



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
DECEMBER 16, 2020
CITY COMMISSION CHAMBERS
6:00 PM**

AGENDA

Website Address - www.codb.us (City Clerk)

NOTICE- Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the City Commission at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not prepare or provide such a record.

	<p>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020</p>		<p>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</p>
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In accordance with the Americans with Disabilities Act (ADA), persons with a disability needing a special accommodation to participate in the City Commission meeting should contact the City Clerk's Office, 301 S. Ridgewood Ave, Room 210, Daytona Beach, FL 32114, Telephone: (386) 671-8023, Email: clerk@codb.us not later than 72 hours prior to the proceedings. If you are hearing or voice impaired contact the relay operator at 1-800-955-9771.

1. ROLL CALL.

AGENDA

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1. **ROLL CALL.**
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **APPROVAL OF MINUTES.**

4.A. [Approval of Minutes](#)

Approval of the Minutes of the November 4, 2020 Regular City Commission Meeting held at 301 S. Ridgewood Avenue, Daytona Beach, FL 32114.

5. **AGENDA APPROVAL.**

THOSE MATTERS INCLUDED UNDER THE CONSENT AGENDA ARE SELF-EXPLANATORY AND ARE NOT EXPECTED TO REQUIRE REVIEW OR DISCUSSION. ITEMS WILL BE ENACTED BY ONE MOTION. IF DISCUSSION IS DESIRED BY ANY MEMBER OF THE COMMISSION, THAT ITEM MUST BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

6. **PRESENTATION.**

6.A. [No Presentation](#)

No Presentation.

7. **CITIZENS.**

7.A. [PUBLIC COMMENTS BY THE PEOPLE ADDRESSING THE CITY](#)

EMERGENCY PROCEDURES FOR PUBLIC MEETINGS AND PUBLIC COMMENTS

During this time of extraordinary circumstances dealing with the declared State of Emergency associated with the COVID-19 pandemic, the City is temporarily allowing online public comments, and limited in-person public comments at City Hall, for public meetings of the City Commission and the various City Boards.

Online Public Comment Forms. The City is providing an online Public Comment Form to allow members of the public to submit public comments for each public meeting of the City Commission or a City Board. The Public Comment Form may be found at <https://www.codb.us/comments>. Please follow the directions on the Form to ensure proper electronic submission to the City. All Public Comment Forms completed and properly transmitted before 5 p.m. on the day prior to the public meeting will be provided to City Commission or Board members, as applicable, for their review and consideration prior to the public meeting. Any Public Comment Forms submitted after 5 p.m. on the day prior to the meeting will be provided to Commission or Board after the public meeting. All Public Comment Forms will be included in the official meeting records and retained by the City Clerk or the Board Secretary as a public record. If you have issues with accessing, completing, or submitting the online Public Comment Form please email us at comments@codb.us or call 386-671-8023.

In-Person Public Comment on Propositions before the City Commission or a Board. Although persons are strongly encouraged to submit online Public Comment Forms during this State of Emergency, persons may visit City Hall during a public meeting to make public comment on propositions coming before the City Commission or Board for a vote, subject to these City procedures and all social distancing requirements recommended by the Federal Centers For Disease Control and Prevention. The Commission Chambers will be closed for in-person attendance by the public. The City Hall lobby will be equipped with an audio/video feed to the Commission Chambers and a lectern and microphone will be placed immediately inside the Chamber door for public comment. Forms will be provided for persons to fill out who wish to make public comment. Persons may approach the Lectern to speak on an item before the Commission or Board at appropriate times, when called upon, subject to such time limitations as may be imposed by the public body. The lobby will also have a limited defined area, with social distancing, for persons waiting to make public comment. In addition, the exterior entryway to City Hall will be equipped with a loudspeaker for persons waiting for permission to enter to make public comment due to space limitations in the lobby. Persons may also monitor public meetings from

their iPhone, iPad, or other electronic device at <https://www.codb.us/618/DBTV>, and enter City Hall for public comment at appropriate times, when called upon. Persons who have finished speaking or not intending to speak on a matter coming before the Commission or Board will not be permitted to remain in City Hall. All persons must comply with social distancing requirements while at City Hall, such as by remaining at least 6 feet apart. Use of facial masks is mandated to combat the spread of the COVID-19 disease.

8. CONSENT AGENDA.

PLEASE NOTE: ITEMS PULLED FROM THE CONSENT AGENDA MAY BE REMOVED FROM CONSIDERATION BY THE CITY COMMISSION AND CONTINUED FOR TWO (2) WEEKS UNTIL THE NEXT REGULARLY SCHEDULED CITY COMMISSION MEETING. (ONLY MEMBERS OF THE CITY COMMISSION MAY REMOVE ITEMS FROM THE AGENDA).

8.A. [Legal Department - Resolution Extending The Local State of Emergency \(pp. 17-19\)](#)

RESOLUTION EXTENDING THE LOCAL STATE OF EMERGENCY DUE TO COVID-19 FOR AN ADDITIONAL SEVEN DAY PERIOD ENDING DECEMBER 23, 2020; RATIFYING MAYORAL EXECUTIVE ORDER NO. 22; AND PROVIDING AN EFFECTIVE DATE.

Recommendation: City Attorney recommends adoption of the Resolution.

8.B. [Utilities Department - Sliger & Associates, Inc. - Contract No. 2006-21 - LPGA Boulevard Surveying and Mapping Services - Work Authorization No. 95 \(pp. 20-26\)](#)

Resolution approving Work Authorization No. 95 under Contract No. 2006-21 with Sliger & Associates, Inc., 3921 Nova Road, Port Orange, Florida 32127 for surveying and mapping services for the LPGA Boulevard Force Main Project in an amount Not to Exceed \$35,180.25. This item is needed to provide a specific purpose survey and route survey for the design of a new force main along LPGA Boulevard. Due to projected growth, a new force main dedicated to serve all flow along LPGA Boulevard from Tymber Creek Road south to the Westside Regional Water Reclamation Facility is needed. In order to meet the projected need for additional capacity in the wastewater collection system and to meet funding deadlines, surveying services are being requested ahead of the design contract award. This survey will be utilized by the engineer to complete the design of the new force main. Funds are available in the Sewer Impact Fee Fund.

Recommendation: Utilities Director recommends adoption of the Resolution

8.C. [Public Works, Technical Services Division - Florida Inland Navigation District - Grant Agreement Acceptance \(pp. 27-65\)](#)

Resolution approving the acceptance of the Florida Inland Navigation District (FIND) grant agreement, the corresponding budget amendment, and the City Manager to execute the FIND Grant agreement and any related FIND grant documents for the Riverfront Park Seawall project. The acceptance of the Florida Inland Navigation District (FIND) grant agreement will assist the City in funding up to \$302,500 for the Riverfront Park Seawall replacement project between International Speedway Boulevard and Orange Avenue. No additional funding is needed to accept the grant, since funding was previously authorized per Resolution 20-138.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.D. [Police Department - National Crime Victim Rights Week Grant - Application, Submission, Acceptance, and Expenditure \(pp. 66-76\)](#)

Resolution authorizing the application, submission, acceptance, and expenditure of a grant application to the National Association of VOCA Assistance Administrators (NAVAA) Program, in the amount of \$4,850. The Daytona Beach Police Department is requesting \$4,850 to fund materials and furniture to be used at a public 5K event that will be held within the City on Saturday, April 24th 2021 to raise awareness of victim assistance and rights. No match is required.

Recommendation: Chief of Police recommends adoption of the Resolution.

8.E. [Development and Administrative Services/Cultural Services - Racing and Recreation Grant Application – Peabody Auditorium **Addendum added 12-16-20**](#)

Resolution approving support of the City of Daytona Beach Peabody Auditorium grant request to the Racing & Recreation Facilities District for funding to support of modification and expansion of the Peabody Auditorium restroom facilities.

Recommendation: Deputy City Manager, Development and Administrative Services recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Burgoyne-Large Scale Comprehensive Plan Amendment \(pp. 77\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Amendment (LSCPA) for 9.2± acres of land, generally located on the northernmost portion of the block bounded by Bay Street, Palmetto Avenue, West International Speedway Boulevard and Beach Street, and the northernmost portion of the block bounded by Mary McLeod Bethune Boulevard, Palmetto Avenue, 3rd Avenue, and Beach Street, amending Neighborhood E, Issue (a), Policy (1), to establish a maximum Floor Area Ratio of 10.00 and a maximum of 150 dwelling units per acre. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Burgoyne Properties LTD. ****Due to an advertising error on the part of the News Journal, this item will be continued to the January 6, 2021 City Commission Meeting**** □

9.B. [Development and Administrative Services, Planning Division - Burgoyne - Rezoning to Planned Development-Redevelopment Downtown \(PD-RD\) \(pp. 78\)](#)

Ordinance on second reading - Quasi-Judicial Hearing rezoning 9.2± acres of land located on the northernmost portion of the block bounded by Bay Street, Palmetto Avenue, West International Speedway Boulevard and Beach Street, from Redevelopment Downtown - Beach Street Retail (RDD-1) and Redevelopment Downtown – Central Business District (RDD-2), and the northernmost portion of the block bounded by Mary McLeod Bethune Boulevard, Palmetto Avenue, 3rd Avenue, and Beach Street, from Redevelopment Downtown – Commercial (RDD-3), and Redevelopment Downtown – Mixed Use (RDD-4) to Planned Development – Redevelopment (PD-RD), to allow for a mixed use development. Applicant: A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Burgoyne Properties LTD. ****Due to an advertising error on the part of the News Journal, this item will be continued to the January 6, 2021 City Commission Meeting****

9.C. [Development and Administrative Services, Planning Division - Hand Avenue - Rezoning to Multifamily Residential 12 \(MFR-12\) \(pp. 79\)](#)

Ordinance on second reading - PUBLIC HEARING approving a request to rezone 35.0± acres of land generally located at the northeast quadrant of the intersection of Hand Avenue and Williamson Boulevard from Volusia County Urban Single-Family Residential (R-4 & R-5) and Planned Development - General (PD-G) to Multifamily Residential-12 (MFR-12). Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of CRISP39-6 LLC. ****Due to an advertising error on the part of the News Journal, this item will be continued to the January 6, 2021 City Commission Meeting****

9.D. [Development and Administrative Services, Planning Division - Daytona Beach VA OPC PD - Rezoning to Planned Development - General \(PD-G\) \(pp. 80\)](#)

Ordinance on second reading - Quasi-Judicial Hearing approving a request to rezone 76.1± acres of land generally located on the west side of N. Williamson Boulevard, 1,800± feet north of LPGA Boulevard, from "Volusia County" Urban Single-Family Residential (R-2) zoning to "City" Planned Development – General (PD-G), to allow for the development of a Outpatient Clinic for the Department of Veterans Affairs and/or other commercial and medical uses. Applicant: Abdull Alkadry, Harris Civil Engineers, LLC., on behalf of Carnegie Management and Development Corporation, and the School Board of Volusia County. ****Due to an advertising error on the part of the News Journal, this item will be continued to the January 6, 2021 City Commission Meeting****

9.E. [Development and Administrative Services, Planning Division - Project Epsilon - Large Scale Comprehensive Plan Amendment \(pp. 81\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Amendment for 65.4± acres of land, generally located northeast of the intersection of Clyde Morris Boulevard and LPGA Boulevard, changing the Future Land Use Map designation for 59.2± acres of land from Level 1 Residential (L1R), Level 2 Residential (L2R) and Potentially Environmentally Sensitive (PES), to Mixed Use (MU) and Potentially Environmentally Sensitive (PES); and amending the Future Land Use Element, Neighborhood “K”, creating Issue (g), Policy (1) limiting the entire 65.4± acres to a maximum of 200,000 square feet of commercial development and 300 dwelling units. Applicant: Robert Merrell, Esq., Cobb Cole, on behalf of CRISP39-6, LLC & CRISP39-7, LLC. ****Due to an advertising error on the part of the News Journal, this item will be continued to the January 6, 2021 City Commission Meeting****

9.F. [Development and Administrative Services, Planning Division - Project Epsilon - Rezoning to Planned Development - General \(PD-G\) \(pp. 82\)](#)

Ordinance on second reading - Quasi-Judicial Hearing to rezone 65± acres of land generally located on the northside of LPGA Boulevard, 780± feet from Clyde Morris Boulevard, from Volusia County zoning to Planned Development – General (PD-G), to allow for a mixed use development. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of CRISP39-7, LLC. ****Due to an advertising error on the part of the News Journal, this item will be continued to the January 6, 2021 City Commission Meeting****

9.G. [Development and Administrative Services, Planning Division - Project Kappa - Large Scale Comprehensive Plan Amendment \(pp. 83\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Amendment, for 9.8± acres of land, generally located southeast of the intersection of Clyde Morris Boulevard and LPGA Boulevard, changing the Future Land Use Map designation from General Industrial (GI), to Mixed Use (MU); and amending the Future Land Use Element Neighborhood “K”, creating new issue (h) and policy (1) limiting commercial development to a maximum 125,000 square-feet, and residential density to 200 dwelling units. Applicant: Robert Merrell, Esq., Cobb Cole, on behalf of CRISP39-7, LLC. ****Due to an advertising error on the part of the News Journal, this item will be continued to the January 6, 2021 City Commission Meeting****

9.H. [Development and Administrative Services, Planning Division - Project Kappa - Rezoning to Planned Development - General \(PD-G\) \(pp. 84\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - to rezone 9.8± acres of land generally located south of LPGA Boulevard, 1,800± feet east of Clyde Morris Boulevard, from General Industry (M3) zoning to Planned Development – General (PD-G), to allow for the development of a compensating storage pond and/or commercial development. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of CRISP39-7, LLC. ****Due to an advertising error on the part of the News Journal, this item will be continued to the January 6, 2021 City Commission Meeting****

9.I. [Public Works/Technical Services - Mosaic PH1B-2 - Preliminary and Final Plat Approval \(pp. 85-91\)](#)

Resolution - Quasi-Judicial hearing - approving the Preliminary and Final Plat for Mosaic Phase 1B-2. The Plat is a 66-lot residential subdivision located west of LPGA Blvd. and north of the Fla. Tennis Center. The preliminary and final plat has been reviewed by staff and found to be consistent with each other and in compliance with the Land Development Code and the preliminary plat has been reviewed and approved by the Planning Board at their November 19th meeting. The final plat has been reviewed by the City's consulting surveyor for consistency with Chapter 177 of the Fla. Statutes.

Andrew Holmes, Public Works Director, to report.

Recommendation: Public Works Director recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

9.J. [Public Works/Technical Services - Reserve at Strickland Final Plat Approval \(pp. 92-101\)](#)

Resolution - Quasi-Judicial Hearing approving the final plat for The Reserve at Strickland. The plat is a 168-lot multi-family (townhome) residential subdivision located east of Clyde Morris Blvd. and south of Strickland Range Rd. The preliminary and final plat have been reviewed by staff and found to be consistent with each other and in compliance with the Land Development Board and subsequently by the City Commission at their November 4th meeting, as outlined in Ord. 2020-352. The final plat has been reviewed by the City's consulting surveyor for consistency with Chapter 177 of the Fla. Statutes.

Andrew Holmes, Public Works Director, to report.

Recommendation: Public Works director recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

9.K. [Development and Administrative Services - Reserve at Strickland Proportionate Fair Share Agreement \(pp. 102-117\)](#)

Resolution - PUBLIC HEARING - authorizing the City to enter into the Reserve at Strickland Proportionate Fair Share Agreement with ADJ Strickland LLC, ("Developer") and Volusia County. The agreement provides for a proportionate fair share contribution to the County in the amount of \$784,048.35, based on a maximum buildout of 168 dwelling units and 24,000 square feet of medical office buildings. The purpose is to satisfy concurrency requirements consistent with the requirements of Section 3.4(Z) of the City's Land Development Code and Section 70 of the County's Land Development Code. The contribution will provide local transportation improvements to County and City roads and shall be paid to the County prior to final approval of the Reserve at Strickland project that is generally located near Clyde Morris Boulevard and Strickland Range Road.

James Morris, Deputy City Manager/Administrative Services, to report.

Recommendation: Deputy City Manager/Administrative Services recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

9.L. [Development and Administrative Services - Sanctuary at Daytona - Proportionate Fair Share Agreement \(pp. 118-133\)](#)

Resolution - PUBLIC HEARING - authorizing the City to enter into the Sanctuary at Daytona Proportionate Fair Share Agreement with Sanctuary at Daytona Beach LLC, ("Developer") and Volusia County. The agreement provides for a proportionate fair share contribution to the County in the

amount of \$374,991, based on a maximum buildout of 336 dwelling units.

The purpose is to satisfy concurrency requirements consistent with the requirements of Section 3.4(Z) of the City's Land Development Code and Section 70 of the County's Land Development Code. The contribution will provide local transportation improvements to County and City roads and shall be paid to the County prior to final site plan approval of the Sanctuary at Daytona project that is generally located on or near the north side of LPGA Boulevard and west of Grand Preserve Way.

James Morris, Deputy City Manager/Administrative Services, to report.

Recommendation: Deputy City Manager/Administrative Services recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Redevelopment - Daytona Center \(Nova & ISB\) - Rezoning to Planned Development-Redevelopment \(PD-RD\) \(pp. 134-236\)](#)

Ordinance on first reading - to rezone 18.93± acres of land, located at 100 North Nova Road, from Redevelopment Midtown-Activity Center Mixed Use (RDM-3) to Planned Development-Redevelopment (PD- RD) to promote additional uses for the existing retail center and provide for additional buffers adjacent to residential areas. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Daytona Center, LLC.

Reed Berger, Redevelopment Director, to report.

Recommendation: Planning Board recommends approval 7-to-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, January 6, 2021.

10.B. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment Multifamily Uses \(pp. 237-246\)](#)

Ordinance on first reading - amending Article 11 (Definitions and Interpretations) of the Land Development Code (LDC), to include setback measurements for rear-loaded residential uses; and to amend the definition for Multifamily Complex, Multifamily Dwelling and Townhouse Dwelling.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 7-to-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, January 6, 2021.

11. COMMENTS AND INQUIRIES FROM THE CITY COMMISSION - CITY MANAGER AND CITY ATTORNEY REPORT.

12. ADJOURNMENT.

13. PUBLIC COMMENT FORUM - During this time Citizens are allowed 2.5 minutes to speak on any topic. Please be courteous and respectful of the views of other speakers. Personal attacks on the City Commission, City Staff or members of the public are not allowed.