

MINUTES
REGULAR MEETING – PLANNING BOARD

May 26, 2011

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, may 26, 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
John McGuinness
Larry Moore
James Neal
Kevin Fishback
Shirley Benjamin
Matthew Bohon

Absent Members:

Janet LeSage
Cathy Washington

Staff members present:

Richard Walton, Planning Director
Tom Weitnauer, Principal 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. He asked Mr. McGuinness to serve as acting secretary in the absence of Ms. Washington.

2. **Roll Call**

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

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

Board Motion

It was moved by Mr. Hurt to approve the April 28, 2011 Planning Board Meeting Minutes. Seconded by Mr. Fishback.

Board Action

The motion was approved 9-to-0.

4. **Land Development Code – Text Amendment – Building Appearance Standards, DEV2011-030**

A request by the Development and Administrative Services Department, Planning Division, to amend the Land Development Code (LDC), Article 4, Land Development Orders and Procedures, Article 10, Tourist Districts, Article 11, Business Districts and Article 18, Appearance Standards, to improve existing architectural design standards and to insert new architectural design requirements to increase the design regulations' effectiveness.

Staff Presentation

Richard Walton, Planning Director gave a brief history on the request. He spoke briefly on Mr. Weitnauer's education and experience in architectural design. He stated the City's current architectural design guidelines are not as specific as they need to be so staff has prepared a draft ordinance that provides more specificity and clarity to the original purpose and intent and staff is also proposing to adopt some clearer standards along major thoroughfares in the City. He stated the guidelines are not an attempt to take away from the redevelopment boards' current master plans and design guidelines or the local historic districts design guidelines but staff felt the other major areas in the City needed some standards. He stated while quickly putting the information together, staff found some internal inconsistencies. Mr. Walton stated tonight staff was bringing the item forward for discussion to get the Board's thoughts, input and concerns and bring the item back at the June meeting for possible action.

Thomas Weitnauer, Principal Planner gave a detailed PowerPoint presentation that included the request as stated above and why the changes were being recommended. He stated he was very excited when he was assigned this project because he gained his knowledge in design guidelines here in Central Florida and his approach to the project was to determine if he needed to revise the existing regulations or insert an entire new section in the LDC. He concluded there was enough frame work in place to make revisions to the existing regulations, streamline the process, and clear up internal inconsistencies without taking away anyone's established authority. Mr. Weitnauer stated the regulations in place currently are very vague and were written approximately 15 years ago, which makes the language subjective, outdated and difficult for applicants from out of town to bring their projects into compliance. He stated another concern was legality of the current guidelines and he found that legal defensibility for the language says it must be understandable to laymen and must be meaningful. He stated the

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reason the amendment was put together so quickly was due to the Dollar General store that was being built on A1A; it looked boxy, was made of metal sheeting with a 100' roof line and had no human scale. He stated currently in the LDC, guidelines are in three places, major thoroughfares, oceanfront tourist district and compatibility when non-residential is built next to residential and staff was attempting to eliminate duplication and bring consistency. To do this, staff was recommending placing of the guidelines in one location. He stated the intent of the changes is to improve the standards along major arterial roads and does not affect redevelopment and historic districts. Mr. Weitnauer went through each recommended change and stated this was the first attempt at revising the design guidelines and that there would be a lot of input from others.

Mr. Hoitsma stated one of the things he noticed was how much of a difference changes in the roof line made. He referenced a condominium, on the ocean in Daytona Beach Shores that he thought was a nice building with the exception of the antennas on the roof.

Mr. Hurt stated companies' contract with the homeowners association to lease the space on the roof and the revenue received goes towards the condominium's maintenance fees, which helps keep maintenance cost down.

Mr. Hoitsma stated he understood that, but he felt they could help the situation somewhat by putting the antennas in the middle of the roof instead of on the edge.

Mr. Weitnauer stated antennas, cell phone receiving devices, and satellite dishes were not reviewed as part of this amendment.

Mr. Hoitsma stated he would recommend moving the air conditioning units away from the edge or move them to the middle of the roof and put some kind of shielding around it so it was not so visible.

Mr. Hurt stated they would have to get a crane to move the units, which was not an easy task.

Mrs. Remark stated she agrees that there should be more shielding and feels it was easy to put up parapet shielding.

Mr. Weitnauer stated with the exception of historic preservation and safety issues, FCC laws provide local governments with very limited authority in regulating where receiving devices could be located or screened but if it was the Board's desire, staff could research the issue.

Mrs. Remark stated she felt putting all of the design guidelines in one place was a good idea but she also felt the architectural standards should apply to whatever uses are allowed in that zoning category.

Mr. Walton stated there were some cities that had regulations and if it were the Board's desire, staff could create some.

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There was additional discussion on the different types of regulations that could be created to shield receiving devices.

Mrs. Remark stated she feels the proposed fee increase on page three under Article 18, Section 1.2 (c)(1) from \$5,000 to \$25,000 is too high because you not only want to affect new construction but renovations as well. She stated recommended using a fee schedule that had a sliding scale based on size.

Mr. Weitnauer stated (c)(1) and (2) are connected but staff could add some type of sliding scale.

Mr. Walton stated the intent was to be sensitive to the purpose of Section 1.2 and not discourage someone from painting and maintaining their building. He stated the \$5,000 has been the fee for a long time and on major thoroughfares there are very few buildings that are not beyond the \$25,000 figure.

Mrs. Remark stated her last comment was on page nine under Article 18, Section 4.3(4) in regard to the list of architectural features that could be integrated in walls. She stated a lot could be done with concrete and asked staff to look at Seabreeze Lofts as an example. She stated she did not want to make concrete a prohibited material because there were a lot of things that could be done with it.

Mr. Hurt stated there were a lot of decorative things that could be done with concrete and it was necessary on the beachside because of the salt. He stated something could be built with concrete that would look nice and last much longer.

Mr. Weitnauer stated if is poured concrete and is flat, with the exception of the off-sets, it would be allowed. He stated it was the unfinished concrete block that was not allowed.

Mr. McGuinness stated he liked what was being proposed but he was concerned about local historic and redevelopment areas being left out. He asked if they were far enough along with the design and architectural standards to exclude the local historic and redevelopment areas.

Mr. Walton stated the three Community Redevelopment Areas (CRA) boards are all at different stages of their Master Plans and that currently the redevelopment boards regulate their standards. He stated as a courtesy, staff has shared the proposed design guidelines with the redevelopment boards.

Mr. McGuinness asked if the proposed guidelines were more stringent than the CRA and local historic guidelines.

Mr. Walton replied yes.

Mr. McGuinness stated his second comment was from page one, Article 10, Section 5(a) that adds retail and office as permitted uses on oceanfront lots.

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Mr. Walton stated staff was not proposing to change the uses that were permitted. He stated the intent of the language was for all non-residential developments in these areas would be required to meet the proposed standards.

Mr. Weitnauer stated maybe the language could be changed to read “all non-residential and multi-family buildings shall comply...”

Mr. Fishback stated Clarion’s diagnosis of the current appearance standards in the LDC was less than zero. He asked if this amendment addressed Clarion’s concerns and if it would bring us above a zero.

Mr. Walton replied he believed the proposed guidelines would bring the standards past zero and once adopted they would be passed on to Clarion. He stated the current guidelines are not clear and the intent of this amendment is to bring clarity. He stated design guidelines would be addressed in Module three.

Mr. Neal stated this was a quicker way to simplify what was already being worked to help visitors and potential businesses see a clearer picture of what Daytona Beach has to offer.

Mr. Weitnauer stated with the proposed standards, he would have the capability of emailing or faxing to applicants a one page sheet that would have the required guidelines. He stated some cities have a point system and others have committees but this was one of the most straightforward ways he could see to do this.

Mr. Hoitsma asked what could be done when businesses that were part of a franchise wanted to build in the City but their business colors did meet our standards.

Mr. Weitnauer stated language to handle that type of situation was already in LDC so it was not addressed in this amendment.

Citizen Comments

John Nicholson, 413 North Grandview Avenue, Daytona Beach stated one of the maps shown had an area along A1A in purple, an area in red in the Main Street district, no color at all in the southwest area along A1A and three white squares along A1A along the Main Street area. He asked if those areas were excluded from the guidelines and what would happen when someone came forward with a project.

Mr. Walton replied those areas were in redevelopment areas and all three redevelopment areas had their own guidelines. He stated if it is a property on a major City thoroughfare that was not in a redevelopment district, it would fall under these guidelines.

Mrs. Remark stated if the property is on A1A, it would be required to meet the proposed guidelines.

He stated so there are no double standards for properties on A1A.

Mrs. Remark stated with the exception of CRAs all properties would be required to meet these standards.

Board Comments

No additional Board comments.

Board Motion

It was moved by Mrs. Remark to continue Land Development Code – Text Amendment – Building Appearance Standards, DEV2011-030 to the June 23, 2011 Planning Board Meeting. Seconded by Mr. Hurt.

Board Action

The motion was approved 9-to-0.

Social Service Uses in Redevelopment Areas – Update

Mr. Walton gave a brief chronology of the meetings held on social services and stated the item would be on the Planning Board's June 23rd agenda for action. He stated the June agenda will also have some rules and regulations for the North Ridgewood area that would reduce possible negative impacts to the North US 1 corridor as a result of the proposed changes to uses in the redevelopment areas. He stated the City Commission has directed staff to accelerate these requests.

Mr. Moore stated he feels the City has gotten off track from the original purpose of the ordinance and he is a little concerned about this. He stated he was surprised when the amortization went away from the City Commission. He stated it seems that we are grandfathering in social services that were the initial problems being addressed as non-conforming. He stated he was a little concerned because it affects the City in numerous ways. He stated he was curious to know how many of the properties in the CRAs are rented and how many are owned. He stated he feels the City should look amortization as an option.

Mr. Hoitsma stated he agreed with Mr. Moore and he feels there are a lot of communities that want to take care of those problems and it is a disservice to hold them back.

Mrs. Remark stated the Planning Board did its job when they recommended to the City Commission the pending legislation which has held everything in a moratorium. She stated she understands their point but wishes they would have just voted in support of the Planning Board's recommendation two years ago. She stated she does feel amortization is one way to deal with the problem but it is expensive and the City does not have the money to deal with it right now and she does not see the City having the money down the road. She stated she believes there are things that can be done with what is being proposed that will keep the number of agencies from increasing. Mrs. Remark stated the Main Street/South Atlantic Redevelopment Area Board looked at making sure homeless services were listed and they

were concerned that there be a buffer zone around the redevelopment areas so this would not become an across the street thing. She stated she was happy to hear Mr. Walton say there was going to be an item on the next agenda that would protect the North Ridgewood area. She stated through doing this as a redevelopment board they also looked at prohibited uses in other redevelopment areas to determine additional uses they would like prohibited in the Main Street area. She stated they also discussed finding a way to deal with pain clinics. She stated 50 percent of all oxycodone prescriptions are written in Florida.

Mr. Hoitsma stated he believed he heard Florida had done 43 million prescriptions, which was 10 times the rest of the country.

Mr. Moore asked how the City would handle tightening the regulations for social service agencies that were too close to one another.

Mr. Walton replied the direction staff got from the City Commission workshop was, if it is prohibited now, it would be prohibited later so separation won't apply. He stated there was a misnomer about the discussion of grandfathering. He stated if the service was there illegally, then they will not be grandfathered in. He stated if it is prohibited today, it will be prohibited in the new ordinance.

5. **Other Business**

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

No report.

B. **Midtown Redevelopment Area Board Report**

Ms. Benjamin stated the Board met Tuesday, May 5th in City Commission Chambers. She stated the Police Department's Compstat Report was distributed but no formal report was given. She stated the Board heard reports from Code Enforcement, Paul McKittrick and Jason Jeffries. She stated on May 25th FAMU held a workshop to discuss Phase IV of the Midtown Master Plan and the recommendation was, Bethune-Cookman University expansion should be from east to west and not from north to south.

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

Mrs. Remark stated the Board held a joint workshop with the Historic Preservation Board to discuss boundaries for Main Street local historic area. She stated the bone of contention appeared to be whether or not to include Main Street in the local boundaries and part of the E-zone. This was based on the report from Mr. Weaver who performed the original survey. She stated the Main Street Redevelopment Board unanimously agreed with Mr. Weaver that those areas not be included because Main Street has only seven architecturally significant buildings remaining. Mrs. Remark stated the Board suggested the Historic Preservation Board work with the individual property owners to seek local historic designation for their private property. She stated the Board was in favor of keeping the part of Main Street (Boot Hill Saloon area), that crosses over to Pinewood Cemetery as a local historic district and basically going with Mr. Weaver's recommendation 100 percent. She stated the Historic Preservation Board was not in agreement so the redevelopment board suggested they do what they felt was needed and move the request forward.

D. **Public Comments**

John Nicholson, 413 North Grandview Avenue, Daytona stated hit has been six months since the Board discussed submerged land, parking for hotels and Floor Area Ratio. He asked the board to consider changing the types of plants of little plants required for landscaping. He stated the plants along A1A have been replaced five times because they are not maintained. He referenced the top of page two of the memo to Paul McKitrick from Richard Walton regarding "any accommodations." He stated he presumed that language was in reference to the CRA area.

Mr. Walton replied yes.

Mr. Nicholson stated that would exclude any apartments, condominiums, townhouses or timeshares in the CRA on the beachside.

Mr. Walton replied yes, that is the current language in the LDC.

Mr. Nicholson asked if that meant no additional apartments, condominiums, townhomes or timeshares could be built in that area because he thought the City wanted condominiums, especially on the river.

Carrie Lathan, Assistant City Attorney stated if it were operating as a hotel, motel or a historic bed and breakfast it would be allowed otherwise it is prohibited.

Mr. Nicholson stated you could have either single-family or a hotel but not a condominium along A1A. He stated that did not make sense to him.

Mr. Walton stated he believed Mr. Nicholson needed to look at the definition of accommodations in the LDC.

Mr. Nicholson stated he had a note to look that up because part of the E-zone recommendation is to put a condominium up at the end of Main Street and he is presuming they will want apartments in the area for people who work in the condominium to live. He stated he feels that requirement would make things a little awkward. He stated he was presuming massage parlors and Turkish baths had been taken out but would be put somewhere else in the code.

Mr. Walton stated no they are not allowed.

Mr. Nicholson stated he did not see language that said they were not allowed.

Mr. Walton stated if it is an illegal activity it does not require mentioning in the code. He stated the type of massage parlor Mr. Nicholson was referencing was a licensed professional service and the City did not have the authority to distinguish one type of doctor from another. He stated they are licensed through the State of Florida and is legal.

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There was additional discussion between Mr. Nicholson and the Board regarding social service uses.

E. **Staff Comments**

Mr. Walton informed the Board that the quarterly news magazine was included with their packet.

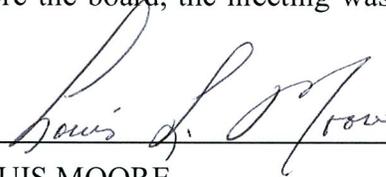
Mr. Moore stated it was good for their new members to get this information.

F. **Board Member Comments**

No additional comments.

Adjournment

There being no further actions to come before the board, the meeting was adjourned at 7:22 pm.



LOUIS MOORE
Chair

ATTEST:



JOHN MCGUINNESS
Acting Secretary