

MINUTES
REGULAR MEETING – PLANNING BOARD

June 24, 2010

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, June 24, 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 (6:09)
Tracey Remark
Edith Shelley
Bob Hoitsma
Janet LeSage
John McGuinness
Larry Moore
Kevin Fishback
Cathy Washington

Absent Members:

Jeff Hurt
James Neal

Staff members present:

Richard Walton, Planning Director
Thad Crowe, Planning Manager
Carrie Lathan, Assistant City Attorney
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: May 27, 2010

Board Motion

It was moved by Mrs. Shelley to approve the May 27, 2010 Planning Board Meeting Minutes. Seconded by Mrs. Remark.

Board Action

The motion was approved 8-to-0.

4. Street Renaming, Henry Butts, DEV 2010-037

A request by Pastor Samuel Butts to rename the 400 and 500 block of School Street from Orange Avenue to Park Drive to the proposed name of Henry Butts Drive.

Staff Presentation

Thad Crowe, Planning Manager gave a brief PowerPoint presentation. He stated the policies for renaming streets were established in Resolution No. 97-442 adopted at the September 10, 1997 City Commission Meeting. He stated the request was to rename the 400 thru 500 blocks of School Street which is Orange Avenue to the north thru Park Drive to the south with the name Henry Butts Drive. He read some of Reverend Butts' accomplishments and contributions to the neighborhood. Mr. Crowe stated the specific criteria for street renaming are as follows:

1. Street names shall not be duplicated.
2. Names shall not be composed of more than 25 characters, including spaces and punctuation.
3. The 911 Public Safety System shall not be compromised.
4. Names that reflect positively on the City shall be used.
5. The street name system shall have longevity.
6. Citizen requests for the renaming of a street should be considered only upon presentation of a petition in favor of the renaming signed by the owners of at least 75% of the properties located on the street.
7. The City will not name City thoroughfares after living people or institutions except when such people or institutions are well recognized as outstanding individuals or institutions that have contributed significantly to the betterment of the City.

Mr. Crowe stated the applicant has met all of the criteria except for number six. He stated staff's interpretation of requirement number six was 75 percent of the parcels had to front on School Street but they were not required to have a School Street address. He stated there could also be multiple owners of the lot of record or parcel and each parcel was counted individually. He stated the petition submitted by the applicant had 22 signatures, which fell short by one signature of meeting the 75 percent threshold. Mr. Crowe stated staff's determination was if the City Commission approves the request their approval would count as the 23rd signature needed to meet the 75 percent threshold. He stated staff was recommending approval of the street renaming request.

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Mrs. Remark asked if there was ever any conversation regarding renaming all of School Street instead of just two blocks.

Mr. Crowe replied staff acted on the request that was presented and at this point and time that was all that could be considered.

Mrs. Remark stated it seemed like it would have made more sense to rename the entire street instead of only two blocks.

Mr. Crowe stated the section that is being renamed stands on its own.

Mrs. Shelley asked if the request had been presented at the Midtown Redevelopment Area Board.

Ms. Washington replied yes and she was present when the presentation was given.

Applicant Presentation

Pastor Samuel Butts, 1131 Barbara Drive, Daytona Beach thanked the Board and City staff for their assistance with the request. He stated he and his family felt this was the least that could be done to honor his father for all of the positive things he did for the community.

Board Motion

It was moved by Mrs. Shelley to approve Street Renaming, Henry Butts, DEV2010-037. Seconded by Mr. Moore.

Board Action

The motion was approved 8-to-0.

Board Comments

Mr. Hoitsma asked when the request would go before the City Commission.

Mr. Walton replied August 4th.

Mr. Hoitsma gave an example using International Speedway Boulevard (AKA Volusia Avenue) of how it could be somewhat confusing when street names are changed. He stated he felt the Board should maybe look at some possible changes to the criteria for renaming of streets.

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Mrs. Remark stated she felt the 75 percent requirement was a little onerous especially for long streets and she agreed with Mr. Hoitsma on possibly amending the requirements. She stated if the property address is on a different street those residents would not have to deal with the expense. She stated that would not have been her interpretation. She stated if a request comes forward that involves a lot of businesses on the proposed street being renamed it could be problematic for someone to all of a sudden have a different address just because their property fronts somewhere along the proposed street.

Mr. Hoitsma asked Mr. Walton the process for making changes to the criteria.

Mr. Walton replied the Board could make their recommendations and staff would pass them on to the City Commission.

Mrs. LeSage stated she has to give directions to patients on how to get to her office. She stated she takes Main Street, Fairview Avenue, George Engram and Dunn Avenue to work every day and she also has to give those directions to patients and it is very problematic. She stated another way to look at things was to look at the volume the road carries. She stated that is a main road through town especially for locals who know where they are going. Mrs. LeSage stated but when it is a tourist it can be a little confusing. She stated if it were a neighborhood street it might not be so problematic but when you have a high volume traffic road like George Engram she feels it should be one long continuous name.

Mr. McGhee asked how often the City received requests for street name changes.

Mr. Hoitsma replied not often.

Mrs. LeSage stated she felt it was nice that the City honors residents this way because it gives us character but it would also be nice not to confuse the tourists.

There was additional discussion on possible changes to the criteria for renaming of City streets after which the Board directed staff to bring back as a possible discussion item some suggestions on possible changes to the criteria for street renaming.

5. **Land Development Code Text Amendment, Prohibited Discharge Standards, DEV 2010-056**

A request by The City of Daytona Beach's Utilities Department to amend the Land Development Code (LDC), Article 7 (Environmental Requirements), Section 6 (Sanitary Sewer System), Sub-Section 6.8 (Prohibited Discharge Standards), to modify the acceptable local limits of hazardous or toxic substances.

Staff Presentation

Thad Crowe, Planning Manager gave a brief PowerPoint presentation. He stated this request came before the Board in September of 2009 as part of an overall group of changes to hazardous/toxic substances. He stated the City was required by the Florida Department of Environmental Protection (FDEP) through the Environmental Protection Agency (EPA)

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mandate to protect the City's water supply from harmful pollutants and also to protect water quality of water bodies, particularly the Halifax River. He stated every five years the City's Utilities Department must re-evaluate and modify the allowable limits of hazardous/toxic substances within wastewater for specific industrial uses. He stated the measurement of these substances takes place at point of discharge to City's wastewater treatment system. Mr. Crowe stated when the modifications were approved in back in September the modifications to Manganese limits were not included. He stated when FDEP received the information they required the City to either justify why we wanted to keep the limits on Manganese or remove them and staff elected to remove the limits. He stated Manganese is an abundant metal occurring naturally and is a crucial dietary element in low doses. He stated by removing the limit it would not represent a negative impact to public health, safety, & welfare. He stated the amendment request was scheduled for the August 4th and 18th City Commission Meeting, Robin Cook from the Utilities Department was available to answer any questions on the amendment request and staff was recommending approval.

Board Comments

Mrs. Remark asked if it was necessary for technical things such as this one be in the LDC.

Robin Cook, Utilities Department replied yes. She stated if it is not in the City's LDC it would have to be in a City ordinance somewhere.

Mr. Walton stated he believed the reason Mrs. Remark asked that question was because if it were not in the LDC it would have a different process.

Mrs. Remark stated yes, she was thinking of all the things that were being done by Clarion and she felt quite a bit of things in the LDC were so technical that they should be addressed somewhere else.

Ms. Cook stated the only requirement FDEP has is that the City must have an ordinance somewhere that addresses toxic substances.

Mr. Hoitsma asked if there were any State or Federal rules that determine how much toxic substance can be in the water.

Ms. Cook replied it depends on the area. She stated the reason why the State is not concerned about it for Daytona Beach is because we do not see it in any of the City's discharge systems. She stated that was the reason staff could not scientifically defend it.

Mr. Hoitsma stated the state does not have regulations for it.

Ms. Cook replied currently no it depends on the area and what type of industry is in the area.

Mr. Moore stated he did not have a problem with the Manganese being dropped but under Article I he did have a problem with the language that read "the City Manager may impose mass limitations in addition to or in place of the concentration based limitations.

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Mr. Hoitsma stated that Mr. Moore expressed his concerns about this language when the first amendment was approved earlier this year.

Mr. Moore stated yes he had and at that time he did not receive a satisfactory answer, which was really troubling him. He stated if he were an industry under the POW and subject to fines that tells him that one individual could arbitrarily decide to change something and then enforce penalties on him. He asked if his understanding of the language was incorrect and if so, why did the LDC have that kind of language.

Ms. Cook replied that was a legal question and she was not qualified to answer it but she could say when the limits were submitted to FDEP the Manganese was included and FDEP did not approve it. She stated any limits the City has in the LDC would have to go through FDEP's approval process and therefore staff could not just arbitrarily come up with a number that could not be scientifically be defended.

Mr. Moore stated last time this request came before the Board several parameters were raised but they could be justified. He stated so if the City Manager decided he wanted something else it would have to be scientifically justified by the Utilities Department and FDEP.

Ms. Cook replied yes sir.

Mr. Hoitsma stated so that puts a little limit on it.

Mr. Moore stated yes but he still did not understand why that language needed to be in the code. He stated he would like the Legal Department to address the issue.

Ms. Lathan stated she reviewed the language the last time and found that there were places in the LDC that allowed the City to administratively handle things, sometimes the language read City Manager and sometimes it read City staff. She stated the language was based on who wrote the amendment. She stated the other possibility was that when the amendment was adopted staff used the Federal Government's standard template with the ordinance language. She stated she did have the answer but she could not remember what it was off the top of her head.

Mr. Fishback stated for clarification purposes he wanted to know if the Board recommended approval of the request would it strike limitations on Manganese.

Mr. Moore replied yes.

Board Motion

It was moved by Mrs. Remark to approve Land Development Code Text Amendment, Prohibited Discharge Standards, DEV2010-056. Seconded by Mr. McGhee.

Board Action

The motion was approved 9-to-0.

6. **Other Business**

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

Mrs. Shelley stated the Board met on Tuesday, June 1st and took action on the following requests:

1. Approved a request for a Conditional Use Permit by Jack White Land Company for Business Service Real Estate Office located at 212 South Beach Street on the ground floor.
2. Approved a request for a Conditional use Permit by Burgoyne Properties to allow sidewalk cafés at all of their properties.
3. Denied a request for a sign permit by Midwest Motorcycle Rental for property located at 44 North Beach Street. She stated staff recommended denial because the request did not meet the City's design standard and the Board supports staff's recommendation.

Mrs. Shelley stated the Board also received an update on Alcohol Beverage Service and Regulation or Prohibition of Certain Social Services in redevelopment areas. She stated the Board's recommendation was if the social service was currently prohibited they did not want it to be allowed conditionally. She stated the Board also discussed the Historic Preservation Board's review of sign standards and the Amtrak Station location which was scheduled for the June 16th City Commission Meeting.

B. **Midtown Redevelopment Area Board Report**

Mr. McGhee stated the Board met on Tuesday, June 8th. He stated the main topic of discussion was Black Heritage Trail presentation that was put together by Dr. Lempel with Daytona State College. He stated the presentation included a trail that the college had already selected. He stated some of the Board members felt there were other sites that could be added. He stated the Board asked the committee to go back and compile another list that included the sites the Board recommended and then bring the request back for recommendations from the Board. He stated the second discussion item was a Master Plan for Midtown that was presented by Reverend Kennedy Jacobs. Mr. McGhee stated Reverend Jacobs had been working with FAMU and would come before the Board within the next few months. He stated the new Master Plan theme was geared behind the Jackie Robinson Memorial that is already erected at the stadium. He stated the plan proposal was similar to Oceanwalks. He stated the plan was to try to attract some of the traffic that passes through the Midtown area during events.

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

Mrs. Remark stated the Board met on Wednesday, June 9th and approved with conditions, a request for a Site Plan by Maui Style of Florida, Inc. to construct a 10,280 square foot retail commercial structure for property located at 411 North Atlantic Avenue. She stated the Board recommended quite a bit of changes to the architecture, landscape, and the front public plaza area which will be incorporated into the site plan. She stated there was a lengthy discussion on

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the Great American Music Festival because residents were concerned about how much money the City had spent. She stated Reed Berger, Redevelopment Director informed the Board that the City had not spent any money on the project and that the only funds that would be spent would be on advertising if there were actually a festival being held. She stated the funds that were approved for expenditure by the CRA was done so very carefully. Mrs. Remark stated there was also some discussion on what the County is doing with the Silver Beach Bridge to the point of ignoring the Main Street Bridge. She stated recently there was a meeting held by the County where they stated as they move forward with the Silver Beach Bridge project they will not have any money to address anything on Main Street for the next 50 years. She stated the Main Street Bridge was the bridge that goes all the way out west past I95 and she felt it would make sense to try to save it.

D. Public Comments

No comments.

E. Staff Comments

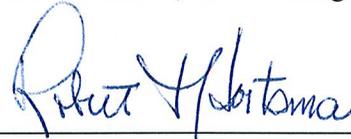
No comments.

F. Board Member Comments

No comments.

Adjournment

There being no further actions to come before the board, the meeting was adjourned at 6:35 pm.



ROBERT HOITSMA
Chair

ATTEST:



CATHY WASHINGTON
Secretary