

MINUTES
REGULAR MEETING – PLANNING BOARD

November 18, 2010

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, November 18, 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
Bob Hoitsma
John McGuinness
Larry Moore
Kevin Fishback
Cathy Washington

Absent Members:

John McGhee, II
Janet LeSage
James Neal

Staff members present:

Richard Walton, Planning Director
Dennis Mrozek, Planner
Carrie Lathan, Assistant City Attorney
Rose Williams, Planning Technician

1. **Call to Order**

Robert Hoitsma, 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.

11-18-10 Planning Board Meeting

3. Approval of the Minutes: October 28, 2010

Mr. Moore asked if he misunderstood Mr. Cameron's requested changes on page five. He stated he wanted to make sure that was not the recommendation that moved forward to the City Commission.

The consensus of the Board was Mr. Cameron's comments were concerning recommendations he was requesting and not the Board's recommendations.

Mr. Walton informed Board members the following changes had been made:

1. Item No. 5, Electronic Message Centers – The 5-to-4 approval vote actually failed because LDC, Article 3, Section 2.4(a) requires six affirmative votes to approve a LDC text amendment.
2. Item No. 6, Seabreeze Overlook – Since the marina had been removed from the request, Mr. McGuinness no longer had a conflict of interest and would now be allowed to vote on the request.

Mr. Morris offer to donate \$5,000 for Riverfront Park improvements was moved to the end of the discussion under Board Comments.

Additional clarification was requested from Board members on the EMC change. Mr. Walton read the LDC language to clarify the change.

Mrs. Remark asked staff if the failed vote on EMCs meant none of the Board's recommended changes would move forward to the City Commission.

Mrs. Lathan replied the City Commission would receive the Planning Board's packet and minutes from this meeting.

Mr. Walton stated the City Commission would receive the packet the Board received and the draft meeting minutes that will include the Board's recommended changes.

Mrs. Remark asked how the vote would be done.

Ms. Lathan stated it would take a supermajority vote to adopt something that was denied by the Planning Board.

Mrs. Remark asked if that meant to adopt either version.

Mrs. Lathan replied she believed so.

Mrs. Remark stated based on this new information, she was considering making a motion to reconsider her vote because if the recommendation moved forward with a vote of 6-to-3 in favor of the request, then the Commission would be required to vote on the changes that included the Board's recommendations.

11-18-10 Planning Board Meeting

Mr. Walton replied the Commission would receive both versions either way.

Mrs. Remark stated she understood that but as it stands now, they could choose which version they wanted to vote on. She stated based on this, she was requesting a motion to reconsider her vote on Item No. 5, Electronic Message Center, DEV2010-066, on the October 28, 2010 Planning Board Meeting Agenda.

Ms. Lathan stated the motion would have to be made by the prevailing side.

Mr. Moore asked for clarification on what the motion was for.

Ms. Lathan stated the motion would be for reconsideration of the request.

Board Motion

It was moved by Mr. Moore to reconsider the request to approve Land Development Code Text Amendment, Sign Code (EMC), DEV2010-066. Seconded by Mrs. Remark.

Ms. Lathan stated it would still require six votes and there were only seven Board members present.

There was lengthy discussion between Board members and staff on whether or not the vote could be reconsidered.

Ms. Washington stated she was not present at the October meeting to vote on the request.

Ms. Lathan stated even though Ms. Washington was not present at last month's meeting, she could still vote if she could state for the record, she had reviewed the minutes, all of the material pertaining to the request, and was fully abreast of the knowledge required to vote on the request.

Mr. Moore stated with all of the discussion surrounding the motion and all of the recommended changes, neither Ms. Washington nor Mr. Hoitsma would have the knowledge to vote.

Mrs. Remark stated she felt if the Board was going to reconsider the request, this was the right time to do it because there is not a full City Commission and they would not review the request until there was one.

Ms. Lathan stated a motion could be made to suspend Roberts Rules of Order and then make a motion to reconsider the request at the next meeting.

Mr. Hurt asked if that could be done because of all the people that spoke on the request.

11-18-10 Planning Board Meeting

Mr. Walton stated it would have to be placed on the December Planning Board Agenda.

Mr. Hoitsma asked if it would work if one of the Board members that voted last time changed their vote.

Ms. Lathan stated all of those Board members are not present.

Mrs. Remark asked if it had to be the exact same Board members present. She stated she thought because it was not a quasi judicial hearing and it was only a text amendment the same group of Board members was not required.

Mr. Walton stated if you bring it back and have a different group of Board members voting, there is no way to know how the vote will turn out.

Mr. Fishback stated it did not matter which way the Board voted, the City Commission had the option to choose which version they wanted to vote on.

There was additional discussion among Board members and staff on how to handle the reconsideration request made by Mrs. Remark. It was the consensus of the Board that the issue was becoming too complicated.

Mr. Moore withdrew his motion. Mrs. Remark withdrew her second.

Board Motion

It was moved by Mr. Moore to approve the October 28, 2010 Planning Board Meeting Minutes. Seconded by Mrs. Remark.

Board Action

The motion was approved 7-to-0.

4. Liberty Industrial Park, Site Plan Approval, DEV2009-070

A request by Robert J. Ball, P.E., Zev Cohen and Associates, Inc. on behalf of Frank R. Costa, Liberty Group Realty for approval of a site plan for a 5.53± acres parcel, located at 500 Fentress Boulevard, just south of Dunn Avenue, to allow for two 33,000 square foot industrial buildings, for a total of 66,000 square foot industrial use.

Staff Presentation

Dennis Mrozek, Planner gave a brief PowerPoint presentation that included an overview of the request, current Land Development Code (LDC) requirements and waivers requested. He stated site plans of this nature are usually approved administratively by staff but because this project was adjacent to residential zoning, Planning Board review and approval was required. He stated the original review of the project was performed last year by Thad Crowe, former Planning Manager. He stated in the initial review, Mr. Crowe had six to seven comments and

11-18-10 Planning Board Meeting

questions related to landscaping and environmental. Two specific questions that came up were regarding specimen tree requirements and the tree preservation area. Mr. Crowe worked with the applicant to address the issues and eventually signed off on final approval of the site plan and landscaping. Mr. Mrozek stated he did not have the historical knowledge of the discussions to determine what took place up to the final sign-off but he had met with the applicant and had some indication of how he and Mr. Crowe were able to resolve the issues with the project. He stated the location of specimen trees and some site conditions made it practical to reduce the required number of trees. He stated the request met all of the LDC requirements and staff was recommending approval.

Applicant Presentation

Robert Ball, 300 Interchange Boulevard, Ormond Beach, Florida representative for the applicant thanked staff for all of their assistance. He stated he felt it was a good project and was available to answer any questions the Board may have.

Mrs. Remark asked why more of the natural vegetation could not be preserved and fill in additional trees where they were needed. She also asked why the second part of the City's Tree Preservation requirements requiring \$300 for every tree waived, to be placed in the tree reserve account, to be used toward purchase and installation of trees and irrigation in City parks, rights-of-ways and public open spaces was not considered.

Mr. Ball replied in reference to the natural vegetation, it was done that way because of the back slope and high ground water conditions. He stated to make it work they had to go vertical and the site goes up with it. Regarding the additional requirement pertaining to \$300 being placed in the tree reserve account for every tree waived, that requirement was never discussed.

Mr. Mrozek stated pertaining to the \$300 requirement, he could only guess that when the site plan was originally reviewed, staff looked at the overall tree count for the property, minimum requirement for trees for the property, and what was being provided and determined that the applicant had met the minimum tree requirement for the property. He stated there was not a net loss in the overall number of trees, but there was a loss in specimen trees.

Mr. Ball stated he did not know why it was not addressed during the original review but if the Board wanted them to pay \$300 per tree for the 10 trees that was not a problem. He stated if it had been addressed originally, they would have paid it then and he felt it was the right thing to do.

Citizen Comments

John Nicholson, 413 North Grandview Avenue, Daytona Beach stated he was neither for nor against the request. He stated he felt this was the ideal location for this project but he had an issue with the number of trees being used to hide the two drainage ditches and asphalt. He asked the Board to require the applicant to make the view of the project from the roadway more appealing.

11-18-10 Planning Board Meeting

Board Comments

Mr. Hoitsma stated they were retention ponds not ditches.

Mr. Ball replied that was correct and there was landscaping along the frontage as well. He stated the actual water body of the ponds was 60 to 80 feet deep so they would not give a ditch feeling.

Several Board members expressed a concern with charging the applicant \$300 per tree now when essentially the request was approved last year without the requirement.

Mr. Walton stated he recalled speaking with Mr. Crowe about the issue. He stated they compared the site plan with the property immediately to the south which was similar and found it had a lot less preserved trees.

There was additional discussion on whether or not to impose the LDC tree preservation requirement on the applicant at this time.

Mr. Walton staff believes the site plan complies with the LDC as written.

It was the consensus of the Board not to charge the fee.

Mr. Moore asked if there were any variances being requested for the monument signs.

Mr. Ball replied the sign was nine feet wide by five feet tall.

Board Motion

It was moved by Mrs. Remark to approve Liberty Industrial Park, Site Plan Approval, DEV2009-070. Seconded by Mr. McGuinness.

Board Action

The motion was approved 7-to-0.

Mr. Hoitsma recognized Commissioner Edith Shelley and thanked her for all of her years of dedicated service on the Planning Board.

5. **Other Business**

A. **Downtown/Balough Road Redevelopment Area Board Report**

No report given.

B. **Midtown Redevelopment Area Board Report**

No report given.

11-18-10 Planning Board Meeting

C. Main Street/South Atlantic Redevelopment Area Board Report

Mrs. Remark reported the Board met on Wednesday, November 10th at 6:30 pm and heard the following requests and presentations:

- DEV2010-061, Site Plan approval for 123 South Coates Street, to establish a personal service business. Applicant requested a continuance. Both the site plan approval and continuance were denied.
- DEV2010-052, Gateway Daytona, PCD Amendment request was approved with conditions and recommendations.
- DEV2010-095, Temporary Parking Lots, LDC Text Amendment was denied.
- Update on the E-Zone Master Plan.
- Closed on property located at 208 East International Speedway Boulevard.
- Discussion on LDC Rewrite.
- Discussion on Board members' terms of service.

Mr. Moore asked if the marina had been approved for the Blue Water project.

Mrs. Remark replied no the applicant had been working on it for a few years. She stated they were anticipating on getting more information in January. She stated the Board did not review any of the proposed changes in the development agreement; they only reviewed the site plan.

D. Public Comments

John Nicholson, 413 North Grandview Boulevard, Daytona Beach reminded the Board that it was time to revisit the issues on submerged land, Floor Area Ration and parking for hotels and shopping centers. He stated Clarion would not know what to put in the LDC if it was not addressed until after the rewrite process was complete.

Mr. Walton stated the City's contract with the consultants requires an assessment of the LDC and bring back modules that vetted by the advisory boards subcommittee and public meetings where input is received from citizens. He gave Mr. Nicholson the subcommittee and public meeting dates and times.

Mrs. Remark stated the Board had discussions on those items and the comments are part of the meeting minutes. She stated the consultants have been made very aware of those topics.

E. Staff Comments

Mr. Walton reminded subcommittee members that their presence was needed at the meeting scheduled for Monday, November 22nd, at 5:00 pm, in Conference Room 149A and Tuesday, November 23rd, at 6:00 pm (public hearing) in the Commission Chambers.

Mrs. Remark asked if Mrs. Shelley had been replaced as member of the subcommittee.

Mr. Walton replied as far as he knew, she still planned on attending.

11-18-10 Planning Board Meeting

Ms. Lathan stated it is a Planning Board and Economic Development Board subcommittee so the Board might want to consider appointing someone else from the Board to serve as a member.

Mrs. Washington agreed to replace Mrs. Shelley on the subcommittee.

F. Board Member Comments

Mr. Hoitsma stated his term as chairman was coming to an end in December and Mrs. Shelley was no longer on the Board. He asked Board members to think about who they wanted to fill both the chair and vice chair positions and present their recommendations at the December meeting. He wished everyone a Happy Thanksgiving.

Mrs. Remark stated the Board would also have to appoint a representative to serve on the Downtown/Balough Road Redevelopment Area Board.

Mr. Moore asked Mr. Mrozek if he could put an artist rendition of the building in the PowerPoint presentation the way he put the area that was being developed.

Mr. Mrozek asked if he was talking about in reference to scale and size.

Mr. Moore replied yes.

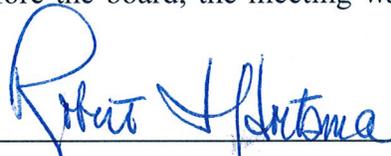
Mr. Mrozek replied he could look into it because it would require getting pictures of the surrounding properties.

There was additional discussion on suggestions on how to make Mr. Moore's request work.

Mr. Fishback asked if the agenda could include how many votes are required to approve a request.

Adjournment

There being no further actions to come before the board, the meeting was adjourned at 6:42 pm.



ROBERT HOITSMA
Chair

ATTEST:



CATHY WASHINGTON
Secretary