
A regular meeting of the City of Daytona Beach Planning Board was held on Thursday, May 24, 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 (Left at 8:45 p.m.)
Mr. John McGhee II
Mr. Larry Moore
Mr. James Neal (Arrived at 6:01 p.m.)
Mr. Sam Rogers
Ms. Edith Shelley, Chair
Ms. Cathy Washington
Mr. Kenneth Wood

Staff members present:

Ms. Cheryl Harrison-Lee, Development Services Director
Mr. Daniel Reed, Planning Administrator
Mr. Steven Spraker, Planning Manager
Ms. Marie Hartman, Deputy City Attorney
Ms. Lana Loss, Planning Technician

1. Call to Order

Ms. Shelley called the May 24, 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: April 26, 2007

Mr. Hoitsma made a motion to approve the April 26, 2007 meeting minutes. Mr. Hurt seconded the motion and it was unanimously approved (10-0).

4. PCD AMENDMENT, DEV 2007-053, LPGA PCD “A” – 1st Amendment

A request by Mr. Ted Garn, Manager, Development & Operations, Indigo Development, Inc., for approval of an amendment to the LPGA PCD (Planned Commercial Development) “A” to add “financial institutions” to the list of uses allowed to locate within the PCD property. The subject property is located at the northeast intersection of LPGA Boulevard and Williamson 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. Bill McMunn, Consolidated Tomoka Land Company, was present to answer questions.

Citizen’s Comments

There were no citizen comments.

Board Motion

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

Board Action

The motion was unanimously approved (11-0).

5. REZONING, DEV 2007-044, Clocktower

A request by Mr. Mark S. Dowst, P.E., of Mark Dowst & Associates, on behalf of Clocktower Properties, LLC, for approval of a zoning map amendment of 5.0± acres from R-2a (Multi-Family) to RP (Residential Professional). The property is located at 950 North Williamson 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 Dowst, Mark Dowst and Associates, representing the applicant, was present to answer questions.

Mr. Hoitsma asked if the road for the proposed rezoning would be an extension of Dunn Avenue. Mr. Dowst stated it would not be an extension of Dunn Avenue. He said access to the site would be on Williamson Boulevard and there would be a private driveway for the property. Mr. Hoitsma expressed a concern that the same road already had four names, including Main Street, Fairview Avenue, George Engram Boulevard and Dunn Avenue and they should address the issue in the event the road continued to be extended.

Citizen's Comments

There were no citizen comments.

Board Motion

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

Board Action

The motion was unanimously approved (11-0).

6. EVALUATION AND APPRAISAL REPORT, DEV 2007-081

An administrative request for approval to transmit the Evaluation and Appraisal Report (EAR) to the Department of Community Affairs for a courtesy review.

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 stated the City was in the process of updating the Comprehensive Plan and as part of a state requirement it was necessary to prepare an Evaluation and Appraisal Report (EAR) every eight years. He said the Economic Development Advisory Board, the redevelopment area boards and the City Commission reviewed the draft EAR.

He said staff was requesting approval to transmit a draft EAR to the Department of Community Affairs (DCA) for their review. He said the next steps would be for the EAR based amendments to be reviewed by the appropriate redevelopment area boards, the Affordable Housing Advisory Board and the Economic Development Advisory Board. He said staff made several modifications to the EAR, which included the desire to maintain the Orange Avenue Bridge as a low rise bridge, the policy regarding hurricane evacuation time to be maintained and that the Old Daytona neighborhood be maintained as a single family neighborhood. He asked for any additional comments from the Board.

He said staff's goal was to send the EAR to the DCA on June 1, 2007 for a courtesy review, receive comments 30 days later, present the EAR to the Planning Board in July and the City Commission in August to meet the September deadline at which time staff could begin the EAR based amendments.

Mr. Spraker wanted to clarify that this was not the only opportunity to make changes to the City's Comprehensive Plan. He said issues and policies could be addressed twice a year.

Ms. Shelley wanted to clarify that each of the modifications that the Planning Board requested at the Special Meeting would be made. Mr. Spraker stated the changes the Board requested would be included.

Citizen's Comments

There were no citizen comments.

Board Motion

Mr. Hurt made a motion to approve the request with the acknowledgement that the revisions EAR would be presented to the Board prior to adoption. Mr. Moore seconded the motion.

Board Action

The motion was unanimously approved (11-0).

7. PRELIMINARY PLAT, DEV 2007-062, Storage On-Site

A request by Mr. Mikal Reed Hale, P.E., Kimley-Horn and Associates, on behalf of Pickerell Investments for a one-lot preliminary plat of a 6.07-acre parcel. The subject property is located on Indian Lake Road, approximately 420 feet north of Tiger Bay Road.

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.

Citizen's Comments

There were no citizen comments.

Board Motion

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

Board Action

The motion was unanimously approved (11-0).

8. PLANNED RESIDENTIAL UNIT DEVELOPMENT, DEV 2006-171, Seabreeze Lofts

A request by The Lofts of Seabreeze, LLC to rezone a 0.84 acre parcel from BR-1 (Business Retail) to RPUD (Residential Planned Unit Development) and enter into The Seabreeze Lofts Residential Planned Unit Development Agreement to establish development standards for a 32-unit condominium with 5,665 square feet of retail space on the first floor. The subject property is located at 211 Seabreeze 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

Ms. Suzanne Konchan, Charles Wayne Properties and Mr. Steve Buswell, Parker Mynchenberg and Associates, were present to answer questions. Ms. Konchan said they were proposing a one-way entrance on Seabreeze Boulevard with an arched tunnel and parking to the north as well as along Halifax Drive. She said there were 4 trees on the property they would be preserving at staff's request. She said the elevations would be more detailed than what was provided to the Board and included scored stucco on the elevator shafts and faux panels on each of the archways, a copy of which is hereto attached and made of the record.

Ms. Gallentine stated the arched entranceway on Seabreeze Boulevard was very attractive, but making a one way on Seabreeze Boulevard would force all of the traffic to exit onto Halifax Drive. She asked if they could make the access on Seabreeze Boulevard two-way. Ms. Konchan stated the minimum width for a two-way entrance was 24 feet, which would remove a large section of the first floor of the building where the commercial component would be. Ms. Gallentine felt that the additional traffic onto Halifax Drive along with the possibility of other new development would cause major congestion to an already busy area at certain times of day. Ms. Shelley stated she considered Seabreeze Boulevard a pedestrian corridor, and a two-way entrance would stall that pedestrian traffic in the urban area. Mr. Moore asked if a traffic study was prepared and if so, what the results were. Ms. Konchan stated a traffic generation report was completed and there was capacity for the project and the traffic would be worse if the project was completely commercial, which was permitted in the existing zoning. She

said she was willing to look at issue, but she felt the proposed design would be best, as did staff.

Citizen's Comments

Mr. Mark Dowst, 536 N. Halifax Avenue, Daytona Beach, stated he was in favor of the proposed project. He felt a one way into the project on Seabreeze Boulevard was best to keep more of retail frontage in tact.

Ms. Tracey Remark, 815 N. Oleander Avenue, Daytona Beach, stated if every developer in the City worked with the neighborhoods the way Ms. Konchan had, the Board would not have to deal with the amount of controversy they often encountered with projects. She said they met with the neighborhood watch for the first time over two years ago and had been incredibly responsive to their concerns. She said she was in favor of keeping the one-way entrance onto to Seabreeze Boulevard. She said they were happy they were saving trees and maintaining the higher elevation on Seabreeze Boulevard with the open retail look. She said she was pleased to see the improved look of the elevations. She agreed with the one-way entrance into Seabreeze Boulevard and felt it be safer for vehicles to turn out onto Halifax Avenue. She said they looked forward to the quality project being built.

Mr. John McGuiness, 625 N. Halifax Avenue, Daytona Beach, stated he had mixed comments. He said the proposed project looked great and he was glad they were saving trees. He said he had concerns that the driveways would cause them to lose some of the on street parking, which was already scarce in the area. He said the site was in a historic district and since there was a pending historic preservation ordinance, how would the approval of the project be affected.

Ms. Maryann Jackson Trumbull, 925 N. Grandview Avenue, stated she had seen many changes over the years in the Seabreeze area. She said she was pleased with the project but had concerns with the additional traffic that would be generated from the project.

Mr. John Nicholson, 413 N. Grandview Avenue, Daytona Beach, felt adequate parking for the project should be provided.

Ms. Palma Swinehart, 628 N. Halifax Avenue, Daytona Beach, which abutted the proposed project. She said the project was overwhelming and the parking was already atrocious and the project would make it worse. She also had stormwater drainage concerns.

Mr. Ted Sheets, 300, 302 and 306 Seabreeze, Daytona Beach, stated parking was already difficult in the area and he suggested constructing a parking garage in the lower floor where the retail was being proposed.

Mr. Spraker stated the current zoning allowed the applicant to development all retail, without any parking requirement, height limit or setback requirement. He said the reason the applicant did not go forward with a variance was because there was no

hardship, which was required for obtaining a variance. He said the project would reduce traffic impacts by having residential, rather than all commercial and they were providing 47 parking spaces. He said the beachside historic districts were designated as National Historic Districts, not necessarily designated as local districts. He said staff could not enforce provisions on vacant land for an ordinance that had not been before the Planning Board or City Commission. He said the applicant was required to submit a stormwater plan, which would be an underground exfiltration system and retain the water they created on their site. He said staff felt the proposed project was a good fit for the existing conditions.

Mr. Hurt felt the project would encourage permanent residents in the area to patronize the businesses.

Board Motion

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

Board Action

The motion was approved (9-2) with Ms. Gallentine and Mr. McGhee cast the dissenting votes.

9. FIRST RPUD AMENDMENT, DEV 2006-140, Beach Street Condominiums

A request by Mr. Robert A. Merrell, Esquire of Cobb & Cole, on behalf of BOCA Developers, LLC for approval of the first amendment of the Beach Street Condominiums Residential Planned Unit Development. The application proposes to increase the maximum number of multifamily units by 97, from 413 to 510, and modify the previously approved site plan. The property is at the northwest corner of Beach Street and Dr. Mary McLeod Bethune 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. He distributed a copy of the proposed changes to the Board, a copy of which is hereto attached and made part of the record. He said the biggest modification to the project would be the square footage of each of the units at 1,100 square feet instead of 2,200 square feet, which they felt was more suitable for the current market. He said there would be a total reduction 470,000 square feet from the previously approved project, even though they were requesting an additional 97 units. He said additional changes would include the relocation of the entranceway with access on Beach Street, and an

entrance to the garage on the east side rather than on the west side of site. He said the amenities would be relocated near the stormwater pond and along Dr. Mary McLeod Bethune Boulevard. He said the buildings would be further apart and closer to the street to create a more open and pedestrian friendly feel.

Ms. Gallentine asked what the time frame for the project would be if the amendment was approved. Mr. Spraker stated the amended agreement provided for beginning construction within two years with a one-year extension.

Mr. McGhee asked if the proposed elevations would fit in with the existing look of downtown. Mr. Merrell stated most people favored a more open feel with a view corridor and narrower buildings.

Ms. Shelley asked what the square footage of the parking would be. Mr. Merrell stated the parking garage would be 30,000 square feet per floor.

Ms. Shelley stated she was reluctant to vote in favor of the request at the Downtown/Balough Road Redevelopment Area Board and was not happy with the proposed project. She felt the benefits did not justify a density bonus and that the original agreement included a \$1.5 million contribution.

Mr. Rogers asked about the affordable housing aspect in the proposed agreement. Mr. Merrell stated when the project obtained a Certificate of Occupancy, \$1.5 million would be unconditionally contributed to the City for affordable housing or to spend on whatever they deemed appropriate. He said there were many comments when the original project was proposed about the fact that the Community Redevelopment Area that the project was in was not necessarily where the affordable housing needs might be. He said they agreed that the \$1.5 million could be used in other areas at the sole discretion of the City. He said this was unprecedented in the City and he felt they were setting the bar high. Ms. Shelley stated the City needed to develop a formula for developer's contributions rather than them coming forward with a figure. Ms. Shelley stated the \$1.5 million was not only for affordable housing but for also public parking and stormwater retention. She said before they approved a density bonus, they should know how much of the \$1.5 million was going where. Mr. Rogers agreed with Ms. Shelley and added \$1.5 million was not enough of a contribution.

Citizen's Comments

Ms. Brenda Johnson, property owner of 117 Palm Place, Daytona Beach, stated she felt the proposed project would be good for everyone but they needed to consider the condition of Beach Street and lack of sidewalks of Beach Street.

Mr. Dick Cogswell, property owner of 147 San Juan Avenue, Daytona Beach, stated he had concerns with traffic, which were addressed in the original request, and he assumed an amended traffic analysis had been prepared to consider the additional density. He said San Juan Avenue becoming a cul-de-sac opening on to Ridgewood Avenue was a plus and he was in favor of the project.

Mr. Ray Winborne, Pastor of the Seventh Day Baptist Church, 139-209 1st Avenue, Daytona Beach, stated they had concerns with San Juan Avenue and 1st Avenue becoming dead end streets with Wisconsin Place as a connector. He said they previously expressed a concern regarding the traffic pattern on San Juan Avenue from Dr. Mary McLeod Bethune Boulevard and the developer provided a 6-foot walkway. He said he had concerns that there was no access to the public park on 1st Avenue to Mullally Street. He said the developer stated they met with the neighborhood and if that was the case, they were excluded. He said they were not opposed to the project and felt it would help the neighborhood, but it could be improved.

Mr. Alfred Hill, President of the Trustees of the Seventh Day Baptist Church, Daytona Beach, stated he agreed with the Pastor. He added emergency vehicles would have to travel on Beach Street, up Fairview Avenue to Ridgewood Avenue to Dr. Mary McLeod Bethune Boulevard, make a U-turn and go back down 1st Avenue. He said there should be a cutover between San Juan Avenue and Dr. Mary McLeod Bethune Boulevard, which would cut emergency vehicle response time from 9 minutes to 2 minutes. He said he did not see how they could do without it.

Ms. Stacy Johnson, 210 Mullally Street, Daytona Beach, speaking on behalf of approximately 40 homeowners, which abutted the project site, stated the developer continued to work with the neighborhood and they felt it was a great revised plan with more green space. She said the only complaint they heard was why they had not begun construction yet.

Mr. Chris Daun, 132 Pierce Avenue, Daytona Beach, distributed a portion of "The City of Daytona Beach Downtown/Balough Road Redevelopment Areas Plan" which included the Land Use Regulation Objective and Public Amenity Objective and a portion of the Land Development Code with design guidelines for redevelopment districts, to the Board, copies of which are hereto attached and made part of the record. He said the staff report stated the project was not expected to generate pedestrian activity along Beach Street, which was one of the requirements in the Comprehensive Plan for a project in the Community Redevelopment Area (CRA). He said there was confusion regarding what portion of the funds provided by the developer would be for public parking. He said he also had concerns with the height of the building. He said projects should include tiered leveling, by being lower on Beach Street and get taller towards Ridgewood Avenue.

Ms. Tracey Remark, 815 N. Oleander Avenue, Daytona Beach, stated the original agreement included public park, enhancement of the riverfront in front of their project and \$1.5 million to the City for whatever they wished. She said now they wanted to increase the number of units by 97 without any additional parking, which was inadequate with the original project. She said it would be unfair to the public to approve the request without public input on something that had already been determined by the developer and other Boards.

Mr. John Nicholson, 413 N. Grandview Avenue, Daytona Beach, stated he liked the original project better, even though the narrow buildings with more open space would

enhance Beach Street. He asked what the size of units would be. He said he would like to see the oak trees remain on the property and felt affordable housing was necessary in the downtown area as well. He said he had concerns about the appearance of the parking garage from Beach Street.

Mr. Tim Green, 202 Mullally Street, Daytona Beach, stated nothing had been done in that area for 20 – 30 years and he wanted to see the something new there.

Mr. Merrell addressed the citizen comments and stated there had been a lot of discussion with traffic and access to the project and many people from the neighborhood were pleased that there would not be a through street to their neighborhood and there would be a cul-de-sac instead. He said they dedicated part of their property for public access to Dr. Mary McLeod Boulevard and he could look into access along the west side of the property. He said both the Police and Fire Departments reviewed the plans for access and they had no objections to the existing emergency access. He said regarding building heights, the concept for downtown was for the taller buildings to be located at the north and south ends. He said there was also much discussion with a public parking lot, and the developer was providing a cash contribution that could be used for public parking. He said they were actually netting 145 more parking spaces for the 97 additional units. He said they felt there would be additional pedestrian traffic created considering the retail that would be incorporated into the project. He said he did not know the square footage of the units, but there would be various sizes including studio type units, which was something that the market was seeking in that type of downtown development. He said they would be saving the trees. He said at this point in time there was no TIF (Tax Increment Financing), but it was always a subject of discussion. He said it was not part of the request before the Board.

Mr. Hurt stated it appeared the original project could not be built due to the current market, which was the reason they were downsizing. He said the \$1.5 million was tied to the original project. He said the developer needed the additional density to make the project feasible. He said the smaller units would make it more affordable for someone who wanted to live downtown. He said if the developer felt they could not build the project without the additional density, nothing would be built and the \$1.5 million contribution would go away with the project.

Mr. Hoitsma stated one of the biggest concerns expressed with the original project was the mass of the buildings along Beach Street. He said he liked the fact that there was open space between the buildings and along Beach Street in the revised plan. He said the other concern he heard with the original proposal was the fact that there was no retail, and there may not be a great deal of retail with the revised plan, there was a touch.

Mr. Neal felt it was an outstanding project.

Mr. Moore stated he liked the revisions, even though the added density seemed to be a problem, but they needed something in that area of the downtown. He asked what the average selling price of the units would be. Mr. Merrell stated they went from \$400,000 - \$1.2 million originally to \$200,000 - \$600,000. Mr. Moore asked how they came up with

the \$1.5 million figure. Mr. Merrell stated he could not exactly say how they arrived at the figure, but it was based on the previous project, which included more luxury units. He said it was a larger relative contribution as it related to the profit of the amended project.

Mr. Rogers stated he felt it was a good project, but he had concerns with not knowing the distribution of the developer contribution of \$1.5 million.

Ms. Gallentine stated it was a beautiful project and the neighborhood needed help. She said the present condition of the property was horrid, but it was an attractive property. She said allowing a density bonus to the developer was something they did not need to do. She said density could be a dirty word, and the project would mean a lot of people, cars, traffic and impacts on a small plot of land. She said the City did not need to give a bonus to a developer, so he could make \$60,000,000 and was against the density bonus. She said the \$1.5 million sounded like a payoff to the City as far as she was concerned.

Mr. McGhee stated it seemed as though the presentation was take it or leave it. He said this was their opportunity to recommend changes. He said there were still unanswered questions such as if the \$1.5 million was going to be used for housing, they still would have parking issues. He said there should be easy access to the park so that all the neighbors would be able to utilize it.

Ms. LeSage stated she had a concern that the smaller units would encourage part-time residents rather than long term permanent residents. She said if they approved the project, they would be setting a precedent for this to happen again and again.

Mr. McGhee asked what the parking garage would look like. Mr. Merrell stated the elevations were included with the development agreement and if the developer wanted to change the appearance, they would have to come back before the Board with an amendment, much like the request before them. Ms. Shelley stated there was discussion about the parking garage at the redevelopment area board meeting and she would rather see it wrapped with townhomes and give it a more pedestrian feel.

Ms. Shelley stated she was not happy with the small amount of retail. She said she felt it would not encourage pedestrian traffic and that most people would drive to the other end of Beach Street. She said the Planning Board voted against the Comprehensive Plan Amendment regarding a density bonus, which the City Commission approved the transmittal of. She said it disturbed her that the agreement said nothing should be built across the street from the proposed project over 30 feet and asked why the City would build on a public park. Mr. Merrell said they were considering the Josie Rogers House, which was relocated to the east side of Beach Street. Ms. Shelley believed as a community they were not getting back what they considered public benefits. She said she was not sure if it was the purview of the Board to request a higher contribution from the developer. She said it would behoove the Board to recommend that the City establish a formula if the City was to receive money from a developer. She said she believed they were selling density, whether it was for parking or stormwater and asked what price they

wanted to put on the community for higher density. She said this was the Board's opportunity to make their recommendations on the request.

Mr. Hurt stated the Board should not recommend where the \$1.5 million should be allocated at the risk they would tie staff's hands as to how they negotiated deals with developers. He felt the Board should recommend parameters be discussed as to where the incentives would go. Mr. Rogers asked what the problem would be with designating the funds. Ms. Shelley stated they were using the same amount for affordable housing, public parking and stormwater retention for a density bonus.

Mr. Spraker stated there was no formula tied into the development agreement. He said if they broke the contribution down to \$500,000 each for affordable housing, public parking and stormwater retention, it would provide a tremendous amount of money to each. He said it was a discretionary tool in the Comprehensive Plan, which staff, the redevelopment area board, the Planning Board and the City Commission reviews with public comment. He said planned developments were negotiated zoning districts and if they felt there was not enough on the table, they could try to negotiate additional amenities. He said staff felt there were a number of positive issues with the project. He said the adopted redevelopment plan said the sole goal in the area should be the development of residential units. He said they would also be improving a tremendous amount of infrastructure for water, sewer and stormwater for their site and other properites.

Ms. Shelley stated the Downtown/Balough Redevelopment Area Board asked that a portion of the contribution go toward benefiting Riverfront Park.

Mr. Moore asked if Mr. McGhee wanted to see additional landscaping to screen the view of the parking garage on Beach Street. Mr. McGhee stated he had concerns with the maintenance of the landscaping. Ms. Shelley stated the redevelopment board felt trees along the parking garage would not be enough of a buffer. Mr. Merrell stated they were required to maintain the landscaping on the site and it would become a zoning enforcement matter if the landscaping was not maintained due to issues such as dead trees or broken irrigation.

Mr. Hurt asked if there would be a homeowners association. Mr. Merrell stated yes there would be a condominium association.

Board Motion

Mr. Hurt made a motion to approve the request with the condition that the developer work with the City to beef up the landscaping for both the front and the rear of the parking structure.

Mr. Hoitsma seconded the motion.

Mr. McGhee asked if they could add to the motion. Ms. Shelley felt the motion did not fully reflect what the Board wanted to include. Mr. Rogers stated the motion needed to be withdrawn.

Mr. Hurt withdrew his motion. Mr. Hoitsma withdrew his second.

Ms. Hartman stated the Board needed to make a clear recommendation to the City Commission.

Mr. Merrell stated if the Board wanted to direct the expenditure of the funds, he would be happy to support it, but he cautioned the Board that there might be a difference of opinion by the City Commission. Mr. Merrell stated he could bring the recommendation that the Board suggested providing adequate vegetation to shield the garage to the City Commission. He said if the Board wanted to recommend changes to the architecture, they needed to let him know. Ms. Hartman stated the \$1.5 million contribution should be left to the discretion of the City and made no difference to the project as to how the funds were spent.

Board Motion

Mr. Hurt made a motion to approve the request with the recommendation that the City Commission be satisfied with the appearance of the parking garage.

Mr. Wood seconded the motion.

Board Action

The motion was approved (7-4) with Ms. Gallentine, Ms. LeSage, Mr. McGhee and Ms. Washington casting the dissenting votes.

10. RIGHT-OF-WAY VACATION, DEV 2007-070, Marina Point II

A request by New Dawn Daytona, LP, a Florida limited partnership for approval of a right-of-way vacation of a 0.109-acre portion of South Beach Street. The proposed right-of-way vacation is located in front of the existing Daytona Boat Works facility at 645 South Beach Street.

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. Gallentine wanted to verify that the request for the vacation was separate from the rezoning. Mr. Spraker stated if the project did not go forward, it was likely that the applicant would not move forward with the vacation request. Ms. Gallentine asked if the

Board should recommend approval contingent upon the approval of the project. She said the items seemed to be out of order and the Board should hear the rezoning first. Mr. Spraker stated if the Board wanted to hear the rezoning item first, they could. There was no objection by the applicant.

It was the consensus of the Board to hear Item 11 at this time.

11. PLANNED REDEVELOPMENT REZONING, DEV 2006-103, Marina Point II

A request by New Dawn Daytona, LP, a Florida limited partnership for approval of a rezoning from M-1 (Local Service Industry) to PR (Planned Redevelopment) to allow multifamily condominiums or hotel/condominiums and 150 marina boat slips together with related amenities on a 4.7 ± acre parcel. The site is located at 645 South Beach Street, Daytona Beach, Florida and is bounded by South Beach Street to the west, the Halifax River to the east and Marina Point Drive 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.

Mr. McGhee stated he heard about the possibility of Beach Street becoming 4 lane in the area of the project and asked if the vacation had anything to do it. Mr. Spraker stated the vacation would improve the existing conditions by removing the kink in the road. He said the possibility of widening Beach Street could be a long way off. He said there was substantial capacity on Beach Street for the proposed project.

Ms. Gallentine asked if the traffic study took the other project that was approved in the area on Beach Street, as well as the other vacant properties that could be developed, into consideration. Mr. Spraker stated any new project would create traffic impacts. He said the City's Comprehensive Plan established a Level of Service, providing a number of trips per road. He said there was capacity on the roadway, even with the proposed Beach Street Skyline project, which was included in the traffic study.

Applicant's Presentation

Mr. Felix Amon, Amon Investments, contract purchaser, stated he was a member of Daytona Beach Halifax Area Chamber of Commerce, former member of the City's Economic Development Board and currently a member of the City's Main Street South Atlantic Redevelopment Area Board. He said he was well aware of many of the issues in the City and felt the southern part of Beach Street needed residents and shopping to begin to create a successful downtown. He gave a PowerPoint presentation to the Board, showing the site and proposed plan to the Board, a copy of which is hereto attached and made part of the record.

Mr. Amon stated they had done much research prior coming forward with the project. He said they estimated that an additional 6,000 residents; 2,500 in the downtown area and 3,500 on beachside would be necessary to support a shopping center in the downtown area. He said they were also considering comments throughout the Visioning Process, which was attempting to have residential and successful retail coexist in the downtown area. He said some other factors they took into consideration was the average income of the population of Volusia County, the poor condition of the existing site and the surrounding area, the fact that families might not want to move into the downtown areas because of the large number of sexual predators in the area (including 4-6 in the Marina Point area), which needed to be addressed, and the amount of crime and homeless people in the immediate area. He said the agreement included upgrades to the infrastructure for the project.

He said their intent was that the property would not be flipped and if approved, the entire project could be completed within a 2 – 3 year timeframe. He said they were hoping to create an area like a small Ft. Lauderdale by utilizing the beautiful areas they had, including the marina and river. He said the proposed architecture would be a combination of Mediterranean with a touch of Key West. He said one tower might be a time-share and the second tower would be a combination of condos, condo/hotel and residences. He said they expected an increased tax base of approximately \$20 million from the project. He said they met with some of the nearby residents yesterday and the reception was encouraging and positive.

Mr. Jim Ballenger, Architect with Dorsky Hodson and Partners, stated the original concept included two 26 story towers with a 0 lot line at the north end of the property. He said the current plan included a reduction in height to 22 stories an increase of the side setbacks to 25 feet. He said the Downtown Ballough Road Redevelopment Area Board approved the plan last month. He said the parking garage would be at a podium level which would have open views to the marina at the pedestrian level. He said they were proposing a Mediterranean style with an articulated roofscape to tie the project into the existing architectural theme.

Citizen's Comments

Mr. Matt Goldys, 85 Freemont Avenue, Daytona Beach, stated he recently purchased his first home and said the current conditions of the surrounding area were awful and something needed to be done. He felt the proposed project would be a positive influence to the surrounding neighborhood.

Mr. Kevin Ream, 651 Marina Point Drive, Daytona Beach, stated he owned a condo there for 12 years and during that time there had been a steady deterioration of the property, which was unfortunate. He said aesthetically, economically and from a marketing standpoint, the project made sense and asked the Board to support the project.

Mr. Dennis Bayer, Attorney representing the Board of Directors for Marina Point I, stated his clients were not sexual predators, prostitutes or homeless. He said they had many concerns and felt the request needed to be postponed to give them additional time to

review the proposed project. He said there was also a legal issue before the Board which was 2 years ago the State Legislature passed the Working Waterfronts Legislation, which modified the Comprehensive Plan for the state because there was an issue throughout the state where the commercial waterfronts were getting crowded out by residential development. He said the legislature stated all coastal counties comprehensive plan would have to be amended to consider the preservation of recreational and commercial working waterfronts. He said the proposed plan might be consistent with the City's Comprehensive Plan, but it was not consistent with state laws as they related to Chapter 163. He said the Federal Aviation Administration (FAA) set guidelines for obstructions to navigations, which had issues with structures 200 feet above ground level, within 3 miles of an airport. He said the proposed building was 1.9 miles from the runway at the Daytona Beach International Airport, was too tall and directly in the flight plan. He said they had issues with the height and side yard setbacks as there were with other previously projects. He distributed a copy of building heights and setbacks for City approved condo projects, a copy of which is hereto attached and made part of the record. He said they also had issues with the proposed density, which included 90 units based on submerged lands. He said they felt the building was too large, too dense and too close to Beach Street. He said there were also compatibility issues. He said they would prefer to see a 13 or 14 story building proposed. He provided the Board with a list of the existing Marina Point residents who were opposed to the project, a copy of which is hereto attached and made part of the record.

Ms. Tracey Remark, 815 N. Oleander Avenue, Daytona Beach, stated she met with the developer on Tuesday evening, and he said they would be in it for the long haul and they would not flip the property. She said that was starting to sound like a broken record. She said it was mentioned that downtown was 70% empty and she wasn't sure what he was looking at. She asked how the developer was getting the density using the submerged acreage when over half of the property was unusable. She said she wondered how the proposed project would suddenly change the number of homeless people and sexual predators in the area and make everyone want to live there. She said the project was too large for the area.

Ms. Eleanor Bannerman, 761 Marina Point Drive, Daytona Beach, stated she lived there for 22 years. She said Marina Point was 90% occupied with permanent residents. She said the photographs of the poor conditions of the neighborhood were of property that the developer owned, and had been owned by developers all along and they allowed the deterioration of the property. She said she found it hard to believe that a group of businessmen were going to decide what was going to happen to the place that she lived, without giving the current residents an opportunity to provide input. She said it was absurd. She said they attempted to meet with the developer months ago and they were ignored up until 2 days ago. She said they wanted an opportunity to discuss issues further and asked the Board to continue the request until they could do so.

Mr. Paul Adamek, 623 Marina Point Drive, Daytona Beach, stated 22 stories next to 3 stories was not compatible. He said the proposed project was overkill. He said the property had been flipped five times and along came a developer with a promise to clean up the property and build. He said they needed a marina and not boat storage.

Mr. Richard Robinson, 732 Marina Point Drive, Daytona Beach, President of the Marina Point Association, stated the biggest concerns were too much density, traffic issues and congestion. He said he did not object to a project of a compatible size, but 22 stories was ridiculous.

Ms. Love Phipps, 532 Marina Point Drive, Daytona Beach, stated she had lived there since 1995. She said the photographs that the developer showed were very misleading and wondered how conditions would change if they built the proposed project. She said there was nowhere near the number of sexual predators in the area that the developer stated there were and wondered how the proposed project would change that number.

Mr. Mark Mullen, 713 Marina Point Drive, Daytona Beach, stated the previous project included a contribution to the City by the developer and he heard no mention of any contribution associated with this project. He said there would be a major cost to the City for the infrastructure to take the kink out of the road, including water and sewer lines. He asked what the City was getting out of it. He said they needed to make development pay for itself and not place the burden on the taxpayers.

Dr. James Bannerman, 761 Marina Point Drive, Daytona Beach, stated he lived there since 1985. He said he was not against the development. He said Mr. Amon made several comments Tuesday evening including the fact that the property had been flipped 9 times. He said that was why the properties Mr. Amon showed photographs of earlier looked so poor. He said the residents kept their properties up. He said Mr. Amon said that the Marriot might build the towers. He said there was 1 water meter for the Boat Works, The Chart House and the three condominiums. He said the City agreed to maintain the water and sewer lines upon completion of the infrastructure per the Planned Development Agreement. He said until then, developers owned land that was vacant. He asked the Board to give the residents an opportunity to work with the developer to build a smaller quality project, which was needed.

Mr. John Nicholson, 413 N. Grandview Avenue, Daytona Beach, stated the Board needed to consider the front setback so close to the street. He said they were basing the drainage, density and boat slips on submerged land. He said the City should not give up any public right-of-way.

Ms. Stacy Johnson, 210 Mullally Street, Daytona Beach, stated the Beach Street Condos and Marina Point II would be great anchors for Beach Street. She said it might not be a perfect plan, but asked the Board to stay open minded and work with the developer to make it a project everyone would approve of.

Mr. Bob Von Nessen, 633 Marina Point Drive, Daytona Beach, stated he lived there since 1985. He said he lived in a beautiful community and urged the Board not approve the proposed project.

Ms. Melissa Meyer Russell, 561 Marina Point Drive, Daytona Beach, stated making Beach Street 4 lane would be ridiculous.

Mr. Fred Kunz, 731 Marina Point Drive, Daytona Beach, stated he was against the project. He said it was too high and too dense. He said the request either needed to be continued or denied.

Ms. Gallentine asked if the developer was willing to meet with the residents to work out some of their issues. Mr. Amon stated they were willing to continue to meet with the residents, but did not want to continue the item. He said they still had to go before the City Commission for two meetings and would time to meet to with the neighbors prior to that.

Mr. Moore asked what the width of the buildings would be. Mr. Ballenger stated both towers would be approximately 400 feet wide.

Ms. Shelley stated she felt comfortable with continuing the item to give the attorney and the residents an opportunity to resolve some of their issues with the developer.

Ms. Gallentine stated the photographs were a little over the top and could have been anywhere in the City. She said she was disappointed that the meeting with residents was only two days ago. She said she was concerned with the density and constructing a building of that size on the floor of the river. She said they wanted full time residents in the downtown area but the proposed project was not necessarily going to be residential it was going to be rental. She felt the project was too large and hoped the developer would work with the residents.

Mr. Hurt stated he was for development but had concerns that the neighbors' issues were not addressed.

Ms. Shelley stated the feeling of the Board was the need for the developer to meet with the residents of neighborhood.

Mr. Amon agreed to continue the request to the June 28, 2007 Planning Board Meeting.

Board Motion

Mr. Hoitmsa made a motion to continue the request to the June 28, 2007 Planning Board meeting. Mr. Hurt seconded the motion.

Board Action

The motion was unanimously approved (10-0).

Board Motion

Mr. Hurt made a motion to continue Item 10 to the June 28, 2007 Planning Board meeting. Mr. Hoitsma seconded the motion.

Board Action

The motion was unanimously approved (10-0).

12. LDC AMENDMENT, DEV 2007-043, Florida Building and Fire Code Amendments

An administrative request to amend Article 19, Construction Codes, and Article 20, Fees, of the Land Development Code to reflect the current Florida Building and Fire Codes and provide for an early start permit for interior build outs for buildings.

Mr. Spraker presented information contained in the Staff report, a copy of which is hereto attached and made part of the record.

Ms. Hartman stated it should be reflected that the International Property Maintenance Code should be the 2006 edition not the 2003 edition. She said there were also minor technical changes that needed to be made to the local amendments.

Mr. Moore felt the “early start” authorization for contractors to begin work pending plan review and permit issuance was a plus.

Board Motion

Mr. Hurt made a motion to approve the request subject to the City Attorney comments. Mr. Moore seconded the motion.

Board Action

The motion was unanimously approved (10-0).

Other Business

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

Ms. Shelley reported on the Board’s May meeting.

• **Midtown Redevelopment Area Board Report**

Mr. Rogers reported on the Board’s May meeting.

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

Ms. LeSage was not present to give a report.

• **Vision Committee Report**

Ms. Shelley reported on the Committee’s May 5, 2007 meeting which was very successful.

- **Public Comments**

Ms. Tracey Remark, 815 N. Oleander Avenue, Daytona Beach, stated the Board granted the developer for the Beach Street Condos the right to 50 units per acres, which was the only area in Daytona Beach to allow that density. She presented photographs of the vacant Milan site to the Board, which was fully permitted that was going up for auction, copies of which are hereto attached and made part of the record. She said it was time for the City to quit giving value added criteria to developers that they could pass on to successors when they flipped the property, because it made it more valuable. She said they needed to look into making development rights specific to the developer not their successors. She said they needed to consider shorter time frames for construction in the development agreements. She said cities across the nation were starting to tax vacant land at a higher rate than occupied land because of flipping.

Mr. Hurt stated if a project was going to be amended from what was approved, the developer would have to get the changes approved, so why did they care who developed the property, as long as it was developed. Ms. Remark stated the developer always came back to say the market changed and they wanted more density.

Mr. John Nicholson, 413 N. Grandview Avenue, Daytona Beach, said wherever possible, problems with proposed developments should be resolved prior to granting approval.

- **Board Members Comments**

Mr. McGhee stated he was saddened that the motion went forward (for Beach Street Condos) when they had a list of issues to be addressed. Ms. Shelley agreed.

Ms. Gallentine stated she would like the Board to address why they allowed submerged land to be used when calculating density and what could they do to make a development agreement tied to the developer. She said it was not right that properties were flipped over and over or the case of the Milan being auctioned with permitting rights. Mr. Spraker stated he personally wrote a letter of expiration for the Milan, which meant they had no entitlements.

Ms. Shelley agreed with Ms. Remark and they should make the approvals specific to the actual development itself. She said the Board needed to look into some sort of policy. Mr. Moore stated we had the new Planning Administrator in attendance and asked if was something that was part of the Comprehensive Plan and if it was, could they get it included with the current amendment.

Mr. Reed stated staff would look into the issue. He said historically approvals generally ran with property, rather than the applicant.

Ms. Gallentine asked if staff could also look into using submerged lands when calculating density.

Ms. Shelley stated she would like the City to come up with some sort of formula for a developer contribution for a density bonus.

Ms. Shelley stated in the May issue of Coastal Living, there was a photograph of Daytona Beach, with an article about a book by Dr. Harold Cardwell, City of Daytona Beach resident and historian.

Mr. Hurt stated there was much talk about various restrictions to be placed on various projects and he asked the Board to keep in mind that there had not been much development in the past 20 years, including those projects that had been recently approved.

Ms. Shelley stated Daytona Beach was a wonderful community and it behooved them to encourage development in a way that would be a benefit for the community.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 10:32 p.m.

EDITH SHELLEY
Chair

CATHY WASHINGTON
Secretary