

MINUTES  
REGULAR MEETING – PLANNING BOARD  
July 25, 2024

Minutes of the Regular Meeting of the Planning Board for the City of Daytona Beach, Florida, held on Thursday, July 25, 2024, at 6:00 p.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

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**1. Call to Order**

Mr. McLean, Chair, called the meeting to order

**2. Roll Call**

Board Members Present:

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

Staff Present:

Dennis Mrozek, Planning Director  
David Russell, Assistant City Attorney  
Doug Gutierrez, Planning Manager  
Danalee Petyk, Senior Planner  
Vanessa Trimble, Planning Technician

**3. Approval Of Minutes** – June 27, 2024

Approval of the Minutes of the June 27, 2024, Planning Board Meeting held at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

A motion was made by Mr. Servance and seconded by Mr. Newman to approve the minutes. The motion carried (6-0) as follows:

Michael McLean	Yes
James Newman	Yes
Milverton Robinson	Yes
Tony Servance	Yes

Cathy Washington	Yes
Vernon Weatherholtz	Yes

#### **4. Items**

##### **A. The Overlook - Large-Scale Comprehensive Plan Amendment DEV2023-054 (Legislative Hearing)**

A request by Michael Chiumento III, Chiumento Law, on behalf of Daytona Seabreeze, LLC, to approve a Large-Scale Comprehensive Plan (SSCPA) for 3.2± acres of property, amending Neighborhood B policies, to allow 263 dwelling units or 74 dwelling units/acre. The Property is located at 100 and 101 Seabreeze Boulevard, north and south of Seabreeze Boulevard and west of Halifax Avenue.

##### **Staff Presentation:**

Doug Gutierrez, Planning Manager, presented the staff report which was included as part of the packet. A request by Michael Chiumento III, Chiumento Law, on behalf of Daytona Seabreeze, LLC, to approve a Large-Scale Comprehensive Plan (SSCPA) for 3.2± acres of property, amending Neighborhood B policies, to allow 263 dwelling units or 74 dwelling units/acre. Staff finds that the large-scale amendment is consistent with the Comprehensive Plan, does not represent urban sprawl and the City has available capacity to serve the demand on available water and sewer.

Mr. McLean asked about the utilization of the ground floor for residential dwellings.

Mr. Gutierrez advised that the ground floor would include residential dwellings.

##### **Applicant presentation:**

Mr. Michael Chiumento stated he was here to answer any questions which the Board might have. No questions were presented.

Ms. Nazak, 501 Harvey, is in favor of the project.

Mr. Nicholson, 415 Grandview Ave., is in favor of the project.

A motion was made by Mr. Newman and seconded by Mr. Servance to approve The Overlook - Large-Scale Comprehensive Plan Amendment DEV2023-054. The motion carried (6-0) with the breakdown as follows:

Michael McLean	Yes
James Newman	Yes
Milverton Robinson	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

**B. The Overlook - 3rd Amendment DEV2023-055 (Quasi-Judicial Hearing)**

A request by Michael Chiumento III, Chiumento Law, on behalf of Daytona Seabreeze, LLC, to rezone 3.2± acres of property, from Planned Development-General (PD-G), to PDG, to increase residential density, and modify parking. The Property is located at 100 and 101 Seabreeze Boulevard, north and south of Seabreeze Boulevard and west of Halifax Avenue.

**Staff Presentation:**

Danalee Petyk, Senior Planner, presented the staff report which was included as part of the packet. A request by Michael Chiumento III, Chiumento Law, on behalf of Daytona Seabreeze, LLC, to rezone 3.2± acres of property, from Planned Development-General (PD-G), to PDG, to increase residential density, and modify parking.

Staff finds the requested rezone meets the criteria in Sections 3.4.D.3 and 4.8.B, Land Development Code. Staff recommends the Planning Board forward the 3rd amendment to The Overlook Planned Development (PD) Agreement to the City Commission with a recommendation of approval.

**Applicant Presentation:**

Mr. Michael Chiumento stated he was here to answer any questions which the Board might have. No questions were presented.

A motion was made by Ms. Washington and seconded by Mr. Servance to approve The Overlook - 3rd Amendment DEV2023-055. The motion carried (6-0) with the breakdown as follows:

Michael McLean	Yes
James Newman	Yes
Milverton Robinson	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

**C. 530 Beach Street - Small-Scale Comprehensive Plan Amendment DEV2024-103 (Legislative Hearing)**

A request by Mark Karet, AICP – Zev Cohen & Associates, Inc., on behalf of MHD Real Estate, LLC, for approval of a Small-Scale Comprehensive Plan Amendment, amending the Future Land Use Map (FLUM) Designation for 1.34± acres of property, from Level 2 Residential (L2-R) to Local Service Industry (LSI), to bring the current use in compliance with the Future Land Use (FLU). The Property is located at 530 N. Beach Street on the NW corner of N. Beach Street and Arlington Avenue.

**Staff Presentation:**

Doug Gutierrez, Planning Manager, presented the staff report which was included as part of the packet. A request by Mark Karet, AICP, Zev Cohen & Associates, Inc., on behalf of MHD

Real Estate, LLC, for approval of a Small-Scale Comprehensive Plan Amendment, amending the Future Land Use Map (FLUM) Designation for 1.34± acres of property, from Level 2 Residential (L2-R) to Local Service Industry (LSI), to bring the current use in compliance with the Future Land Use (FLU).

Staff finds that the small-scale amendment is consistent with the Comprehensive Plan, does not represent urban sprawl and the City has available capacity to serve the demand on available water and sewer.

**Applicant Presentation:**

Mark Karet, AICP, on behalf of Zev Cohen and Associates, stated that he was there if the Planning Board had any questions. His client MHD Real Estate LLC would like to purchase and develop the property which has been vacant for some time.

Mr. Newman stated the property was in an area which is in the North Ridgeway Overlay District and the property owner should be aware there are uses not permitted on this site.

Mr. Mrozek stated the applicant is aware they must follow the LDC, and that overlay is part of the code.

A motion was made by Mr. Robinson seconded by Mr. Servance, to approve the 530 Beach Street - Small-Scale Comprehensive Plan Amendment DEV2024-103 455. The motion carried (6-0) with the breakdown as follows:

Michael McLean	Yes
James Newman	Yes
Milverton Robinson	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

**D. Kingston - Small-Scale Comprehensive Plan Amendment DEV2024-169 (Legislative Hearing)**

A request by Joey Posey, Esq., Storch Law Firm, on behalf of TD&R Land Trust 4485, for approval of a Small-Scale Comprehensive Plan Amendment (SSCPA), amending the Future Land Use Map (FLUM) for 0.25± acres of property, from Office Transition (OT) to Local Service Industry (LSI). The Property is currently vacant land, and the proposed use is for a personal storage building. The Property is located at the southeast corner of Kingston Avenue and Segrave Street.

**Staff Presentation:**

Doug Gutierrez, Planning Manager, presented the staff report which was included as part of the packet. A request by Joey Posey, Esq., Storch Law Firm, on behalf of TD&R Land Trust 4485, for approval of a Small-Scale Comprehensive Plan Amendment (SSCPA), amending the Future Land Use Map (FLUM) for 0.25± acres of property, from Office Transition (OT) to Local Service Industry (LSI). The Property is currently vacant land, and the proposed use is for a personal storage building.

Staff finds that the small-scale amendment is consistent with the Comprehensive Plan, does not represent urban sprawl and the City has available capacity to serve the demand on available water and sewer.

A motion was made by Mr. Newman seconded by Ms. Washington, to approve Kingston - Small-Scale Comprehensive Plan Amendment DEV2024-169. The motion carried (6-0) with the breakdown as follows:

Michael McLean	Yes
James Newman	Yes
Milverton Robinson	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

**E. Kingston Planned Development-General - Rezoning DEV2024- 167 (Quasi-Judicial Hearing)**

A request by Joey Posey, Esq., Storch Law Firm, on behalf of TD&R Land Trust 4485, to rezone 0.25± acres of property, from Residential Professional (RP) to Local Industry (M1). The Property is currently vacant land, and the proposed use is for a personal storage building. The Property is generally located at the southeast corner of Kingston Avenue and Segrave Street.

**Staff Presentation:**

Doug Gutierrez, Planning Manager, presented the staff report which was included as part of the packet. A request by Joey Posey, Esq., Storch Law Firm, on behalf of TD&R Land Trust 4485, to rezone 0.25± acres of property, from Residential Professional (RP) to Local Industry (M1). The Property is currently vacant land, and the proposed use is for a personal storage building.

Staff finds the requested rezone meets the criteria in Sections 3.4.D.3 and 4.8.B, Land Development Code. Staff recommends the Planning Board forward the rezone of ± 0.25 acres from Residential Professional (RP) to Local Industry (M-1) to the City Commission with a recommendation of approval.

**Applicant presentation:**

Joey Posey, Esq., Storch Law Firm, on behalf of TD&R Land Trust 4485, to rezone 0.25± acres of property, from Residential Professional (RP) to Local Industry (M1). The Property is currently vacant land, and the proposed use is for a personal storage building.

Mr. Mclean asked why the neighborhood meeting location was so far from the property.

Mr. Posey stated the neighborhood meeting was held at the most convenient place. He stated he has not gotten any negative feedback from the neighborhood.

A motion was made by Mr. Newman seconded by Mr. Robinson to approve Kingston Planned Development-General - Rezoning DEV2024- 167. The motion carried (6-0) with the breakdown as follows:

Michael McLean	Yes
James Newman	Yes
Milverton Robinson	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

**F. Midtown Plaza - Planned Development-Redevelopment - Rezoning DEV2022-164 (Quasi-Judicial Hearing)**

A request by Robert A Merrill, Cobb Cole on behalf of QM Investments, LLC, to rezone 0.27 ± acres at 534, 536, 538, 540, 542 & 544 Dr. Mary McLeod Bethune Boulevard, from Redevelopment Midtown - Neighborhood Center Mixed Use (RDM-2), to Planned Development Redevelopment (PD-RD), to allow for additional uses and all associated site improvements.

**Staff Presentation:**

Danalee Petyk, Senior Planner, presented the staff report which was included as part of the packet. A request by Robert A Merrill, Cobb Cole on behalf of QM Investments, LLC, to rezone 0.27 ± acres from Redevelopment Midtown - Neighborhood Center Mixed Use (RDM-2), to Planned Development-Redevelopment (PD-RD), to allow for additional uses and all associated site improvements.

Staff recommends the Planning Board forward the rezone of ± 0.27 acres from Redevelopment Midtown – Neighborhood Center Mixed Use (RDM-2) to Planned Development-Redevelopment (PD-RD) to the City Commission with a recommendation of approval.

Mr. Robinson was concerned about the uses that could be near Bethune Cookman University.

**Applicant Presentation:**

Jessica Gow Esq., Cobb Cole on behalf of QM Investments, LLC, to rezone 0.27 ± acres from Redevelopment Midtown - Neighborhood Center Mixed Use (RDM-2), to Planned Development Redevelopment (PD-RD), to allow for additional uses and all associated site improvements.

Mr. Mclean wanted to know what is meant by ghost kitchen use.

Ms. Gow defined a ghost kitchen use as: a kitchen with a test menu. It eventually establishes a solid base and transitions to a full menu on a different site.

A motion was made by Ms. Washington seconded by Mr. Robinson to approve Midtown Plaza - Planned Development-Redevelopment - Rezoning DEV2022-164. The motion carried (6-0) with the breakdown as follows:

Michael McLean	Yes
James Newman	Yes
Milverton Robinson	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

**G. Daytona State College - Special Use Permit DEV2023-429 (Quasi-Judicial Hearing)**

A request by Robert Merrell III, Esq., Cobb Cole Law Firm, on behalf of Daytona State College, Inc., to allow for a special use permit for 6.0± acres of property, to allow for a multipurpose sports and entertainment field with associated parking and site improvements.

**Staff Presentation:**

Danalee Petyk, Senior Planner, presented the staff report which was included as part of the packet. A request by Robert Merrell III, Esq., Cobb Cole Law Firm, on behalf of Daytona State College, Inc., to allow for a special use permit for 6.0± acres of property, to allow for a multipurpose sports and entertainment field with associated parking and site improvements.

Staff recommends the Planning Board forward the Special Use Permit to allow “college or university” and “outdoor facility for field sports, swimming, or court games” as permitted uses for a multipurpose athletic field as part of the existing Daytona State College institution on ± 5.6 acres of property zoned Single-Family Residential-5 (SFR-5) to the City Commission with a recommendation of approval subject to the following condition:

Per the City’s Utilities Department, due to the potential impacts to the existing sewer mains on the property, the applicant must locate the existing infrastructure, perform a condition assessment of the pipes including televising the pipes, and provide this information to the City for a determination if any of the existing mains must be replaced or relocated. Additionally, copies of the utility easements over the sanitary system must be provided.

**Applicant Presentation:**

Rob Merrell, Esq, on behalf of Daytona State College, Inc., to allow for a special use permit for 6.0± acres of property, to allow for a multipurpose sports and entertainment field with associated parking and site improvements.

Mr. Weatherholtz is concerned about the access to the park and the additional traffic it will cause.

Mr. Merrell stated the applicant added additional acreage to add another access point.

Mr. Robinson asked if it would be a permitted parking.

Mr. LaBasso stated it would be both permitted and not permitted.

Ms. Frances Chu, 351 N. Seneca Street, is concerned about the additional traffic and access to the site.

Mr. Albert Williams, 381 N Seneca Street, is concerned about the traffic and how this going to affect the residential neighborhood.

Ms. Evelyn Rodriguez, 351 Seneca Street, is in favor of this project if the parking has been changed.

A motion was made by Mr. Newman seconded by Mr. Robinson to approve Daytona State College - Special Use Permit DEV2023-429. The motion carried (6-0) with the breakdown as follows:

Michael McLean	Yes
James Newman	Yes
Milverton Robinson	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

**H. Daytona Beach Convention Hotel & Condominiums - 4th Amendment DEV2024-170 (Quasi-Judicial Hearing)**

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of PDA Trading, Inc for approval of the Fourth amendment to the Daytona Beach Convention Hotel & Condominiums Planned District Agreement, to allow for development of a sub-phase within Phase 3 of the development comprised of potential retail, parking, and event space, identifying timing of such improvements; and allowing for the replacement of associated exhibits. The property is located generally at the northeast corner of Oakridge Boulevard and North Atlantic Avenue.

**Staff Presentation:**

Danalee Petyk, Senior Planner, presented the staff report which was included as part of the packet. A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of PDA Trading, Inc for approval of the Fourth amendment to the Daytona Beach Convention Hotel & Condominiums Planned District Agreement, to allow for development of a sub-phase within Phase 3 of the development comprised of potential retail, parking, and event space, identifying timing of such improvements; and allowing for the replacement of associated exhibits.

Staff recommends the Planning Board forward the 4th amendment to the Daytona Beach Convention Hotel & Condominiums Planned Development (PD) Agreement to the City Commission with a recommendation of approval.

**Applicant Presentation:**

Merrell. Esq, on behalf of PDA Trading, Inc for approval of the Fourth amendment to the Daytona Beach Convention Hotel & Condominiums Planned District Agreement, to allow for development of a sub-phase within Phase 3 of the development comprised of potential retail, parking, and event space, identifying timing of such improvements; and allowing for the replacement of associated exhibits.

Mr. McLean wanted to know why this project was taking so long.

Mr. Merrell stated sometimes these projects take some time to develop.

Mr. Weatherholtz asked about events on the outdoor deck.

Mr. Merrell stated the outdoor space would be used in conjunction with the hotel, it will also be managed by the hotel.

Ms. Paulita Kundred, 430 Atlantic Avenue, is in favor of the project.

Mr. John Nicholson, 413 Grandview Avenue, is in favor of the project.

A motion was made by Mr. Newman seconded by Mr. Weatherholtz to approve Daytona Beach Convention Hotel & Condominiums - 4th Amendment DEV2024-170. The motion carried (6-0) with the breakdown as follows:

Michael McLean	Yes
James Newman	Yes
Milverton Robinson	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

**I. Affordable Housing Changes - LDC Text Amendment DEV2024- 264 (Legislative Hearing)**

A request by the Growth Management and Planning Department to amend Article 6 (Development Standards), Section 6.22 (Affordable Housing), of the Land Development Code, to include provisions to determine eligibility for the waiver or reimbursement of development and impact fees for affordable housing projects.

**Staff Presentation:**

Dennis Mrozek, Planning Director, presented the staff report which was included as part of the packet. A request to amend Article 6 (Development Standards), Section 6.22 (Affordable Housing), of the Land Development Code, to include provisions to determine eligibility for the waiver or reimbursement of development and impact fees for affordable housing projects. Staff recommends approval of the revised request to amend the Land Development Code to include provisions for the waiver or reimbursement of development and impact fees for affordable housing projects.

A motion was made by Mr. Newman seconded by Mr. Weatherholtz to approve Affordable Housing Changes - LDC Text Amendment DEV2024- 264. The motion carried (6-0) with the breakdown as follows:

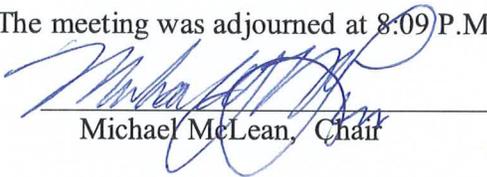
Michael McLean	Yes
James Newman	Yes
Milverton Robinson	Yes

Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

**5. Other Business**

- A. Downtown /Ballough Road Redevelopment Area Board Report
- B. Midtown Redevelopment Area Board Report
- C. Beachside Redevelopment Area Board Report
- D. Affordable Housing Advisory Committee (AHAC) Report
- E. Public Comments
- F. Staff Comments
- G. Board Members Comments

The meeting was adjourned at 8:09 P.M.

  
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Michael McLean, Chair

  
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Luci Brito, Secretary