

MINUTES
REGULAR MEETING – PLANNING BOARD

January 24, 2013

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, January 24, 2013, 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
John McGuinness
Matthew Bohon
Louis Moore
Cathy Washington
Bob Hoitsma
Tim Davis (6:05)
James Neal
Tony Barhoo

Absent Members:

Shirley Benjamin

Staff members present:

Richard Walton, Planning Director
Reed Berger, Redevelopment Director
Dennis Mrozek, Senior Planner
Thomas Weitnauer, Principal Planner
Carrie Lathan, Assistant City Attorney
Rose Askew, Planning Technician

1. **Call to Order**

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

2. **Roll Call**

Ms. Washington called the roll and noted members present as listed above.

3. **Approval of the Minutes:**

Mr. Moore stated the December 20, 2012 Planning Board Meeting Minutes were still being transcribed and would be included with the February 28, 2013 agenda packet.

4. **Planned Commercial Development Rezoning - Daytona Promenade PCD, DEV2012-113 (Quasi Judicial Hearing)**

A request by Daytona Promenade Holdings, LLC, et al, as represented by Kimley-Horn and Associates, Inc., to rezone 18.22± acres of land located at 1401 South Nova Road, Daytona Beach, to rezone the existing developed shopping center from Shopping Center (BR-2) to Planned Commercial Development (PCD).

Staff Presentation

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the general location and future land use. He stated the existing shopping center was 150,000 square feet with approximately 2,600 square feet of restaurant space, and a 15,000 square foot fitness center. Additionally, there were two existing outparcels, one was a 3,500 square foot retail building and the second was a 3,200 square foot bank. A third outparcel was also approved but was currently an undeveloped pad. He stated the purpose of the proposed rezoning would allow for the creation of platted outparcels, which could be sold to separate owners. The applicant was proposing two additional outparcels, making it a total of five outparcels; one more than what was currently permitted in the BR-2 zoning designation. He stated the applicant was requesting to waive LDC standards to allow the fifth outparcel, outparcel perimeter landscaping and reduction of up to 20 parking spaces for the purpose of saving some of the existing trees during outparcel development. Mr. Mrozek presented photographs of the existing fence separating the site from the existing single-family development in back of the property and stated that was the only part of the site required to have a wall because it was adjacent to single-family residential. He stated the applicant was proposing a number of permitted and conditional uses that were generally consistent with BR-2 zoning and staff was not opposed to those uses, but staff was opposed to the light vehicular service and convenience retail with gasoline sales uses being proposed because they were usually found in Business Automotive zoning and were more intense uses. He stated staff had informed the applicant of their objection to the uses and with removal of the proposed light vehicular service and convenience retail with gasoline sales as permitted uses, staff is recommending approval of the proposed rezoning request. An affirmative vote of six was required to recommend approval to the City Commission.

Mrs. Remark asked if the proposed public benefit on Attachment C regarding addition of new landscape buffers in areas where the wall was being removed referenced the wall across the back where the single-family development was located.

Mr. Mrozek replied no, there was a wall around the entire property on the north and east side that code allowed to be removed.

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Mr. Moore asked about repairs needed for the wall.

Mr. Mrozek replied there were some code violations previously but repairs had been made and staff researched and made the determination that code did not require a wall for that area. The applicant requested possibly removing that portion and putting in additional landscaping.

Mr. Moore stated what the proposal tonight was to repair the wall adjacent to the single-family development.

Mr. Mrozek stated the applicant's proposal was to make improvements so the wall would comply with the code.

There was discussion between staff and the Board on the portion of the wall requiring code compliance.

Mr. Hurt asked which subdivision was adjacent to the site.

Mr. Mrozek replied it was Fairway Estates.

Mrs. Remark asked about the single-family homes being able to see the site once the portion of the wall that was not required was removed.

Mr. Mrozek replied the portion of the wall being removed was adjacent to a church and could be removed.

Mrs. Remark stated so even though the residents would be able to see the property the wall could still be removed.

Mr. Mrozek replied yes, the portion of the wall being removed was not adjacent to the single-family development.

Mr. Moore asked if the wall had already been removed.

Mr. Mrozek replied sections of the wall had been removed but he was not sure if all of it had been removed.

Mrs. Remark asked if the wall adjacent to the single-family development was replaceable or needed to be torn down and rebuilt.

Mr. Mrozek replied he would allow the applicant to address that question but he had spoken with the property manager and was told the wall was rather unique. He stated the wall was made of concrete panels that slid into place between posts and had a tendency to get damaged, which was one of the reasons there was a problem getting replacement parts.

Mrs. Remark asked if there had been discussion on the possibility of getting rid of the existing wall structure and replacing it with block or stucco.

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Mr. Mrozek replied there was a comment during the initial review process regarding replacing the wall with a concrete block wall with stucco on both sides but the applicant decided to repair and clean up the existing wall.

Applicant Presentation

Richard Baer, 324 Dahra Street, Suite 101, West Palm Beach, Florida talked briefly about his company and how it tied in with the history of the property. He stated his company acquired the property in late June, 2012. After his company purchased the property they became aware of a long list of code violations. He stated they were trying to correct the violations, including the issues with the wall and after numerous meetings with the City's Code Enforcement Department it was determined that a large portion of the wall could be removed. Mr. Baer stated they did not have plans to remove any additional portions of the wall but they did intend to restore the existing wall with minimal disruption to the adjacent single-family development.

Mrs. Remark asked if they would be amenable to building a new wall if the existing wall could not be repaired.

Mr. Baer replied they understood it was their responsibility pursuant to code to have a properly maintained wall and if the wall could not be repaired, they would have to find another solution.

Mrs. Remark stated the light vehicular service and convenience retail with gasoline sales was not envisioned in the Future Land Use Map for that area and the LDC specifically excluded those uses in Retail.

Mr. Baer stated presently they did not have a project in mind for the site but they were working to provide economic viability for the property and the Retail zoning would allow for a convenience store but not a gas station. The economics of the convenience store business is such that there are virtually no convenience stores open other than ones that have gas stations attached. He stated he understood they would be subject to all of the landscaping conditions, traffic, and access requirements and were hoping for some flexibility.

Mr. Hoitsma asked if he would be comfortable if the Board recommended approval excluding those two uses.

Mr. Baer replied they would very much appreciate not having those uses excluded.

Keith Pelan, 445 24th Street, No. 200, Vero Beach, Florida spoke in support of the request. He stated the location of the wall with the rear buffer was set into the property approximately 25 feet from the property line and over the years property owners perceived the 25 feet to be part of their back yard. He stated the idea of building a block and stucco wall would not be an easy task and would not be good for the existing trees. He stated with regards to Mrs. Remarks comments on the proposed uses, LDC, Article 14, Section 7 speaks to commercial developments, more specifically, Section 7.2 reads, "*a variety of non-residential uses shall be*

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permitted in a PCD district including retail sales and services, business services, service stations and light vehicular service activities as part of a shopping center". He stated he understood those services were not necessarily permitted in the BR-2 zoning designation but the code acknowledged that they were appropriate in PDs with shopping centers, which was what they would like to bring to the table. Mr. Pelan stated the shopping center was pretty well established with pretty mature vegetation along the roadway buffers, the uses would be subject to the City's design requirements and he believed the uses could be easily designed into the shopping center.

Mrs. Remark stated the PD definition does include those uses, but the Retail use specifically excludes them and the reason she agreed with staff was because envisioning how the City would like to see that area developed based on the Comprehensive Plan, those uses were not compatible. She stated she felt flexibility could be done without including those uses. She stated she agreed with staff's objections to those two permitted uses.

Mr. Bohon stated he was concerned about the wall because over the years patchwork had been done that had not worked and he would like more concrete information on how the wall would be repaired.

Mr. Moore stated Phase I of the agreement says the wall could be addressed. He stated maybe more teeth needed to be put into the language.

Mr. Baer stated the property had been in economic distress for some time because the property management company responsible for maintenance for at least two years prior to his company purchasing the property did not have funding for repairs. He stated his company was trying to correct the problems prior to the public hearing and were completely committed to the task because they wanted the shopping center to look good from all sides.

Mr. Bohon stated he knew Mr. Baer's company was not responsible for the poor maintenance of the wall, but that particular wall had been an issue.

Mr. Baer stated when he and his primary partner came to look at the property; they realized something was wrong with the wall but at that time they did not have a survey of the property and did not know who was responsible for the maintenance. He stated after talking with the City's Code Enforcement Department, it was mutually determined that the best thing to do was remove the parts of the wall not required by code because they were the high stress areas. He stated they had committed to repairing the remaining part of the wall required by City code.

Mrs. Remark asked if they were still working with Code Enforcement to bring the wall into compliance.

Mr. Pelan replied he did not believe there were any outstanding code violations.

Mr. Walton stated he was not aware of any outstanding code violations. He stated once the property becomes a PD, the PD agreement would be the code, so it was very important that the PD spell out what the code would be.

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Mr. Moore stated the condition in relation to the fence would have to be included in the language for the PD.

Mr. Pelan stated currently they were not looking to build anything on the outparcels and they would be required to come in for site plan approval when they were ready to build. He stated Phase I of the project included the new landscape for the north and east buffers and he did not believe the condition had any language regarding the wall but they were not be opposed to amending the language to add a condition requiring the wall to be repaired at the same time the landscape was done.

Mr. Hurt stated he understood the wall is in disrepair but the applicant inherited the wall. He stated they were coming in trying to make the shopping center more attractive and viable to make money and he trusts that the applicant would repair the wall.

Mrs. Remark stated on page five of the staff report it reads, *“Additional landscaping and any necessary repairs to the wall will occur during the first phase of site improvements”*. She asked if that language was included in the PD.

Mr. Moore stated he would like to know if the repairs to the wall should be taken care of first.

Mr. Hurt stated if the Board makes the motion to include City staff recommendations that language would be included.

Mrs. Remark asked Mr. Walton if that was correct.

Mr. Walton replied part of Phase I would require repairing the entire wall shown in the drawing that had a red line. He stated it would then meet the current zoning requirements.

Mr. Moore stated there were two additional residents that would like to speak on this request.

Citizen Comments

Wanda Lowe, 1421 Mollie Road spoke in opposition of the request. She stated she was speaking in response to Mr. Moore’s comment regarding there not being anyone present from the neighborhood. She stated she resides on Mollie Road, which is the street behind the wall and this was the first time she had attended a Planning Board Meeting. She asked if the request was to repair the wall or put a gas station in back of her neighborhood because she was concerned about the gas station. Mrs. Lowe stated in the past, the shopping center had a gambling establishment that was very noisy.

Mr. Hurt replied City staff was recommending removing the light vehicular service and convenience retail with gasoline sales from the proposed list of permitted uses.

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Robin Courtney, 1417 Mollie Road spoke in opposition of the request. He stated his concern was regarding the traffic pattern because the corner was already a death trap. He asked what would be done to manage the traffic problems.

Board Comments

Ms. Washington stated traffic was also one of her concerns. She stated it was tricky for vehicles traveling west on Beville to make a left into the shopping center and the traffic pattern must be defined for whatever gets placed there.

Mr. Moore stated he was pleased to see a project for the area but he agreed with staff regarding removal of the light vehicular service and convenience retail with gasoline sales from the proposed permitted use list and he would like to see the issue about the wall addressed.

Mr. McGuinness stated he was torn about the gas station and convenience store because the use was not consistent with the future land use for the site, but he was also torn about the waiver request to reduce the required landscaping around the outparcels, which means if the vehicular service is allowed, the usual barriers that buffer noise would not be in place. He stated he supported staff's recommendation.

Mr. Moore stated there was also a request to eliminate 20 parking spaces to save specimen trees in the area.

Mrs. Remark stated Mrs. Lowe's comments about noise reminded her that gas stations are 24-hour operations, which would change the entire tenor of the shopping center and would definitely affect the neighborhood.

Mr. Hurt stated he wanted to point out that there were not any gas stations from US1 to Williamson on the right side of the road.

Board Motion

It was moved by Mr. Hurt to approve Planned Commercial Development Rezoning - Daytona Promenade PCD, DEV2012-113 with staff recommendations to exclude light vehicular service and convenience retail with gasoline sales. Seconded by Mrs. Remark.

Board Action

The motion was approved 10-to-0.

5. **Preliminary Plat - Daytona Promenade, DEV2012-114 (Quasi Judicial Hearing)**

A request by Daytona Promenade Holdings, LLC, et al, as represented by Kimley-Horn and Associates, Inc., to approve a Preliminary Plat for 18.22± acres of land located at 1401 South Nova Road, Daytona Beach, to create five outparcels within the existing Daytona Promenade Shopping Center.

Staff Presentation

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above and read the Land Development Code's purpose for subdivision and platting requirements. He stated City Commission approval was required for the preliminary plat and there would also be a final that would require City Commission approval. If the Board recommends approval to the City Commission, the preliminary plat would be incorporated into the planned commercial rezoning agreement. Mr. Mrozek stated the preliminary plat included six lots, one main lot that was developed as a shopping center and five outparcel lots. He stated staff recommends approval of the preliminary plat request and a majority vote of Planning Board members present and voting was required to recommend approval to the City Commission.

Applicant Presentation

No applicant presentation.

Citizen Comments

No citizen comments.

Board Comments

No Board comments.

Board Motion

It was moved by Mrs. Remark to approve Preliminary Plat - Daytona Promenade, DEV2012-114. Seconded by Ms. Washington.

Board Action

The motion was approved 10-to-0.

6. **Comprehensive Sign Plan – Bethune-Cookman University (Main Campus), DEV2012-077**

A request by Robert Merrill III, Esq., Cobb Cole, on behalf of Dr. Ronald R. Dowdy, EdD, Interim Chief Financial Officer, Bethune-Cookman University, to approve a resolution for a Comprehensive Sign Plan for Bethune-Cookman University's main campus.

Staff Presentation

Mr. Moore stated Bethune-Cookman University was Ms. Washington's employer and therefore she would participate in the discussion but would not vote.

Reed Berger, Redevelopment Director gave a PowerPoint presentation that included the request as written above and stated the Midtown Redevelopment Area Board reviewed and recommended approval of the proposed CSP request at their December 11, 2012 meeting. The staff report attachments clarify the different types of signs being proposed in the CSP including the electronic message center sign. He read the criteria from Article 18, Section 6.11 and 6.21 of the Land Development Code (LDC) that permitted CSP's in institutions of higher learning and stated B-CU met all of the LDC requirements. Mr. Berger stated there was also a provision in Article 18, Section 20 that limited the height of electronic message center signs (EMC) to eight feet and that the height for the proposed EMC sign was 22 feet because it was the height of the existing sign. He stated staff recommends approval of the CSP and a majority vote of Planning Board members present and voting was required to recommend approval to the City Commission.

Mrs. Remark asked which signs were proposed and which signs were already in existence.

Mr. Berger replied the athletic center had an existing sign on the building but the signs being proposed were monument signs. He stated he believed the university was trying to get a gateway affect.

Mr. Hoitsma asked the height of the proposed EMC sign and the maximum height limit the code allowed for EMC signs.

Mr. Berger replied the code allowed a maximum height of eight feet for EMC signs but the proposed height was 22 feet because that was the height of the existing sign.

There was discussion on the placement and attractiveness of proposed signage.

Applicant Presentation

Robert Merrell, 150 Magnolia Avenue, Daytona Beach addressed the Board's comments regarding placement and attractiveness of proposed signs and stated Mr. Berger gave an excellent presentation for the project and pointed out a mathematical error in the summary table on page 18 of the proposed sign plan.

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Mr. Walton stated all of Board members had been given a copy of the corrected summary table in their folder tonight (*Attachment A*).

Mr. Merrell stated the table was also included in the staff report but he wanted to clarify for the record what the correct data should be. He stated the purpose of the CSP was a way of comprehensively looking at signage for larger institutions and to make sure the signs met City code. He stated he was available to address any questions.

Mrs. Remark stated the Midtown Board was told the EMC sign would change every 30 seconds but the CSP language reads every 60 seconds. She asked which language was correct.

Mr. Merrell replied their intention was to comply with the code requirement for sign change.

Mrs. Remark stated then the correct language should read every 60 seconds.

Mr. Merrell replied correct and stated the only variation being requested was the height of the EMC sign and a large part of why they were proposing an EMC sign had to do with the high cost to change the tri-vision panels on the current sign.

Mrs. Washington stated she was happy to see this project move forward because she had been tracking it for over two years and observed it being placed on the back burner. She stated she understood there would be an issue with height because the monument sign was already in place and asked the Board to support the request.

Citizen Comments

No citizen comments.

Board Comments

No additional Board comments.

Board Motion

It was moved by Mr. Hurt to approve Comprehensive Sign Plan – Bethune-Cookman University (Main Campus), DEV2012-077. Seconded by Mrs. Remark.

Board Action

The motion was approved 9-to-0 with Ms. Washington abstaining from the vote.

7. **Planned Commercial Development Rezoning - Daytona Beach Convention Hotel & Condominiums PCD, DEV2012-110 (Quasi Judicial Hearing)**

A request by Robert Merrill III, Esq., Cobb Cole, on behalf of Alexey P. Lysich, Vice President, Protogroup, Inc., to rezone 4.6± acres of land located at 500 North Atlantic Avenue,

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Daytona Beach, rezoning the site from Tourist Accommodation (T-1) to Planned Commercial Development (PCD) for the purpose of developing the site as a Convention Hotel/Condominium Resort Development.

Staff Presentation

Reed Berger, Redevelopment Director gave a PowerPoint presentation that included the request as written above, the general location and additional details about the design of the proposed project that included scaled drawings. He stated the applicant would present more detailed graphics of the project. He stated in September 2012, the Main Street/South Atlantic Redevelopment Area Board reviewed the conceptual plan for the project and provided questions, comments and recommendations but a vote was not taken. He stated the purpose of the presentation was to give both the applicant and staff some information about concerns that had been raised. He stated at the January 9, 2013 Board Meeting, the Board recommended approval of the PCD Rezoning request by vote of 7-to-0 with the following conditions:

1. Review the need for a traffic management plan to address internal traffic circulation, including vehicle stacking and parking on Oakridge Boulevard east of Atlantic Avenue, ingress and egress from the Sea Dunes Motel parking lot, and the applicant's request to reduce the number of parking spaces required by the Land Development Code.
2. Review the request to reduce the required setback on the south side of the Sea Dunes Motel with the understanding the applicant will be meeting with the owners of the Motel to discuss this issue.

Mr. Berger gave additional details on the project that included parking, amenities, height and proposed benefits the project would bring to the City. He stated staff recommends approval of the request and an affirmative vote of six was required to recommend approval to the City Commission. He stated because there was such a large amount of information being presented, he would appreciate it if the Board would allow him to address questions after the applicant's presentation.

There was consensus from the Board to allow Mr. Berger to answer questions after the applicant's presentation.

Applicant Presentation

Robert Merrill, 150 Magnolia Avenue, Daytona Beach introduced representatives with Protogroup, PFVS Architecture Interiors, Zev Cohen and Associates and Lassiter Transportation Group. He stated brochures from Protogroup, Inc. had been distributed (Attachment B) that included photos and data on past projects the company had completed including the Days Inn located in Palm Coast Florida, which was the company's first project in the United States. Mr. Merrell narrated three three-dimensional videos with renderings of the project to give the Board a visual of the finished project and distributed photos of the renderings (*Attachment C*). He stated on Tuesday, they met with the owners of the Ocean Dunes property to discuss their issues and concerns regarding placement of the building and

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landscaping and Attorney Jim Morris who represents the Ocean Dunes property owners made a request to move the building further south, away from Ocean Dunes. He stated Daniel D'Antonio with Lassiter Transportation Group would give details of traffic patterns on Oakridge Drive. City staff had determined the project was compatible with the surrounding neighborhood and was consistent with the Comprehensive Plan and Land Development Code (LDC). He mentioned the 7-to-0 vote from the Redevelopment Board and stated he was available to answer any questions.

Daniel D'Antonio, 123 Live Oak Avenue, Daytona Beach distributed a Parking and Internal Site Circulation Analysis (Attachment D) that had been prepared to address the Redevelopment Board's questions and concerns and showed a video to clarify how robotic parking onsite would work.

Mr. Merrell stated the second point of discussion regarding parking circulation and impacts was related to large delivery trucks moving in and out and garbage pickup. He stated all of that data had also been analyzed and they would answer any questions the Board may have. He stated another issue brought up by Mr. Morris was site setbacks but the problem they were having was the affect on other areas of the project when they tried to increase the setbacks. He stated when they tried revising the plans it resulted in a push-pull effect so they elected not to change their proposed setbacks.

Citizen Comments

Charles Lichtmann, 444 Seabreeze Boulevard, Daytona Beach spoke in support of the request.

Don Poor, Director of Volusia County Ocean Center, 1931 Cove Point Road, Port Orange spoke in support of the request.

Frank Goeckel, 400 North Atlantic Avenue, Daytona Beach spoke in support of the request but was concerned about the shading affect, delivery schedule, ingress/egress and impact traffic would have on the Daytona Beach Regency Hotel. He asked to meet with the developer to further discuss his concerns.

Sean Belgrane, 2907 River Point Drive, Daytona Beach spoke in support of the request.

John Nicholson, 413 North Grandview Avenue, Daytona Beach spoke in support of the request but had concerns about waiving the LDC parking requirements, placement of palm trees and traffic on A1A. He suggested the applicant research other options such as parking availability in the surrounding neighborhood.

Paulita Kundid owner of Sea Dunes Hotel, 430 North Atlantic Avenue, Daytona Beach spoke in opposition of the proposed backyard and side yard setbacks for the project and also had concerns how the project would affect her property rights the ability to operate the hotel. She asked the Board to consider how the project would affect surrounding property owners' rights.

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Michael Kundid, owner of Sea Dunes Hotel, 430 North Atlantic Avenue stated he was not opposing the project but he did not feel the applicant was not trying to be cooperative. He asked the Board to consider reducing the size of the project.

Jim Morris, 750 Oak Heights Court, Port Orange stated he was representing the Kundids and that his clients were not suggesting the project be killed or not occur but he did not want his clients' rights taken away either. He stated the applicant was not proposing to adjust the project's setbacks and requested the Board require a traffic management plan to be part of development agreement to allow the City to have control over traffic management on the property. He stated some of the notations in the traffic study referenced overflow parking, but no commitment had been made to provide overflow parking. He addressed his client's concerns regarding the applicant's request to waive LDC parking requirements and stated he could not find any data that addressed where the 400 permanent employees would park. Mr. Morris stated his clients were concerned about the possibility of traffic backing up in front of their property and the City did not have a qualified person on staff to address traffic concerns for this project. He stated his clients felt totally encroached upon and asked the Board not to allow this to happen.

John Nicholson, 413 North Grandview Avenue, Daytona Beach stated there had not been parking across the street on the north side until the business closed and put up a fence. He stated the Ocean Dunes property stretched from end-to-end with no setbacks on the north or south sides of the property, so there was never really a clear view.

Mr. Merrell apologized for the length of time spent on the request but he wanted to give the Board as much information as possible. He stated he works with and respects Mr. Morris and the Kundids but Mr. Morris' statement that his client was not making an effort to be cooperative was not accurate. He stated they were committed to bringing an operational level parking, traffic, and vehicular management plan. He agreed with Mr. Morris' statement regarding supplying a plan for parking and agreed to convert the material presented by Mr. D'Antonio into a plan. He addressed Ms. Kundid's comments on setbacks and stated the Sea Dunes Hotel had always been surrounded by hotels and he was not sure that moving the building back 50 feet would make a difference. Mr. Merrell stated they were committed to producing the equivalent number of parking spaces off-site for valets to use to offset the 100 parking spaces requested in the waiver and were willing to have that as a condition of approval. He stated Oakridge improvements would replace old sewer and water pipes from the railroad to the ocean and down A1A and they would resurface and reconfigure it so it would be more of a calm retail gate similar to the way the Seabreeze Bridge is designed. Mr. Merrell stated he and his clients would be happy to meet with Mr. Goeckel to address his concerns.

Mr. Goeckel asked Mr. Merrell to address loading docks, garbage collection and deliveries.

Mr. Merrell replied those questions were addressed during the technical review process. He asked Mr. Moore if the Board wanted him to address Mr. Goeckel's concerns tonight.

Mr. Moore asked Mr. Walton to respond.

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Mr. Walton stated he believed it would be beneficial for Mr. Merrell and Mr. Goeckel to have a meeting to address concerns because there may be some things beyond the code requirements that could be put in place to resolve the issues.

Mr. Merrell stated they would be happy to meet with Mr. Goeckel to address his concerns and would appreciate their support of the project. He stated he believed they already had answers to the questions, but would need to sit down and discuss them to make sure and if the Board wanted to make that a condition of approval, they would be amenable to that.

Mr. Moore asked if Lassiter Transportation Group made the same presentation to the Redevelopment Board.

Mr. Merrell replied they gave the general TIA presentation that is done for all projects and talked about their parking analysis to justify the requested waivers. He stated they did not discuss traffic circulation because it was not normally done with projects. Based on comments from the Redevelopment Board and neighbors, those things were done since the Redevelopment Board meeting and as stated earlier, they were willing to turn that into a management plan before the item moves forward to the City Commission.

Board Comments

Mrs. Remark stated she wanted to be sure her understanding was clear regarding side yard setbacks in the T1 zoning designation. She referenced Article 10 (Tourist Districts), Section 5.1(d) of the LDC and asked staff if the applicant could build a 55 foot tall building with the minimum side yard setback of 15 feet and it would not start to increase until they went over 55 feet.

Mr. Walton replied on that section it was 35 feet on that section.

Mr. Merrell stated 15 feet.

Mr. Moore replied he believed Mr. Morris' letter accurately represented the waivers.

Mrs. Remark stated she understood the waivers, but if they wanted too they could build a 55 foot tall building within 15 feet and be in compliance with the code.

Mr. Walton stated the code requirement was 35 feet.

Mr. Merrell stated 55 feet was the bench mark plus one foot for each two feet of building height over 55 feet.

There was additional discussion on side yard setbacks after which Mr. Walton stated to Mrs. Remark that she was correct, 55 feet was the height.

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Mr. Hoitsma stated looking at page 17 of Mr. Merrell's handout, if they moved the building over to the edge it would cause a problem, but having the two flat areas opened up the space. Additionally, the building in back was set back. He stated he felt the applicant had done a good job designing the building to give the hotel some space.

Mrs. Remark stated the applicant was providing minimal landscaping, intrusion beyond the bulkhead line, 83% of the required parking, they were lacking multiple colors (only white), and hard lines emphasized rather than soft lines as required in the code. She stated the developer was not dedicating a single foot of required public right-of-way as required because they were relying on the Oakridge Ramp [County Ramp] already in existence. She stated in regards to setbacks, it was a reduction of 92% of what was required for the buildings. She stated they would need 782½ feet of setbacks to meet code requirements and the lot was only 440 feet wide, which means they would need an additional lot and a half. Mrs. Remark stated it was really obvious the project was not designed to meet the City's code requirements but it was made beautifully for our City. She stated the applicant had made substantial changes to incorporate the Redevelopment Board's concerns and recommendations. She stated she felt the project was innovative, a breath of fresh air and she hoped the Board would vote to recommend approval to the City Commission, with the two conditions proposed by Mr. Merrell.

Mr. Hurt stated he agreed with Mrs. Remark and some of the time we must step outside the box to see the big picture. He stated he felt the project was good for the convention center, the City was getting a nice new building, City needs the tax base, and he was going to support the request.

Mr. Moore stated the Redevelopment Board did an excellent job reviewing the plan and the applicant did a great job listening and incorporating their recommendations. He also agreed that the recommendation should include the two conditions.

Mr. McGuinness stated he was disappointed that better setbacks could not have been provided and was concerned about access to the Sea Dunes Hotel driveway because their driveway was in the path where cars would be lined up for valet parking. He requested the applicant address this concern.

Mr. Merrell replied he agreed and for the record they would be sure to address that issue in their operational plan.

Mr. Bohon stated he was very excited about the project and encouraged Board members to view this project as a stepping stone towards getting the economy moving in the right direction.

Mr. Davis stated the applicant came to his office in July 2011 to discuss building this project on a piece of land he owned a little farther south. He stated when they left, he and his colleagues said that would never happen in Daytona Beach, but a year and half later, the project was before the Board. He stated there was another developer interested in building in Daytona Beach and he stated he understood the Kundid's had been dealt a bad hand but it was part of growth. Mr. Davis stated he was definitely in support of an independent traffic study.

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Board Motion

It was moved by Mr. Hurt to approve Planned Commercial Development Rezoning - Daytona Beach Convention Hotel & Condominiums PCD, DEV2012-110 with the condition that the applicant provides offsite parking and a Traffic Management Plan, before the item moves forward for City Commission review. Seconded by Mrs. Remark.

Board Action

The motion was approved 10-to-0.

8. **2013 Planning Board Election of Officers**

The terms for the Planning Board Chairman, Vice-Chairman and Secretary expired on December 31, 2012. The Land Development Code (LDC), Article 3, Section 2.2(d), reads, "Member-appointed chair can serve a maximum of two consecutive one-year terms." The Board By-laws reads, "A Vice-Chairman and a Secretary shall be elected by the Planning Board from its number. Their terms of office shall be 2 years." The election of all officers shall be held at the last regular meeting preceding the end of tenure of the officers."

Mr. Moore asked Ms. Lathan if there was anything that needed to be addressed before the Board began taking nominations.

Ms. Lathan replied no, both the chair and vice chair had held their positions for the maximum time allowed and now the Board was required to elect new officers. She stated there were not any term limits on the secretary.

Mr. Moore opened the floor for nominations to serve as Planning Board chair. Several Board members were nominated but declined. After a brief discussion Mrs. Remark accepted the nomination as Board Chair, Mr. Neal accepted the nomination as vice-chair and Mrs. Washington accepted the recommendation to continue serving as Board secretary. The formal vote and motion were as follows:

Board Motion

It was moved by Mr. Hurt to approve Tracey Remark as Planning Board Chair, James Neal as Planning Board Vice-Chair and re-elect Cathy Washington as Planning Board Secretary. Seconded by Mr. McGuinness.

Board Action

The motion was approved 10-to-0.

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9. Other Business

A. Downtown/Balough Road Redevelopment Area Board Report

Ms. Washington reported the Board met on January 8, 2013 at 12:00 PM in City Commission Chambers. The Board had one action item consisting of a request to approve a conditional use for property located at 145 Orange Avenue. She stated after a lengthy discussion on parking and garbage disposal, the Board determined a special meeting was needed for additional discussion. The request was approved at the special meeting held on Tuesday, January 22nd.

Mrs. Remark stated there was an alley behind the businesses that fronted on Seabreeze Boulevard that was used for garbage pickup.

Ms. Washington stated business owners were concerned that garbage pickup could possibly pose a problem in the area due to the size of the restaurant. Business owners asked why the project was being considered with the other restaurants in the area.

Mr. Hoitsma asked how this could be approved with no parking requirements.

Ms. Washington replied the applicant suggested the possibility of sharing City Hall's parking lot. She stated the Board also had a discussion item on design standards for the Downtown/Balough Road area.

B. Midtown Redevelopment Area Board Report

No report.

C. Main Street/South Atlantic Redevelopment Area Board Report

Mr. Moore stated Mr. Bohon had not been officially appointed to the Board by the City Commission, but he did attend.

Mr. Bohon stated even though he was appointed by the Planning Board to serve as their representative on the Main Street/South Atlantic Redevelopment Area Board, the appointment still had to be approved by the City Commission. He stated the item was on the January 16th City Commission Meeting agenda but it was tied to another board appointment that got pulled off the agenda. He stated he was in attendance at the Board's January 9, 2013 meeting and the discussion was Daytona Beach Convention Hotel & Condominiums agenda item on tonight's agenda.

D. Public Comments

John Nicholson, 413 North Grandview Avenue stated it had been three months since he requested the Board have discussions on submerged lands, floor area ratio and landscaping requirements.

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E. Staff Comments

Mr. Walton stated the City Commission requested the Board reconfirm their representatives for the redevelopment area boards. He stated the directive was not to change the representatives, but reaffirm who the representatives were. He stated the Board already appointed Mr. Bohon as their representative for the Main Street/South Atlantic Redevelopment Area Board so tonight the representatives for Midtown Redevelopment Area Board and the Downtown/Ballogh Road Redevelopment Area Board needed to be reaffirmed.

Board Motion

It was moved by Mrs. Remark for Shirley Benjamin to continue to serve as the Planning Board's liaison to the Midtown Redevelopment Area Board and Cathy Washington continue to serve as the Planning Board's liaison to the Downtown/Ballogh Road Redevelopment Area Board. Seconded by Mr. McGuinness.

Board Action

The motion was approved 10-to-0.

F. Board Member Comments

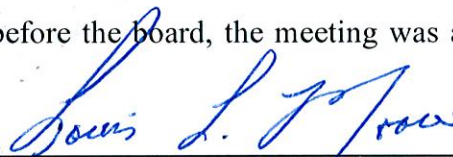
Mr. Hoitsma complimented and thanked Mr. Moore for serving as Board chair for the past two years.

Mr. Moore thanked Board members and staff for allowing him to serve as chair for the past two years. He stated he believes the Board members take their responsibilities seriously and he was proud to serve on the Board.

Mr. Neal stated this was the first meeting in quite some time where the Board spent a large amount of time discussing a project.

Adjournment

There being no further actions to come before the board, the meeting was adjourned at 9:50 PM.



LOUIS MOORE
Chair

ATTEST:


CATHY WASHINGTON
Secretary