
A regular meeting of the City of Daytona Beach Planning Board was held on Thursday, February 22, 2007, at 6:00 PM in City Hall Commission Chambers, 301 S. Ridgewood Ave., Daytona Beach, FL.

Board members present were as follows:

Ms. Anita Gallentine
Mr. Bob Hoitsma, Vice Chair
Mr. Jeff Hurt
Ms. Janet LeSage
Mr. Larry Moore
Mr. James Neal
Mr. Sam Rogers
Ms. Edith Shelley, Chair
Ms. Cathy Washington
Mr. Kenneth Wood

DRAFT

Absent members:

Mr. John McGhee II

Staff members present:

Mr. Steven Spraker, Planning Manager
Ms. Marie Hartman, Deputy City Attorney
Ms. Belinda Collins, Principal Planner
Ms. Colleen Miles, Zoning Officer
Ms. Lana Loss, Planning Technician

1. **Call to Order**

Ms. Shelley called the February 22, 2007 Planning Board Meeting to order at 6:00 p.m.

2. **Roll Call**

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

3. **Approval of the Minutes: January 25, 2007**

Ms. Shelley stated on page 12, where it read Mr. Dunn asked to include language for Riverfront Park to have a density of 2 units per acre, it was for beautification of Riverfront Park. She said on page 13, the third paragraph should read Ms. Kincaid, not Mr. Kincaid. Ms. Washington stated page 2, Item 4 should read Mr. Ervin Ross was the Director of Physical Plant not Physical Planning for Bethune Cookman College.

Mr. Hurt made a motion to approve the January 25, 2007 meeting minutes as amended. Mr. Hoitsma seconded the motion and it was unanimously approved (10-0).

4. **SPECIAL USE PERMIT, DEV 2007-012, Our Lady of Lourdes Church and School Italian Festival**

A request by Mr. Mark Karet, on behalf of Our Lady Of Lourdes Church, for a Special Use Permit to operate a carnival (Italian Festival) on the church grounds from Thursday, April 19 to Sunday, April 22, 2007 and from Thursday, April 17 to Sunday, April 20, 2008. The subject property is located at 201 University Boulevard.

Staff Recommendation

Mr. Spraker presented information contained in the Staff report, a copy of which is hereto attached and made part of the record. He gave a PowerPoint presentation showing the location of the site to the Board, a copy of which is hereto attached and made part of the record.

Applicant's Presentation

Mr. Mark Karet, representing the applicant at 201 University Boulevard, was present to answer questions. He said the festival was the church's largest fund raising event. He said he recently learned of concerns from citizens and was aware of impacts on the neighborhood and offered to meet with the neighbors to address their concerns prior to going before the City Commission.

Citizen's Comments

Mr. John Nicholson, 413 N. Grandview Avenue, Daytona Beach, stated he had concerns with the Church running a homeless feeding center, which generated destruction and crime in the neighborhood.

Mr. Bob Carr, 304 Waverly Circle, Daytona Beach, representing several citizens of the neighborhood, stated some of their concerns were the noise from the trucks coming in prior to festival and setting up the rides. He said additional concerns were that the carnival workers were camping on site and when the event ended each day, they turned on generators, and carried on into the night, which disturbed the neighbors. He said the church's parking area was where the rides were located and this encouraged patron parking to encroach into the neighborhoods. He said another issue was debris in yards generated by attendees and the workers. He said part of the criteria for temporary carnivals was for them to be in locations where they would not disrupt normal activities and he said the event disrupted normal activities. He asked the Board to deny the request.

Ms. Shelley stated with the exception of minor issues, the extent of the neighbors concerns had not come forward them in previous years.

Ms. Spraker stated staff was unaware of the issues brought forward by Mr. Carr. He said staff would be happy to work with the church and the neighbors to address some of their concerns. He said the police and code enforcement staff could monitor the event to provide a report for future years.

Mr. Karet stated given the nature of the concerns, they would amend the request to include only the current year. He said they made the request for two years because notification costs had increased drastically.

Ms. Betty Kane, 101 University Boulevard, Daytona Beach, stated her home and her neighbor's home had been broken into during the carnival and the workers needed to be screened. She said each year got worse and worse, with fighting, trash and noise. She suggested relocating the carnival to Beach Street.

Mr. Don Kane, 101 University Boulevard, Daytona Beach, stated the Italian Festival, which was run by the parishioners was fine, but the carnival was terrible. He said they put up with it for twelve years and the workers were criminals and they did not belong in the neighborhood. He asked the Board to deny the request.

Mr. Karet stated his children attended the school and would be attending the carnival each day. He said he would not allow them to attend if he felt there was any element of danger. He said in previous years he contacted the police department and last year, there were no issues reported. He said they could request additional patrols in the evenings. He said they would review the site plan and relocate the bunkhouse area so that there would be less of an impact on the adjacent property owners. He said the feeding of homeless was not associated with the request before the Board, but he would make the church aware of the concerns expressed.

Mr. Rogers asked if there was any consideration of relocating the event. Mr. Karet stated this was the first time they heard these particular complaints and relocation had not been considered.

Mr. Spraker stated there were a number of options that could be explored and suggested the applicant meet with the neighbors prior to going before the City Commission. Mr. Karet stated they would meet with the neighbors to try and resolve their concerns.

Mr. Hoitsma asked what the City's regulations were on having people housed on property as associated with the request. Mr. Spraker stated historically it was included as part of the Special Use approval.

Ms. LeSage stated it seemed like the neighbors were willing to put up with a little noise and the major issue was the insecurity they felt during the event. She said open camping was prohibited in other areas of the City and they needed to make the church accountable for these problems.

Ms. Gallentine stated she was possibly the only Planning Board member that voted against the request for the past 5 – 6 years. She said it was not a neighborhood for a

carnival. She felt neighbors were afraid to come forward in previous years because they were members of the church and did not want to rock the boat. She said the good relations between the church and neighbors were rapidly deteriorating and the church needed to find another location for the carnival.

Ms. Shelley asked if the church already had a contract with a vendor for the carnival. Mr. Karet stated yes.

Ms. LeSage asked what would happen if the Board denied the request. Mr. Karet stated they would submit an appeal within 5 days to go before the City Commission and hold a meeting with the neighbors to see what changes could be made prior to the City Commission meeting. He said the carnival was an important event that the church was very proud of. Ms. LeSage asked how the staffing of the event could be corrected. Mr. Karet stated the church used the same vendor for a number of years and hoped the incentive would be to retain their business. He said he would make it clear to the vendor that they were being perceived in a very poor light.

Mr. Hurt stated it was the first time the Board heard complaints of this level and hopefully the church and the neighbors would be able to come to a compromise. He felt they should give the church an opportunity to resolve some of the issues expressed by the neighbors.

Mr. Moore said it sounded like the carnival outgrew the neighborhood.

Ms. Shelley stated if the request was approved and the church held the carnival, that the neighbors should report their concerns to the Board, which could affect future decisions on the church's request.

Ms. LeSage stated the City was not a KOA and the overnight camping should be looked at for future requests.

Board Motion

Mr. Hurt made a motion to approve the request for 1 year, with the condition that Mr. Karet and representatives from the church meet with the neighbors to address their concerns. Mr. Wood seconded the motion.

Ms. Hartman wanted to clarify that the neighbors' concerns included adjustments to the site plan if necessary. Ms. Shelley added concerns of the overnight camping were also discussed.

Board Action

The motion was denied (5-5) with Ms. Gallentine, Ms. LeSage, Mr. Rogers, Ms. Shelley and Ms. Washington casting the dissenting votes.

Mr. Karet stated they would appeal the decision.

Mr. Spraker stated the recommendation would be for denial, which would require a supermajority vote by the City Commission to approve the request.

5. REZONING, DEV 2006-186, Sandra Homes

A request by Mr. Rick Prioletti, of RP Planning Group, on behalf of Suresh Sani, for approval of a zoning amendment of 6.5± acres from TM (Trailer Mobile Home) to BR-2 (Shopping Center). The subject property is located on the south side of Big Tree Road, west of Nova Road.

Staff Recommendation

Ms. Miles presented information contained in the Staff report, a copy of which is hereto attached and made part of the record. She gave a PowerPoint presentation showing the location of the site to the Board, a copy of which is hereto attached and made part of the record.

Mr. Spraker stated staff received a number of phone calls from residents in LaCosta Village with concerns that the parcel was part of the Volusia County School Board site, which it was not.

Applicant's Presentation

Mr. Rick Prioletti, RP Planning, Daytona Beach, representing the applicant, was present to answer questions. He said there would be sufficient land for a quality project by combining the property into one zoning category. He said they envisioned a small neighborhood center to serve the area.

Citizen's Comments

Mr. Bob Norville, 2248 Las Fuentes Drive, LaCosta Village, stated his concern was that commercial was moving down Big Tree Road a bit too far and close to residential.

Board Motion

Mr. Hurt made a motion to approve the request. Mr. Moore seconded the motion.

Board Action

The motion was unanimously approved (10-0).

6. SEMI-PUBLIC USE, DEV 2006-176, Halifax Hospital Parking Lot "B"

A request by Mr. Robert Merrell, Esquire, of Cobb & Cole, on behalf of Mr. Michael Morgan, Halifax Medical Center, for approval of a semi-public use for a 55 space parking lot on 0.96 ± acres. The subject property is located at the southwest corner of Dunn Avenue and Clyde Morris Boulevard.

Staff Recommendation

Mr. Spraker presented information contained in the Staff report, a copy of which is hereto attached and made part of the record. He gave a PowerPoint presentation showing the location of the site to the Board, a copy of which is hereto attached and made part of the record.

Applicant's Presentation

Mr. Rob Merrell, Cobb & Cole, representing the applicant, was present to answer questions.

Citizen's Comments

There were no citizen comments.

Board Motion

Mr. Hoitsma made a motion to approve the request. Mr. Rogers seconded the motion.

Board Action

The motion was unanimously approved (10-0).

7. ROW VACATION, DEV 2007-013, Halifax Hospital Right-Of-Way Vacation

A request by Mr. Robert Merrell, Esquire, of Cobb & Cole, on behalf of Mr. Michael Morgan, Halifax Medical Center, for approval to vacate 3.173 ± acres of existing streets within the proposed expansion area of the hospital. The subject area is bounded by Lakeshore Drive on the west, Heineman Street on the east, Willis Avenue to the north

Staff Recommendation

Mr. Spraker presented information contained in the Staff report, a copy of which is hereto attached and made part of the record. He gave a PowerPoint presentation showing the location of the site to the Board, a copy of which is hereto attached and made part of the record.

Applicant's Presentation

Mr. Rob Merrell, Cobb & Cole, representing the applicant, was present to answer questions. Mr. Merrell stated they hoped to present a site plan for the hospital to the Board in March.

Citizen's Comments

There were no citizen comments.

Board Motion

Mr. Hurt made a motion to approve the request. Mr. Moore seconded the motion.

Board Action

The motion was unanimously approved (10-0).

8. SMALL SCALE COMPREHENSIVE PLAN LAND USE MAP AMENDMENT, DEV 2007-020, Breakers Oceanfront Park

An administrative request to amend the Future Land Use Map designation of the 2.71± acre Breakers Oceanfront Park from “High Intensity Mixed Use” to “Existing/Potential Park”. The subject property is located south of Main Street and west of the beach, with frontage on SR A1A.

Staff Recommendation

Mr. Spraker presented information contained in the Staff report, a copy of which is hereto attached and made part of the record. He gave a PowerPoint presentation showing the location of the site to the Board, a copy of which is hereto attached and made part of the record.

Ms. Shelley stated the request was not required to go before the Main Street/South Atlantic Redevelopment Area Board. She said the Planning Board could approve the item conditionally if they wanted the redevelopment board to review it also. Ms. LeSage stated the Main Street/South Atlantic Redevelopment Area Board supported the park as well as naming it and she supported the request.

Citizen's Comments

There were no citizen comments.

Board Motion

Mr. Hurt made a motion to approve the request. Mr. Neal seconded the motion.

Board Action

The motion was unanimously approved (10-0).

9. PLANNED DEVELOPMENT REZONING, DEV 2006-183, Office and Storage Solution

A request by Mr. Alex Popovic, P.E., Upham, Inc., on behalf of Ms. Becky Edwards, Office and Storage Solutions Partners, LLC for a rezoning from R1b (single-family) to PCD (Planned Commercial Development) for a 11 ± parcel and to enter into the Office

and Storage Solution Planned Commercial Development Agreement to establish development standards for an office and storage development. The subject property is located along Bellevue Avenue, approximately 750 feet west of the intersection of Nova Road and Bellevue Avenue.

Staff Recommendation

Mr. Spraker presented information contained in the Staff report, a copy of which is hereto attached and made part of the record. He gave a PowerPoint presentation showing the location of the site to the Board, a copy of which is hereto attached and made part of the record.

Applicant's Presentation

Mr. Alex Popovic, Upham Engineering, representing the applicant, was present to answer questions.

Citizen's Comments

Mr. Mike Howden, 1228 Bellevue Avenue, Daytona Beach, stated the surrounding businesses including the Shell Gas Station, Savino's Automotive and Artesian Pools were very disruptive and the crime associated with them caused the other neighbors in the area to relocate. He said the drainage ditch was filled in when Artesian Pools was built which caused problems during heavy rains. He said new construction built up their properties and he had concerns with the drainage overflowing onto his property. He said most of the trees on the site were very healthy.

Mr. Spraker stated the applicant would have to abide by the regulations of the negotiated zoning district. He said he could speak with the police department regarding his concerns with the businesses along Nova Road.

Mr. Spraker stated the applicant provided a stormwater plan, which would be reviewed by the St. John's River Water Management District and City staff. Mr. Popovic stated 50% of the ditch was on the site. He said they would be decreasing the preimposed discharge, by taking most of the water onsite as infiltration, with minimal offsite discharge. He said the other 50% of the ditch would remain as it was.

Ms. Gallentine asked if the applicant would be willing to meet with Mr. Howden to discuss his concerns. Mr. Popovic stated most of his concerns with the businesses along Nova Road were out of their hands. He said the proposed site would be a fortress style set up, so that what was on the site would stay on the site.

Mr. Moore asked about residents on the west side of the property. Mr. Popovic stated there was a flower shop on east side and the main concerns of the residents on the west side of the property were the trees leaning on their properties, which would be removed.

Mr. LeSage asked if they would be removing any other mature trees. Mr. Popovic stated they would be removing all of the trees within the footprint of the development, which would be approximately 70%. He said they would assess the landscaping and remove and replace trees that were unhealthy or damaged along the residential areas. He said they would meet the City's landscape requirements.

Mr. Jerry Traywick, 797 Greenway Place, Daytona Beach, stated he had concerns regarding buffers and fallen trees along their property. Mr. Spraker stated the applicant would be clearing the entire site, preserving the healthy trees and replanting the buffer with trees in between the 8 foot wall and property line, in addition to planting a hedge along the building.

Ms. LeSage asked for assurance that the overgrown vegetation and stumps would be removed. Mr. Spraker stated after clearing the site, which would include removing the stumps, they would perform the site work and the final step would be providing the buffer.

Board Motion

Mr. Hurt made a motion to approve the request. Mr. Wood seconded the motion.

Board Action

The motion was unanimously approved (10-0).

Continued Items

10. RIGHT-OF WAY VACATION, DEV 2006-053

A request by Mr. William Morrison to vacate approximately 0.02 ± acres of area identified as driveways on the Stillman's replat subdivision. The driveways are located along the property of 101 Lenox Avenue.

Staff Recommendation

Mr. Spraker presented information contained in the Staff report, a copy of which is hereto attached and made part of the record. He gave a PowerPoint presentation showing the location of the site to the Board, a copy of which is hereto attached and made part of the record.

Mr. Spraker stated the applicant was proposing a driveway right-of-way vacation, which would not impact the access or driveway on the Bolding property, which was brought up at the last meeting.

Ms. Gallentine asked if Mr. Morrison would have access to the Bolding property. Mr. Spraker stated the driveway from Lenox Avenue to the applicant's property was not part of the request.

Applicant's Presentation

Mr. William Morrison, 101 Lenox Avenue, Daytona Beach, distributed copies of a survey showing the area to be vacated to the Board, a copy of which is hereto attached and made part of the record.

Mr. Morrison stated the request would not affect the other property owners with the exception of the property owner to the north, owned by J.C. France, who had no objections to the request. He said the reason for the vacation, was because he wanted to build a detached garage on the eastern portion of the property. He said the vacation would not affect the Bolding or Welshinger property.

Citizen's Comments

Ms. Marty Schlageter, 111 Lenox Avenue, Daytona Beach, stated her property was to the south of Mr. Morrison's lot. She distributed photographs of the property to the Board, copies of which are hereto attached and made part of the record. She said there was at times, two trailers, a motor home, two boats, two storage structures, a metal canopy, a carport and golf cart parked on the property behind her home. She felt he should not be able to put a locked gate on the property that should be opened to the public. She asked if the neighboring residents were required to be notified of the request. Mr. Spraker stated notification was required for the City Commission meeting and staff felt, based on the concerns of the Board at the last meeting, they notified the neighbors of the Planning Board meeting. Mr. Schlageter stated she had concerns with buffers and asked exactly what he was proposing for the property.

Mr. Walter Foster, attorney representing Ms. Dorothy Bolding, 105 Lenox Avenue, Daytona Beach, adjacent to Mr. Morrison's property, stated his client had concerns with emergency access on the entrance on Revilo Boulevard and the density and hoped it would remain residential. He said Ms. Bolding would like to see Mr. Morrison's primary access on Revilo.

Mr. Morrison stated the primary residential entrance was off Lenox Avenue. He said Ms. Bolding's request to have his primary access on Revilo Boulevard would mean accessing private property. He said there was a set of double swing gates that had never been locked. He said his goal was to build a detached garage and had no intention of building anything else.

Ms. Dorothy Bolding, 105 Lenox Avenue, Daytona Beach, stated she had never been able to go in or out of Mr. Morrison's gates. She said she preferred his main access be on Revilo Boulevard.

Ms. Gallentine stated Mr. Morrison amassed a lot of property in the neighborhood and she understood the neighbors concerns. She said he would have 3 entrances to his property, obtain additional land from the proposed vacation and the option of building a large structure. She agreed with the neighbors and felt they deserved their privacy and

the right to not allow access to his property on Lenox Avenue or allow commercial vehicles on Lenox Avenue.

Ms. Shelley stated the property was zoned R1-a, which allowed the lowest density at 8 units per acre.

Board Motion

Mr. Hurt made a motion to approve the request. Mr. Neal seconded the motion.

Board Action

The motion was denied (1-9) with Ms. Gallentine, Mr. Hoitsma, Mr. Hurt, Ms. LeSage, Mr. Moore, Mr. Rogers, Ms. Shelley, Ms. Washington and Mr. Wood casting the dissenting votes.

Other Business

• **Development Services Director Report**

Mr. Spraker stated the second cycle of the City's Comprehensive Plan Amendments were found in compliance with the Florida Department of Community Affairs.

• **Evaluation and Appraisal Report Update**

Mr. Spraker stated staff continued to work on the Evaluation and Appraisal report and hoped to bring it to the Board in April.

• **Downtown/Balough Road Redevelopment Area Board Report**

Ms. Shelley reported on the Board's February 6, 2007 meeting.

• **Midtown Redevelopment Area Board Report**

Mr. Rogers reported on the Board's February 13, 2007 meeting.

• **Main Street/South Atlantic Redevelopment Area Board Report**

Ms. LeSage reported on the Board's February 14, 2007 meeting.

• **Vision Committee Report**

Ms. Shelley reported on Vision Committee's February 12, 2007 meeting.

• **Public Comments**

There were no public comments.

- **Board Members Comments**

Mr. Hoitsma suggested rotating the order of the voting because the latter votes might be influenced by the earlier votes. After Board discussion, Ms. Shelley stated it was something the Board could consider.

Ms. Shelley stated the Board previously approved a request regarding the height of new development along the west side of A-1-A and asked why it had not moved forward to the City Commission. Mr. Spraker stated staff would look into it.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 8:28 p.m.

EDITH SHELLEY
Chair

CATHY WASHINGTON
Secretary