

MINUTES

REGULAR MEETING – PLANNING BOARD

June 22, 2023

Minutes of the Regular Meeting of the Planning Board of The City of Daytona Beach, Florida, held on Thursday, June 22, 2023 at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

1. **Call to Order**
2. **Roll Call.**

Tony Barhoo (Chair)	Absent
Michael McLean (Vice Chair)	Present
Cathy Washington (Secretary)	Present
James Newman	Present
Tony Servance	Zoom
Milverton Robinson	Absent
Vernon Weatherholtz	Present

Also Present:

Ben Gross, City Attorney
David Russell
Dennis Mrozek, Planning Director
Hannah Ward, Senior Planner
Paula Long, Planner
Arthur Abrego, Planner
Vanessa Trimble, Planning Technician
Gina Fountain, Board Secretary

Mr. Gross advised the board that Mr. Servance would have to give a very brief explanation of what his special circumstances are to attend remotely and then the board needs to vote to determine whether to allow for Mr. Servance to attend the meeting remotely.

Mr. Servance stated due to his medical condition he is unable to attend the meeting in person.

It was moved by Mr. Newman to allow Mr. Servance to attend the meeting remotely, seconded by Mr. Weatherholtz. The motion passed 4-to-0 with the breakdown as follows:

Michael McLean (Vice Chair)	Yea
Cathy Washington (Secretary)	Yea
James Newman	Yea
Tony Servance	Yea
Vernon Weatherholtz	Yea

3. **Approval of Minutes**

Approval of the June 1, 2023 Planning Board Meeting minutes, will be on the agenda for approval at the July 27, 2023 Planning Board Meeting.

4. **Oasis Multifamily – Site Plan – DEV2022-197 (Quasi-Judicial Hearing)**

A request by Steve Buswell, P.E., Parker Mynchenberg & Associates, Inc., on behalf of Jeff Feasel, President/CEO Halifax Hospital Medical Center (property owner), to approve a Major Site Plan for the construction of a 402-unit multifamily complex and all associated site improvements, on 23.7± acres of property. The property is generally located in the southwest quadrant of the Clyde Morris Blvd. and LPGA Blvd. intersection.

Staff Presentation

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. He stated the site is generally located on the southeast corner of LPGA and Clyde Morris. He stated at the July 26, 2022 – The City Commission approved the “Project Oasis Planned Development Agreement” (DEV2021-170). On June 1, 2023, the Planning Board recommended approval of the Preliminary Plat for the Project Oasis 5 lot subdivision. The item has yet to be scheduled for final approval by the City Commission.

Applicant Presentation

Mark Watts Esq., Cobb Cole, 231 N. Woodland Boulevard, Deland, stated he was there to answer questions. He stated the project was part of a large masterplan for property owned by Halifax Hospital. He stated this piece provides the connectivity they are looking for in that corridor that will take traffic off of LPGA.

Board Action

It was moved by Mr. Newman to approve the request for staff recommendations. Ms. Washington seconded the motion. The motion passed 5-to-0 with the breakdown as follows:

Michael McLean (Vice Chair)	Yea
Cathy Washington (Secretary)	Yea
James Newman	Yea
Tony Servance	Yea
Vernon Weatherholtz	Yea

5. **Level II Night Club – Special Use – DEV2022-225 (Quasi-Judicial Hearing)**

A request by Kayla Hathaway, Esq., of Coronado Law Group, on behalf of 546 Seabreeze Blvd, LLC, (property owner), for approval of a special use permit to allow for the operation of a nightclub. The property is located at 546 Seabreeze Boulevard.

Staff Presentation

Dennis Mrozek, Planning Director, presented the staff report which was included as part of the packet. He stated the request is to allow a 5,300 square foot nightclub use, with an accessory arcade area on the second floor of the Molly Browns building. He stated the property is located just south of Seabreeze Avenue and west of Grandview Avenue. Parking will be provided via shared parking at the rear of the building, no changes are being proposed to the existing structure, and no activities will occur outside. He stated the request is a Special Use Permit (SUP) that goes to the City Commission for approval. As part of a SUP the applicant is allowed to request waivers from the standards in LDC and the Commission has the authority to approve any requested modifications. He stated for this request the applicant has requested two waivers. The first waiver request is to reduce the minimum separation standard for distance between residential zoning districts and nightclubs from 500 feet to 200 feet. The second modification request is to waive the required minimum 500 feet separation from a similar establishment (nightclub). Mr. Mrozek stated the proposed night club use is located on Seabreeze Boulevard which has several similar uses within close proximity. He stated staff recommends approval to allow the nightclub use in the BR-1 zoning district provided all requested waivers and modifications are approved. The item is tentatively scheduled to be heard by the City Commission on August 2, 2023 (public hearing). A majority vote by the Planning Board members present and voting is required to recommend approval to the City Commission.

Applicant Presentation

Kayla Hathaway, Esq., of Coronado Law Group, 221 North Causeway Suite A in New Smyrna Beach. She thanked Planning staff for being diligent in evaluating the request. She stated the use was in character of similar uses in the surrounding area and they feel this is the right place for it to be. She stated she was there to answer any questions.

Mr. McLean asked Ms. Hathaway to explain the difference in “games of skill” as opposed to “games of chance.”

Attorney Hathaway replied there were some photos that were submitted with the application that identify the types of games that would be included as part of the arcade. She stated if the photos were not available, she had some photos with her that she would be happy to pass around for Board members to view. She stated she did not recall the exact definition of games of skill versus games of chance, but she did know games of chance included games such as poker and other games typically in a casino versus games of skill which are some level of physical action.

Mr. McLean stated that was a great answer and the purpose of his question was to make sure the games in the arcade remained games of skill. He stated speaking personally he feels if the games change to games of chance, he thinks the use should not be allowed to have any game at all. He stated if the games of skill are the type games in the photos, he is ok with it, but if they change to game of chance, he has no problem with moving forward to eliminating all games.

Citizen Comments

Scott Edwards, 619 Grandview Avenue stated the nightclub does not have approval from the property owner to use the shared parking. Mr. Edwards was not in support of approving the use.

John Nicholson, 413 North Grandview Avenue stated his property abuts this property and it has been a problem for years. He has issues with current parking and feels this will increase issues. Mr. Nicholson was not in support of approving the use.

Mr. Mrozek stated the property is in the BR-1 zoning district and does not have the required parking for businesses.

Mr. Weatherholtz asked the applicant if parking was not required, why was it included as part of the request.

Attorney Hathaway replied in the application she included text that states the BR-1 zoning district parking was not required.

Mr. Weatherholtz asked if the business owner had asked Razzle's if they could utilize their parking lot.

Attorney Hathaway replied that her understanding from her client was there had been discussions, but nothing was in writing. She also stated when the city informed her client that the use had not been approved, they shut down and reached out to the city to go through the process.

Lyle Trachtman, 529 Seabreeze Boulevard stated his business is not affected by the activity, but he feels there are too many bars. Police use the business owner's camera to get video of what happens at night. Mr. Trachtman was not in support of approving the use.

Board Comments

Board comments were included during the Citizen Comment section.

Board Actions

It was moved by Ms. Washington to approve the request per staff's recommendation. Mr. Newman seconded the motion in accordance with the staff report as presented. The motion failed 1-to-4 with the breakdown as follows:

Michael McLean (Vice Chair)	Yea
James Newman	No
Tony Servance	No
Cathy Washington	No
Vernon Weatherholtz	No

6. Ridgewood Fairview – Small-Scale Comprehensive Plan Amendment (SSCPA) – DEV2022-194 (Legislative Hearing)

A request by the Growth Management & Planning, for approval of a Small-Scale Comprehensive Plan Map Amendment changing the Future Land Use Map designation from Level 2 Residential (L2-R) to Office Transition eighteen (21) properties totaling 2.9± acres of land. The property is generally located along both north and south of Fairview Avenue, between Cottrel Avenue and Michigan Avenue.

Staff Presentation

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. He stated the proposed amendment will bring the zoning and current uses in compliance with the Comprehensive Plan. He stated the current zoning and use is incompatible

Board Action

It was moved by Mr. Newman to approve the request for staff recommendations. Mr. Servance seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

Michael McLean (Vice Chair	Yea
Cathy Washington (Secretary)	Yea
James Newman	Yea
Tony Servance	Yea
Vernon Weatherholtz	Yea

7. **Ridgewood Fairview Residential Professional (RP) – Rezoning – DEV2022-232 (Quasi-Judicial Hearing)**

A request by the Growth Management & Planning, to rezone approximately three (3) properties total 0.4± acres of land, from Business Professional (BP) to Residential Professional (RP). This is for consistent zoning with the adjoining properties and to be compatible with the proposed Future Land Use designation of Office Transition. The property is generally located along both north and south of Fairview Avenue, between Cottrel Avenue and Michigan Avenue.

Staff Presentation

Doug Gutierrez, Principal Planner, presented the staff report which was included as part of the packet. He stated the proposed rezoning will bring consistent zoning in compliance with the Comprehensive Plan. He stated the current zoning and use is incompatible

Board Action

It was moved by Mr. Newman to approve the request for staff recommendations. Ms. Washington seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

Michael McLean (Vice Chair	Yea
Cathy Washington (Secretary)	Yea
James Newman	Yea
Tony Servance	Yea
Vernon Weatherholtz	Yea

8. **NASCAR Lot 7 – Planned Development-General (PD-G) Rezoning – DEV2022-139 (Quasi-Judicial Hearing)**

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of Event Equipment Leasing Inc. and Southeastern Hay & Nursery Inc. (property owners), to rezone 191.41± acres of land from the General Industrial (M-3) and Industrial Park (M-4) zoning designations to Planned Development-General (PD-G) to allow for the development of an outdoor activity field and additional educational, office, industrial, recreational, and retail uses. The subject property is located on the east side of Clyde Morris Boulevard in between LPGA Boulevard (to the north) and Clyde Morris Boulevard (to the south) and is bisected by a 256' FPL easement.

Staff Presentation

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet. The site is located on the east side of Clyde Morris Boulevard in between LPGA Boulevard (to the north) and Clyde Morris Boulevard (to the south).

Board Actions

It was moved by Mr. Newman to approve the request for staff recommendations. Ms. Washington seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

Michael McLean (Vice Chair)	Yea
Cathy Washington (Secretary)	Yea
James Newman	Yea
Tony Servance	Yea
Vernon Weatherholtz	Yea

9. **Parkview Church – Planned Development-General (PD-G) Rezoning – DEV2022-187 (Quasi-Judicial Hearing)**

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of Parkview Church LPGA, Inc., to rezone 6.90± acres of land from Planned Development-General (PD-G) to PD-G to allow for the development of a place of worship with accessory recreation uses and special events. The property is located at the northwest corner of International Tennis Drive and LPGA Boulevard.

Board Actions

It was moved by Mr. Newman to approve the request for staff recommendations. Ms. Washington seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

Michael McLean (Vice Chair)	Yea
Cathy Washington (Secretary)	Yea
James Newman	Yea

Tony Servance	Yea
Vernon Weatherholtz	Yea

10. **Daytona Hyundai – Planned Development-General (PD-G) Rezoning – DEV2022-236 (Quasi-Judicial Hearing)**

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Jon Hall Chevrolet Inc., to rezone 4.4± acres of land from Planned Development-General (PD-G), Business Automotive (BA), and Multifamily Residential-20 (MFR-20) to Planned Development-General (PD-G) to allow for an accessory car wash and incorporate vehicle display pads and a sign plan for the development. The property is located at the northwest corner of Madison Avenue and Nova Road, at 700 N. Nova Rd.

Staff Presentation

Hannah Ward, Senior Planner, presented the staff report which was included as part of the packet.

Board Actions

It was moved by Mr. Newman to approve the request for staff recommendations. Mr. Servance seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

Michael McLean (Vice Chair)	Yea
Cathy Washington (Secretary)	Yea
James Newman	Yea
Tony Servance	Yea
Vernon Weatherholtz	Yea

11. **1st Amendment – Walmart Sam’s Club PD – Planned Development-General (PD-G) Rezoning – DEV2023-044 (Quasi-Judicial Hearing)**

A request by A. Joey Posey, of Storch Law Firm, on behalf of Seminole Land Holdings Inc. and Equity Trust Company Custodian FBO 2002090121 IRA (property owner), to amend the Walmart Sam’s Club Planned District (PD) Agreement to add telephone call center as a permitted use. The property is located at 1175 Beville Road.

Board Actions

It was moved by Mr. Newman to approve the request for staff recommendations. Mr. Servance seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

Michael McLean (Vice Chair)	Yea
Cathy Washington (Secretary)	Yea
James Newman	Yea
Tony Servance	Yea
Vernon Weatherholtz	Yea

12. **Fairlawn – Planned Development-General (PD-G) Rezoning – DEV2020-044 –(Quasi-Judicial Hearing)**

Correction to Maximum Height: Commercial Uses in the Fairlawn Planned Development.

A request by Robert Merrell, Esquire, Cobb Cole, on behalf of Fairlawn Development, LLC and Plain Sight Management, LLC, property owners, to rezone 198.0± acres of land from Volusia County (VC) a to City of Daytona Beach Planned Development-General (PD-G), to allow for a mixed-use development. The property is generally located northeast of the intersection of Clyde Morris Blvd. and Strickland Range Road.

Board Actions

It was moved by Ms. Washington to approve the request per staff recommendations. Mr. Newman seconded the motion in accordance with the staff report as presented. The motion passed 5-to-0 with the breakdown as follows:

Michael McLean (Vice Chair)	Yea
Cathy Washington (Secretary)	Yea
James Newman	Yea
Tony Servance	Yea
Vernon Weatherholtz	Yea

13. **Other Business**

A. Downtown/Balough Road Redevelopment Area Board Report:

No Comments

B. Midtown Redevelopment Area Board Report:

Ms. Washington stated it was one of the most eventful meetings. She stated they received reports from various departments. Board members were given various assignments and duties.

C. Beachside Redevelopment Area Board Report:

Mr. Servance stated the board had an overview of projects in redevelopment.

D. Public Comments:

There were no citizen comments

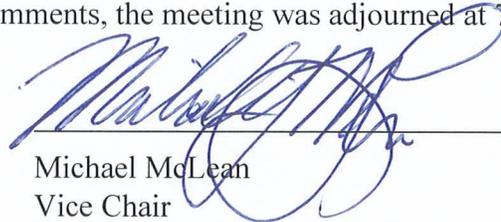
E. Staff Comments:

Ben Gross introduced David Russell, Assistant City Attorney. He stated he will be taking over for Planning Board.

F. Board Members Comments:

Dennis Mrozek presented to the Board members an opportunity to meet with staff to go through the agenda before the meeting.

There being no further discussion or comments, the meeting was adjourned at 7:57 p.m.



Michael McLean
Vice Chair

ATTEST:



Cathy Washington
Board Secretary