

MINUTES
REGULAR MEETING – PLANNING BOARD

April 22, 2010

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, April 22, 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 (6:03)
Tracey Remark
Edith Shelley
Bob Hoitsma
Janet LeSage
John McGuinness
Larry Moore
James Neal
Kevin Fishback
Cathy Washington

Absent Members:

Jeff Hurt

Staff members present:

Richard Walton, Planning Director
Thad Crowe, Planning Manager
Carrie Lathan, Assistant City Attorney
Dennis Mrozek, Planner
Rose Askew, Planning Technician

1. **Call to Order**

Robert Hoitsma, Chair called the meeting to order at 6:00 pm.

2. **Roll Call**

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

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3. **Approval of the Minutes: February 25, 2010 and March 25, 2010**

Mrs. Remark stated she had submitted minor changes to Ms. Askew for both the February and March meeting minutes.

Board Motion

It was moved by Mrs. Remark to approve the February 25, 2010 Planning Board Meeting Minutes with corrections. Seconded by Mrs. Shelley.

Board Action

The motion was approved 9-to-0.

Board Motion

It was moved by Ms. Washington to approve the March 25, 2010 Planning Board Meeting Minutes with corrections. Seconded by Mr. Moore.

Board Action

The motion was approved 9-to-0.

4. **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 February 25, 2010 Planning Board Meeting)*

Staff Presentation

Thad Crowe, Planning Manager gave a brief report. He stated this item had been before the Board several times with the last continuance being for fee issues. He stated the City hired Duncan and Associates to do a study to determine the exact cost for allocation of excess boat slips and their figure was \$23.87. He stated Dennis Mrozek, City Planner and Mr. Walton had worked very hard on the request and were available for questions and he did not want to go through the entire presentation again. He stated the reason for this item was because of the Manatee Protection Plan and the number of boat slips the County had allotted the City. Mr. Crowe stated the ordinance provided the means to apportion the slips based on a number of criteria which revolves around public benefit and he believed all issues pertaining to fees had been resolved and staff was recommending approval.

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Mrs. Remark asked if the \$23.87 could be rounded up to \$24.00.

Mr. Crowe stated staff discussed the possibility of rounding up and decided to give the Board the precise number and allow you all to make that determination.

Mrs. Remark asked a question about the statement at the bottom of page one of the Staff Report. She asked why the fees did not include financial contributions or improvements for public waterfront benefit projects described in Article 4, Section 12 of the LDC relating to net public benefit.

Mr. Crowe replied the fees being discussed tonight were separate and distinct from that. He stated the fees included in this request were specifically for application processing.

Mr. Fishback asked why the number of boat slips available on the City Manager Memo (2,559) was different from the number in the packet (2,280).

Mr. Moore stated he noticed that but the final totals balanced.

Dennis Mrozek, Planner stated the 2,280 figure was the remaining number of slips that were available for allocation so staff could only recoup the cost based on the 2,280 figure.

Mr. McGuinness asked a question about the number of allocated and by-right slips. He stated the fees would be assessed on the slips that would be left over after the by-right and allocated slips were subtracted.

Mr. Mrozek stated the by-right slips were not included in the processing fee.

Mr. McGuinness stated he noticed the consultant's report had 1,623 by-right slips and yet page three of the Staff Report from the October Planning Board meeting reflected 1,902 by-right slips. He asked if the by-right total included the utilized single-family and multi-family that was done by one slip per 25-feet of frontage.

Mr. Mrozek replied single-family is two slips per property and multi-family is 1 per 25-feet of frontage.

Mr. Walton stated commercial and multi-family get the same by-right.

Mr. McGuinness stated in some places the language read it was is not the zoning of the lot; it was the use of the lot.

Mr. Walton asked Mr. McGuinness where he read that language because the intent was in order to get the two slips per residential lot, the lot must be zoned and used for residential purposes.

Mr. McGuinness asked if the lots had to be zoned residential or used for residential purposes.

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Mr. Walton replied zoned residential and used for residential purposes.

Mr. McGuinness stated in Article 16, Section 5.10, the second sentence reads there is a total of 4,182 boat slips available and the third sentence reads that number includes 578 slips allocated to waterfront parcels currently zoned or used for single-family purposes. He asked if the third sentence was needed.

Mr. Mrozek asked if he was including the 578 slips.

Mr. McGuinness replied yes.

Mr. Mrozek stated that number was currently in the books as existing properties.

Mr. McGuinness stated that was where it read either zoned or used for residential purposes.

Mr. Walton stated Mr. McGuinness was correct but he thought the language in the calculation was for properties that were zoned and used for residential purposes because if there was a single-family house on a multi-family zoned lot, two slips would not be allowed. Mr. Walton stated that language would have to be checked.

Mr. McGuinness asked if the third sentence that referenced the 578 slips was needed and if the 4,182 slip figure needed to be modified.

Mr. Walton replied the 4,182 slips were allocated to the City by the State and he felt the 578 needed to be deducted because they were being given by-right.

Mr. McGuinness stated he was concerned whether or not the by-right total was correct.

Mrs. Remark stated that figure seemed to change.

Mr. McGuinness stated he knew a single-family residence would get two slips by-right whether they exist or not and multi-family would get one per 25-feet. He asked if commercial would also receive 1 per 25-feet.

Mr. Walton replied yes.

Mr. McGuinness asked if that covered the use.

Mr. Walton replied that gives them their by-right and if they wanted more than that they would have to go through the process for excess slips.

Mr. McGuinness stated he was trying to establish that they get the correct number of by-right slips whether they exist or not because it would affect the City's 25 percent public use number also.

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Mr. Walton stated yes, the public use amount would be 25 percent of the remaining slips available.

Mr. Mrozek stated the numbers were tabulated out of the building department by the zoning official based on the zoning and current use of the property. He stated staff would go back and verify the numbers again to make sure the figure for by-right slips was correct.

Mr. Walton stated the survey was done a couple of years ago and any slips that were permitted since then were added but there had been very few permitted.

Mr. McGuinness stated he would hate to be in a position where the ordinance was adopted based on finite numbers and then someone came in to request by-right slips only to find they were not available. He stated he was very concerned that they got the by-right total correct and asked how the existing marina slips fit into the picture and if they were by-right grandfathered in.

Mr. Walton replied yes they were deducted because they already existed.

Mr. Moore stated so they are already deducted from these figures.

Mr. Walton replied yes.

Mrs. Remark stated was a significant difference because it would be approximately 300 boat slips floating around somewhere.

Mr. McGuinness stated that would make a difference in the 25 percent also.

Mr. Mrozek stated Mr. Merrell made a good point that it could be slips that were already allocated but not developed, which means they were sitting out there as having development rights to them. He restated that the figures were based on surveys from a couple of years ago and that staff would go back and verify the numbers again to make sure they are correct.

Mr. Walton stated he did not think it would be a problem with giving the slips away because under Section C it reads once the ordinance is adopted; the Building Department will need to know exactly how many are available for allocation.

Mr. McGuinness stated on page three of the Staff Report it read there were 648 slips allocated for single-family homes and undeveloped parcels at two slips per parcel. He stated he was not sure if the slips Mr. Merrell referenced were included in that figure.

Mr. Mrozek stated they were not in the 648 figure. He stated that figure was only for single-family homes.

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Board Motion

It was moved by Mrs. Shelley and seconded by Mrs. Remark to approve Land Development Code Text Amendment, DEV 2009-077, Boat Slip Allocation Ordinance with the following conditions:

- Verify the by-right totals.
- Strike out the number 528 in Article 16.
- Round up excess boat slip fee amount to \$24.

Board Action

The motion was approved 10-to-0.

5. **Other Business**

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

Mrs. Shelley stated the Board met on Tuesday, April 6th at noon and heard the following requests: Continued a Conditional Use request for Stingray Sports Saloon (old Redtails location), to allow a sidewalk café and outdoor table service; Approved a conceptual plan for the Daytona State College, Mike Curb School Music, Entertainment and Art with conditions; Approved engineering and design service for the Beach Street Improvements Project; Discussion on regulation and prohibition of certain social services, alcohol beverage services in the Downtown area and sign standards in historic districts. She stated the Board recommended a sub-committee be formed representing the Historic Preservation Board and the Downtown Partnership Design Committee to come up with some design standards for the signs. She stated the Board also discussed sites for the potential Amtrak Station.

B. **Midtown Redevelopment Area Board Report**

Mr. McGhee stated the Board held its regular meeting on Tuesday, April 13th and heard the following requests: Conceptual plan for Bethune-Cookman University, Handfield Athletic Facility. He stated the Board had some major concerns regarding the practice field and neighbor notification for property owners within 500 feet. He stated other concerns included zoning, parking, safety, lighting, stormwater and noise. He stated the Board directed the applicant to hold neighborhood meetings and then bring the item back. Mr. McGhee stated the second agenda item the Board reviewed was Florida A&M's master plan for the Midtown Redevelopment Area. He stated the work would take approximately one year starting June, 2010 with the work being completed by students in the Graduate Architecture Program. Mr. McGhee stated the Board held a special meeting on April 10th that he was not able to attend. He stated the minutes reflected discussion of the budget with questions about the marketing plan.

Mr. Hoitsma stated he felt it was a good thing that Florida A&M was doing and it was a win-win for both sides.

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

Mrs. Remark stated the Board met on Wednesday, April 14th and heard the following request: wall murals on the wall at the Boardwalk. She stated there was discussion on the LDC Text Amendment for Social Services, an Ezone Master Plan Update verifying stakeholders, strategic priorities for the upcoming year and redevelopment project updates regarding possible dismantling of some of the CRAs. She stated a special meeting was scheduled for Monday, April 26th and she would have the update at the May Planning Board Meeting.

D. **Public Comments**

No comments.

E. **Staff Comments**

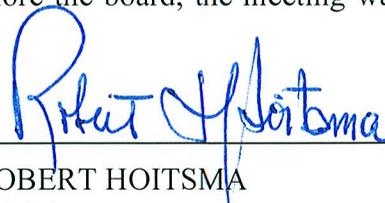
Mr. Walton stated at last night's City Commission meeting Change Order No. 1 authorizing Phase 3 & Phase 4 of the LDC Re-write process was approved. He stated at the May 5th City Commission Meeting the Commission would have a discussion on Electronic Message Centers, Social Services and Historic Preservation (direction on proposed Seabreeze and Surfside local historic districts).

F. **Board Member Comments**

No Comments.

Adjournment

There being no further actions to come before the board, the meeting was adjourned at 6:42 pm.



ROBERT HOITSMA
Chair

ATTEST:



CATHY WASHINGTON
Secretary