

MINUTES
REGULAR MEETING – PLANNING BOARD
August 25, 2016

Minutes for the Regular Planning Board Meeting for the City of Daytona Beach, Florida, held on Thursday, August 25, 2016 at 6:00 p.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board Members Present:

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

Board Members Absent:

Tony Barhoo

Staff Members Present:

Richard Walton, Planning Director
Dennis Mrozek, Planning Manager
Rose Askew, Planner
Carrie Avallone, Assistant City Attorney
Marianne Pulaski, Planning Technician

1. **Call to Order**

Mr. Hoitsma called the meeting to order at 6:00 p.m.

2. **Roll Call**

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

3. **Approval of the Minutes** - July 28, 2016

Board Action:

A motion was made by Mr. Hurt, seconded by Ms. Washington, to approve the minutes of the July 28, 2016 Planning Board Meeting as presented. The motion was approved unanimously (6-0).

4. **Rezoning to Planned Development-General (PD-G) and Preliminary Plat – Halifax Media, DEV2016-047& 048**

Staff Presentation:

Dennis Mrozek, Planning Manager, presented the staff report which is included as part of the packet. Mr. Mrozek stated the applicant has submitted three proposals for possible development of the site in order to provide flexibility for the site as needed. Mr. Mrozek stated modifications requested are to allow some uses which currently are not permitted in M-1 zoning; increased height of the monument sign from 8 feet to 10 feet; and use of an electronic messaging sign which can be used for gas prices only.

Applicant's Presentation:

Jerry Finley, 3959 S. Nova Road, Port Orange, Florida, spoke regarding the application. Mr. Finley stated the proposed uses are outlined in the staff report and noted that multi-family was removed from the list due to concern expressed by adjacent property owners at the public meeting that was held. Mr. Finley stated the goal is to recover the commercial uses that were originally on the property prior to adoption of the new Land Development Code. Mr. Finley stated he has no objections to the electronic messaging sign being at one spot.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Hurt, seconded by Ms. Washington, to approve Rezoning to Planned Development-General (PD-G) and Preliminary Plat – Halifax Media, DEV2016-047 & 048, in accordance with the staff report as presented.

Board Action:

The motion carried unanimously (6-0).

5. **Rezoning to Planned Development – General (PD-G) – Bayberry Cove, DEV2016-065**

Staff Presentation:

Rose Askew, Planner, presented the staff report which is included as part of the packet. Ms. Askew stated the existing PD agreement for Bayberry Cove includes the setbacks that are outlined in the staff report; however, the setbacks do not

meet the existing Land Development Code. Ms. Askew stated a modification is requested to allow a single means of access upon construction of an initial single phase in lieu of the three minimum access points required for developments with greater than 160 units.

Mr. Hurt asked if the applicant is stating the modifications which were granted in the original Bayberry Cove PD agreement.

Ms. Askew stated the original PD agreement was approved under the old Land Development Code so for clarification, the modifications are listed noting the new Land Development Code sections that apply.

Ms. Drago expressed concern about the modification for one access point and concern about emergency vehicular access.

Ms. Askew stated the applicant is not requesting less than 3 access points; the applicant is asking that the access points be developed at different times during the development process.

Ms. Drago asked about the modification for sidewalk construction and asked if homes would be built and there would be gaps in the sidewalks. She stated that by the time the homes are occupied, she wants to assure there will be continuous sidewalks.

Ms. Askew stated the sidewalks will be developed when the single family homes are developed.

Applicant's Presentation:

Rob Merrell, Cobb Cole, 149 S. Ridgewood, Daytona Beach, spoke representing the applicant. Mr. Merrell stated an additional 100 acres is being added to the former development agreement. He stated the property size will increase but not the number of housing units developed. Mr. Merrell stated the multi-family component has been removed from the project and the entire project will be single family homes. Mr. Merrell stated he has had discussions with the Fire Chief during the TRT meetings and details are being worked out to ensure there is a second access for emergency vehicles once development occurs. He stated the issue of the second access will be resolved prior to the project being presented to the City Commission.

Public Comments:

James Henderson, 560 Bayview Lakes Blvd., stated during the public meeting held with residents the applicant stated the project would be 900 homes; he stated what is presented this evening states 1200 homes. Mr. Henderson stated at the same meeting, it was stated that the minimum size home would be 1,350 s.f. and

it was stated this evening that the minimum size home would be 1,200, yet the staff report says the minimum size home will be 1,500 s.f. Mr. Henderson stated he is concerned about the access road construction and construction vehicles using the current tennis association road. Mr. Henderson expressed concern about the intersection at the entrance to the elementary school and feels a traffic signal is needed. He stated he has had discussions with Volusia County about a traffic signal but has received no consideration. Mr. Henderson expressed concern about the decreased setbacks.

Mr. Merrell stated the plat is approved with 1,200 homes with minimum square footage of 1,500. Mr. Merrell stated the approve agreement for the first phase of the Minto agreement provides for a traffic light at the entrance to the school.

Dick Smith, ICI Homes, 2379 Beville Road, stated the 20 foot setback will result in a decrease of 5 feet of driveway space; but many of ICI communities have been developed with those standards.

Board Motion:

A motion was made by Ms. Washington, seconded by Mr. Neal, to approve Rezoning to Planned Development – General (PD-G) – Bayberry Cove, DEV2016-065, in accordance with the staff report as presented.

Board Action:

The motion carried unanimously (6-0).

6. **Rezoning to Planned Development – General (PD-G) – Lake Mason Retreat, DEV2016-059**

Staff Presentation:

Rose Askew, Planner, presented the staff report which is included as part of the packet. Ms. Askew stated the modifications requested are to increase the maximum number of parking spaces, reduce the parking lot driveway entrance, to increase the change of plane on the building, allow multifamily in BR-2 zoning; and increase in the number of signs.

Applicant's Presentation:

Glenn Storch, 420 S. Nova Road, spoke representing the applicant. Mr. Storch stated having a residential area located within a business district is an attraction for a lot of people. Mr. Storch stated the modifications requested are reasonable. He stated it will be beneficial to have additional parking spaces for an apartment complex. He stated there will be two entrances to the complex which is why the

additional signage is needed. Mr. Storch stated he would like to request an additional 1,000 s.f. for the clubhouse which would increase the size to 2,800 s.f.

Public Comments:

Jim Cameron, Daytona Beach Regional Chamber, 126 E. Orange Avenue, stated the Chamber would like to go on record in support of this project. He stated it is a good project since it is close to the job center and schools.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Neal, to approve Rezoning to Planned Development – General (PD-G) – Lake Mason Retreat, DEV2016-059, in accordance with the staff report as presented and with the addition of the clubhouse being a maximum of 2,800 s.f.

Board Action:

The motion carried unanimously (6-0).

7. **Land Development Code Text Amendment – Article 9, DEV2016-083**

Staff Presentation:

Mr. Walton, Planning Director stated this amendment covers a request from the Code Enforcement Department to correct sections that were incorrectly transitioned during the adoption of the new Land Development Code.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Neal, seconded by Mr. Newman, to approve Land Development Code Text Amendment – Article 9, DEV2016-083, in accordance with the staff report as presented.

Board Action:

The motion carried unanimously (6-0).

8. **Rezoning to Planned Development – General (PD-G) – 7-Eleven, DEV2015-105**

Staff Presentation:

Dennis Mrozek, Planning Manager, presented the staff report which is included as part of the packet. Mr. Mrozek stated the site is currently vacant and the applicant is proposing a 3,000 s.f. 24-hour convenience store, with gas pumps, to be located on the site. Mr. Mrozek stated gas pumps are not a permitted use on this site. Mr. Mrozek stated access to the site will be from Oleander.

Applicant's Presentation:

Michael Sznajstajler, Cobb & Cole, 149 S. Ridgewood, spoke representing the applicant. Mr. Sznajstajler stated this project will utilize a current vacant piece of property, which has become a site for a homeless camp. Mr. Sznajstajler stated 8 neighborhood and community meetings have been held regarding this project and modifications were made to the project as a result of those meetings. Mr. Sznajstajler stated the project includes an enhanced building design as well as enhanced landscaping.

Public Comments:

Jim Cameron, Daytona Beach Regional Chamber, 126 E. Orange Avenue, stated the Chamber would like to go on record in support of this project. He stated there have been homeless camps on the existing site and the 24-hour facility with increased lighting will help with that situation.

Charles Lichtigman, 444 Seabreeze, spoke and stated he was representing the investors who own the 444 Seabreeze Building. He stated he would like to see the Seabreeze area be more attractive to future investors and feels this project will enhance the area. He stated he surveyed a sampling of the 300 people that work in the 444 Seabreeze Building and everyone asked is in favor of this project.

Dr. Norman Seltzer, 619 N. Peninsula Drive, stated his office abuts the rear of this site. He stated he was very excited when he learned someone was planning on developing this site. He stated he wholeheartedly supports this project.

Linda Smiley, 357 Manhattan, stated the historic Seabreeze district is no place to put a 7-Eleven with gas pumps. She stated the project will impact the neighborhood. She stated a 24-hour convenience store is not needed in an area that is already a hot spot for crime.

Anne Ruby, 137 Park Avenue, stated the minutes of the Seabreeze homeowners meeting reflect that residents stated they would support the project if there were

no gas pumps. She stated the wall surrounding the site will be a homeless hang-out.

Lyle Trachtman, 527-529 Seabreeze Blvd., stated he likes the idea of the 7-Eleven but does not think gas pumps fit with the area. He stated he feels there will be additional crime in the area if the site is open 24 hours a day.

Scott Frank, 303 Seabreeze Blvd., distributed a hand-out to the Board members and stated his family has owned the property at his address for 100 years. He stated the homeless situation is a problem in the area. He stated there has been neglect by the City in this area. He stated the problem with the area is the number of bars along Seabreeze. He stated he supports redevelopment of the subject property but he does not feel this project will be an attribute. He stated the building should be developed with Coquina. He stated he was not contacted by The Chamber for his opinion on this project. Mr. Frank stated the existing 7-Eleven is in disrepair and the homeless people camp on the property and the property owners do not ask them to move.

Tracey Remark, 815 N. Oleander, stated Mr. Merrell and Mr. Sznajstajler will tell you this project is great but they are being paid to say the project is great. Ms. Remark stated the only way this project is consistent is if a PD is granted which will have an umbrella to allow the inconsistencies. She stated gas pumps have never been allowed in this area and this is spot zoning being done with a PD. Ms. Remark provided the Board members with copies of a petition that she will also provide to the City Commission which is signed by residents and businesses along Seabreeze. She stated Mr. Lichtigman did not mention that he is the person who finds the sites where 7-Eleven properties are to be located. Ms. Remark stated if the owner of the subject parcel was cited by Code Enforcement he would be forced to clean up the property and mow the weeds which would alleviate the homeless problem. Ms. Remark stated the proposed store is similar to the one currently located at Clyde Morris and Reed Canal, but does not have Bahama shutters. She stated the lot at the Clyde Morris site is 35 feet wider and 127 feet deeper than the lot where the proposed 7-Eleven is to be located. She stated Seabreeze is a hot spot for crime. Ms. Remark stated when the applicant was asked why the 7-Eleven couldn't be located on the east side of Granada in Ormond Beach, she was told Ormond Beach would not permit it. Ms. Remark urged the Board to vote against this project.

Anita Gallentine, 836 N. Grandview Avenue, stated she was contacted about 11 months ago by the developer who wanted to meet with the neighborhood about this project. She stated the residents informed the developer that a new 7-Eleven would be great but they would not support gas pumps.

Mary Anne Jackson-Trumbull, 925 N. Grandview Avenue, stated she remembers when Seabreeze flourished and she wants it that way again. She stated The Chamber supported the Lotus project that was presented last month. She stated

she supports everything Ms. Remark and Ms. Gallentine have said. She stated she is concerned about gas trucks that will be entering and leaving the site to fill up the pumps. She stated she hopes the Planning Board will not support this project.

Janet Patterson, 417 Glenview Blvd., stated her property is close to the proposed site. She stated currently, beer trucks and delivery trucks drive down her street every day. She stated she is opposed to this project because it is so close to her home. She stated she will be sitting on her front porch looking at a 7-Eleven that is open 24 hours a day and will see increased traffic along her street as a result. She stated she is opposed to the whole project, and definitely is opposed to the gas pumps.

Steve Barnes, 701 N. Wild Olive, stated he is opposed to the project since it will increase traffic on Glenview and Wild Olive. He stated when people leave the bars on Seabreeze, they will stop at the 7-Eleven and the site will become a party place. He stated he is not opposed to the 7-Eleven, just the gas pumps.

Ken Strickland, 1208 N. Halifax Avenue, stated the city changes the rules for any developer that comes in. He stated the gas pumps are a bad idea for the environment, the neighborhood has said no, and he asked that the Board say no to this project. He stated there are rules in place, and the Board should say no to allowing the rules to be changed for developers.

Mr. Sznajstajler stated he is an Environmental Attorney and what he does is go around the State cleaning up environmental issues. He stated this site does not pose any threat to the environment. He stated the only spills that occur at gas pumps are due to human error. He stated an asphalt gap which is an impervious surface must be installed which will protect the environment. He stated he would provide a copy of the Petroleum Systems' guide to be made a part of the city's record. Mr. Sznajstajler stated moving the 7-Eleven to this location will move the project further away from the neighborhood than where it currently exists. He stated statistics show that there is less crime at gas stations due to security and better lighting. Mr. Sznajstajler provided statistical information from the FBI and the Department of Justice regarding crime at gas stations. Mr. Sznajstajler also provided a study that was completed by 7-Eleven regarding the number of calls for service for 7-Eleven sites in the area which showed there was a lower number of calls for services for gas stations as opposed to convenience stores.

Board Comments:

Ms. Drago stated a convenience store open 24 hours with the current bar issue along Seabreeze is a challenge. She stated gas pumps will increase the traffic. She stated she cannot support the project.

Mr. Newman stated he would welcome the project in his neighborhood but this neighborhood does not want it and that is something that has to be considered. He stated if the neighborhood does not want it, that should be considered.

Ms. Washington stated the project is nice but stated she is leery. She stated she is concerned about the gas trucks traveling through the area.

Mr. Hurt stated he is torn since there hasn't been development in that area for a while but understands the neighbors' concerns.

Mr. Neal stated he is divided since so many people are against the project. He stated he feels it is an excellent project but everyone is opposed to the gas pumps.

Mr. Drago asked if the project was to proceed without the gas pumps, is that something the applicant would be amenable to.

Rob Merrell, 149 S. Ridgewood, stated he would like to have an affirmative recommendation but he does not feel his clients want to build a convenience store without gas pumps.

Mr. Hoitsma stated he did not feel the gas pumps will help the area. He stated he is very strongly opposed to gas pumps at this location.

Board Motion:

A motion was made by Mr. Hurt, seconded by Ms. Washington, to approve Rezoning to Planned Development – General (PD-G) – 7-Eleven, DEV2015-105, in accordance with the staff report as presented. The motion failed (2 affirmative; Ms. Drago, Ms. Washington, Mr. Hoitsma, and Mr. Newman voting nay).

A motion was made by Mr. Hurt seconded, by Mr. Newman, to approve Rezoning to Planned Development – General (PD-G) – 7-Eleven, DEV2015-105, without the gas pumps. The motion carried unanimously (6-0).

9. **Other Business**

a. Downtown Redevelopment Board Report

Ms. Washington stated the Board met on August 2, 2016 and discussed the Land Development Code Text Amendments and how they will affect the downtown and Ballough Road area.

b. Midtown Redevelopment Area Board Report

Mr. Barhoo was not in attendance at the meeting.

c. Beachside Redevelopment Area Board Report

Mr. Newman stated Beachside Redevelopment Area Board did not meet in August.

Mr. Hoitsma thanked Commissioner Trager for attending tonight's meeting.

d. Public Comments

There were no public comments.

e. Staff Comments

Mr. Walton reminded the Board that there is an invitation for the VCARD Ice Breaker in their mail.

f. Board Comments

There were no Board comments.

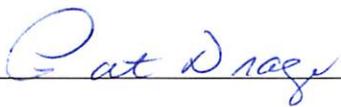
Adjournment

There being no further business, the meeting adjourned.



Robert Hoitsma, Chair

ATTEST:



Pat Drago
Secretary