

## MINUTES

### SPECIAL MEETING – PLANNING BOARD

December 22, 2011

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Minutes for the Special Planning Board Meeting for The City of Daytona Beach, Florida, held on Thursday, December 22, 2011, at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

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Board members present were as follows:

Jeff Hurt  
Bob Hoitsma  
John McGuinness  
Louis Moore  
James Neal  
Cathy Washington  
Shirley Benjamin  
Matthew Bohon

Absent Members:

Tracey Remark  
Janet LeSage  
Kevin Fishback

Staff members present:

Dennis Mrozek, Senior Planner  
Thomas Weitnauer, Principal Planner  
Carrie Lathan, Assistant City Attorney  
Jason Jeffries, Redevelopment Project Manager  
Rose Askew, Planning Technician

1. **Call to Order**

Louis Moore, Chair called the meeting to order at 6:00 pm.

2. **Roll Call**

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

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3. **Approval of the Minutes:** November 17, 2011

**Board Motion**

It was moved by Mr. Hurt to approve the November 17, 2011 Planning Board Meeting Minutes. Seconded by Mr. McGuinness.

**Board Action**

The motion was approved 8-to-0.

4. **Rezoning - Planned Commercial Development (PCD) Amendment, Golden Triangle, DEV2011-096**

A request by Mark S. Dowst, P.E., on behalf of Roby R. Epling, Jr., Managing Member, Epling Leasing Company, to rezone 7.05± acres of land located at 2900 Bellevue Avenue, Daytona Beach, amending the existing Planned Commercial Development (PCD), to allow amusement, retail and restaurant uses on lot #1 and other minor site modifications to accommodate the proposed uses. (*Continued from the December 15, 2011 Planning Board Meeting*)

**Staff Presentation**

Dennis Mrozek, Senior Planner thanked Board members for taking time out of their holiday schedule to attend the Special Planning Board Meeting. He gave a brief PowerPoint presentation that included the rezoning request as written above, the future land use, zoning, proposed uses and a brief history of the Golden Triangle Planned Commercial Development. He stated a concern for the site was visibility due to the substantial amount of trees on the property. The applicant was requesting to remove 24 trees to improve visibility and also cleaning up some of the remaining trees, but they would be planting five trees, which would give them a net of 72 trees, meeting the minimum requirement for the scenic setback. He stated the applicant was requesting a waiver for required parking. The Land Development Code requires 196 parking spaces for the site. The waiver would allow the applicant to only have 154 parking spaces, which is what currently exists on the site. He stated staff was recommending approval to amend the existing PCD rezoning request with the five staff conditions listed in the staff report related to the technical requirements in the LDC that will be addressed during the final site plan approval. He stated the request was tentatively scheduled for the January 18, 2012 City Commission Meeting (1<sup>st</sup> Reading) and February 1, 2012 (2<sup>nd</sup> Reading – Public Hearing). An affirmative vote of six was required to recommend approval to the City Commission.

Mr. Hoitsma asked if there was room for parking expansion.

Mr. Mrozek replied there were opportunities for development on lot two but he would allow the applicant to expound on that question.

**Applicant Presentation**

Mark Dowst, 536 North Halifax Avenue stated the site had been used twice before. The first time was the Classic Auto Museum and the second time was Cycle World. He stated the proposed project was a family entertainment center, which is a type of facility that would have something for parents and children. He stated one of things they were requesting was to open up a site view angle on the east side of US 92. He stated the scenic buffer had a significant amount of large trees which caused a problem with visibility of the site and the landscape plan was designed to address the visibility problems. The landscape plan also adds a lot of accent plantings around the building. Mr. Dowst stated no other changes were being proposed to the exterior of the site and it was part of a previously platted piece of property that had two lots. Lot one was developed and Lot two was undeveloped. He stated the way the PUD was set up required the applicant to come back before the Board for approval to develop lot two. He stated one of reasons why the previous uses had the same kind of parking waiver being requested tonight was because the building was so large. He stated parking requirements were based on total aggregate square footage of the building so even if they were only requesting to use 1,000 square feet of the building space, they would still get stuck with the large parking requirement. Mr. Dowst stated he believed there would be plenty of parking available, but if parking problems arose, Lot two was available for parking expansion.

Carmen Malhotra, 3402 John Anderson Drive, Ormond Beach stated she and her family had been vacationing in the Daytona Beach area for many years and one of the things she noticed was when it rained or was very hot there was not very much to do indoors. She stated she thought it would be great to have an indoor facility that had things to do for the entire family. She stated the Golden Triangle site was laid out in a manner that was conducive to her idea for a family fun center. She referenced a similar facility called Latitude 30, located in Jacksonville, Florida. Ms. Malhotra stated she felt the location was great because it was at the gateway of the City, was in close proximity to neighboring cities and would also cater to locals. She stated she was so dedicated to making the project successful that she had moved her family here and invested everything she had into it.

Mr. Neal asked if the project would be completed in stages or all at once.

Ms. Malhotra replied plans were to complete the project in one stage and that she was currently trying to get all of her approvals so she could get permits.

**Citizen Comments**

John Nicholson, 413 North Grandview Avenue stated he was ok with the parking waiver request but was opposed to removing trees. He recommended changing the color of the building or putting signage above the trees that could be seen from the highway.

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### **Board Comments**

Mr. Hurt stated he would be supporting the request and he felt the family fun center concept was needed for the area.

Mr. Hoitsma stated he wanted to hear the Board's thoughts on Mr. Nicholson's recommendation for additional signage instead of removing trees.

Mr. Hurt stated the applicant was meeting the landscape requirement and he felt the building was so secured by the trees that a sign would look like a billboard that people would pass and not notice.

Mr. Hoitsma asked Mr. Hurt if he was saying he was in favor of removing the trees.

Mr. Hurt replied yes because from SR92 the site was invisible and he believed removing the trees would help with visibility.

Mr. Bohon stated he felt as long as the project was meeting the LDC requirements for trees that was all that was required of the applicant.

Mr. McGuinness stated he felt the applicant should do whatever landscape modifications were needed to promote the success of the business. Landscaping preserves the appropriate counts needed for trees and he was fine with trimming and relocating trees if it would help make the business successful. He stated if in the future it was determined that a sign was needed, it could be added.

Mr. Moore stated he agreed with Mr. Hurt's comments.

Ms. Washington stated she agreed with fellow Board members' comments and the Board had the same issue with visibility when they approved the sign currently located on the site. She stated she believed the building needed to be a little bit more visible.

### **Board Motion**

It was moved by Mr. Hurt to approve Rezoning - Planned Commercial Development (PCD) Amendment, Golden Triangle, DEV2011-096 with staff conditions. Seconded by Mr. Neal.

### **Board Action**

The motion was approved 8-to-0.

5. **Rezoning – Planned Redevelopment District (PRD), William Square, DEV2011-065**

A request by Parker Mynchenberg, P.E., R.L.A., on behalf of John “Jack” White, Managing Member, The William Lofts LLC, to approve a PRD (Planned Redevelopment District) Rezoning, for property located on the southeast corner of Palmetto Avenue and Magnolia Avenue. The request is to rezone the 1.0± acre property to PRD and allow for the development of a 15-unit single-family subdivision and associated improvements. *(Continued from the December 15, 2011 Planning Board Meeting)*

**Staff Presentation**

Jason Jeffries, Redevelopment Project Manager gave a brief presentation that included the request as written above and stated the project was originally approved in 2007 as a Residential Planned Unit Development (RPUD). The name at that time was the William Tower and it was for 38 units. He stated the applicant was now requesting a 15-unit single-family subdivision with associated improvements and the density being requested was less than what was allowed. He stated the map in the staff report shows RPUD zoning for the property to the east of the site but that piece of property was actually zoned RDD2. He stated the PRD zoning being requested tonight would allow residential and/or commercial uses and the Downtown Ballough Road Redevelopment Board voted unanimously for approval of the request. He stated the Technical Review Team (TRT) had reviewed the request and deemed it to be acceptable. Mr. Jeffries stated the layout for the site was 15 residential townhome sites, the lots were single-family without separating walls and each lot being sold separately. He stated at the Downtown Ballough Road Redevelopment Board Meeting, Redevelopment staff requested that lot six, located directly at the corner of Magnolia and Palmetto Avenue be developed with a commercial use on the ground floor. He stated buyers of the property would have the option to develop the property as either a townhome or a mixed use development where the ground floor would be commercial use and residential above. He stated the permitted use table on page three of the staff report had an error. He stated where it refers to lot six “all floors” should read “above ground floors.” Mr. Jeffries stated the applicant was requesting to waive the LDC, Article 5, Section 1.3 (a) requirement for all lots to front on a public street. He stated the waiver request pertained to four lots on the south portion of the project. The four lots front on an easement and staff did not have any problems with the waiver request because it was in keeping with the urban nature of the downtown area and access to the properties would be available through the easements. The second waiver request was for Article 7 Section 6.15 (c), which requires any new or existing establishment discharging industrial or commercial wastes into the sewer system to construct and maintain at the owner’s expense a suitable control manhole, or manholes, downstream from any treatment, storage, or other approved works, to facilitate observation, measurement, and sampling of all wastes, including all domestic sewage from the establishment. He stated the applicant and the City’s Utility Department had come to an agreement that under certain uses the applicant would put in a manhole but otherwise the one manhole would be sufficient for the project.

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**Applicant Presentation**

Chris Challis, White/Challis Redevelopment, 112 Orange Avenue, Daytona Beach stated Mr. Jeffries' staff report was very thorough and he was available to answer any questions from the Board.

Carrie Lathan, Assistant City Attorney asked when the agreement with the Utilities Department was made was there discussion on what would happen if the use on the ground floor changed.

Mr. Challis replied if the use on the ground floor were to change after construction, an inspection would be required as part of the permitting process.

Ms. Lathan asked if the manhole would be put in at a later date.

Mr. Challis replied it would probably be expensive to do that but yes it was possible.

Mr. McGuinness asked if retail was allowed in any of the units on the first floor except the ones on lot six.

Mr. Challis replied no, they tried to provide for commercial on lot six but the other lots only allow professional services and not retail.

Mr. Hurt stated so it could be an attorney's office.

Mr. Challis replied yes, the idea was to create a live-work unit.

Mr. McGuinness stated page three of the staff report lists retail sales and services for lots one through five and seven through 15.

Mr. Challis apologized for the error and stated the table of uses on page three, section five of the development agreement lists business, personal and professional services as permitted uses on the ground floor for lots one through five and seven through 15.

Mr. McGuinness asked if the height limit was 50-feet or 57-feet.

Mr. Challis replied it should be 50-feet excluding ancillary structures associated with rooftop gardens, HVAC, etc.

Mr. Hoitsma asked for the height limits for the other units.

Mr. Challis replied heights for the lofts were close to 40-feet for each individual unit and the intent was to subdivide the project and sell the lots off. The individual building permits would have to go through the development review process for approval.

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Mr. Jeffries stated the Downtown Redevelopment Board had extensive discussions regarding the future vision of the downtown area and a lot of the downtown vision was a step back approach where the floors are tiered. He stated the step back approach was being incorporated in the LDC re-write and was in keeping with the Downtown vision.

Mr. Hoitsma asked if there would be any continuity in architecture since there would be numerous owners.

Mr. Challis replied the development agreement lists four different architectural styles to choose from and even more detail in the Home Owners Association deed covenants.

Jack White, 112 Orange Avenue, Daytona Beach stated the townhomes would be better referred to as brownstones and because of the narrow size, the continuity of the scaling was all the same, but it still reflects all four styles.

Mr. Moore asked if the owners had to choose from the four styles available styles.

Mr. Challis replied correct.

Mr. Moore asked what would happen if there were two owners right next to each other who wanted the same style.

Mr. Challis replied that would be covered in the deed restricted covenants.

Mr. Hurt stated he was very glad he attended the meeting because the Board had the chance to discuss some really nice projects.

Mr. Hoitsma stated Mr. White indicated there must be people downtown in order to have stores and feels this project would help bring people downtown.

### **Citizen Comments**

No citizen comments.

### **Board Comments**

No additional Board comments.

### **Board Motion**

It was moved by Mr. Hurt to approve Rezoning – Planned Redevelopment District (PRD), William Square, DEV2011-065. Seconded by Mr. Hoitsma.

### **Board Action**

The motion was approved 8-to-0.

6. **Preliminary Plat - William Square, DEV2011-066**

A request by Parker Mynchenberg, P.E., R.L.A., on behalf of John “Jack” White, Managing Member, The William Lofts LLC, to approve a Preliminary Plat for 1.0± acres of land located on the southeast corner of Palmetto Avenue and Magnolia Avenue, to allow for the development of a 15-unit single-family subdivision and associated improvements. (*Continued from the December 15, 2011 Planning Board Meeting*)

**Staff Presentation**

Dennis Mrozek, Senior Planner gave a brief PowerPoint presentation that included the request as written above and stated the request was in conjunction with the William Square rezoning that was just approved. He stated the property was located on the southeast corner of Magnolia Avenue and Palmetto Avenue and the purpose of the subdivision and platting requirements was detailed in LDC, Article 4, Section 4.1, which reads, “... to ensure that adequate infrastructure is installed and available for development to prevent hazards due to traffic, flooding, unsanitary conditions, or other causes; permit development in an orderly physical pattern; and prevent undue burdens or cost to the public.” He stated the preliminary plat approval required Planning Board review with recommendation to the City Commission for approval. The final plat required City Commission approval only. Requested Waivers include four southern lots not fronting on a public street. The lots front on an existing 24 foot access easement. Mr. Mrozek stated the standard could be modified and the City’s Technical Review Team had reviewed the proposed preliminary plat and determined it to be in compliance with the subdivision requirements of the LDC if the requested waiver is granted. He stated staff recommended approval of the request and the item was tentatively scheduled to be heard by the City Commission on February 15, 2012; a majority vote of the Board members present and voting was required to recommend approval to the City Commission.

**Applicant Presentation**

No applicant presentation.

**Citizen Comments**

No citizen comments.

**Board Comments**

No Board comments.

**Board Motion**

It was moved by Mr. Hurt to approve Preliminary Plat - William Square, DEV2011-066. Seconded by Mr. McGuinness.

**Board Action**

The motion was approved 8-to-0.

7. **Other Business**

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

No Report.

B. **Midtown Redevelopment Area Board Report**

No Report.

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

No Report.

D. **Public Comments**

John Nicholson, 413 North Grandview Avenue, Daytona Beach wished everyone a Merry Christmas.

E. **Staff Comments**

Mr. Weitnauer thanked Board members for taking time out to attend the special Board meeting.

F. **Board Member Comments**

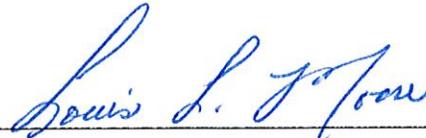
Mr. Hurt stated having the opportunity to review projects that are positive is a good feeling and the family entertainment center will really help to enhance the City.

Mr. Hoitsma stated he was honored to serve on the Planning Board and how proud he was on the Board's conduct when controversial items came before them.

Mr. Moore wished everyone a Merry Christmas and Happy Hanukkah.

**Adjournment**

There being no further actions to come before the board, the meeting was adjourned at 6:47 PM.



LOUIS MOORE  
Chair

ATTEST:



CATHY WASHINGTON  
Secretary