# MINUTES
# PLANNING & ZONING BOARD MEETING
# September 9, 2019
# 3000 Bellemead Drive Daytona Beach Shores, FL 32118

## 1. OPENING REMARKS

**Present:** Member Rick Delange, Member Chuck Horion, Member Rose Ann Tornatore, Member James Lilly, Chairman John Schmitz
**Staff:** Board Attorney Lonnie Groot, City Planner Stewart Cruz, Community Services Director Fred Hiatt

## 2. MINUTES

**MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to approve the minutes of July 8, 2019.**
**Vote:** Motion carried by unanimous roll call vote (**summary**: Yes = 5 No = 0).

A. Planning & Zoning Minutes July 8, 2019

## 3. DISCUSSION ITEMS

A. Development Agreement Application DA12019025: 109 Dunlawton Boulevard, Shores 109, LLC

City Planner Stewart Cruz provided a brief staff report. On August 5th, the owner submitted a development agreement application for the property at 109 Dunlawton Avenue. There are five deviations from the Land Development Code requested by the property owner as the site has many constraints. The first is that the owner shall be permitted to have up to 40 dining seats in an outdoor dining patio area. The second is that the allowable square footage for signage can exceed the permitted footage for a commemorative sign. The third item would be that the owner will not be required to provide landscape buffers on the site. The fourth item would be that the owner shall not be required to provide the minimum fifteen feet turning radius in back up areas. The fifth and final item would be that the owner is permitted to have a two foot front yard setback to construct the outdoor dining area. In return, the city would receive seven public benefits consisting of a permanent utility easement, access easement, additional green area, a commemorative sign, architectural enhancements to the building, addition of a commercial opportunity, and the redevelopment and beautification of an abandoned, outmoded and unsightly commercial property along the gateway to the city. All due public notice was provided and the application meets all criteria. The property would maintain a residential apartment upstairs. Staff recommended approval of the agreement.

The board members questioned the owner as to a timeline and the type of restaurant that would go in the space. Owner Brandon Galbreath explained that he would just develop the property and then interview tenants. He would choose the best one to fit in.

Audience member Bill Dryer stated that the plan looked nice. He inquired about any eligible economic incentive money since the city had not sold any property as yet. Planner Cruz responded that the city had also budgeted funds that would be replenished.

**MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER RICK DELANGE to recommend approval of the Development Agreement DA12019025 as presented to the City Council.**

**Vote:** Motion carried by unanimous roll call vote (**summary**: Yes = 5 No = 0).

**Yes:** Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose Ann Tornatore

B. Comprehensive Plan Amendment CPA12019026: Amending the Future Land Use Element to establish a Transfer of Development Rights Program.

City Planner Stewart Cruz presented his staff report explaining that this was considered an administrative amendment by staff. The concept originated from the Economic Development Agency. If approved, it would create a Transfer of Development Rights (TDR) program. The overall goal of the TDR program is to encourage and promote development and the efficient use of land within the City by enabling the transfer of unused and/or unwanted density from one parcel of property to another. All transfers would be density neutral. If this is approved by the City Council, it will then get more detailed for the Land Development Code. All transfers would be documented for the public record and recorded. They would also run with the land in the future. This type of program has been successful in other parts of the country. Staff recommended approval.
Chairman Schmitz inquired who would track the transfers. Planner Cruz stated that a tracking mechanism would be created. Board member Lilly felt that any developer would request a Development Agreement to ensure his project was completed.
There was no public input either for or against.

**MEMBER CHUCK HORION moved, seconded by MEMBER ROSE ANN TORNATORE to recommend approval of the Comprehensive Plan Amendment CPA12019026 to the City Council.**
**Vote:** Motion carried by unanimous roll call vote (**summary**: Yes = 4 No = 1).
**Yes:** Member Rick Delange, Member Chuck Horion, Member Rose Ann Tornatore, Chairman John Schmitz
**No:** Member James Lilly

**4. OTHER**

**5. BOARD COMMENTS**

The board inquired about their new responsibilities. Planner Cruz advised that the board would now hear any variance requests. He explained that the board would increase to seven regular members.

**6. ADJOURNMENT**

The meeting ended at 9:33 am.

**Cheri Schwab, Recording Secretary**

**John Schmitz, Chairman**