

MINUTES

REGULAR MEETING – PLANNING BOARD

February 24, 2011

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, February 24, 2011, at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board members Present were as follows:

Jeff Hurt
Tracey Remark
Bob Hoitsma
Janet LeSage
John McGuinness
Louis Moore
James Neal
Kevin Fishback
Shirley Benjamin

Absent Members:

Cathy Washington

Staff members present:

Richard Walton, Planning Director
Dennis Mrozek, Planner
Carrie Lathan, Assistant City Attorney
Jason Jeffries, Redevelopment Project Manager
Rose Williams, Planning Technician

1. **Call to Order**

Louis Moore, Chair called the meeting to order at 6:00 pm.

2. **Roll Call**

Mr. McGuinness called the roll and noted members present as listed above.

3. **Approval of the Minutes:** January 27, 2011 Planning Board Meeting Minutes

Board Motion

It was moved by Mrs. Remark to approve the January 27, 2011 Planning Board Meeting Minutes. Seconded by Mr. Hurt.

Board Action

The motion was approved 8-to-0.

4. **Temporary Parking in Redevelopment Areas, LDC Text Amendment, DEV2010-095**

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), to revise the conditions for Temporary Parking Lots in the RDB-1 (Hotel, Mixed Use), RDB-5 (Atlantic Avenue Retail), and RDB-8 (Public or Private Entertainment, Parking and Mixed Use) zoning districts.

Mr. McGuinness announced that Mr. Hurt had submitted a Memorandum of Voting Conflict Form and would participate in the discussion but would not vote on the request.

Staff Presentation

Jason Jeffries, Project Manager, Redevelopment Division gave a brief PowerPoint presentation that included the request as stated above, location of proposed lots, and the current Land Development Code (LDC) requirements that relate to the request. He stated staff received a request to extend the time allowed for temporary parking lots in the Main Street Redevelopment Area and staff has been working with the Main Street Redevelopment Area Board to develop new conditions; approve some criteria for temporary parking lots while at the same time putting definite timeframes on the allowance for them. He stated the current proposal is to allow conditional uses in RDB-1, RDB-5, and RDB-8, two year periods for a maximum of 6 years, soil stabilization, maintenance requirements, landscape and fencing requirements. He stated the location of the zoning districts is around Main Street along Atlantic Avenue and the Ocean. Mr. Jeffries stated the approval would be done by the Main Street Redevelopment Area Board and would require a site plan. He stated that the Main Street Redevelopment Area Board requested to strike the language that created a difference between the zoning districts as it pertains to identifying redevelopment projects and the language had been changed from "except in RDB-5" to now requiring temporary parking lots in that zoning district to identify a redevelopment project. He went through the improvements that were being proposed to parking lot surfaces, decorative fencing, landscaping and ground signs. He stated another provision that resulted from the Main Street Redevelopment Area Board was the ability to install drought resistant Florida friendly plants so an irrigation system would not be required, per LDC, Article 18, Section 2 and he went through the maintenance requirements process and provisions for conditional uses. He stated the Main Street Redevelopment Area Board had reviewed the request and recommended approval with their additional conditions.

Mr. Hoitsma asked what the criteria would be to get a two year extension.

Mr. Jeffries replied they would have to be in conformance with all of the conditions and identify a need to extend the project and submit a letter stating they had not been able to get financing for the project.

He stated he noticed that the pictures shown had solid walls up to a point and asked if the walls had to be solid.

Mr. Jeffries replied yes because the language said it had to be a screening fence that could not be seen through.

Mrs. Remark stated it was also because of oceanfront standards and sand blowing.

Mr. Hoitsma asked if it caused a safety problem. He stated when the fencing was open, people can see through it.

Mr. Jeffries replied that was a good question but he could not answer it. He stated there were area stakeholders present that maybe could answer the question from their perspective.

Mr. Hoitsma asked how the vegetation would be kept alive because the Board had this discussion 20 years ago when irrigation was not required and the plants died.

Mr. Jeffries replied the reference to no irrigation was tied to drought resistant Florida friendly plants and the landscape architect would have to certify the plants being used.

Mr. Hoitsma asked what would be done to make sure the plants stayed in.

Mr. Jeffries replied it would be the responsibility of the property owner to make sure the site was maintained and that language could be found in Article 18, Section 2 of the LDC.

Mrs. Remark stated it could be administratively revoked.

Mrs. LeSage asked how many of the sites were larger than one acre and would require the interior landscaping.

Mr. Jeffries replied only one site.

Citizen Comments

Dino Paspalakis, 565 Riverside Drive, Daytona Beach spoke in favor of the request. He stated he felt the six foot fence blocked the view and that there had been problems in the past with people parking on the lots over night.

John Nicholson, 413 North Grandview, Daytona Beach spoke in favor of the request. He stated he also felt the six foot fencing was absurd and did not enhance the look of the parking lot. He also referenced advertising on the side of trucks and parking them in the lots overnight.

Ken Bots, 127 South Ocean Avenue, Daytona Beach spoke in opposition of the request. He stated he felt the ideas were excellent but his concern was that the need for parking was tantamount. He stated he felt any temporary parking that was currently in place should remain until the City received some substantial redevelopment projects on the beachside.

Board Comments

Mrs. Remark stated overnight parking is a code issue and is not allowed. She stated the LDC already has provisions for that. She stated the Main Street South Atlantic Redevelopment Board had some very in-depth discussion on allowing the parking lots indefinitely versus six years. She stated the Board looked at it from the point of view that they were not supposed to be temporary lots forever but there was nothing to say someone could not make it a paved lot and meet all of the requirements that business owners were required to do. She referenced the temporary lot that had been in place for 19 years and gave a scenario of how much money the business owner could have made. She spoke on fence mounted signs

Mr. Jeffries stated there was some discussion on fence mounted signs but staff kept the requirement of having to meet the redevelopment design standards.

Mr. Hurt stated the existing businesses that have paved parking lots had them to accommodate the existing business, and since there was not an existing business they were called temporary parking lots. He stated the owners of the temporary parking lots would much rather have a building there but with the state of the economy, that was not going to happen. He stated it would not be environmentally good to have a huge paved parking lot instead of the recommended surfaces and asked the Board to take Mr. Paspalakis' concern about the six foot fence into consideration when the motion was being made, because someone could crouch down behind a six foot fence, break into someone's car and get away without being seen. He stated he felt the police needed the advantage of the four foot instead of six feet.

Mr. Jeffries stated those were excellent points and staff did not have an issue with striking E2.

Mr. Fishback stated he wanted to be sure he understood that for business owners to get the extension they only had to go through the Main Street Redevelopment Area Board.

Mr. Walton replied yes. He stated the applicant goes before the Main Street Redevelopment Area Board initially to get approval of the parking lot and then again every two years to get an extension.

Board Motion

It was moved by Mrs. Remark, seconded by Mr. Neal to approve Temporary Parking in Redevelopment Areas, LDC Text Amendment, DEV2010-095 with the provision of striking "E2" from the proposed draft language.

Board Action

The motion was approved 8-to-0.

5. **Embry-Riddle Aeronautical University (ERAU) Jim W. Henderson Administration and Welcome Center, Site Plan Approval, DEV2010-106**

A request by Parker Mynchenberg, P.E. on behalf of Eric Weekes, Senior Executive Vice President, Embry-Riddle Aeronautical University (ERAU), to approve the final site plan for the Jim W. Henderson Administration and Welcome Center, located at 600, South Clyde Morris Boulevard.

Staff Presentation

Dennis Mrozek, Senior Planner gave a brief PowerPoint presentation that included the request as stated above and the current Land Development Code (LDC) requirements pertaining to the request. He stated the future land use for the property is Schools and the zoning is M-1(Local Service Industry). He stated the site is located on the campus of Embry-Riddle Aeronautical University and is the former location of Spruance Hall. He stated the project consists of a two-story, 37,454 square foot administration and welcome center building, and includes eight covered parking stalls, 45 additional parking stalls, additional drainage, utility, an ornamental pond, landscaping, irrigation and reuse improvements. The location of the proposed building is on the campus of ERAU, on the west side of Clyde Morris Boulevard. He stated the project has a modern architectural design featuring a cantilever upper level and the ornamental ponds and fountains. He stated the applicant's representative is present to answer questions pertaining to landscaping and staff recommends approval with the following conditions:

1. Prior to final site plan approval, the permit status list must be updated to show receipt of all required permits. Copies of all permits are to be attached to the list, and submitted to the City with the final plans.
2. Prior to final site plan approval, provide a note on the site plan requiring that inlets to fire department connections face towards the existing fire hydrant.

Mrs. Remark asked what would happen if Lift Station No. 10 referenced on page three of the staff report could not handle the proposed flow and who would be responsible for payment.

Mr. Mrozek replied the data in the staff report was submitted from the City's Utilities Department during the review process.

Mr. Walton stated as he understood it the primary purpose for that comment was due to a flag referencing future development that was significantly larger than this project.

Applicant Presentation

Parker Mynchenberg, Civil Engineer for the project, 1729 Ridgewood Avenue, Holly Hill, Florida stated the project would cost \$12 to \$15 million to build and they were all very excited about it. He briefly spoke on landscaping for the project and stated he was available to answer any question the Board may have.

Mr. Hoitsma asked Mr. Mynchenberg to elaborate a little bit more on the landscaping.

Mr. Mynchenberg stated City requirements for landscape islands and parking lots require a hardwood tree and with this project, all of the islands have either a magnolia or oak tree, but since this was a welcome center where people from all over the world would come, palm trees were also included. He stated the scale of the building at its highest point is 59 feet tall so the tall palms would not be as obscuring as they appear on the renderings.

Mrs. Remark stated she felt the building was spectacular and could not wait to see it built.

Mr. Mynchenberg stated they have all of the permits in hand, which addresses the first staff comment and if approved tonight, tomorrow he will submit for final signoff. He stated a ground breaking ceremony was scheduled to be held within the next couple of weeks.

Board Motion

It was moved by Mr. Hurt, seconded by Mrs. Remark to approve Embry-Riddle Aeronautical University (ERAU) Jim W. Henderson Administration and Welcome Center, Site Plan Approval, DEV2010-106 with staff comments.

Board Action

The motion was approved 9-to-0.

Mr. Hurt stated it was his understanding that anytime a motion to approve was made, staff comments were automatically included. He stated the only time that is not the case is when there are conditions or recommendations added in the motion. He stated since there were several new Board members he thought that would be good to restate how motions were made.

6. **Lilian Place Historic Site, Semi-Public Use Request, DEV2010-081**

A request by Nancy Long, President, Heritage Preservation Trust Inc, to approve a resolution for a semi-public use permit for .79± acres of land located at 111 Silver Beach Avenue, also known as Lilian Place, to allow for uses related to cultural services associated with the historically designated property.

Staff Presentation

Dennis Mrozek, Senior Planner gave a detailed PowerPoint presentation that included the request as stated above, the current Land Development Code (LDC) requirements pertaining to the request. He stated the site is located just north of Silver Beach Avenue, on the shore of the Halifax River. He stated the existing use of the property to the north is single and multi-family to the south across Silver Beach. He made a correction to page one of the Staff Report correcting the existing adjacent land uses immediately to the east from single-family residential and commercial to multi-family. He stated the commercial property originally referred to is on the corner of Silver Beach and Peninsula. Mr. Mrozek stated the Future Land Use (FLU) of the property was Level 2 Residential and the zoning is RAH- Multi-family with Historic Classification with the historic classification being important for this particular piece of property. The proposed property was rezoned in 1998 to include the historic classification and the purpose of the historic preservation provision is to serve in the best interest in the health, safety, prosperity and welfare of the citizens of Daytona Beach. He stated this is done through a number of goals and benefits identified with the historic classification and listed on page two and three of the staff report was eight detailed proposed purposes of the historic classification, but number one and four were specifically related to this request.

- 1) Enhancing public awareness of the city's historic resources and promote civic pride in the beauty and accomplishments of the past – Opening up the site to a museum and a cultural center encourages public awareness.
- 4) Protecting the city's historic sites, structures, and social heritage – Use would encourage additional public stewardship of the site.
- 7) Conditional and special uses are established for H (historic) and HR (historic residential) properties to allow additional revenue-generating uses in the historic areas of the city and provide appropriate and creative uses for historic structures while protecting residential districts – The purpose anticipated the need to think outside the box encouraging alternative uses that would allow the site to not only continue to exist but also to contribute to the value of the City.

Mr. Mrozek stated there were not any proposed additions to the plan and an overview of the site plan had been provided that shows the landscaping and the building to the north that is intending to encroach on the easement. He stated the public and semi-public use procedure is provided to allow for the establishment and operation of uses by government agencies, nonprofit entities, utilities, broadcasters, and similar users who serve the needs of the public and briefly discussed some of the proposed uses for the site that include but are not limited to museums and associated activities and limited overnight accommodations for staff, security and students who come from out of town, that specialize in historic preservation and are here strictly to continue their efforts in historic preservation. Some of the potential activities that could be associated with the listed uses are riverfront and fundraising activities, educational programs, a gift shop/welcome center associated with the museum, arts and crafts fairs, festivals, wedding receptions and possibly a movie/television production site. He stated he would let the applicant elaborate more on what they might be looking for with some of the activities. Mr. Mrozek went through the waivers being requested by the applicant as follows:

- 1) Article 5, Section 4.2: "plan sets" required for site plan submittal
- 2) Article 5, Section 4.3: minimum requirements for site plan submittal
- 3) Article 18, Section 2: landscaping requirements
- 4) Article 9, Section 5.2: side setbacks for RA zoning district
- 5) Article 8, Section 2.5: minimum off-street parking space requirements

He stated the LDC does not offer special requirements for some of the specific uses that were detailed in the request. The site currently has eight parking spaces including one handi-capped space. He stated the property owner at Silver Beach and Peninsula has offered 20 spaces for the Lilian Place site to use on a case-by-case basis. Typically if an off-site area were to be used for minimum parking requirements, the City would require a 10-year non-revocable lease but in this case there is a waiver request for the minimum parking requirements so the lease would not be necessary. Mr. Mrozek stated the request has gone through the City's TRT and the following conditions of approval are recommended prior to approval: Prior to occupancy, an inspection shall be done by The City of Daytona Beach, Permit and Licensing Division as this is a change of use and changes to interior fire protection requirements may apply; Records show an additional two 3/4" meters on the site and if the meters were to be activated in the future the applicant would be required to install back flow preventer devices behind the meters. If the back flow preventer devices already exist, the City would require they be tested. He stated staff recommends approval of the request with TRT recommended conditions. He reminded the Board that additional conditions of approval may be imposed by the Planning Board and City Commission. He stated a majority vote of all Board members present and voting is required to recommend approval for the request.

Mr. McGuinness stated the list of potential activities presented by staff is significantly shorter than the list presented by the applicant.

Mr. Mrozek stated staff reviewed the original list presented by the applicant and merged the uses that appeared to be duplicates. He stated when the applicant comes up to speak, he could be more specific about activities he might be looking at having but are not listed.

Mr. McGuinness stated given the size of the property, and the impact on neighbors of the properties, he had a particular concern about the public assembly and festival activities that were proposed. He asked Mr. Mrozek if the list provided in the staff report was inclusive or exclusive of some of the other items submitted with the application.

Mr. Mrozek replied there may be opportunities for these types of activities to be mitigated through conditions the Board puts in place.

Mrs. Remark stated there are eight parking spaces and the staff report says there are four apartments that might be used in exchange for students staying there and labor, so that eliminates four spaces. She stated she assumes there will be a museum director and secretary which now eliminated 6 spaces. She asked if the applicant was anticipating only having two visitors at a time.

Mr. Mrozek replied one of the unique things about this piece of property is typically staff adds up all of the different types of uses to be able to calculate what type of parking is required for that type of use for that particular location. He stated then all of the required spaces for the different types of uses are added together to come up with the required number of parking spaces. He stated with this application it is difficult to do because staff does not know all of the uses that are being proposed. He stated he did not know if the accommodation portion of the request would be at 100 percent every time.

Mrs. Remark stated because they do not know how long Mr. Papas will own the land, it seems at the most if they had three spaces, they would still use them more than just now and then, so without having the 10-year lease in place she could see this becoming a real problem.

Mr. Hurt stated with the spaces that Mr. Papas has given, when there are activities held, their management will provide a satellite lot where patrons can be shuttled back and forth.

Mr. Moore asked if the Board approves the requested parking requirement waivers, would that also exclude the 20 parking spaces offered by Mr. Papas.

Mr. Mrozek replied if the Board approves the parking requirements for the site, there would not be any requirements. He stated if there were a need for additional spaces off site that were not waived they would be required to go through a 10-year non revocable lease to be able to use those parking spaces specifically for that site to be able to meet the minimum parking requirement. He stated by waiving the requirements, the 20 spaces would not be required for the uses on the site; they would be helpful for the uses, but not required.

Mr. Hurt stated there are not any adjoining spaces except the ones being offered by Mr. Papas and the applicant will not agree to do a 10-year lease on their office building. He stated there isn't any available parking so Board cannot resolve the issue. He stated he felt the applicant would have to manage the parking the same way they manage the building and their activities. He stated if they don't manage it no one will be able to attend any of their activities

Applicant Presentation

Nancy Long, 1967 Red Cedar Circle, South Daytona stated she was thankful for the opportunity to hopefully turn the site into a successful community site and historic museum. She stated for past functions they have shuttled patrons. She stated they use the library parking lot and Temple Israel has also allowed them use their parking lot. She stated she was confident they would be able to manage any parking needs that arise.

Mr. Moore asked if she could address some of the proposed uses.

Ms. Long stated the list she came up with had the widest variety of possible uses because it is a work in process they did not want to eliminate any type of event that they may want to hold in the future. She stated as far as the festivals, they are limited in the area and they would not want to create a problem with surrounding property owners. She gave an example of the type of festival they would have and stated they would also like to have some wedding receptions to try to bring in some income. She stated the main purpose of the variety of possible uses was so she would not have to come back before the Board again.

Mr. Moore stated so you would be doing quite a bit of shuttling.

Mrs. Long replied yes if it were a big event. She stated she thought Mr. Papas was offering the use of 25 parking spaces. She stated she did not see having a large crowd and they would set the hours where it would not be intrusive on surrounding property owners and would coincide when Mr. Papas' parking lot was available.

Mr. Moore stated the affect on surrounding neighbors was a real concern for the Board.

Mr. Hurt stated they were in support of the request but the most complaints they receive from residents on the beachside is intrusion into the single-family neighborhoods. He asked that she always have that concern as a top priority.

Mr. Moore asked about the hours of operation.

Ms. Long replied right now it would be Sunday afternoons from 1:00 PM to 4:00 PM. She stated if they have weddings, they would be on the weekend. She stated if they hold functions inside, they really could not accommodate more than 25 people so most of the time things would be setup outside. She spoke briefly about using the County parking lot and various other activities they might have.

Mr. McGuinness stated usually when the Board reviews these types of requests, there are hours of operation and traffic control specified. Because that was not the case with this request he was concerned with the possible noise intrusion on abutting property owners. He stated as long as she could guarantee that wedding receptions would not last until 1:00 AM and music would not intrude he assumes it would be the usual police and code complaints.

Ms. Long replied they would use common sense to make sure they were not being intrusive on surrounding property owners. She stated the type of wedding receptions she anticipated were like a wine and cheese reception, very sophisticated.

Citizen Comments

John Wagner, 1601 Crescent Ridge Road, Daytona Beach spoke in favor of the request.

Neil Harrington, 101 Grand Oak Circle, Daytona Beach spoke in favor of the request. He stated this was one of the premier projects to meet the 2008 Vision Plan historic qualifications.

Shawn Beckwith, Port Orange spoke in favor of the request.

Board Comments

Mr. Moore asked Board members if they had additional discussion on parking requirements.

- Board of Adjustments (BOA) request for a variance for property located at 629 Braddock Avenue. The variance was to allow a guest bedroom and bathroom to be built in the far corner of the property, which would have fronted on A1A rather than as an addition to their home. The Board recommended denial of the request.

D. **Public Comments**

No public comments.

E. **Staff Comments**

Mr. Walton stated Tom Weitnauer had been hired as a new planner for the City and gave a brief summary of Mr. Weitnauer's credentials.

F. **Board Member Comments**

Mr. Hoitsma stated he was having trouble reading the drawings included in their packet. He stated the print was very small and not readable.

Mr. Mrozek stated the fonts used on the ERAU projects are sometimes difficult to read when duplicated on 11x17 paper. He stated he would speak with Parker Mynchenberg to see if there is a way to correct this problem. He stated another option would be to split the site plan up into a few different pages.

Mrs. Remark stated she received a postcard with a picture of the Daytona Beach Kennel Club on the front. She stated it was from Thad Crowe informing her that he was the new Planning Director for the City of Palatka.

Mr. Fishback stated he did not know who was responsible for traffic and crowd control during race week but he wanted to complement them on a job well done. He stated he has lived in cities when there is a major event and residents have to stay at home because things are out of control.

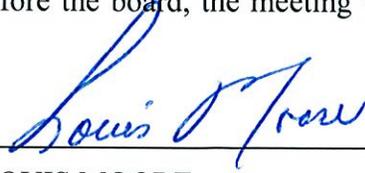
Mrs. LeSage stated her place of employment is located on the corner of Dunn and Clyde Morris and they are affected when the race is over. She stated the Speedway has done a great job with sending them their schedule and give them a ballpark schedule of when traffic will be the heaviest. She stated with this information, they only have to close half an hour early and they are able to inform patients of the traffic patterns so they can make adequate arrangements.

Mr. Moore welcomed Ms. Benjamin to the Board and asked everyone to stop by and welcome her personally.

02-24-11

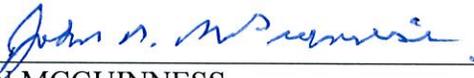
Adjournment

There being no further actions to come before the board, the meeting was adjourned at 7:27 pm.



LOUIS MOORE
Chair

ATTEST:



JOHN MCGUINNESS
Acting Secretary