

MINUTES
REGULAR MEETING – PLANNING BOARD
February 23, 2017

Minutes for the Regular Planning Board Meeting for the City of Daytona Beach, Florida, held on Thursday, February 23, 2017 at 6:00 p.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board Members Present:

Robert Hoitsma, Chair
Jeff Hurt
James Neal
James Newman
Tony Servance
Cathy Washington

Board Members Absent:

Tony Barhoo

Staff Members Present:

Dennis Mrozek, Planning Manager
Rose Askew, Planner
Doug Gutierrez, Senior Planner
Carrie Avallone, Assistant City Attorney
Marianne Pulaski, Planning Technician

1. **Call to Order**

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

2. **Roll Call**

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

3. **Approval of the Minutes** - January 26, 2017

Board Action:

Ms. Washington noted the name of the Safari Lounge should be added to the blank space in the minutes on Page 3.

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve the minutes of the January 26, 2017 Planning Board Meeting as corrected. The motion was approved unanimously (6-0).

Continued Item:

4. Land Development Code Text Amendment - Tattoos, DEV2016-011

Staff Presentation:

Dennis Mrozek, Planning Manager, presented the staff report which is included as part of the packet. Mr. Mrozek stated the amendment is to permit tattooing establishments in the BA (Business Automotive) District as well as removing prohibition language relating to the Redevelopment Areas and the North Ridgewood Overlay. Mr. Mrozek stated recent court cases have found tattooing as a protected form of artistic expression under the First Amendment. Mr. Mrozek stated art districts were also reviewed as part of this amendment and determined that they must be placed in an area that is appropriate for that type of use. Mr. Mrozek stated the BA District is the most restrictive business district and staff feels it is the most appropriate district for tattooing establishments.

Mr. Newman stated he is concerned that the image of such establishments is associated with blight in certain areas. Mr. Newman stated he cannot support changing the language for the Redevelopment Areas and the North Ridgewood Overlay since it is contrary to what they were created for.

Mr. Newman asked if tattooing and piercing were ever considered as medical during this review process.

Mr. Mrozek stated in order for the business to be classified as medical, a doctor would have to be on site and on staff.

Ms. Avallone stated the Volusia County Health Department was contacted and the County has not adopted the body art code; therefore, the text amendment will state that all Federal, State, and local regulations must be adhered to.

Public Comments:

David Keezer, owner of Daytona Hard Core Tattoos and Daytona Tattoo Designs, 20 S. Atlantic Avenue, provided the Board with information from the City of Myrtle Beach. Mr. Keezer stated Myrtle Beach placed the same restriction as is proposed in their city and, as a result, there are 15 tattoo parlors in a three block area. Mr. Keezer stated this has created competitive pricing by the tattoo artists and has resulted in poor quality tattoos, known as “scratchers.” Mr. Keezer stated similar limitations are in place in Sturgis and all tattooing establishments are within a one-mile area. Mr. Keezer stated Daytona Beach Shores has restrictions that prohibit tattoo parlors from locating within one mile of each other and restricts placement close to schools, parks, day care centers and churches. Mr. Keezer stated tattooing is a form of art and underage tattoos are permitted with adult consent. Mr. Keezer read a prepared statement, copies of which were

provided to the Board. Mr. Keezer urged the Board to place limits on the number of businesses in an area in order to prevent a flood of similar businesses in one section. Mr. Keezer stated he is asking the City to let him to continue to operate his business at 20 S. Atlantic and that ordinances be created so the area is not flooded with tattoo artists.

Mr. Hoitsma stated this is not action that was taken on arbitrarily but is required based on court cases.

Frank Lewis, 302 Riverside Drive, Holly Hill, Florida, stated he is owner of Tattoo Zone which is the oldest tattoo shop in town. Mr. Lewis stated tattooing has been prohibited since it is believed there is a perception that it draws criminal activity. Mr. Lewis stated the proposed action would be a slap in the face to the businesses that have been in operation for the last 30+ years. Mr. Lewis stated established businesses will be forced to move at a great expense yet new businesses will be allowed to move in that will take away from his and other established businesses' revenue. Mr. Lewis stated the city should be concerned about law suits that may be filed by legitimate business owners who will lose their businesses as a result of the proposed action.

Kelly Adams, 133 Cottage Lane, stated he has been a tattoo artist for over 20 years and the proposed action would be a disloyalty to the tattoo parlors that have been in operation in Daytona Beach for many years. Mr. Adams stated there currently are tattoo parlors on the beachside that are operated by opportunistic individuals. Mr. Adams stated he is certified in many areas, including prevention of disease by bloodborne pathogens and infections. Mr. Adams stated many tattoo artists known as "scratchers" do substandard work at much lower rates than professional tattoo artists.

Mr. Newman stated he cannot agree with what is proposed and would like to see more regulatory language included. Mr. Newman stated he cannot support the proposed language as presented.

Mr. Walton stated if the Board would like information provided to them and additional research regarding any items discussed, staff would be happy to research the items further for the Board.

Mr. Neal stated the city must adhere to state regulations in order to remain accountable.

Mr. Hurt stated if the individuals that spoke this evening have additional information they would like to provide to the City Commission it should be provided to staff so it can be included as part of the packet for the City Commission meeting in April.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Neal, to approve Land Development Code Text Amendment - Tattoos, DEV2016-011, in accordance with the staff report as presented. The motion carried 4-2 (Ms. Washington and Mr. Newman voted nay).

New Items:

5. **Easement Application for Bennett Swamp Aquifer Recharge Project – DEV-2017-012**

Staff Presentation:

Doug Gutierrez, Senior Planner, presented the staff report which is included as part of the packet. Mr. Gutierrez stated the request is to find the proposed Bennett Swamp Aquifer recharge project Florida Department of Environmental Protection (FDEP) easement application for the use of State owned uplands consistent with the City's Comprehensive Plan. Mr. Gutierrez noted the FDEP easement application requires a letter from the applicable local planning agency stating that the proposed use of state lands is consistent with the local government Comprehensive Plan.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Hurt, seconded by Ms. Washington to approve Easement Application for Bennett Swamp Aquifer Recharge Project – DEV-2017-012, in accordance with the staff report as presented. The motion carried unanimously (6-0).

6. **Rezoning to Planned Development General (PD-G) – Newman Veterinary Clinic, DEV2016-071**

Staff Presentation:

Rose Askew, Planner, presented the staff report which is included as part of the packet. Ms. Askew stated the current zoning for the property is retail and the request is to rezone the property to Planned Development General (PD-G) in order to allow the permitted use of a veterinary clinic.

Applicant's Presentation:

Bethany Schonscheck, Esq., stated she was in attendance on behalf of the application should the Board have any questions.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Ms. Washington, seconded by Mr. Newman, to approve Rezoning to Planned Development General (PD-G) – Newman Veterinary Clinic, DEV2016-071, in accordance with the staff report as presented. The motion carried unanimously (6-0).

7. **Large Scale Comprehensive Plan Amendment – Firetower Road - DEV2016-109**

Staff Presentation:

Doug Gutierrez, Senior Planner, presented the staff report which is included as part of the packet. Mr. Gutierrez stated the proposed Comprehensive Plan Amendment will change the Future Land Use of 158.6 acres from Urban Transition to General Industrial.

Applicant's Presentation:

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, stated he is representing the applicant.

Mr. Newman asked if there has been a traffic study to determine impacts on the proposed area.

Mr. Merrell stated there has been a traffic study and that question will be addressed in the next item on the agenda.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Neal, to approve Large Scale Comprehensive Plan Amendment – Firetower Road - DEV2016-109, in accordance with the staff report as presented. The motion carried (6-0).

8. **Rezoning to Planned Development-General (PD-G) – Firetower Road Plat, DEV2016-110**

Staff Presentation:

Dennis Mrozek, Planning Manager, presented the staff report which is included as part of the packet. Mr. Mrozek stated the request is to rezone 850 acres from Volusia County Agricultural (A-2) and City Heavy Industrial (M-5) to City Planned Development-General (PD-G) to allow for industrial uses and associated site improvements. Mr. Mrozek stated traffic analysis is required and will be required at the time of submittal of a site plan. Mr. Mrozek stated permits must be issued within 5 years and all development completed with 15 years.

Applicant's Presentation:

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, stated the rezoning must be in place in order for any development to take place. Mr. Merrell stated there are no plans in place at this time for the property.

Mr. Hurt stated he hopes the rezoning will make the property more attractive to proposed developers.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Ms. Washington, seconded by Mr. Neal, to approve Rezoning to Planned Development-General (PD-G) – Firetower Road Plat, DEV2016-110, in accordance with the staff report as presented. The motion carried unanimously (6-0).

9. **Second Amendment to HHMC Planned District Agreement for Halifax Hospital Medical Center and Halifax Medical Center Preliminary Plat, DEV2016-097 and DEV2016-099**

Staff Presentation:

Dennis Mrozek, Planning Manager, presented the staff report included as part of the packet. Mr. Mrozek stated the request is to include the preliminary plat to the plan and revising the Master Plan based on the plat.

Applicant's Presentation:

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, stated this rezoning needs to be in place so the first user can develop along the rear of the property near Volusia Mall. Mr. Merrell stated he hopes to submit a site plan very soon.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Neal, to approve Second Amendment to HHMC Planned District Agreement for Halifax Hospital Medical Center and Halifax Medical Center Preliminary Plat, DEV2016-097 and DEV2016-099, in accordance with the staff report as presented. The motion carried unanimously (6-0).

10. **Land Development Code Text Amendment – Babcock Furniture - DEV2017-001**

Staff Presentation:

Rose Askew, Planner, presented the staff report which is included as part of the packet. Ms. Askew stated the request will allow furniture and appliance stores in T-2 and T-4 zoning districts.

Applicant's Presentation:

Paul Holub, 675 N. Beach Street, stated he is available to answer any questions the Board may have.

Public Comments:

There were no public comments.

Board Motion:

A motion was made by Mr. Hurt, seconded by Mr. Newman, to approve Land Development Code Text Amendment – Babcock Furniture - DEV2017-001, in accordance with the staff report as presented. The motion carried unanimously (6-0).

11. **Other Business**

a. Downtown Redevelopment Board Report

Ms. Washington stated the Downtown Redevelopment Board met in February and received an update on various projects in the downtown redevelopment area.

b. Midtown Redevelopment Area Board Report

Mr. Barhoo was not in attendance to provide a report.

c. Beachside Redevelopment Area Board Report

Mr. Newman stated he did not attend the meeting but he reviewed the video and the Board discussed improvements to International Speedway Blvd. and the Earl Street area. Mr. Newman stated a group of residents have formed on the beachside area and are working together to improve the area. Mr. Newman stated Gilbert Myara was voted Chair and the election for Vice Chair will be held at the March meeting. Mr. Newman stated the Board has a new member, Amy Pyle.

d. Public Comments

There were no public comments.

e. Staff Comments

- Election of Officers

Mr. Hurt nominated Mr. Hoitsma, seconded by Mr. Newman, to serve as Chair. The motion carried unanimously.

Mr. Neal nominated Ms. Washington, seconded by Mr. Hurt, to serve as Vice Chair. The motion carried unanimously.

Ms. Avallone stated the Land Development Code does not require the Board to appoint a Secretary. Ms. Washington stated she would continue to read the agenda items and take the vote at each meeting.

- Election of Redevelopment Board Representative

Mr. Hurt stated at the last meeting, Mr. Barhoo agreed to continue to serve as the Planning Board's representative for the Midtown Redevelopment Board. Mr. Newman stated he will continue to serve as the Planning Board's representative to the Beach Side Redevelopment Board; and Ms. Washington stated she will continue to serve as the Planning Board's representative to the Downtown Redevelopment Board.

Board Comments

f. Mr. Hoitsma asked if the Planning Board should consider implementing a time limit on public speakers.

Mr. Newman stated perhaps it should be stated at the beginning of the meeting that there will be a time limit for public participation.

Mr. Hurt stated he agreed that there should be a time limit and it should be announced at the beginning of the meeting.

Mr. Neal stated he will not be in attendance at the March Planning Board meeting.

Adjournment

There being no further business, the meeting adjourned.



Robert Hoitsma, Chair

ATTEST:



Secretary