

Planning Board  
Draft Minutes

The City of Daytona Beach

Planning Board Meeting  
September 28, 2017

*(Excerpts from the September 28, 2017 Planning Board Meeting)*

4. **Land Development Code Text Amendment – Article 5, DEV2017-097 (Legislative Hearing)**

Mr. Hurt stated he had a conflict on this item and had completed the Conflict of Interest form and will abstain from voting.

**Staff Presentation:**

Reed Berger, Redevelopment Director, presented the staff report which was included as part of the packet. Mr. Berger stated the site was the Boardwalk Hotel site which had not been developed. Mr. Berger stated six years ago, the site was approved as a temporary parking lot with 170 parking spaces. Mr. Berger stated the Land Development Code only permitted the property to be used as a temporary parking lot for six years and then must be developed. Mr. Berger stated there was a concern that if an extension was not approved, there would be a loss of 170 parking spaces on the beachside. Mr. Berger stated the text amendment limited the use to redevelopment projects that had a Development Agreement in place for the site and continued to require that site improvements were maintained. Mr. Berger stated the proposed amendment would remove the six year limit and impose two-year limits with two-year extensions that would be approved by staff.

Mr. Newman stated this was a permit for a temporary use and asked if the permit expired, could the applicant re-apply for another permit.

Mr. Berger stated not under the current code.

Mr. Newman expressed concern that the use could be extended every two years and never be developed. Mr. Newman stated he would rather see the site used as a parking lot as opposed to being vacant and an empty sand lot but asked where there was motivation for the applicant to develop the site if it was generating money as a parking lot.

Mr. Berger stated the applicant would have to provide good reasons as to why the site was not being developed before additional extensions to the agreement would be approved.

Mr. Hurt stated financial constraints had limited development on the site.

Mr. Servance asked if the revenue went to the City or the developer.

Mr. Berger stated the revenue from the parking lot went to the property owner.

Mr. Barhoo expressed concern that there was no time limitation on the number of extensions that could be granted.

**Applicant's Presentation:**

Mark McDonald, 32 Kingsbridge Crossing, Ormond Beach, Florida spoke representing the Applicant, Boardwalk at Daytona Development, LLC. Mr. McDonald stated 45,000 to 50,000 vehicles parked at the site during the year. Mr. McDonald stated once the economy recovers and the developer can arrange financing, development would occur. Mr. McDonald stated the site is not only used by the public but by employees of adjacent businesses; and passes for parking were provided to those employees.

**Public Comments:**

Michael Denis, 625 Lenox Avenue, Daytona Beach, Florida, stated the lot would not change if it continued to be used for parking year after year.

Amy Pyle, 136 S. Grandview, Daytona Beach, Florida, stated the Applicant's statement about a poor economy was not a fair excuse. She stated she thought the economy had turned around and there were buildings coming out of the ground on the beachside. Ms. Pyle stated allowing the lot to continue would adversely affect redevelopment in the area. Ms. Pyle stated if the use was not permitted to continue, the City would be saying that they wanted development there. Ms. Pyle asked if there would be a 170 parking spaces available once a hotel was built on the site and asked that public parking be included as part of the development.

Sandy Murphy, 136 Park Avenue, Daytona Beach, Florida stated she was against granting this extension. Ms. Murphy stated she had not heard of a hardship that was preventing the Applicant from proceeding with development.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida stated she was against granting this extension. Ms. Ruby stated the agreement should be changed so the Applicant could only receive \$1.00 per parking space so that would motivate the Applicant to develop the site.

Linda Smiley, 357 Manhattan, Daytona Beach, Florida stated the site had been a dirt lot for over 30 years. Ms. Smiley stated improvements were only made to the lot because the Shriners' convention had been in town. Ms. Smiley stated the Applicant now receives \$15.00 cash for each parking space; and if some park, leave the lot and return, an additional \$15 must be paid. Ms. Smiley stated a McDonald's was formerly on the site and it was the highest grossing McDonald's in all of Volusia County and it was torn down for the proposed development which had not happened.

Mark McDonald stated the developer had been involved in a law suit and the applicant's ability to draw developers had been handicapped by this law suit. Mr. McDonald stated pricing for the parking spaces was based on supply and demand and the time of year. Mr. McDonald stated he was at the site on a weekly basis and oversees maintenance. Mr. McDonald stated there had been vandalism at the site and noted that 10 sections of fence were lost during Hurricane Irma. Mr. McDonald stated there was a dust retaining material on site and that is a significant expense. Mr. McDonald stated if he were able to secure financing, the developer would be working to build on the site.

Mr. Newman stated he was concerned about changing the Land Development Code on behalf of a single applicant. Mr. Newman stated he felt there needed to be a limitation on how many extensions could be granted. Mr. Newman stated he could not support what was proposed.

Mr. Berger stated staff would not automatically grant an extension after two years and noted there were hardships for the Applicant, particularly the law suit.

Mr. Hurt stated there was an ongoing law suit on this site and the property could not be sold until the law suit was resolved.

Mr. Barhoo stated he was concerned about changing the code to satisfy one person. Mr. Barhoo stated he would like to see a limitation on the number of extensions that could be granted.

Ms. Avallone asked if the Applicant had any amendments he would like the Board to consider or if he would like the Board to take action on what was presented as is.

Mr. McDonald asked that the Board vote on what was presented as is and perhaps some details could be resolved prior to the item being presented to the City Commission meeting.

**Board Motion:**

A motion was made by Mr. Barhoo, seconded by Mr. Newman, to approve Land Development Code Text Amendment – Article 5, DEV2017-097, in accordance with the staff report as presented. The motion failed 1-4 with Mr. Servance, Mr. Newman, Mr. Barhoo, and Ms. Washington voting no; Mr. Hurt abstained.