



The CITY OF DAYTONA BEACH

— "THE WORLD'S MOST FAMOUS BEACH" —

MEMORANDUM

DATE: October 31, 2017

TO: James V. Chisholm, City Manager

FROM: Reed Berger, Redevelopment Director

SUBJECT: 246 South Beach – Rezoning - Planned Development-Redevelopment (DEV2017-084)

A request by Colleen Miles, Land Development Resource Group, LLC, on behalf of Robert W. Mansour, to rezone 0.06± acre of land located at 246 South Beach Street from Downtown Redevelopment – Beach Street Retail (RDD-1) to Planned Development-Redevelopment (PD-RD) to allow a tattoo establishment.

At the Planning Board meeting on October 26, 2017, the applicant handed out a packet of additional information (*Attachment A*) to the board members to consider. Staff distributed the minutes to the Historic Preservation Board meeting from September 19, 2017 (*Attachment B*) and correspondence from the applicant and the Deputy City Manager (*Attachment C*).

At the September 19, 2017 Historic Preservation Board meeting, the Board recommended approval 4-to-2. At the October 3, 2017 Downtown Redevelopment Board meeting, the Board's motion to approve failed 2-to-3. At the October 26, 2017 Planning Board meeting, the Board recommended approval 4-to-2.

ATTACHMENT A

Item # 4

Handout by Colleen Miles

RED SPARROW **STUDIOS**

Red Sparrow Studios

James Rogers 386-453-8875 james.rogers6@gmail.com

Red Sparrow Studios, located upstairs at 246 S. Beach St., will be a high end, fully custom tattoo and art studio, offering some of the best tattoos and artwork in all of central Florida. The studio will only hire the best licensed tattoo artists, knowledgeable and respectful of our craft. Quality work and excellent service will be provided to all who come to the studio. Red Sparrow Studios will be in compliance with all FL statutes pertaining to tattooing (chapter 64E-28). All operational requirements are regulated by the Volusia County Health Department. The studio itself will be responsible for maintaining proper execution of the requirements.

Red Sparrow Studios will be, predominantly, an appointment based studio. Consultations are done before all tattoos. After the consultation an appointment will be set for a later date. If a tattoo seems to be a bad idea it will not be done and we will give our professional advice for a more suitable idea or design, as we are not in the business of helping people make bad decisions and I also want to keep business on the street. No tattoos will be done of any design that may seem as if it would have a negative social impact. No minors will be tattooed in the studio. We will also provide a drug and alcohol free workplace, no exceptions.

It will be my goal to achieve and maintain a well-respected reputation. I believe that Red Sparrow Studios will be a model studio and will set an excellent example of what the tattoo industry is today.

I have been tattooing in Volusia County for 11 years. I have worked at several tattoo parlors in the area and have successfully managed and operated the most recent two shops for the last 5 years. I believe my experience will greatly benefit me in the ownership and

operating of Red Sparrow Studios in making it a successful, attractive, and respected business.

The tattoo industry has become increasingly popular over the last 10 years. Television and internet has shined a big light and a positive view on tattoos to people that may not have thought about it before, therefore, increasing our clientele and business growth. The amount of people looking to get a tattoo today is incredible. People from all walks of life, young and old, with a wide variety of different careers (including doctors, nurses, teachers, police officers, firefighters, military, lawyers, chefs, construction, etc.) get tattooed today. These people are the citizens of our city that we trust and value. Also, tattoos have had an increasing popularity with the millennial generation. Statistics show that nearly half (47%) of millennials and over a third (36%) of Gen Xers have at least one tattoo. With this increasing popularity I believe that Red Sparrow Studio will be a valuable business to introduce to the area, attracting more people to the street, and bringing more business to the surrounding areas.

After searching for a year and a half in Volusia County, from New Smyrna to Ormond Beach, I am happy to receive the opportunity to open a business in the downtown Beach St. area. When I found this location at 246 S. Beach St. I couldn't have been more excited or thrilled. I've lived on Beach St. down the road for 10 years and pass by the downtown area almost every day. I always believed the downtown area would be a beautiful area to open a high end tattoo studio and dreamed of it happening one day; to have a studio that I'm proud of, a studio I'm proud to invite my family, friends, and clientele to. I love this area, as many do, and would love nothing more than to be a part of it. I'm not looking to open a fly by night business. Red Sparrow Studios is the next step in creating and maintaining a greater future for myself and a way to contribute to the downtown area; being a part of the high intensity mixed-use that

the area is looking for and contributing to the arts and entertainment side of Beach St.

I take great pride in who I am and in what I do. In this case we're talking about my career, my artwork. I take my career very seriously. It is my means to support my family, it is my livelihood. It keeps a roof over my head, puts food in my sons mouth and clothes on his back. It's what helped create the wonderful life my family has today. I take opening this business very seriously. I intend to and will operate this business with dignity, honor, and respect for myself, my family, my clientele, as well as the neighboring businesses and all who frequent Beach St. and the City of Daytona Beach.

Scot Lawson

Mck's Tavern

218 s. Beach Street • Daytona Beach • FL 32114 (386) 238-3321
E-Mail: Mcksbrewpub@gmail.com



Date: 10/02/2017

Dear Miss Miles:

I am writing this letter to express my support for the proposed tattoo studio at 246 S. Beach Street.

I think this is exactly the type of fresh new business we need on Beach Street. Tattoo shops aren't the seedy business of the past, the tattoo market in the country has grown to be a 2.3 billion dollar industry by some accounts and even has its own national conventions and reality T.V shows. Gone are the days of dirty parlors with the criminal element. Today's tattoo studios are clean, up scale locations where the people plying the trade have elevated the tattoo to the level of fine art.

It's this kind of entrepreneur that can help bring the fresh young crowd that Beach Street so desperately needs. Beach Street has been left to languish, struggling to draw new faces that could help infuse some much needed business and help revitalize what is in my opinion one of the most beautiful downtown areas in Florida.

Maybe it's time to start looking to the future when we are thinking about what is a good fit for the area and what will draw the much needed foot traffic.

Sincerely,

Scot Lawson
Owner Mck's Tavern



Daytona Cigar Club, LLC.
200 S. Beach Street
Daytona Beach, FL 32114
(386)872-3057

September 26, 2017

To Whom It May Concern:

As a business owner, I would like to express my support for the opening of the Tattoo Shop on Beach Street.

The opening of this shop should be very important to all of us here at The Riverfront Shops of Daytona Beach. The more variety of shops we have, the better opportunity we have that it will bring more consumers to the area. I wholeheartedly feel that this shop will not bring "the wrong" crowd to this area. Also, we need more businesses that consistently stay open longer hours and are open every day.

Our community is in desperate need of more businesses wanting to open in this area. This not only will bring more revenue for our city, but it will also bring more clientele into the already existing businesses.

I am extremely grateful for the opportunity of voicing my opinion and being a part of this great community here at The Riverfront Shops of Daytona Beach, and I strongly recommend and support the opening of the Tattoo Shop on Beach Street.

Sincerely,
Miguel Nin

tattoo studio

1 message

Jennifer Juniper Photography <JenniferJuniperPhotography@hotmail.com>
To: "colleen@LDRGdaytona.com" <colleen@ldrgdaytona.com>

Fri, Aug 4, 2017 at 1:01 PM

Good afternoon!

I would like to publicly state that I am in favor of a tattoo shop on Beach St.

As a very busy small business owner, photographer, chamber member, and founder and president of a local non profit organization, I work closely with NUMEROUS businesses in our little city. I see NO reason why bringing in a tattoo shop to our little downtown area would be anything but beneficial. If anyone has any questions, feel free to contact me.

Sincerely,

Jennifer M. Toegel

Owner/photographer of Jennifer Juniper Photography

Jennifer Juniper

PHOTOGRAPHY

386 882 7238

www.jennifer-juniper.com

YOUR FLORIDA & NY/NJ/CT TRI STATE AREA PHOTOGRAPHER



WWW.JENNIFER-JUNIPER.COM

Love is all you need



The Twisted Spine LLC

206 S. Beach St. Daytona Beach FL 32114

386-202-2272

8/4/17

To Whom It May Concern,

I Dr. Amy Wolf owner of The Twisted Spine LLC at 206 S. Beach Street Daytona Beach FL 32114 am in favor of a tattoo parlor opening above Ivory Kitchen on Beach Street. Please feel free to contact me with any questions 386-202-2272 or via email drwolfdc@gmail.com.

Sincerely

Dr. Wolf

140 S. Beach St., Suite 413
Daytona Beach, FL 32114
www.coastalinsagency.com
dennis@coastalinsagency.com

September 19, 2017

To whom it may concern;

In respect to the prospective tattoo parlor wishing to locate in our downtown area, I believe having a diverse group of business's can help attract more people to our downtown which can only benefit our city and local merchants.

Being a business owner on Beach Street, I do not see a negative side of having a respectable business relocate here so I would encourage you to decide in favor of allowing it to move forward.

Respectfully,

A handwritten signature in black ink, appearing to read "Dennis Ravi". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dennis Ravi – Agency Owner

Coastal Insurance Agency



Colleen Miles <colleen@ldrgdaytona.com>

Tattoo Parlor

TicToc Sales <tictocsalesdb@gmail.com>
To: Colleen Miles <colleen@ldrgdaytona.com>

Tue, Sep 26, 2017 at 5:16 PM

We are writing you in support of the proposed new Tattoo Parlor coming to Beach St. We encourage & support new entrepreneurial endeavors that will help bring new clientele into the Beach St area businesses. The more new businesses in the area the better.

Thanks & best of luck,
Tic Toc



James Rogers <james.rogers6@gmail.com>

Recommendation

1 message

brittany dougherty <brittanydougherty391@yahoo.com>
Reply-To: brittany dougherty <brittanydougherty391@yahoo.com>
To: James.rogers6@gmail.com

Sat, Sep 30, 2017 at 4:47 PM

To Whom It May Concern,

My name is Brittany Dougherty. I am currently an employee at a local business on Beach Street with intentions of finishing a master's degree in occupational therapy. Jimmy Rogers has been my tattoo artist and friend for 5 years. The level of integrity and professionalism this man bestows upon the community is second to none. I have seen Jimmy's interaction with the public and how he portrays his line of work in the community which has led me to base my opinion on his character and work. Jimmy's tattoo shop would be a great asset to the businesses on Beach Street and the community as a whole.

Thank you for your time and consideration,
Brittany Dougherty

My name is Jenell Montgomery and I'm a server at Stonewood Grill and Tavern in Port Orange. I found Jimmy Rogers by accident years ago and have not turned back since. I've been getting art work done by him for over 8 years now. He is professional, funny, personable and extremely talented. Best of all, he listens to exactly what you want. He has worked with me on several occasions and has always made an impact! My art is ALWAYS a conversation starter. He is simply the best artist in this area!



James Rogers <james.rogers6@gmail.com>

Reference letter for Jimmys tattoo studio on Beach St

1 message

cindy hoffman <smarterbytheday@yahoo.com>

Mon, Oct 2, 2017 at 1:13 AM

Reply-To: cindy hoffman <smarterbytheday@yahoo.com>

To: "James.rogers6@gmail.com" <James.rogers6@gmail.com>

My name is Cindy Hoffman and I am a hairdresser. I own a condo on the river on the beachside which makes me a tax paying / voting citizen of Volusia County.. I have known Jimmy for several years and he has at least 20 hours of ink on my body. I've followed him to each and every tattoo studio that he has worked. Jimmy's professionalism and manner in which he conducts himself as well as keeping his tattoo area fresh, clean and sanitized is on point at all times. Jimmy is also an amazing artist off of the skin...He has artwork hanging on the walls for sale as well. I frequent the Avocado Kitchen...Jessup's ..Ronin's..Stavros Pizza...Sweet Marley's...yoga studio and when I have company in town Angell and Phelps Chocolate Factory is a definite stop. Jimmy has had this dream of opening his own studio for several years and we've discussed when the time is right as well as the location for his dream it will present itself. I do believe he will be as asset to the eclectic businesses. A tattoo studio is exactly what we need to pull more people to boost the revenue of the many small businesses. The city will not be sorry. Jimmy aka 'ink dude' is the guy to help the growth.. Thanks.

Virus-free. www.avg.com



James Rogers <james.rogers6@gmail.com>

Letter for the City

1 message

Melanie <melanie22b@gmail.com>
To: James.rogers6@gmail.com

Sun, Oct 1, 2017 at 9:18 PM

To Whom it make concern:

My name is Melanie Bryant and I work for a sheriff office here in Florida. I have known and been getting tattooed by Mr. Jimmy Rogers for eleven years now. I have known him since he first started tattooing in Daytona. He is a wonderful person. He is professional with all his clients. He is a loving father to his son and loves doing tattoos. If approving Mr. Rogers to get this great historic place, he will do the city of Daytona proud. His goal has always been to own his own successful tattoo shop. I hope your committee approves Mr. Rogers to be the proud owner of this shop and let him make Daytona proud.

Thank You For Your Time.

Melanie Bryant

Sent from my iPhone

10/1/2017

To Whom It May Concern,

My name is Benjamin Thompson, I am the owner of and an artist at a long-standing tattoo studio, Untouchable Ink, outside of downtown Deland, Florida. I've known Jimmy Rogers both professionally and personally for many years. I have no doubt in my mind in Jimmy's ability to operate an upscale tattoo studio that is a good representation of beautiful downtown Daytona Beach.

As an owner of a tattoo studio, I am very aware of the stigma surrounding a business of this nature and the crowd that it could possibly bring in. With that said, knowing who Jimmy is gives me absolute faith in his discernment to create an atmosphere where the patrons allowed to come into this studio will respect not only the studio but what this area stands for. I believe every business reflects the owner. It always starts there.

Jimmy has a good head on his shoulders and an even bigger heart. I cannot possibly see how making the decision to allow Jimmy to open his business in that area would be bad decision on the board's part. I believe that Jimmy and his studio will add to the positive atmosphere of downtown Daytona Beach and help generate more business for the other businesses in that area.

Sincerely,

Benjamin V. Thompson

Owner
Untouchable Ink
204 S Spring Garden Ave.
DeLand, FL 32720
386-624-6924

Lesley D. Crandall
903 Brookside Dr
Ormond Beach, FL 32174
October 1, 2017

To whom it may concern:

I am a Lieutenant with Volusia County Fire Rescue since 2003 and it is with great pleasure that I recommend Jimmy Rogers for opening his business within the Daytona Beach area. I have known him for seven years.

Jimmy has always displayed a high degree of integrity, responsibility, and ambition. He maintains a level of professionalism that makes his business appropriate for any clientele and his adaptable nature has made him the most sought after artist in the area.

Jimmy would be an asset to any organization and community, and I am happy to give him my wholehearted endorsement. You may contact me with any questions or concerns.

Sincerely,

Lesley D. Crandall

(386) 795-6300 office
lcrandall@voluisa.org
Lieutenant Firefighter/EMT
Volusia County Fire Rescue

September 29, 2017

To Whom It May Concern:

I have known James Rogers for over 10 years, both professionally and personally, and have known him to be a capable manager, talented artist, and dedicated father. His business and artistic abilities along with his passion for providing excellent service in a clean and professional environment to his clients would be a positive contributing asset to any community.

Jeffrey M. Provencher, President

Granite Brothers and Provencher Industries

832 S Nova Road

Daytona Beach, FL 32114

(386) 334-0739

September 27, 2017

To Whom It May Concern:

For more than 3 years, I have been a client of James Rogers. Throughout that time, I have admired his ability to manage the business, employees and location while still providing personal service to his extensive client list. He is a genuine individual and would make an excellent business owner. I look forward to supporting his new location with my patronage and being able to continue to highly recommend his services to family and friends.

September C. Litz, Owner

Altered Attic

1158 Southwinds Drive

Port Orange, FL 32129

(386) 569-6519

Sept 30, 2017

To Whom it May Concern,

I am writing this reference letter at the request of Jimmy Rogers, who is working to open his own tattoo shop on Beach St in Daytona Beach. I have known Jimmy for many years as the manager of All Saints Tattoo in Ormond Beach while I owned and operated Long Island Pizza Co.

I would highly recommend Jimmy, over anyone else, to be the first to open a tattoo shop on Beach St. If his performance as a manager and tattoo artist is any indication of how he'd perform and succeed, he will be an extremely successful in this future venture. If you need any additional information, feel free to contact me at 386-402-3514 or by email at robwalk@gmail.com anytime.

Sincerely,

Robert Walk

GM of Double Barrel Grill
@ Volusia Top Gun
2800 Bellevue Ave
Daytona Beach, FL 32124

To Whom It May Concern,

It's my absolute pleasure to recommend Jimmy Rogers for approval to open up his own tattoo shop.

Jimmy Rogers and I have known each other for an estimated two years.

I thoroughly enjoyed my time that Jimmy has given me as my dedicated artist. I would sit back and enjoy my time with Jimmy and observe him practically run the two shops I have visited him at. Jimmy is a valuable asset to absolutely any team and truly deserves to run his own shop. He is honest, dependable and incredibly hard working. Beyond that, he is an extremely talented artist who is always amazing the world with his work.

His knowledge of different styles and expertise in the tattoo world is extremely impressive. Along with his undeniable talent, Jimmy has always been an absolute joy to work with. He is a great leader and always manages to foster positive discussions and bring out the best in not only every shop he has worked at but, also his customers. Visiting Jimmy is like not just going to an artist to get another tattoo, it's like going to see a best friend, a therapist, and going on a mini vacation all in one. With my busy life working in law enforcement, I have very little time to find that "vent or happy place", sitting in Jimmy's chair is my happy place. I count down the days till I get to have another piece done by this amazing talented artist.

Without a doubt, I confidently recommend Jimmy Rodgers to own his own shop. As a dedicated and knowledgeable artist and all around great person, I know he will be an amazing shop owner.

Please feel free to contact me at 352-514-4594 should you like to discuss Jimmy Rogers any further. I'd be happy to share my amazing experiences, being blessed to have him as my artist and, why I strongly feel he has beyond earned a shop.

Best Wishes,

Jessica Marsh



James Rogers <james.rogers6@gmail.com>

Letter of recommendation

2 messages

heather.short2323@gmail.com <heather.short2323@gmail.com>

Sat, Sep 30, 2017 at 7:49 PM

To: James.rogers6@gmail.com

To whom it may concern ,

I am writing you today to tell you about the impact Jimmy Rogers has made in mine and my husbands life. My name is Heather Short and my husband Josh and I travel all the way to Deyfona just to be tattooed by Jimmy. I am a GM for Verizon wireless and my husband works for the federal government so professional work and customer service is obviously huge for us. My husband holds a very high security clearance and ensuring he has someone he trusts and can get work done by that will look presentable at work is a must. We first met Jimmy at a tattoo convention in Pittsburg and the way he handled himself and the work he did was well above the others we had seen. We live in Virginia and travel all the way to Florida just for him. He is passionate about the community he lives in and takes pride in the appearance of his shop. Every visit we've had the shop is immaculate and everyone is always smiling. I can't stress enough what an absolute pleasure it is to do business with him. Approving him to open a business in your area would only improve the community I can promise you that! Thank you very much.

Heather Short
General Manager
5408415705
Sent from my iPhone

James Rogers <james.rogers6@gmail.com>

Sat, Sep 30, 2017 at 8:00 PM

To: heather.short2323@gmail.com

Thank you so much for your support!! I really appreciate you taking the time to write this letter

[Quoted text hidden]

To whom it may concern,

My name is Christina Bishop, I am an Insurance Underwriter for an an Ormond beach Insurance company. I work in a very professional field and have several tattoos. As you know, a tattoo is a life long commitment and not every tattoo artist is the same. Mr. Rogers, by far stands out from the rest. He has a solid reputation as a business man. This is one of the main reasons I chose him to do a piece in remembrance of my parents who have just passed away. His art work and free hand drawings are phenomenal. Mr. Rogers is professional, organized, and an all around good person. He needs a place of his own so he can continue to out shine his peers. He would be a great asset to Beach street if given the opportunity.

Sincerely,

Christina E. Bishop

9/30/2017

To whom it may concern;

I have been a client of Jimmy Rogers for approximately two and a half years. During that time, both my boyfriend and I have worked very closely with him to design artwork that we are very proud to wear. As a business professional, I wanted to find the most talented and conscientious artist in the central Florida area. As a medical professional, I would only accept the highest level of cleanliness both of environment and artist from which to receive my tattoos. I found both with Jimmy Rogers. His professional demeanor, kindness and consideration for his clients gave me an entirely new opinion of what a tattoo experience could be. He strives for excellence and has earned the respect of his clients, fellow artists and business owners. Jimmy has shared with me his vision regarding the type of shop he would like to open in the downtown area, and I can recommend, with absolutely no hesitation, not only his proposed shop but his dedication to bring a new business and customers to our beautiful downtown area.

I am excited by the thought of an upscale and well-appointed tattoo shop being added to the great line up of businesses Beach Street offers, and I feel that the other, well-established businesses will benefit from the customer traffic created by Jimmy's proposed shop. Please do not hesitate to contact me with any questions.

Regards,

Mimi Nealy, Assistant Nurse Manager

Florida Hospital Memorial Medical Center

Medical Progressive Care Unit



James Rogers <james.rogers6@gmail.com>

Daytona tattoo shop

2 messages

J H <hotrodtattoome@gmail.com>

Mon, Oct 2, 2017 at 11:39 AM

To: James.rogers6@gmail.com

I have known Jimmy for several years. He was my mentor as I began my own career in tattooing. I still look up to him as Jimmy is one of the most professional artist I know. He does it purely for the love of art and people. I am sure he would be an outstanding shop owner and an asset to any community. I hope to see him succeed in his venture to operate a respectable business. There are too many shops that are money or party driven and I know Jimmy strives to get away from that sort of shop so he can focus on his art and making people happy.

Sincerely,

Jason Hunt, Hotrod Tattoo owner. Madison Maine.

James Rogers <james.rogers6@gmail.com>

Mon, Oct 2, 2017 at 11:49 AM

To: J H <hotrodtattoome@gmail.com>

Jason! Thank you so much! I really appreciate you taking the time to write this letter. Hope all is well in Maine!

[Quoted text hidden]

[REDACTED]

JEFFREY HARRINGTON (WICKED CUTZ BARBER SHOP)

933 Beville Rd #101B

South Daytona FL 32119

321-948-7601

jeff.wickedincLLC@gmail.com

10/02/2017

City of Daytona

Zoning Laws

Dear City of Daytona:


I am writing this letter on behalf of Jimmy Rogers and the residents as well as business owners of this great city. As a business owner myself and knowing the amount of hoops one must go through just to open a business, though as Barber opening a barber shop was relatively easier than most other businesses but some out dated laws such as signage and advertising a new business with professional flags on streets makes it harder than it has to be.

Watching my friend of almost 3 years go through so much trouble just to open a business and take a small piece of the American dream. I believe everyone has a right to pursuit their dreams and the joys as well as headaches of opening a business. Do to an old stigma about tattoos Jimmy Rogers is having a very hard time reaching his dreams. I believe we as not only Americans but as Humans if we are In a position to help someone achieve their dreams but decide not to because of their own beliefs then we will never reach our full potential. What makes America great is the freedom to pursuit happiness, and believe what we find to be our truth.

I would typically never put my name or Businesses name on anyone, But this man {Jimmy Rogers} started out as a customer almost three years ago, and we have formed friendship over that time, and for three years Jimmy has always maintained the same character and progressed as a man over those three years, he is an amazing father, he is unbelievably talented and he is a man of integrity.

I know without a doubt if deserves an oppurtunity to pursuit their dream it is this man. I realize that there is a stigma about tattoo artist and shops, but that is nothing shy of discrimination in my eyes.

[REDACTED]



Everyone these days has tattoos I have many customers that are law enforcement, Doctors, Lawyers and teachers that all are big Tattoo enthusiasts. So please lets not hinder this wonderful city from reaching its full potential anymore, we are on the verge of watching this city become great again with all the great things coming here in the not too far distant future. I truly hope we can open minded about certain things so we can grow and provide more opportunities for people to pursuit a better life.

Sincerely,

Jeffrey harrington
(Wicked Cutz barber shop)



FLORIDA TREE SURGEONS
Caring for the trees, the environment and the future

1615 State Ave Unit B
Holly Hill FL
386-320-9133
FLORIDASTREESURGEONS@GMAIL.COM

October 2, 2017

To Whom It May Concern:

I have Known James (Jimmy) Rogers For the at least 7 years.He is a man of integrity,honest,trustworthy,and a very good Tatoo Artist.

He is a man I look up to.

I also have had him do work on me when he was with All saints Tattoo in Ormond beach.

I live above Zappis Italian Garden It is located 128 S Beach St Daytona Beach FL 32114 In apartment 312.

I believe that it would be a good business fit to be located on beach St.

If I can be of further assistace please feel free to contact me.


Thank You

Jonathan McRae

To whom it may concern;

I have known Jimmy Rogers both personally and professionally for the past two years. From a professional standpoint, Jimmy is forthcoming and honest and treats his customers with respect. What I appreciate about Jimmy's professional demeanor is that he truly values his customers as individuals and not as patrons. I have known him to give his time to the community in order to help others who are less fortunate. I feel that Jimmy would be a great addition as a business owner in Daytona Beach. Although Jimmy has had several opportunities to advance his career outside of Daytona Beach, he has told me repeatedly that this is his town, and wants to stay here and build his legacy. I strongly recommend you give Jimmy the opportunity to fulfill his dreams as a business owner here in Daytona Beach. If you have any further questions regarding this manner you can call me personally 904-333-4031.

Thank you for your time and consideration in this manner,

Dr Jason Schottel DSc,DC,RN,ABAAHP



James Rogers <james.rogers6@gmail.com>

Letter

1 message

Dustin Miracle <dmiracle330@yahoo.com>

Mon, Oct 2, 2017 at 6:44 PM

Reply-To: "dmiracle330@yahoo.com" <dmiracle330@yahoo.com>

To: "james.rogers6@gmail.com" <james.rogers6@gmail.com>

October 2, 2017

Dustin Miracle
8588 Lenox Ave.
Jacksonville, FLA 32221

To whom it may concern;

My name is Dustin Miracle and I am an Inbound Coordinator/Receiving Specialist at the W.W. Grainger Distribution Center in Jacksonville, Florida of 6 years.

I met Jimmy Rogers a few years ago when a client of his of 10 years referred him to me. Jimmy has always been very polite and professional. He has always been on time for my appointments and has done excellent work.

I have referred Jimmy to several people and believe in him as an artist and a business professional. Jimmy would be an ideal candidate for opening up his own shop and I know that he would be very successful.

If I can be of any further assistance, I can be reached by phone at (904) 888-5744 or by email at dmiracle330@yahoo.com.

Dustin Miracle

Sent from Yahoo Mail on Android



James Rogers <james.rogers6@gmail.com>

Wha whhhhaaaa

1 message

Jennifer Gonzales <artisticsoultattoo@gmail.com>
To: James Rogers <james.rogers6@gmail.com>

Tue, Oct 3, 2017 at 12:40 AM

Jennifer Bickel
Owner of Artistic Soul Tattoo
1360 Ocean Shore Blvd.
Ormond Beach, Fl. 32176
386-441-2231
1st October 2017

To whom it may concern,

I've known James (Jimmy) Rogers for almost 6 years and can attest to his strength of character and leadership skills. As the owner of Artistic Soul Tattoo in Ormond Beach, I could not think of anyone more qualified to run an exceptional and successful tattoo studio.

I met Jimmy's six years ago while he was being tattooed by another artist in my studio. I was immediately captivated by his personality and most importantly his work ethic's. He came to work with us 2 months later. Although he was extremely successful with us at Artistic Soul, he kept his word to his mentor. He helped him build and open his shop. Even though I never wanted him to leave I accepted his decision and commended him for his loyalty to the man that taught him his trade. He has since came back to work and took back the role of manager and lead artist. Along with his undeniable talent,he has always been a pleasure to work with. I have had the honor to work many hours alongside him, I have witnessed him holding hands with family and friends while helping them design the perfect tattoo to remember a loved one. He has helped countless people overcome tragedy, self harm and addiction through his art. He has also created love and lasting memories for his clients. I have worked side-by-side with him doing fundraisers for people in our community on more than a few occasions. Jimmy is also one of the only artists in our community that stays booked months in advance, year round. That says a lot on the bonds he has with his clients.

I've said many a times I wished as a business owner, I could have a shop full of Jimmys. Although I don't want him to leave, I'm so excited for his future as a business owner. A business owner in a city that he loves, and in a beautiful location on Beach Street. I know for a fact that his shop will become a landmark in our city.

Feel free to contact me directly at (386)523-8291 artisticsoultattoo@gmail.com

Sincerely,
Jennifer Bickel







ATTACHMENT B

Agenda Item 4 (Quasi-Judicial Hearing)

Rezoning to Planned Development-Redevelopment

DEV2017-084
246 South Beach

DATE: October 25, 2017

TO: Planning Board Members

FROM: Jason Jeffries, AICP, Project Manager

SUBJECT: Historic Preservation Board Meeting Minutes

REQUEST

A request by Colleen Miles, Land Development Resource Group, LLC, on behalf of Robert W. Mansour, to rezone 0.0592± acre of land located at 246 South Beach Street from Downtown Redevelopment – Beach Street Retail (RDD-1) to Planned Development-Redevelopment (PD-RD) to allow a tattoo establishment.

PROJECT SUMMARY

In addition to the Downtown Redevelopment Board review of the project on October 3, 2017, the Historic Preservation Board reviewed the project on September 19, 2017 and recommended approval (4 to 2) of the proposed rezoning to PD-RD. The board determined the proposed rezoning is consistent with historic preservation standards. The draft minutes of the Historic Preservation Board meeting are attached.

Historic Preservation Board
Draft Minutes

The City of Daytona Beach

September 19, 2017

7. **Action Item: Rezoning – 246 South Beach Street Tattoo**

Jason Jeffries, Project Manager, presented the staff report which is included as part of the packet. Mr. Jeffries stated this is a request for a Planned Development. Mr. Jeffries stated the Land Development Code process requires that a neighborhood meeting be held and the item presented to the Historic Preservation Board, Downtown Redevelopment Board, Planning Board, and City Commission. Mr. Jeffries stated the property fronts on Beach Street in the block between Orange and Magnolia. Mr. Jeffries stated there are no proposed changes to the exterior of the building and it will remain compatible to the Historic District. Mr. Jeffries stated the request is to locate a tattoo parlor on the second floor of the building. Mr. Jeffries stated a request is in the process of review for the Main Street area and that request was presented to the Beachside Redevelopment Board on September 18. Mr. Jeffries stated the City Administration supports these requests, although the staff report does outline concerns regarding compatibility.

Mr. Fredley asked if the site is located above the Thai Restaurant and if the Thai Restaurant will continue at its current location.

Mr. Jeffries stated it is his understanding that the Thai Restaurant will remain.

Mr. Fredley asked about signage for the new business.

Mr. Jeffries stated there are sign proposals but no waivers are requested.

Applicant's Presentation:

Colleen Miles, Land Development Resource Group, 140 S. Beach Street, Daytona Beach, stated she represents the applicant.

Mr. Fredley asked if the Thai Restaurant will remain.

Ms. Miles said yes and stated everything will remain the same. Ms. Miles stated nothing will change on the exterior and the signage will be what is allowed per the Code.

Mr. Peacock asked if the applicant is currently doing tattooing in the area.

Ms. Miles said yes; he is working in another shop.

Mr. Peacock asked if the applicant believes there will be a lot of traffic in and out of his business.

Ms. Miles said she would hope so and did not understand how that relates to historic preservation.

Mr. Fredley asked how the neighborhood meeting went.

Ms. Miles stated two individuals spoke against the proposed tattoo parlor; representatives of the Historical Museum and a gentleman who is in attendance at this evening's meeting. Ms. Miles stated she does have letters of support that will be provided as part of the review process of the City Commission.

Mr. Trager stated there were more than two people opposed to this application.

Mr. Fredley asked if the sign above the door will say tattoo.

Ms. Miles said it will not but that wording is protected by the First Amendment; however, the sign will only say the name of the business.

Mr. Peacock stated the record reflects that the neighborhood meeting was well attended and asked if the meeting was favorable.

Ms. Miles stated she feels most were quite favorable.

Mr. Gross stated based on Case law, the City cannot prohibit tattoo parlors and he does not believe they can be limited based on distance requirements.

Mr. Peacock asked if there is any record of there being a tattoo parlor on Beach Street prior to this time.

Mr. Gutierrez stated he is not aware of any.

Mr. Fredley asked if there were any located on Main Street.

Mr. Trager stated the City previously prohibited tattoo parlors so there were none.

Dr. Stotland asked what the main objections were at the neighborhood meeting.

Ms. Miles stated tattooing; it is a use they did not want.

Mr. Fort asked what happens if someone enters a tattoo parlor and they are under the influence of alcohol.

Ms. Miles stated it is illegal to tattoo someone under the influence of alcohol and they should be turned away.

Ms. Miles stated she spoke with neighbors on the telephone prior to the meeting and Tom Cook Jewelers and Bill Green Jewelers are opposed to the application.

Public Comments:

Tim Minnick, 248 S. Beach Street, Daytona Beach, Florida stated he owns Davidson Brothers which is next door to the proposed site. Mr. Minnick stated many people at the neighborhood meeting were opposed. Mr. Minnick stated the signage will be on the front of the building facing Beach Street. Mr. Minnick stated his business is family oriented and he does not want to see a tattoo parlor there. Mr. Minnick stated he would not have a problem with the business being located on the first floor but once the zoning is changed, it will be that zoning forever. Mr. Minnick stated if this is approved, his bedroom wall will be shared with a tattoo parlor that is open at night.

Mr. Fredley asked if there is a limit on hours of operation.

Ms. Miles stated the applicant voluntarily set the hours of operation as 10:00 a.m. to 10:00 p.m.

Mr. Gross stated this is a PD rezoning so the city could impose restrictions such as hours. Mr. Gross noted that Case law does not require the Board to approve this Planned Development. Mr. Gross stated people are not entitled to this rezoning.

Mr. Trager stated 2/3 to ¾ of the people attending the neighborhood meeting were opposed to this application. Mr. Trager stated some said they would prefer the business to be located further north on Beach Street.

Mr. Jeffries stated the staff recommendation has changed. Mr. Jeffries stated it is a policy decision of the City administration to support this request.

Dr. Ludu asked if there is loss of historic value if this is approved.

Dr. Stotland stated most objections that have been brought up are outside of the Board's purview. Dr. Stotland stated there does not seem to be grounds for objection.

Mr. Gross stated the Board's approval could be based on historic preservation regulations.

Mr. Peacock asked if the rezoning includes the first floor as well.

Mr. Gross stated the Zoning Map will reflect the zoning change for that lot but approval could be granted restricting the zoning to the second floor.

Ms. Miles stated that is what the Planned Development Agreement says and the exterior of the structure will retain its historic integrity.

Reed Berger, Redevelopment Director, stated he attended the Beachside Redevelopment Board meeting and noted that perceptions are changing regarding tattoo parlors. Mr. Berger stated there is a lot of interest in Redevelopment Districts by tattoo parlor operators and he spoke with another individual today about locating a tattoo parlor in the area. Mr.

Berger stated it is the opinion of the City Administration to support these tattoo parlors. Mr. Berger stated he is trying to be positive in moving this request forward and hoping it will add to pedestrian traffic in the downtown.

Mr. Peacock asked if the City of DeLand has tattoo parlors on their streets.

Mr. Berger stated he does not know.

Mr. Trager stated he is concerned that if this site is allowed, others will not be prohibited from opening tattoo parlors in the area.

Mr. Gross stated approving a PD agreement would not be legally binding precedence.

Mr. Trager asked about the signage for the site.

Mr. Jeffries stated the applicant's sign professional will have to submit an application to Permits & Licensing once the Planned Development agreement is approved. Mr. Jeffries stated the Redevelopment staff and Mr. Gutierrez will review the sign application based on the design standards and historic guidelines.

Board Action:

A motion was made by Dr. Stotland, seconded by Mr. Peacock, to approve Rezoning – 246 South Beach Street Tattoo, in accordance with the report as presented.

Mr. Fredley stated the Historic Preservation Board is not the Board deciding the use and that determination will be made by the Planning Board and Downtown Redevelopment Board. Mr. Fredley stated he would like the motion amended to approve the rezoning only as to its consistency with historic preservations Standards. Dr. Stotland and Mr. Peacock agreed to amend the motion.

The amended motion carried (4-2 with Dr. Ludu and Mr. Trager voting nay).

ATTACHMENT C



The CITY OF DAYTONA BEACH

— "THE WORLD'S MOST FAMOUS BEACH" —

October 24, 2017

Colleen Miles
Land Development Resource Group
140 South Beach Street
Suite 400
Daytona Beach, FL 32114

Dear Colleen:

I'm in receipt of your letter dated October 24, 2017 (copy attached). The focus of rezoning actions should be the merit, or lack of merit, of the proposed zoning action. The City will not necessarily rely upon anticipated code violations as a means to deny a particular land use. Of course, people follow their nature and their concerns are trying to provide protection for the area affected by the proposed rezoning. In my opinion the anticipation of future code violations are not sufficient to support a negative vote for a rezoning request. Someone else may evaluate the situation differently. In regard to use of the word tattoo on signage, the City recognizes commercial free speech. From a conversation with the City Attorney I know that preclusion of a word within the copy area of a sign is not something supported by the City Attorney's office or the City Commission. Certainly inclusion or preclusion of a word in the copy area of a sign should not be a determining factor of whether or not to rezone a piece of property.

I am hopeful this letter addresses your concerns.

Sincerely,


James S. Morris
JSM/mmc

James Morris, Deputy City Manager Development & Administrative Services
morrisjames@codb.us

• P.O. Box 2451 • Daytona Beach, FL 32115-2451 • Phone 386-671-8121 • Fax 386-671-8130 •



October 24, 2017

Mr. James S. Morris
Deputy City Manager
City of Daytona Beach
301 S. Ridgewood Avenue
Daytona Beach, FL 32114

RE: 246 S. Beach Street Rezoning

Dear Mr. Morris:

In reviewing the last two board meetings that the above item was heard, it seems that the various boards are focusing on the lack of code enforcement throughout the Downtown area, more than the review of a project based on the pertinent criteria.

In considering whether to approve the request the Board, rather than focus on the requests consistency with the Comp Plan, the focus was on how to address code violations that have not, and probably will not ever occur. In my opinion, this debate was not relevant to the discussion.

On another matter, one Board member voted no due to my refusal on behalf of my client to prohibit the word "tattoo" from future signage. This discussion was also not relevant to the zoning questions at hand.

Would it be possible to have staff better steer the various board members in order to facilitate the review process and ensure they are reviewing based on appropriate issues and not extraneous matters?

Any suggestion you may have to help the review process of the boards would be most helpful.

I appreciate your assistance with this. Please feel free to contact me with questions.

Sincerely,

Colleen Miles

Colleen Miles