

DOWNTOWN REDEVELOPMENT BOARD
MINUTES
Tuesday, October 3, 2017

A meeting of the Downtown Redevelopment Board was held Tuesday, October 3, 2017, at 12:00 p.m. in the Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

Board Members Present

Mr. Buddy Budiansky, Chair
Ms. Sheryl Cook
Mr. Harold Goodemote
Ms. Quanita May
Ms. Cathy Washington (Planning Board Representative)
Mr. Scott Weidman

Board Members Absent

Dr. Kent Sharples, Vice Chair
Mr. Michael Shewmaker

Staff Members Present

Mr. Reed Berger, Redevelopment Director
Mr. Jason Jeffries, Redevelopment Project Manager
Mr. Arthur Huggins, Assistant City Attorney
Ms. Becky Groom, Board Secretary

1. Call to Order

Mr. Budiansky called the meeting to order at 12:12 p.m.

2. Roll Call

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

3. Approval of Minutes – June 6, 2017

Board Action:

A motion was made by Mr. Goodemote, seconded by Mr. Weidman, to approve the minutes of the June 6, 2017, meeting as presented. The motion carried unanimously (5-0).

4. DEV2017-084 – Rezoning to Planned Development - Redevelopment (PD-RD) – 246 South Beach Street (Quasi-Judicial-Hearing)

Mr. Jeffries presented the staff report which was included as part of the packet. Mr. Jeffries stated the purpose of the rezoning was to allow for a tattoo establishment. Mr. Jeffries stated a neighborhood meeting was held and was attended by citizens, business owners, and elected officials; and a summary of the meeting was included as part of the packet. Mr. Jeffries stated the proposed rezoning was located in the South Beach Historic District and was presented to the Historic Preservation Board at their meeting on September 19, 2017. Mr. Jeffries stated the Board determined the request was consistent with historic preservation standards since there was no request to make changes to the exterior of the building.

Mr. Goodemote asked if the PD was approved, would it affect the entire building and not just the second floor space.

Mr. Jeffries stated if approved, the entire property would be rezoned. Mr. Jeffries stated the first floor was occupied by a restaurant and the rear of the space was vacant. Mr. Jeffries stated the proposed establishment would occupy the space on the second floor that was formerly occupied by a financial services office, and there was a residential space on the second floor in the rear of the building.

Mr. Goodemote asked if this use was approved, could a similar establishment be located on the first floor if the space was available.

Mr. Jeffries stated no and referred to Page 7 of the staff report which indicated that the rezoning would only permit a tattoo establishment on the second floor. Mr. Jeffries stated if approved, tattooing would only be permitted from 10:00 a.m. to 10:00 p.m.; body piercing would not be conducted; and tattooing would be by appointment only.

Mr. Budiansky asked how the City would enforce those rules and asked if someone from the City would be on site to see that the doors were closed at 10:00 p.m. Mr. Budiansky stated the Rock radio station was located on the first floor with the promise that there would be a café in the front of the building, how long ago?

Mr. Jeffries stated the café request was approved 2 to 3 years ago and the applicant was out of compliance.

Mr. Budiansky asked what would happen if this proposed establishment was out of compliance and where would the enforcement be. He asked what would happen if the business was open until 1:00 a.m. to 2:00 a.m. and what would happen if the resident that lived there was affected by issues from the business being open late at night. Mr. Budiansky stated the parking code was not enforced so how does the City propose to enforce these restrictions.

Mr. Jeffries stated this was a mixed use and there could be Building Code issues in terms of separation of uses.

Mr. Budiansky stated when he owned the building adjacent to the applicant's site, he was not permitted to have residential and office on the same floor.

Mr. Jeffries stated the request was regarding land use and separation of uses had more to do with building codes.

Mr. Berger stated there was staff for enforcing any laws of the City and staff was assigned to enforce it. Mr. Berger stated if there was a violation of the law, staff followed up and moved the complaint through the process.

Ms. May asked for clarification of the letter from Bill Green Jewelers that was included in the packet.

Mr. Jeffries stated three letters were received in his office and two were provided by the applicant. Mr. Jeffries stated several merchants contacted him and he asked that they put their comments in writing.

Ms. Cook asked if this particular tattoo parlor did not stay at this site, could another tattoo parlor locate at this site.

Mr. Jeffries stated another tattoo establishment could locate at this site since the PD would run with the land. Mr. Jeffries stated the business would have to be located on the second floor and would have to meet the criteria that was proposed.

Ms. Cook stated Code Enforcement had obviously not worked in the downtown with the radio station since they were not in compliance and nothing had been done in 2-1/2 years. Ms. Cook asked who regulated tattoo establishments.

Mr. Jeffries stated tattoo establishments were regulated by the State Department of Health.

Applicant's Presentation:

Colleen Miles, Land Development Resource Group, 140 S. Beach Street, Daytona Beach, Florida spoke representing the applicant. Ms. Miles stated the Department of Health regulated tattoo establishments and they inspect randomly. Ms. Miles provided additional hand outs to the Board which included letters of support from downtown business owners; letters of support from clientele; and depictions of the suite and how sound issues would be addressed.

Ms. Cook asked how the business would be regulated to ensure that tattoos were not performed on minors.

Ms. Miles stated the enforcement would be the same as for any restaurant that serves alcoholic beverages, including any establishment that served or gave away free alcoholic beverages. Ms. Miles stated Code Enforcement had been and would continue to be an issue in Daytona Beach, not just on Beach Street. Ms. Miles stated she did not know about the café but the use that is requested would be regulated as any other use.

Mr. Budiansky stated he had been involved in Beach Street for a long time and for at least 20 years it had been discussed that people should be living on the upper floors of the buildings. Mr. Budiansky stated he felt the one apartment that was on the second floor of this building would probably go away.

Ms. Miles stated the individual that occupied the apartment was regulated by the same sound constraints as the proposed applicant would be. Ms. Miles stated the City's plan was for art and synergy in the downtown and this was a form of art. Ms. Miles stated tattooing no longer had a negative connotation. Ms. Miles stated the only building code requirement was that uses could not abut each other without fire separation., which would be the same as was required for office and residential on the second floor.

Mr. Weidman asked why this site was proposed instead of a store front.

Ms. Miles stated the applicant liked the proposed site but noted the business did not draw walk-by traffic.

Ms. Cook asked if there would only be one person working at this site.

Ms. Miles stated there would be one person working in each room.

Ms. Cook asked if the main entrance would be from the side alleyway off of Ivy Lane.

Ms. Miles said yes.

Ms. Cook asked about the proposed signage.

Ms. Miles stated there would be front signage as was in place for the financial office and would be in compliance with the RDD-1.

Ms. Cook asked if the open deck balcony would remain for the clients to wait.

Ms. Miles stated it would remain as is.

Mr. Budiansky asked if there were restrictions on the number of PD's that could be allowed up and the down the block.

Mr. Berger stated there were no restrictions on the number of PD's.

Mr. Budiansky asked if approving this would set a precedent.

Mr. Huggins stated if this PD was allowed, it did not mean that another PD could not be permitted in the future.

Ms. Washington stated she was concerned about the hours of operation. She stated having a tattoo parlor on the second floor takes away from Beach Street. Ms. Washington stated she was concerned about foot traffic for a site adjacent to a residence.

Mr. Budiansky stated there are other late-night establishments such as restaurants and bars that were open in the evening along Beach Street which were permitted. Mr. Budiansky stated Beach Street was proposed as an entertainment district and some had worked and some had failed.

Ms. Miles stated there were conditions for hours of operation in the PD and other businesses along Beach Street had no conditions.

James Rogers, 1025 S. Beach Street, No. 162, Daytona Beach, Florida, stated he was the Applicant and stated he would not be performing body piercing since that required a separate license. Mr. Rogers stated he did not have anyone else working for him right now but may hire one or two additional people. Mr. Rogers stated he had a large volume of people that request his artwork so it was usually done by appointment only since he was booked 2 to 3 months in advance. Mr. Rogers stated a client comes into the office for a consultation and to discuss the artwork they would like to have done and then the actual tattooing was done at another appointment.

Mr. Budiansky stated he was concerned that the business would become a hang-out place at night.

Mr. Rogers stated he did not want his business to be a hang-out place and he did not want to remain open late. Mr. Roger stated his business would not be a party spot and it would be a drug and alcohol free zone.

Mr. Goodemote asked if there was a minimum space requirement by the Department of Health that would prohibit the site going from 2 stations to 6 stations.

Ms. Miles stated there would be Fire Code restrictions on the site and noted the chairs for these businesses are similar to dental chairs and take up a large amount of space.

Public Comments:

Fayn LeVeille, 2011 S. Peninsula Drive, Daytona Beach, Florida stated she was the Museum Director of the Halifax Historical Museum and stated the Museum was not in favor of this business locating near the Museum. Ms. LeVeille stated the Museum was very family and cultural oriented. Ms. LeVeille stated more people were moving into the second floor of buildings on Beach Street and people wanted it to be an urban living space. Ms. LeVeille stated the lady that occupied the second floor apartment adjacent to the proposed site left for work at 4:00 a.m. so she was asleep very early in the evening. Ms. LeVeille stated the owner of Davidson Fruit lived on the second floor adjacent to the proposed sight and was concerned about noise from the proposed business. Ms. LeVeille stated the area on Beach Street near the Main Street Bridge where the motorcycle shops were located would be more suitable for this business. Ms. LeVeille stated a letter from the Museum's Board of Directors would be provided to the City.

Daniel Harshaw, 100 S. Beach Street, Daytona Beach, Florida stated there was concern that the landlord of the proposed site may not be involved in policing the proposed business. Mr. Harshaw stated he was concerned about doing spot zoning on Beach Street and a precedent would be set. Mr. Harshaw stated Beach Street may no longer be a restaurant/retail area since spot zonings could be approved for other types of business in the future. Mr. Harshaw stated he felt if this was something that should be allowed, it should be granted as a permitted use and not changing the zoning. Mr. Harshaw stated everyone knew what business he ran on Beach Street but his signage did not say pawn shop in order to be respectful of his neighbors. Mr. Harshaw stated pawn shop and tattoo had the same connotation. Mr. Harshaw stated if the proposed business had a following, it did not need to say tattoo on the front of the building. Mr. Harshaw stated he was concerned about changing zoning through a PD process.

Mr. Goodemote stated he agreed with Mr. Harshaw regarding changing zoning through spot zoning. Mr. Goodemote stated he had served on this Board since 2006 and the Board had worked a long time to develop a vision and Master Plan. Mr. Goodemote stated he was concerned that

1012 St. Francis Street, No. 105, Dayton Beach, Florida stated he was the Applicant and stated he would not be performing body piercing since that required a separate license. Mr. Rogers stated he did not have anyone else working for him right now but may hire one or two additional people. Mr. Rogers stated he had a large volume of people that request his services so it was usually done by appointment only since he was booked 2 to 3 months in advance. Mr. Rogers stated a client comes into the office for a consultation and to discuss the services they would like to have done and then the actual piercing was done at the pierce-ment.

Mr. Hershaw stated he was concerned that the business would become a hang-out place at night.

Mr. Hershaw stated he did not want his business to be a hang-out place and he did not want to have people staying overnight. Mr. Rogers stated his business would not be a party spot and it would be a normal business.

Mr. Goodmont stated it took a minimum space requirement by the Department of Health that would require the site being from 2 stations to 6 stations.

Mr. Miller stated there would be Fire Code restrictions on the site and noted the chairs for these businesses are similar to dental chairs and take up a large amount of space.

Public Comments:

Patricia L. Evers, 2011 St. Francis Drive, Dayton Beach, Florida stated she was the Museum Director of the Historic Museum and stated the Museum was not in favor of this business located near the Museum. Ms. Evers stated the Museum was a family and cultural oriented. Ms. Evers stated more people were moving into the second floor buildings on Beach Street and people wanted it to be an urban living space. Ms. Evers stated the lady that occupied the second floor apartment adjacent to the proposed site left for work and did not show up early in the evening. Ms. Evers stated the owner of the second floor apartment had an issue with the second floor apartment to the proposed site and was concerned about noise from the proposed business. Ms. Evers stated the area on Beach Street near the Main Street Bridge where the motorcycle shops were located would be more suitable for this business. Ms. Evers stated a letter from the Museum's Board of Directors would be provided to the City.

Daniel Hershaw, 100 St. Francis Street, Dayton Beach, Florida stated there was concern that the landlord of the proposed site may not be involved in zoning for the proposed business. Mr. Hershaw stated he was concerned about doing spot zoning on Beach Street and a precedent would be set. Mr. Hershaw stated Beach Street may no longer be a restaurant area since spot zoning would be approved for other types of business in the future. Mr. Hershaw stated he did not want something that should be allowed, it should be granted as a permitted use and not changing the zoning. Mr. Hershaw stated everyone knew what business he ran on Beach Street but his signage did not say what shop in order to be respectful of his neighbors. Mr. Hershaw stated he had a sign and stated he had the same connotation. Mr. Hershaw stated if the proposed business had a sign following, it did not need to say tattoo on the front of the building. Mr. Hershaw stated he was concerned about changing zoning through a PD process.

Mr. Goodmont stated he agreed with Mr. Hershaw regarding changing zoning through spot zoning. Mr. Goodmont stated he had served on this Board since 2000 and the Board had worked a long time to develop a vision and Master Plan. Mr. Goodmont stated he was concerned that

each building could be changed through spot zoning. Mr. Goodemote stated he was also concerned about compliance and enforcement. He stated for 5 years the vacant auto lot sites on north Beach Street had not had landscaping and the Board was told there would be improvements to the site. Mr. Goodemote stated for 2 years there was a tarp at Kale Café with no permanent signage. Mr. Goodemote stated Kale Café opened a second store in Ormond Beach and the business owner was told they could not put a tarp out front. Mr. Goodemote stated if the business owner could afford to open a second store, they should be able to afford to put signage on the business in downtown Daytona Beach. Mr. Goodemote stated the applicant stated there would be a café at the radio station site on Beach Street and two years later, there was nothing. Mr. Goodemote stated there was a restaurant on Ridgewood that had a residence behind it and the applicant stated there would be a separation between the two sites and the restaurant was opened and the separation was not in place. Mr. Goodemote stated we did not seem to have compliance or enforcement. Mr. Goodemote stated based on these past issues, he was hesitant to allow any more changes to the Master Plan.

Ms. Miles stated the application was in compliance with the Master Plan. Ms. Miles stated the Master Plan allowed for innovative art-based uses. Ms. Miles stated the lack of enforcement in the City should not preclude new businesses from locating in the area. Ms. Miles stated what was proposed was in compliance with the Comprehensive Plan, the Downtown Master Plan, and PD by limiting the use.

Mr. Budiansky asked if he wanted to place a massage parlor over the doggie business on Beach Street, could he establish that business through the PD process.

Mr. Jeffries stated a massage parlor was a prohibited use and a massage parlor could not be permitted through a PD process in the redevelopment area.

Mr. Harshaw asked why spot zoning was being permitted for a tenant, not the land owner. He asked why the land owner was not in attendance to request the change in zoning for his land. Mr. Harshaw stated there would be no increase in the tax base by changing the zoning.

Ms. Miles stated there would be an increase in the tax base because there was a new business generating revenue. Ms. Miles stated the City's code was changed in order to allow this to happen.

Ms. May stated she would support this request since she supported all forms of art.

Mr. Goodemote stated there was a stigma in having the word tattoo on the signage and asked if the word tattoo could be limited to the signage on the side street.

Mr. Huggins stated signage is not the order of business at this time.

Board Action:

A motion was made by Mr. Goodemote, seconded by Ms. May, to approve DEV2017-084 – Rezoning to Planned Development - Redevelopment (PD-RD) – 246 South Beach Street, in accordance with the staff report as presented. The motion failed 2-3 with Mr. Goodemote, Ms. Cook, and Mr. Budiansky voting no.

5. Wall Sign – Revolution Performance Indoor Cycling

Mr. Jeffries presented the staff report which was included as part of the packet. Mr. Jeffries stated the request was for a proposed wall sign at 240 S. Palmetto and the request was to paint the sign on the building, due to the industrial look of the building.

Applicant's Presentation:

Dr. Levano stated she was proposing a chiropractic membership-based facility that would include an indoor fitness and cycling studio on the second floor.

Vadim Zolotarevskiy stated the building has roofing material on the front and the building was more conducive to having a painted, retro style signage.

Alan Lootens stated the building was constructed in 1950 and was previously owned by the property owner next door, Pete Zahn. Mr. Lootens stated he hoped to buy other buildings in the downtown area and felt the proposed business would help draw business to the downtown. Mr. Lootens stated there were lights above the proposed painted sign which had been approved. Mr. Lootens stated painting of the sign would be done by a professional painter.

Mr. Goodemote stated he was concerned about setting a precedent. Mr. Goodemote stated he was not opposed to the application since it was not on Beach Street.

Mr. Jeffries stated a precedent would not be set since the application was tied to this specific building and the style of this building.

Mr. Zolotarevskiy stated at some point, the front of the building would change but he was asking for this signage for the building as is. Mr. Zolotarevskiy stated the lighting on the front of the building was gooseneck lighting which was permitted.

Ms. Cook stated she felt the signage proposed was larger than what is permitted.

Mr. Jeffries stated the graphics reflect signage that was larger than what was proposed.

Board Action:

A motion was made by Mr. Goodemote, seconded by Ms. Cook, to approve a painted Wall Sign for Revolution Performance Indoor Cycling at 240 Palmetto, consistent with the architecture of the time period and specific to the metal panels; and if the front of the building was changed in the future, the applicant would need to reapply, in accordance with the staff report as presented. The motion carried unanimously (5-0).

6. Redevelopment Project Updates

Mr. Goodemote asked about the status of the electronic message board signs proposed along International Speedway Blvd.

Mr. Jeffries stated that item would not be moving forward.

Mr. Jeffries presented the staff report which was included as part of the packet. Mr. Jeffries stated the request was for a proposed sign at 240 S. Palmerton and the request was to paint the sign on the building, due to the industrial look of the building.

Applicant's Presentation:

Mr. Cook stated she was proposing a chiropractic membership-based facility that would include an indoor fitness and cycling studio on the second floor.

Mr. Kolotarskiy stated the building has roofing material on the front and the building is not conducive to having a painted, retro style signage.

Mr. Cook stated the building was constructed in 1970 and was previously owned by the property owner next door to Mr. Kolotarskiy. Mr. Cook stated he had to pay for the building in the downtown area and felt the proposed business would help draw business to the downtown area. Mr. Cook stated there were signs above the proposed painted sign which had been approved. Mr. Cook stated painting of the sign would be done by a professional painter.

Mr. Goodenote stated he was concerned about setting a precedent. Mr. Goodenote stated he was not opposed to the application since it was not on Beach Street.

Mr. Jeffries stated a precedent would not be set since the application was tied to this specific building and the style of this building.

Mr. Kolotarskiy stated at some point the front of the building would change but he was asking for this signage for the building as is. Mr. Kolotarskiy stated the lighting on the front of the building was goose-neck lighting which was permitted.

Mr. Cook stated she felt the signage proposed was larger than what is permitted.

Mr. Jeffries stated the graphics for the signage that was larger than what was proposed.

Board Action:

A motion was made by Mr. Goodenote, seconded by Mr. Cook, to approve a painted Wall sign for Revolution Performance Indoor Cycling at 240 Palmerton consistent with the architectural guidelines and specific to the metal panels; and if the front of the building was changed in the future, the applicant would need to reapply, in accordance with the staff report a presentation. Motion carried unanimously (5-0).

Development Project Updates

Mr. Goodenote asked about the status of the electronic message board sign proposed along International Speedway Blvd.

Mr. Jeffries stated that item would not be moving forward.

Mr. Weidman asked about the status of the vacant car lot sites on North Beach.

Mr. Jeffries stated the EPA testing was complete and the site was now in remediation.

Ms. Cook asked about the Pub and Grub site proposed to be located across from City Hall.

Mr. Jeffries stated the permit was still active and he had seen people working at the site prior to Hurricane Irma.

Ms. Cook asked what was being done with the historic bus station site.

Mr. Jeffries stated Joe Hopkins was the engineer on that project and Mr. Hopkins stated prior to Hurricane Irma that he would be providing plans to Mr. Jeffries. Mr. Jeffries stated he would check on the status of that project.

Mr. Jeffries stated he had not heard anything recently on the status of the International Speedway Blvd. streetscape plan.

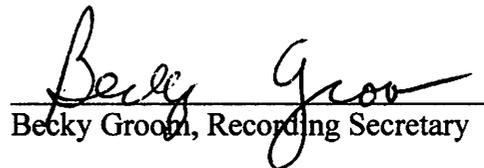
7. **Board Comments**

There were no Board comments.

8. **Adjournment**

There being no further business to come before the Board, the meeting was adjourned.


Buddy Budiansky, Chair


Becky Groom, Recording Secretary