

MINUTES

REGULAR MEETING – PLANNING BOARD

February 23, 2012

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Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, February 23, 2012, at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

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Board members Present were as follows:

Tracey Remark  
Bob Hoitsma  
Janet LeSage  
John McGuinness  
Louis Moore  
James Neal  
Kevin Fishback (6:10)  
Shirley Benjamin  
Matthew Bohon

Absent Members:

Jeff Hurt  
Cathy Washington

Staff members present:

Richard Walton, Planning Director  
Dennis Mrozek, Senior Planner  
Thomas Weitnauer, Principal Planner  
Carrie Lathan, Assistant City Attorney  
Rose Askew, Planning Technician

1. **Call to Order**

Louis Moore, Chair called the meeting to order at 6:00 pm and stated John McGuinness would serve as the Board Secretary in Mrs. Washington's absence.

2. **Roll Call**

Mr. McGuinness called the roll and noted members present as listed above.

**Approval of the February 23, 2012 Amended Agenda**

**Board Motion**

It was moved by Mrs. Remark to approve the Amended February 23, 2012 Planning Board Agenda. Seconded by Mr. McGuinness.

**Board Action**

The motion was approved 8-to-0.

3. **Approval of the Minutes:** January 26, 2012

**Board Motion**

It was moved by Mrs. Remark to approve the January 26, 2012 Planning Board Meeting Minutes. Seconded by Mr. Hoitsma.

**Board Action**

The motion was approved 8-to-0.

4. **Preliminary Plat – WC Grand, DEV2011-104 - (Quasi-Judicial Hearing)**

A request by Parker Mynchenberg, P.E., R.L.A., on behalf of The City of Daytona Beach and W.C. Grand, LLC - White Challis Redevelopment Co., LLC, Managing Member, to approve a preliminary plat for 0.8955± acres of land located at 516 South Grandview avenue for the development of a 17-unit single-family residential development.

**Staff Presentation**

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the general location, current zoning and read the Land Development Code (LDC) definition for the purpose of a preliminary plat. He stated final plat approval is required by the City Commission and no waivers were requested. He stated staff recommends approval and a majority vote of Planning Board members present and voting is required to recommend approval to the City Commission.

**Applicant Presentation**

Parker Mynchenberg, 1729 Ridgewood Avenue, Holly Hill, Florida stated he was available for questions.

**Citizen Comments**

No citizen comments.

**Board Comments**

No Board Comments.

**Board Motion**

It was moved by Mrs. Remark to approve Preliminary Plat – WC Grand, DEV2011-104. Seconded by Mr. Hoitsma.

**Board Action**

The motion was approved 9-to-0.

Mr. Moore stated Mr. Mrozek would present items five and six together because they involve the same project, but the vote would be taken separately.

5. **Rezoning – Fraternal Order of Eagles, DEV2011-105 - (Quasi-Judicial Hearing)**

A request by James S. Morris, Esq., on behalf of Jerry Macklefresh, Fraternal Order of Eagles Aerie #4401, Inc., to approve an application to rezone the subject property from R3 – Multifamily, to RP – Residential Professional, for 1.15± acres of land located on the north side of Beville Road.

**Staff Presentation**

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the current land use, zoning and general location of the property, and the land uses for surrounding properties. He gave some details of the current site, the proposed project and requested variances. He stated clubs and lodges are not permitted in the R3 zoning district but are allowed through the special use permit process for RP zoning, which is the second part of this request. He stated staff recommends approval of the rezoning request and an affirmative vote of six Board members is required to recommend approval to the City Commission. He stated without approval of the rezoning request, the special use permit request would not be possible.

**Applicant Presentation**

James Morris, 420 South Nova Road, Daytona Beach gave a brief history on the proposed property, discussions he and his client had with neighbors and fencing requirements for the retention pond. He stated if the neighbors want a fence his client was agreeable to building one. He spoke in regards to the condominiums on Virginia Avenue and some of the problems with homeless people cutting through the property. He stated the residents of the condominiums would like to have the property secured with a concrete block wall from edge to edge, which is different from what staff reviewed. Mr. Morris distributed a letter he wrote to Mr. Mrozek in response to the staff report, a letter from Daytona Beach Shores, Director of Public Safety and the residents at 350 Beville Road. He asked Jerry Macklefresh to speak on the request.

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Mrs. Remark asked Mr. Morris for further clarification on the concrete block wall.

Jerry Macklefresh, 839 Terrace Avenue, Daytona Beach gave history of the Fraternal Order of Eagles and stated they were willing to work with the neighbors. He stated he spoke with a representative from the condominium association today and agreed to put up a six foot tall concrete wall with no gate for pass through between the two properties.

There was discussion between Mr. Macklefresh and Mrs. Remark regarding the type of finish the wall would have.

Mr. Morris sated in relation to the cross access easement, his client was opposed to it, but if the Board chooses to make cross access a condition of approval his client requests to have it placed at the front driveway and not at the northern extreme where staff is proposing. He stated in reference to PILOT, he did not believe that was a legitimate or permitted purpose in the zoning process.

Ms. Lathan clarified that the Board could not make PILOT a condition of approval; the applicant would have to voluntarily make that payment.

Mrs. Remark asked if any of the Eagles other clubs had outdoor areas, were they adjacent to residences, do they have the same operating hours and do they have outdoor amplified music

Mr. Morris replied yes they have outdoor areas, yes they are adjacent to residences, the operating hours are the same and they do not intend to have outdoor amplified music. He stated there will be karaoke music but it was inside an area that was enclosed.

### **Citizen Comments**

William Ferguson, 1508 Virginia Avenue, Daytona Beach spoke in support of the request.

Donald LeFleche, 63 Oak in the Woods, Port Orange spoke in support of the request.

Mary Ann Jump, 350 Beville Road, Daytona Beach spoke in support of the request and in opposition of a fence being erected on her property line.

Mrs. Remark stated the fence would be on the other side of the retention area and asked if she wanted the fence to be plastic or concrete.

Ms. Jump replied she did not want fences anywhere.

Jerry Macklefresh, 839 Terrace Avenue, Daytona Beach stated during the week they are rarely open past 11:30 PM and on Saturdays they usually close at 1:30 AM. He stated currently they do not have outside entertainment and have no plans in the future to have outside entertainment.

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Neil MacGinnis, Project Manager, 3869 South Nova Road, Port Orange spoke in favor of the request and discussed details on the design of the project and stated currently they are not proposing to put a fence around the A frame.

Mr. Morris asked Mr. MacGinnis to briefly discuss the median opening and traffic circulation.

Mr. MacGinnis stated they had received verbal approval from DOT regarding access to the site from Beville Road. He stated they have to put in a “No Left Hand Turn” sign going east on Beville Road.

There was lengthy discussion on Beville Road traffic circulation.

Mr. Walton asked Mr. MacGinnis if his DOT gave him verbal approval without a traffic report.

Mr. MacGinnis replied yes and the only thing they had to submit to DOT to get their permit was proof of ownership.

Mr. Walton requested that all of that information be submitted to the City’s traffic engineer.

There was additional discussion on traffic circulation.

Wilburn Williams, 612 Willie Drive, Daytona Beach stated he was concerned about traffic leaving the site trying to go west across the median.

Mr. Morris stated the train tracks were approximately five to six hundred feet to the west and there was a fair amount of distance between the right hand turn onto Beville and the rail road tracks and there was a traffic light there.

### **Board Comments**

Mr. Hoitsma stated he was concerned with non-profit businesses coming into the City taking land off of the tax roll.

Mr. Moore stated he thought because this was request for a special use the Board could add a condition that required the applicant participate in the PILOT program.

Ms. Lathan stated they could volunteer to do PILOT but the Board could not make it a condition for approval.

Mr. Moore asked if the Board could make that a recommendation.

Ms. Lathan replied no, it could not be tied to the land use approval.

Mrs. Remark stated she agrees with the shared access, the hours of operation that was proposed in the letter submitted by Mr. Morris and the stucco wall on the west side of the

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property.

Mr. Morris stated his client did not have a problem with creating the shared access for future uses but they do not want it to be used for this specific use. He stated he could work with the City's legal staff to draft a covenant where if the use changes in the future, the shared access would be used.

Mr. Bohon stated he understands the Board's concerns but he felt the project would be a great improvement to the area.

Mrs. Remark asked Mr. Walton if Mr. Morris' proposal was ok.

Mr. Walton replied when someone is attending anything on this piece of property and want to go to any of the businesses that are immediately adjacent, the only way they will have to access those businesses will be whatever DOT requires to exit the site.

Mr. McGuinness asked if there was a need to keep the back access to Virginia as a condition.

Mr. Walton replied that decision was up to the Board but and if there was not a rezoning request in the future he did not know if the Board could require the applicant make any improvements to the property connecting to Virginia.

There was additional discussion on the unimproved right-of-way and access to Virginia.

Ms. Lathan stated the Board needed to clarify which conditions Mr. Morris was in agreement too.

Mr. Morris stated they were in agreement to the concrete wall with a stucco finish on the northern boundary of the property; deletion of the fence adjacent to the single-family house A frame house upon receipt of notarized agreement from the property owner; hours of operation will be 8:00 AM – 11:00 PM Sunday thru Thursday and 8:00 AM - 2:00 AM Saturday; entering into a covenant with the City that allows the cross access to be compelled in the event the Eagles or no other fraternal organization are no longer the occupant of that property.

Mr. Moore asked about the traffic study.

Mr. Mrozek stated if it is determined that a traffic study was required; it would have to be analyzed and approved prior to final site plan approval.

### **Board Motion**

It was moved by Mrs. Remark to approve Rezoning – Fraternal Order of Eagles, DEV2011-105. Seconded by Mr. Bohon

### **Board Action**

The motion was approved 9-to-0.

6. **Special Use Permit – Fraternal Order of Eagles, DEV2011-106 (Quasi-Judicial Hearing)**

A request by James S. Morris, Esq., on behalf of Jerry Macklefresh, Fraternal Order of Eagles Aerie #4401, Inc., to approve a resolution for a special use permit for 1.15± acres of land located on the north side of Beville Road, to allow for The Fraternal Order of Eagles Club/Lodge as a permitted special use in the proposed RP zoning district.

**Staff Presentation**

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the current land use, zoning and general location of the property, the Land Development Code (LDC) requirements for a special use permit and details of the proposed building. He stated the request met all land requirements and that the original elevation of the building had been modified to bring it into compliance.

Mrs. Remark asked the height and length of the fence facing Ridgewood Avenue. She also asked what materials the fence was made of.

Mr. Mrozek replied the height was six feet, materials were white plastic and that the fence ran the length of the property all the way to the back. He stated with a special use permit additional conditions of approval could be added based on the type of use and the area. He stated staff was proposing five additional conditions of approval as follows:

1. Limit hours of operation for the lodge use to:
  - a. 8am to 11pm - Sunday through Thursday, and
  - b. 8am to midnight - Friday and Saturday
2. Prior to final site plan approval, a notarized document will be required from the property owner of the single family residence acknowledging the reluctance to have the fence installed.
3. Prior to final site plan approval, a notarized document will be required acknowledging the owner of the single family home adjacent to the subject property may request and be granted the installation of a fence by the owner of the Eagles Lodge at any time.
4. Prior to final site plan approval, a notarized and recorded cross-access agreement will be required providing for possible future vehicle cross-access to the property immediately to the east.
5. Modification of the proposed site plan to provide for future access to the unimproved right-of-way known as Virginia Avenue, which is located at the northeast portion of the subject property.

Mr. Mrozek stated Staff recommends approval of the Special Use Permit to construct The Fraternal Order of the Eagles Lodge on 1.15± acres of property located on the north side of Beville Road at the southern boundary of the City, with the stated conditions. A majority vote of the Planning Board members present and voting is required for recommendation of approval to the City Commission.

Mrs. Remark asked if fencing was required anywhere else around the property other than behind the single-family home.

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Mr. Mrozek replied yes, fencing was required along the back side of the property adjacent to the multi-family and it is required as a buffer for the single-family.

There was discussion between staff and Board regarding condition number four.

Mr. Mrozek stated staff recommends approval of the special use permit request and a majority vote of Board members present and voting was required to recommend approval to the City Commission.

Mr. McGuinness asked for clarification on the property Mr. Mrozek stated was dual zoned.

Mr. Mrozek replied there was a sliver of property to the east that might be zoned R1a. He stated the City's GIS Planner reviewed it and determined it was a grey area where the line was.

Mr. Moore asked how taxes were handled for clubs and lodges.

Mr. Mrozek replied he call the county tax appraiser and was told this type of use was usually a non-profit and was usually exempt from property taxes. He stated currently the applicant has not filed for a property tax exemption on the site but after speaking with the applicant, he believed they would be considered a non-profit and therefore exempt from property taxes.

Mr. Moore asked if there was anything done in conjunction with the lodge.

Mr. Mrozek replied there were opportunities for through different types of programs. He stated one option was the Payment In Lieu of Taxes (PILOT) where the applicant would submit a payment that would help offset the cost of the services used like police, fire, etc. He stated because this was a special use request, this could be an additional condition of approval.

Ms. Lathan stated the applicant would have to agree to that condition.

Mrs. Remark asked additional questions about amplified music, proximity of ingress/egress to single-family homes and whether or not fencing was required for the portion of the property facing Ridgewood Avenue

Mr. Mrozek replied there had not been any discussion on noise. He showed photos of the site that reflect the proximity of ingress/egress to single-family homes.

Mr. Walton replied the fencing was needed to meet architectural guidelines.

Mrs. Remark stated so the fence would not be required if there was a better design on that side of the property.

Mr. Mrozek replied the fence was not required.

Mrs. Remark asked about traffic on Beville Road and Ridgewood Avenue in relation to people

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trying to turn around and the train tracks.

Mr. Moore stated a Traffic Impact Analysis (TIA) was not provided.

Mr. Mrozek stated staff had requested a TIA from the applicant and it was the applicant's responsibility to make the determination whether or not a TIA would be required. He stated before the project gets final site plan approval they will have to demonstrate it does meet all of the requirements and they will have to acquire Florida Department of Transportation (FDOT) permits for any type of connection they may need. He stated before it gets to final site plan approval, staff will have to verify that traffic will flow the way it needs too.

There was discussion between staff and Mr. Hoitsma regarding location and requirements for fencing around retention ponds.

### **Applicant Presentation**

Applicant presentation was included in Agenda Item No. 5.

### **Citizen Comments**

Comments under Agenda Item No. 5.

### **Board Comments**

Board comments were included in Agenda item No. 5.

### **Board Motion**

It was moved by Mrs. Remark and seconded by Mr. Neal to approve Special Use Permit – Fraternal Order of Eagles, DEV2011-106 with the following applicant conditions:

1. Concrete wall with a stucco finish on the northern boundary of the property.
2. Deletion of the fence adjacent to the single-family A-frame house upon receipt of notarized agreement from the property owner.
- 3. Operating hours: 8am to 2am**
4. Entering into a covenant with the City that allows the cross access to be compelled in the event the Eagles or no other fraternal organization are no longer the occupant of that property.

### **Board Action**

The motion was approved 9-to-0.

7. **Comprehensive Sign Plan – Embry-Riddle Aeronautical University, DEV2011-117 - (Quasi-Judicial Hearing)**

A request by Robert A. Merrell, III, Esq., of Cobb Cole, on behalf of Chris Hardesty, Embry-Riddle Aeronautical University (ERAU), to approve a Comprehensive Sign Plan for ERAU, located at 600 South Clyde Morris Boulevard.

**Staff Presentation**

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the general site location, and the Land Development Code (LDC) requirements for a CSP, and electronic message center (EMC) signs. He gave a brief description of the types of proposed signs included in the CSP. He stated the CSP request was in compliance with the Comprehensive Plan and the LDC with the exception of the EMC sign which the applicant was requesting a waiver for. He stated staff was recommending approval and that a majority vote by Planning Board members present and voting was required to recommend approval to the City Commission.

Mr. Hoitsma asked the size of the EMC sign and how far it was from the road.

Mr. Mrozek replied the size was 14 feet 7 inches and that the applicant would be required to meet the LDC requirement for distance from the road but he would allow the applicant to elaborate more.

Mrs. Remark asked Ms. Lathan if the American flag could be any size.

Ms. Lathan replied she was not aware of a regulation but she would look it up.

**Applicant Presentation**

Robert Merrell, 150 Magnolia Avenue went through the sign plan, showed a video to give the Board a better proportionate scale of how the EMC sign would look and stated Chris Hardesty Paul Momberger, and Ron Hatcher was also available to answer questions.

Mr. Moore referenced the number of signs in the CSP and the size of the campus.

Mr. Fishback asked if having the EMC sign on the other side of the road would make a difference for people driving on the right side of the road.

Mr. Merrell replied the right-of-way, which is an area they do not have the option of putting the sign is a substantial distance wider than the paved road.

**Citizen Comments**

No citizen comments.

**Board Comments**

Mr. McGuinness stated his problem with the EMC sign was again, it did not meet the requirements of the ordinance the City Commission approved. He stated if the sign were in the middle of the campus where no one could see it from a public road he would not have a problem with it but the sign is going to be on a public road and because it is part of a CSP a variance can be granted. He stated with all that being said it is still governed by the EMC ordinance.

Mr. Merrell stated when the City Commission approved the EMC ordinance he told them he would be coming back with a CSP that would include an EMC sign that would not meet the ordinance requirements. He stated if the Board was going to fixate on the language in the ordinance the Board should also fixate on the language that reads “except CSPs and PUDs”. He stated he understands Mr. Mc Guinness’s frustration but he does not feel the variance request should be a surprise to anyone.

Mrs. Lesage stated she felt it was good that the ordinance language was so restrictive because it prevents the average person from trying to get an EMC. She stated there are a few key superstars in the community like universities and hospitals that the City wants to attract attention too, but the ordinance requires those key superstars to bring their requests to the City to be closely reviewed to determine what will and will not work in the community.

Mr. Bohon stated his wife was an employee at ERAU and asked if he needed to recuse himself from the discussion.

Ms. Lathan replied no, he was not required to recuse himself.

Mr. Bohon stated when the first EMC sign came before the Board he did research and he followed the requirements to the letter of the law. He stated what he has come to realize is that there cannot be something that is looked at the same way for the entire community. He stated there must be some way review things based on the circumstances that surround the request. He stated the Board has to review each request with discretion and he was glad there was language that allows exceptions the code.

Mr. Moore stated he agreed with Mr. Bohon and that Mrs. LeSage clarified it perfectly.

Mr. Fishback stated he could see everyone’s point of view and he understood why Mr. McGuinness had concerns. He stated this sign was almost double what was allowed and his fear is that people will continue to come before the Board requesting variances for EMCs that are even larger than the last one. He asked when the Board would determine the signs were too large, what was the trigger.

Mr. Moore stated he did not have a problem with the sign.

Mr. Hoitsma stated he does believe in some instances the Board should take into account what the sign would be in front of and surrounding properties.

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Mr. Bohon stated the great thing about the process was the Board has the option to say no if someone proposes a sign that is too big.

Mr. Fishback stated the word superstar could be the small business that has four employees and that a big name and a lot of notoriety did not make a business a superstar. He stated there are a lot of small businesses out there that keep the City going that are also superstars.

Mr. Neal stated one of the reasons for the strict guidelines in the ordinance is to draw attention to what is and is not wanted in Daytona Beach. He stated he believes the proposed plan is right on target for helping to make decisions on future CSPs that come to the Board.

Mr. McGuinness stated after listening to the Board discussion, he would support the request.

Mr. Hoitsma stated the Board needed to be careful of setting a precedent.

### **Board Motion**

It was moved by Mrs. Remark to approve Comprehensive Sign Plan – Embry-Riddle Aeronautical University, DEV2011-117. Seconded by Mr. Neal.

### **Board Action**

The motion was approved 8-to-1.

## **8. Land Development Code Text Amendment – Prohibited Commercial Uses in the North Ridgewood Area, DEV2012-009**

A request by the Development and Administrative Services Department, Planning Division to amend Article 16 (Overlay Classifications and Regulations), Section 8.3 (North Ridgewood Classification: Prohibited Uses) of the Land Development Code (LDC), to prohibit certain commercial uses in the North Ridgewood Area.

### **Staff Presentation**

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the general location, current land use, zoning, a brief chronology of the North Ridgewood Overlay Area (NROA) and the purpose. He went the list of uses currently prohibited in the NROA. He stated the Planning Board and City Commission amended the LDC to add language that stressed the importance the word prohibited. He stated staff performed an analysis to determine what uses should or should not be prohibited in the NROA. Based on the analysis staff recommended adding pawn shops, and outdoor storage for properties fronting Ridgewood Avenue to the list of prohibited uses in the NROA. He stated staff recommends approval and an affirmative vote of six is required by the Planning Board to recommend approval to the City Commission.

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Mr. Hoitsma asked for clarification on the language regarding outdoor storage uses being prohibited on properties fronting on Ridgewood Avenue.

Mr. Mrozek replied it was a redundancy. There were uses on the prohibited uses list that would not be permitted because the underlying zoning would not permit the use.

Mr. Hoitsma stated he also had a problem with pain clinics and he did not understand why the City would not just prohibit them.

Mr. Mrozek stated the State has been doing a very good job monitoring pain clinics and it might be a little premature to add pill mills to the prohibited list because they may become prohibited state wide.

Mrs. Remark asked if there was a legal way to define a medical office.

Ms. Lathan replied there were legitimate medical practices that deal with pain management but from her discussion with the City Attorney, the legislation that went into effect July 2011 has been effective and places like pill mills are being shut down. She stated legal's perspective is that the legislation has been effective the Daytona Beach will not have the problems that other cities have had.

Mr. Walton stated additionally the LDC is being completely revamped and there will be opportunities to address this concern before it is finalized. He stated the Transportation Planning Organization (TPO) has almost completed Phase I of their US1 Corridor Study. He stated a Request For Proposals for Phase II was supposed to go within the next two weeks.

Mr. Moore asked if the study would have a direct affect on any land use within the City.

Mr. Walton replied yes, but not just Daytona Beach, it would be for all of the communities up and down US1.

Mr. Moore asked if there was a way to do something about abortion clinics and social service clinics.

Ms. Lathan replied it was a terminology issue. She stated abortion clinics fell under the term medical office and under the medical office umbrella that the NROA would benefit from. She stated the problem with social service clinics was coming up with a clear definition for the term, which is why in the previous amendment staff chose specific uses that would address social services.

### **Citizen Comments**

Shiela McKay-Vaughan, 510 South Peninsula Drive, Daytona Beach spoke in opposition of the request. She did not feel this request would be helpful in advancing economic development in the NROA.

**Board Comments**

Mrs. Remark pointed out that this was not a redevelopment area, a blight study had not been done and that the Board could not pick and choose based on whether or not someone likes or dislikes a business. She stated she felt staff did a great job with their analysis and she plans to support the amendment as presented.

**Board Motion**

It was moved by Mrs. Remark to approve Land Development Code Text Amendment – Prohibited Commercial Uses in the North Ridgewood Area, DEV2012-009. Seconded by Mr. Neal.

**Board Action**

The motion was approved 9-to-0.

8:40 PM Mrs. Lesage left the meeting.

9. **Land Development Code Text Amendment - Regulations Related to Site Restoration Fencing Requirements, DEV2011-108**

A request by the Development and Administrative Services Department, Redevelopment Division to amend Article 8 (Supplemental Performance Standards), Section 6.5 (Site Restoration) of the Land Development Code (LDC), pertaining to site restoration requirements for properties located east of Atlantic Avenue, specifically reviewing fencing requirements.

**Staff Presentation**

Reed Berger, Redevelopment Director apologized for his tardiness of the Board's receipt of the exhibit documents. He gave a brief history of how the current fencing guidelines came about and stated today there were 19 vacant lots east of A1A that require fencing; nine are in the Community Redevelopment Area (CRA). The remaining 10 are throughout the City. He stated at the February Main Street Redevelopment Area Board Meeting, the Board voted unanimously to go with requiring the fences to be built with quality materials and allow the option to remove the fence if the lot was covered with natural vegetation. He stated included in the packet the Board received tonight were three options for stabilizing the sand surfaces on the vacant lot but he did not believe staff had come to a solid conclusion on those three options. He stated staff was requesting to bring this request back to next month's meeting with additional research that will better determine how to approach the situation in a manner that will get the desired outcome.

Mrs. Remark asked if the request would go back to the Redevelopment Board before it came back to the Planning Board.

Mr. Berger replied he thought that would be a good idea. He stated there was not a change in the intent of what the Redevelopment Board wanted.

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Mrs. Remark stated she felt the construction of the fence was a substantial change. She stated she thought the Planning Board might want to consider whether they wanted to hear all appeals on whether or not a fence was to be taken down.

Ms. Lathan stated the thought behind that language was put in to give the property owner the ability to challenge a denial.

Mrs. Remark asked if the property owner could go to the Special Magistrate with the appeal.

Ms. Lathan stated that could be an option.

### **Citizen Comments**

No citizen comments.

### **Board Comments**

No additional Board comments.

### **Board Motion**

It was moved by Mr. Hoitsma to continue Land Development Code Text Amendment - Regulations Related to Site Restoration Fencing Requirements, DEV2011-108 to the March 22, 2012 Planning Board Meeting. Seconded by Mrs. Remark.

### **Board Action**

The motion was approved 8-to-0.

## 10. **Other Business**

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

No report.

### B. **Midtown Redevelopment Area Board Report**

Ms. Benjamin reported that the Board met on February 14, 2012 at 6:00 PM in the City Commission Chambers. The Board heard their monthly report from Code Enforcement, a report from the Public Works Department and a lengthy discussion on the conceptual site plan for 536 North Halifax. A site plan minor modification was approved for property located 127 South Nova Road. There was a lengthy discussion for the property located at 206 North Keech Street (formally Halifax Village) and Mr. Bryant gave the Board an update on the Midtown Master Plan.

### C. **Main Street/South Atlantic Redevelopment Area Board Report**

Mrs. Remark reported that the Board met on February 8, 2012 at 6:00 PM in the City

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Commission Chambers. The Board approved a request to replace fabric awnings with fixed awnings; recommended changes to RDB-5 parking requirements; had discussion on fencing for property east of A1A and started discussion on itinerant vending. The Board also received updates on redevelopment projects.

### **D. Public Comments**

No public comments.

### **E. Staff Comments**

Mr. Walton stated if the text amendment on fencing requirements goes back to the Redevelopment Board the same problem with receiving the exhibit in a timely manner will happen again. He stated he did not have a problem with sending the exhibit out at a later time but he did not believe it would be ready a full week prior to the meeting, which is when the packet is usually sent out.

Ms. Lathan pointed out that part of the reason it was late was because after it left the Redevelopment Board staff had to review it. This time staff will have reviewed it before it goes to the Redevelopment Board. She stated the Board could reconsider the 30 day continuance or leave it but she did not anticipate a problem.

Mr. Walton stated if the Board does not receive it in time, they could continue the item and additional 30 days.

### **F. Board Member Comments**

Mrs. Remark asked if the Legal Department could give the Board a memo or have discussion on the new Quasi Judicial language on the Planning Board Agenda.

Ms. Lathan distributed documents that clarified what a Quasi Judicial hearing was. She stated it does not change the way the meeting is held but a City Commissioner asked that the language be added to the agenda.

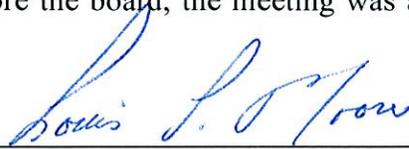
Mrs. Remark stated she would not be able to attend the March meeting.

Mr. Hoitsma stated he feels it was a win-win situation by using FAMU to prepare the Midtown Master Plan and he feels the City should take advantage of these types of things more often.

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**Adjournment**

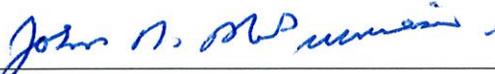
There being no further actions to come before the board, the meeting was adjourned at 9:02 PM.



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LOUIS MOORE  
Chair

ATTEST:



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JOHN MCGUINNESS  
Acting Secretary