

MINUTES
REGULAR MEETING – PLANNING BOARD

May 27, 2010

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, May 27, 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 (6:05)
Jeff Hurt
Tracey Remark (6:03)
Edith Shelley
Bob Hoitsma
Janet LeSage (out at 6:42)
John McGuinness
Larry Moore
James Neal
Kevin Fishback
Cathy Washington

Absent Members:

None.

Staff members present:

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.

3. **Approval of the Minutes:** April 22, 2010 Planning Board Meeting Minutes

Board Motion

It was moved by Mrs. Shelley to approve the April 22, 2010 Planning Board Meeting Minutes. Seconded by Mr. Hurt.

Board Action

The motion was approved 9-to-0.

4. **Rezoning - Planned Redevelopment (PR), W.C. Grand, DEV 2010-026**

Jason Jeffries, Redevelopment Division, Project Manager gave a PowerPoint presentation. He stated the project was located in the City's South Atlantic Redevelopment area between Grandview and Goodall Avenues and was a request to rezone a .9± acre parcel from R-2a and R-1c (Multi-family) to PR (Planned Redevelopment). He stated the property had a 34-unit apartment building on it that was blighting the neighborhood and the City's Community Redevelopment Agency (CRA) purchased the property, demolished the building and then sent out Request for Proposals (RFPs) for development of the property. He stated the surrounding properties have multi-family buildings along the Grandview corridor and a church to the south; the Future Land Use for the project site is Level 2 Residential along the Grandview corridor with Level 1 Residential in the neighborhoods east and west of Grandview. Mr. Jeffries stated the PR zoning use is used specifically in redevelopment areas for urban infill projects and they must be consistent with the City's Comprehensive Plan and the Redevelopment Plan for that particular area. He stated additional requirements are they must achieve a high quality design and comply with the Redevelopment guidelines in Article 12, Section 2.1 of the Land Development Code (LDC). The PR is designed to allow flexibility to negotiate standards for infill projects such as this one. He stated the proposed buildings in the project were very similar to the existing buildings on Grandview and the site plan reflected 17 attached units with stormwater retention provided in the center of the lot; all of the units align public streets to create an urban type feel and an alley was behind the buildings to allow a garage to be attached. He stated the landscaping exceeded the landscape requirements in terms of planting materials but there were some technical requirements in the LDC relating to setbacks for landscaping that the site did not meet. Mr. Jeffries stated the neighborhood was listed on the National Historic Register and the applicant made sure the architectural style of the buildings was compatible with the existing neighborhood. He stated the Main Street/South Atlantic Redevelopment Area Board approved the project the project's concept review at their January 2010 meeting and recommended approval of the rezoning at their May 2010 Board meeting.

Mrs. Remark asked whether or not the waivers on page six of the Staff Report needed to be included as part of the motion.

Mr. Crowe replied by virtue of approving the development agreement and the site plan, which reflected the waivers, it would also approve the waivers.

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Mr. Jeffries stated one thing he did not cover in his Staff Report that he wanted to point out was there appeared to be a list of waivers but when you really look at it, this was a PR, which allowed certain standards for urban infill projects to be negotiated.

Applicant Presentation

Chris Challis, White Challis Redevelopment Company, LLC, 112 Orange Avenue, Suite 201, Daytona Beach stated this was a development partnership in a sense that began in 2008 when the property was acquired by the CRA. He stated it had been a pleasure working with the City staff and he felt the project was a model of urban design and transition. He stated he felt Mr. Jeffries stated very well how the deviations listed related almost exclusively to the site layout and that the buildings were oriented to the street creating a nice pedestrian streetscape with rear entry garages. Mr. Challis stated this type of layout threw everything off because rear and front yard setbacks and some landscaping areas and opportunities that you would normally have in a very suburban townhome design were not available in this project. He stated Mr. Jack White was present to answer any questions the Board had on architecture.

Jack White, 112 Orange Avenue, Suite 201, Daytona Beach stated he was available to answer any questions the Board might have.

Mrs. Remark asked Mr. White if he brought his video.

Mr. White replied he left it with the City so it should still be in the video player.

Mrs. Remark stated the video was very smart, sophisticated and fresh and she wanted any Board member who had not seen it to have that opportunity.

Mr. Hurt stated it was very exciting to have a project like this move forward.

Mr. Hoitsma stated having seen what the applicant had already done in the downtown area and looking at this project knowing it was exactly what was needed in the community he felt safe saying everyone in the community was looking forward to this project being completed.

Board Motion

It was moved by Mr. Hurt to approve Rezoning - Planned Redevelopment (PR), W.C. Grand, DEV2010-026. Seconded by Mrs. Shelley.

Board Action

The motion was approved 11-to-0.

5. **Land Development Code Text Amendment, Traveling or Temporary Retail Sales Prohibition, DEV 2010-042**

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), to create Section 2.88 (Hotels and Motels), to prohibit traveling or temporary retail activities.

Staff Presentation

Thad Crowe, Planning Manager gave a brief PowerPoint presentation. He stated the amendment originated from a discussion during the April 2009 City Commission meeting where the Commissioners stated they felt there was a growing problem with itinerant retail sales occurring in hotels and it was creating unfair competition for local businesses. He stated in an effort to address the problem staff was proposing an amendment to Article 17 of the LDC that would prohibit such sales unless it was a gift shop, trade show or convention which are all legitimate activities allowed within hotels. Mr. Crowe stated the amendment would create a new section in Article 17 entitled Hotels and Motels that would prohibit these types of activities. He stated the request was currently scheduled for the July 7th and 21st (PH) City Commission meetings and staff was recommending approval.

Board Motion

It was moved by Mrs. Shelley to approve Land Development Code Text Amendment, Traveling or Temporary Retail Sales Prohibition, DEV 2010-042. Seconded by Ms. Washington.

Board Action

The motion was approved 11-to-0.

6. **Land Development Code Text Amendment, Alcohol Beverage Service, DEV 2010-041**

An administrative request by the Development and Administrative Services Department, Redevelopment Division, to amend the Land Development Code (LDC), Article 12 (Redevelopment Areas and Districts), Section 4.1 (Alcoholic beverages), to remove the ability for establishments with 4-COP licenses to locate within 500 feet of each other in the RDD-1 and RDD-2 Districts.

Staff Presentation

Jason Jeffries, Redevelopment Division, Project Manager gave a PowerPoint presentation. He stated the request was a result of a recommendation from the Downtown/Balough Road Redevelopment Area Board and that over the past few months the Board had been discussing how alcohol beverage service regulations affected the downtown redevelopment area and how the regulations aligned with the goals and objectives of the Redevelopment Plan. He stated

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recently the Community Redevelopment Agency (CRA) adopted incentive programs to attract new businesses in the downtown area. Mr. Jeffries stated the Redevelopment Board had done a lot of work in terms of determining what was considered to be targeted businesses that would complement the existing successful businesses and would also compliment some of the other redevelopment goals, especially residential development either on the second or third floors in the existing commercial buildings or residential development along Palmetto. He stated the Board was considering making some broad changes to the regulations that affect downtown specifically looking at nightclubs and bars and they were also looking at allowing wine bars because they feel these types of establishments complement the type businesses they were trying to attract to the downtown area. Mr. Jeffries stated the Board did not want bars or nightclubs because of the late night activities and type of crowd they attract. He stated the Board was still having discussions but in the mean time they were requesting that the Planning Board take action on amending Article 12 (Redevelopment Areas and Districts), Section 4.1 (Alcohol Beverages), which essentially allows businesses with 4COP alcohol licenses to establish every 500 feet within the RDD1 and RDD2 zoning districts. He stated by striking this language it would revert back to the use chart found in Section 3.1 which only allows for restaurants anywhere in the RDD1 and RDD2 zoning districts and would not allow any uses with 4COP licenses. Mr. Jeffries stated the Downtown Partnership's Economic Restructuring Committee had been looking at the issues surrounding this type of use and had submitted their recommendations to the Downtown/Balough Road Redevelopment Area Board. He stated the list below was some of the recommendations submitted by the Economic Restructuring Committee:

- Alcohol uses that complement the downtown area.
- Consistency with the goals and policies of the Redevelopment Plan.
- Effect on residential uses in the downtown area.
- Shopping and dining focus in the downtown area.

Mr. Jeffries stated some of the issues the committee had been working with were listed below:

- Restaurants that transition into nightclubs in the evening.
- Allowing wine bars downtown.
- Prohibiting nightclubs and bars.

Mr. Jeffries stated at this time the Downtown Board was still having discussions on possible changes and that the ARC Committee had recently met and would bring their recommendations to the Downtown Board. He stated at this time staff would not be opposed to the Planning Board continuing this request for 90 days until the additional recommendations/changes were ready and that a continuance would allow the Downtown Board time to continue their discussions so when the request was brought forward to the Planning Board the information would more detailed.

Mr. Hoitsma asked if the Board voted to continue the item would anyone be able to come forward with a request during that time.

Mr. Jeffries replied he did not think so but that would be a question for the Legal Department to answer.

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Ms. Lathan replied once the request was on the agenda and moving nothing could be approved until it was either approved or denied.

Mr. Moore asked Mr. Jeffries if he knew of someone that was getting ready to apply.

Mr. Jeffries replied no but there was an ongoing issue with 200 South Beach Street. He stated right now they were operating as a continuing use so they would be grandfathered in but if they ceased operations for 90 days then they could not resume operations while the ordinance was pending and if the ordinance was approved they would have to abide by the language of new ordinance.

Mrs. Shelley stated as the Planning Board's representative on the Downtown/Balough Road Redevelopment Area Board she would be happy to support staff's recommendation to continue the amendment request for 90 days as long as it was continued to a date certain. She stated this would maintain it as a pending legislation and would allow the Board time to review it in a holistic manner.

Mrs. Remark asked if the restaurants that were transitioning into nightclubs had 4COP licenses.

Mr. Jeffries replied no and of the ones staff had received complaints about, one had closed and a new restaurant was opening and would be required operate according to the current LDC. He stated they tend to have what is called 4COPSRX licenses, which are restaurants that must have 51 percent food service. Mr. Jeffries referenced a restaurant called Solar Nights that was proposed to staff as a restaurant but when it opened it was really a nightclub establishment.

Mrs. Remark asked if staff would also look at the use schedules as well.

Mr. Jeffries replied what staff would bring forward would affect the charts in Section 3.1 and would also affect how restaurants are defined. He stated staff was looking to model it after the way it has been done structurally for Main Street (LDC, Article 17).

Mr. Moore asked if this request was only addressing bars.

Mr. Jeffries replied the language that was being stricken addressed establishments with 4COP establishments that are essentially nightclubs and bars.

Mr. Hurt stated nightclubs and bars that don't have 51 percent food.

Mrs. Remark stated she felt the problem was keeping track of the 51 percent food requirement because she knew that was the problem on Main Street.

Mr. Jeffries replied the State was responsible for tracking that but when staff amends the language for restaurants and the use schedules, the language would also make it practical for City enforcement.

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Mr. Hurt stated referenced West Palm Beach's City Walk project as a working model.

Mr. Jeffries stated he had done research on various cities land development codes and West Palm Beach was one of those cities.

Board Motion

It was moved by Mrs. Remark to continue Land Development Code Text Amendment, Alcohol Beverage Service, DEV2010-041 to the August 26, 2010 Planning Board Meeting. Seconded by Mrs. Shelley.

Board Action

The motion was approved 11-to-0.

7. Other Business

A. Downtown/Balough Road Redevelopment Area Board Report

Mrs. Shelley stated the Board met on Tuesday, May 4th and discussed/voted on the five following items: approved a Conditional Use request for Stingray Sports Bar with the following conditions:

1. The iron awning covering was not longer being requested.
2. Licensed area would not have bar service areas.
3. Live entertainment would cease at 10:00 PM Monday thru Thursday and 11:00 PM Friday and Saturday.
4. Provision regarding glass bottles outside.
5. Limiting the size of the outdoor seating area was removed from the agreement.

Mrs. Shelley stated the Board also approved a Conditional Use Request for Bay Street Auto; approved the LDC Text Amendment for Alcohol Beverage Service; had discussion on the Old Daytona improvements that consisted of constructing sidewalks, crosswalks with stamped concrete at the corner of Cedar Street and Loomis Avenue, installing landscaping at the intersections of Palmetto and putting decorative signage throughout the neighborhood. She stated they also discussed the Board's strategic priorities, heard a Marketing Task Force, Riverfront Master Plan and Redevelopment Project update and discussed how the Board wanted to proceed with the Redevelopment Plan

B. Midtown Redevelopment Area Board Report

Mr. McGhee stated the Board met on May 11th and the main topic for discussion was the Bethune-Cookman University Larry Hanfield Athlet Center Project. He stated President Trudie Kibbe Reed was present for support and to try to get a clearer understanding of what the Board's concerns were regarding lighting, noise and the ball fields. He stated the applicants took the Board's advice and held a neighborhood meeting on May 19th that had a good turnout and as a result the following adjustments were made to the plan: ball field was taken out of the plan, parking was increased from 11 spaces to 48; ingress and egress was moved south away from the International Speedway intersection and the retention was

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increased. Mr. McGhee stated the changes pretty much satisfied the Board and they scheduled a special meeting that was held on last night and the revised plan was unanimously approved. He stated whatever people had read in the newspaper may not be actual or factual. He stated he attended Florida A& M University and despite what was being said there was not a division drawn between the university and the Board. He stated for the record that the Midtown Board is very much in support of community growth and their purpose was to make sure everything was done in an orderly fashion and also included community involvement. Mr. McGhee stated the other item the Board addressed was Florida A&M University Design Team coming on board starting next month to start work on the Midtown Master Plan. He stated they would be here for approximately one year.

Mr. Hoitsma stated he wanted everyone to remember this was the first board Mr. McGhee had served on as a representative of the Planning Board and the reason he was assigned to the Midtown Board was because nothing was happening in that area.

Mr. McGhee stated it was an honor and he appreciated the opportunity to serve.

C. Main Street/South Atlantic Redevelopment Area Board Report

Mrs. Remark stated the Board met on May 12th and discussed/voted on the following agenda requests: approved the W.C. Grand Rezoning request, returned a request to staff for site plan approval for Total Fashion/Maui Style. She stated the Board directed the applicant's representative to work with staff to resolve all issues. She stated the Board heard an update on the E-zone land acquisition and they set the Board's priorities for 2011. She stated one of the major priorities for 2011 was strengthening year round businesses on Main Street and that one of the ways to do this would be to revisit the issue of itinerate vending.

D. Public Comments

No comments.

E. Staff Comments

Mr. Mrozek gave a brief update on the pending Social Service ordinance that was scheduled for City Commission 2nd reading on June 2nd. He gave a chronology of the actions that had taken place as follows:

- July 2009 the Planning Board directed staff to develop an amendment to the LDC that would curtail new and expanded social services in the redevelopment areas.
- August 2009 the Planning Board recommended approval to City Commission (10-0).
- October 2009 City Commission Meeting the ordinance was passed on first reading. At that time the Commission requested a workshop and asked Ray Salazar, President of United Way for Volusia/Flagler County to head the task force reviewing the ordinance.
- January 2010 Mr. Salazar reported findings to the City Commission that the task force had determined the pending ordinance was too broad and needed to be reworked. Based on the task force comments and recommendation, the City Commission continued the item to June 2010.
- May 2010 the City Commission heard a discussion item on the pending ordinance and

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recommended changes to staff.

- June 2, 2010 the ordinance is scheduled for 2nd reading (PH).

Mr. Mrozek stated regarding the alternative ordinance the task force recommended additional definitions for specific social service uses that would be created and placed in a tiered category. He stated categories would classify social service uses as permitted, conditional or prohibited and that the City Commission had directed staff to move forward with the alternative ordinance including a city-wide separation of social service uses; a Ridgewood corridor overlay that would limit social service uses and to include certain commercial uses on the list of prohibited uses in the redevelopment areas and the Ridgewood corridor. Mr. Mrozek stated at the June 2nd City Commission Meeting staff would be requesting a six month continuance on the pending ordinance to create the modified social service ordinance and was anticipating the modified ordinance to be presented at the October 28, 2010 Planning Board Meeting.

Mrs. Remark stated the Main Street/South Atlantic Redevelopment Area Board also heard this item and the Board did not agree with the task force's recommendation to allow some prohibited uses as conditional uses.

Mr. Crowe gave a brief PowerPoint presentation. He stated the northern part of Seabreeze, north of Seabreeze Boulevard is officially on the local historic register but due to owner objections and discussion at the January City Commission meeting the southern part and Seabreeze Boulevard was excluded. He stated since that time staff held a workshop and went back to the City Commission in an effort to get some direction on how to proceed with Seabreeze, South, which is the name it has been given. He stated staff also asked the Commission for direction on Surfside National Register Historic District because the Historic Preservation Board asked staff to begin the process of updating the inventory for this district in preparation for local historic designation. Mr. Crowe stated historic tax exemptions was something new that was now being discussed and that the three types of exemptions allowed by Florida Statutes were listed below:

1. 10 year freeze on property tax increases that are attributable to historic renovations.
2. 10 year 100 percent property tax exemption for buildings utilized by non-profits and government.
3. Up to 50 percent of all property taxes for commercial and non-profit use of historic buildings that are public accessible.

Mr. Crowe stated several Commissioners felt the tax exemptions would be good incentives for local designation since many property owners feel local historic designation is more of a burden.

Mrs. Remark asked if the exemptions were only for local historic designation.

Mr. Crowe replied it could actually be tied to national or local historic designation but the City should be careful on how it is split up and link it to local designation. He stated right now there was not a City ordinance regarding historic tax exemptions and whatever gets approved must be in compliance with the Florida Statutes and the Constitution. He stated there was not

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a vote or consensus from the Commission on whether or not to proceed with Seabreeze South or Surfside but there was some interest in the historic tax exemptions. Mr. Crowe stated staff's current plan of action was to proceed with preparation for revising the Seabreeze design standards including the suggestions for signage given by Commissioner Woods; revising the LDC; streamlining review; reducing advertising cost; making local historic designation less burdensome and simultaneously proceeding with the historic tax exemption program and ordinance. He stated once this was settled staff would then go back to the Commission to get direction on how to proceed with Seabreeze South and Surfside local historic designation. He stated in essence staff's current plan of action was to address improvements to the LDC, and Seabreeze standards and provide some incentives for local historic designation, which will hopefully make the community a little more positive about embracing local historic designation.

F. Board Member Comments

Mr. Hoitsma thanked the Board members who were serving on other boards representing the Planning Board.

Adjournment

There being no further actions to come before the board, the meeting was adjourned at 6:45 pm.



ROBERT HOITSMA
Chair

ATTEST:



CATHY WASHINGTON
Secretary