospital did not request or receive approval for banners in their Comprehensive Sign Plan that was approved last year. Mr. Crowe stated the Planning Board has final action on this request and staff was recommending approval with the request that the Board make a determination on maximum banner size for each type of banner.

### **Applicant Presentation**

Jim Morris, Storch, Morris and Harris, 420 South Nova Road, Daytona Beach stated he provided packages to each Board member for review. He stated the package was provided in an effort to give a sense of scale from the most public view of the property, an idea of how long people will be able to see things and the different angles. He showed a video of the property from Interstate 95 going north and south as well as on the property itself and also showed a series of photos. He stated when Mr. Crowe spoke in regards to over and above the 30 day limit that was actually more restrictive than the sign ordinance called for. He stated in the package the Board received were excerpts from the Speedway's Comprehensive Sign Plan but he was contending that while the Speedway was not a hospital, when people say what they want to do, the questions he asked were what had been done in similar scenarios, how do you differentiate between those things and how do you fairly treat one to the other. Mr. Morris stated the significance between the Speedway's Comprehensive Sign Plan and the hospital's is that they are both two large facilities set fairly far back from the road. He stated the big difference is the Speedway is on International Speedway Boulevard and the hospital is on I-95. He stated the other big difference is the Speedway is an entertainment facility and the hospital is an institutional facility but each one has a mission of communicating with the public. He stated the hospital's request is considerably downscaled from what you would see at the Speedway or Daytona Live which is fairly close to the road.

Mrs. Remark asked if the tall building banner would be two thirds of the entire face of the building.

Mr. Morris replied that was a reasonable approximation and that it was on the left side of the building so it would not block any windows. He stated the applicant was requesting three different types of banners, time limits both in terms of overall days per year as well as a maximum sequence per year. He stated the hospital's effort was to communicate to the people that are on their property. He asked the Board to review each banner category individually and if there are suggestions on placement or reduction they would try to find a solution that was satisfactory for everyone.

Mr. Hoitsma asked how many signs would be placed at the entrance coming onto the property.

Mr. Morris replied two per median except one median has three for a total of 14.

Mr. Hoitsma asked what would be on the 1,000 square-foot sign.

Mr. Morris replied it would be a compatible message to the banners on the light poles.

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Darlinda Copeland, Chief Operating Officer for Florida Memorial Medical Center, 301 Memorial Medical Parkway, Daytona Beach stated the purpose of the banners was for the hospital to be able to display their mission which is a lot of health promotions like Breast Cancer Awareness Month and Heart Month. She stated they would be for health events that take place on the hospital property like free health screenings and everything is free to the public. She stated it was all about awareness and promotion.

Mrs. Remark stated the initial justification for the banners was to communicate to the traveling public and they were now saying that was not the case.

Mr. Morris replied that was correct it was internal.

Mrs. Remark stated it was not totally contained because all of the apartments on the immediate north side of the entry road look right at the porte cochere and the entry road.

Mr. Morris stated that was not quite true because he looked at that issue and they have windows but is not as if the frontage is there and there is also the distance and the angle that needs to be considered. He asked the Board to look at the angle of the apartments on the printed site plan in their packet because it reflects that they would be looking at the side of the building and by and large it would only be a few apartments to the far west that even possibly have a view.

Mrs. Washington asked if the signs would be changed on a monthly basis or more frequently.

Ms. Copeland replied it would depend on the need and the different promotional events that were taking place and that they would always be very mindful of the days they had committed to in the proposal.

Mr. Morris reminded the Board that they were limited to a maximum of 80 days per year and a maximum of 31 days consecutively.

Mr. Hurt stated just because they had 80 days did not mean it had to be 80 days. He stated it could be a heart promotion for 30 days that ran along with National Heart Association 30 day period so when the promotion was over, the banner would come down.

Mr. Morris stated the reason why 31 days was selected was because if it is a 30 day time period, the banner would have to be down by that afternoon when realistically it would be taken down the next day.

Ms. Copeland stated she did not think the Board had to worry about the hospital having numerous campaigns during the year because they were a not-for-profit organization and that could be really costly.

Mr. McGuinness asked if the maximum size for the building banner was 1,000 square feet and if they were anticipating anything larger because he did not want to have banners obstructing the views from windows.

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Mr. Morris replied 1,000 square feet was the maximum size and the configuration of the banners was included in the information the Board received.

Mrs. Remark stated the one banner she had a problem with was the building banner because where that banner would be placed was not at the hospital's entry way. She stated most people will come in through the porte cochere and she did not see who that banner would be promoting to. She stated she feels the banner obscures a beautiful building face.

Mr. Morris asked Mrs. Remark to keep in mind what the overall development plan for the project looked like. He stated it was a full campus and what the Board was looking at right now was the office building, which was the southern part that projects closer to the road but there would be more things within the facility. He stated the site plan was designed in such a way that the entry was actually the western side. He asked her to also keep in mind that the landscaping was approximately one year old and when the trees grow in the screening will be much more significant. He stated finally as it relates to the building's prominent architecture, people will see the silhouette from a great distance.

There was additional discussion on the building's architecture and placement of the banner.

Mrs. Remark asked Mr. Morris if he would be ok with the Board voting individually on each banner.

Mr. Morris replied yes.

### **Citizen Comments**

John Nicholson, 413 North Grandview Avenue, Daytona Beach spoke in opposition of the request. He asked the Board if they were going to approve the request to establish how many events the hospital could have, limit it to 30 consecutive days instead of 31 and a smaller building banner.

### **Board Comments**

Mrs. Shelley thanked the applicant for eliminating so many of the post banners and putting them in the median on the service drive.

Mrs. Remark reiterated that she did not have a problem with the banner signs or the porte cochere signs but she did have a problem with the 1,000 square foot main entry sign. She stated she did not feel the sign was for people on the hospital campus and served no purpose. She stated she appreciated being able to vote on each sign individually because she did not feel that one should be passed because it detracts from the entire face in terms of looks.

Mrs. Shelley asked Mrs. Remark if there was a size that would be acceptable to her or was she totally opposed to having a sign on that side.

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Mrs. Remark replied regardless of size she was totally opposed to having a sign on that side of the building.

Mr. Hurt stated he had a different opinion. He stated these were educational signs to get information out to the public concerning what was happening with healthcare and what was available at the hospital. He stated he had seen these type signs at other hospitals and there was usually a booth setup in the lobby to coincide with the advertisement to educate the public. He stated there were a lot of people that come to the hospital to visit other people and the only they would know it was say for instance National Heart Association Week would be when they see the signs. He stated without the signs advertising the services at the hospital, people would not know.

Mrs. Shelley asked Mr. McGuinness if there was a size that he could agree too.

Mr. McGuinness stated his concern was he did not feel the 1,000 feet was not oversized because standing back 200-feet from a 1,000-foot banner sign would work for him.

Mrs. Remark stated everyone keeps talking about the signs being for health education. She stated she felt they should put in the agreement that the signs could not be used to advertise hospital services because then it becomes advertising and not education.

Mr. Hurt stated if it is advertising their services it would be for the health industry and that is what the hospital does.

Mrs. Remark replied it was one thing to advertise Breast Cancer Awareness or any kind of health awareness issue but a banner that reads something like state of the art defibrillator it will have crossed the line into advertising and that would give them an unfair advertising advantage over other hospitals in the area.

There was additional discussion on hospital advertising versus health awareness advertising.

Mrs. Shelley asked Mr. Morris to come up and address Mrs. Remark and Mr. Hurts comments.

Mr. Morris stated they were trying to come up with a way to possibly regulate that type of message but they could not come up with a way to define the message where someone makes a decision that it is either is or is not advertising per say. He stated if there is a way, they would do it because the purpose is to promote health awareness.

Ms. Copeland stated the hospital does a lot screenings for the public for free as a community service so if they were advertising that it would not promote the hospital or generate revenue. She asked if that would be considered promoting the hospital's service.

Mr. Morris stated the wanted to agree with Mrs. Remark but they did not know exactly how to do that.

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Mr. Hoitsma stated for a long time he has had a battle with large signs in the community and he feels the City is over-signed. He stated he felt the hospital was spectacular and did not want to ruin it with signs. He stated he felt the 240 square foot sign takes away from the entrance appearance and the same message could be said with a 32 square foot sign. He stated he believes 1,000 square feet is entirely too large and he has concerns with the sizes of signs two and three.

**Board Motion**

It was moved by Mrs. Remark to approve Planned Commercial Development, Substantial Modification DEV2009-113, Florida Memorial Hospital median entry light poles. Seconded by Mr. Hurt.

**Board Action**

The motion was approved by roll-call-vote 9-to-0, with the breakdown as follows:

Mr. McGhee, II	Yes
Mr. Hurt	Yes
Mrs. Remark	Yes
Mrs. Shelley	Yes
Mr. Hoitsma	Yes
Mr. McGuinness	Yes
Mr. Neal	Yes
Mr. Fishback	Yes
Ms. Washington	Yes
Mr. Moore	Absent
Mrs. LeSage	Absent

**Board Motion**

It was moved by Mr. Hurt to approve Planned Commercial Development, Substantial Modification DEV2009-113, Florida Memorial Hospital main entry banner as proposed. Seconded by Ms. Washington.

**Board Action**

The motion was approved by roll-call-vote 6-to-3, with the breakdown as follows:

Mr. McGhee, II	Yes
Mr. Hurt	Yes
Mrs. Remark	No
Mrs. Shelley	Yes
Mr. Hoitsma	No
Mr. McGuinness	Yes
Mr. Neal	Yes
Mr. Fishback	No
Ms. Washington	Yes
Mr. Moore	Absent
Mrs. LeSage	Absent

**Board Motion**

It was moved by Mrs. Remark to approve Planned Commercial Development, Substantial Modification DEV2009-113, Florida Memorial Hospital 1,000 square foot building banner on the west side of the main hospital building. Seconded by Mr. Hurt.

**Board Action**

The motion failed by roll-call-vote 4-to-5, with the breakdown as follows:

Mr. McGhee, II	No
Mr. Hurt	Yes
Mrs. Remark	No
Mrs. Shelley	No
Mr. Hoitsma	No
Mr. McGuinness	Yes
Mr. Neal	Yes
Mr. Fishback	No
Ms. Washington	Yes
Mr. Moore	Absent
Mrs. LeSage	Absent

Mrs. Remark asked if the Board should have included in the motions the language “no more than 80 days per year and 31 days consecutively.

Mr. Walton replied the development in the packet needs some work so after the Board’s direction staff will put it together to reflect what the Board’s recommendation was.

Mrs. Remark asked if that language should be included in the motion so staff will know what to change.

Mr. Morris stated to Mr. Hoitsma if they would accept his stipulation, the point raised by Mrs. Remark was acceptable, he took that as part of the motion and it would be incorporated in the text of the agreement.

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 January 28, 2010 Planning Board Meeting*) (*Staff is recommending a continuance of this item to the March 25, 2010 Planning Board Meeting*).

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Mr. Hoitsma stated there was a request from staff to continue this item so if anyone in the audience that wanted to speak on this item it would not be heard tonight.

Mrs. Remark asked if she could move to continue to the April 2010 meeting because it appears that staff is having some problems gathering all of the information needed and continuing for one month would only give them two additional weeks.

It was the consensus of the Board for Mrs. Remark to make the motion for continuance to the April 2010 Planning Board Meeting.

### **Board Motion**

It was moved by Mrs. Remark to continue Land Development Code Text Amendment, DEV 2009-077, Boat Slip Allocation Ordinance to the April 22, 2010 Planning Board Meeting. Seconded by Mrs. Shelley.

### **Board Action**

The motion was approved 8-to-0.

#### **6. Rezoning - Planned Commercial Development, DEV 2009-093, Embry-Riddle Aeronautical University Administration/Worldwide Headquarters, 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. *(Continued from the January 28, 2010 Planning Board Meeting).*

### **Staff Presentation**

Thad Crowe, Planning Manager gave a PowerPoint presentation. He stated currently the land was undeveloped and was being used as soccer fields. He stated the request was to rezone from Local Service Industry M-1 to Planned Commercial Development (PCD) to build a 95,000± square foot office building with 7,200 square foot atrium and 6,600 ± square foot/499-seat auditorium. Mr. Crowe stated there were associated parking (397 spaces), landscaping, and drainage improvements. He stated the LDC required 412 parking spaces and the item was consistent with the City's Comprehensive Plan and LDC site plan zoning amendment review criteria. He stated as with many PCDs, variances were being requested in exchange for public benefit. Mr. Crowe stated the variances being requested were as follows:

1. A 10-foot sign instead of 8-foot as required by the LDC (consistent with the other campus signs).
2. A 220-foot main entry sign instead of the 120-foot limit required by the LDC (in scale with the larger building site and the applicant was only proposing two ground signs instead of the 12 they were allowed).
3. 397 parking spaces instead of the 412 required by the LDC.

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4. Waiver of the building landscaping requirements around the building perimeter (reduction in parking was justified through the parking study provided in the Board's packet and TRT had approved the request because there was adequate parking nearby).
5. Waiver of the 25 percent shrub ground coverage of the total landscape area (waiving of the shrubs was being requested because putting the additional trees in would leave less room for shrub and ground cover areas).

Mr. Crowe stated the building perimeter landscaping variance was being requested because it would obscure the building's architecture and would require the pond that was part of the building design to be separated from the building. He stated the applicant did provide overall tree caliper that exceeded LDC requirements by over 150 percent for both small and shade trees. He stated public benefit was the architecture of the building, tree preservation and limited signage. He stated there were some unresolved TRT issues mainly pertaining to utilities. He stated his understanding was the applicant and City had been working together and Shannon Ponitz with the City's Utilities Department was present to answer any questions. Mr. Crowe stated the main issue concerned an agreement between the City and the applicant on cost participation for lift stations in the area because they were at capacity. He stated the other TRT issues were relatively minor and could easily be resolved. The fourth condition was the applicant understood they were responsible for impact fees and other required fees and staff was recommending approval with the following conditions:

1. If cost participation utility agreement not reached, site plan must be changed to show a private lift station, constructed and operated by the property owner at their cost.
2. Provide revised fire flow calculations.
3. Engineer's Cost Estimate to include cost of pumps required to discharge into the City's system and also to be signed and sealed by engineer of record.
4. The University is responsible for impact fees or tap & connection fees.

Mr. Hoitsma stated he wanted to make sure Mr. Crowe stated the TRT issues had been agreed upon.

Mr. Crowe replied he would allow Shannon Ponitz to respond to that question.

Shannon Ponitz, Utilities Department stated they had been working with the applicant and they had verbally agreed on a solution however it was still going through the Legal Department for review and also had to be approved by the City Manager.

Mrs. Remark asked if she was speaking about the lift station.

Mrs. Ponitz replied yes.

Mrs. Shelley asked for clarification on page seven of the Staff Report. She asked Mr. Crowe if he was talking about both signs because the report only references one sign exceeding the size.

Mr. Crowe replied he was fairly sure it was only one sign but he would double check.

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Mrs. Shelley stated the Staff Report read only the sign on ISB and Clyde Morris Boulevard.

Mr. Crowe replied because that was the only sign that exceeded the LDC requirement.

Mrs. Remark stated at the bottom of page six of the Staff Report it read the monument sign would not exceed 8-feet but the request was for 10-feet.

Mr. Crowe stated that was probably right.

Mrs. Remark stated so it is exceeding the LDC limit on height.

Mrs. Shelley stated so both signs are exceeding the LDC limit.

Mr. Crowe replied yes.

Mrs. Remark asked for clarification on the language from page four of the Staff Report pertaining to 30 pine trees that were being removed. She stated the clearing plan showed a line where all trees past that point to Corsair Hall would remain. She asked if the Staff Report was only addressing all of the trees on Clyde Morris Boulevard.

Mr. Crowe replied the Staff Report was a little erroneous because staff only looks at trees that are 12 inches in caliper and there were a number of trees noted on the plan that would remain because they were between six to 12 inches in caliper. He stated to Mrs. Remark that she was absolutely correct that in the western area there were a number of trees that would not be removed. He stated the notation she was referencing pertained specifically to the buffer area defined on the plan.

### **Applicant Presentation**

Chris Challis, Cobb Cole, 150 Magnolia Avenue, Daytona Beach stated they were grateful to staff for all of their help with the project. He introduced his team members and stated over the past few years, the community had been improving ISB. He stated he felt this project would identify Daytona Beach as the world leader in location of the world leader in aviation and aerospace education and that the project was a great counterpart to the technology park approved in 2008. Mr. Challis stated the Staff Report covered everything fairly well; the project was consistent with the neighborhood policies and substantially consistent with the current M1 zoning. He stated the parking issue and signage were the primary issues and Mr. Crowe gave a good presentation on the site plan and landscaping. He stated they had increased the caliper planting by over 50 percent which did not include some of the palms. He stated one of main deviations was the removal of the plantings from the building foundation and placing them throughout the property, particularly the perimeter and parking area. Mr. Challis stated they were planting four inch caliper trees instead of two and a half inches which represented four year growth. He stated the primary sign is 220 square-feet and noted that under the straight code application they could have had 12 signs, approximately 1,000 square-feet of total area and that they had condensed that 1,000 square-feet of total permissible area into 300 square-feet of sign area and reduced it to two signs, one in the front and the other on the Richard Petty side of the campus. He stated in regards to parking, they were primarily relocating existing users that are scattered throughout the campus and other places in the City to this building and part of the justification was they were shifting a parking demand in many places throughout the university to the one location.

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Mrs. Shelley stated she wanted to be sure the sign on ISB would not be covered by trees.

Mr. Challis stated they had a fairly aggressive perimeter planting plan and the trees shown in the rendering were shown in a more mature state but it was not 100 percent realistic to the planting plan.

Mrs. Shelley stated her concern was the visibility of the sign if you were looking from ISB you would not be able to see the sign very well.

### **Board Comments**

Mrs. Shelley stated she was very excited about the project and the architecture was stunning. She stated she appreciated the applicant pulling back on the square footage that they were allowed with their signs but she saw a memo in City Hall today that concerned her. She stated the memo referred to electronic message centers and she had expressed her concern to Mr. Challis. She stated she would not have a concern with the increase in signage on ISB except for the fact that the memo read ERAU would be looking toward an electronic messaging center. She stated she was aware that was not being presented tonight and she did not want to vote against the project but if that is the direction the university is headed she was concerned about increasing the sign size on ISB. She stated her understanding was the memo would be presented to the City Commission.

Mrs. Remark stated she had the same concern because she saw the same memo and was curious if that was what they were looking for down the road.

Mr. Challis replied he did not know where that information came from. He stated he did know some people at the university were talking about that and he could not speak for the university but he could say with respect to this project, that had not been discussed and had never been a consideration during the design and planning of the project.

Mrs. Shelley stated Embry-Riddle was specifically listed in the memo for one of the City Commissioners.

Mr. Challis stated moving forward, the other issue is the new ordinance rewrite. He stated he asked university representatives if they wanted to participate in the process at the chief level regarding the ordinance and their response was no.

Mrs. Shelley stated she was not making a comment on electronic message centers but if the City Commission approves the amendment there were a number of different ways to deal with this. She re-stated that she was not comfortable with how large the ISB sign was because of what is possibly coming down the road.

Mr. Challis stated if the university were to do that, they would have to come back before the Board with a substantial modification request.

**Board Motion**

It was moved by Mr. Hurt to approve Rezoning - Planned Commercial Development, DEV 2009-093, Embry-Riddle Aeronautical University Administration/Worldwide Headquarters, 1590 Richard Petty Boulevard with staff conditions. Seconded by Ms. Washington.

Mr. Challis stated they had addressed and worked out all of staff's conditions and there was even a signed agreement on the utility.

Mr. Walton asked Mr. Challis if the development agreement needed to be changed based parking.

Mr. Challis replied no, the development agreement sets parking at a minimum of 350 parking spaces and the plan shows 397 parking spaces.

Mr. Walton stated he thought the plan said they were going to provide 350 spaces.

Mr. Challis stated it said a minimum of 350.

Mr. Walton stated if that was correct he was fine with it.

**Board Action**

The motion was approved 9-to-0.

***New Items:***

7. **Special use Permit, DEV 2010-006, Italian Festival, Our Lady of Lourdes Catholic Church**

A request by Joseph Hopkins, P.E., on behalf of Our Lady of Lourdes Church, located at 201 University Boulevard, for a Special use Permit to operate a carnival (Italian Festival) on the church grounds from Thursday, April 15 to Sunday, April 18, 2010; and from Thursday, April 21 to Sunday, April 24, 2011.

**Staff Presentation**

Thad Crowe, Planning Manager gave a PowerPoint presentation. He stated the event had occurred annually for a number of years and went through the review criteria in the Land Development Code for carnivals. He stated the request was basically the same as last year with the exception that this year the request was for two years. He stated there was an issue with sending out all of the neighbor notification letters in the required timeline. Staff has determined the applicant had met all of the site requirements and was recommending approval of the Special use Permit request with the following conditions, which replicate those of the adopted 2009 resolution.

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- A. *Operating hours shall be from 8:00 a.m. - 10:00 p.m. on Thursday and Sunday, and from 8:00 a.m. - 11:00 p.m. on Friday and Saturday.*
- B. *Carnival operations, including but not limited to the movement of vehicles or equipment to or from the church property, set up or take down, maintenance or cleanup activity, shall not occur outside the approved operating hours. No lights, noise, amplified sound, or any other activity is permitted outside of the approved operating hours.*
- C. *Our Lady of Lourdes Church is the carnival's controlling entity and will be responsible for monitoring activities and for ensuring that they are in strict compliance with the site plan and all conditions of approval.*
- D. *Temporary lighting shall be directed away from adjacent residences.*
- E. *At least 4 portable toilets, as well as interior church and school restrooms, will be available for attendees. Portables will be centrally located on paved surfaces in areas accessible for normal or emergency servicing as needed.*
- F. *Larger and noisier rides and generators will be located farthest away from adjoining residences on the east side of the site and none shall be located within the 50 foot setback/buffer.*
- G. *Carnival tractor trailers and vehicles parked on site shall be parked to the east of the carnival rides to provide additional buffer to adjoining residences and may be parked within the 50 foot setback.*
- H. *Carnival employees shall not remain on the church property outside of the approved operating hours. No overnight camping or sleeping by carnival personnel is permitted, nor the parking of motor homes, campers, or any other vehicle with sleeping facilities. The carnival may leave one employee overnight to serve as an active watchman. The employee shall be a walking post or be sitting inside a car.*
- I. *Music shall not exceed a decibel of 70, as to not disturb surrounding residences.*
- J. *Parking attendants may be provided to assist and direct traffic where the designated traffic flow is impeded by carnival activity. Parking attendants shall be high school age or older. Any parking attendants under the age of 18 must be supervised by Our Lady of Lourdes staff.*
- K. *The police department shall be made aware of the restrictions and conditions attached to this permit and the fire department/EVAC shall be made aware of the emergency access provisions.*
- L. *Our Lady of Lourdes will coordinate with the police department to provide increased observation of the area during the period of the Festival.*
- M. *Parking and access along Halifax Drive shall be limited to ensure and maintain vehicle and pedestrian safety.*
- N. *Our Lady of Lourdes shall appoint a contact person for the neighborhood liaison in order to facilitate the resolution of any complaints or emergencies.*

He stated the Fire Department had requested that the following condition be added and Planning staff concurs.

- O. *The Daytona Beach Fire Department will do a walk-through inspection after set-up of rides, booths, etc. prior to start of festival.*

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Mr. Crowe stated as previously noted the applicant had requested that the approval be for a two-year period, with the understanding that if the applicant fails to comply with this year's conditions, the permit for the 2011 festival would be revoked. Staff recommends approval of the following additional condition.

*P. The permit for the 2011 festival shall be revoked if the City makes the determination that the event was not in compliance with 2010 conditions.*

### **Applicant Presentation**

Joe Hopkins, 100 Marina Point Drive, Daytona Beach stated he felt they were on their best behavior last year and the feedback they received was good. He stated they were in agreement with the new requirement from public safety to do a walkthrough and would be happy to answer any questions.

### **Citizen Comments**

Bettye Kane, 101 University Boulevard, Daytona Beach spoke in favor of the request. She stated she lived in the neighborhood around the church and last year they were on their best behavior but in previous years there were problems. She asked the Board to approve the request for one year and that they close down earlier than 11:00 PM. She stated she wanted to know who the personnel that were working for the organization because in the past some of them were regular carnival workers and they upset the neighborhood.

Mr. Hoitsma stated the applicant added the condition if they fail to comply with this year's conditions, the permit for the 2011 festival would be revoked.

Ms. Kane stated yes they may say that but you don't live there to know what goes on at night when everyone has gone home. She thanked the applicant for doing a good job last year and stated she did approve of the request.

### **Board Motion**

It was moved by Mrs. Shelley to approve Special use Permit, DEV 2010-006, Italian Festival, Our Lady of Lourdes Catholic Church with staff and the applicant's conditions. Seconded by Mr. McGuinness.

### **Board Action**

The motion was approved 9-to-0.

8. **Land Development Code Text Amendment, DEV 2010-007, Alcohol and Entertainment Standards**

An administrative request by the Development and Administrative Services Department, Planning Division, to amend the Land Development Code (LDC), Article 17 (Conditions and Requirements for Specific Uses), Section 2.13, Alcoholic Beverages, to revise the standards pertaining to the serving of alcohol and live entertainment.

**Staff Presentation**

Thad Crowe, Planning Manager gave a brief PowerPoint presentation. He stated the LDC currently prohibits live entertainment in restaurants with exceptions (planned developments, planned waterfront districts, hotels with 100 or more units, grandfathered establishments and certain zoning districts such as the beachside RDB2, RDB3 and RDB5). He stated the amendment would allow live entertainment in restaurants subject to a proposed limitation that would limit the activity to one contiguous area of 100 square feet. He stated the LDC zoning requirements that are applicable to the request are as follows:

1. Has there been a change in conditions since the current zoning designation or regulations were adopted?

He stated the restrictions were adopted at a time when there were some impacts from alcohol related establishments on residential neighborhoods. He stated the restrictions have to a certain degree become a burden on the establishments which now compete with restaurants and other communities that are allowed to have live entertainment activities.

2. What effect will the amendment have on the health, safety, and welfare of the neighborhood? Of the city?

Staff believes the change is a minor change and will not have a negative impact on the health, safety, and welfare of the neighborhood and the City.

Mr. Crowe stated there were seven restaurants currently in violation of the prohibition of which two had closed or seized live entertainment activities. He stated the City Attorney has advised that the amendment would produce insignificant risk of such entertainment including adult entertainment and the Midtown Redevelopment Area Board voted to recommend approval (7-0) and the Main Street/South Atlantic Redevelopment Area Board recommended approval (8-1) with the following condition:

- Adding language that limited entertainment to “non-amplified instrumentation” and to limit activity to between noon and 11 PM.

Mr. Crowe stated staff was recommending approval of allowing live entertainment in restaurants limited to one contiguous area of no more than 100 square feet; he would be happy to answer any questions and Colleen Miles, Zoning Officer for the City was available as a resource.

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Mrs. Shelley stated the Downtown Redevelopment Area Board reviewed the request and did not make a recommendation because it deals with Article 17 of the LDC and the redevelopment areas are dealt with in a different article of the LDC and establish their own regulations.

Mr. McGhee stated Midtown Redevelopment Area Board asked staff to come back with different language.

Mrs. Shelley stated she believed Mr. McGhee was talking about Article 12 which was something separate and that was the Downtown Board's point that they needed to look at it as a redevelopment board but they did not want to make a recommendation on a Citywide amendment.

Colleen Miles, Zoning Officer stated the Midtown Redevelopment Board actually had straight zoning so it would actually be Citywide unless it was rezoned to redevelopment zoning.

Mrs. Shelley stated but they are hoping to have redevelopment zoning.

Mrs. Remark stated Mr. Crowe stated there were six properties currently in violation of the code and she was interested in emails between Mr. McKitrick and Commissioner Woods that actually show seven. She asked what had happened with Robbie O'Connell's located at 550 Seabreeze Boulevard.

Mr. Crowe replied he would defer that question to Ms. Miles and that Dennis Mrozek, Planner for the City was also present to answer questions.

Ms. Miles stated Robbie's was not really involved in the Article 17 issue.

Mrs. Remark asked why not.

Ms. Miles replied because it was relevant to a federal lawsuit and had nothing to do with Article 17.

Mrs. Remark stated so Robbie's is in violation because they have live music and asked what could be done about it.

Ms. Miles replied anyone that had questions would need to speak with the City Attorney.

Mrs. Remark stated if this amendment were approved it would affect everyone in the City except Robbie's or anybody at 550 & 542 Seabreeze Boulevard.

Ms. Miles replied that was correct and also 546 Seabreeze Boulevard.

Mrs. Remark stated as far as she could tell, the ones that were in violation were in zoning that would allow them to come forward as a special use request because they are BR1, BR2 or BA.

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Ms. Miles stated if they meet the requirements for a special use, yes they could.

Mrs. Remark asked why the Board was looking at the amendment for seven properties in violation.

Ms. Miles replied if they meet the special use requirements, yes they could.

Mrs. Remark stated they would have to come forward to find that out.

Ms. Miles stated not necessarily, they could read the special use requirements and make the determination whether or not they met the requirements.

### **Citizen Comments**

Aaron Crawford, 2563 North Atlantic Avenue, Daytona Beach spoke in favor of the request.

Chris Challis, Cobb Cole, 150 Magnolia Avenue, on behalf of the Chamber spoke in favor of the request.

Elsa Rein, 1110 Beville Road, Daytona Beach spoke in favor of the request.

Susan Park, 715 North Wild Olive Avenue, Daytona Beach spoke in favor of the request.

Don Kane, 101 University Boulevard, Daytona Beach spoke in favor of the request.

Tyler LeCompte, 509 Seabreeze Boulevard spoke in favor of the request.

Wally Maroon (no address given) spoke in favor of the request.

Robert O'Connell, 550 Seabreeze Boulevard, Daytona Beach spoke in favor of the request. He stated as Ms. Miles pointed out his restaurant was in a different situation but they had stopped live entertainment since they received a letter from the City dated October 31, 2009 and were not currently in violation of the City's code. He stated he felt live entertainment was very important to different cultures in different communities and also to local businesses in the community. He stated when this was passed the focus was on strip clubs and nude bars. He asked the Board to step forward and address the issue so businesses could start to thrive again.

Mrs. Remark asked if Mr. O'Connell if he understood the proposed change would not affect his business.

Mr. O'Connell said he understood that, but the overall success of Seabreeze Boulevard affected his business.

Mrs. Remark asked if he wanted things to change at his location in terms of being able to provide live entertainment.

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Mr. O'Connell said that he would but he understood that this ordinance change must be done first.

Sarah Evans, 923 Valencia Road, South Daytona spoke in favor of the request.

Scott Spaulding, 530 Seabreeze Boulevard, Daytona Beach spoke in favor of the request.

Kelly Kane, 101 University Boulevard, Daytona Beach spoke in favor of the request.

Jim Cameron, 126 East Orange Avenue, Daytona Beach spoke in favor of the request.

Howard Navin, 5499 South Regis Way spoke in favor of the request.

Patricia Smith, 255 Lexington Drive, Daytona Beach said that she wasn't really for or against the amendment change, but that she lived next to Caribbean Jacks and live entertainment must be monitored as it could spill outside and affect neighbors.

Mrs. Shelley asked Mrs. Smith if she understood that the proposed change was not applicable to bars like Caribbean Jacks or also uses in redevelopment areas

Ms. Smith stated that she did but that this was a planning board and they should look at the whole situation particularly the issue of live music spilling outdoors.

Mrs. Shelley stated she could talk to Mr. Walton after the meeting about the problem but this was not being discussed.

Ms. Smith stated that she understood.

John Nicholson, 413 North Grandview Avenue, Daytona Beach was not for or against the amendment request. He stated that this could be a Pandora's Box and we should know why we passed these regulations. He managed restaurants in the past and he knows that the music spills over. He opposes the cover charge idea as it hampers getting dynamic live acts.

### **Board Comments**

Mrs. Shelley repeated that she wanted Mrs. Smith to contact Mr. Walton regarding Caribbean Jacks and its noise impacts. She said that contrary to what a previous speaker said, other cities do have ordinances limiting live entertainment and this is not unusual. She said this strictly applies to restaurants, not bars, and it is important to make sure that restaurants stay as restaurants. One way to distinguish restaurants from bars is to not allow cover charges and require closing by 11 PM or a similar hour. She also said if this item does not move forward there should be the ability for live entertainment to continue until resolution of the issue.

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Mr. Hurt stated he felt live entertainment should be allowed to enhance business and provide tax revenues. He cited the entertainment at Julian's Restaurant in Ormond Beach as an example of an activity that drew people there. He said this was preferable to loud piped music, for example.

Mrs. Shelley stated there would still be restrictions on entertainment in restaurants, for example in Ormond Beach there were closing time requirements.

Mrs. Remark stated she had gone back and forth on this and remembered why the regulations were instituted in the past. She stated that live entertainment could include anything that was breathing, whether it was monkeys or elephants. A 10 by 10 square foot area was big enough for three women and a table top or a pole and that was part of why this prohibition was there, to keep out adult entertainment. She stated that City Attorney, Marie Hartman could not definitively say this could be prevented. She stated this could also undermine the Molly Brown's agreement which notes that if the settlement agreement is violated the fallback is the Code, which would then allow for live entertainment, and all they would need to have live entertainment including adult entertainment is a full service kitchen. Mrs. Remark stated if there is a problem the Planning Board should go back and look at the special use criteria available for such uses. She stated these changes would apply to many areas including the west side of A1A, East and West ISB, Seabreeze Boulevard, both sides of Ridgewood from Orange to Beville and north of Mary McLeod Bethune Boulevard, Nova Road, Orange Avenue, Mason Avenue, North Beach Street, Jimmy Ann, Ballough Road, and most shopping centers including Bellair Plaza, K-Mart shopping center – all these areas would allow live entertainment and since this is Daytona Beach, entertainment uses tend to push the envelope. She stated when this was brought up by Jim Cameron at the City Commission the Mayor and others expressed concern and wanted this brought back as an agenda item and reviewed for legal repercussions. She said she thought this ordinance was close but was not yet on sound legal ground and that live entertainment should be limited to indoors and hour-of-operation restrictions should be applied. She stated amplification rules could not apply as there were First Amendment issues and this needed more work and attention from staff, and maybe the changes should be made to the special use criteria instead of allowing this Citywide. She stated also there were not any provisions for penalties for violations, which Mr. McKitrick had previously brought up at the Main Street/South Atlantic Redevelopment Area Board meeting and Mrs. Hartman noted these restrictions were difficult to enforce.

Mr. Hoitsma asked Mr. Gross if he was concerned about anything in the proposal that would allow live entertainment to turn into adult entertainment.

Mr. Gross replied he read the City Attorney's memo and did not disagree with it. He added that it wasn't mentioned that the City had a public nudity ordinance which has been upheld and will continue to be upheld.

Mr. Hoitsma asked Mr. Gross about the issue with using animals for live entertainment.

Mr. Gross responded that the ordinance itself would not prohibit the use of animals but there were health code issues that spoke to this.

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Mr. Fishback noted that at some point they would have to trust the restaurant owner to bring in acts that would not drive away business. He thought the proposal was reasonable and would help small businesses in particular. He stated he understood the uncertainty mentioned by Mrs. Remark but every decision has costs and benefits, but in this case the benefits outweighed the costs. He thought the Board could vote on it tonight.

Mr. Neal stated this proposal was important for mom-and-pop establishments that were trying to build up their business and subsidize their business costs and keep people coming back. He stated he felt the City needed workable situations where people could make money and should not heighten the high risk that already goes with small businesses. He stated when someone comes to visit he wants a place to take them that has entertainment like Julian's and he said he would support the amendment request.

Mr. McGuinness stated he was uncomfortable with the term "live entertainment" without definition. He said he would like to think of this as being a piano bar, musical ensemble, vocalist, but live entertainment covers a wide range. He asked if restaurants in BR-1 zoning could have live entertainment through special use permits.

Ms. Miles replied no and that the code provided no ability in this case to seek the Special use permit.

Mr. Gross stated he wasn't sure the question was understood. He stated Article 17 Section 2.13(f) allowed restaurants that did not meet the criteria of subsection b (prohibition of live entertainment) to have alcoholic beverage sales as long as they met the conditions of special uses and these particular special uses. He asked Mr. McGuinness if he was asking if they could have live entertainment as a special use or a conditional use.

Mr. McGuinness asked if an existing restaurant that served alcohol could have entertainment in any way as a conditional or special use.

Ms. Miles stated she believed the original intent was to provide the ability for restaurants or stand alone bars in those zoning districts to seek special use for live entertainment meeting those criteria.

Mr. Gross stated he was comfortable that a restaurant could pursue a special use permit to serve alcoholic beverages and have live entertainment under Article 17 Section 2.13(f) and (b). He stated general criteria included distance separation from schools, churches, and similar establishments; provide for off-street parking, etc. and the governing body could add additional conditions as conditions of approval.

Mr. Hurt stated it sounded like they could apply but it would be difficult.

Mrs. Remark stated that the governing body could re-look at those conditions.

Mr. Hoitsma asked Mr. McGuinness if his main concern was for live animals as part of live entertainment.

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Mr. McGuinness indicated it was not.

Mr. Gross stated that there were a lot of words in the LDC that were not defined and by law they were given their common uses. He stated the City Attorney had assured him that she was more comfortable with the conventional usage of the term "live entertainment" rather than to add more definitions to the code and she would recommend against an attempted definition.

Mr. Challis noted that special uses were not easy to get, they required at least two hearings and a site plan, as well as meeting conditions. He stated it was a big deal and did not happen easily.

Mrs. Shelley stated that the Board should make decisions not based on fear but on what was best for the community. She asked staff if this was continued for one month while it was word-smithed would it be possible for the businesses to continue the live entertainment.

Mr. Walton replied that the ordinance had to be enforced and the Board did not have the authority to allow code abatement.

Mrs. Shelley stated she would like to work on needed criteria tonight. She said that it would have been nice to have more examples of other cities' ordinances on this topic.

Mrs. Washington stated she agreed and that the vendors should not be penalized because the LDC did not have the proper language and we should craft the language tonight.

Mrs. Shelley noted that the conditions could include the 11:00 to 11:00 restriction, no cover charge, and asked if there were other conditions the Board wanted to add.

Mrs. Remark stated yes, limiting activities indoors.

Ms. Miles stated that they could not include the indoors limitation as there was already a provision allowing outdoor activities for restaurants over 50 seats Citywide.

Mr. Gross added that there was already also a noise ordinance that required a six-month long permit for outside amplification.

Mr. McGee asked Mrs. Remark if there were any other negatives to this other than the live animals and multiple people on a table. He noted that if people didn't like activities at restaurants they just wouldn't go there. He asked if she would have a problem if she went to a restaurant where there were people in bathing suits on a table.

Mrs. Remark replied yes, this just adds to the whole Daytona party atmosphere and that is not an image that works for the community anymore.

Mr. McGee said there was pretty slim chance that this would happen and he did not want to punish everyone else for these few things.

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Mr. Hurt stated when they try to put on restrictions it could go too far and they may shut down poetry readings while trying to go after loud bands.

Mrs. Shelley summarized the proposed additional conditions of limited hours and no cover charge. She asked Ms. Miles which restaurants this would apply to.

Ms. Miles answered that a restaurant had to have more than 50 seats to serve alcoholic beverages. She noted that the 11:00 PM hour limitation would negate the penalty issue because any live entertainment after midnight requires an extended hours permit.

Mrs. Remark stated Mr. McKitrick said at the Main Street meeting that if the 11:00 PM limit was violated there should be stronger penalties like pulling their extended hours alcohol service.

Ms. Miles noted that the penalty addition would be handled by Code Enforcement as it was a Code of Ordinances change, and this would be worked on separately.

Mr. Fishback asked if there should be a condition that would not allow performers to be elevated, so that it would not allow dancers on tables.

Mr. Hurt said that performances needed a stage sometimes to elevate the performers so that they could be seen.

Mrs. Remark noted that dancers also needed the elevation to be seen.

Mrs. Shelley noted that there would still be no dancing.

Mrs. Remark replied no, there would be no dance floors, but there could be dancing.

Mr. McGuinness stated live entertainment must be done on a stage.

Mr. Hoitsma stated not allowing elevated stages would address the problem.

Mr. Challis noted that some type of elevation would be required for various performances whether they were trivia announcers or bands.

Mrs. Shelley noted that she and others were trying to bring a certain kind of ambiance to the City while encouraging businesses and this was difficult.

Mrs. Remark noted that this might require some changing down the road.

Mrs. Shelley recommended that Board members get their ideas and concerns to Mr. Walton.

Mr. Hurt stated he would like to proceed as this had been a problem for a long time, dating back to 2002.

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Mrs. Remark asked about Mr. O’Connell’s lawsuit and how this might affect that.

Mr. Gross replied he was not familiar with the lawsuit, but if the agreement was violated the use would have to comply fully with the Code.

Mrs. Remark asked if Molly Brown’s could be a restaurant and still have live entertainment like bikini dancing.

Mr. Gross replied yes this could happen.

Mrs. Shelley again noted that there was a need to tweak what was before them.

Mr. Fishback stated he recognized the concern that this could allow pole-dancing and other less desirable activities but the delay could hurt businesses.

Ms. Miles stated that adult activities were already prohibited, even if participants were fully clothed, and this has been defended. She stated she was confident that live entertainment at restaurants would not be adult activities.

Mr. Hoitsma stated he believed they should move on with this.

**Board Motion**

It was moved by Mr. Hurt and Seconded by Ms. Washington to approve Land Development Code Text Amendment, DEV 2010-007, Alcohol and Entertainment Standards with the following recommendations:

1. Limiting live entertainment from 11:00 AM to 11:00 PM.
2. No Cover Charge.
3. The entertainment shall occupy one contiguous area of no more than 100 square feet.

**Board Action**

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

Mr. McGhee, II	Yes
Mr. Hurt	Yes
Mrs. Remark	No
Mrs. Shelley	Yes
Mr. Hoitsma	Yes
Mr. McGuinness	No
Mr. Neal	Yes
Mr. Fishback	Yes
Ms. Washington	Yes
Mr. Moore	Absent
Mrs. LeSage	Absent

9. **Other Business**

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

Mrs. Shelley stated the Board met on Tuesday, February 2<sup>nd</sup>. She stated the Board recommended approval of the Riverfront Master Plan to the CRA; had further discussion on the Manatee Island Amphitheater roof and they also looked at the LDC Text Amendment, Alcohol and Live Entertainment in Restaurants pertaining to Article 17. She stated the Board opted not to take a position on the amendment because they did not feel they had the information to make a Citywide decision on the request. She stated phase I of the Riverfront Park Project was approximately five years and they were starting on the SIB to Bay Street and part B would be from Orange Avenue to ISB.

B. **Midtown Redevelopment Area Board Report**

Mr. McGhee stated the Board met on Tuesday, February 9<sup>th</sup>. He stated there was a formal presentation asking for the Board's support regarding the Mary McLeod Bethune Festival that will be held later this year; a extensive discussion about the Streetscape Improvements. He stated the Board's major concern was money being put on aesthetics and not infrastructure. He stated they also reviewed the LDC Text Amendment, Alcohol and Live Entertainment in Restaurants pertaining to Article 17 and asked staff to bring back more language before they voted on the request. He stated finally the saw new rendition of the new Paint Incentive Program that everyone was very pleased about.

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

Mrs. Remark stated the Board met on Wednesday, February 10<sup>th</sup>. She stated the Board heard a request pertaining to cigar bar signage on Main Street next to Humphrey's. She stated some of the signage was approved and a recommendation was made for the applicant to go back and work with staff for some revisions. She stated the Board had discussion on possible purchases of property located in the Main Street/South Atlantic Redevelopment area. She stated the Board was in favor of anything located on the major corridors (US92 and A1A). Mrs. Remark stated the Board also held a special meeting on Tuesday, February 23<sup>rd</sup> to hear a presentation from the consultants on the Enterprise Zone.

D. **Public Comments**

John Nicholson, 413 North Grandview Avenue, Daytona Beach stated it was time to remind the Board about having discussions on Floor Area Ratios (FAR), parking for shopping centers and hotels and submerged lands. He stated he was adding to the list landscaping, sea walls and 23<sup>rd</sup> century technology.

Mrs. Remark stated the Board had discussion on FAR, submerged lands and parking. She stated the Board made several comments at two different meetings and they have been forwarded to Clarion for the next phase.

## ***02-25-10 Planning Board Meeting***

Chris Challis, Cobb Cole, 150 Magnolia Avenue, Daytona Beach thanked the Board for their patience tonight. He stated the concerns are real and they will continue to talk through the next phase.

### **E. Staff Comments**

Mr. Walton stated he had two things to discuss. He stated in the Board's packet there were some handout materials from staff on Smart Growth. He stated the City Commission was scheduled to hear a presentation from VCOG at their March 17<sup>th</sup> meeting. He encouraged Board members to attend. He stated he spoke to Craig Richardson with Clarion Associates today and he is expecting to get his outline no later than Monday. He stated when it is received staff will expedite getting it out to the Planning Board and Economic Development Advisory Board Sub-committees. Mr. Walton stated their contract required one public hearing and a meeting with the sub-committees. He stated the preliminary dates for Clarion's trip are March 15<sup>th</sup> and 16<sup>th</sup>.

Mrs. Shelley recommended the Planning Board and Economic Development Advisory Board Sub-committees have a joint meeting.

Mr. Walton stated he believed the problem was the Economic Development Advisory Board Sub-committee typically met during the day and the Planning Board prefers evening meetings.

Mrs. Shelley asked Mr. Walton to check into having a joint meeting to save some time.

Mr. Walton asked if March 15<sup>th</sup> and 16<sup>th</sup> worked for the sub-committee members' schedule.

It was the consensus of the sub-committee members' that March 15<sup>th</sup> and 16<sup>th</sup> were good dates to meet.

Mr. Walton stated he would check. He stated at the conclusion of the diagnosis and outline they will begin the draft of the LDC and it was important to get as much input as possible.

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

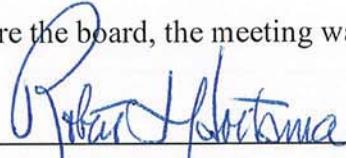
Mr. Hoitsma stated some of the items on the agenda tonight were difficult but they were important to a lot of people and he feels the Board showed a lot of restraint. He thanked the sub-committee members and other Planning Board members that served as representatives on other boards.

Mr. Walton stated Mr. Moore was not present due to a death in his family and Mrs. LeSage submitted a letter.

*02-25-10 Planning Board Meeting*

**Adjournment**

There being no further actions to come before the board, the meeting was adjourned at 9:40 pm.



ROBERT HOITSMA  
Chair

ATTEST:



CATHY WASHINGTON  
Secretary