

MINUTES  
REGULAR MEETING – PLANNING BOARD  
November 19, 2015

Minutes for the Regular Planning Board Meeting for the City of Daytona Beach, Florida, held on Thursday, November 19, 2015 at 6:00 p.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board Members Present:

Cathy Washington, Chair  
Pat Drago  
Jeff Hurt  
Robert Hoitsma  
James Neal  
James Newman

Board Members Absent:

Tony Barhoo

Staff Members Present:

Richard Walton, Planning Director  
Dennis Mrozek, Principal Planner  
Rose Askew, Planner  
Reed Berger, Redevelopment Director  
Ben Gross, Assistant City Attorney  
Marianne Pulaski, Planning Technician  
Becky Groom, Board Secretary

1. **Call to Order**

Ms. Washington called the meeting to order at 6:03 p.m.

2. **Roll Call**

Ms. Drago called the roll and noted members present as stated above.

3. **Approval of the Minutes** - October 22, 2015

**Board Action:**

A motion was made by Mr. Newman, seconded by Mr. Neal, to approve the minutes of the October 22, 2015 Planning Board Meeting. The motion was approved unanimously (6-0).

4. **Right-of-Way Vacation, Villages at Halifax II – North Caroline Street, DEV2015-090**

Ms. Washington stated she has filed a Conflict of Interest form on this item since she has a relative involved in the project.

**Staff Presentation:**

Dennis Mrozek, Principal Planner, presented the staff report which is included as part of the packet. Mr. Mrozek stated the application is filed on behalf of the Daytona Housing Authority and the property is located in the Midtown Redevelopment Area. Mr. Mrozek stated letters have been received from utility organizations, including FPL, AT&T, and TECO, stating they have no objections to the request.

**Applicant's Presentation:**

Mark Dowst, 536 N. Halifax, spoke representing the applicant. Mr. Dowst stated the property that will be vacated will become green space.

Mr. Newman asked for the current condition of the lots.

Mr. Dowst stated two pieces of the building were constructed, and funding is now available for the remainder of the project. Mr. Dowst stated the project is planned to be completed in January, 2016.

**Public Comments:**

John Nicholson, 413 N. Grandview, asked that staff check with the Police Department to make sure the property is open and easily accessed.

**Board Comments:**

There were no Board comments.

**Board Motion:**

A motion was made by Mr. Hurt, seconded by Mr. Neal, to approve Right-of-Way Vacation, Villages at Halifax II – North Caroline Street, DEV2015-090, in accordance with the staff report as presented.

**Board Action:**

The motion carried unanimously (5-0, Ms. Washington abstained).

5. **Rezoning, Second Amendment to Planned District Agreement – Daytona Beach Convention Hotel & Condominiums, DEV2015-098**

**Staff Presentation:**

Reed Berger, Redevelopment Director, presented the staff report which is included as part of the packet. Mr. Berger stated a lot of work has been done on the project but the financing has not been finalized. Mr. Berger stated the applicant has proposed a phasing plan for the project:

Phase 1 – Parking garage starts within 18 months and completed within 30 months (permits have been obtained for the parking garage)

Phase 2 – Hotel tower (459 rooms) starts within 36 months and completed within 48 months

Phase 3 – Condo tower with 42 hotel rooms starts within 60 months and completed within 72 months

Mr. Berger stated the original agreement stated the project would be completed by March, 2018. Mr. Berger stated if this request is approved, it will delay the completion of the project by about two years.

Ms. Washington asked about the ingress and egress to the parking garage.

Mr. Berger stated the road changes would be made to the entrance once the project is at Phase 2.

Ms. Drago stated she was surprised at the order of construction proposed and thought the parking garage would be the last structure built.

Mr. Hurt stated construction of the parking garage is financed by the developer so it is probably the least expensive to build. Mr. Hurt stated they are using their own money to construct the parking garage to show the developer is committed to the project.

Mr. Neal stated he was pleased to see the project is continuing since there is a need for the project in the community.

**Applicant's Presentation:**

Paul Momberger with Zev Cohen & Associates, 300 Interchange Blvd., spoke representing the applicant. He stated the time frame listed is for the minimum and doesn't mean the project could not start sooner. He noted the parking garage allows equity into the project.

**Public Comments:**

John Nicholson, 413 N. Grandview, stated a parking garage can always be used and there is a need for it. He stated construction workers can use the parking garage while construction work is being done for the hotel and condo projects. Mr. Nicholson stated he would like to see the parking garage available for other uses and events if there is a need for it.

**Board Motion:**

A motion was made by Mr. Hurt, seconded by Mr. Newman, to approve Rezoning, Second Amendment to Planned District Agreement – Daytona Beach Convention Hotel & Condominiums, DEV2015-098, in accordance with the staff report as presented.

**Board Action:**

The motion carried unanimously (6-0).

6. **Site Plan – Infinity Dealership at Automall, DEV2015-112**

**Staff Presentation:**

Mr. Mrozek presented the staff report which is included as part of the packet. Mr. Mrozek stated the property will be located on the northern portion of the property that was to be used for Nissan.

**Applicant’s Presentation:**

Parker Mynchenberg, 1792 Ridgewood Avenue, spoke representing the applicant. Mr. Mynchenberg stated there is only one 3-acre parcel remaining in this project that is owned by Mercedes which is being held for future expansion. He stated there are a couple of vacant lots next to the hotel that are not part of the Automall project.

Mr. Mynchenberg stated for the record that it is a pleasure to work with Mr. Mrozek.

**Public Comments:**

There were no public comments.

**Board Motion:**

A motion was made by Mr. Neal, seconded by Ms. Drago, to approve Site Plan – Infinity Dealership at Automall, DEV2015-112, as presented in the staff report.

**Board Action:**

The motion carried unanimously (6-0).

7. **Rezoning to BR-2 – Madison Cove Apartments, DEV2014-122**

**Staff Presentation:**

Rose Askew, Planner, presented the staff report which is included as part of the packet. Ms. Askew stated the purpose of the request is to rezone the rear portion of the property from MFR-20 to BR-2 to attain uniform zoning. She stated a development project is not being proposed in conjunction with the rezoning request.

Mr. Newman asked if a project is proposed, will it be presented to the Planning Board.

Ms. Askew replied staff if the project is size under than 20,000 square feet it will only require staff approval; if the project is size greater than 20,000 square feet, it will require Planning Board review.

Richard Walton, Planning Director stated a project proposed as a Planned Development would require Planning Board and City Commission review and approval.

Mr. Hurt stated split zoning on a piece of property causes problems and it would be difficult to propose a project with the split zoning classifications.

**Applicant's Presentation:**

Michael Oliver, 10 Alison Lane LLC, spoke representing the applicant. Mr. Oliver stated previously there was a contract for a project on this property but it the contract was not finalized. He stated he met with the neighborhood and their main concern was Section 8 housing and that he knows very little about Section 8 housing. Mr. Oliver stated the residents want to see their neighborhood revitalized and he feels he will be better able to market the property better with unified zoning.

**Public Comments:**

John Nicholson, 413 N. Grandview, stated he is concerned about staff reviewing and approving projects under 20,000 s.f. He stated the former Cobb & Cole site is 20,000 s.f. and staff could demolish that building. He also stated 2 blocks could be reviewed and approved without being presented to the Planning Board since that would fall under the 20,000 s.f. limitation. Mr. Nicholson stated he feels the Board should support this project in order for the owner to market the property.

Mr. Newman stated he resides in this neighborhood and is glad to see the trailer park gone that was formerly on this site. He asked if this property would be part of the proposed Ridgewood Corridor overlay.

Mr. Walton stated this property is the southeast corner of the Ridgewood Corridor overlay.

**Board Motion:**

A motion was made by Mr. Newman, seconded by Mr. Neal, to approve Rezoning to BR-2 – Madison Cove Apartments, DEV2014-122, in accordance with the staff report as presented.

**Board Action:**

The motion carried unanimously (6-0).

8. **Land Development Code Text Amendments – Articles 3, 4, 5, 6, 7, 9, 11, and Appendix A, DEV2015-122**

**Staff Presentation:**

Mr. Mrozek stated the purpose of these amendments is to amend sections of the Land Development Code that were omitted, incorrectly transitioned, or needed further clarification. Mr. Mrozek presented the staff report that was included as a part of the packet as well as the additional hand-out that was provided to the Planning Board.

Mr. Newman asked about Item 31 and noted there is a definition in the code for halfway houses but it is not listed in the use charts.

Mr. Mrozek stated use types were modified and such properties are not referred to as a halfway house in the new code.

Ms. Drago asked if there is an expansion to the area addressing drive-thrus at financial institutions and restaurants.

Mr. Walton stated if there is a prohibition in the Comp Plan for drive-thru restrictions, that would still apply.

Ms. Drago asked about Item 26 and stated the maximum setback has been removed and asked if this would allow for outside dining.

Mr. Berger stated this is because sidewalk café's are allowed in the right-of-way.

Ms. Drago stated she noticed distances from establishments that serve alcohol were more strict for churches than schools.

Mr. Mrozek thanked Marianne Pulaski for the work she has done in putting this document together.

**Public Comments:**

There were no public comments.

**Board Motion:**

A motion was made by Mr. Hurt, seconded by Mr. Neal, to approve Land Development Code Text Amendments – Articles 3, 4, 5, 6, 7, 9, 11, and Appendix A, DEV2015-122, as presented in the staff report.

**Board Action:**

The motion carried unanimously (6-0).

9. **Land Development Code Text Amendments – Sections 5.2.B and 6.21, DEV2015-094**

**Staff Presentation:**

Mr. Gross stated the general purpose is to correct items that were inadvertently omitted when the new Land Development Code was adopted. Mr. Gross stated two alternatives are presented and staff supports Alternative No. 2. Mr. Gross stated the City Attorney recommends that Alternative No. 2 be adopted as the general standard and Alternative No. 1 be used for existing establishments that cannot meet Alternative No. 2.

Ms. Drago noted the distances are different as to where alcohol sales are permitted from places of worship and schools.

Mr. Gross stated many of the distance requirements are from the State statute.

**Public Comments:**

John Nicholson, 413 N. Grandview, stated he liked Alternative No. 2. He stated the distance from schools should be 500 feet.

Ms. Drago stated the State Statute has changed on that.

Mr. Nicholson stated many restaurants on Main Street cannot meet the sales volume that is required and stated that 51% of the sales must be food in order to sell alcohol. He stated there are three restaurants that do not have kitchens. He stated now is the time to change the requirements for businesses so they can be

classified as restaurants. He stated if a business is required to have a kitchen, it should be in place.

**Board Motion:**

A motion was made by Mr. Hurt, seconded by Mr. Neal, to approve Land Development Code Text Amendments – Sections 5.2.B and 6.21, DEV2015-094, with Alternative No. 2 being used for new establishments and Alternative No. 1 be applied for existing establishments that cannot meet Alternative No. 2, as presented in the staff report.

**Board Action:**

The motion carried unanimously (6-0).

10. **Other Business**

a. Downtown Redevelopment Board Report

Ms. Washington stated the Redevelopment Board met on November 3 and the Board discussed the Downtown Redevelopment Board priorities. Ms. Washington stated an update was provided by staff on projects that have been completed and projects that are pending.

b. Midtown Redevelopment Area Board Report

There was no report on the Midtown Redevelopment Area Board since Mr. Barhoo was not in attendance.

c. Beachside Redevelopment Area Board Report

Mr. Newman stated he would accept the appointment to serve as the Planning Board's representative to the Beachside Redevelopment Area Board.

Mr. Gross stated that Mr. Newman will serve as a non-voting member.

d. Public Comments

John Nicholson, 413 N. Grandview, stated the Board should review Floor-Area Ratio, submerged lands, and the requirements for hotel parking. He stated it is very expensive to put in parking but it is wasteful to have it be empty.

e. Staff Comments

Mr. Walton stated Mr. Mrozek recently took his AICP exam and has passed. He stated Mr. Mrozek is now a Certified Planner.

f. Board Comments:

Ms. Drago thanked staff for the work that was done in presenting the amendments to the Land Development Code.

Ms. Washington commended staff for the work that was on the Land Development Code amendments.

Mr. Neal stated he agreed and the presentation was easy to understand.

Ms. Washington thanked Mr. Gross for filling in for Carrie Avallone while she is out on maternity leave.

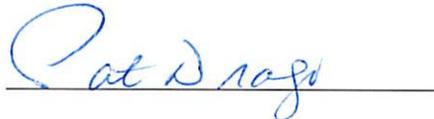
**Adjournment**

The meeting adjourned at 7:40p.m.



Cathy Washington, Chair

ATTEST:



Pat Drago  
Secretary