

MINUTES  
REGULAR MEETING – PLANNING BOARD

July 22, 2010

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Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, July 22, 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  
Larry Moore  
James Neal  
Kevin Fishback  
Cathy Washington

Absent Members:

Janet LeSage

Staff members present:

Richard Walton, Planning Director  
Dennis Mrozek, Planner  
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:** June 24, 2010 Planning Board Meeting Minutes

### **Board Motion**

It was moved by Mr. Moore to adopt the June 24, 2010 Planning Board Meeting Minutes. Seconded by Ms. Washington.

### **Board Action**

The motion was approved 10-to-0.

4. **Special Use Permit, DEV 2010-058, Providence Church**

A request by Mike Cotton on behalf of Enterprise Park on Fentress, LTD for approval of a Special Use Permit allowing a church within an existing building located at 480 Fentress Boulevard.

### **Staff Presentation**

Dennis Mrozek, Planner gave a brief PowerPoint presentation. He stated the request was for a special use permit for Providence Church located at 480 Fentress Boulevard approximately a quarter mile south of Dunn Avenue. He stated the current zoning on the property was M4 (Industrial Park) and the Future Land Use was General Industrial and the proposed church use would lease a portion of the building within an existing development. Mr. Mrozek stated LDC Article 17, (Conditions and Requirements for Specific Uses), Section 2.35(b) of the Churches and religious institutions section reads "*Churches and religious institutions may be permitted as a special use in any district pursuant to the following criteria*":

1. The site shall contain not less than two acres.
2. The use shall not be located within 600 feet of another use of the same type as measured from the closest point of one use to the closest point of another use.
3. The site shall be adjacent to an arterial or collector street, and ingress and egress to and from the site shall be planned and provided to inhibit the movement of vehicular traffic from the site directly to any local street.
4. Adequate access shall be provided to all required off-street parking areas. No parking shall be permitted in the required front yard.
5. All structures shall be located at least 35 feet from all side and rear property lines.
6. Screening shall be provided and maintained in an attractive condition around the boundary of parking lots and playgrounds which abut single-family residential development or single-family districts.

Mr. Mrozek stated the church would be leasing approximately 10,000 square feet of the 30,000 square foot building and would meet on Wednesday evenings and Sundays. He stated the request was currently scheduled for the September 8, 2010 City Commission Meeting (Public Hearing) and staff was recommending approval.

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Mrs. Remark asked if approval of the request would mean a portion of the property would come off the tax roll.

Mr. Walton replied typically because the property would still be owned by someone that pays taxes and the church would only be leasing the space it should not affect the property's tax status.

Mr. McGhee asked if Halifax Hospital was still on that piece of property.

Mr. Walton stated he would have to let the applicant address that question.

### **Applicant Presentation**

Ken Richardson, 14 Rising Moon Trail, Ormond Beach, Florida stated he was speaking on behalf of Providence Church. He stated as Mr. Mrozek stated his client had met all of the criteria for a special use and had also fulfilled all of the required contingencies.

Mr. McGhee asked is Halifax Hospital was still in the complex.

Mr. Richardson replied they were in both buildings at the present time. He stated the 10,000 square feet they would be leasing was the location where the accounting and administration portion of the hospital was located and the hospital still had their billing and receiving departments in building 482 that Mr. Mrozek referenced a few minutes ago. He stated the administration and accounting departments recently moved to the new France Tower and that the facility was perfect for what they needed and therefore no changes would be made.

Mr. McGhee asked if there was any conflict between the church and the hospital as tenants.

Mr. Richardson replied no.

Mr. Hoitsma asked if the church understood that the building would remain on the City's tax roll.

Mr. Richardson replied yes, that was his understanding and as a tenant they would be responsible for paying a portion of the taxes.

### **Citizen Comments**

John Nicholson, 413 North Grandview Avenue, Daytona Beach spoke in opposition of the request. He stated he felt by approving this request it would be a loss of valuable commercial space. He stated he felt this site and the site on Williamson could be potentially prime commercial sites and the City had already given up a tremendous amount of the Williamson site to churches and hospitals. He stated he did not want to see the same thing happen to this site. He asked what would happen if the church wanted to expand past the 10,000 square feet they were requesting tonight and where did the members of the congregation live. Mr. Nicholson stated he did not know what could be done for this request other than limit them to 10,000 square feet and require them to move to another location if they decided in the future to expand.

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Mr. Richardson stated he respected Mr. Nicholson's points but at the present time both 480 and 482 were both zoned M4 but the hospital was using them for office space as well as other entities. He stated he did not believe the City was losing any true industrial property because there was quite a bit of empty spaces on Fentress Boulevard at the present time.

Mr. McGhee asked Mr. Richardson to address the question Mr. Nicholson asked about where the church's members lived.

Mr. Richardson replied his church started at the end of May, they presently had 58 families from various surrounding communities that have covenanted with the church.

### **Board Comments**

Mr. Moore asked staff if there was anything anywhere that addressed Mr. Nicholson's question about the church expanding beyond the 10,000 square feet.

Mr. Walton replied this public hearing was only addressing the 10,000 square feet being requested so if the church decided they wanted to expand they would have to come back to this board again.

Mrs. Remark stated in the City's Comprehensive Plan for this neighborhood there were several policy statements that recognize the build out of the residential growth both north of the Volusia Mall and going west. She stated the Comprehensive Plan speaks to providing parks in the area and other services that would service the thousands of residents that would live there once the site was built out. She stated she felt the request fit with the Comprehensive Plan policies for the neighborhood and she had every intention of voting in support of the request but hoped during the LDC rewrite process this type of thing would be looked at. She asked if there was anywhere in the City where a church had to be approved as a special use because she felt it becomes a problem when it is within business zoning.

Mr. Walton stated it is done this way right now because of the way the LDC is written and staff was not locked into doing it differently until the new LDC was adopted.

### **Board Motion**

It was moved by Mr. Hurt to approve Special Use Permit, DEV 2010-058, Providence Church. Seconded by Mrs. Shelley.

### **Board Action**

The motion was approved 10-to-0.

5. **Rezoning – Residential Planned Unit Development (RPUD), The Overlook at Seabreeze Marina, DEV2009-122**

A request by Glenn Greiner on behalf of Daytona Seabreeze, LLC to rezone 11.26± acres of property located at 100 and 101 Seabreeze Boulevard from BR-1 (Business Retail) to RPUD (Residential Planned Unit Development) and to enter into a development agreement establishing development standards for the RPUD. (*Applicant has requested a continuance*).

**Staff Presentation**

Richard Walton, Planning Director stated the applicant had requested a continuance of this item because all of the required documents had not been received.

**Board Motion**

It was moved by Mrs. Shelley to continue Rezoning – Residential Planned Unit Development (RPUD), The Overlook at Seabreeze Marina, DEV2009-122 to the August 26, 2010 Planning Board Meeting. Seconded by Mrs. Remark.

**Board Action**

The motion was approved 9-to-0 with one abstention (Mr. McGuinness).

6. **Land Development Code Text Amendment, Site Plan Approval, DEV 2010-053**

A request by The City of Daytona Beach's Development and Administrative Services Department, Planning Division, to amend the Land Development Code (LDC), Article 3 (Decision-Making Bodies and Procedures), Section 5 (Redevelopment Area Boards); Article 4 (Land Development Orders and Procedures), Section 7 (Conditional Use) and Section 8 (Site Plan); Article 5 (Subdivisions and Site Plans), Section 4 (Site Plans); Article 18 (Appearance Standards), Section 5 (Redevelopment Areas); and Article 20 (Fees), Section 2 (Fee Schedule) to revise review responsibilities in the site plan review process and provide for an appeal process and fees. (*City Staff is requesting a continuance*).

**Staff Presentation**

Richard Walton, Planning Director stated staff was requesting a continuance of this item to allow all of the City's redevelopment boards the opportunity to review, discuss and make recommendations on the proposed amendment.

Mrs. Remark stated the Main Street/South Atlantic Redevelopment Area Board asked if the item could be continued to the September 23<sup>rd</sup> Planning Board Meeting.

He stated in each Board member's packet there was a summary from each redevelopment board meeting's discussion on this item and as Mrs. Remark stated the Main Street/South Atlantic Redevelopment Area Board had requested a 60 day continuance.

**Board Motion**

It was moved by Mrs. Shelley to continue Land Development Code Text Amendment, Site Plan Approval, DEV 2010-053 to the September 23, 2010 Planning Board Meeting. Seconded by Mr. Hurt.

**Board Action**

The motion was approved 10-to-0.

7. **Other Business**

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

Mrs. Shelley stated the Board met on Wednesday, July 13<sup>th</sup> at 12:00 PM in the City Commission Chambers. She stated the Board heard monthly reports from the Police Department and Code Enforcement and approved the following requests:

1. Awning permit for Stingrays Sports Saloon allowing a vinyl awning with the stipulation that it could not be replaced and also could not be placed in the front of the building.
2. Site Plan Review LDC Text Amendment.
3. Redevelopment Plan Amendment incorporating the Riverfront Master Plan into the Downtown/Ballogh Road Redevelopment Area Plan.

Mrs. Shelley stated the Board made recommendations or discussed the following:

1. Made a recommendation on the preparation of retail Market Analysis for downtown by the Gibbs Planning Group.
2. Discussed the Alcohol LDC Text Amendment pertaining to alcohol beverage sales and service in the downtown area and recommended it go back for further review.
3. Received an update on ISB Improvements.
4. Discussed Amtrak (Magnolia site).
5. Discussed the DDA budget and their desire to focus on promotions including a downtown bar-b-que, festival and a French market.

Mrs. Shelley stated the last item the Board received was information on Old Daytona's progression to finally schedule construction improvements that residents had been requesting for many years.

**B. Midtown Redevelopment Area Board Report**

Mr. McGhee stated the Board met on Tuesday, July 13<sup>th</sup> at 6:00 P.M in the City Commission Chambers. He stated the Board took action on the following requests:

1. Approved a Conditional Use Permit for Fellowship Church of Praise to establish their church at 832 South Dr. Martin Luther King, Jr. Boulevard.
2. Approved a Special Use Permit for renovations to R.J. Gainous Funeral Home located at 802 Dr. Mary McLeod Bethune Boulevard.
3. Site Plan Review LDC Text Amendment was continued to the September meeting because the Board did not receive the meeting packet materials until Friday and did not feel they had adequate time to review, discuss and make recommendations on the request.

Mr. McGhee stated Florida Agricultural and Mechanical University (FAMU) held a workshop on Monday, July 12<sup>th</sup> and attended the Midtown Board's meeting to give an overview of the workshop and also to listen to what things were taking place in the Midtown area. He stated one of the things discussed was how the proposed LDC Text Amendment would affect the work FAMU would be doing related to the Midtown Master Plan. He stated one of the things they pointed out to the Board was the term FAR (Floor Area Ratio) was outdated and that the ratio is now controlled through height limits.

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

Mrs. Remark stated the Board met on Wednesday, July 14<sup>th</sup> at 6:30 PM in the City Commission Chambers. She stated the Board continued the Site Plan Review LDC Text Amendment for two months because they wanted to have a workshop and that one of the problems the Board had with the proposed amendment was administrative review of site plans that were 20,000 square feet or less. She stated in the Main Street area that would be an entire block that the Board would never see. She stated the Board felt the amendment was rather involved for the redevelopment areas and was not an even fit for the rest of the City. Mrs. Remark stated additionally the Board had the following discussion items:

1. Appearance standards for the Main Street/South Atlantic area. She stated they rolled the discussion into part of the discussion for the upcoming workshop.
2. E-Zone Master Plan Update – Board was informed when the public meetings would be held and was told if any Board members wanted to attend they could attend and speak.
3. Updates on Redevelopment Projects.
4. Updates on Property Purchases in the Main Street/South Atlantic Redevelopment area.
5. Beautification along US92 going across the bridge.

Mrs. Shelley asked staff to notify Planning Board members when the E-Zone Master Plan public meetings would be held. She stated she felt it would be good for all Board members to attend the public meetings.

**D. Public Comments**

John Nicholson, 413 North Grandview Avenue, Daytona Beach asked the Board to consider during the LDC re-write process making certain areas like the ocean, river and A1A areas that that churches and public uses were excluded from because those areas are considered to be prime real estate. He stated he felt the City should be extremely careful with giving away areas in the City that have high value. He used the City's water plant that sits on the river as an example of valuable land that he felt was not being properly utilized.

**E. Staff Comments**

Mr. Walton stated earlier this week he had a conference call with Clarion Associates to get a progress update on the LDC Re-write. He stated they were making pretty good progress and by the next meeting he should have a date when we could expect to have some reading material and also some meeting dates. He stated Financial Disclosure forms that are a requirement of the State had been placed in some Board members folders to be completed and returned to the Supervisor of Elections Office. He informed the Board that there were some Board members whose terms would expire on December 31<sup>st</sup> and if they would like to be considered for reappointment a new application had to be completed and submitted to the City Clerk's Office.

Mrs. Remark asked if the Financial Disclosure Form was the form Board members sent directly to the Supervisor of Elections Office.

Mr. Walton replied yes. He stated staff received notification that some Board members had not submitted their form and this was a reminder to get them in right away.

**F. Board Member Comments**

Mr. Hurt stated his nephew was visiting from Kentucky to attend the Vince Carter Basketball Camp. He stated he picks him up from camp everyday and had seen people from Ohio, West Virginia, Georgia, Spain and numerous other places. He stated he found out that families plan their vacation around the camp dates, which means they stay in hotels on the beach and throughout the City and vacation here in our City. He stated this is the type of thing that does not get enough public notoriety. Mr. Hurt stated he felt the City should write Mr. Carter some kind of thank you letter.

Mrs. Shelley stated these were the types of events that people had been saying for some reason did not seem to get highlighted. She stated these types of events also occur at the US Tennis Association but for some reason the community did not celebrate or realize the huge economic engine that Mr. Carter was doing.

Mr. Hurt stated he has been talking about it to everyone he come in contact with and he will continue to do so because it is such a positive event for this community.

Mr. Hoitsma stated he felt Mr. Carter was a wonderful ambassador for the community and had also very generous with funding at Mainland High School.

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Ms. Washington stated Mr. Carter was a very warm person that enjoyed interacting with people.

Mr. McGhee stated this was the 13<sup>th</sup> year Mr. Carter has held the basketball camp.

Mrs. Shelley referenced Mr. Nicholson's comments about the water plant on the river. She stated about three years ago she heard the water plant was going to be moved. She asked staff to get an update on the status of the move.

Mr. Walton stated he would check on the status and report back to the Board.

Mr. Moore stated he was a little amazed and disturbed to hear that Thad Crowe had been dismissed. He stated he felt when the City gets employees with Mr. Crowe's caliber they should try to hold on to them. He stated he was curious what lead to his dismissal and would like a little bit of information on the dismissal.

Mr. Walton replied due to the legal liability of personnel matters he was not at liberty to discuss that but his personnel file was public record and could speak for itself. He stated he did not believe he could say anymore than that due to liability reasons.

Mr. Fishback stated he wanted to second Mr. Moore's comments because he thought he was a very competent and thorough professional and he was sad to hear of his dismissal.

Mrs. Remark stated ditto the comments from Mr. Moore and Mr. Fishback. She stated Tuesday night at the Seabreeze Neighborhood Meeting Weegie Kuendig had a meeting with the Post Master of Daytona Beach. She stated there had been discussions about partially closing the Bill France Postal Facility but based on a new study, they had decided to close the entire facility which meant all mail with the 321 zip code would go out through Lake Mary. She stated what that meant was Daytona Beach would lose the Daytona Beach post mark. She stated she understood things were changing in terms of communication and she wanted to let everyone know there would be public hearings on the change. She stated a petition was being circulated in the community to keep the Daytona Beach postmark. She stated she was hoping the City Commission would adopt a resolution to keep the Daytona Beach 321 postmark.

Mrs. Shelley stated they were.

Mr. Walton stated last night the Mayor announced he received a letter regarding this issue.

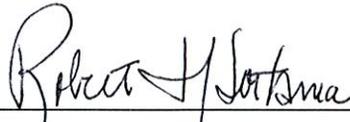
Mr. Fishback asked if the petition was to keep the Daytona Beach post mark and if the facility would still close.

Mrs. Remark replied the Post Master General had pretty much said the facility would be closing so the petition was only to keep the 321 post mark.

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**Adjournment**

There being no further actions to come before the board, the meeting was adjourned at 6:40 PM.



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ROBERT HOITSMA  
Chair

ATTEST:



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CATHY WASHINGTON  
Secretary