

Agenda Item 4 (Quasi-Judicial Hearing)

Rezoning to Planned Development-Redevelopment

DEV2017-084

246 South Beach

STAFF REPORT

DATE: October 16, 2017

TO: Planning Board Members

FROM: Jason Jeffries, AICP, Project Manager

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

On October 3, 2017, the Downtown Redevelopment Board denied (2-3) a recommendation to approve the proposed rezoning to PD-RD. The staff report and minutes of the Redevelopment Board meeting are attached.

RECOMMENDATION

Approval of the application 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) whether to allow a tattoo establishment is to be determined by the City Commission by application of the City's Comprehensive Plan and in consideration of the terms and provisions of the proposed PD-RD. The result will be determined by the City Commission after a recommendation by the Planning Board. Staff supports the Board's recommendation.

The item is tentatively scheduled to be heard by the City Commission for first reading on December 6, 2017 and for second reading on December 20, 2017 (public hearing). A majority vote of the Planning Board members present and voting are required to recommend approval to the City Commission.

(Quasi-Judicial Hearing)

Rezoning - Planned Development-Redevelopment

DEV2017-084

246 South Beach

STAFF REPORT

DATE: September 26, 2017

TO: Downtown Redevelopment Board Members

FROM: Jason Jeffries, AICP, Project Manager

PROJECT 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 LOCATION

The subject property is located (*see Attachment A for the site location and aerial map series*) on the west side of the 200 block of South Beach Street (between Orange Avenue and Magnolia Avenue). The subject property consists of a two-story commercial building located at 246 South Beach Street. The building is a contributing structure to the South Beach Street Historic District. The adjacent land uses and zoning classifications for the parcels are illustrated in the following table.

Table 1: Land Use and Zoning

	Existing Uses	Existing Future Land Use Designation	Existing Zoning Classification
Site	Ground Floor: Restaurant Upper Floor: Vacant Office & Upper Story Residential	High Intensity Mixed Use	Redevelopment Downtown – Beach Street Retail (RDD-1)
North	Theater	High Intensity Mixed Use	Redevelopment Downtown – Beach Street Retail (RDD-1)
South	Retail / Upper Story Residential	High Intensity Mixed Use	Redevelopment Downtown – Beach Street Retail (RDD-1)
East	Riverfront Park	Parks and Recreation	(PD-G) Planned Development - General
West	Retail Accessory Warehouse	High Intensity Mixed Use	Redevelopment Downtown – Central Business District (RDD-2)

PROJECT DESCRIPTION & BACKGROUND

The applicant is proposing to open a tattoo establishment on the second floor of a 2-story commercial building at 246 South Beach Street located in the South Beach Street Local Historic District. The proposed PD-RD zoning will have no effect on the property's inclusion, as a contributing structure, in the South Beach Street Local Historic District. The proposed floor plan is shown in *Attachment B*. The Historic Preservation Board reviewed the proposed PD-RD rezoning request and determined that request is consistent with historic preservation standards.

The upper floor commercial space has been occupied by HIH Funds, Inc., a business service office. There is a residential unit in the rear of the upper floor. A restaurant occupies the ground floor of the building.

Tattoo establishments are allowed in the BA and M5 zoning districts and pursuant to a PD-RD zoning agreement. Tattoo establishments are regulated by the State of Florida. State regulations restrict participation by persons under the age of 18 with exceptions for minors as referenced by the Statute.

The City initiated a text amendment (DEV2016-011) to conform to Federal law. On April 19, 2017 the City adopted the new text amendment which allows tattoo establishments as a permitted use in the Heavy Industrial (M-5) and (BA) Business Automotive zoning districts throughout the City and eliminated the prohibition of tattoo establishments in all Redevelopment districts and the North Ridgewood Overlay (NRO) district.

Tattoo establishments are considered a Retail Sales and Service Use in the City's Land Development Code and in addition to now being allowed by right in the M-5 and BA zoning districts, they could be allowed to establish anywhere in the City by rezoning the property subject to a planned development agreement in a Planned Development (PD), or rezoning to the M-5 or BA zoning district.

Since the time the text was changed earlier this year, staff has received inquiries from several tattoo businesses interested in opening a location within the Redevelopment areas on Main Street, Atlantic Avenue, International Speedway, and Beach Street. In addition to this rezoning request, another PD rezoning application is currently in staff review for 514 Main Street. At this time one tattoo establishment (the Nines Parlor at 1355 Beville Road) has opened its business which is permitted by right in the BA zoning district.

PROJECT ANALYSIS

Review of and the decision on a Planned Development application shall be based on compliance of the proposed zoning reclassification and PD Plan/Agreement with the review standards in Section 3.4.D.3, Site-Specific Zoning District Map Amendment Review Standards, and the standards for the proposed type of PD district in Section 4.8, Planned Development Zoning Districts.

GENERAL PLANNED DEVELOPMENT DISTRICT PURPOSES

The Planned Development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:

- a. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;*
- b. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;*
- c. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;*
- d. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and*
- e. Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, wetlands, surface waters, floodplains, and historic features.*

D. Planned Development - Redevelopment (PD-RD).

1. Purpose. The Planned Development - Redevelopment (PD-RD) District is established and intended to provide the planning and design flexibility needed to accommodate urban infill and high-intensity mixed-use development and encourage the use of innovative and creative design that will achieve high quality urban design and a high level of energy efficiency and environmental sensitivity, and otherwise contribute to the City's goals and objectives for its Redevelopment Areas.

Site-Specific Zoning District Map Amendment Review Standards

In determining whether to adopt or deny a proposed Site-Specific Zoning District Map Amendment, the City shall consider:

a. Whether the applicant has provided, as part of the record of the public hearing on the application, competent substantial evidence that the proposed amendment:

- i. Is consistent with and furthers the goals, objectives, and policies of the comprehensive plan and all other applicable City-adopted plans;**

Applicant Response: The applicant has provided a public benefit letter (*Attachment C*) with the applicant's response to the consistency of the request to add tattoo establishment in RDD-1 with the City's Comprehensive Plan and the adopted Downtown / Ballough Road Redevelopment Plan. The applicant states the use is a form of art similar to uses permitted under the art, crafts, music, dance, photography or martial arts studio / school use, which is permitted in the RDD-1 zoning district and the use should add to the mix of uses to support the revitalization of Downtown.

Staff Response: In considering the use, the following policies in the Comprehensive Plan and Downtown/ Ballough Road Redevelopment Plan should be considered.

The City's Comprehensive Plan encourages in Policy 1.1.12 the creation of revitalization strategies and development standards to support the redevelopment of Downtown Daytona Beach with an emphasis on urban residential, office, shopping, and entertainment.

The Downtown / Ballough Road Redevelopment Plan, amended in 2010, with the intent to strengthen Downtown's role as the regional center of commerce, recreation and culture. The strategic priority of the plan is to leverage Downtown's riverfront setting and unique collection of amenities to strengthen Downtown's position for residential, business and visitor development. The plan contains policies to encourage mixed use and pedestrian oriented development.

DOWNTOWN / BALLOUGH ROAD REDEVELOPMENT PLAN

5.1 - Land Use Objective

Annually complete at least one project that adds, mixes and clusters uses to create a critical mass of pedestrian-oriented experiences that are linked to each other in a manner that strengthens Downtown/Balough Road's appeal as a business residential address and differentiated visitor destination.

Policy 5.1.5 Encourage mixed use projects that cluster compatible land uses and share infrastructure requirements.

Policy 5.1.6 Encourage the adaptive re-use of existing buildings and the assembly of adjacent land to accommodate viable rehabilitation and expansion programs. Where appropriate encourage historic preservation.

Policy 5.1.12 Implement redevelopment category rezonings as requested to induce and enhance developments that are consistent with redevelopment plans and neighborhood policies.

5.3 Land Use Regulation Objective

Utilize land use controls and incentives to encourage investment in new development and rehabilitation that is consistent with the Redevelopment Plan intent and Comprehensive Plan policies and procedures.

Policy 5.3.5 Encourage zoning policies and incentives that support the utilization of upper floors along Beach Street for residential use.

The request is not inconsistent with the goals and objectives of adopted Downtown / Ballough Road Redevelopment Area Plan.

ii. Is not in conflict with any portion of this Code;

Development standards for a PD District must comply with the development standards of Article 6: Development Standards, and Article 7: Subdivision Standards, or any modifications of those standards established in the PD Plan/Agreement. The applicant is not proposing modifications to these standards.

iii. Addresses a demonstrated community need;

The applicant has provided a Modifications/Benefit letter that addresses public benefits and addresses the standard for a demonstrated community need (*Attachment C*).

iv. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;

The applicant is requesting to allow a tattoo establishment on the upper floor. The remaining uses in the PD Agreement that are currently permitted in the RDD-1 zoning district. A complete list of proposed uses is detailed later in this report.

v. Would result in a logical and orderly development pattern;

Staff Response: Standards established in the PD Agreement and the LDC would result in a logical and orderly development pattern for the subject property. The development standards for the site remain the same as those required in the RDD-1 zoning district.

vi. Would not adversely affect the property values in the area;

Staff Response: Staff does not have data that would suggest the proposed PD would have an adverse effect on the property values in the area.

vii. Would result in development that is adequately served by public facilities (roads, potable water, wastewater, solid waste, storm water, schools, parks, police, and fire and emergency medical facilities); and

Staff Response: The City's Technical Review Team (TRT) has reviewed the proposed development plan and offers no objections to the rezoning request.

viii. Would not result in significantly adverse impacts on the natural environment—including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and

Staff Response: Adverse environmental impacts are not anticipated with the approval of this request.

b. If the applicant demonstrates that the proposed amendment meets the criteria in subparagraph [a] above, whether the current zoning district designation accomplishes a legitimate public purpose.

Staff Response: The current zoning designation is Downtown Redevelopment- Beach Street Retail (RDD-1), which is to: promote, preserve, and enhance pedestrian circulation among retail uses, the Riverfront Park, other public facilities, and off-street parking areas; ensure and promote compactness and continuity of prime retail uses in the street level of buildings that abut Beach Street; and control building height to preserve scenic vistas of the Halifax River, Riverfront Park, and City Island. A tattoo establishment is not permitted in the RDD-1 zoning district, but may be allowed in a PD-RD, if the Board determines the application is consistent with and furthers the goals, objectives, and policies of the City's Comprehensive Plan and the adopted Downtown / Ballowh Road Redevelopment Plan.

City records show the building's first floor has been occupied for the last 15+ years with a restaurant on the ground floor and commercial office and residential on the upper floor.

Planned Development Zoning Districts Review Standards

Before approving a PD zoning district classification, the City Commission shall find the application for the PD zoning district, as well as the PD Plan/Agreement included as part of the application, comply with the following standards.

1. PD Plan/Agreement

The PD Plan/Agreement includes a general development plan for the subject site, as provided for in the new (current) LDC. This includes identification of proposed vehicle access points, potential development area within building setbacks, and minimum landscape buffer widths.

Signage

Any proposed signage will comply with existing regulations for signs permitted in the RDD-1 zoning district.

2. Consistency with City Plans

The PD zoning district designation and the PD Plan/Agreement will be consistent with the comprehensive plan, if adopted by the City Commission.

3. Compatibility with Surrounding Areas

Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. The proposed development plan meets compatibility standards.

4. Development Phasing Plan

Not applicable.

5. Conversion Schedule

Not applicable.

6. On-Site Public Facilities

No onsite public facilities are proposed.

7. Uses

The following proposed uses are currently permitted in the RDD-1 zoning district:

- Household Living Uses, including live/work unit, multi-family dwelling, upper story dwelling (above nonresidential use);
- Communication uses, including telecommunications facility, collocated on existing structure other than telecommunications tower; telecommunications facility, collocated on existing telecommunications tower, telecommunications tower, monopole up to 90 feet high, telecommunications tower, monopole more than 90 but less than 180 feet high, telecommunications tower, other than above by special use;
- Community Service Uses, including museum by special use;
- Health Care Uses, including medical or dental clinic/office, medical or dental lab;

- Open Spaces Uses, including public square or plaza;
- Utility Uses, including utility use minor as defined by the LDC;
- Animal Care Uses, including animal grooming;
- Business Support Service Uses, including business service center, travel agency;
- Eating and Drinking Establishments, including boutique bar, restaurant without drive-in or drive-through service, specialty eating or drinking establishment;
- Office Uses, including business services offices, professional services offices, other office facility;
- Recreation/Entertainment Uses, including cinema, other indoor recreation/entertainment use by special use;
- Retail Sales and Service Uses, including antique store, art gallery, art, crafts, music, dance, photography or martial arts studio/school, book or media shop, cigar lounge, drug store or pharmacy without drive-through service, florist shop, gift shop or stationery store, jewelry store, liquor or package store, meat, poultry, or seafood market, personal services establishment, other retail sales establishment;
- Visitor Accommodation Uses, including hotel or motel, other accommodations as provided by the LDC.

The proposed use may only be allowed in this location via the proposed PD-RD:

Tattoo Establishment on upper floor

- Tattooing would be limited to 10 am to 10 pm seven (7) days per week.
- There would be no body piercing conducted.
- Tattooing would be by appointment and conducted in a private studio not open to public view.

8. Densities/Intensities (Pedestrian Oriented Land Use)

The maximum floor area ratio: 3.0

The maximum density: 40 du/ac

9. Dimensional Standards

Maximum building height: 40 ft.

The PD Agreement includes references to the existing lot and building dimensions and does not propose any modification or increases to these dimensional standards.

10. Development Standards

All development in a PD district shall comply with the development standards of Article 6: Development Standards, and Article 7: Subdivision Standards, or any modifications of those standards established in the PD Plan/Agreement as consistent with City plans, the objective of the particular type of development standard, the purpose of the particular PD district, and any additional limitations or requirements set forth in Sections 4.8.C and 4.8.D for the particular type of PD district.

Neighborhood Meeting

The applicant has conducted a neighborhood meeting to review this project with all interested parties. A summary of the neighborhood meeting was submitted by the applicant for review (*Attachment D*).

RECOMMENDATION

Approval of the application 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) whether to allow a tattoo establishment is to be determined by the City Commission by application of the City's Comprehensive Plan and in consideration of the terms and provisions of the proposed PD-RD. The result will be determined by the City Commission after a recommendation by the Planning Board and the Downtown Redevelopment Board. Staff supports the Boards' recommendation.

The item is tentatively scheduled to be heard by the Planning Board on October 26, 2017 and by the City Commission for first reading on December 6, 2017 and for second reading on December 20, 2017 (public hearing).



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**DEV2017-084 - ATTACHMENT A
PLANNED DEVELOPMENT RE-DEVELOPMENT REZONING
LOCATION MAP**

City of Daytona Beach Map disclaimer:
These maps were developed and produced by the City of Daytona Beach GIS. They are provided for reference only and are not intended to show map scale accuracy or all inclusive map features. As indicated, the accuracy of the map has not been verified and it should be used for informational purposes only. Any possible discrepancies should be brought to the attention of City Engineering and or Development Services.



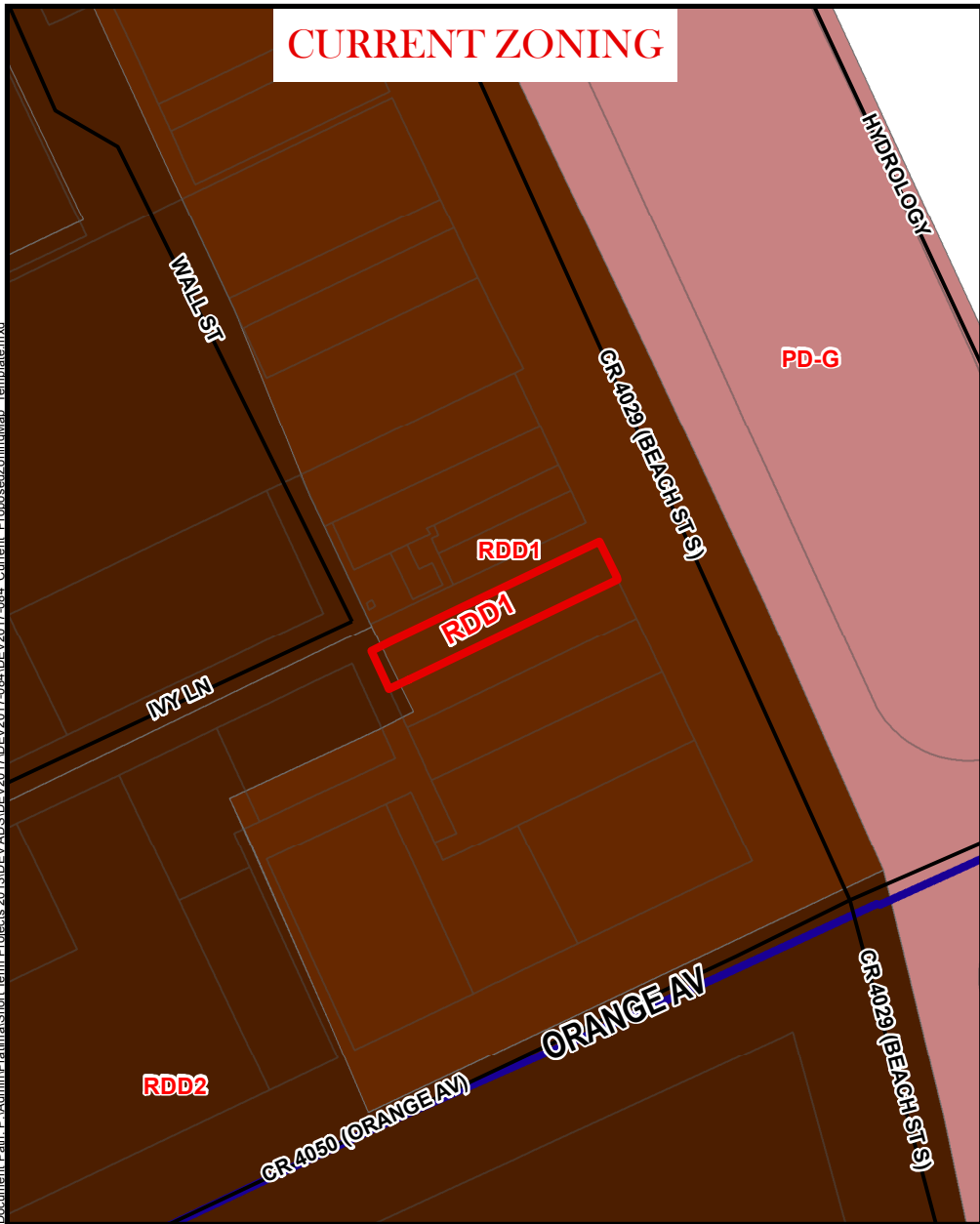
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**DEV2017-084 - ATTACHMENT A
PLANNED DEVELOPMENT RE-DEVELOPMENT REZONING
AERIAL MAP**

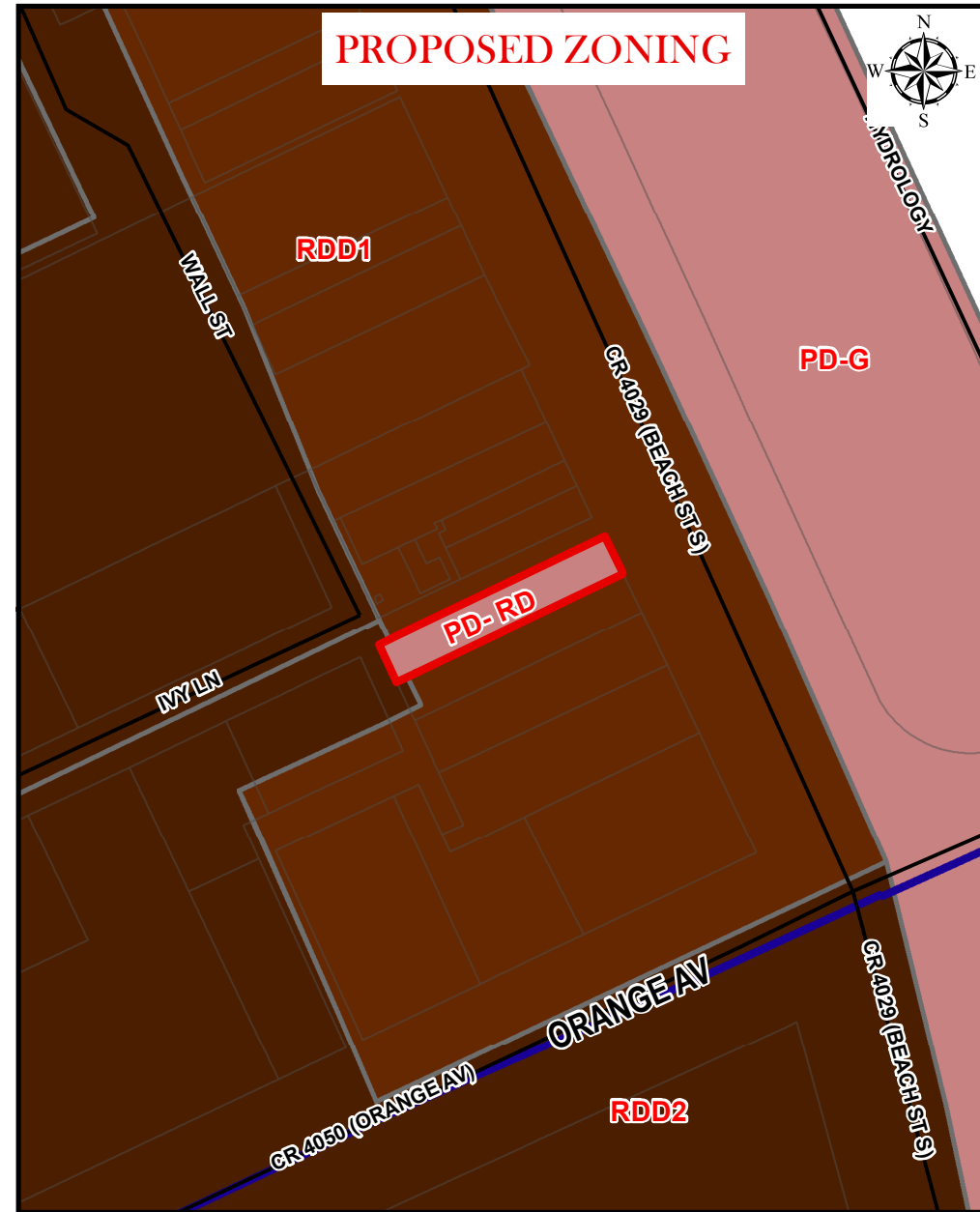
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CURRENT ZONING



1 inch = 100 feet

PROPOSED ZONING



1 inch = 100 feet

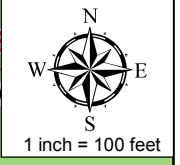
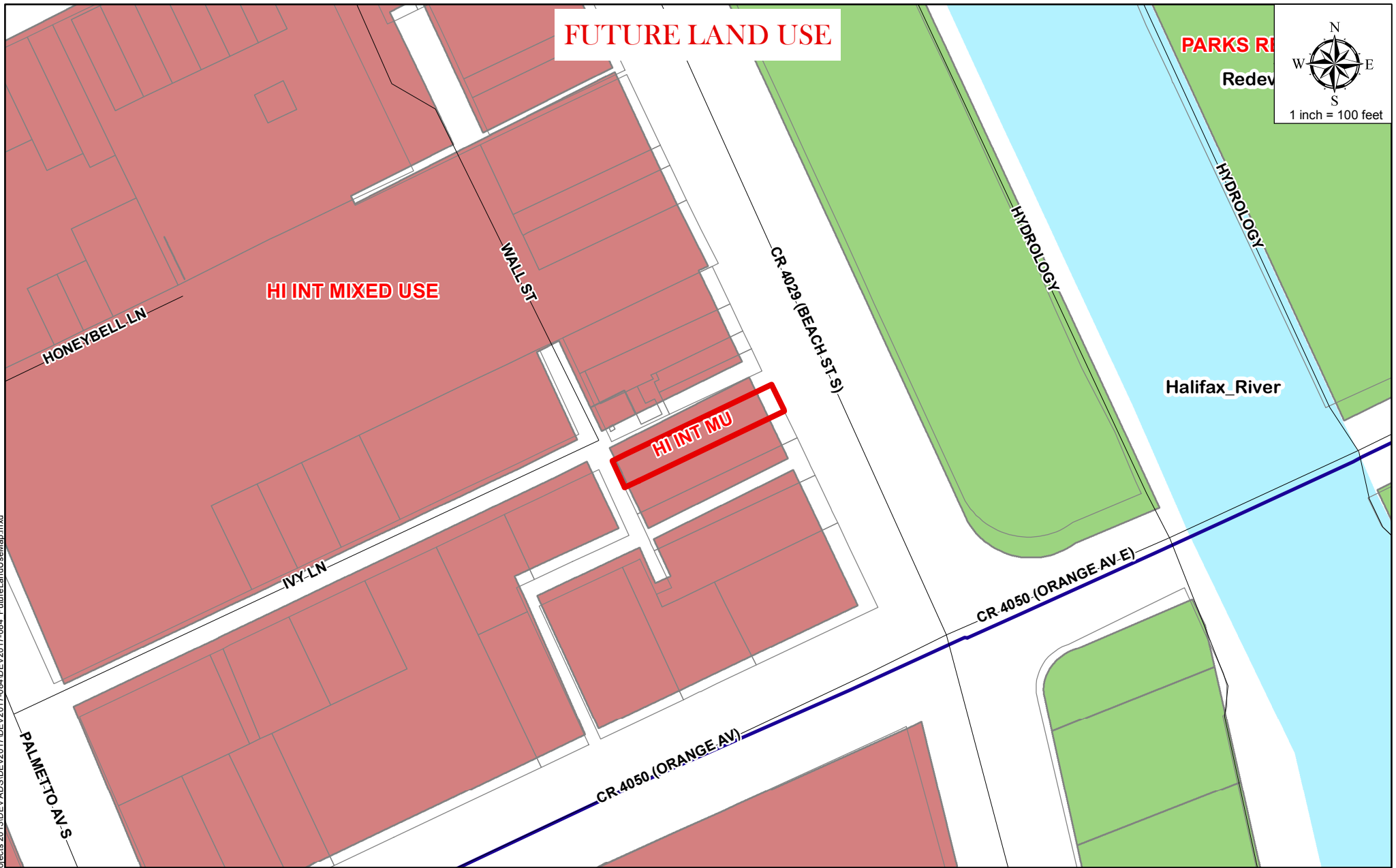


**DEV2017-084 - ATTACHMENT A
 PLANNED DEVELOPMENT RE-DEVELOPMENT REZONING
 CURRENT & PROPOSED ZONING MAP**



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**DEV2017-084 - ATTACHMENT A
PLANNED DEVELOPMENT RE-DEVELOPMENT REZONING
FUTURE LAND USE MAP**

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REVISIONS

Richard Brookfield Architect, LLC
 Fla. Reg. # A26003248
 P.O. Box 4195 Ormond Beach, FL USA 32175
 Ph: (386) 334-3564

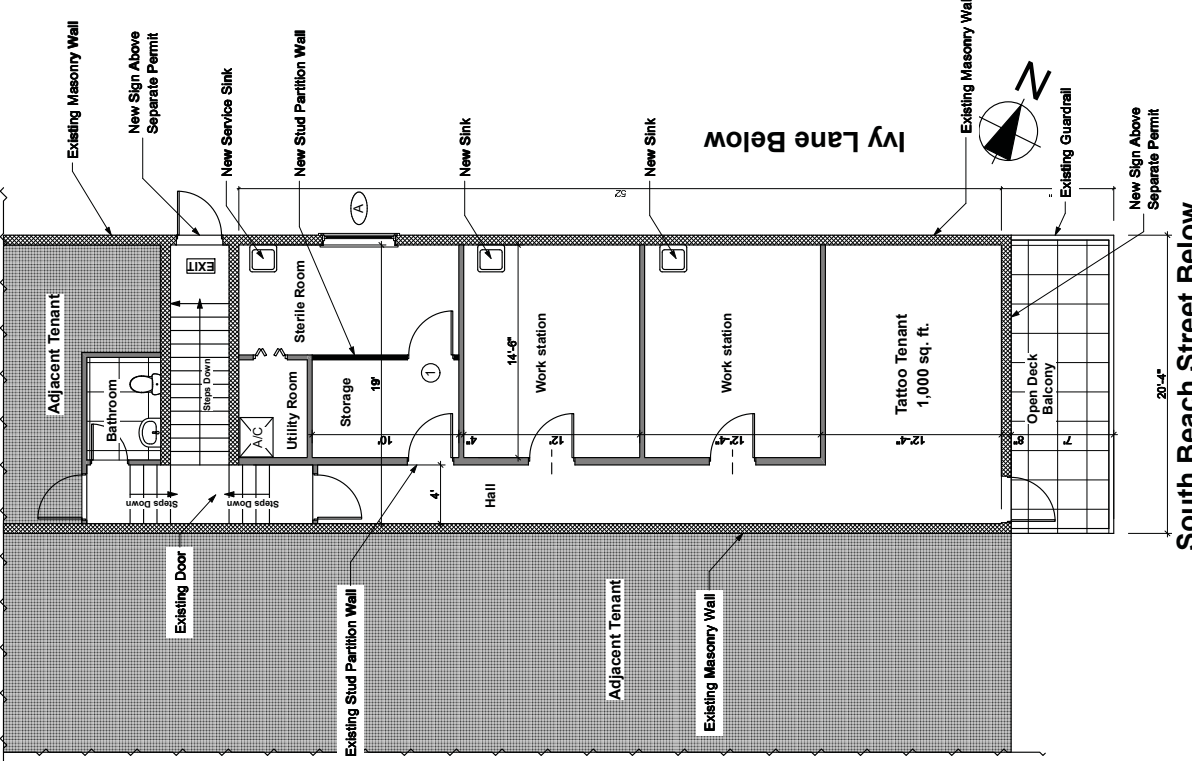
Tattoo Shop
 246 South Beach Street
 Daytona Beach, Florida

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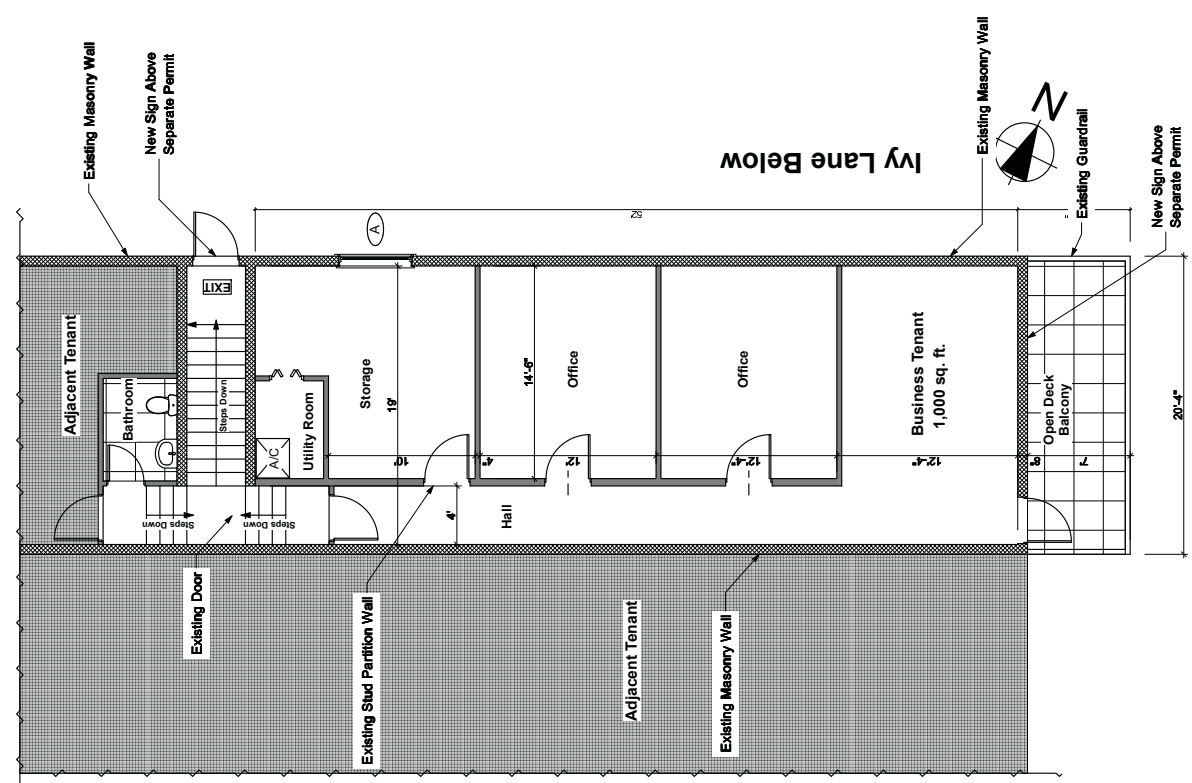
DATE: July 19, 2017
 DRAWN BY: RB
 SHEET TITLE: Existing & Renovated Floor Plan

SHEET
 Plan
 A-002
 OF
 SHEET 2 OF 4

ATTACHMENT B



South Beach Street Below
 Renovated Floor Plan
 SCALE: 1/4" = 1'-0"



South Beach Street Below
 Existing Floor Plan
 SCALE: 1/4" = 1'-0"



August 17, 2017

Mr. Jason Jeffries, AICP
Project Manager
City of Daytona Beach
301 S. Ridgewood Avenue
Daytona Beach, FL 32114

RE: 246 SOUTH BEACH TATTOO PD-RD REZONING
DEV2017-084
Public Benefit Letter

Dear Mr. Jeffries:

Land Development Resource Group is pleased to provide planning services for Robert W. Mansour and his request to rezone the above property to a Planned Development Redevelopment (PD-RD). We are seeking a planned development rezoning in order to allow for the use of tattooing. The City of Daytona Beach Land Development Code (LDC) requires Planned Development rezoning applicants to provide a letter detailing any and all code waivers needed for their project, as well as the public benefits of the project which are proposed to compensate for the needed waivers.

PUBLIC BENEFITS The proposed rezoning will allow for the use of tattooing in an upstairs suite in a contributing structure in the South Beach Street Local Historic District. The property is also located within the Downtown/Balough Road Redevelopment Area.

The City of Daytona Beach recently enacted Ordinance 17-116 that listed Tattoo Establishment Uses in the “Retail Sales and Services Uses” category of the LDC. The amendment allowed Tattoo Establishment uses by right in the Business Automotive (BA) zoning district as it was a zoning category that had broad characteristics. Some of the characteristics include studios that promote dance, music, crafts, and art. As such, the promotion of all types of art should be supported.

The City of Daytona Beach Comprehensive Plan, Redevelopment Element provides various goals, objectives and policies to encourage public and private cooperative efforts. Some of these efforts are to create economically sound rehabilitated projects; the stimulation and attraction of private investment; increased employment opportunities; and, improvements to the tax base. The underlying land use is “High Intensity Mixed Use” which encourages a very broad mix of uses.

The Redevelopment Element also outlines strategic priorities. The first paragraph provides: “A key to strengthening Downtown/Balough Road’s position as a residential, business and visitor address is to leverage its riverfront setting and unique collection of amenities to create a differentiated experience that showcases the advantages of living, working and visiting Downtown/Balough Road. Preserving and enhancing the riverfront experience as well as promoting public access to a range of uses and activities offers a distinct competitive advantage that is the foundation for the Downtown/Balough Road redevelopment strategy. The Redevelopment Plan is based on urban planning principles that encourage mixed use, mixed income and pedestrian-oriented development.”

The strategies guiding the Redevelopment Plan area based on adding and clustering uses to create a set of sub-district experiences that will create economic synergies that will revitalize the Downtown.

WAIVERS No waivers are being requested.

We anticipate this project to not only support existing needs in the area but also add to the distinctive nature of Downtown and serve as a catalyst to stimulate new and innovative business ventures.

Please let me know if you have additional questions or require anything further. Thank you for your consideration.

Sincerely,

Colleen Miles

Colleen Miles
President

Cc: Mr. Robert W. Mansour



MEMORANDUM

TO: Dennis L. Mrozek, AICP, LEED AP, Planning Manager

FROM: Colleen Miles *CM*

DATE: August 15, 2017

RE: Summary of Neighborhood Meeting, August 7, 2017
**246 SOUTH BEACH TATTOO (PD-RD) REZONING
DEV2017-084**

A neighborhood meeting was held at Cinematique, 242 South Beach Street, Daytona Beach, FL on August 7, 2017 at 6:00 p.m.

James Rogers, the proposed tattoo tenant, and I presented the project and answered any questions. See attached sign-in sheet.

The meeting was well attended by citizens, business owners and elected officials. The majority of those in attendance spoke positively about the proposed rezoning to allow the tattoo use. I did outline the process for approval and told those in attendance that I would contact them to inform them of the upcoming meetings.

Along with the summary, I have also included the mail notice, address label list, list with property identification numbers, posting photos, and photos of the artist's work and the studio.

We look forward to this item being scheduled before the Historic Preservation Board at its September 19th meeting, the Downtown Redevelopment Board at its October 3rd meeting, the Planning Board at its October 26th meeting, and City Commission on December 6th and December 20th, 2017.

Thank you.

Colleen



July 28, 2017

INVITATION TO NEIGHBORHOOD MEETING

Dear Neighbor:

Land Development Resource Group LLC has the pleasure of representing Robert W. Mansour, the owner of .0592 acres of property located at 246 South Beach Street in Daytona Beach, as shown on the attached location map. The owner intends to request a rezoning to Planned Development – Redevelopment, in order to permit tattooing upstairs.

As future neighbors to the proposed development, we would like to invite you to discuss the project on **Monday, August 7, 2017 at 6:00 p.m.** at Cinematique of Daytona. Cinematique is located at 242 S. Beach Street, Daytona Beach.

We look forward to seeing you at this meeting if you are interested in discussing this project.

Sincerely,

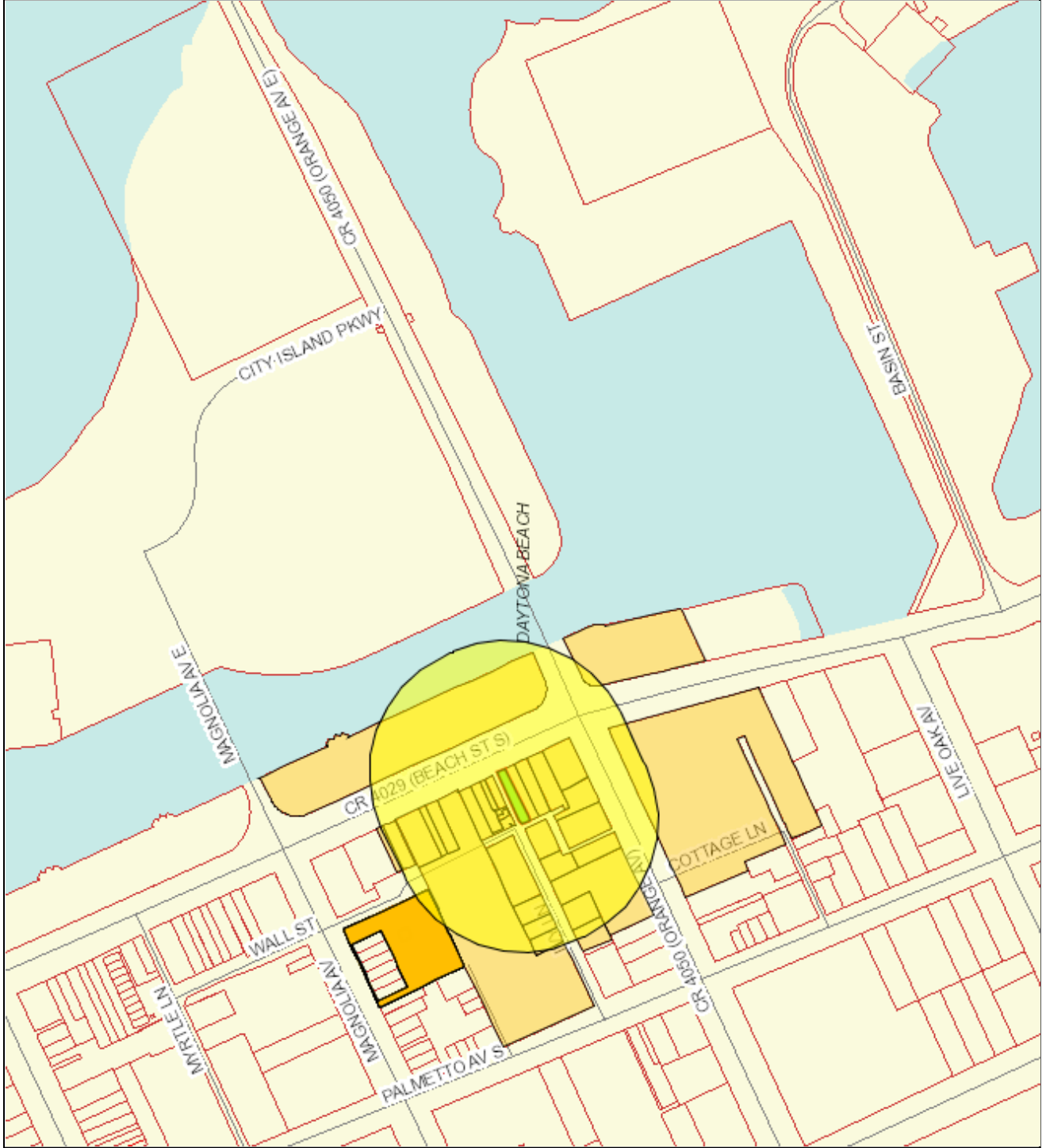
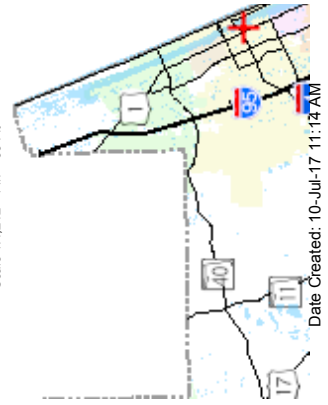
Colleen Miles

Colleen Miles
President

/enclosure



Scale 1:4,242 - 1 in = 354 ft



DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information source. PARCEL DATA VOLUSIA COUNTY PROPERTY APPRAISER



LAND DEVELOPMENT
RESOURCE GROUP

**246 SOUTH BEACH PD-RD
NEIGHBORHOOD MEETING
AUGUST 7, 2017
SIGN-IN SHEET**

NAME ADDRESS EMAIL

230 S Beach St

Lexi Ayres 242 S Beach St A.AYRES@CINEMATIQUE.ORG

James Rogers 246 S. Beach St. james.rogers6@gmail

Jay M Young 2405 Beach St

248 Beach

Ryan Kark JACKIE ROSINS PARRA RYAN@DAYTONA
TURTUGAS.COM

Alway Schrieber 176 Kingford bluey251945@yahoo
.COM

WARREN TRAGER 610 BOSTWICK

COMMISSIONER

RUTH TRAGER

EDITH SHELLEY

Kim Von Elrod

Matthew 227 Seabreeze Community Law Firm

KEELY WHITE 208 WALL ST.



LAND DEVELOPMENT
RESOURCE GROUP

**246 SOUTH BEACH PD-RD
NEIGHBORHOOD MEETING
AUGUST 7, 2017
SIGN-IN SHEET**

NAME	ADDRESS	EMAIL
Fayz LeVelle	Halifax Historical Society	mail@halifaxhistorical.org
Eddie James	Brownie Dog Boutique	lledo@browniesdogboutique.com
Miguel An	Daytona Cigar Club 200 S. Beach St	Miguel@DaytonaCigars.com
Anne Ruby	137 Park Ave	aeruby@gmail.com
Sandy Murphy	136 Park Ave	smurphy@ptd.net
Kevin C Murphy	136 Park Ave	kcmurphy99@gmail.com



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

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

From: [Bill Green Jewelers](#)
To: [Jeffries, Jason](#)
Subject: Rezoning for Tattoo Parlor
Date: Friday, August 04, 2017 10:07:23 AM

Please note that as per our conversation today, I am opposed to rezoning for allowing a tattoo business to be rezoned for the downtown area and not for Beach Street or International Speedway Blvd. I believe that the upstairs building in question is located at 246 South Beach Street Daytona Beach. Jan

Downtown Redevelopment Board
Draft Minutes

The City of Daytona Beach

Downtown Redevelopment Board Meeting
October 3, 2017

(Excerpts from the October 3, 2017 Downtown Redevelopment Board Meeting)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Applicant's Presentation:

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

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

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

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

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

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

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

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

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

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

Ms. Miles said yes.

Ms. Cook asked about the proposed signage.

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

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

Ms. Miles stated it would remain as is.

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

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

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

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

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

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

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

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

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

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

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

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

Public Comments:

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

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

Mr. Goodemote stated he agreed with Mr. Harshaw regarding changing zoning through spot zoning. Mr. Goodemote stated he had served on this Board since 2006 and the Board had worked a long time to develop a vision and Master Plan. Mr. Goodemote stated he was concerned that each building could be changed through spot zoning. Mr. Goodemote stated he was also concerned about compliance and enforcement. He stated for 5 years the vacant auto lot sites on north Beach Street had not had landscaping and the Board was told there would be improvements to the site. Mr. Goodemote stated for 2 years there was a tarp at Kale Café with no permanent signage. Mr. Goodemote stated Kale Café opened a second store in Ormond Beach and the business owner was told they could not put a tarp out front. Mr. Goodemote stated if the business owner could afford to open a second store, they should be able to afford to put signage on the business in downtown Daytona Beach. Mr. Goodemote stated the applicant stated there would be a café at the radio station site on Beach Street and two years later, there

was nothing. Mr. Goodemote stated there was a restaurant on Ridgewood that had a residence behind it and the applicant stated there would be a separation between the two sites and the restaurant was opened and the separation was not in place. Mr. Goodemote stated we did not seem to have compliance or enforcement. Mr. Goodemote stated based on these past issues, he was hesitant to allow any more changes to the Master Plan.

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

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

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

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

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

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

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

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

Board Action:

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