

PLAN REVIEW COMMITTEE  
MINUTES  
DECEMBER 3, 2010

The Plan Review Committee met in regular session on Friday, December 3, 2010, at City Hall in the City Commission Chambers, 210 Sams Avenue, New Smyrna Beach, Florida. The meeting was called to order at 9:00 a.m. by Gail Henrikson

The following members were present and introduced themselves for the record:

Gail Henrikson  
Mike Bosse  
Kyle Fegley  
Randy Walter  
Mike Knotek  
Marissa Moore  
Rhonda Walker in for Khalid Resheidat

David Mims, Police Department was absent.

Debbie Jenkins, Recording Secretary, was also present.

APPROVAL OF MINUTES

**A motion was made by Marissa Moore to approve the minutes of the regular meeting held November 5, 2010; seconded by Randy Walter. Motion passed unanimously.**

Debbie Jenkins swore in staff and the applicants.

**PUD-3-10: BISHOP'S AUTO/1111 CANAL STREET**

Roy Bishop  
1111 Canal Street  
New Smyrna Beach, Florida

Tom DiSimone  
100 Riverside Drive  
New Smryna Beach, Florida

Ms. Henrikson explained the 21 minor clarifications and corrections needed to the language of the plan. Ms. Henrikson stated that there were no major issues with this plan.

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There were no questions from the applicant.

Kyle Fegley, City Engineer, reviewed the five Engineering comments regarding clarifications and corrections to language on the plan.

The applicant did not have any questions.

Ms. Moore reviewed the one comment with regard to Landscaping.

The applicant had no comments or questions.

Randy Walter, Utilities Commission Representative, addressed the applicant for the case and reviewed the Utilities Commission's comments. Mr. Walter questioned why the Master Development Agreement in section 7, subsection A addresses off-site improvements.

Mr. DiSimone explained that he believed it was standard language that was used.

Ms. Henrikson stated that she did not believe the intent was to run new sewers lines down Canal or Hickory but rather to connect to the system if service was expanded in the future.

Mr. Walter stated that storm water would be constructed to City specifications and the sewer and water lines constructed in accordance with the Utilities Commission's standards and regulations.

Ms. Henrikson suggested taking the word "off-site" out of the title.

Mr. Walter reviewed the remaining two comments.

The applicant acknowledged the request to add comment number three.

Mr. Bosse stated that both his comments were covered under the Planning comments and that he did not have any other comments to speak of.

Ms. Henrikson asked if Mr. Knotek had comments.

Mr. Knotek stated he had no comments.

Ms. Henrikson summarized the next step in the process and how to resubmit the changes and the deadlines involved.

There were no comments submitted from the Police Department.

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There were no comments or questions from the applicant.

**SP-7-10: PAT COLLADO REAL ESTATE OFFICE/402 FLAGLER AVENUE**

Pat Collado  
1312 N. Penninsula Avenue  
New Smyrna Beach, Florida

Gerard Pendergast  
5900 S. Atlantic Avenue  
New Smyrna Beach, Florida

Ms. Henrikson asked Mr. Pendergast if there were specific comments that he would like to address.

Mr. Pendergast asked for clarification regarding the 25 foot visibility triangle.. The comment states there is a driveway within twelve feet and therefore this visibility triangle is necessary. But there is no driveway there.

Ms. Henrikson stated there is a driveway shown on the survey.

Mr. Fegley stated there is no connection.

Ms. Henrikson stated that there is a driveway indicated to the north on the survey, which is the existing parking off of Cooper Street.

Ms. Collado asked if the visibility triangle is necessary because that area needs more parking and she would like to do that right away.

Ms. Moore stated she had made that comment because nothing greater than 3 feet in height can be within that triangle so that people can see when pulling out.

Ms. Collado stated that there is no driveway there and she would like to have that removed. Ms. Collado spoke about the impact that would have on the property for possible future use.

Ms. Henrikson stated that the only reason that was included was because there's some landscaping proposed there and if a large tree was planted it would be an issue. She mentioned that Mr. Fegley had stated there would not be a problem because the visibility triangle will actually be in the right away and not from the property line.

Ms. Collado asked would it be okay then.

Mr. Fegley stated there will not be an issue with the visibility and that any visibility issues will be within the right of way.

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Mr. Pendergast stated that the stock-piled bricks that were in question are going to be used.

Mr. Pendergast stated that there were no issues with the civil and landscaping comments and unless Ms. Henrikson had any further issues then there are no issues with the Planning comments as well.

Ms. Henrikson asked how the applicant was going to address item number one.

Mr. Pendergast stated by minor subdivision. The applicant does not want to do a unity of title.

Ms. Henrikson asked if a minor subdivision would be done for the encroachments on the north part of lot 65. Ms. Henrikson stated there are only two parking spaces that are physically on the lot at 402 Flagler. Therefore, how would the applicant ensure that the other four extra spaces needed for the new building will continue to be tied to this parcel.

Ms. Henrikson stated that there would have to be some kind of legal document either a unity of title or some sort of easement. Ms. Henrikson stated that she was not sure how one could give an easement to one's self and that is why she thought a unity of title agreement should be used. Ms. Henrikson also asked the applicant how would one subdivide a parking lot.

Mr. Pendergast stated that the applicant could lease those spaces to themselves.

Ms. Henrikson stated the City would need some legal form to insure that those four spaces would be linked to that parcel. The easiest way would be to have a unity of title agreement.

Ms. Collado said that she could do a lease back for those spaces.

Mr. Knotek noted that this would create a building problem. If it is not sole ownership or the properties are not legally tied together then there is an issue with the rear property line and a fire rating problem on the structure because the garage door is right on the property line.

Mr. Pendergast stated that the applicant would not want to do a unity of title on all four lots.

Mr. Knotek asked how the parking would be tied to the other two lots.

Mr. Pendergast stated by a lease agreement.

Mr. Bosse stated that there would still be a building issue related to the openings, ratings and firewall being set on the lot line. Implementing the unity of title would allow the flexibility needed for any future plans to build.

Mr. Pendergast stated that they could combine lots 28 and 66.

Ms. Henrikson asked if the applicant would then eliminate parking spaces 3-9.

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Mr. Pendargast stated they would eliminate.

Ms. Henrikson stated then at a later point if parking spaces 3-9 were needed the applicant could do a minor subdivision or unity of title.

Mr. Pendargast stated the applicant wanted to start construction of the parking lot as early as Monday because there is a need for more parking in the area and with the upcoming holidays the applicant felt the sooner the project was started the better.

Ms. Collado stated there is a real issue with parking with all the events that take place on Flagler Avenue not to mention problems with trash after the events. She felt it necessary to start on this parking lot as soon as possible.

Ms. Henrikson stated any parking lot of 8 or more spaces needs site plan approval and time-wise it would not be possible to get approval by Monday and complete the construction by Wednesday.

Ms. Henrikson stated that the applicant needs to consider what their intent is for these lots in the future with regard to how they handle the issues today. She stated the easiest way to handle this would be to combine all four lots. Then in the future if the applicant wanted to split off a portion, they could do so by a minor subdivision.

Mr. Walter asked about addressing the parking issues immediately and what could be done now.

Ms. Henrikson stated the applicant could build seven parking spaces right now. The question is whether they are going to trip that 4,000 square foot impervious threshold with just seven parking spaces and drive aisles and driveway, which would require the St. Johns permit.

Mr. Walter asked how many parking spaces are needed for the small building.

Ms. Henrikson stated six.

Mr. Pendargast stated actually four because there are two on site.

Mr. Pendargast asked for clarification of the recommendation made by Ms. Henrikson.

Ms. Henrikson stated all the applicant would have to do is to go down to the property appraiser's office on Canal and tell them that you want to combine the parcels under one tax identification number.

Ms. Walker stated concerns with regards to trash. Ms. Walker asked if they had toter service and if it was kept the garage.

Ms. Collado stated that she has receptacles from Home Depot that she uses.

Ms. Walker stated that there is no provision made for a dumpster should usage change in the future.

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Mr. Knotek asked when a container would be required.

Ms. Walker said usually for a restaurant for example. She said that other real estate offices and small businesses on that street use totter service but they have receptacles that those totters go in and in her plan it states the totters will be stored in the garage.

Mr. Pendargast asked if the totters were okay to use and to store as planned.

Ms. Walker stated yes.

Mr. Knotek stated plans call for type 3-B construction. There is a problem with the rating on the eastern wall. There would have to be a 2-hour wall. If the applicant changed to type 5-B construction it would only have to be a one hour wall. Mr. Knotek also stated that there would have to a parapet roof because of the distance from the property line and the only way to eliminate that is to rate the roof structure by using a roof structure assembly. It would have to be the entire roof.

Mr. Knotek spoke of the window openings and stated that the stairway would have to be noncombustible. Mr. Knotek stated roof openings would have to be ten feet apart and the roof would have to be one hour rated.

Mr. Knotek stated that the applicant needs to consider what the second floor would be used for in the future. Right now the occupancy load is 34. If that occupancy changes to 50 or above there will be issues with the stairwells. Any change in the usage in the future could prove costly in trying to make it meet code. Mr. Knotek mentioned cleanouts in the sanitary system and asked about the electrical service.

Mr. Pendargast stated that he spoke with Mr. Walter concerning this and would like to come from the northeast corner and run along the perimeter or run under the driveway. Mr. Pendargast stated his intention was to route everything underground from the back and in the driveway areas.

Mr. Walter mentioned cleanouts are on the southwest corner and are indicated on the plans.

Mr. Pendargast asked whether, if there is less than 30 people on the second floor, would there still be a need for a second stairwell.

Mr. Knotek stated according to the building code a second egress would not be necessary.

Mr. Bosse stated as long as it stays as the same type of business. If that changes so would the code requirements.

Mr. Knotek stated that if all three requirements are met then the applicant would be all set. Those three requirements are needed, a business, the occupancy is less than 30 upstairs and the distance of travel from the remote area upstairs to the egress is less than 75 feet.

Mr. Pendargast asked about a hood and ancillary system.

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Mr. Knotek stated because the applicant would be putting in a range, this would be required

Mr. Bosse said because it has a stove top that would require a hood and ancillary system. If it were just an oven then it would be okay.

Mr. Bosse stated that Mr. Knotek went over most of his concerns and all other items are already on the plans.

Mr. Walter went over the Utilities Commissions' comments.

Ms. Henrikson explained the next step in the process.

There were no further comments or questions from applicant

ADJOURNMENT

There being no further business, the meeting adjourned at 10:05 a.m.