

MINUTES  
REGULAR MEETING – PLANNING BOARD

April 28, 2011

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Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, April 28, 2011, 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:

Jeff Hurt  
Tracey Remark  
Bob Hoitsma  
Janet LeSage  
John McGuinness  
Louis Moore  
James Neal  
Kevin Fishback  
Cathy Washington  
Matthew Bohon

Absent Members:

Shirley Benjamin

Staff members present:

Richard Walton, Planning Director  
Dennis Mrozek, Senior Planner  
Thomas Weitnauer, Senior Planner  
Carrie Lathan, Assistant City Attorney  
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 in the absence of Ms. Washington and noted members present as listed above.

Ms. Washington arrived at 6:04 pm.

3. **Approval of the Minutes:** April 28, 2011

**Board Motion**

It was moved by Mr. Hurt to approve the March 23, 2011 Planning Board Meeting Minutes. Seconded by Mrs. Remark.

**Board Action**

The motion was approved 10-to-0.

4. **First Cycle 2011-01 Large Scale Comprehensive Plan Amendment**

**a. Transportation Concurrency Exception Area - Amendment, DEV2011-012**

A request by the Development and Administrative Services Department/Planning Division, to amend the City's Comprehensive Plan, expanding the boundaries of the Transportation Concurrency Exception Area (TCEA) to all Community Redevelopment Areas, to encourage and streamline redevelopment efforts.

**Staff Presentation**

Thomas Weitnauer, Senior Planner gave a brief PowerPoint presentation that included the request as stated above and the current Land Development Code (LDC) requirements. He defined concurrency and briefly discussed state regulations relating to concurrency. He stated the state recently adopted some bills that may reduce the number of facilities the City has to regulate as far as concurrency. He gave some examples of concurrency impacts and stated TCEAs give more flexibility. Mr. Weitnauer stated the state gives local governments the flexibility to look at things on a site-by-site basis. He stated the two downtown areas have had that flexibility for a few years and the City now wants to expand it to all of the redevelopment areas. He stated some benefits to TCEAs are

- Reduced costs
- Urban redevelopment
- Infill development
- A variety of transportation choices and opportunities including automotive, pedestrian, bicycle and transit
- The City's economic viability
- A mix of residential and non-residential uses

He stated Lassiter Transportation Group, Inc. prepared the amendment and ran a fixed set of analysis that was included in each Board member's packet. He stated there was one error in the packet the Board received. One of the redevelopment areas was colored in beyond the boundaries and staff would replace that map before the packet goes out to the City Commission. He clarified that staff was not proposing to expand any of the redevelopment

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areas; they were only requesting to have the applicable boundaries applied to all five redevelopment zones. He stated there were seven new policies and some renumbering of existing policies. He stated it was actually a benefit to qualify for the exemption and the City should take advantage of it and even without this exemption, developers will still be required to submit a traffic analysis.

**Citizen Comments**

No comments.

**Board Comments**

Mr. Moore asked if he heard Mr. Weitnauer correctly to say that developers would still be required to provide a traffic analysis.

Mr. Weitnauer replied yes.

Mrs. Remark stated it would have been helpful for the Planning Board to have the documents the Main Street/South Atlantic Redevelopment Board received at their meeting. She stated they did receive documents similar to what was included in the Planning Board's packet but their documents had draft stamped on them and had the Department of Community Affairs (DCA) comments included. She stated it would be helpful from this point forward to have DCAs comments and recommendations included especially the comments that discuss what the City is lacking and the possibility of doubling density units from 40 to 80 units per acre in infill areas.

**Board Motion**

It was moved by Mr. Hurt to approve First Cycle 2011-01 Large Scale Comprehensive Plan Amendment, Transportation Concurrency Exception Area - Amendment, DEV2011-012. Seconded by Mrs. Remark.

**Board Action**

The motion was approved 10-to-0.

5. **Rezoning – ERAU Technology Park, Planned Master Development Agreement, DEV2011-018**

A request by Christopher Challis, Esq., Cobb Cole, on behalf of Dr. Christina Frederick-Recascino, Embry-Riddle Aeronautical University (ERAU), to approve a 24-month extension to the approved Planned Master Development (PMD) Agreement for ERAU Technology Park. The request will extend the deadline for obtaining construction permits from September 3, 2012 to September 3, 2014.

**Staff Presentation**

Dennis Mrozek, Senior Planner gave a brief PowerPoint presentation that included the request as stated above and the current LDC requirements for rezonings. He gave a brief summary of the property that included the location, current land use and zoning. He stated Ordinance No. 08-145 adopted the original PMD Agreement to allow development of an aeronautical and aerospace research and development industrial park with development to be built in five phases. He stated each phase requires approval by this board after the Technical Review Team (TRT) conducts their review. He stated the original approved PMD Agreement required that construction permits for Phase I be acquired by September 3, 2010 but the applicant received a two year extension based on Senate Bill 360, which extended the expiration date to September 3, 2012. The current proposal is a request to extend the deadline by another 24 months, making the deadline September 3, 2014. He stated staff was recommending approval and that an affirmative vote of six was required to recommend approval to the City Commission.

Mrs. Remark asked what happens after 2014.

Mr. Mrozek replied the applicant would then be entitled to come back and request another extension. He stated in the agreement they are allowed to do another 12 month administrative extension with staff.

Mrs. Remark asked how many extensions the applicant could request.

Mr. Mrozek replied until someone says no.

**Applicant Presentation**

Christopher Challis, Esq., Cobb Cole, 150 Magnolia Avenue, Daytona Beach stated Mr. Mrozek's staff report was pretty straight forward and clear. He stated the two-year extension granted by Senate Bill 360 was due to the state of the economy and a few months ago Senate Bill 1752 came through which was a similar order that extended development orders by another two years. He stated they tried to take advantage of that extension unfortunately the interpretation from the City Attorney's office did not allow his client to be included, which is the reason for the request tonight. Mr. Challis stated due to their inability to take advantage of Senate Bill 1752 extension and the probability that they would not be able to meet the current timeline in the agreement they were requesting an additional two year extension. He stated the university has been working with staff to determine what path to take on the infrastructure of Phase I.

Mr. Hurt asked what kind of buffers would be along Midway Boulevard when construction starts.

Mr. Challis replied there was a minimum mandatory 50-foot buffer required but there is substantially more green space than the 50-foot minimum throughout the project. He stated he did not bring a full set of development plans tonight because he did not anticipate questions but he would be happy to talk with residents and try to answer their questions.

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Susan Rippler, 1216 Midway Boulevard, Daytona Beach asked where the entrances and exits would be.

Mr. Challis replied off of Clyde Morris Boulevard. He stated they were obligated to develop the property as shown on the plans and that they have a development agreement with zoning that attaches the plan so they must comply.

Mr. Fishback asked Mr. Challis why they were not included in the Senate Bill 1752 extension.

Mr. Challis replied Senate Bill 1752 had a finite window that required their development order to have expired within a certain window and they felt their Senate Bill 360 extension got them into that window but the City's Legal Department's interpretation was that they did not.

### **Citizen Comments**

No comments.

### **Board Comments**

Mr. Hurt stated to Mr. Challis that meeting with the residents in the neighborhood was a good idea because there were a lot of rumors that float around and the best way to defuse them is to meet with residents to address their concerns.

Ms. Rippler (resident) stated she was also concerned about whether or not the road would be opened up five or ten years from now.

Mr. Hurt replied Mr. Challis stated he would be happy to meet and discuss your concerns.

Mr. Mrozek stated he wanted to remind the public that with each phase the developer would be required to bring a site plan before the Planning Board for approval which would be a public hearing where residents could attend to have their questions and concerns addressed.

Mr. Moore stated there were 17 months left on the current extension and by allowing two more years, and the applicant's ability based on the current PMD agreement to get an additional 12 month extension administratively; they would be looking at approximately four and a half years. He stated he was wondering if they needed the extra rider and his personal feelings were to have the applicant come back in two years.

Mr. Hurt stated he had a difference of opinion. He stated it was a great project and no one was against it and if ERAU had the ability to start the project tomorrow, they would. He stated if the Board restricts them by requiring them to come back in two years and represent their plan it would add approximately \$80 to \$100 thousand dollars, which he does not feel is necessary especially with the way the economy is today.

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Mrs. Remark stated she understood Mr. Moore to say he wanted to drop the extension statement, not for the applicant to come back with the entire plan. She stated with the way it is currently set up, it would be September 2015 which is almost four and a half years out. She stated she thought he was saying drop the extra 12 month extension which was why she brought it up. She stated she was curious to know what would happen if all of the requirements changed in the new LDC. She asked what the applicant would be required to do.

Mr. Mrozek replied they would have to comply with whatever the LDC requirements were at the time they come before the Board. He reminded the Board that this was a PD and that there were allowances that call out certain requirements. He stated anything that was not called out in the agreement is referred back to the current LDC requirements.

Ms. Lathan stated the PD agreement actually provides for the 12 month extension to be done as a minor modification so the applicant would be required to do an amendment to the PD. She asked if Mrs. Remark was asking to have that entire clause taken out of the PD.

Mrs. Remark replied just the 12 month extension.

Ms. Lathan stated then that would be an amendment to the PD.

Mrs. Remark stated they would be required to go through the amendment process and she did not feel it was worth it. She stated she feels the project is wonderful and is in support of it but she did not want the buffer requirements to go away because the LDC requirements changed.

Mr. Challis stated he believed the original zoning in 2008 was M1 and the standards currently in place are substantially more compatible to the residential uses than an M1 use. He stated this was effectively and extraordinarily well buffered office park. He stated they preserved the two archeological sites and several wetlands. He stated one of the lags they have encountered is coordination with the Department of Transportation in the potential widening of Clyde Morris Boulevard. Mr. Challis stated they met recently with Boeing and several other representatives from the aerospace industry in an effort to try to land a significant player in their first phase. He asked that their current agreement be maintained.

Mr. Hoitsma stated he did not feel approval of this request would cause a hardship.

### **Board Motion**

It was moved by Mrs. Remark to approve Rezoning – ERAU Technology Park, Planned Master Development Agreement, DEV2011-018. Seconded by Mr. McGuinness.

### **Board Action**

The motion was approved 10-to-0.

6. **Other Business**

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

Ms. Washington stated the Board met on April 5<sup>th</sup> at 12 noon in the City Commission Chambers. She stated the Board had a report from the Police Department and Code Enforcement and discussion on the TCEA Comprehensive Plan Amendment. She stated the Board had a lengthy discussion on the sign permit request for First Florida Bail Bonds. She stated the Board denied the request and directed the applicant to come back with a revised sign.

B. **Midtown Redevelopment Area Board Report**

No report.

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

Mrs. Remark stated the Board met on April 13<sup>th</sup> at 6:30 PM in the City Commission Chambers. She stated the Board was informed that there was going to be a few changes in Code Enforcement officers and that they had been going through the area one street at a time checking for code violations and were receiving positive responses from residents. She stated the Board recommended approval of the TCEA Comprehensive Plan Amendment; denied a request for an alcohol conditional use for the Dirty Monkey Bar and Grill and discussed local designation of Surfside Historic District, local designation redrawing the boundaries from the National Historic District and the Board was in agreement with Paul Weaver's report and heard some project updates.

D. **Public Comments**

No comments.

E. **Staff Comments**

Mr. Walton informed the Board that the E-Zone Master Plan and Downtown Retail Market Analysis Report were now available on the City's website and that staff had inserted a memo in their folders that had the link to view the documents. He also informed Board members that a hard copy was available in the City Clerk office. He briefly discussed a 350 page bill that was approved last week that would change the way growth management is handled in the State of Florida. He stated staff had not had enough time to read the entire document but there was some reference in the title regarding the state allowing another extension so this amendment may not be necessary. He it may affect the TCEA Comprehensive Amendment. The intent of the bill was to have the state have less oversight and regulation of local issues. If it is not a state issue, they won't be commenting and their review will be limited solely to state and major issues.

Mr. Hoitsma asked Mr. Walton if he said the report was 1,000 pages.

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Mr. Walton replied the E-Zone report is approximately 1,000 pages and is broken up into three components: the plan, data and analysis and a computer fly-over where you can visually see the plan. Mr. Walton stated the Retail Market Analysis Report was prepared solely for the downtown area and primarily at the marketability of the area. He stated Mr. Gibbs is a retail consultant who works for a lot of private retailers. He stated Mr. Gibbs feels there are some great opportunities available for the Downtown/Beach Street area. He stated he has been asked to come back and do a more in-depth study.

**F. Board Member Comments**

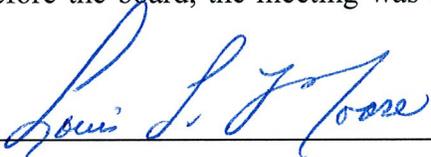
Mr. Fishback asked Mr. Walton how much he felt the regulations for the City's CRA's affect development.

Mr. Walton replied he believed that was not what was causing the slow-down with the County but when the economy turns, the City's regulations are very cumbersome and the process needs to be improved.

Mrs. Remark asked Board members to also look at the first item on the memo in their folders that referenced the City installing red-light cameras at intersections.

**Adjournment**

There being no further actions to come before the board, the meeting was adjourned at 6:41 pm.

  
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LOUIS MOORE  
Chair

ATTEST:

  
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CATHY WASHINGTON  
Secretary