Agenda Item 4 (Quasi-Judicial Hearing)

Rezoning Amendment – Planned Development-General Sixth Amendment

DEV2018-089

Daytona Beach Kennel Club PD

STAFF REPORT

DATE: October 17, 2018

TO: Planning Board Members

FROM: Hannah Ward, Planner

PROJECT SUMMARY

The Sixth Amendment to the Daytona Beach Kennel Club Planned District (PD) Agreement has been continued from the September 27, 2018, Planning Board meeting. The applicant has modified their request to replace the existing billboard on the property with an Electronic Message Center (EMC) sign, as shown in *Attachment I* and below.



The applicant is also proposing to allow for additional wall signage and allow outdoor recreation/entertainment and special events as permitted uses for the property, as detailed in the previous staff report (attached).

PROJECT ANALYSIS

The Daytona Beach Kennel Club PD Agreement currently states that the southernmost billboard, i.e. the existing billboard, shall remain on the property for a term of twenty years, said period commencing from the date of the approval of the Agreement. This term is set to expire on February 26, 2027. Following the expiration of the term, the applicant proposes to convert the existing billboard into an EMC pole sign. Consistent with the EMC sign shown in *Attachment I*, the applicant proposes to develop an EMC pole sign with a maximum height of 50' and maximum sign area of approximately 376 square feet of digital display and 525 square feet of static display.

LDC Modifications

The applicant has requested modifications to the requirements in Section 6.10.J.6.b of the LDC in order to accommodate the proposed EMC sign, as follows:

- o Maximum Number of EMC Signs (Section 6.10.J.6.b.iii) The LDC only allows one EMC sign within the same development or contiguous parcel of property. The property currently contains one EMC monument sign. The applicant is requesting a modification to allow for two (2) EMC signs on the property to allow for the development of the proposed EMC pole sign.
- o Sign Setbacks (Section 6.10.J.6.b.iv) The LDC requires EMC signs to be set back at least ten (10) feet from the right-of-way and at least 25 feet from the side property lines. The applicant is requesting to waive this requirement to ensure that the existing sign can be replaced in its current location.
- o Sign Type (Section 6.10.J.6.b.vi) The LDC requires EMC signs to be developed as monument signs with a maximum height of eight (8) feet above grade. The applicant has proposed to development an EMC pole sign with a maximum height of 50', consistent with the EMC signs that are currently in existence within the City along I-95.
- o Maximum Sign Area (Section 6.10.J.6.ix) The LDC limits the sign cabinet and finished constructed base of an EMC sign to 360 sf, excluding up to 22 sf for the base of the sign. The applicant has requested to development a 50' EMC pole sign with approximately 376 sf of digital display and 525 sf of static display, consistent with the EMC signs that are currently in existence within the City along I-95.
- o Static Sign Area (Section 6.10.J.6.x) The LDC currently restricts additional static display on the sign cabinet of an EMC sign to 15% of the size of the sign cabinet. The applicant is proposing to development an EMC sign with approximately 376 sf of digital (EMC) display and 525 sf of static display. The proposed size of the static display exceeds the 15% requirement detailed above.

- o Interval of Sign Copy Change (Section 6.10.J.6.xiii) The LDC only allows the sign copy on an EMC sign to intervals no less than sixty (60) seconds. Consistent with the 5th Amendment to the Daytona Beach Kennel Club PD that was approved on July 29, 2018, for the existing EMC sign, the applicant proposes to increase the rate of change of the sign copy for the proposed EMC sign to intervals no less than ten (10) seconds.
- o Sign Graphics (Section 6.10.J.6.b.xiv) The LDC does not allow graphics to be displayed at any time on the display screen area of an EMC sign. Consistent with the 3rd Amendment to the Daytona Beach Kennel Club PD that was approved on October 4, 2017, for the existing EMC sign, the applicant proposes to allow static graphics and multiple background, foreground, and text colors to be displayed on the proposed EMC pole sign.

UPDATED RECOMMENDATION

Staff recommends approval of the Sixth Amendment to the Daytona Beach Kennel Club Planned District Agreement to replace the existing billboard on the property with an Electronic Message Center (EMC) sign, allow for additional wall signage, and allow outdoor recreation/entertainment and special events as permitted uses for the property located at 960 S. Williamson Blvd.

A majority vote by the Planning Board members present and voting is required to recommend approval to The City Commission.

The item is tentatively scheduled to be heard by The City Commission for first reading on December 5, 2018, and for second reading on December 19, 2018 (public hearing).



DAYTONA BEACH RACING & CARD CLUB

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Original Staff Report

Agenda Item 9 (Quasi-Judicial Hearing)

Rezoning Amendment – Planned Development-General Sixth Amendment

DEV2018-089

Daytona Beach Kennel Club PD

STAFF REPORT

DATE: September 21, 2018

TO: Planning Board Members

FROM: Hannah Ward, Planner

PROJECT REQUEST

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Daytona Beach Kennel Club, Inc., to amend the Daytona Beach Kennel Club Planned District (PD) Agreement to incorporate the existing billboard as an on-site sign, allow for additional wall signage, and allow outdoor recreation/entertainment and special events as permitted uses for the property located at 960 S. Williamson Boulevard.

PROJECT LOCATION

The 38+/- acre property is generally located at the southwest intersection of Williamson Blvd. and Bellevue Ave., between S. Williamson Blvd. and I-95. The zoning on the property is Planned Development-General (PD-G), and the Future Land Use (FLU) on the property is Mixed Use.



Aerial View of the Property

The adjacent land use and zoning classifications are shown in the table below and in the accompanying map series.

Table 1: Land Use and Zoning Table

	Existing Uses	Existing FLU Designation	Existing Zoning Classification
Site	Daytona Beach Kennel Club and Poker Room	Mixed Use	Planned Development-General (PD-G)
North	Daytona Beach International Airport	Public/Semi-Public (PSP)	AP (Airport)
South	Vacant Undeveloped	County Land Use	County Zoning
East	Vacant Undeveloped	Mixed Use	M-3 (General Industrial)
West	Daytona Flea & Farmer's Market	County Land Use	County Zoning

PROJECT DESCRIPTION

The original Daytona Beach Kennel Club (DBKC) Planned Commercial Development (PCD) Agreement was approved by the City Commission on February 7, 2007. Since the original approval of the DBKC PCD, five amendments to the PD agreement have been approved by the City Commission, three of which have related to signage.

- o On December 19, 2007, the First Amendment to the DBKC PCD was approved to allow for expansion of the existing facility.
- On August 17, 2011, the Second Amendment to the DBKC PCD was approved to allow for an Electronic Message Center (EMC) sign.
- o On July 14, 2014, the Third Amendment to the DBKC PCD was approved to allow static graphics and multiple colors on the existing EMC sign.
- o On March 16, 2016, the Fourth Amendment to the DBKC PD was approved to allow for a solar energy collection system.
- On September 20, 2017, the Fifth Amendment to the DBKC PD was approved to allow for the frequency of change of the sign copy on the existing EMC sign to be reduced from 60 seconds to 10 seconds.

When the original DBKC PCD was approved by the City Commission, two billboards existed on the property. The PD required the northernmost billboard to be removed prior to the issuance of a Certification of Occupancy for the property. The PD allowed the southernmost billboard to remain on the property for a term of twenty years. This term is expected to expire on February 17, 2027, with the condition that if the billboard is not removed after this timeframe, the site and wall signage for the entire Entertainment Facility shall be removed until such time as the southernmost billboard is removed. The applicant is now requesting the Sixth Amendment to the DBKC PD to change the sign copy on the existing billboard to exclusively advertise activities occurring on the property. Note: the applicant proposes to retain the existing billboard in its current condition and construction, as shown in *Attachment A* and below, and by referencing on-site activities, versus off-site activities, claim that the proposed sign is no longer a billboard, but instead an on-site sign.



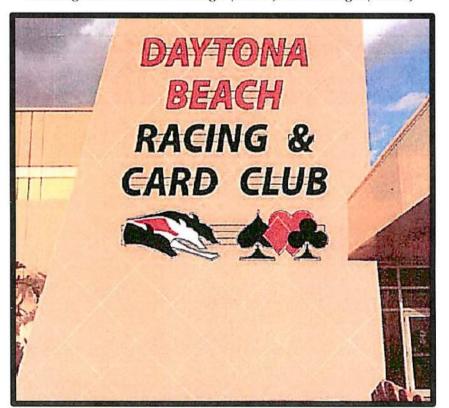
Photograph of Existing Billboard Superimposed with DBKC Sign Copy

Staff objects to and recommends denial of the applicant's proposal to retain the sign as it currently stands. The existing billboard bears no resemblance to the appearance and construction of other interstate project identification signs developed in the City along Interstate-95 (I-95) north of the ISB exit to The City of Daytona Beach. While the sign copy is proposed to change, the construction of the sign will remain equivalent to that of a traditional billboard, a circumstance in of which Staff recommends denial.

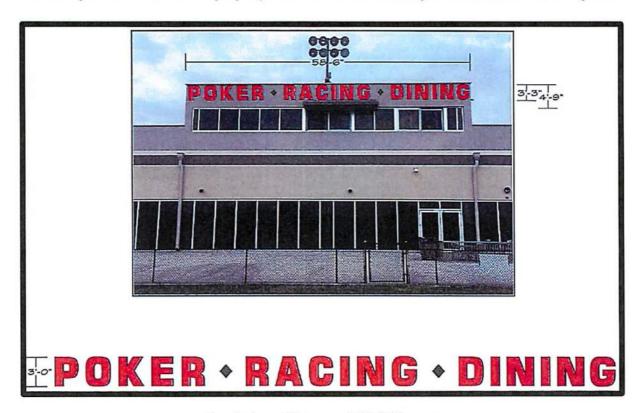
As an alternative to denial, Staff would support the replacement of the existing billboard with an on-site sign, provided the construction of the sign is consistent with the signs that currently exist on the property, and the sign is appropriately scaled to the size of the development. Staff also proposes that the existing billboard be replaced with an on-site sign, scaled and constructed to reflect consistency with the size of the property and the developments in the vicinity, no later than March 1, 2019.



Existing EMC Monument Sign (Above) & Wall Sign (Below)



In conjunction with the request to convert the sign copy on the existing billboard to only advertise on-site activities, the applicant is also requesting to allow for 172 +/- sf of additional wall signage, as shown below and in *Attachment A*, and allow outdoor recreation/entertainment and special events as permitted uses on the property. Note: Staff does not object to these additional requests.



Rendering of Proposed Wall Signage

PROJECT ANALYSIS

Article 3 – Review Procedures, Section 3.4.D – Site-Specific Zoning District Map Amendment Review Standards, of the Land Development Code (LDC) states that in determining whether to adopt or deny a proposed Site-Specific Zoning District Map Amendment, The City shall consider the following:

- 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:
 - Is consistent with and furthers the goals, objectives, and policies of the comprehensive plan and all other applicable City-adopted plans;
 - The City's TRT has reviewed the proposed Sixth Amendment to the DBKC PD and found it to be consistent with the City's Comprehensive Plan.
 - ii. Is not in conflict with any portion of this Code;

Section 6.10.J.2 of the LDC defines billboards as follows:

Outdoor signs which advertise firms, organizations, goods, products, or services which are not located on the same premises as the sign, and that are sold, rented, owned, or leased for the display of advertising messages.

As part of the proposed Sixth Amendment to the DBKC PD, the applicant proposes to change the sign copy on the existing billboard to exclusively advertise activities occurring on the property. The applicant proposes to retain the sign in its existing design and construction, consistent with the types of billboards detailed in the LDC and below.

- i. Poster panels or bulletins mounted on a freestanding structure with advertising copy applied in the form of pasted paper.
- ii. Indexing signs made with a series of triangular vertical sections that turn and stop, or index, to show three pictures or messages in the same area.
- iii. Painted bulletins where the advertiser's message is painted directly on the background of a freestanding display area.
- iv. Printed vinyl fabric that is applied to the billboard panel or is stretched over the billboard panel and held in place with ratchet straps or similar fasteners.
- v. Digital billboards.

Staff objects and recommends denial of the applicant's request to retain the billboard existing condition and construction. Alternatively, staff supports the replacement of the existing billboard with an interstate ground sign, provided it is consistent with the existing signs on the property is appropriately scaled to the size of the development. Staff would also recommend that this change occur no later than March 1, 2019.

iii. Addresses a demonstrated community need;

Not applicable.

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

Staff asserts that the construction of the existing billboard on the property is not consistent with the construction of existing signs on the property. Staff objects to the retention of the billboard, in its current condition and construction, for the purpose of exclusively advertising on-site activities. Staff recommends that the existing billboard be replaced with an on-site sign that is similar in design to the existing signs on the property and is appropriately scaled to the size of the project.

The applicant has conducted a neighborhood meeting as required by the LDC. A summary of the neighborhood meeting prepared by the applicant is shown in *Attachment B*.

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

The retention of the existing billboard for the purpose of advertising on-site activities would not result in a logical or orderly development pattern, as it would allow for the continued viability of a sign type that is discouraged by the City.

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

Staff does not have any indication that the proposed amendment will have an adverse impact 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

The City's TRT has reviewed the PD Amendment request and found it to be acceptable.

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 does not anticipate any adverse environmental impacts with the approval of this amendment proposal.

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.

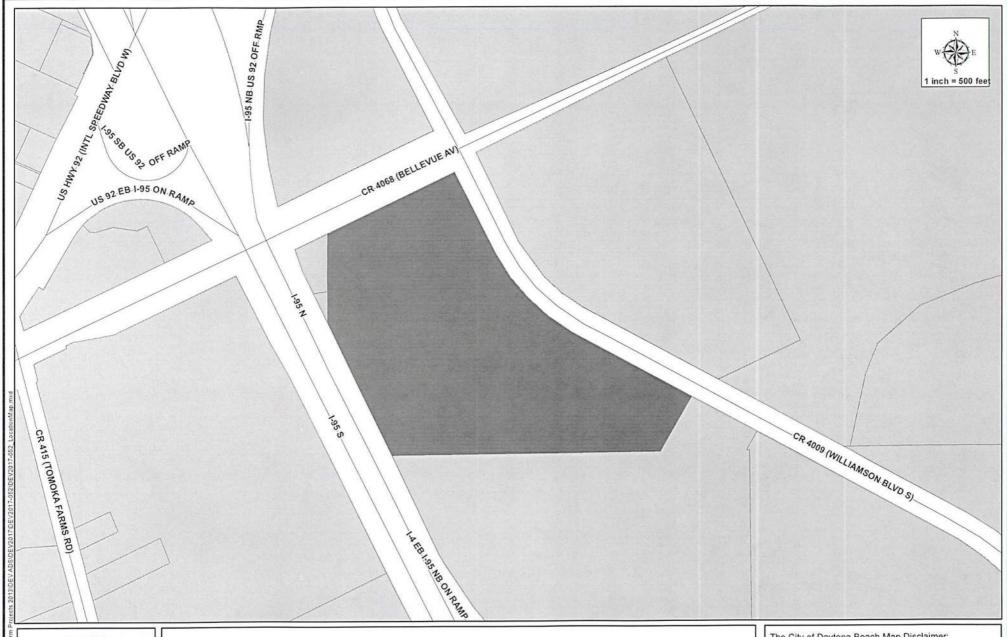
The City's TRT has reviewed the PD Amendment request and recommended that the existing billboard be converted into an appropriately scaled on-site sign reflecting consistency with the design and construction of the existing signs on the property.

RECOMMENDATION

As proposed, Staff recommends denial of the Sixth Amendment to the Daytona Beach Kennel Club Planned District (PD) Agreement. Staff would support approval of the proposed Sixth Amendment if the applicant proposes to replace the existing billboard on the property with an onsite sign appropriately scaled to the size of the development and consistent with existing signs on the property and in the vicinity, no later than March 1, 2019.

A majority vote by the Planning Board members present and voting is required to recommend approval to The City Commission.

The item is tentatively scheduled to be heard by The City Commission for first reading on November 7, 2018, and for second reading on November 21, 2018 (public hearing).

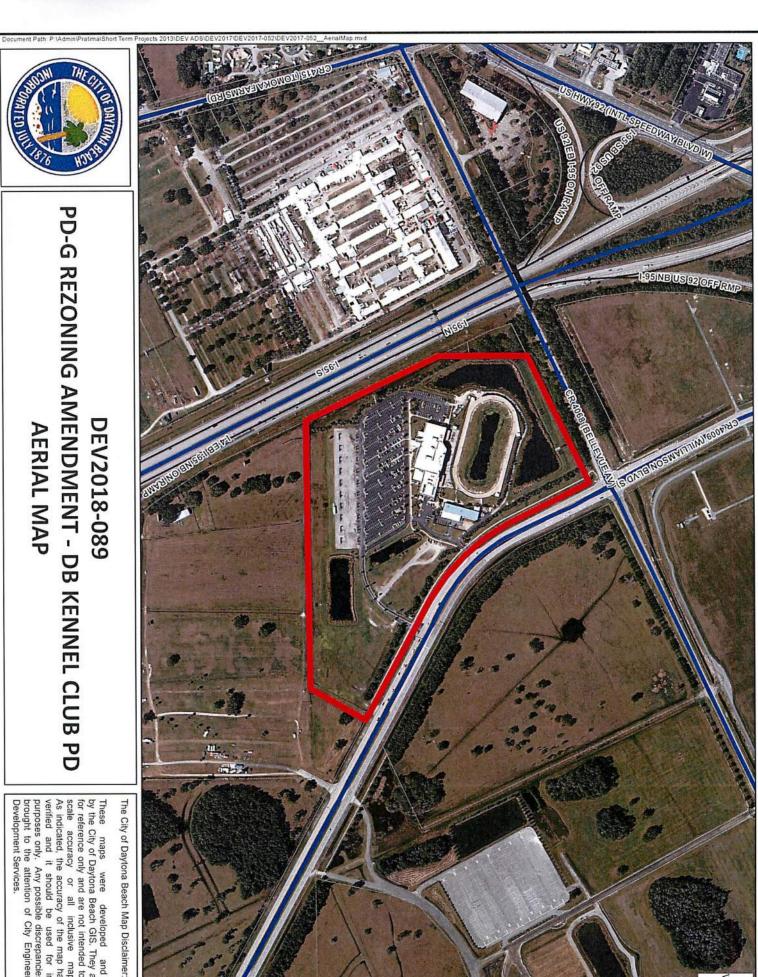




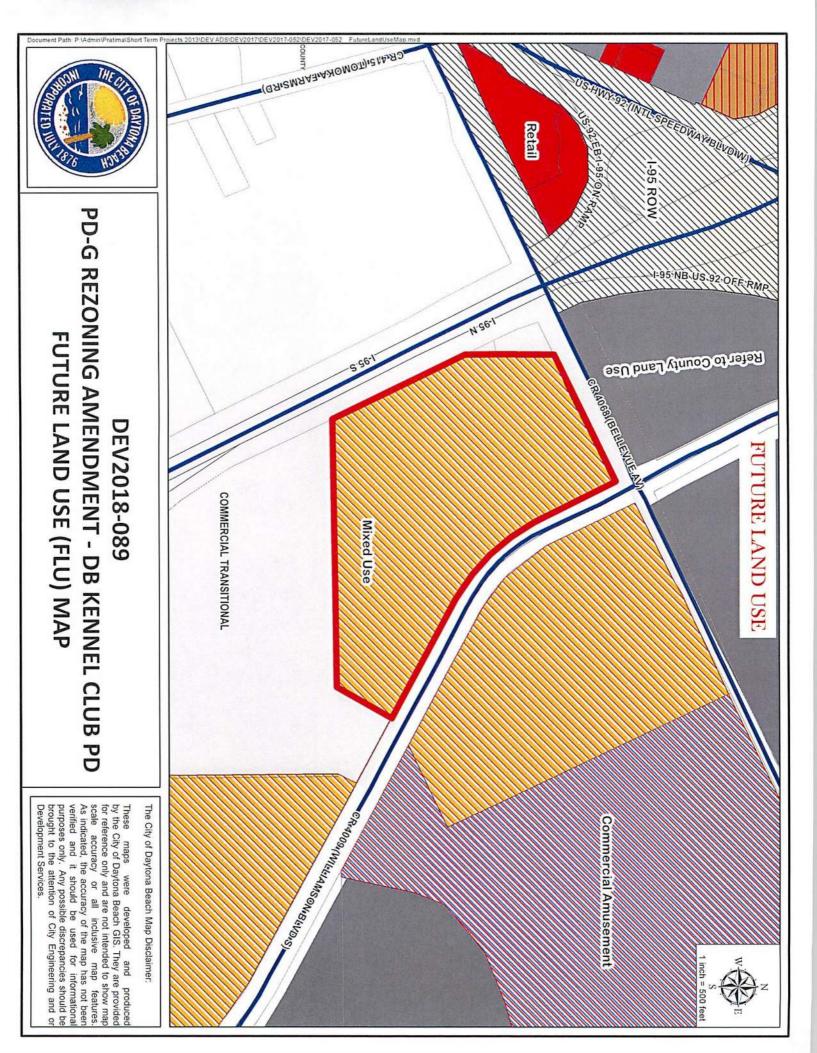
DEV2018-089 PD-G REZONING AMENDMENT - DB KENNEL CLUB PD **LOCATION MAP**

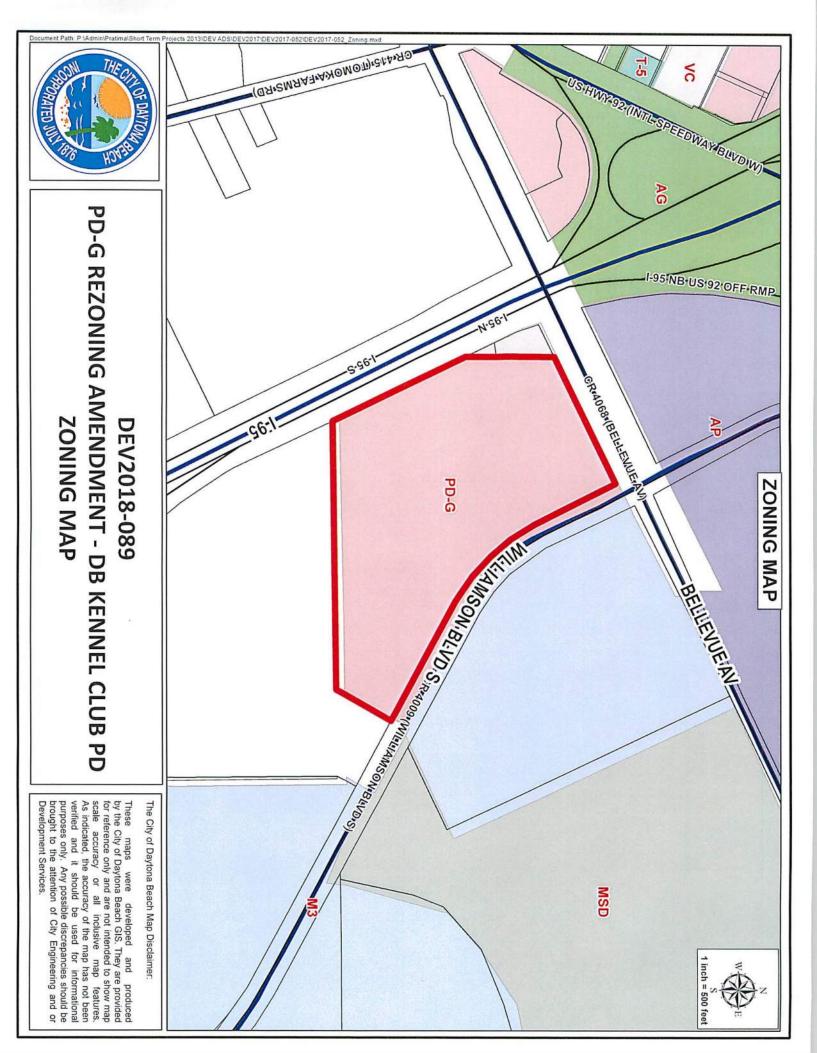
The City of Daytona Beach Map Disclaimer:

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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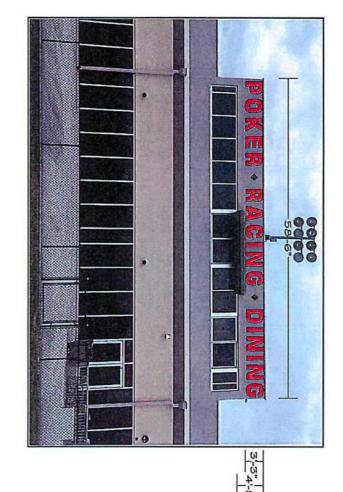




<u>ATTACHMEN</u>T A

SCALE 3/32"=1'-0"





Dynamic Engineering Solutions, Inc. John H. Omstaer, PE 52733, EB 28829 351 S. Cypress Road, Suite 303 • Pompano Beact

DESIGNED IN COMPLIANCE 2017 FLORIDA BUILDING CODE, ELL EDITION SECTION 1820 AND APPENDIX HAND ASCE 7-19
VULT) YIND SPEED ______ MPH • EXPOSURE CLASSIFICATION = C • RISK CATEGORY = II



1" black trimp cap - 5" deep black aluminum returns. Sign to be mounted flush on building elevation.

Fabricate and Install one (1) set of 36" LED illuminated plastic face channel letters and diamonds mounted flush to wall. Letters: .177" milk white utilizing 3M translucent cardinal red vinyl overlay. Diamonds: Day/night perforated vinyl overlay.

Total Sign Area: 172.5 sq/ft

PROPOSED:

03 • Pompano Beach, Fl. 33060		DESIGN PRES	SURE	PSF		
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JOB NAME	POKE	R RACII	NG DIN	ING		
ADDRESS	960 S V	960 S WILLIAMSON BLVD DAYTONA BEACH, FL. 321			32114	
DESIGNER	DW	G NO.	SAL	ES REP.	DAT	

GARY



APPROVAL

REVISIONS

This Design is the property of Moneill Signs, Inc. and may not be reproduced without permission. 400 Ninth Street, Bunnell, FL 32110 Ph. 386-586-7100 Fax. 386-586-0073
Website - www.mcneillsigns.com Sales Dept. E-mail - sales@mcneillsigns.com

Memorandum



Post Office Box 2491
Daytona Beach, Florida 32115-2491
(386) 255-8171
CobbCole.com

To: Dennis Mrozek, Planning Director, City of Daytona Beach

From: Deborah D. LaCroix, CLA

Date: August 29, 2018

Client/Matter #: Daytona Beach Kennel Club Sixth Amendment to Planned Development-

General Rezoning DEV2018-089

Subject: Neighborhood Meeting Summary - August 28, 2018

A neighborhood meeting was held onsite at the project location at 960 S. Williamson Boulevard, Daytona Bcach, FL on August 28, 2018 at 6:00 p.m.

Rob Merrell, Fred Guzman and Debi LaCroix were in attendance to explain the rezoning amendment request.

The meeting was attended by only two neighbors who received the invitations to the meeting. See attached Sign-In Sheet.

The neighbors were receptive to the proposed amendment.

We look forward to this item being scheduled for the Planning Board at their next available meeting.

Thanks.

Deb.

DAYTONA BEACH KENNEL CLUB, INC. PLANNED DEVELOPMENT-GENERAL AMENDMENT

DEV2018-089

NEIGHBORHOOD MEETING AUGUST 28, 2018 6:00 P.M. SIGN IN SHEET

NAME	ADDRESS	TELEPHONE NUMBER
Chew	Coxuell One Day tora Blud	386.681-6517
SOCIAL	WGUSTIS 1801 W INTL SPADULAY	386-681-6757
Fred	Grenory 960 5 Willianson	386-947-330
RUL	Megral 1495. Ridgewood We	3239163
Deb	Messell 1495. Ridgewood We Whatring Cobb Core	323-9263
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ATTACHME

William M. Cobb (1881-1939)Thomas T. Cobb (1916-2004) W. Warren Cole, Jr. (1926-2008) Rhoda Bess Goodson (1950-2017)

Scott W. Cichon Robert A. Merrell III John P. Ferguson Mark A. Watts Heather Bond Vargas Kelly Parsons Kwiatek Kathleen L. Crotty Andrea M. Kurak Matthew S. Welch



Daytona Beach · DeLand

149 South Ridgewood Avenue, Suite 700 Daytona Beach, Florida 32114 (386) 255-8171 CobbCole.com

August 16, 2018

Michael O. Sznapstajler Pamela R. Masters Robert E. Doan Holly J. Woersching Rachel I. Pringle Erica C. Johnson Taylor M. Westfall Sarah Zimmerman Fogle

OF COUNSEL Harold C. Hubka Thomas J. Leek Larry D. Marsh Maja Sander Bowler William A. Parsons Peter R. J. Thompson*

RETTRED Thomas S. Hart

*Practice limited to federal immigration matters

INVITATION TO NEIGHBORHOOD MEETING

Dear Neighbor:

The law firm of Cobb Cole has the pleasure of representing Daytona Beach Kennel Club, Inc., the owner of 38+/- acres of property located at 960 S. Williamson Boulevard in Daytona Beach, as shown on the attached map.

The property consists of an already approved Planned Development project including The Daytona Beach Kennel Club and Card Room. These uses will remain unchanged. The owner is amending the current Planned Development Agreement to allow for additional wall signage, to allow outdoor recreation/entertainment and special events as permitted uses, and to allow the existing billboard to be treated as on-site signage.

As neighbors to the proposed development, we would like to invite you to discuss the project on Tuesday, August 28, 2018 at 6:00 p.m. at The Daytona Beach Kennel Club, located at 960 S. Williamson Boulevard, Daytona Beach, FL 32114.

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

Robert A. Merrell III

Direct Dial (386) 323-9263 Email Rob.Merrell@CobbCole.com

Fax (386) 944-7955

Sincerely

RAM:ddl Enclosure(s)

{033852-025 : RMERR/DLACR : 02307143.DOCX; 1}



5239-53-01-0010 County of Volusia 123 W. Indiana Avenue DeLand, FL 32720-4253

5226-00-00-0130 Event Equipment Leasing, Inc. 1801 W. International Speedway Blvd. Daytona Beach, FL 32114

5227-00-00-0130 Lakic Enterprises, Inc. & In Land We Trust, LLC 354 Pinewoods Road Ormond Beach, FL 32174 5226-00-00-0140 NORPAK c/o J. Sam Owens 400 S. Palmetto Avenue Daytona Beach, FL 32114

5235-00-00-0020/5227-00-00-0141 Berrien H. Becks, Sr., Trustee Berrien H. Becks Sr. Revocable Trust P.O. Box 2140 Daytona Beach, FL 32115

5227-00-00-0140 Daytona Flea Market, LLC 125 N. Ridgewood Avenue Daytona Beach, FL 32119

{033852-025 : DLACR/DLACR : 02307229.DOCX; 1}



NEIGHBORHOOD MEETING NOTICE

NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON 18 AT 6:00 PM TO INTRODUCE THE LOWING APPLICATION FOR THIS PROPERTY: PD Amendment-Signs/Use DEV2018-089 G WILL BE HELD AT THE FOLLOWING LOCATION: ture, 960 S. Williamson Blue, DB, Re INTERESTED PARTIES CAN CONTACT CO



Memorandum



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Daytona Beach, Florida 32115-2491
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Thanks.

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DAYTONA BEACH KENNEL CLUB, INC. PLANNED DEVELOPMENT-GENERAL AMENDMENT

DEV2018-089

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Society	NGUETIS 1801 W INTI SPADULAY	386-681-6757
Fred	Grenor 960 5 Willianson	386-947-330
Rus	Megrall 149 S. Ridgewood We	3239168
Deb	Atherdray Cops Core	323-9263
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As neighbors to the proposed development, we would like to invite you to discuss the project on **Tuesday**, **August 28**, **2018 at 6:00 p.m.** at The Daytona Beach Kennel Club, located at 960 S. Williamson Boulevard, Daytona Beach, FL 32114.

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

Robert A. Merrell III

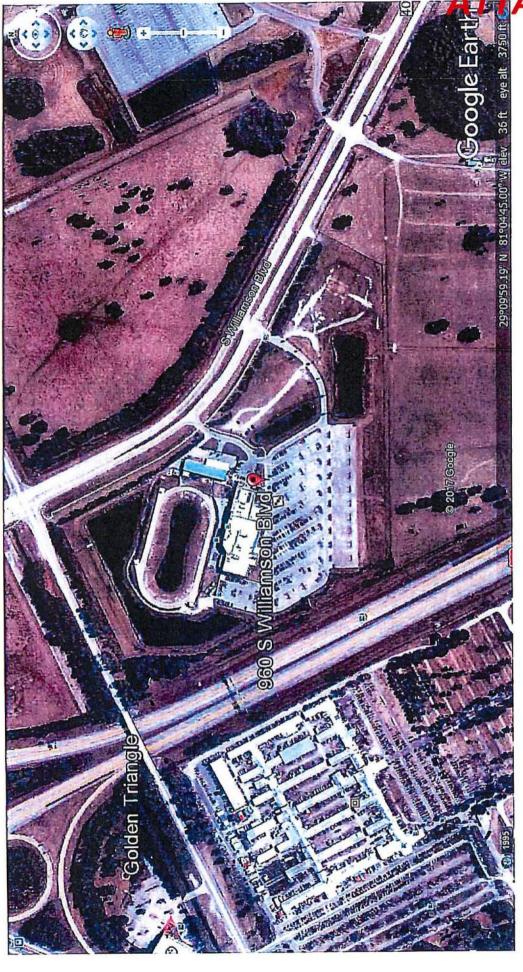
Direct Dial (386) 323-9263 Email Rob.Merrell@CobbColc.com

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5227-00-00-0140 Daytona Flea Market, LLC 125 N. Ridgewood Avenue Daytona Beach, FL 32119

{033852-025 : DLACR/DLACR : 02307229.DOCX; 1}

NEIGHBORHOOD MEETING NOTICE

NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON Amondment-Signs/Use DEVOOLER ING APPLICATION FOR THIS PROPERTY: 1/8 AT 6:00 PM TO INTRODUCE THE

THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION: 9605, Williamson Blue - DB. R

FRESTED PARTINS MAN CONTACT

NEIGHBORHOOD MEETING NOTICE

NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON AT 6:00 PM TO INTRODUCE THE OWING APPLICATION FOR THIS PROPERTY: PD Amendment-Signs/Use DEV2018-089 ING WILL BE HELD AT THE FOLLOWING LOCATION: Here, 9605 Williamson Blue DB, Re INTERESTED PARTIES CAN CONTACT CON

