



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING JANUARY 13, 2020

**8:30 AM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Notice is hereby given to all interested parties that if any person should decide to appeal any decision made at the aforementioned meeting of the P&Z Board, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City Clerk, City of Daytona Beach Shores, at least five working days prior to the meeting.

1. **OPENING REMARKS**
2. **MINUTES**
 - A. Planning & Zoning Minutes December 9, 2019
3. **QUASI-JUDICIAL HEARING**
 - A. Zoning Map Amendment RZ12019030: Atlantic Avenue Estates, LLC-Parcel ID 6302-05-07-0150
4. **DISCUSSION ITEMS**

- A. Comprehensive Plan Amendment CPA12020001: To create a new Future Land Use Goal that would allow the limited expansion of nonconforming single-family residential uses and structures on properties with the High Intensity Future Land Use.

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

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

1. OPENING REMARKS

Present: Member Rick Delange, Chairman John Schmitz, Member Rose Ann Tornatore, Member Van Alder, Member Anthony Rembiszewski

Staff: City Clerk Cheri Schwab, City Attorney Raymond Branch, Community Services Director Fred Hiatt, City Planner Stewart Cruz.

2. MINUTES

A. **Planning & Zoning Minutes September 9, 2019**

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER RICK DELANGE to Approve Planning & Zoning Minutes September 9, 2019.

Vote: Motion carried by unanimous vote.

3. DISCUSSION ITEMS

A. **Future Land Use Map Amendment CPA12019029:
Atlantic Avenue Estates, LLC-Parcel ID 6302-05-07-
0150**

The Chair opened the hearing at 8:40 am.

City Planner Stewart Cruz presented the proposed amendment to the board. It was noted that all due public notice requirements were met. He showed the location of the property explaining there was a request to change the density classification from Low Density Residential to Medium Density Residential. If the change was approved, it would allow up to 25 residential units on the site. The developer only plans to construct a total of 16 residential apartments in two separate 8-unit buildings. The buildings would be staggered on the site and have separate parking lots. The property is surrounded by condominiums and single-family homes. Due to the mixture of dwellings in the neighborhood, staff felt it would be compatible. It was stated that staff reviews the application for consistency with the Comprehensive Plan and there were no deficits found. The only outside agency who had not sent a response as yet was the school board, but staff did not feel it would receive a negative response. Staff recommended approval to the City Council.

City Planner Cruz did mention that after City Hall closed on December 6th, three emails were

received from residents. He did not have time to review them before the meeting and copies were given to the board members.

Mr. Schmitz mentioned that traffic could be tight on South Atlantic Avenue south of Dunlawton. Mr. Cruz responded that traffic is below the allowed capacity.

PJ Warner, representative for the property owner, explained that the original plan was to build three-story town homes. The current real estate market is not conducive for that and the plan has now changed. The owners now intend to build a two-story, high end apartment buildings directed towards younger families and professionals. They intend to have one-year leases at approximately \$1,600 per month.

There was no one in favor of the project who wished to speak.

Those opposed to the project: Mrs. Louise Spence, Cassandra Stewart and Cassie Miller all spoke against the project. They felt the project would not fit into the neighborhood of single-family homes. They were against apartments and having renters come and go. They stated there would be an increase in noise and traffic. Other concerns were beach access and the loss of green space.

Chairman Schmitz explained that all the emails received stated the same issues of concern.

Rebuttal from the applicant: Mr. Warner stated that they are trying to do something with the vacant lot. The architecture will blend in the neighborhood and have a Key West style. City Planner Cruz explained that in reviewing the future land use of a property, concerns such as beach access and green space do not apply to the standards. It was noted that there are two beach accesses nearby.

The hearing ended at 9:45 am.

There was no further discussion by the board.

Ms. Tornatore moved, seconded by Mr. Delange to recommend approval of CPA12019029 to the City Council on the condition that the school district gives its approval.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3 No = 2).

Yes: Member Rick Delange, Chairman John Schmitz, Member Rose ann Tornatore

No: Van Alder, Anthony Rembiszewski

B. Zoning Map Amendment RZ12019030: Atlantic Avenue Estates, LLC-Parcel ID 6302-05-07-0150

City Planner Stewart Cruz stated that due to an advertising error, the item would need to be continued to the January 13th meeting.

Mr. Alder moved, seconded by Mr. Rembiszewski to continue the agenda item to the January 13, 2020 meeting.

The motion unanimously passed by a voice vote.

4. OTHER

A. **Consideration of Meeting Schedule for 2020**

After a brief discussion, it was decided to keep the meeting on the second Monday of the month at 8:30 am.

5. **BOARD COMMENTS**

6. **ADJOURNMENT**

The meeting ended at 9:51 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman



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AGENDA PLANNING & ZONING BOARD MEETING JANUARY 13, 2020

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PLANNING & ZONING BOARD AGENDA MEMORANDUM JANUARY 13, 2020 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Zoning Map Amendment RZ12019030: Atlantic Avenue Estates, LLC-Parcel ID 6302-05-07-0150

SYNOPSIS:

Zoning Map Amendment RZ12019030 application (**Exhibit A**) was submitted to the City on October 17, 2019 by owner/applicant, Atlantic Avenue Estates, LLC. The subject application is a request to change the Official Zoning Map District designation of the property generally located at 3828 S. Atlantic Avenue (PID 6302-05-07-0150) from RMF-3 Multifamily Residential (Low Density) District to RMF-2 Multifamily Residential (Medium Density) District. The former permits up to 12 units per acre while the latter allows up to 35 units per acre. Ordinarily if this change were to be approved, the subject +/-0.71 acre property density entitlement will change from a total of nine (9) units to 25 residential units on the site. However, the applicant has also submitted a concurrent Comprehensive Plan Map and Text amendment that would limit the number of units on the site to 16. The applicant has noted his intention is to construct a total of 16 residential apartments on site in two separate 8-unit buildings. The east and west buildings will each have separate driveways to S. Atlantic Avenue and Cardinal Boulevard, respectively. There will be no cross vehicular access between the apartments. The applicant has indicated construction will start as soon as government approvals are

obtained. It should be noted there has been public opposition to the associated requested land use changes (**Exhibit B**).

FISCAL IMPACT STATEMENT:

The FY2019/2020 Budget has adequate funding to implement all administrative and technical functions associated with the proposed amendment. If approved, the subject property will experience an increase in assessed taxable value subsequent to construction of the proposed development.

BACKGROUND:

Analysis: Community Services Director/Building Official, Fred Hiatt

The subject property was previously rezoned to RMF-3. Per 14-20.1 of the City's Land Development Code, the purpose and intent of the RMF-3 zoning is to provide some low density multifamily that can abut single-family zoning districts. In my opinion the previous rezoning was consistent with the city's zoning. However, the requested zoning (RMF-2) is not intended to directly abut single-family districts. Hence, the reason this language is omitted from the RMF-2 Purpose and Intent (14-19.1).

Further, I'm not convinced the application meets the city's zoning criteria and minimum standards. Specifically, I'm concerned with Item #'s 12 and 13 found in the staff report. I don't see evidence in the application demonstrating how this change benefits anyone other than the property owner. The RMF-2 zoning would triple the allowable density from 8 units to 25 units. Even if the property owner agrees to limit the number of units to 16, it is still twice as many. Because the majority of this property directly abuts single-family (on three sides), I cannot support this request. In the future, if rezonings continue southward from the Ocean Terrace Club, it may be more appropriate, then, but not now.

Planning Analysis: See **Exhibit C** attached.

LEGAL REVIEW:

The City Attorney will provide comments, if any, during the public hearing.

RECOMMENDATION:

Staff has varying recommendations regarding the subject application and will be prepared to answer any questions the Board may have.

SUGGESTED MOTION:

A Planning and Zoning Board member may move as follows:

1. "I move to recommend approval of RZ12019030 as presented"
- OR
2. "I move to recommend approval of RZ12019030 with the following conditions..."
- OR
3. "I move to deny the application on the basis of the following"

- ATTACHMENT:**
1. Exhibit A-Application and Zev Cohen Analysis
 2. Exhibit B-Public Comments
 3. Exhibit C-RZ212019030 Atlantic Avenue Estates S. Atlantic Rezoning (P&Z Staff Report)
 4. Ord. 2019-ZZ-RZ Atlantic Ave Estates



City of Daytona Beach Shores
Building & Codes Division
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118
Telephone (386) 763-5377

pd \$ 110.00
+ 70.40
= 180.40
ck# 5914
402437

12019030

APPLICATION TO AMEND ZONING MAP

The Undersigned Applicant requests the Planning and Zoning Board and City Council to decide upon this application in accordance with Section 14-66 and 14-67 of the Land Development Code.

FEES MUST BE PAID AT THE TIME THE APPLICATION IS SUBMITTED

Date Submitted: 10/17/2019

Current Zoning: RMF - 3

Requested Zoning: RMF

Applicant's Name: Atlantic Avenue Estates LLC

Address: 133-15 Beach Channel Drive
Rockaway Park, NY, 11694

Phone #: 718-236-6065

Representative: Zev Cohen & Associates, Inc.

Address: 300 Interchange Blvd. Suite C
Ormond Beach, Florida 32174

Phone #: 386-677-2482

Property Address & Parcel ID: No assigned address - VC PID: 6302-05-07-0150

Property Owner: Atlantic Avenue Estates LLC

NOTE: If applicant is not property owner, attach a notarized statement of authorization

Legal Description of Property:

Lots 14, 15 & 16, Block 7, Ocean View Section of Halifax Estates per Map Book 11,

Page 100 per the Official Records of Volusia County, Florida (1612 PG 0174 per or

4705 PGS 2478-2479 per OR 5532 PG 4310)

[Signature]
Applicant's Signature

10/17/19
Date

THE PLANNING & ZONING BOARD WILL APPLY THE CRITERIA IN SECTION 14-66(4) OF THE LAND DEVELOPMENT CODE WHEN CONSIDERING ZONING MAP AMENDMENTS. PLEASE EXPLAIN HOW YOUR REQUEST MEETS THE FOLLOWING CRITERIA: (YOU MAY ATTACH ADDITIONAL SHEETS)

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

Please refer to the attached analysis regarding the responses to this criterion

402437

2. The proposed zoning will have a favorable or unfavorable impact on the economy of the area affected.

Please refer to the attached analysis regarding the responses to this criterion

3. The proposed zoning will efficiently use or unduly burden water, sewer, solid waste disposal or other necessary public facilities, including schools.

Please refer to the attached analysis regarding the responses to this criterion

4. The proposed zoning will efficiently use or unduly burden transportation facilities.

Please refer to the attached analysis regarding the responses to this criterion

5. The proposed zoning will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment

Please refer to the attached analysis regarding the responses to this criterion

6. The proposed zoning is basically consistent with the comprehensive land use plan.

Please refer to the attached analysis regarding the responses to this criterion

7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?

Please refer to the attached analysis regarding the responses to this criterion

8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?

Please refer to the attached analysis regarding the responses to this criterion

9. Will the proposed change promulgate or encourage a physical benefit or have a stabilizing effect on the surrounding areas?

Please refer to the attached analysis regarding the responses to this criterion

10. Would the proposed changes constitute "spot zoning"?

Please refer to the attached analysis regarding the responses to this criterion

11. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?

Please refer to the attached analysis regarding the responses to this criterion

12. Is the change solely for the benefit of the owner and to the detriment of the community?

Please refer to the attached analysis regarding the responses to this criterion

13. Will the proposed change especially suit the applicant's own special purpose rather than serve the community?

Please refer to the attached analysis regarding the responses to this criterion

14. Would the requested change materially diminish the value of surrounding properties or substantially alter the characteristics of the neighborhood?

Please refer to the attached analysis regarding the responses to this criterion

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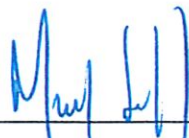
11/17/2019
BUREAU OF
CITY OF PORTLAND, OREGON

LETTER OF AUTHORIZATION

Re: Atlantic Avenue Estates, LLC

To Whom It May Concern:

Please be advised that Zev Cohen & Associates, Inc., is our Civil Engineer/Landscape Architect for the above referenced project. In this regard, this letter authorizes Zev Cohen & Associates, Inc., to act as our agent for and with all regulatory agencies, departments and their respective personnel, in an effort to receive all governmental approvals and permits necessary for the construction and development of Parcel 630205070150 located in Daytona Beach Shores, Florida.

By:  Date: 10/11/2019

STATE OF New York
COUNTY OF Kings

The foregoing instrument was acknowledged before me this 11 day of October, 2019 by Mark Schanck. He/she is personally known to me or has produced _____ as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 11 day of October, 2019.

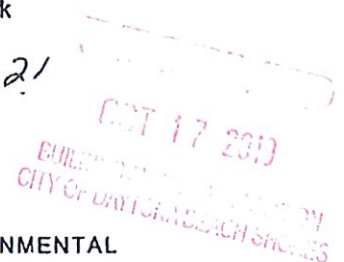


My commission expires: June 13 2021

MK/ns
15200009
cc:

MICHAEL J. DONOHOE
Notary Public, State of New York
No. 01D08128399
Qualified in Kings County
Commission Expires June 13 2021

CIVIL ENGINEERING • TRANSPORTATION • ENVIRONMENTAL
LANDSCAPE ARCHITECTURE • PLANNING


OCT 17 2019
BUILDING DEPARTMENT
CITY OF DAYTONA BEACH SHORES

402437

ATLANTIC AVENUE ESTATES FLUM & ZONING ANALYSIS

Requested Action:

The applicant is requesting an amendment to the City of Daytona Beach Shores Future Land Use Map for this vacant 0.71± acre property located on the west side of South Atlantic Avenue, approximately 670 feet south of the Amelia Avenue intersection with Atlantic Avenue. The property has 150' of frontage on both South Atlantic Avenue and Cardinal Boulevard. The Property is current designated "Low Density Residential" and is zoned RMF-3. The applicant is requesting a "Medium Density Residential" Future Land Use designation which allow up to 35 units per acre. However the applicant is proposing a text amendment to the Future Land Element that will restrict the permitted density on the subject property to no more than 16 units. The applicant is proposing to rezone the property to RMF-2.

Proposed Development:

The applicant plans to develop two 8-unit 2-story multifamily buildings in 2 phases. One building will face South Atlantic Avenue the other building will face Cardinal Boulevard. Each building will have its own parking.

Comprehensive Plan Amendment Analysis

The following provides a discussion of land use compatibility and a summary of the potential impacts on infrastructure resulting from the change in land use. There is also a discussion on how the proposed amendment is consistent with the requirements of the City of Daytona Beach Shores Comprehensive Plan.

1. Surrounding Land Uses

The area shown below depicts the existing development nearby (within 500' of the center of the property) the subject property. The area is a mixture of single family homes, duplexes and large multi-family residential land uses. Table 1 summarizes the land uses in the area. It is apparent from the table and aerial map that amending the Future Land Use Map will not introduce an incompatible use that will have a negative impact on surrounding uses, given the existing mix of residential land uses.

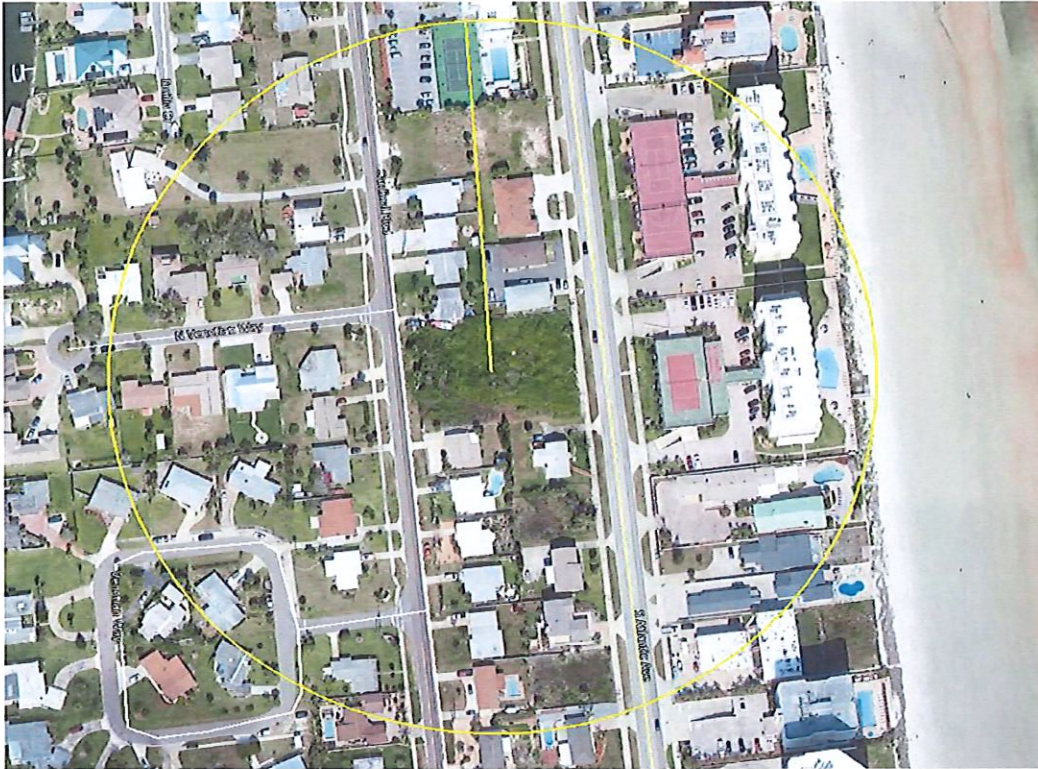


Table 1. Nearby Land Uses

Location	Future Land Use Designation	Existing Use
South	Low Density Residential, High Intensity Use & VC Urban Low Intensity	Single-Family & Multi-family Residential
East	High Intensity Use	Multi-family Residential
North	VC Urban Low Intensity & DBS Medium Density Residential	Duplexes & Multi-family Residential
West	VC Urban Low Intensity	Single-Family Residential

2. Public Facility Impacts

Potential Development Impact on Infrastructure: The following summarizes the difference in the demand for services between the current land use and the proposed amendment. The current land use designation is Low Density Residential (LDR). The LDR allows up to 12 units per gross acre. Based on the current land use and property size, the projected maximum development on the subject site could be eight (8) dwelling units. The proposed land use designation is Medium Density Residential (MDR). The MDR allows a gross density in a range of 12.1 and 35 units per acre. Based the property size, the projected maximum density is 24 dwelling units. However the applicant is proposing to restrict the density to no more than 16 units.

Demand coefficients are based on the Daytona Beach Shores concurrency management regulations. Please be aware that this analysis does not vest the project and that a further review for concurrency is required by the City prior to issuance of the development order for the project.

Table 2. Facility Demand Comparison

Public Facility/Service	Current Land Use/Zoning Demand	Proposed Future Land Use/Zoning Designation Demand
Potable Water*	2,222 gpd	4,444 gpd
Sanitary Sewer	2,000 gpd	4,000 gpd
Stormwater	Attenuation and treatment for 24-hour, 25 year event	
Solid Waste Collection	80 lbs./day	160 lbs./day

*Potable water is overly estimated in order to be consistent with projected sanitary sewer demand.

Table 2 shows the demand for services needed to accommodate the proposed change in land use. Per the Daytona Beach Shores Comprehensive Plan there must be adequate capacity available to serve the project at time of construction. Table 3 provides a summary of the capacity and capabilities of the City of Daytona Beach Shores to provide the required services to the property based on the amended Future Land Use Map.

Table 3. Facility Capacity Analysis

Public Facility/Service	Capacity
Potable Water	Net impact is an increase of 2,222 gallons per day. There is adequate capacity with both water supply and treatment for the proposed amendment.
Sanitary Sewer	Net impact is an increase of 2,000 gallons per day. There is adequate capacity for treatment and disposal of sewage.
Stormwater	Development of the site requires more intensive treatment of stormwater on-site prior to discharge into the existing system. Pre- and post-development flow and rate will be maintained. Stormwater treatment shall comply with federal, state and local requirements.
Solid Waste Collection	This reflects a net increase of 80 pounds per day and there is capacity at the Volusia County landfill.

The demand for potable water and sanitary sewer increases with the proposed amendment and there is adequate supply, treatment and distribution available to serve the proposed increase in intensity. Please note that the estimates are based on concurrency standards from the City of Daytona Beach Shores Comprehensive Plan and Land Development Code, which may overestimate the demand. The actual demand will be a function of the final design and occupancy, which is expected to be considerably less than the demand estimates in this memo. The stormwater standards will require approval from St. Johns River Water Management District (SJRWMD), as well as the City of Daytona Beach Shores. The permitting by SJRWMD and the City of Daytona Beach Shores will ensure that the amount and rate of flow of stormwater from the site is maintained at the pre-development levels and the stormwater quality is improved so as to limit potential for pollution of nearby bodies of water.

Traffic Impacts

A Traffic Impact Analysis (TIA) is not required for the proposed rezoning since the projected traffic will not trip the thresholds established by the City and the River to Sea Transportation Planning Organization (R2CTPO). ZCA completed a preliminary analysis of the transportation impact in order to compare the potential impacts resulting from the proposed Future Land Use Map amendment and rezoning. The analysis shows that under the current land use it is estimated to generate 77 daily two-way trips and 8 PM peak hour trips at build out. The proposed use is projected to 118 daily two-way trips and 9 PM peak hour trips. The net increase of trips at build out will be 41 daily two-way trips and 1 PM peak hour trips that will be distributed on the road network. This means that the transportation demand, specifically the amount of traffic traveling to and from the site, will increase. The following table reflects that the proposed amendment will not have any significant impact on the arterial roads serving the subject area since there is more than adequate capacity. Please note that the City will conduct a formal concurrency review prior to the issuance of the final site development permit.

Table 4. Traffic Impact Analysis

Use	ITE Code	Units	Daily Trip Rate	PM Peak Hour Rate Volume	Estimates Daily Trips	Estimated PM Peak Hour Trips
Single Family Home	210	8 SFDU's	9.57	1.01	77	8
Multi-family Low Rise	220	16 DU's	7.32	.56	118	9

Table 5. Transportation Network Summary

Road	From	To	2018 ADT	LOS Volume	Excess Capacity?
South Atlantic Avenue	Phyllis Avenue	Marcelle Avenue	9,970	14,740	Yes
Cardinal Boulevard	Demotte Avenue	Marcelle Avenue	5,190	13,640	Yes

Consistency with Adopted Comprehensive Plan

The Daytona Beach Shores Comprehensive Plan contains several elements that address a variety of issues. The revision of the future land use map typically involves the Future Land Use, Transportation, Utilities and Capital Improvements Elements. Other elements, such as Coastal Management, Conservation and Parks and Recreation, are not impacted by the proposed amendment.

Overall, the addition of a medium density residential development provides for a cohesive land use pattern. The proposed land use change & rezoning will facilitate the development of a vacant lot that is surrounded by existing residential and tourist land uses. The in-fill development will help in reducing the amount of vacant properties within Daytona Beach Shores. The final site plan will incorporate all any needed expansions of City facilities to meet the demand associated with the proposed development. The following lists specific goals, objectives or policies that show that the proposed Future Land Use

Map Amendment and Official Zoning Map Amendment are consistent with the adopted Comprehensive Plan:

Chapter 1. Future Land Use Element

GOAL 1-1: Effectively manage future development by designating appropriate areas for new growth that does not compromise environmental integrity, is responsive to market needs and is consistent with sound land planning practices.

Objective 1-1.1: Future growth will be managed through the preparation, adoption and implementation of a land development code that is compatible with the land use proposals set forth in this Element and coordinated with the availability of municipal facilities and services. Future land development in the City shall discourage urban sprawl through the designation of appropriate densities (see Policy 2 under this Objective) that will retain the compact development already in place. All future development in the City shall be required to maintain at least a 50-foot setback from the existing Coastal Construction Control Line (CCCL). With this, as well as adherence to the regulations being promulgated by the Department of Environmental Protection in the establishment of the new CCCL, new development shall be protected from any storm surge that occurs as a result of tropical storms that impact the area. This objective shall be measured through the implementation of the following policies.

Policy 1-1.1.2: Maintain and enforce land development regulations consistent with the following standards:

1. Residential

- a. Low Intensity: up to 4 units per gross acre
- b. Low Density: up to 12.0 units per gross acre
- c. Low Density-Riverside: between 12.1 and 15 units per gross acre. Properties shall be developed as a planned unit development (PUD) and meet the following designation criteria: (i) land shall abut the Halifax River, (ii) land shall have a minimum parcel size of three (3) acres, (iii) land must be served by public infrastructure including but not limited to potable water and wastewater lines, and (iv) land shall have direct access to a major thoroughfare.
- d. Medium Density: between 12.1 and 35.0 units per gross acre
- e. High Density: between 35.1 and 60 units per gross acre (site specific density to be controlled by Land Development Code)

Policy 1-1.1.3: Maintain and enforce land development regulations consistent with the location and extent of land uses as discussed within the Element and indicated on the Future Land Use Map. To this end, the map that accompanies the new Land Development Regulations shall reflect the Future Land Use Plan Map 2020, in terms of ensuring that zoning districts shall be consistent with the map. All new development and redevelopment activities shall be required to be consistent with the zoning district classifications.

Chapter 5. Coastal Management Element

Policy 5-1.5.5: The City shall require that all infrastructure is available to serve development or redevelopment in its coastal area at the densities proposed in the Future

Land Use Element, consistent with coastal resource protection and safe evacuation, by assuring funding for infrastructure that will be phased to coincide with the demands generated by development or redevelopment. The City recognizes that its entire land area falls within the Hurricane Vulnerability Zone. Therefore, it has a policy that it has already adopted through its building code that requires all new development to be built to withstand hurricane force winds. This policy shall remain in effect throughout the planning period.

Consistency with the Florida Administrative Code

The 2011 the Florida Community Planning Act repealed Rule 9J-5 F.A.C.

Consistency with the Volusia County Growth Management Consistency Rules

The proposed amendment is consistent with the requirements and will be submitted in accordance with the rules established by the VGMC for determination of consistency for small-scale amendments.

Zoning Review Criteria

The City of Daytona Beach Shores Land Development Code includes provisions in Chapter 82, Article V, Division 5, Sections 83-372 and 374 that require the Board of Planning and Appeals and City Commission to consider the following criteria in its review of each application. The following summarizes the criteria and applicant's response in support of the proposed change to the Official Zoning Map.

The following are the criteria established in the City of Daytona Beach Shores LDC pertaining to amendment to the Official Zoning Map. These are the standards to be used by the Planning and Zoning Board in the review of applications to amend the Official Zoning Map.

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

The subject property is a .71 acre vacant lot that is surrounded by developed property. A review of geographical information system (GIS) data from Volusia County and St. Johns River Water Management District reveals no indicators of significant natural resources that require preservation or conservation of the land. There should be no impacts to the environmental and natural resources in the area.

2. The proposed zoning will have a favorable or unfavorable impact on the economy of the area affected.

The subject property is vacant and is not being used for its highest and best use. The rezoning to RMF-2 will allow for the development of a medium density residential development that is compatible with the surrounding uses. This will increase the taxable value of the property.

3. The proposed zoning will efficiently use or unduly burden water, sewer, solid waste disposal or other necessary public facilities, including schools.

The proposed rezoning will allow development of the property with 16 units that will have minimal impact to the infrastructure and facilities of the City.

4. The proposed zoning will efficiently use or unduly burden transportation facilities.

The development of the property with 16 units will have minimal impact on the road network in the area and will not result in the traffic to exceed the adopted levels of service.

5. The proposed zoning will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.

The development of the property with 16 units will provide additional housing that is primarily in-fill development that is in close proximity to non-residential areas that provide for employment opportunities.

6. The proposed zoning is basically consistent with the comprehensive land use plan.

The rezoning of the property is consistent with the proposed amendment to the Future Land Use Map and the overall goals, objectives and policies contained in the adopted Comprehensive Plan.

7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?

Properties adjacent to Atlantic Ave are no longer a desirable location for low density residential growth.

8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?

No mistakes were made with the original zoning of the property.

9. Will the proposed change promulgate or encourage a physical benefit or have a stabilizing effect on the surrounding areas?

Future Land Use Map Amendment and rezoning will provide the opportunity to develop the vacant land for a residential development that is compatible and consistent with the character of the area. This will have a stabilizing effect on the surrounding area and support commercial activity.

10. Would the proposed changes constitute "spot zoning"?

No the proposed change will not constitute spot zoning since there are multiple zoning classifications assigned to all of the adjoining properties.

11. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?

The proposed rezoning will not allow for a "totally different" use and will not violate the integrity of the zoning classification. The proposed zoning is consistent with the surrounding residential development and provides for a reasonable use that is located immediately across from the multi-family tourist use developed on the east side of South Atlantic Avenue

12. Is the change solely for the benefit of the owner and to the detriment of the community?

While the property owner certainly hopes to benefit from the use of his property, it will not be at the expense of the community. The development of this vacant site as medium density residential will add to the tax base and provide increased customer base to support commercial activity in the City.

13. Will the proposed change especially suit the applicant's own special purpose rather than serve the community?

No, the proposed rezoning will not suit the applicant's special purpose and the proposed land use and zoning is consistent and compatible with the surrounding developed area. This is an in-fill project that will help the City in fostering redevelopment on the west side of A1A.

14. Would the requested change materially diminish the value of surrounding properties or substantially alter the characteristics of the neighborhood?

The proposed development is consistent and compatible with the residential development in the area. It will not diminish the value of surrounding properties and it will not substantially alter the characteristics of the neighborhood

Summary

- The proposed amendment to the City's Future Land Use Map is consistent with the adopted Comprehensive Plan and is compatible with the surrounding land uses.
- The rezoning to RMF-2 is consistent with the proposed amendment to the Future Land Use Map and provides for a compatible use of the property.
- The analysis shows that the theoretical increases in the demand for urban services can be adequately addressed and there is no need for expansion of these facilities in order to serve the

proposed development of the site. A detailed concurrency evaluation will be performed prior to the City of Daytona Beach Shores issuing a development permit.

- The proposed rezoning is generally consistent with the goals, objectives and policies contained in the adopted City of Daytona Beach Shores Comprehensive Plan.
- The proposed rezoning to RMF-2 complies with the requirements contained in *City of Daytona Beach Shores Code of Ordinance, Appendix G, Land Development Code, Chapter 14, Article IX-Planning and Zoning Board, Section 14-66, Supplementing or Amending the Zoning Ordinance.*

Exhibits

Aerial Location

Existing Future Land Use Map

Proposed Future Land Use Map

Existing Zoning

Proposed Zoning

Photos of Site

LEGEND

City Limits



Subject Site (0.71 Acres)



CR 4075 (ATLANTIC AV S)

ATLANTIC SHORELINE

Port Orange

Daytona Beach Shores

VENETIAN WAY N

Subject Site

CARDINAL BLVD

VENETIAN WAY

Date Saved: 9/27/2019

Created by: eubrien
Path: Z:\PROJECTS\2015\15200\Aerial Map(2).mxd

100 50 0 100 Feet

Aerial Map
Atlantic Avenue Estates LLC
S. Atlantic Avenue



300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482

LEGEND

-  City Limits
-  Subject Site (0.71 Acres)
- FLU - Daytona Beach Shores**
-  High Intensity Use
-  Low Density Residential
-  Medium Density Residential
- FLU - Volusia County**
-  Urban Low Intensity



Date Saved: 9/27/2019

Created by: eobrien
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100 50 0 100 Feet

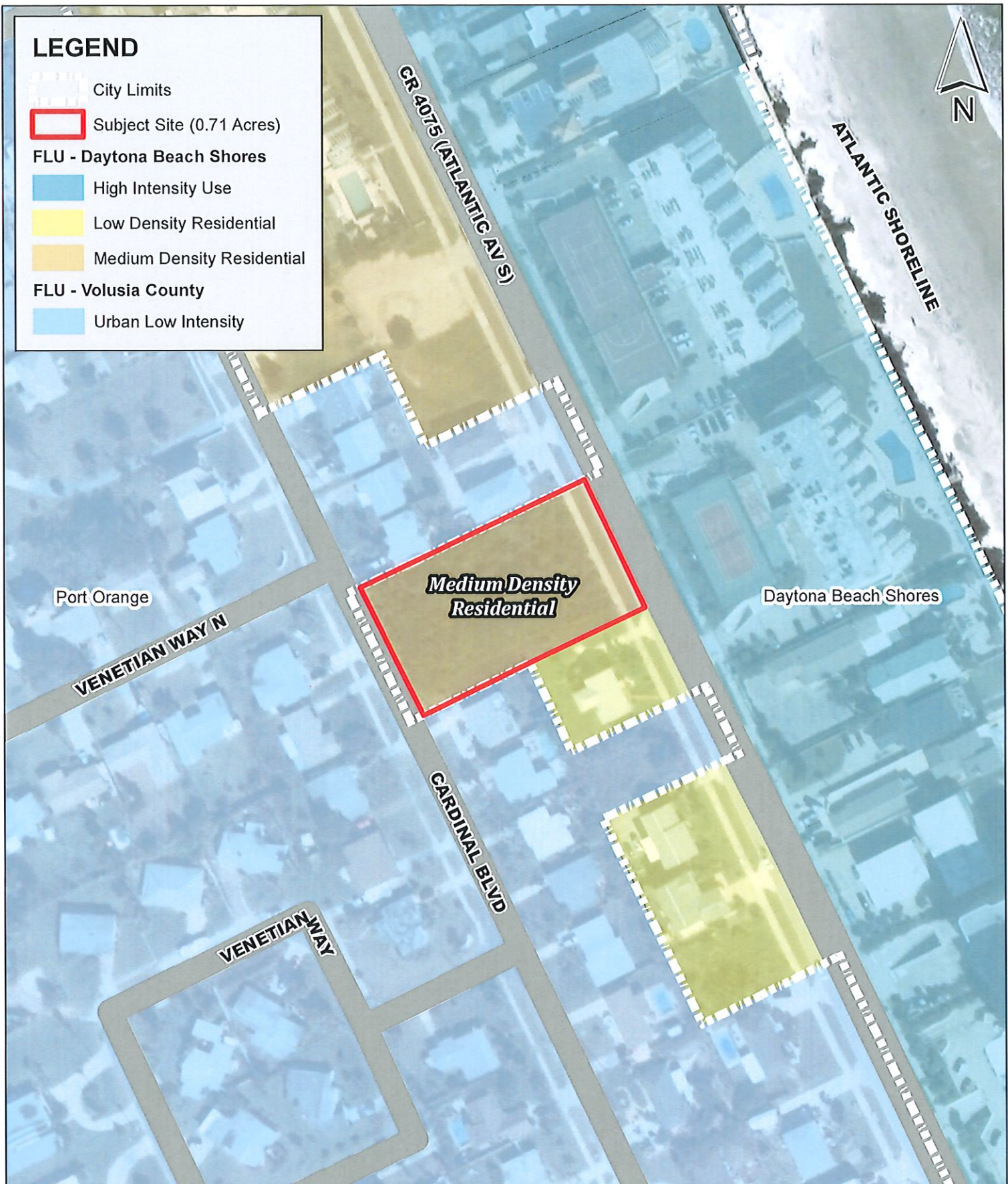
FLU Map - Existing
Atlantic Avenue Estates LLC
S. Atlantic Avenue



300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482

LEGEND

-  City Limits
-  Subject Site (0.71 Acres)
- FLU - Daytona Beach Shores**
 -  High Intensity Use
 -  Low Density Residential
 -  Medium Density Residential
- FLU - Volusia County**
 -  Urban Low Intensity



Date Saved: 9/27/2019

Created by: eslufen
Path: Z:\PROJECTS\2015\15200-Proposed FLU Map.mxd

100 50 0 100 Feet

FLU Map - Proposed
Atlantic Avenue Estates LLC
S. Atlantic Avenue



300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482

LEGEND

 City Limits

 Subject Site (0.71 Acres)

Zoning - Daytona Beach Shores

 Hotel/Motel - Multifamily Residential (High Density)

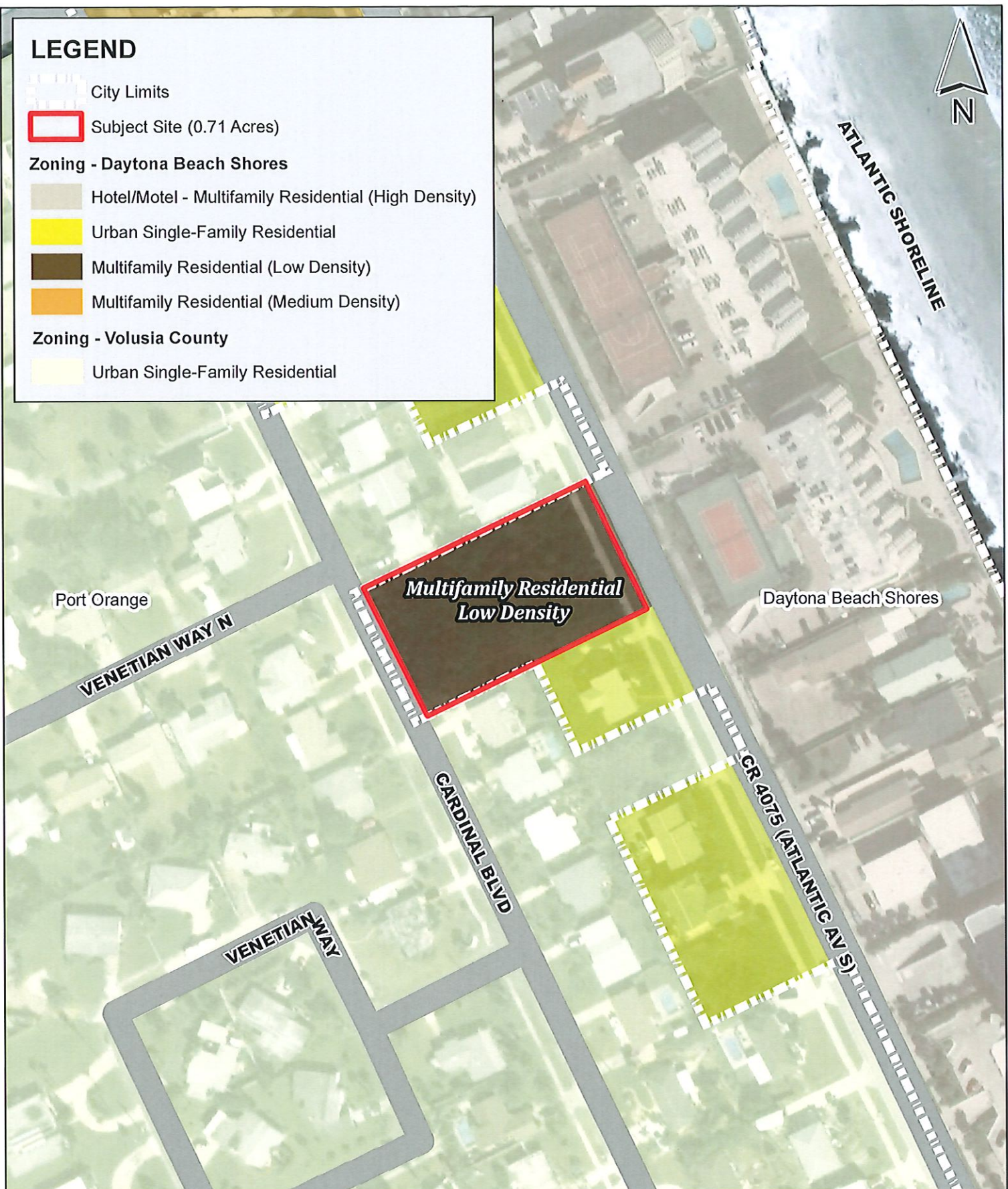
 Urban Single-Family Residential

 Multifamily Residential (Low Density)

 Multifamily Residential (Medium Density)

Zoning - Volusia County

 Urban Single-Family Residential



Date Saved: 10/17/2019

Created by: estrian
Path: Z:\PROJECTS\2015\15200 Existing Zoning Map.mxd

100 50 0 100 Feet

Zoning - Existing
Atlantic Avenue Estates LLC
S. Atlantic Avenue

 **ZEV COHEN**
& ASSOCIATES INC

300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482

LEGEND

-  City Limits
-  Subject Site (0.71 Acres)
- Zoning - Daytona Beach Shores**
 -  Multifamily Residential (Medium Density)
 -  Urban Single-Family Residential
 -  Hotel/Motel - Multifamily Residential (High Density)
- Zoning - Volusia County**
 -  Urban Single-Family Residential



ATLANTIC SHORELINE

Port Orange

VENETIAN WAY N

**Multifamily Residential
Medium Density**

Daytona Beach Shores

CARDINAL BLVD

VENETIAN WAY

CR 4075 (ATLANTIC AV S)

Date Saved: 10/17/2019

Created by: wcln
Path: Z:\PROJECTS\2015\15209\Proposed Zoning Map.mxd

100 50 0 100 Feet

Zoning - Proposed
Atlantic Avenue Estates LLC
S. Atlantic Avenue



300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482



South Atlantic Avenue looking towards southwest



South Atlantic Avenue looking towards northwest



Cardinal Boulevard looking towards southeast



Cardinal Boulevard looking towards southwest

Cruz, Stewart

From: Cruz, Stewart
Sent: Tuesday, December 10, 2019 4:08 PM
To: Andy Anderson
Cc: Hiatt, Fred; Michael Booker
Subject: RE: Recommendation for Rezoning of Cardinal/Atlantic Property
Attachments: P&Z Staff Report.pdf; Exhibit B-Atlantic Avenue Estates-Application.pdf; P&Z Exhibits.pdf; EXHIBIT A.pdf

Dear Mr. Anderson,

Thank you for your inquiry. Please feel free to voice your concerns at any future public hearing you may attend. Please also find below in underline format responses to your inquiries. If you have further questions or would like to discuss in person please do not hesitate to contact me. Thank you.

Stewart Cruz, AICP
City Planner
City of Daytona Beach Shores
2990 S. Atlantic Avenue
Daytona Beach Shores, FL 32118
Tel. # 386.763.5361
Fax. # 386.763.5370

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From: Andy Anderson <andy@rere.com>
Sent: Monday, December 9, 2019 1:38 PM
To: Cruz, Stewart <scruz@cityofdbbs.org>
Subject: Recommendation for Rezoning of Cardinal/Atlantic Property

Dear Mr Cruz,

I attended the public hearing this morning regarding the rezoning of a property from low intensity to medium intensity. I am outraged that you as a staff member and the Board working in the best interests of the City of Daytona Beach Shores can reasonably decide that his rezoning can, to paraphrase the City slogan, make "Life Better Here"!

I would appreciate an email containing the information and recommendations that were proposed at this hearing. See attached.

My family and I have lived on Venetian Way since 2000. The subject property is five lots to the north of my access onto Cardinal. I was not aware of the progress on rezoning this lot. I am a Volusia County resident. This will directly affect my life and property.

I need clarification of some observations I believe were stated in your presentation;

There was a map of the area in which the subject property was in yellow and the surrounding area was in white showing that it is County control. How can the City of Daytona Beach Shores make a decision that has a larger effect on these surrounding county residents than it does any Daytona Beach Shores residents? Local governments in the state of Florida are authorized pursuant to Chapter 163 of the Florida Statutes to make decisions regarding land use changes

within its jurisdictions. However, Future Land Use (Comprehensive Plan) Amendments will also be evaluated by various state agencies and the Volusia Growth Management Commission (VGMC) for impacts on a large resource, community and infrastructure system basis. Under Florida Law and County Charter, the aforementioned amendment does not become effective/legal until such time that the state agencies and VGMC approval is obtained. This does not make Life Better in this neighborhood! The only people benefiting from this rezoning is the Developer and his Agent and Daytona Beach Shores tax coffers.

In your presentation, staff conclusion was that changes are "not consistent but compatible" to the surrounding area? Will you explain how changing the zoning to medium density on a property that is surrounded with low density can be "compatible". I agree that it is not consistent. Consistency generally means matching (exactness) land use whereas compatible refers to the ability in which dissimilar land uses can co-exist. Therefore, based on the residential land use categories that the City has, low density and medium density would be considered compatible whereas low density and high density would not. Because the number of units on this site would be restricted to 16 (vs the 25 which the change would ordinarily permit), and because of the mixture of residential uses in the immediate vicinity (condo, vacation rental, single family and duplexes) staff determined the proposed change with the restriction to 16 units was compatible. Of course, the City Council may wholeheartedly disagree.

There was also discussion between you and the Board regarding the fact that the developer is limiting the number of units to 16 when it will be approved for 25. "Things change over time" was expressed, and a Board member stated to the affect of "we certainly hope that this is built quickly". Will there be verbiage added in the amendment limiting the increase to 16 units IF this amendment is changed. If approved, yes. Expecting the Developer to limit himself is delusional.

The observation by one of those speaking in opposition that there will be significant negative visual impact to the neighborhood is valid. I drive Cardinal Cardinal everyday, the trash on the side of the road by apartments in the area is undeniable. If these apartments are in Shores please let me know and we will have Code Enforcement deal with the issue right away.

I look forward to your response and will speak with you in the future. I can either pick up materials from the Shores office or receive digitally

Sincerely,

Brian Anderson

114 Venetian Way

386-566-2760

Andy@ReRe.com

Cruz, Stewart

From: Fernando Castellanos <fcastellanos@diocesan.com>
Sent: Monday, December 9, 2019 3:15 PM
To: Cruz, Stewart
Subject: RE: 3824 and 3832 Atlantic Complaints

Dear Stewart, thank you for your quick response, I am surprise you answer my e-mail I thought I was writing to a computer I am so glad you answer me.
Thank you and God Bless

Fernando Castellanos

Sales Representative

FCastellanos@Diocesan.com

407.955.2815

DIOCESAN
Catholic Life

Do your parishioners have a favorite parish?

FIND OUT >>

From: Fernando Castellanos [<mailto:fcastellanos@diocesan.com>]
Sent: Monday, December 9, 2019 11:45 AM
To: 'scruz@cityofdb.org'
Subject: 3824 and 3832 Atlantic Complaints

To whom it may concern.

This is a beautiful area to live and if we keep building apartments for rent we are going to ruin this city and make it like Daytona with a lots of business.

There are apartments in the back of my house and I just place a nice pvc fence for \$4,500 and they broke my fence before the week was over I asked them they said they didn't do it and that her roommate that owns the other car was in jail so yes this is the people we are talking about.
NO TO APPARTMENTS FOR RENT FOR THIS AREA.

We love this area don't ruin it. Built Houses not apartments.

Thank you and God Bless you

Attention / Urgent!! ...

This letter was sent to just 3824 and 3832 S. Atlantic. We are hereby copying - in all the other surrounding neighbors to ask for your input and concerns over the city changing this from a single-family lot(s) to "multi-family" lots and proceeding to build a couple of 3-story rental apartments on each. The time to voice your/our complaints is now! Any complaint has to be about: Health, Safety, or Infrastructure in order to be considered. Please take a moment to think about this and write down your concern(s) or forever hold your peace. Thank you!

- The Spence's,
3832 S. Atlantic

P.S. - Please copy us in on your correspondence to the city planner. Thanks!

NOTICE TO ABUTTING PROPERTY OWNERS

November 6, 2019

The builder:

Zev Cohen & Associates, Inc.
300 Interchange Blvd., Suite C
Ormond Beach, Florida 32174

Dear Property Owner:

The owners of the vacant property between 3824 S. Atlantic Avenue and 3832 S. Atlantic Avenue, which abuts your property, have submitted applications to the City of Daytona Beach Shores to change the future land use classification and the zoning district on the property. The following table shows the requested future land use classification and zoning district.

Parcel ID	Proposed Future Land Use	Proposed Zoning
630205070150	<i>from low density</i> Medium Density Residential	RMF-2 (Residential Multi-Family)

... more cars, more people, more noise
The City of Daytona Beach Shores Planning and Zoning Board and City Council will hold Public Hearings on this application as follows:

Planning and Zoning Board: December 9, 2019 at 8:30am.
City Council (1st Reading): January 14, 2020 at 6:00pm.
City Council (2nd Reading/Adoption): February 25, 2020 at 6:00pm.

The public hearings will be held in the City Council Chambers in the Daytona Beach Shores Community Center located at 3000 Bellemead Drive, Daytona Beach Shores, Florida.

All interested parties may appear at the public hearings and will be given an opportunity to be heard. If it will be necessary to reschedule this public meeting to a later date, it will be your responsibility to obtain the time, date and place of the rescheduled meeting.

Information on the future land use and zoning applications are available for public inspection at the City of Daytona Beach Shores, Building & Codes Division, 2990 South Atlantic Avenue. If you have any questions, please contact Stewart Cruz at (386) 763-5361.

1. Comprehensive Plan Future Land Use Map Amendment Schedule:

- P & Z Board: 8:30 AM, Monday, December 9th
- City Council: 6:00 PM, Tuesday, January 14, 2020 (1st Reading)
- City Council: 6:00 PM, Tuesday, February 25 (2nd Reading)

2. Rezoning Map Amendment Schedule:

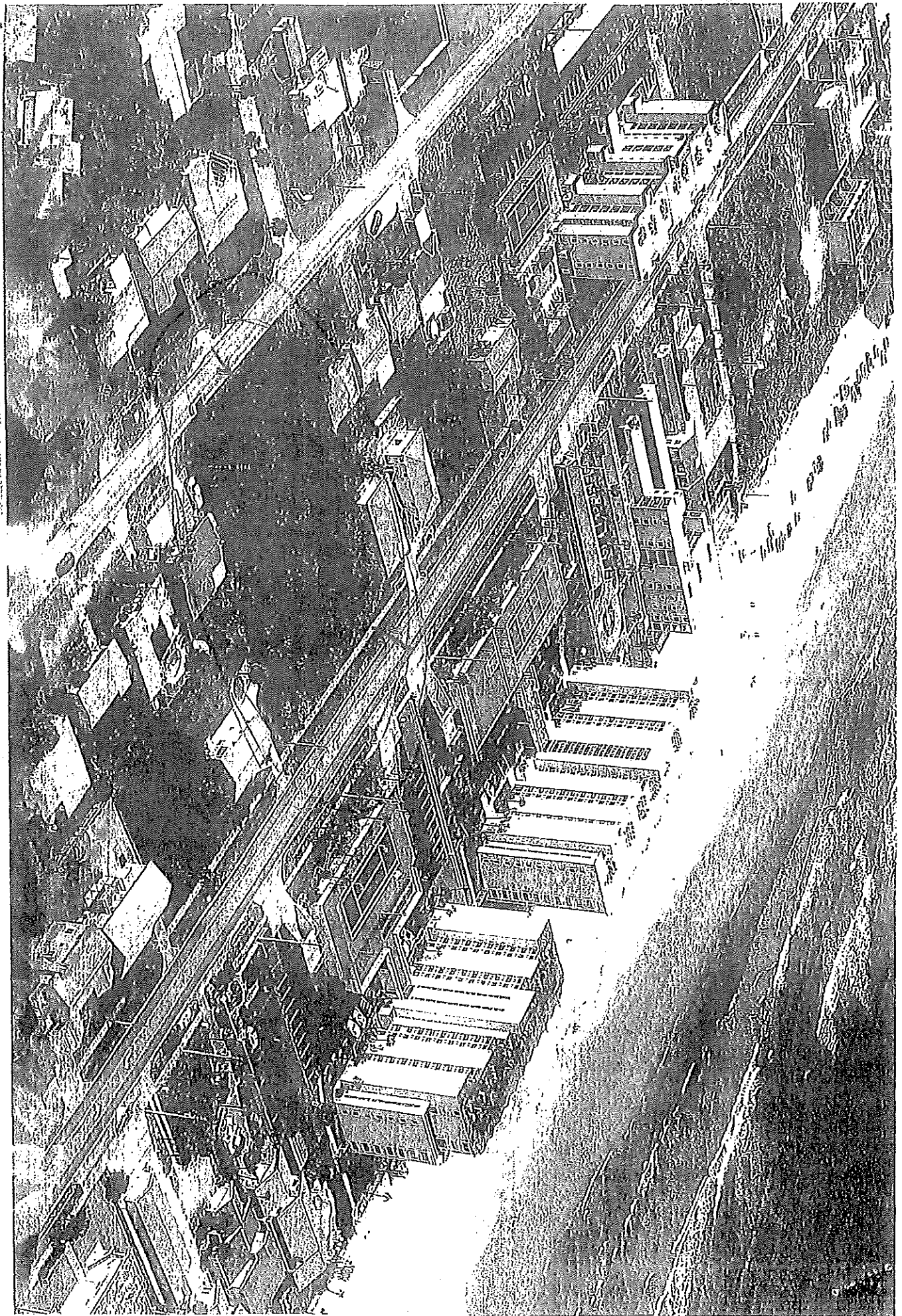
- P & Z Board: 8:30 AM, Monday, January 13
- City Council: 6:00 PM, Tuesday, January 28 (1st Reading)
- City Council: 6:00 PM, Tuesday, February 25 (2nd Reading/Adoption)

Stewart Cruz
City of PAB Shores
City Planner
2990 S Atlantic Ave.
DAB Shores FL 32118

W 386-763-5377

FAX 386 763-5370

email scruz@cityofpbs.org



Questions: (Please add to this list and send to Stewart (Cruz, City Planner) before Monday, December 9th at 8:30 am / Thank you!)

- How many structures will there be?
- Will it (they) be three stories high?
- Will there be separate or integrated garages?
- How many access streets will go into and out of the tract?
- Can neighborhood residents be shown a layout of the proposed?
- Since we understand they will be rental units, can we expect that they will be as well cared for as condos whose owners would most likely take better care of them?
- How much more traffic & noise will there be?

Other questions/concerns?

I live next door and am very unhappy they want to build apartments. I have

apartment buildings in the back of my house and I just spend \$4,500 in placing a fence and

is less than a week the people from these apartments broke my

fence. They said it was not them and they roommate was in jail and she

didn't do it and the same night they broke bottles in the parking lot

They should not but have

apartment for rent.

Keep it Residential ONLY. Not renters

Cruz, Stewart

From: Cruz, Stewart
Sent: Monday, December 9, 2019 2:10 PM
To: Keith@a1acm.com
Cc: Bob Brazeau
Subject: RE: Zoning Committee - 3824-3832 South Atlantic
Attachments: Atlantic Avenue Estates LLC - Concept Plan 12-2-19.pdf

Good afternoon Mr. Lennartson.

I provided the Planning and Zoning Board with your Board's letter. The vote was 3-2 in favor of the project. The letter will also be provided to the City Council for their consideration in January. Please also see attached concept plan of development. If approved, the proposed development would be two two-story 8-unit apartments (a total of 16 units). The current approval, despite being for only eight units, is for four 3-story duplex townhomes. Please also note traffic analyses conducted by both staff and the applicant's engineer have determined there is adequate capacity on both roadways. If the project is approved, the County of Volusia Traffic Engineering Department (which has jurisdiction over the adjacent roads) will review the plans and determine what safety measures shall be implemented by the developer, if deemed warranted by the department in question. If you have any further inquiries please contact me at your convenience. Thank you.

Stewart Cruz, AICP
City Planner
City of Daytona Beach Shores
2990 S. Atlantic Avenue
Daytona Beach Shores, FL 32118
Tel. # 386.763.5361
Fax. # 386.763.5370

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From: Keith@a1acm.com <keith@a1acm.com>
Sent: Saturday, December 7, 2019 11:33 AM
To: Cruz, Stewart <scruz@cityofdbbs.org>
Cc: Bob Brazeau <bobbrazeau0@gmail.com>
Subject: Zoning Committee - 3824-3832 South Atlantic

Good day, Mr. Cruz.

As discussed, please find correspondence regarding the upcoming Zoning Committee Meeting attached.

We hope to see you there!

Keith Lennartson, LCAM

Keith Lennartson, LCAM
Portfolio Manager
South Atlantic Communities

Office: 386.236.0474



2422 South Atlantic Avenue
Daytona Beach Shores, FL 32118
www.a1are.com



6 December 2019

Mr. Stewart Cruz
City of Daytona Beach Shores
Building and Codes Division
Daytona Beach Shores, FL 32118

Dear Mr. Cruz;

Thank you again for your continued commitment to communicating with our Blue Surf Condominium community regarding the potential changes that affect us all. You have been a very valuable and accessible resource for our team.

We are writing you in concern for the latest notice regarding the vacant properties across the street from us, 3824 and 3832 South Atlantic Avenue. While we fully intend on being represented at the meeting on Monday, 9 December, it doesn't hurt to back it up in writing.

We understand that these parcels are zoned for low to medium density residential usage. Further, the developers have some latitude in their approach that range from 16 to 35 units in the new structures.

Our concerns are twofold:

- A. The traffic on South Atlantic Avenue is already challenging particularly during peak seasons and events. 35 units at an average of 2 cars per unit could create safety issues in our stretch of South Atlantic Avenue.
- B. Additional, tall building structures alter the aesthetic that has drawn many to invest in homes in our condominium as well as in our surrounding neighborhoods. Blocked sightlines and a canyon effect can occur when both sides of a thoroughfare are burdened with tall building structures.

In the end, our largest concern is point B. We trust that the City of Daytona Beach Shores can creatively engineer traffic solutions that can carry the additional burden of more cars on the beachside. However, the loss of the aesthetic that residents and visitors alike have come to love requires the highest consideration.

Please keep the buildings limited to two stories.

All the best,

Robert Brazeau, President
Blue Surf Condominium Management Association, Inc.

Cruz, Stewart

From: Cruz, Stewart
Sent: Monday, December 9, 2019 1:58 PM
To: christydelaosa@gmail.com
Cc: Hiatt, Fred; Michael Booker; Dembinsky, Stephan
Subject: RE: Parcel 630205070150
Attachments: Atlantic Avenue Estates LLC - Concept Plan 12-2-19.pdf

Greetings Mr. and Mrs. de la Osa,

Please find below my responses to your inquiry in underline format. If you have any questions or need any clarification please feel free to contact me. Thank you.

Stewart Cruz, AICP
City Planner
City of Daytona Beach Shores
2990 S. Atlantic Avenue
Daytona Beach Shores, FL 32118
Tel. # 386.763.5361
Fax. # 386.763.5370

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From: christydelaosa@gmail.com <christydelaosa@gmail.com>
Sent: Friday, December 6, 2019 6:11 PM
To: Cruz, Stewart <scruz@cityofdbbs.org>
Subject: Parcel 630205070150

Mr. Stewart Cruz

My husband and I are writing to request that you ask the potential builders of the above mentioned parcel some questions on our behalf.

We have been residents of Daytona Beach Shores for over 9 years now and have loved watching it grow and progress. When we first moved here we were the youngest family in the area, but as time went on and the economy grew more and more younger families moved to the area.

This has been amazing and we love it. Our concern is that with an apartment complex there will be increased traffic that can lead to dangers for the young children that ride their bikes, skateboard, and cross A1A with their surf boards.

Our questions are the following:

1. How many actual units are being proposed? Two two-story eight unit apartments are being proposed for a total of 16 units.
2. Will there be garage parking, below ground, or above? Surface parking is being proposed.

3. Will it be gated? Based on the plan proposed (attached), it does not appear to be a gated development.
4. What will be the minimum rental length and will they allow sub-rentals? I will forward your question to the developer.
5. Will any be sold as permanent residential units? It is my understanding these will all be rental units.
6. What impact will this have on our first responders (i.e.: additional police, fire, and rescue)? I will forward your question to the Public Safety Department. Please note however the Fire Division has reviewed the proposal and does not object.
7. Have any traffic studies been done (i.e.: entrance from cardinal and A1A)? Traffic analyses conducted by both staff and the applicant's engineer have determined there is adequate capacity on both roadways. If the project is approved, the County of Volusia Traffic Engineering Department will review the plans and determine what safety measures shall be implemented by the developer, if needed.
8. Will there be add crosswalks with lighting? I will forward your question to the developer. Please note however, the County of Volusia will determine this outcome based on their needs analysis.
9. How will they handle beach access? Beach access is not required however the nearest beach access is located at Emilia Avenue, which is 0.2 miles north of the property.
10. Can surrounding residents be shown the proposed layout? Yes, please see attached concept plan.
11. Will there be security for the property (i.e.: cameras, hired security)? I will forward your question to the developer.
12. What is the estimated time of completion? I will forward your question to the developer.
13. What impact will this have on our property values? I will forward your question to the developer.

We respect and encourage the growth of the city, but this end of the Shores has historically been residential. Our concern, again, is that this turns into an over populated and transient area. Many of the condos are only allowed to rent for 6 months plus and some yearly in our area. As it is there are issues with some property owners renting their homes.

Across the street from us is 3843 S. Atlantic, and I must say it has been insane. Recently they had a car club rent the home and there had to have been over 30 people there. They would pull out their cars and back up A1A as they all pulled out. Additionally, they were loud into the late hours and left trash everywhere. Please note the City has nuisance noise regulations. Therefore, should the need ever arise again in the future, please contact the Volusia County Dispatch at their non-emergency telephone number (Tel. 386-248-1777) and the DBS Public Safety Department will investigate and take appropriate actions. Please also contact the DBS Code Enforcement Division (Tel. 386-763-5377) to address the trash situation should it ever arise again in the future.

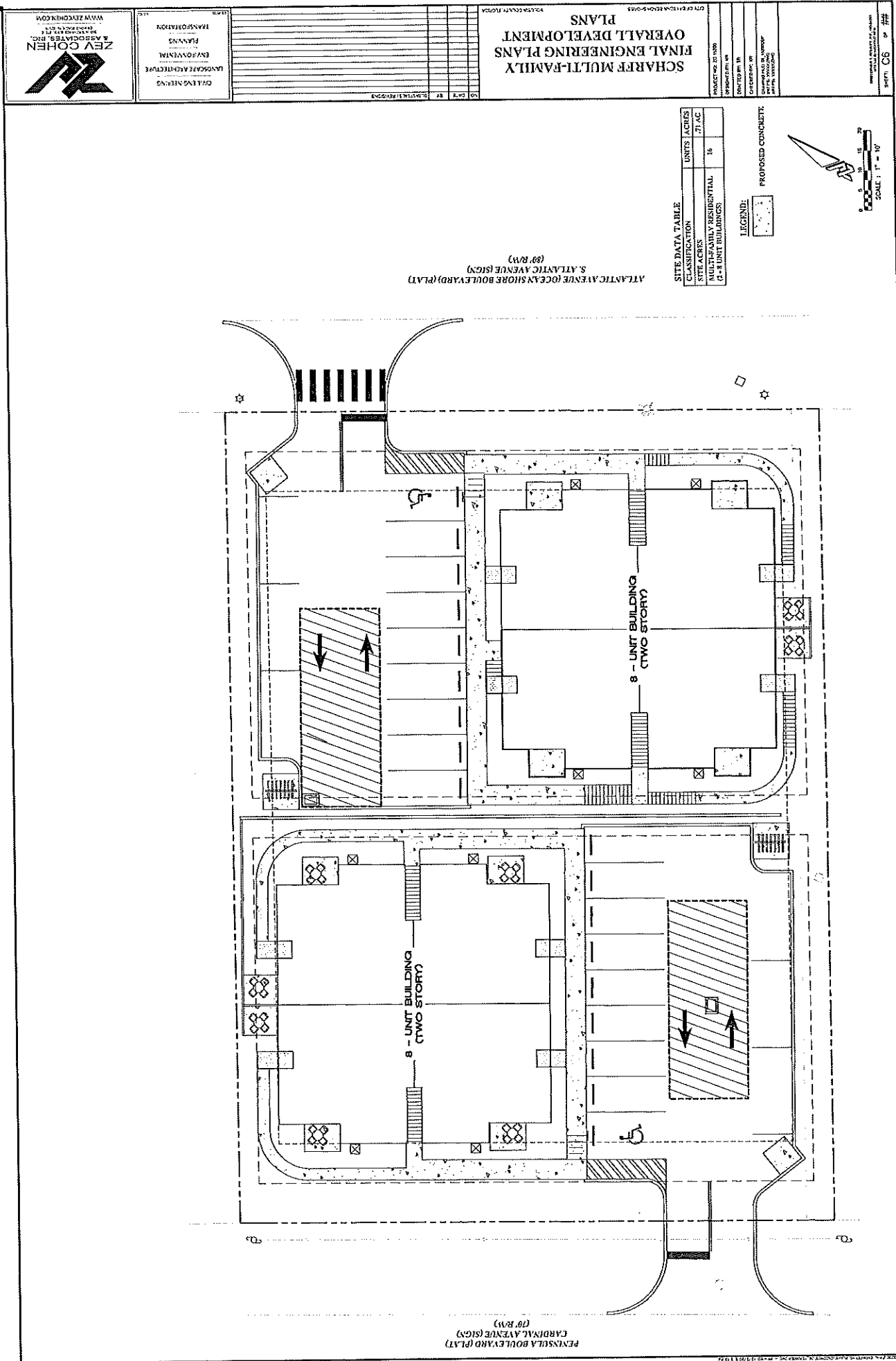
If we are to accept more rental we must be prepared to enforce codes and laws, and owners of the properties must be equally responsible. Growth is a wonderful thing, but it has a price. With the influx of young families comes more children, and we must consider this and how it will impact them. As it stands many of the bus stops are on Cardinal and there is no sidewalk on the east side. It is crazy dangerous!!!

Cardinal Boulevard is a County road under the jurisdiction of the County of Volusia and the vast majority of properties abutting Cardinal Boulevard are County properties. Please note however, except for single family homes, any new development in the Shores is required to construct sidewalks in front of the development if none exist. Therefore, if this property is ever developed, the Shores will require a sidewalk on the Cardinal side of the property.

Thank you in advance for considering our questions regarding this parcel.

Regards,
Michael and Christina de la Osa
3840 S. Atlantic Avenue
DBS, 32118

Sent from Mail for Windows 10



LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION

SCHARFF MULTI-FAMILY
OVERALL DEVELOPMENT
FINAL ENGINEERING PLANS
PLANS

CITY OF ATLANTA RECORD-9-0-183
PROJECT NO. 20-000
SHEET: CS
DATE: 10/1/2018
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

Cruz, Stewart

From: Cruz, Stewart
Sent: Monday, December 9, 2019 1:28 PM
To: Charlie Van Derven
Cc: Hiatt, Fred; Michael Booker; Dembinsky, Stephan
Subject: RE: Questions and Safety Concerns Over Property Proposal of Vacant Lot Between 3824 S. Atlantic and 3832 S. Atlantic
Attachments: Atlantic Avenue Estates LLC - Concept Plan 12-2-19.pdf

Greetings Mr. Van Derven:

Thank you for your inquiry. Please find below responses to your questions in underline format. If you have any questions or need any clarification please advise. Thank you.

Stewart Cruz, AICP
City Planner
City of Daytona Beach Shores
2990 S. Atlantic Avenue
Daytona Beach Shores, FL 32118
Tel. # 386.763.5361
Fax. # 386.763.5370

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From: Charlie Van Derven <cvanderven@social-advisors.com>
Sent: Friday, December 6, 2019 4:44 PM
To: Cruz, Stewart <scruz@cityofdbfs.org>
Subject: Questions and Safety Concerns Over Property Proposal of Vacant Lot Between 3824 S. Atlantic and 3832 S. Atlantic

Hello Mr. Cruz,

I am writing with questions and to express concern over the proposed zoning change for parcel 630205070150 located between 3824 S. Atlantic and 3832 S. Atlantic. I own the single-family home at 3838 S. Atlantic, only three lots away from the proposed building site. We recently spoke about zoning for property improvement on my lot.

My questions include:

1. Is there a site plan that includes the number of structures planned for the lot? Yes, please see attached the proposed rezoning concept plan provided by the applicant.
2. Can the concerned neighbors be shown a proposed layout? Yes, it is public record. Please see attached.
3. How many residents are expected? The proposal is for 16 units. Considering the average DBS occupancy rate is 1.7 per household (US Census, 2010), it is expected that the number of new residents will be 27 (versus 14 new residents under current land use rights).

4. Has there been a study on potential traffic and noise impact? Noise impact studies are not required for land use changes, therefore none was conducted. Basic traffic analysis are required for land use changes unless the project is of major significance, then a full traffic study may be required. Both the applicant and staff's traffic impact analyses have determined that the two adjacent roadways have adequate capacity to accommodate the proposed change.
5. As these will be rental units, can we expect that they will be as well cared for as the condos that are owned units? The City has property maintenance standards and these will enforce as is currently being done throughout the City.
6. What is the planned street layout/access through the property? There is none at this time. Please see attached concept plan.
7. Will all the structures be three story? The existing plan is for three-story duplex townhomes. However, the proposed apartments are for two stories only (see attached concept plan).
8. What is the proposal for garages? Or, will it be surface parking? Issues such as these are typically not addressed during a land use or zoning change stages. However, according to the concept plan attached, surface parking is proposed.

Aside from some obvious concerns like increased traffic and increased noise, I have concerns related to the rentals in the neighborhood.

The property at 3843 S. Atlantic, across the street from my home, is used as a short term rental. During the car show weekend before Thanksgiving, there were a minimum of 30 people in that home. They partied for three days straight, including 50-75 people in front of the home and on the sidewalk on A1A. Not only were we kept awake until the early hours of the morning, I cleaned trash from my yard and my neighbors' yards both the morning of Sat 11/23 and Sun 11/24. The following morning, dozens of the renters were on the roof of the home taking photos. A clear safety issue. Please note the City has nuisance noise regulations. Therefore, should the need ever arise again in the future, please contact the Volusia County Dispatch at their non-emergency telephone number (Tel. 386-248-1777) and the DBS Public Safety Department will investigate and take appropriate actions. Please also contact the DBS Code Enforcement Division (Tel. 386-763-5377) to address the trash situation should it ever arise again in the future.

This past weekend, there was an arrest at Windward South Condo, 3845 S. Atlantic. That incident started with a fight on the beach that I witnessed with 2 of my neighbors. In three years of living at my current residence, I have never seen the two people that were in the fight and were subsequently arrested. I speculate that they were renters.

Both of these incidences brought inherent safety issues to me, my family and my neighbors. The last thing this neighborhood needs is more rental units.

If the plans go through to change the zoning, allowing for more rental units in this area, it will be a true indication that the City of Daytona Beach Shores has greater interest in their tax base than they do the safety and well-being of their residents.

Thank you for your consideration.

Charles T. Van Derven
3838 S. Atlantic Ave.
Daytona Beach Shores, FL 32118
386-846-5291

Charlie Van Derven, Social Advisors
Tel: 800-524-9451 | Cell: 386-846-5291
cvanderven@social-advisors.com | www.social-advisors.com

SCHARFF MULTI-FAMILY OVERALL DEVELOPMENT PLANS

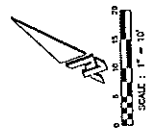
ZEV COHEN
 ARCHITECTS, INC.
 1000 W. 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1100
 WWW.ZEVCOHEN.COM

CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE
 ENVIRONMENTAL
 PLANNING
 TRANSPORTATION

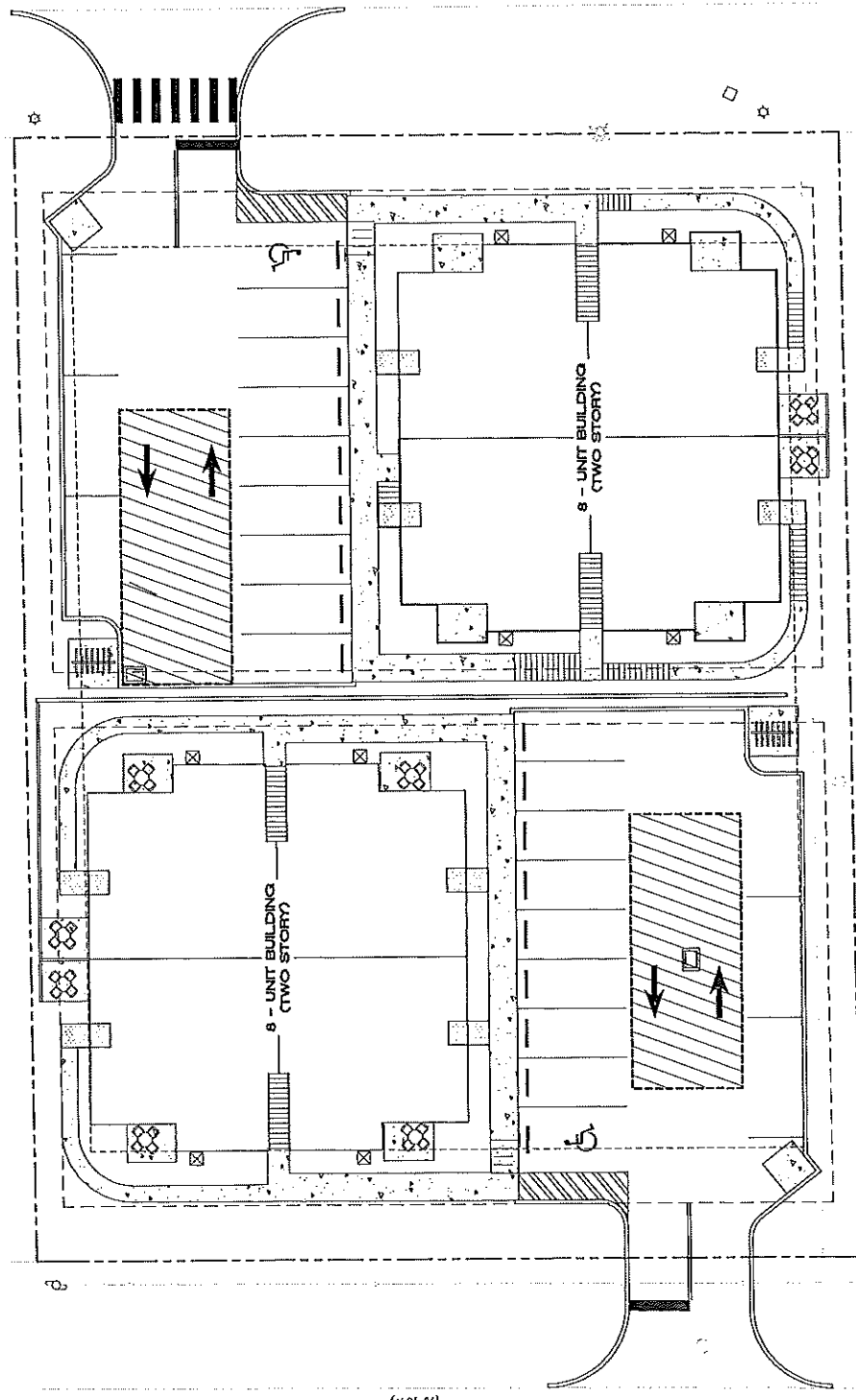
SITE DATA TABLE

CLASSIFICATION	UNITS	ACRES
MULTI-FAMILY RESIDENTIAL	16	0.71 AC
12-8 UNIT BUILDINGS		

LEGEND:
 PROPOSED CONCRETE



ATLANTIC AVENUE (OCEAN SHORE BOULEVARD) (PLAT)
 S. ATLANTIC AVENUE (SIGN)
 (80' R/W)



PENINSULA BOULEVARD (PLAT)
 CARDINAL AVENUE (SIGN)
 (70' R/W)

Cruz, Stewart

From: Susan Spence <spencesusan9@gmail.com>
Sent: Sunday, December 8, 2019 4:54 PM
To: Cruz, Stewart
Cc: Timothy G. Spence, OD, FAAO
Subject: Presentation to Planning and Zoning Board 12-9-19
Attachments: 12-8-19 Slide presentation for Mom re Zoning and Future Land Use Maps.pdf; 12-8-19 zoning statement for Mom.pdf; LA Spence-talking pts for zoning mtg 12-14-15.pdf; SL Spence talking pts for Council mtg 1-11-16.pdf

Dear Stewart,

My mother, Louise Spence, 3832 S. Atlantic, plans to present her opposition to the proposed changes in zoning and future land use for 3830 S. Atlantic Avenue, the property to the north of her house, at the Planning and Zoning Board meeting tomorrow morning (Monday, Dec 9, 2019, 8:30 AM). I am also registering our objections to you by email in case she has any problem printing out the files and presenting them in person. Four files are attached, two of them relating to tomorrow's presentation and two from past presentations by our family on the same topic. My mother also received a letter from a neighbor that is relevant to this topic and hopefully she will be able to make copies of that, too, to submit tomorrow in case the neighbor himself does not appear.

Please let me and my brother Tim know if there are any further developments on this matter.

Thank you!

Susan Spence
H 240-242-3137; W 301-796-9122
spencesusan9@gmail.com; susan.spence@fda.hhs.gov

Tim Spence
cell 678-485-1415; timspace@bellsouth.net

Louise and Gary Spence
H 386-767-6020; cell 386-316-2510

491865
RECEIVED
DEC 10 2019
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

Dear Mr. Cruz,

My daughter asks that
you put this whole document
in the record.

Thank you,

Louise Spence

Hello,

I am Louise Spence, the owner of 3832 S. Atlantic Avenue, a single family home just south of the lot that New York City land speculator Mark Scharff has requested a change in future land use and rezoning for – a **SECOND** time now--- requesting that it be changed from County low intensity (allowing 4 units) to City low-density multi-family (allowing what was portrayed as 8 units), now to medium-density multi-family (allowing what is portrayed as 16 units, but could be as much as 25 units)-- and even from owner-occupied to rental! My family **strongly** opposes these plans.

Unlike this NY land speculator my family has owned and occupied property in this area for more than 60 years now. My father, the late Leonard Anderson of Oakmont, Pennsylvania, first bought property on this block in the late 1950s. He owned Westwood Cottages on the oceanfront, which served as a vacation and retirement property for his family and his Oakmont friends until their deaths. It may be hard for you to imagine the Daytona Beach Shores of that time. Westwood Cottages, the adjacent Day Star Motel and a few houses were the only developed properties on the block. We had a postcard made of the place in 1962 [show first picture, then second, and point to things]. These were my parents, this was a much younger me, and this was my 2-year old daughter. She's now 59 years old. In the early 1980s, my husband and I built our own retirement home on a lot our family owned on the other side of S. Atlantic Ave. My son and I still live there, and my son wants to continue to live there. This is to say that we have had some real roots in this community, and as such, we think that we should deserve more respect.

I spoke before this board on December 14, 2015 and my daughter spoke to City Council on Jan 11, 2016 to oppose the first rezoning request when Mr. Scharff, who had just acquired his property and annexed it into Daytona Beach Shores, requested low-density multi-family zoning for it. Mr. Scharff's stated plans at the time were to build 4 duplexes to house 8 families on this lot. We opposed Mr. Scharff's stated goal even then because it represented a substantial increase in population density for the neighborhood, a substantial loss of green space, and a

potential loss in property values for adjacent property owners. I pointed out that ALL properties on the non-ocean side of this block, with the exception of the condos at its far north end, the intersection of Emilia and S. Atlantic, are either single family homes or duplexes---but mostly single family homes, with only a few duplexes. Furthermore, nearly all of them are single-story structures; some, on sloping lots, have two stories in the back. The population is very low density. Our house, on a 100-foot lot about one third the size of Mr. Scharff's lot, housed-- and still houses-- just two people. The duplexes to the north of this property did and do not appear to house more than 2 couples each. The adjacent single family homes on Cardinal also have very few occupants. It's a very quiet neighborhood, and we wanted to keep it that way, as we still do.

Mr. Scharff's current request to push for even higher density on that lot is outrageous and a grave threat to others in the neighborhood. As we understand it, he now says that he wants to build two 8-unit apartment buildings, totaling 16 apartments, on his lot. As we understand it, his request to rezone from low density residential (RMF-3) to medium-density residential (RMF-2) would allow him to build up to 25 residential units on this site. This change would enable a huge increase in population density to the local area, from a current total of 0 people on this property to stated projections of 16 people then to stated projections of 44 people, but the possibility of many more people given the high housing density allowed by the zoning category sought. Such an increased density would inevitably lead to more noise, more traffic, and more disturbances in the local area, and to decreased property values to neighboring property owners particularly, we think, if the properties are to be occupied by renters without a vested interest in keeping up the neighborhood.

My daughter and my other son have looked over Mr. Scharff's zoning and land use proposal and have found much of that presentation to be misleading. First, the maps presented in the proposal are misleading in that they do not show the whole neighborhood: they omit the southern end of the block and the omit Volusia county properties, which comprise most of the non-oceanfront land on this part of the peninsula [show slide]. To ameliorate your understanding, we here show the Future Land Use and Zoning Maps from the Daytona Beach Shores

website [briefly show 2 slides]. Using the City's zoning map for the entire block plus other information retrieved from Zillow, we were able to generate a map that shows you the area more completely [Show "Map of Current Land Use including Volusia Beach Properties"]. Empty lots are indicated by green boxes, single family houses by blue boxes, and duplexes by red boxes. As you can see, pretty much this entire block--- that is, all except for one older condo at the intersection of Emilia and S. Atlantic--- consists of single family homes, with only a few duplexes. The same is true for all properties to the west of this block. Thus, a property zoned as "medium-density" would be an anomaly for this block, out of keeping with current development and the City's own current future land use plans. In addition, the developer has provided some maps on pp 35-36 of his proposal which are just plain wrong and seem meant to be misleading [Show slide "Blatant misrepresentation of the neighborhood"]. Two properties, 3816 and 3820 S. Atlantic, are depicted in orange as if they were medium-density properties, whereas on the City map, they appear as Volusia County properties with low-intensity zoning. A single family home has already been built on one of these lots.

We believe that there are also potential underestimates in the impact analysis prepared by the City [Show "Potential underestimates in staff impact analysis"]. Estimates are based on 1.75 people/housing unit and, in the traffic analysis, fewer trips made by apartment dwellers than by single family residents. We think that these may be underestimates. Either way, 183 additional peak hour trips is a BIG increase over 0 trips from this lot. It's already hard for pedestrians to find an opening in traffic to cross the street to get to the beach. Our house already sometimes shakes from the current traffic on S. Atlantic. In addition, the more people, the more potential problems. Renters have no vested interest in upkeep, and we and our neighbors have had problems with noise and thrown beer cans from area renters in the past.

The application for zoning and land use changes makes a lot of misleading statements. Some of the important ones are in the responses to the Zoning Review Criteria which appear on pp 28-29. First, we believe that the changes will have an unfavorable effect on the environment and a negligible effect on the

54.

economy, except for a decrease in surrounding property values [show slide re 1,2]. Contrary to the answers given, we believe that the proposed zoning is NOT consistent with the future land use plan. That is why the developer is asking that the future land use plan be changed [slide re 6,7]. We have come to believe that there were mistakes made in the illegal incorporation of a lot of properties on this block into the City of Daytona Beach Shores; furthermore, that the proposed change will not benefit local businesses, but will have negative impacts on traffic, noise, and litter problems for local residents [slide re 8,9]. We believe that the proposed changes do constitute "spot zoning" in that they would allow land use that is totally different from that of adjacent and surrounding properties [slide 10-11].

And we believe that this change is sought solely for the financial benefit of the owner, to the detriment of the community. We believe that the owner may just be seeking rezoning to increase his own property value for potential resale to developers (as we have seen others do in the past!). The owner currently has the property listed for resale and has used the potential rezoning of the property as a selling point. His listing price seems to be twice market value and rising. (Page 33 says that the land value is \$231K, but he's trying to sell it for \$485K.) [slide 12-13]. Here's where the owner has advertised online in a sales ad that the property can be rezoned for 21 units [show "Owner's interest in rezoning to enhance resale value of his property"]. This is not the first time that we have seen less than honest sales practices by this owner. In 2015, he was selling condos in an imaginary building at 3780 S. Atlantic, pictured here, claiming that the City had already approved the site plan. No such approval had been given [show "previous practices by this owner"].

We also believe that the proposed change will materially diminish the value of surrounding properties by bringing in short-term occupants who will make noise, add to traffic, and cause problems [show slide with misleading statement 14]. We are attaching the letter from a neighbor at 3838 S. Atlantic to exemplify the problems that occur when the City allows property owners to lie to them and then proceed to break all the rules. The owner of 3865 S Atlantic, who applied for a permit to expand his property, has recently used his house for a wild party. Just

before Thanksgiving, a wild party there attracted about 70 people and generated a lot of noise and garbage over a 3 day period. We do not want this kind of behavior to continue nor to proliferate.

We are also attaching this statement, with slides, and our previous statements to the zoning board and Council when we were concerned even about lesser changes to zoning for the property in question.

To summarize [last slide], this site is nestled among single family residences and a few duplexes, so changing future land use and rezoning to medium density is NOT in keeping with the neighborhood. We foresee problems. We also don't trust Mr. Scharff, who has already proven to be ^{less than} dishonest. The City should not change the rules to put the self-interests of a New York City land speculator ahead of the interests of its long-time residents. We ask that you deny this proposal.

Presentation of Louise Spence,
3832 S. Atlantic Ave,
Daytona Beach Shores,

to
the Planning and Zoning Board
Monday, December 9, 2019

3800 block, S. Atlantic, ca. 1962



3800 block, S. Atlantic, ca. 1962



3832 S. Atlantic, since early 1980s



Misleading Features of the Zoning and Land Use Proposal

Incomplete Representations of the Local Neighborhood

Adjacent land uses p 10-11



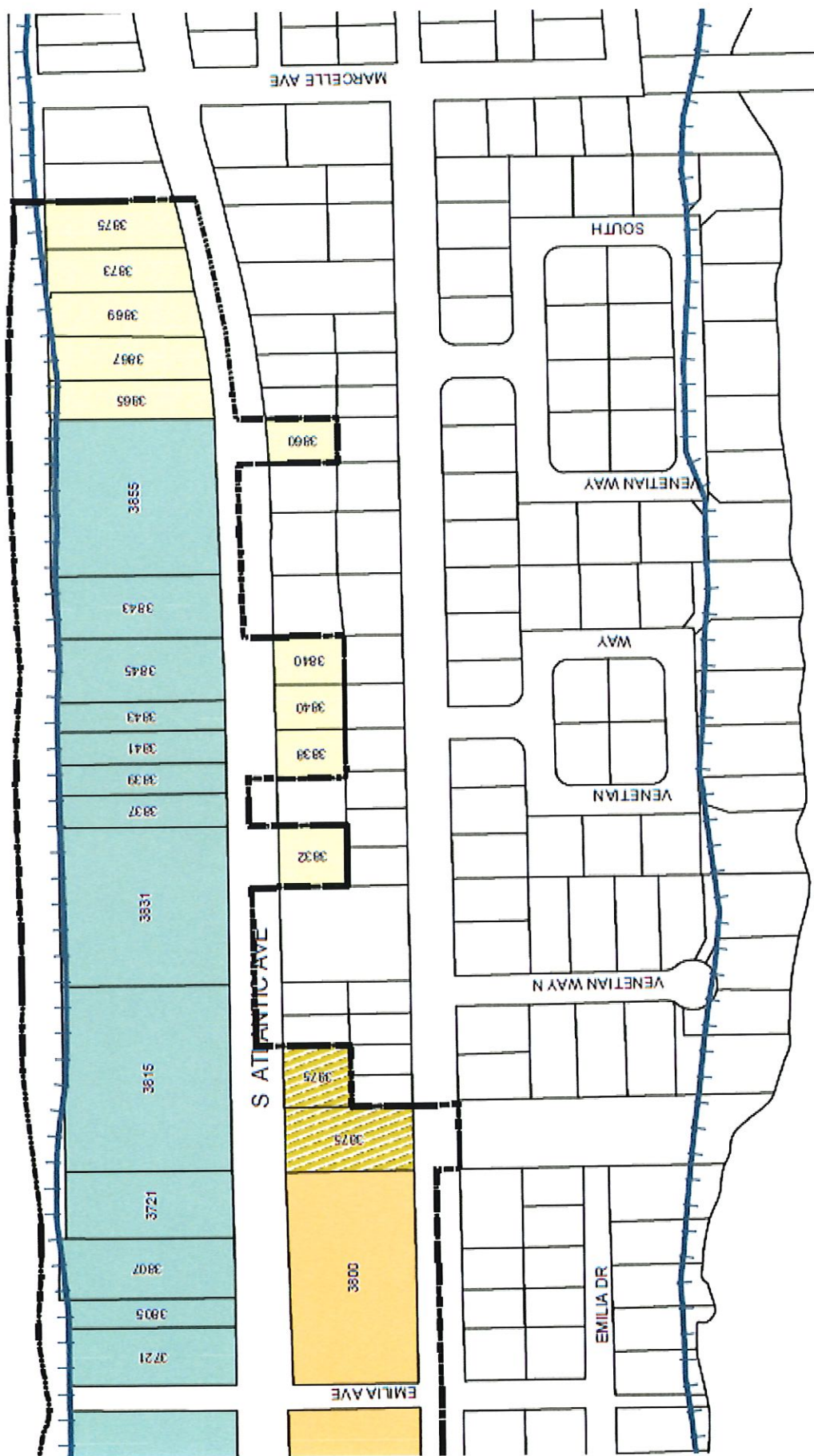
- The segment of the Future Land Use Map (2030) provided does not give a complete picture of the neighborhood. The aerial view is dated and does not show a new single family home at 3820 S. Atlantic (here mislabeled 3875 S. Atlantic.)
- **Only a portion of the block is shown, which does not give the full picture.**
- Daytona Beach Shores properties on this block are finger-like projections from Volusia County land, and probably, as such, their annexation should not have been permitted in the first place.
- **Volusia County properties are part of the neighborhood, but are not represented.**

EXHIBIT A.3: Surrounding Land Uses



Future Land Use Map

From DBS website 12-7-19



Zoning Map

From DBS website 12-7-19

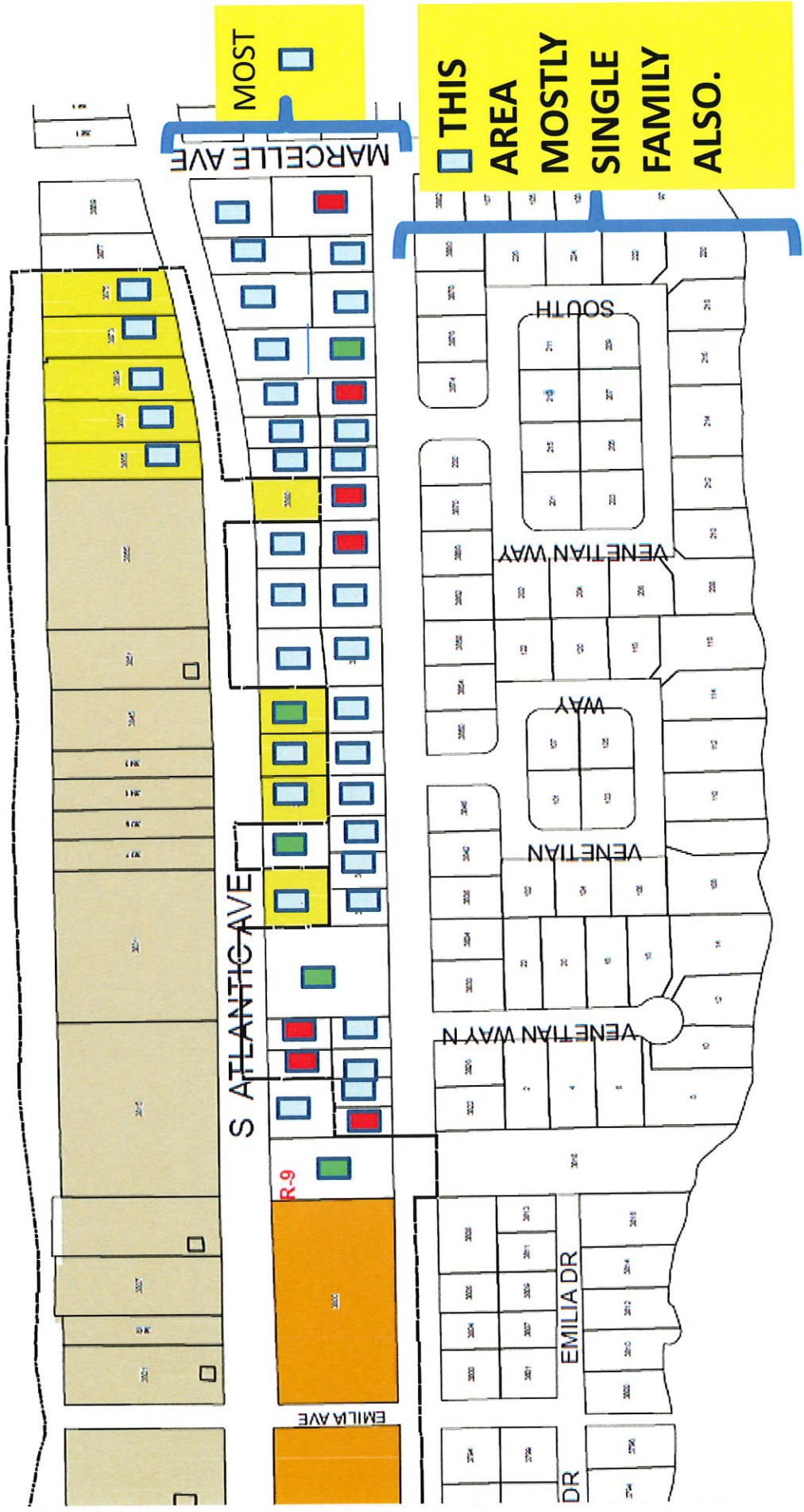
	Daytona Beach Shores	Zoning Category	 RMF-1	 T-RMF-1	 GC-1	 P
1825	Address Numbers	 RSF-1	 RMF-2	 MXD	 GC-2	
R-9	County Zoning	 RSF-2	 RMF-3	 PUD	 GC-RD	



Map of Current Land Use including Volusia County Properties

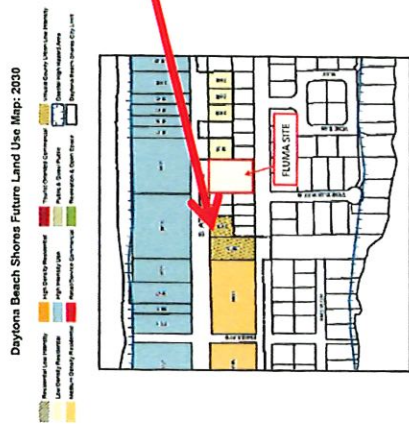
(data extracted from Zillow)

Key:  single family house  duplex  empty lot



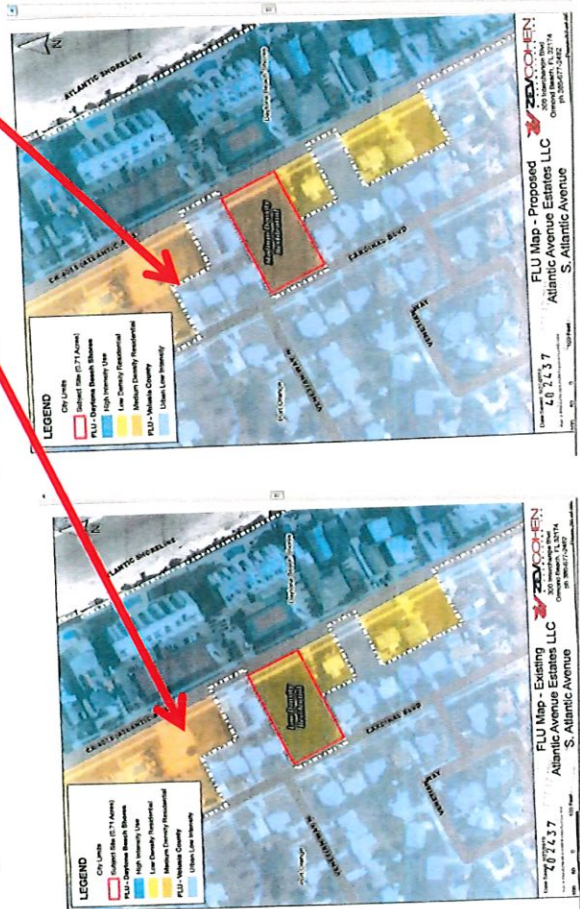
Blatant Misrepresentation of the Neighborhood

Adjacent land uses from City Map p 10-11



- The City's map indicates that 3816 S. Atlantic and 3820 are Volusia County properties with low-intensity zoning.
- **In their zoning and land use applications, the developers misrepresent these as medium-density properties.**

Adjacent land uses from the Developer, pp 35-36



- The property at 3816 is currently an empty lot. A large single family home with mother-in-law apartment has recently been built at 3820 S. Atlantic.

Potential Underestimates in Staff Impact Analysis

Impact analysis p 12

Table 1: Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (0-12 units/acre)	Proposed Future Land Use (0-12 units/acre)	Comparison Impact
Residential Units Allowed	9	25	16
Population ¹	16	44	28
AM / PM Peak Hour Trips ²	86/9.09	183/14	97/4
Sanitary Sewer (gallons/day) ³	2,250	6,250	4,000
Potable Water (gallons/day) ⁴	1,760	4,840	3,080
Solid Waste (lbs./day) ⁵	160	440	280
Stormwater Drainage ⁶	n/a	n/a	n/a
Public School Student(s) ⁷	2.5	3.2	0.7

Notes:

1. Population:
1.75 persons per single-family dwelling
2. Transportation:
Rates are for peak hour of adjacent street traffic: Single-family residential unit = 9.57 Daily trips, 1.01 PM Peak Hour Trips / Multifamily Low Rise = 7.32 Daily trips, 0.56 PM Peak Hour Trips
3. Sanitary Sewer:
250 gallons per dwelling unit per day
4. Potable Water:
110 gallons per capita per day
5. Solid Waste:
10 pounds per capita per day
6. Stormwater Drainage:
LOS standard = 25 year, 24 hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code.
7. Public School:
Generation rates = single family 0.273, multifamily 0.127.

Sources:

2010 US Census; ITE Trip Generation Manual, 9th Edition; Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030); Volusia County School District 2017 Impact Fee Study.

- There may be many more than 1.75 people/unit. May be entire lower-income families renting and/ or short-term stays by hordes of partying vacationers.

Unlikely that people in these units will travel less than people in single family homes. They may make MORE trips, in which case this would be an underestimate.

- **Either way , 183 additional peak hour trips is a BIG increase over 0!**

TRAFFIC:

- It's already hard for pedestrians to find an opening in traffic to cross the street to get to the beach.
- Our house already sometimes shakes from traffic on S. Atlantic.

NOISE/LITTERING/DISTURBANCES:

- The more people, the more potential problems. Renters have no vested interest in upkeep.

Misleading Statements re Zoning Review Criteria

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

Contrary to the answer given, we believe that the impact will be unfavorable. Any development decreases green space and increases run-off, including potentially of hazardous substances, into the river and the ocean.

2. The proposed zoning will have a favorable or unfavorable impact on the economy of the areas affected.

The respondents seem to think that the proposed development will be favorable in that it increases the tax base. We think that the negative impact on adjacent property values should also be considered.

Misleading Statements re Zoning

Review Criteria

6. The proposed zoning is basically consistent with the comprehensive land use plan.

Contrary to the answer given, the proposed zoning is **NOT** consistent with the future land use plan. That is why the developer is asking that the future land use plan be changed..

7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect the new conditions.

The given answer is "Properties adjacent to Atlantic Ave. are no longer a desirable location for low density residential growth." But the residents of this area prefer low density growth and we have witnessed no problem with the sale of local single family homes and duplexes at reasonable prices.

Misleading Statements re Zoning

Review Criteria

8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?

It appears to us that many properties on this side of S. Atlantic were annexed into Daytona Beach Shores illegally, as they are finger-like projections not contiguous with the boundaries and largely interspersed with Volusia County properties. We are considering encouraging our neighbors to secede from the City of Daytona Beach Shores..

9. Will the proposed change promulgate or encourage a physical benefit or have a stabilizing effect on the surrounding area?

The given answer is that changes to the land use plan and zoning will provide a stabilizing effect by “supporting commercial activity”. We would like to point out that if local businesses are suffering, it is because the City has allowed developers to replace what used to be a thriving hotel/motel industry with high-rise condominiums bought by persons who rarely live in them. If the City wants increased commercial business, it should be looking to encourage hotel development to attract thousands of free-spending visitors. Building 16 apartments for renters will do little to increase local business but much to decrease the desirability of the area to local homeowners.

Misleading Statements re Zoning

Review Criteria

10-11. Would the proposed changes constitute “spot zoning”? Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?

It appears to us that the proposed changes DO constitute “spot zoning”. None of the 8 lots immediately north of the lot in question, nor any of the 33 lots immediately south of the lot in question (and on the same block), nor any of the lots to the west of the lot in question are zoned for medium-density development.

Misleading Statements re Zoning

Review Criteria

12-13. Is the change solely for the benefit of the owner and to the detriment of the community? Will the proposed change especially suit the applicant's own special purpose rather than serve the community?

We believe that the change would solely benefit the owner and by increasing traffic, noise, potential littering of adjacent properties, and other problems, would be a detriment to the community. In fact, we believe that the owner may just be seeking rezoning to increase his own property value for potential resale to developers (as we have seen others do in the past!). The owner currently has the property listed for resale and has used the potential rezoning of the property as a selling point. His listing price seems to be twice market value and rising. (Page 33 says that the land value is \$231K, but he's trying to sell it for \$485K.)

Owner's Interest in Rezoning to Enhance Resale Value of His Property

https://www.zillow.com/homedetails/3830-S-Atlantic-Ave-Daytona-Beach-Shores-FL-32118/2091462774_zpid/

https://www.realtor.com/realestateandhomes-detail/3830-S-Atlantic-Ave-Daytona-Beach-Shores-FL-32118_M57885-25672

<https://www.redfin.com/FL/Daytona-Beach-Shores/3830-S-Atlantic-Ave-32118/home/101666502>

<https://www.loopnet.com/Listing/14707288/3830-S-ATLANTIC-AV-Daytona-Beach-Shores-FL/>

"BIG PRICE REDUCTION!!! LARGE BUILDING LOT WITH OCEANVIEW. UP TO 21 UNITS POSSIBLE WITH REZONING. 30,900 SF! LOCATED IN DAYTONA BEACH SHORES, SOUTH OF DUNLAWTON, BETWEEN RESIDENTIAL LOTS 3824 AND 3832 S. ATLANTIC AVE.

**HIGHLIGHTS
REZONE FOR 21 UNITS!
GREAT OCEANVIEW PROPERTY!
ACROSS FROM THE ATLANTIC OCEAN!
WALK TO THE BEACH"**

\$485,000 0.71 acres
3830 S Atlantic Ave, Daytona Beach Shores, FL 32118
Lot/Land Estimate: None

687 days Time on Zillow
55 Views
0 Saves

GREAT LOCATION Across street from Ocean with views with approved 4 beach side lots ZONED MF-3 total 150 x 205 with complete approved as 4 separate lots 75 x 103 each, 2 Atlantic Ave & 2 Cardinal Ave. Currently has approved for 3 story duplex units on each lot for a total of 8 Luxury Homes 2530 living with oversized garage, decks & more, parcels are now zoned MF-3 so could also build 4 homes with legal guest in law apt or other options. Will sell each lot separately.

Listing Agent RE/MAX

Previous Practices by this Owner

- Last time we spoke before the P&Z board and Council, in Dec 2015, this developer was advertising that he already had approval to build and sell condos at 3870 S. Atlantic. The City Planner at the time said that no such approval existed.

<http://www.loopnet.com/Listing/19455409/3780-S-Atlantic-Ave-Daytona-Beach-Shores-FL/>

Atlantic Avenue Estates

**3780 S Atlantic Ave, Daytona Beach Shores, FL
32118**

\$1,100,000

Description

34 Unit Development site with River views from each apartment .Amenities include swimming pool, community room etc .

The City has approved the apartment count site plan & foot print. All that is needed is your final plan

The last entrance to the Daytona Drive on Beach is directly across the street.The owners can enjoy the close proximity of the beach along with outstanding views of the river in all directions



Misleading Statements re Zoning

Review Criteria

14. Would the proposed change materially diminish the value of surrounding properties or substantially alter the characteristics of the neighborhood?

We attach the letter from a neighbor at 3838 S. Atlantic to exemplify the problems that occur when the City allows property owners to lie to them and then proceed to break all the rules— and also the problems possible with renters and other short-term occupants. The owner of 3865 S. Atlantic recently applied for plans to put a second story above his garages, supposedly to house visiting family members. It appears that he is in the practice of short-term rentals to party goers. A recent party attracted about 70 people, made a lot of noise, generated a lot of garbage including some thrown into the yards of neighbors, and lasted three days straight.

Conclusion

The interests of long-term residents should count more than the financial gain of out-of-town land speculators.

PLEASE DENY THIS PROPOSAL!

From: **Charlie Van Derven** cvanderven@social-advisors.com
Subject: **Questions and Safety Concerns Over Property Proposal of Vacant Lot Between 3824 S. Atlantic and 3832 S. Atlantic**
Date: **December 6, 2019 at 4:43 PM**
To: scruz@cityofdbb.org
Bcc: mikeosa74@gmail.com, ajmiller909@gmail.com



Hello Mr. Cruz,

I am writing with questions and to express concern over the proposed zoning change for parcel 630205070150 located between 3824 S. Atlantic and 3832 S. Atlantic. I own the single-family home at 3838 S. Atlantic, only three lots away from the proposed building site. We recently spoke about zoning for property improvement on my lot.

My questions include:

1. Is there a site plan that includes the number of structures planned for the lot?
2. Can the concerned neighbors be shown a proposed layout?
3. How many residents are expected?
4. Has there been a study on potential traffic and noise impact?
5. As these will be rental units, can we expect that they will be as well cared for as the condos that are owned units?
6. What is the planned street layout/access through the property?
7. Will all the structures be three story?
8. What is the proposal for garages? Or, will it be surface parking?

Aside from some obvious concerns like increased traffic and increased noise, I have concerns related to the rentals in the neighborhood.

The property at 3843 S. Atlantic, across the street from my home, is used as a short term rental. During the car show weekend before Thanksgiving, there were a minimum of 30 people in that home. They partied for three days straight, including 50-75 people in front of the home and on the sidewalk on A1A. Not only were we kept awake until the early hours of the morning, I cleaned trash from my yard and my neighbors' yards both the morning of Sat 11/23 and Sun 11/24. The following morning, dozens of the renters were on the roof of the home taking photos. A clear safety issue.

This past weekend, there was an arrest at Windward South Condo, 3845 S. Atlantic. That incident started with a fight on the beach that I witnessed with 2 of my neighbors. In three years of living at my current residence, I have never seen the two people that were in the fight and were subsequently arrested. I speculate that they were renters.

Both of these incidences brought inherent safety issues to me, my family and my neighbors. The last thing this neighborhood needs is more rental units.

If the plans go through to change the zoning, allowing for more rental units in this area, it will be a true indication that the City of Daytona Beach Shores has greater interest in their tax base than they do the safety and well-being of their residents.

Thank you for your consideration.

Charles T. Van Derven
3838 S. Atlantic Ave.
Daytona Beach Shores, FL 32118
386-846-5291

Charlie Van Derven, Social Advisors
Tel: 800-524-9451 | Cell: 386-846-5291
cvanderven@social-advisors.com | www.social-advisors.com
SOCIAL  ADVISORS

Dec. 8, 2019

Dear Mr. Cury:

Our questions are basically the same as Charlie Van Dervan's:

1. How many structures will there be on the plot?
2. Can neighborhood residents be shown a layout of the proposed structures?
3. How high will the structures be?
4. How many residents will be anticipated?
5. About how much more traffic and noise will there be?
6. How many ^{and egress} access streets will go in and out of the tract?
7. Will there be separate or integral garages?
8. Since we understand they will be rental units, can we expect they will be as well cared for as condos whose owners would most likely take better care of them?

Members of our family have lived in this area since the late 50's. My father once owned "Westwood Cottages" where the Blue Surf Condominium now stands. I feel we should have some stake in what goes on here. (We have lived in our present location, 3832 S. Atlantic, since 1984.)

Yours very truly,

Louise A. Spence

(and son, Gary Spence)

P.S.

I have one important addition:

9. Won't safety be a real consideration, with Amelia Street crossing so close to the plot's entrances and exits?

Presented previously at Zoning Planning Meeting, December 14, 2015:

I am Louise Spence, owner of the property immediately to the south of the 150-foot frontage lot that you are considering rezoning today. My family has owned property on and/or lived on this block for more than 50 years. We are concerned that these development plans would devalue our property and change the character of our neighborhood.

I request that any building on the lot in question be required to be in keeping with the architectural style and value (that is, \$256K to \$540K range) of other homes in the area. Also, I am requesting that more thought be given to the density factor. The new owner/developer (Mark Scharff) apparently wants to put 8 or maybe even 16 families on that 150-foot frontage lot, compared to our single family home on a 100-foot frontage lot—with a household of two at present. The developer reportedly has already inquired about subdividing the lot, which would definitely not be in keeping with other properties in the area.

Furthermore, I request that the deliberations regarding the lot in question will not be used as a preamble to attempts to apply for even greater densities, such as a multi-level condominium. On the internet, this developer claims to already have city approval for building a 7-story condominium on the northwest corner of Emilia at South Atlantic. A spokesman for Daytona Beach Shores assured me that this is not true, which casts some doubt on the truthfulness of the developer.

Of further concern is the information that I heard from a neighbor, that the owner of the property at 3820 S. Atlantic (now a vacant lot) wanted to have a single family home built on this lot but was told by Daytona Beach Shores authorities that they did not want him to build a single family home there—it would have to be a duplex or more! We and other neighbors in the area want some assurance that the character of our neighborhood is not threatened and want to know why he was told that.

We would like the zoning of to remain single family, in keeping with properties south of that point, and for any structures to be approximately the same square footage and sale price as the single family residential structures south of that point. We would also like to point out that the sewer company has an easement of 20 feet or so on the south side of the lot in question.

Previously presented to DBS City Council, January 11, 2016:

I'm Susan Spence, the daughter of Louise Spence, who owns the property immediately to the south of the lot that you are considering rezoning today. My family has owned property on and/or lived on this block for more than 50 years—in fact, I made my first trip down here when I was only 2 years old, in 1962, so more than most folks, we have had a long-term interest in and commitment to this area. There have been many changes since 1962, and not all of them for the better.

I would like to start by a general comment on development. We are seeing far too many high-rises go up, particularly on the ocean side of S. Atlantic, and although this may be profitable for a bunch of New York and Chicago-based developers, in many ways it is not a good thing for the local population and the town as a whole. Unlike the developers, most of us do NOT come from New York or Chicago and do NOT want our Florida to look and feel like New York or Chicago. Some Daytona residents were attracted to sunshine and the beach. But the more that you allow the developers to build tall structures, the more that they shade the beach and other areas. Some Daytona residents were attracted by Florida's flowers, nature, and wildlife. But the more that undeveloped land is built on, the fewer green spaces remain for wildlife to flourish and for people to enjoy. Most of us came because we wanted a low-density suburban community, but Daytona Beach Shores is starting to feel more like Manhattan. It is becoming harder for anyone driving along S Atlantic to even see the ocean, which is becoming enshrouded by a tall wall of concrete.

There are NO natural beach areas, with natural sand dunes, sea oats, and saw palmetto, left in all of Daytona Beach Shores. I was very upset when you allowed development on the last one, the current location of the Sanibel Condo at South Atlantic and Emilia, and my stomach still churns every time I walk past. It would have made a fine location for a real city park, perhaps with a boardwalk winding through what was a really beautiful natural area, combined perhaps with a small building with restrooms and changing rooms to accommodate area residents not lucky enough to own beachside property.

Instead we got another tall building for wealthy people, 95% of whom, from the look of the number of lights on at night, don't even live here most of the time. The proliferation of high-rise condos has meant that there are now fewer hotels, fewer tourists, and fewer 'residents' who actually live here long enough to patronize local businesses. The only people who profit are the developers, who really don't care at all about the community—only about the profits that they can take home to New York and Chicago by exploiting its resources. I think that none of you would be very happy if China or Russia or Mexico or Syria would dictate US domestic policy, and so I ask you not to let New York and Chicago developers ruin Daytona Beach Shores. **We need more public parks and green spaces---- and NOT like the current so-called "parks"**

along the beach, which are nothing but glorified parking lots, composed primarily of more concrete.

Getting to the point of the lot in question, there is an inaccuracy in today's documents. They state that the proposed development will have no effect on recreation and open space. The truth is that, aside from undeveloped lots, there is very little green space in this city, so nearly every development has a substantial effect on recreation and open space. The photos provided to you of that lot show blackened images that are described as weeds. I would like to show you what that lot looks like to me. Almost the entire year, even in the coldest months of winter, there has been a proliferation of red flowers all over that lot, which doesn't mean much to the developers, but does mean a lot to people like me. We regularly see osprey bring their catches to the perches on that lot, we have seen sizeable tortoises, many birds, and even a bald eagle. Where are they to go when you develop?

We are also concerned that the developer who has bought the lot in question wants to increase density and that that would have the potential to negatively affect nearby property values. We strongly favor keeping this lot classified as single family in the future land use plan and keeping it zoned for single family residences, in keeping with the properties to the south and the west of it. Optimally, we would like the city to come up with some mechanism to buy up undeveloped land to preserve green space and limit development. But at very least, we would like reassurance from council that there will be no attempt to build anything on this lot that is not in keeping with style, density, and value of the adjacent properties (that is, those on the NON-ocean side of S Atlantic and Cardinal).

491865
CITY OF DAYTONA BEACH SHORES
BUILDING AND CODES DIVISION
DEC 10 2019
RECEIVED
491865

AS.

Dec. 8, 2019

491860

Dear Mr. Gury:

Our questions are basically the same as Charlie Van Dervan's:

1. How many structures will there be on the plot?
2. Can neighborhood residents be shown a layout of the proposed structures?
3. How high will the structures be?
4. How many residents will be anticipated?
5. About how much more traffic and noise will there be?
6. How many ^{and egress} access streets will go in and out of the tract?
7. Will there be separate or integral garages?
8. Since we understand they will be rental units, can we expect they will be as well cared for as condos whose owners would most likely take better care of them?

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BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

Members of our family have lived in this area since the late 50's. My father once owned "Westwood Cottages" where the Blue Surf Condominium now stands. I feel we should have some stake in what goes on here. (We have lived in our present location, 3832 S. Atlantic, since 1984.)

Yours very truly,

Louise A. Spence

(and son, Gary Spence)

P.S.

I have one important addition:

9. Won't safety be a real consideration, with Amelia Street crossing so close to the plots' entrances and exits?

EXHIBIT A: PLANNING ANALYSIS

A. EXISTING ZONING AND CURRENT LAND USE

Table 1 below provides a narrative description of the zoning district classifications and current land uses (i.e., existing development) for the subject property and surrounding area while **Figure 1** provides an aerial view of the subject property and surrounding land uses.

Table 1: Zoning and Land Use Area Description

Location	Zoning	Current Land Use
Subject Property	RMF-3	Vacant Lot
North	R-9	(NE) Volusia County Duplex & (NW) Volusia County Single Family Residence
South	RSF-2	(SE) Single Family Residence & (SW Volusia County Single Family Residence
East	T-RMF-1	Blue Surf Multifamily Residential Condominium
West	R-9	Volusia County Single Family Residences

Notes: RMF-3 = Multifamily Residential District (Low Density), R-9 = Volusia County *Urban Single-Family Residential District*; RSF-2 = *Urban Single-Family Residential Detached District*; T-RMF-1 = *Hotel/Motel District – Multifamily Residential (High Density) District*.

Figure 1: Aerial View of Zoning Site Surrounding Neighborhood



Source: Volusia County PALMS, 2015

As noted in **Table 1** above, the subject property is currently zoned “RMF-3 Multi-Family Residential District (Low Density)” According to the Daytona Beach Shores Land Development Code, the purpose, intent and permitted uses of the existing zoning district is as follows:

“RMF-3 Multi-Family Residential District (Low Density)”:

Purpose and Intent. 14-20.1.

The purpose and intent of the RMF-3 Multifamily Residential District is to provide for multifamily residential living and certain properties abutting single-family residential districts providing to the needs of the citizens of the city by providing a well maintained and natural on-site environment for multifamily living.

Permitted Principal Uses and Structures. 14-20.2.

Multifamily dwellings, duplexes and townhouses.

Telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq.

B. PROPOSED ZONING

The proposed zoning for the subject property is RMF-2 Multi-Family Residential District (Medium Density). According to the City’s Land Development Code, the purpose, intent and permitted uses of the proposed zoning district is as follows:

“RMF-2 Multi-Family Residential District (Medium Density)”:

Sec. 14-19. - RMF-2 Multi-Family Residential District (Medium Density).

14-19.1. Purpose and Intent.

The purpose and intent of the RMF-2 Multi-Family Residential District is to provide for multifamily residential living, catering to the needs of the citizens of the city desiring a well-maintained and natural on-site environment for multifamily living.

14-19.2. Permitted Principal Uses and Structures.

Townhouses, multifamily dwellings and adult congregate living units.

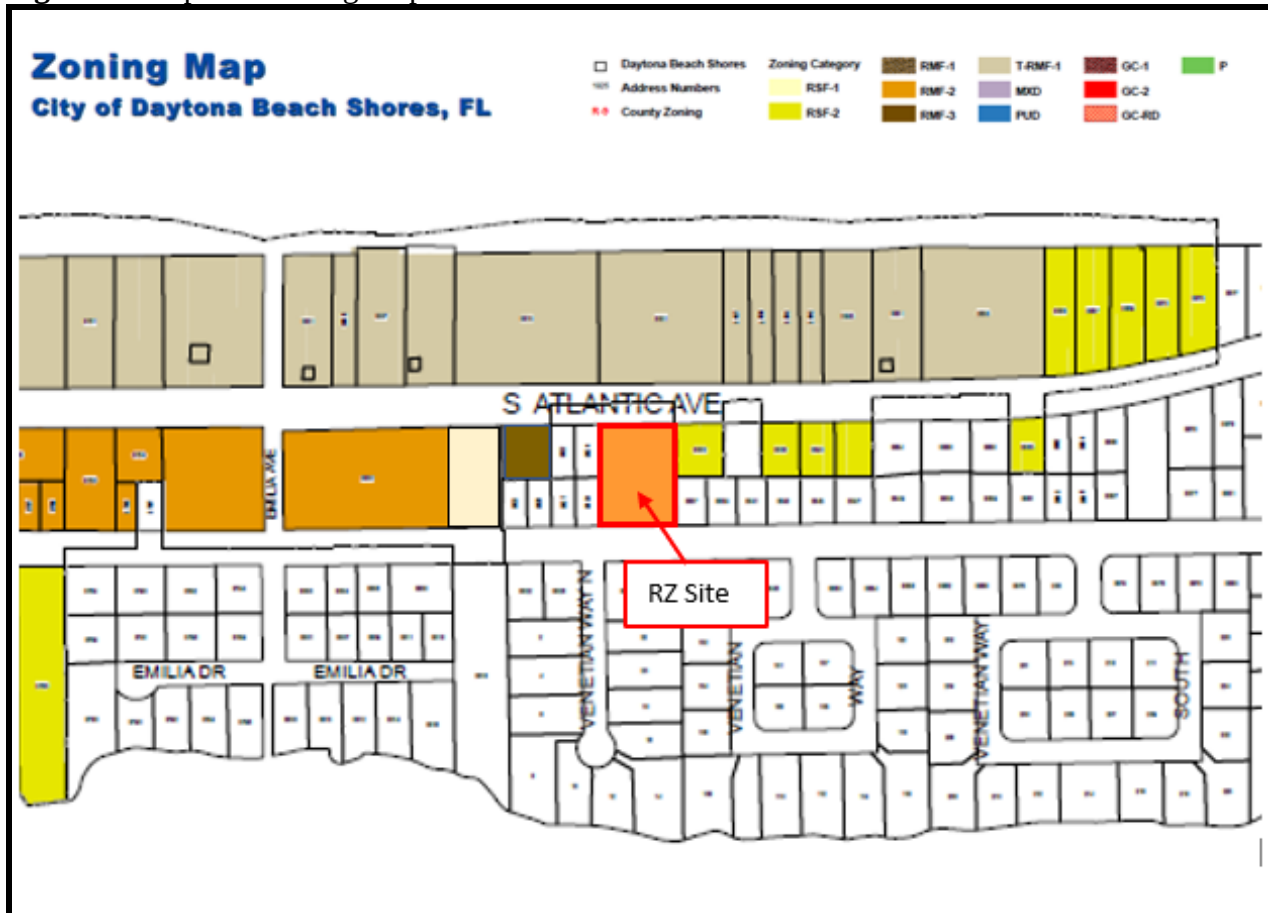
Telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq.

14-19.3. Permitted Accessory Uses and Structures.

Accessory uses or structures customarily incidental to the permitted principal use or structure.

The proposed request, if approved, would result in the below (**Figure 2**) amendment to the City’s Official Zoning Map.

Figure 2: Proposed Zoning Map Amendment



C. COMPREHENSIVE PLAN

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Medium Density Residential* future land use (FLU) classification to the subject property. This FLU classification allows up to 12.1-35 residential units per acre. Ordinarily with an acreage of 0.71, the maximum theoretical number of units that would be permitted on this site, providing all regulations are met, would be 25 units. However, the applicant has also submitted a concurrent Comprehensive Plan Text amendment that would limit the number of units on the site to 16. The applicant has noted his intention is to construct a total of 16 residential apartments on site in two separate 8-unit buildings if the application is approved.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The proposed future land use and proposed zoning for a residential use, with a restriction of 16 total units, are not objectionable or inconsistent with the aforementioned policy. In addition, development as proposed is not incompatible with future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is not inconsistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

D. REVIEW AND COMMENTS

CITY PLANNER – Stewart Cruz

The subject application was received on October 17, 2019 and was initiated by the property owner Atlantic Avenue Estates, LLC. The subject vacant property is located on the west side of the 3800 S. Atlantic Avenue block between Emelia and Marcelle avenues. The property has a frontage of 105' and a depth of 205' resulting in an acreage of 0.71. The site has vehicular and pedestrian access to the abutting S. Atlantic Avenue and Cardinal Boulevard (see **Figure 1** above), both of which connect to S.R. A1A (Dunlawton Boulevard).

As seen **Table 1** above, the proposed zoning change will be compatible with adjacent land uses and the surrounding zoning and future land use classifications. The future development of the site will require compliance with the City's Land Development Code (LDC) development standards, relating to setbacks, building height, stormwater discharge, etc.

A thorough site plan review will be conducted prior to development to determine consistency with the City's Concurrency Standards and Land Development Code. Currently there is adequate potable water, sewer, solid waste, recreation, public school and transportation facility capacity and access available to the subject property.

COMMUNITY SERVICES – Fred Hiatt, Director / Building Official

The subject property was previously rezoned to RMF-3. Per 14-20.1 of the City's Land Development Code, the purpose and intent of the RMF-3 zoning is to provide some low density multifamily that can abut single-family zoning districts. In my opinion the previous rezoning was consistent with the city's zoning. However, the requested zoning (RMF-2) is not intended to directly abut single-family districts. Hence, the reason this language is omitted from the RMF-2 Purpose and Intent (14-19.1).

Further, I'm not convinced the application meets the city's zoning criteria and minimum standards. Specifically, I'm concerned with Item #'s 12 and 13 found in the staff report. I don't see evidence in the application demonstrating how this change benefits anyone other than the property owner. The RMF-2 zoning would triple the allowable density from 8 units to 25 units. Even if the property owner agrees to limit the number of units to 16, it is still twice as many. Because the majority of this property directly abuts single-family (on three sides), I cannot support this request. In the future, if rezonings continue southward from the Ocean Terrace Club, it may be more appropriate, then, but not now.

PUBLIC WORKS – Brian Edwards, Deputy Director / Facilities Superintendent

The Facilities Superintendent has reviewed the application and he has no comments.

PUBLIC SAFETY – Terry Griffiths, Fire Commander / Fire Marshal

The Fire Commander/Fire Marshal has reviewed the application and he has no objections.

ENGINEERING – Tetra Tech HAI

This application does not require engineering review.

E. FINDING OF FACTS

When considering a request to amend the zoning map, the City shall consider the following criteria pursuant to Section 14-66 of the Land Development Code. Below are staff's findings considering each criterion outlined in the aforementioned section of the Code. The applicant's analysis and responses to the criteria are attached as **Exhibit B**.

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

The proposed zoning change will not provide an unfavorable impact on the environment or natural resources of the area. The property in question, though overgrown with wild flora (**Figure 3** below), is currently surrounded by urban development (see **Figure 1** above). As such, it is believed the flora contains no significant environmental value. Further, the proposed zoning change would not permit hazardous uses such as industry, which could have an unfavorable impact on the environment/natural resources of the area. Instead, the zoning would permit low to medium density development compatible with the neighborhood land uses.

Figure 3: Street View of Subject Site



Source: Google Maps 2015.

2. The proposed zoning will have a favorable or unfavorable impact on the economy of the area affected.

The proposed zoning will generally have a favorable impact on the economy of the area as it will lead to the development of a site, provide job opportunities and create an increase in residential population and an increase in the housing stock.

3. The proposed zoning will efficiently use or unduly burden water, sewer, solid waste disposal or other necessary public facilities, including schools.

The subject property is currently vacant but when developed, it will not unduly burden public facilities. The subject property currently has access to transportation, public schools, water, sewer, recreation and solid waste disposal services. With the exception of school capacity, which will be

determined by the school district, all existing public facilities have adequate capacities. In addition, the difference in impact between what is currently permitted and what is proposed is negligible relative to available capacity (see **Table 2** below).

Table 2: Impact Analysis (Based on 16 unit restriction)

Development Variable	Current Future Land Use (0-12 units/acre)	Proposed Future Land Use (16 units)	Comparison Impact
Residential Units Allowed	9	16	+7
Population ¹	16	28	+12
Daily Trips/PM Peak Hour Trips ²	86/9	117/9	+31/0
Sanitary Sewer (gallons/day) ³	2,250	4,000	+1,750
Potable Water (gallons/day) ⁴	1,760	3,080	+1,320
Solid Waste (lbs./day) ⁵	160	280	+120
Stormwater Drainage ⁶	n/a	n/a	n/a
Public School Student(s) ⁷	2.5	2	-0.5

Notes:

1. Population: 1.75 persons per single-family dwelling
2. Transportation: Rates are for adjacent street traffic: *Single-family residential unit* = 9.57 Daily trips, 1.01 PM Peak Hour Trips / *Multifamily Low Rise* = 7.32 Daily trips, 0.56 PM Peak Hour Trips
3. Sanitary Sewer: 250 gallons per dwelling unit per day
4. Potable Water: 110 gallons per capita per day
5. Solid Waste: 10 pounds per capita per day
6. Stormwater Drainage: LOS standard = 25 year, 24 hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code.
7. Public School: Generation rates = single family 0.273, multifamily 0.127.

Sources:

2010 US Census; ITE Trip Generation Manual, 9th Edition; Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030); Volusia County School District 2017 Impact Fee Study.

4. The proposed zoning will efficiently use or unduly burden transportation facilities.

The proposed zoning will not unduly burden transportation facilities. There is already adequate vehicular access from the abutting S. Atlantic Avenue and Cardinal Boulevard roadways and the existing system of local, collector and arterial road network. The adjacent transportation network currently operates above the City, County and State adopted level of services with substantial capacities remaining. Further, the proposed concept plans indicate the east and west buildings will each have separate driveways to S. Atlantic Avenue and Cardinal Boulevard, respectively. There will be no cross vehicular access between the apartments.

5. The proposed zoning will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.

The proposed zoning change involves a vacant low density multi-family residential property being rezoned to a medium density multi-family residential zoning district restricted to 16 units. Hence, the rezoning will not impact the ability of people to find adequate housing since the change will actually create new housing units and increase the existing housing stock.

6. The proposed zoning is basically consistent with the comprehensive land use plan.

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Medium Density Residential* future land use (FLU) classification to the subject property. This FLU classification allows 12.1 to 35 residential units per acre, however the applicant has also submitted a concurrent text amendment that would restrict the total number of units on the site to 16.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The proposed future land use and proposed zoning for a residential use, with a restriction of 16 total units, are not objectionable or inconsistent with the aforementioned policy. In addition, development as proposed is not incompatible with future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is not inconsistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?

Staff is not aware of any physical, economic or environmental conditions relative to the property in question and the surrounding area have changed so as to require a zoning map amendment. However, the subject property is currently undergoing a comprehensive plan future land use amendment that if approved, would require the proposed subject zoning map amendment.

8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?

There was no mistake made in the original zoning of the property. The subject property is currently undergoing a comprehensive plan future land use amendment that if approved, would require the proposed subject zoning map amendment.

9. Will the proposed change promulgate or encourage a physical benefit or have a stabilizing effect on the surrounding areas?

The proposed zoning change is compatible with the mixture of single-family, duplex and multifamily land uses in the vicinity. Therefore, the proposed change should maintain a stabilizing effect on the surrounding areas.

10. Would the proposed changes constitute "spot zoning"?

Spot zoning generally occurs when an individual parcel is assigned a zoning classification that is incompatible with the surrounding area and future land use plan. However, as noted above, the proposed residential zoning change is compatible with the diverse mixture of residential land uses in the vicinity. The change would also be consistent with the concurrent comprehensive plan future land use map and text amendment, if approved. Therefore, the proposed change does not constitute spot zoning.

11. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?

The proposed zoning classification is compatible with the existing diverse mixture of the residential neighborhood uses, future land use and zoning classifications as seen in Table 1, Figure 1 and Figure 2 of this staff report. The proposed use is residential, which is the prevailing land use in the area. Therefore, the proposed change is not the singling out of a small parcel of land allowing a use (eg commercial, industrial, etc.) that is totally different from that of the surrounding area.

12. Is the change solely for the benefit of the owner and to the detriment of the community?

The proposed zoning classification is compatible with the existing diverse mixture of the residential neighborhood use, future land use and zoning classifications as seen in Table 1, Figure 1 and Figure 2 of this staff report. In addition, the change would not negatively impact the community's natural or physical environment. Therefore, the proposed change would not be to the detriment of the community but instead the change would increase the City's housing stock and foster westside development.

13. Will the proposed change especially suit the applicant's own special purpose rather than serve the community?

The proposed change would increase the City's housing stock by providing low to medium density residential infill westside development.

14. Would the requested change materially diminish the value of surrounding properties or substantially alter the characteristics of the neighborhood?

The rezoning is compatible with the surrounding neighborhood and therefore should not materially diminish the value of the surrounding properties or substantially alter the characteristics of the neighborhood since the proposed rezoning will ensure the residential nature of the community is maintained.

ORDINANCE NO. 2020-ZZ

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, RECLASSIFYING THE REAL PROPERTY GENERALLY LOCATED AT 3828 S. ATLANTIC AVENUE, SHORT TAX PARCEL ID 6302-05-07-0150, FROM RMF-3 MULTIFAMILY RESIDENTIAL DISTRICT (LOW DENSITY) TO RMF-2 MULTI-FAMILY RESIDENTIAL DISTRICT (MEDIUM DENSITY); PROVIDING FOR MODIFICATION OF THE OFFICIAL ZONING MAP; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, Atlantic Avenue Estates, LLC, owner of the real property with short tax parcel ID 6302-05-07-0150 and generally located at 3828 S. Atlantic Avenue, submitted an owner initiated zoning map amendment application to the City of Daytona Beach Shores on October 17, 2019; and

WHEREAS, Atlantic Avenue Estates, LLC is requesting the City of Daytona Beach Shores amends the official zoning map of the subject real property from RMF-3 Multifamily Residential District (Low Density) to RMF-2 Multifamily Residential District (Medium Density); and

WHEREAS, the development of vacant westside properties is important to the economic development and tax base of the City of Daytona Beach Shores; and

WHEREAS, the City Council of the City of Daytona Beach Shores has received recommendation from staff and the Planning and Zoning Board for the assignment of zoning classification to the subject real property and has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds such rezoning consistent with the *City of Daytona Beach Shores Comprehensive Plan* and deems it in the best interest of the inhabitants of said City to amend the Official Zoning Map as hereinafter set forth,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, as follows:

SECTION ONE: REZONING OF REAL PROPERTY. The real property described hereinafter which was annexed into the City of Daytona Beach Shores pursuant to Ordinance No. 2015-07 is hereby rezoned and assigned the zoning classification as follows:

Short Tax Parcel ID #6302-05-07-0150, as described in Exhibit “A” as attached, is assigned the RMF-2, Multifamily Residential District (Medium Density) Zoning Classification.

SECTION TWO: AMENDMENT OF OFFICIAL ZONING MAP. The Official City Zoning Map is hereby amended to conform with the rezoning assigned herein.

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designee, is authorized to take any and all required administrative actions to implement the provisions of this Ordinance including, but not limited to, providing notice of this rezoning to the Volusia County Council in accordance with applicable law.

SECTION FOUR. NON-CODIFICATION. This Ordinance shall not be codified in the *City Code of the City of Daytona Beach Shores* or the *Land Development Code of the City of Daytona Beach Shores*; provided, however, that the actions taken herein shall be depicted on the Official Zoning Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

RAYMOND J. BRANCH, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2020.

Adopted on second reading this _____ day of _____, 2020.

EXHIBIT A

LOTS 14 15 & 16 BLK 7 OCEAN VIEW SEC HALIFAX ESTATES MB 11 PG 100 PER
OR 1612 PG 0174 PER OR 4705 PGS 2478-2479 PER OR 5532 PG 4310 PER OR 7177 PG
0575 PER OR 7183 PG 2271.



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING JANUARY 13, 2020

**8:30 AM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Notice is hereby given to all interested parties that if any person should decide to appeal any decision made at the aforementioned meeting of the P&Z Board, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City Clerk, City of Daytona Beach Shores, at least five working days prior to the meeting.

PLANNING & ZONING BOARD AGENDA MEMORANDUM JANUARY 13, 2020 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Comprehensive Plan Amendment CPA12020001: To create a new Future Land Use Goal that would allow the limited expansion of nonconforming single-family residential uses and structures on properties with the High Intensity Future Land Use.

SYNOPSIS:

The proposed Comprehensive Plan Amendment CPA12020001, if adopted, would amend the Daytona Beach Shores Comprehensive Plan to create a new Future Land Use goal, objective and policy that would allow the limited expansion of nonconforming single-family residential uses and structures on properties in the High Intensity Future Land Use areas of the City.

FISCAL IMPACT STATEMENT:

The current fiscal year has adequate funding to implement all technical and administrative actions needed to implement the subject proposal.

BACKGROUND:

On August 13, 2019 the Daytona Beach Shores City Council denied Special Exception SPEX12019016 relating to the expansion of a nonconforming single-family residence located at 3839 S. Atlantic Avenue (**Exhibit A**). The property was nonconforming because it is located in the High Intensity category on the Future Land Use Map of the City's Comprehensive Plan. High Intensity uses include hotels, motels and multifamily residential uses. Expanding nonconforming uses and structures are prohibited by City Code. However, at the public hearing the City Council inquired about a way to allow the special exception . This proposed amendment, if approved, would allow the property owner and others in similar situations to expand their nonconforming single-family uses and structures per the proposed goal, objective and policy below. **Exhibit B** attached illustrates the effect of the amendment if approved.

PROPOSED AMENDMENT LANGUAGE:

Goal 1-3: Goal 1-3: To protect private property rights by allowing certain limited changes to nonconforming uses that are fair and reasonable.

Objective 1-3.1: The City shall allow limited expansion of single-family residential uses and structures, even when non-conforming, with regard to properties which are designated a High Intensity Future Land Use Classification.

Policy 1-3.1.1: By December 31, 2020 the City shall amend the Land Development Code to allow the expansion of single-family residential structures pursuant to Objective 1-3.1 to expand within and up to the existing building footprint of the existing structure but in no case shall expansion extend beyond the existing building height of the highest part of the roof structure.

LEGAL REVIEW:

Reviewed and approved

RECOMMENDATION:

Staff recommends approval of Comprehensive Plan amendment application CPA12020001 as presented.

SUGGESTED MOTION:

A Planning and Zoning Board member may move as follows:

1. "I move to recommend approval of CPA12020001 as presented"

OR

2. "I move to recommend approval of CPA12020001 with the following conditions..."

OR

3. "I move to deny the application on the basis of the following"

- ATTACHMENT:**
1. Exhibit A-CCMinutes-8-13-19
 2. Exhibit B-Illustration Effect of Proposed Amendment
 3. ORD 2020-xx-SF Nonconforming Expansion-P&Z
 4. Ord. 2020-xx Exhibit A-P&Z

MINUTES
CITY COUNCIL MEETING
August 13, 2019
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

Staff: City Clerk Cheri Schwab, City Attorney Lonnie Groot, City Planner Stewart Cruz, Community Services Director Fred Hiatt, Finance Director Kurt Swartzlander, and Public Safety Director Stephan Dembinsky.

ROLL CALL BY CITY CLERK

1. Invocation and Pledge of Allegiance

CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

A. Employee Service Awards -

Stewart Cruz 15 years

Officer Billie Phillips 15 years

Community Services Director Fred Hiatt presented Stewart Cruz with his 15-year service award.

Public Safety Director Stephan Dembinsky presented Sgt. Billie Phillips with his 15-year service award.

B. Don Stoner to speak on Lighthouse Loop Half Marathon

Don Stoner spoke to the council requesting permission to hold the 8th Annual Lighthouse Loop Half Marathon and 5K. This year only the runners participating in the half marathon would run through the city. Part of the proceeds raised will be donated to the Volusia County High Schools. The council granted permission for the race.

C. Presentation by Rafael Montalvo Strategic Plan

Rafael Montalvo recapped the process of the strategic planning exercise that began in January and concluded in May. The five goals and their objectives were reviewed. The goals were: A) A vibrant, walkable City of Daytona Beach Shores with a redeveloped west side B) Pedestrian and vehicle safety on State Road A1A C) Transparency in government and effective communication among elected officials and staff, residents and businesses D) A range of recreational programs that meet the needs of residents, and introduce non-residents to the City E) A positive, cooperative relationship with Volusia County that promotes the early identification and cooperative resolution of issues F) Continued high levels of service for all public safety services.

2. APPROVAL OF MINUTES

A. Budget Workshop Minutes July 9, 2019

B. City Council July 9. 2019 Minutes

COUNCILMEMBER LINDAUER moved, seconded by COUNCILMEMBER FRIZALONE to approve both the Budget Workshop Minutes and the City Council Meeting of July 9, 2019.

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

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

3. CONSENT AGENDA:

A. Public Safety Monthly Report

B. Monthly Finance Report

C. Building Division Report

D. Community Services Report

E. Renewal of Non-exclusive Franchise- Acet Recycling

COUNCILMEMBER LINDAUER moved, seconded by COUNCILMEMBER FRIZALONE to Approve the consent agenda.

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

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

4. REPORTS OF THE CITY MANAGER:

A. City Manager's report for August 13, 2019

Finance Director Swartzlander was the Acting City Manager for the meeting. He provided the following report: the City has been registered with ASCAP, BMI and SESAC regarding song copyrighting; incentives for the economic development program are being developed; permission to list the city-owned property at 136 Beachcomber is being requested. It was appraised at \$300,000. It was noted, that the property would need to be sub-divided from Beachcomber Park, but that is a relatively quick simple process. The council gave their permission to list the property. He reminded everyone that the second meeting in August had been cancelled and that the first meeting in September would be held on Monday the 9th. He reported that the representatives for Halifax Health had signed the lease agreement for the Urgent Care building. It will be added to the next agenda.

5. REPORTS OF THE CITY ATTORNEY:

Attorney Groot reviewed his written report that he sent to the Council. He is drafting a policy for actions of individual City Councilmembers. Work sessions for both the charter and code amendments need to be scheduled. He updated the status on the opioid litigation case. The city is part of a group that consists of 16 counties and 9 cities. There has been no response yet on the AGO opinion regarding the recent fire cancer legislation. With the recent court decision relating to invocations, Resolution 2014-06 was shared with the Council. That resolution appointed Reverend Robert Kemp-Baird as the City Council Chaplain. Attorney Groot explained that the past practice of the city would be legally defensible. Mayor Miller responded that she would like to continue with past practice.

OLD BUSINESS:

NEW BUSINESS:

- A. Ordinance 2019-08 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA ESTABLISHING THE CITY OF DAYTONA BEACH SHORES SUPPLEMENTAL ECONOMIC OR TOURISM DEVELOPMENT PROGRAM; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS, PROVIDING FOR A SAVINGS PROVISION AND THE EFFECT OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Groot explained that the proposed Ordinance was part of the progressive economic development program. It specifically deals with Ad Valorem Tax and the ability to enter into agreements to provide tax relief in reverse. The city could give back a percentage of taxes for a designated length of time. It was explained that it is a tax neutral event for the city. CMBR Lindauer questioned one of the allowed development activities as being a landfill. He was assured that the Council would look at each agreement on a case-by-case basis and determine whether to approve it or not. Audience member Jim Cameron congratulated the council on their continued proactive movement.

COUNCILMEMBER LINDAUER moved, seconded by VICE MAYOR BRYAN to approve Ordinance 2019-08 on first reading.

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

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

- B. Ordinance 2019-09 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO A PROGRAM OF ENHANCED CODE ENFORCEMENT; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE CONDEMNATION AND DEMOLITION OF DILAPIDATED, UNSANITARY, UNSAFE OR UNINHABITABLE BUILDINGS; PROVIDING FOR A CERTIFICATE OF HABITABILITY; PROVIDING FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE (AS MODIFIED); PROVIDING FOR AN ARRAY OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR REQUIREMENTS AND PROHIBITIONS; AMENDING SECTIONS 14- 61.1 AND 19-1.2. OF THE CITY CODE; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Groot explained that the proposed ordinance could be considered a de-incentive. It allows the city's code enforcement division to go one step further by adopting the International Property Maintenance Code. It will require a certificate of use and a certificate of habitability on new property.

COUNCILMEMBER POLITIS moved, seconded by VICE MAYOR BRYAN to approve Ordinance 2019-09 on first reading.

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

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

- C. Resolution 2019-13 A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO THE CITY'S TENNIS FACILITY; CREATING A CITY TENNIS FACILITY OPERATIONAL COMMITTEE AND PROVIDING FOR AN ARRAY OF MATTERS RELATING TO THE COMMITTEE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Miller explained that she felt the issues within the tennis community had been resolved and this agenda item could be removed from consideration. Vice Mayor Bryan agreed there was no need for a tennis committee.

Audience member Honey Burget inquired if teams were allowed to play during the morning. She felt teams took away the courts from the residents. The response was affirmative, that GVTL teams could play as long as a resident made the reservation. She felt it was a conflict of interest and directed a few remarks towards CMBR Frizalone. Attorney Groot stated there was no conflict of interest as the facility is open to the public.

CMBR Politis explained that he was a member of GVTL at Oceanside Country Club. He appreciated the camaraderie of the team players and enjoys visiting other facilities. CMBR Frizalone requested that two GVTL men's teams be allowed to play at night and the council agreed.

D. Special Exception Application SPEX12019016: Banker Nonconforming Single-Family Residential Garage Expansion-3839 S. Atlantic Avenue

The Councilmembers began by stating that all had received a phone call from Attorney Stowers but only CMBR Politis had a conversation with him.

City Planner Stewart Cruz read from his staff report. The applicant submitted an application on April 29, 2019. If the special exception was granted, it would entitle the property to expand its residential garage structure. The owner would like to add a second floor over the garage. The property is located in the T-RMF-1 High Density (Hotel/Motel-Multifamily Residential) zoning district and is assigned the Comprehensive Plan's High Intensity Future Land Use. Both of these designations were in place prior to 2010 when the owner bought the property. The relevant Land Development Codes that are applicable do not mention a single family structure. The home as it exists is a legal non-conforming structure. Section 14-29.5 of the LDC refers to development of a small lots and pertains to the hotel/motel district only. Sections 14-18 and 14-21 do not include single-family uses as a permitted principle use. Florida Statutes Section 163.3194(1)(a) explains the legal status of the comprehensive plan. All development undertaken, and all actions taken shall be consistent with such plan adopted. The application came before the Planning & Zoning Board and they voted to deny the project based on the fact of the application being inconsistent with the comprehensive plan. Staff recommended denial of the application for the same reason. Exhibits were shown to the council displaying the location of the property along with the zoning and future land use maps. City Attorney Groot informed the council that if the development is inconsistent with your comprehensive plan, the law prohibits you to approve it.

Attorney James Stowers spoke for the applicant. He explained that the owner would like to do a small home renovation. He agrees that the property is a non-conforming structure. The house was originally built in 1970's and the owner only wants to expand the garage. It is only a 600 foot expansion. He felt that Section 14.29 of the LDC was very specific to small narrow lots on the east side of S. Atlantic Avenue. He felt it met some of the criteria for a small lot exception. It was his view that the expansion would not impact the public negatively and that the Florida Statutes would agree with him.

Donald Banker spoke on his own behalf. He explained that he purchased the house in 2010, but didn't do any due diligence. The house is not being rented out, it is only for family. They now have a larger family with 11 grandchildren and would like to build two more bedrooms and a bathroom.

The City Attorney reiterated, all new development must be consistent with the zoning classification. The use being proposed is a resident use, but the zoning is multi-family use. Council inquired of a legal way to allow the expansion. It was explained that it would need a comprehensive plan amendment. Director Fred Hiatt explained that staff has to adhere to the comprehensive plan and the law when it was reviewing the application.

COUNCILMEMBER POLITIS moved, seconded by COUNCILMEMBER FRIZALONE to approve the Special Exception Application SPEX12019016 as presented.

Vote: Motion denied by roll call vote (**summary:** Yes = 2 No = 3).

Yes: Councilmember Richard Frizalone, Councilmember Michael Politis

No: Nancy Miller, Richard Bryan, Mel Lindauer

- E. Non-Conforming Sign Removal Incentive Grant Application: Grand Prix Motel, 2015 S. Atlantic Avenue

City Planner Stewart Cruz provided details from his staff report. The sign grant is capped this year at \$3,900 and there are adequate funds for this project. The applicant did receive three bids and the lowest bidder was Coastal Sign. All requirements have been met and staff recommended approval.

COUNCILMEMBER LINDAUER moved, seconded by COUNCILMEMBER POLITIS to approve the Grand Prix Motel Nonconforming Sign Removal Incentive Grant application in the amount of \$3,900 on the condition that the new sign meets all the requirements of the applicable City sign standards and that no code enforcement violation exist prior to the disbursement of City grant funds.

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

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

- F. Consideration of date and time for board interviews

Interviews need to be scheduled for potential new Planning & Zoning Board members, Public Art & Beautification Committee members as well as the Special Magistrate. After a short discussion, it was decided to meet on Friday, September 20th at 1:00 pm.

- G. Consideration for contract with Stacy Conomos for promotion of economic development programs on social media

CMBR Frizalone provided a brief background on Ms. Conomos and her ability to utilize the social media platform. This would help advertise the new program and it's incentives.

COUNCILMEMBER FRIZALONE moved, seconded by COUNCILMEMBER POLITIS to approve the contract with Stacy Conomos for promotion of economic development programs on social media.

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

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

H. Discussion on City Manager's Salary and Performance Evaluation

Mayor Miller began by stating that the current City Charter provided that the City Manager evaluation was a public record that should be reviewed during a public meeting. In the past, the evaluations were not discussed during a council meeting, but going forward that would be corrected. She stated that the current contract reads the city manager has an active part in the discussion. She requested to schedule a workshop before the next meeting at 5:30 pm to discuss the new format. The Mayor felt the council could use the forms provided to them for this year's evaluation. CMBR Lindauer shared his opinions from a recent meeting with the City Manager. It was his opinion that the City Manager was overstepping his bounds in relation to directing the City Attorney. He felt City Manager Booker had displayed unacceptable conduct in recent emails regarding this evaluation and the City Attorney. CMBR Politis stated that the remarks made by CMBR Lindauer were not appropriate as the City Manager was not present to defend himself. He stated that he would be out of the country on September 9th and requested an alternate date for the workshop. It was decided to hold the workshop on September 20th at 11:00 am.

Vice Mayor Bryan felt the current form did not have measurable objectives. He would like to have some included on a future format.

Audience member Rosana Scaccia spoke on behalf of the Peoples Voice PAC. They support having objectives for employee evaluations.

6. COUNCIL COMMENTS:

Mayor Miller inquired if the council would object to starting the meeting at 6:00 pm from now on. The others had no objection and the City Attorney stated he would prepare a resolution. She would also like to begin holding a monthly workshop prior to a council meeting to allow the members to have discussion on upcoming items. She reminded the audience that her Coffee with the Mayor was tomorrow (August 14th). Beginning in September, the start time will be moved to 10:00 am.

CMBR Lindauer explained that he has begun working with the existing businesses. He had a very productive lunch with Jim Cameron who is in charge of governmental relations with the Daytona Chamber. Vice Mayor Bryan requested the City Attorney determine what is involved with creating a small lot comp plan amendment for the Bankers.

7. AUDIENCE REMARKS/PUBLIC COMMENTS:

Rick Brown stated that he had been trying to research the vacant lot at 2900 S. Atlantic Avenue. He still feels it is a part of the Bellemead PUD and should remain green space. Mayor Miller asked Director Hiatt his opinion and he responded that it was not part of the final PUD. He invited Mr. Brown to his office to discuss the matter.

Linda Toffolon from the Daytona Diner inquired why an existing business had to wait three years to be eligible for any economic incentives. New businesses are awarded them immediately. Attorney Groot responded that the business loyalty program wouldn't start until 2022.

8. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

9. ADJOURNMENT:

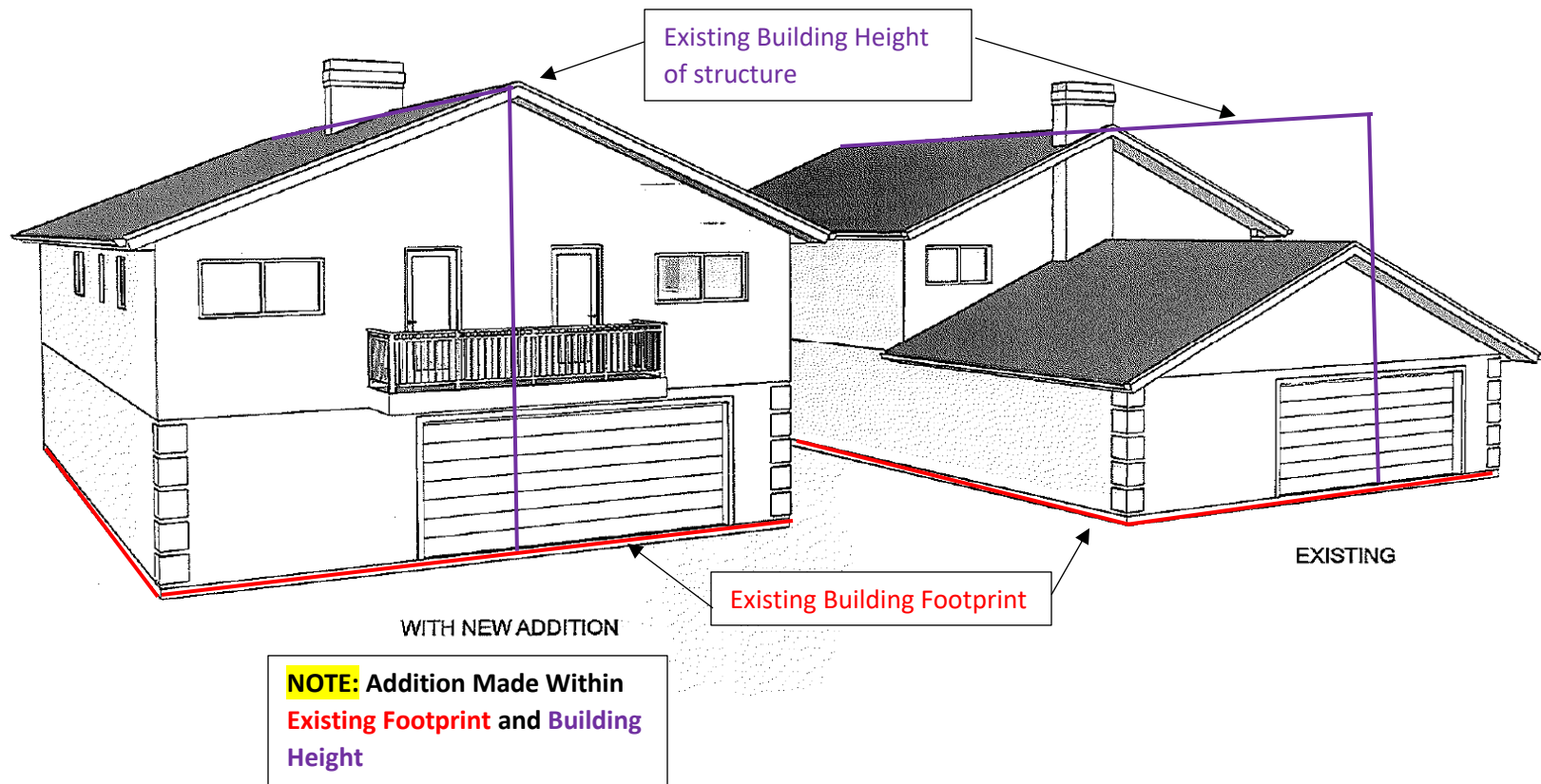
The meeting ended at 9:54 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB



Policy 1-3.1.1: By December 31, 2020 the City shall amend the Land Development Code to allow the expansion of single-family residential structures subject to Objective 1-3.1 to expand **within and up to the existing building footprint** but in no case shall expansion **extend beyond the current building height of the structure.**

ORDINANCE NO: 2020-xx

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING *THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN*, AMENDING CHAPTER 1, “FUTURE LAND USE ELEMENT”, BY CREATING A NEW FUTURE LAND USE GOAL TO ALLOW LIMITED EXPANSION OF NONCONFORMING SINGLE-FAMILY RESIDENTIAL USES AND STRUCTURES ON PROPERTIES WITH THE HIGH INTENSITY FUTURE LAND USE CLASSIFICATION; PROVIDING FOR A SAVINGS AND RATIFICATION PROVISION; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the City of Daytona Beach Shores has the authority to amend its Comprehensive Plan pursuant to Part II, Chapter 163, *Florida Statutes*; and

WHEREAS, the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* directly relates to the amendment of the text of a comprehensive plan as provided in Section 163.3184, *Florida Statutes*; and

WHEREAS, the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* is being submitted under the expedited state review process as provided in Section 163.3184, *Florida Statutes*; and

WHEREAS, the Volusia County Growth Management Commission (VGMC) has issued a determination of consistency in accordance with Section 202.3 of the *Charter of Volusia County, Florida*, for the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan*, attached as Exhibit “A”; and

WHEREAS, the proposed comprehensive plan amendment does not conflict with the determination of consistency issued by the VGMC in accordance with Section 202.3 of the *Charter of Volusia County, Florida*; and

WHEREAS, the Planning and Zoning Board, which is the local planning agency of the City, and City Council of the City of Daytona Beach Shores have conducted public hearings and issued notices required by Florida law in the preparation and enactment of this Ordinance; and

WHEREAS, on August 13, 2019 the City Council of the City of Daytona Beach Shores inquired as to a way in which the City could allow the reasonable expansion nonconforming single-family residential uses and structures in the High Intensity Future Land Use Classification; and

WHEREAS, the City Council of the City of Daytona Beach Shores declares that the purpose and intent of the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* is to guide future growth and development; encourage and maximize the most appropriate use of the land, water and other resources, consistent with the public interest, promote and protect the public health, safety, comfort, good order, appearance, convenience, aesthetics, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; provide adequate facilities and services; conserve and protect natural resources within the City, while protecting private property rights; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds that this Ordinance serves the best interest of the City of Daytona Beach Shores; and

WHEREAS, underlined words shall constitute additions to the original text of the Comprehensive Plan, *** shall constitute ellipses, and ~~strike through~~ shall constitute deletions to the Comprehensive Plan.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, AS FOLLOWS:

SECTION ONE: CHANGE IN TEXT OF FUTURE LAND USE ELEMENT. The text of Chapter 1, “Future Land Use Element,” of the *City of Daytona Beach Shores Comprehensive Plan* is hereby amended to allow the expansion of nonconforming single-family uses and structures in the High Intensity Future Land Use Classification as depicted in Exhibit “A”.

SECTION TWO: IMPLEMENTING ADMINISTRATIVE ACTIONS. The Community Services Director is hereby authorized to transmit copies of the adopted amendment to the *City of Daytona Beach Shores Comprehensive Plan* to the appropriate agencies and to any other unit of local government who has filed a written request for a copy in accordance with the provisions of Section 163.3184, *Florida Statutes*, and *Volusia Growth Management Rules*. The City Manager and the City Attorney are hereby authorized to take any and all necessary actions to defend the enactment and implementation of this Ordinance and assert the legal compliance status of this Ordinance.

SECTION THREE: SAVINGS AND RATIFICATION. The City of Daytona Beach Shores hereby ratifies and affirms that action taken by the City Council and the City as a whole to date relative to the comprehensive planning programs action activities of the City. The applicability

and effect of the *City of Daytona Beach Shores Comprehensive Plan* are hereby ratified and shall remain in full force and effect consistent with the provisions of this Ordinance.

SECTION FOUR: CONFLICTS. All ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION FIVE: SEVERABILITY. If any section or portion of a section of this Ordinance, or application of any provision of this Ordinance, proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Ordinance.

SECTION SIX. CODIFICATION. This Ordinance shall be codified in the *City of Daytona Beach Shores Comprehensive Plan* as deemed appropriate by the Code codifier.

SECTION SEVEN: EFFECTIVE DATE. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency (the Florida Department of Economic Opportunity) notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

CITY OF DAYTONA BEACH SHORES, FLORIDA

Mayor, Nancy Miller

ATTEST:

Michael T. Booker, City Manager

Cheri Schwab, City Clerk

Approved as to form and content:

Raymond J. Branch, City Attorney

Passed upon first reading this __ day of _____, 2020.

Adopted on second reading this __ day of _____, 2020.

EXHIBIT A

CHAPTER 1: FUTURE LAND USE ELEMENT

GOAL 1-1: Effectively manage future development by designating appropriate areas for new growth that does not compromise environmental integrity, is responsive to market needs and is consistent with sound land planning practices.

Objective 1-1.1: Future growth will be managed through the preparation, adoption and implementation of land development regulations that are compatible with this Element and coordinated with the availability of public facilities and services. The City shall discourage urban sprawl through the designation of appropriate densities (see Policy 2 under this Objective) that will retain the compact development already in place and other land use strategies and regulatory provisions. All future development in the City shall maintain at least a 50-foot setback from the Coastal Construction Control Line (CCCL). With this requirement, as well as adherence to controlling provisions of Federal and State law, such as the regulations of the Florida Department of Environmental Protection, new development shall be protected from any storm surge that occurs as a result of tropical storms. This objective shall be measured through the implementation of the following policies.

Policy 1-1.1.1 The City shall enact and enforce land development regulations that, at a minimum:

- a. Regulate the quality of new development through appropriate site plan review and other land use criteria;
- b. Provide for recreational lands and facilities to meet the Level of Service standards contained in the Recreation and Open Space Element of this Comprehensive Plan;
- c. Provide for adequate off-street parking and loading facilities;
- d. Provide that all new development with regard to on-site drainage and stormwater management facilities meet the minimum standards set forth in the Stormwater Management Sub-Element of this Comprehensive Plan;
- e. Regulate signage;
- f. Provide that building permits shall not be issued that result in the reduction of service levels below the standards set forth in this Comprehensive Plan;
- g. Require that all new development maintain a minimum setback of 50 feet from the Coastal Construction Control Line (CCCL), and require, through inclusion in the City's land development regulations, that all new development take into account the potential for storm surges from the ocean;
- h. Require that, prior to the issuance of a development order or building permit, written assurances shall be obtained from any municipal or County agency providing infrastructure or services, that available capacity exists to support the proposed development at the adopted Level of Service standard for the relevant facility or service to be provided.
- i. Regulate erosion control and beach and dune stabilization; and
- j. Require the preservation of any significant on-site historical, cultural or archaeological features meeting the National Register Eligibility Criteria.

Standard/Measure: Enact and enforce land development regulations.

Time Frame: Continuous

Policy 1-1.1.2: Enact and enforce land development regulations consistent with the following density standards:

1. Residential

- a. Low Intensity: up to 4 units per gross acre
- b. Low Density: up to 12.0 units per gross acre
- c. Low Density-Riverside: between 12.1 and 15 units per gross acre. Properties shall be developed as a planned unit development (PUD) and meet the following criteria: (i) land shall abut the Halifax River, (ii) land shall have a minimum parcel size of three (3) acres, (iii) land must be served by public infrastructure including but not limited to potable water and wastewater lines, and (iv) land shall have direct access to a major thoroughfare as determined by the City.
- d. Medium Density: between 12.1 and 35.0 units per gross acre
- e. High Density: between 35.1 and 60 units per gross acre (site specific density to be controlled by land development regulations)

2. High Intensity Uses – Hotel, motel and timeshare developments shall have densities up to a maximum of 70 units per gross acre. Condominium, multi-family residential, and apartment developments shall have a maximum density of 60 units per gross acre (site specific density to be controlled by City’s land development regulations).

3. Commercial Facilities - Commercial intensities shall not exceed 35% lot coverage, a building height of 45 feet or a floor area ratio of 1.4.

4. Public Facilities – Public facilities shall be regulated by off-street parking requirements (approximately three off-street parking spaces shall be required for every 1,000 square feet of public facility use).

5. Recreational Facilities – Recreational facilities shall be provided in accordance with the Level of Service standards established within this Comprehensive Plan.

6. Building Height – Except for large lots, as defined in the City’s land development regulations, in PUDs (planned unit development), T (hotel/motel), and RMF-1 (multifamily residential-high density) districts, new buildings shall be limited to a height of 12 stories.

7. View Corridors – View corridors shall be preserved by limiting the north to south width of new buildings and the application of other appropriate land use planning practices and principles.

Standard/Measure: Ensure that adequate land development regulations are in effect to reasonably ensure public views while allowing reasonable development upon properties.

Time Frame: Continuous

Policy 1-1.1.3: Maintain and enforce land development regulations consistent with the location and extent of land uses as discussed within the Element and indicated on the Future Land Use Map. To this end, the map that accompanies the new Land Development Regulations shall reflect the Future Land Use Plan Map 2020, in terms of ensuring that zoning districts shall be consistent with the map. All new development and redevelopment activities shall be required to be consistent with the zoning district classifications.

Standard/Measure: Maintain and enforce land development code.
Time Frame: Continuous

Policy 1-1.1.4: The land development regulations shall maintain and enforce performance standards that address buffering and open space requirements, especially between condominium and hotel/motel developments.

Standard/Measure: Maintain and enforce land development code.
Time Frame: Continuous

Policy 1-1.1.5: (a) The City shall maintain at least the Level of Service standards prescribed in Policy 2-1.1.1 at all times on its roadway network throughout the City. This shall include Dunlawton Boulevard, including the bridge. The maintenance of this Level of Service standard is important to ensure that an efficient flow of traffic can be maintained on these primary roads in the event of a hurricane threat. (b) Maintain the clearance time of the population in the Hurricane Vulnerability Zone at sixteen (16) hours based on a level of service standard “D” during the time of a category 5-storm event as measured on the Saffir-Simpson scale. This policy is consistent with the stated objectives contained in the Coastal Management Element of the Volusia County Comprehensive Plan regarding hurricane evacuation and Section 163.3178 (9) (b), F.S. and based on the most current East Central Florida Regional Planning Council hurricane study.

Standard/Measure: Monitoring of annual traffic counts from the Florida Department of Transportation for S.R. A1A, including the Dunlawton Boulevard.
Time Frame: Continuous

Policy 1-1.1.6: Coordinate Hazard Mitigation Reports with Development and Redevelopment. Should Daytona Beach Shores be included in a Presidential Disaster Declaration, the City shall use the interagency hazard mitigation report as the basis for prohibiting redevelopment of uses which are inconsistent with the report recommendations. Additionally, the City shall use the interagency hazard mitigation report to prevent new uses which are inconsistent with the report recommendations from locating in the area included in the Presidential Disaster Declaration. Finally, should an interagency hazard mitigation report be issued for Daytona Beach Shores, the City shall consider adopting a program for eliminating existing uses which are inconsistent with the report recommendations.

Policy 1-1.1.7: Condo-Hotels and Timeshares. The City of Daytona Beach Shores shall have adopted land development regulations governing condo-hotels and timeshares. These regulations shall include minimum standards for both new construction and the conversion of existing units to either condo-hotels or timeshares.

Policy 1-1.1.8: By December 31, 2012 the City of Daytona Beach Shores shall establish criteria allowing and regulating assisted living facilities within the City, including but not limited to the following:

1. Assisted living facilities shall only be permitted in the medium and low density residential future land use classifications.
2. Facilities shall not be permitted on parcels with an area less than one (1) acre.

Objective 1-1.2: Future redevelopment activities shall take the form of replacing the outmoded and inefficient existing hotels and motels that were built in the 1950s and early 1960s. These uses are found primarily on the east side of S.R. A1A, north of Florida Shores Boulevard to the City limits at the north end, and south of Van Avenue to the south City limits ending at the Wilbur-by-the-Sea area. These redevelopment activities shall be consistent with the goals, objectives, and policies set forth in this Element. Additionally, no land development shall be permitted that is detrimental to the natural resources of the City. In this context, no land development order shall be issued that denigrates existing topographic or soil conditions. Additionally, prior to the issuances of any development order, written assurances shall be obtained from the appropriate municipal agency providing infrastructure that available capacity exists to properly support the proposed development activity at the adopted Level of Service standard for the relevant facility or service to be provided.

Policy 1-1.2-1: The Land Development Regulations will maintain and enforce provisions for mixed land use development that allows for office, residential, hotel, and commercial designations. The City shall encourage mixed use development along the westside of A1A with Daytona Beach Shores.

Standard/Measure: Maintain and enforce mixed use regulations in the LDC.
Time Frame: Continuous

Policy 1-1.2.2: The City's existing policy of requiring written assurance from any entity providing sewage treatment, potable water, or solid waste disposal shall be maintained throughout the planning period.

Standard/Measure: Maintain and enforce this policy in the Land Development Code.
Time Frame: Continuous

Policy 1-1.2.3: The City shall continue to enforce regulations that require that any new development protects and enhances all natural resources.

Standard/Measure: Maintain and enforce this policy in the Land Development Code.
Time Frame: Continuous

Policy 1-1.2.4: By December 31, 2010 the City of Daytona Beach Shores shall establish guidelines for the drafting of land development regulations that will encourage land uses that contribute to the economic vitality of the redevelopment area within the City, including but not limited to the following:

1. Adverse land uses such as body art, spirituals, mediums and palm readers, shall be prohibited.
2. Mixed uses shall be permitted in the town center.
3. Incentives shall be provided for the development of LEED certified facilities.

Objective 1-1.3. The economic base of the City shall be broadened by allowing within the tourist oriented commercial and retail/service commercial future land use categories mixed use developments that allow for office uses, as well as residential, hotel and commercial facilities.

Policy 1-1.3.1: The above-mentioned land shall be designated in the new land development code.

Standard/Measure: Maintain and enforce this policy into the Land Development Code.

Time Frame: Continuous

Policy 1-1.3.2: The City administration, working in coordination and cooperation with the Chamber of Commerce, or any other entity shall initiate a promotional campaign to effectively market this land to private developers.

Standard/Measure: Development of marketing program.

Time Frame: Continuous

Objective 1-1.4. Land uses that are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged. This shall take the form of not allowing any objectionable uses (industrial, warehousing, etc.) in the new Land Development Code that will be adopted subsequent to this Comprehensive Plan.

Policy 1-1.4.1: The City shall maintain and enforce land development regulations, including minimum requirements for parking, landscaping, open space, buffering, and lot coverage, to ensure consistency between land uses.

Standard/Measure: Maintain and enforce this policy in the Land Development Code.

Time Frame: Continuous

Policy 1-1.4.2: Location of Public/Quasi-Public Land Uses. The City of Daytona Beach Shores shall allow public/quasi-public land uses within all land use categories shown on the Future Land Use Map. Public and quasi-public land uses include: governmental administration buildings; public schools and not-for-profit educational institutions; hospital facilities and supportive health care units; arts and cultural or civic facilities; essential public services and facilities; cemeteries; fire and emergency operation facilities; utilities; and religious institutions.

Policy 1-1.4.3: High Intensity Uses. The City of Daytona Beach Shores Future Land Use Map shall indicate a land use category of “High Intensity.” This land use category shall allow hotels/motels; condos; multi-family residential units; apartments; and timeshares. The maximum density for hotels/motels and timeshares shall be 70 units per gross acre, while condos, multi-family residential units, and apartments shall have a maximum density of 60 units per gross acre. The density of each specific development site shall be controlled by Land Development Code.

Policy 1-1.4.4: Future Land Use Map Designations for Public Schools. The City of Daytona Beach Shores shall allow elementary, middle and other similar low-intensity schools to be located within the Public and Quasi-Public, Low Density Residential, Medium Density Residential, High Density Residential, Retail/Service Commercial, and High Intensity Uses Land Use categories shown on the Future Land Use Map (FLUM). High schools and similar high-intensity schools shall be allowed in Public and Quasi-Public, Medium Density Residential, High Density Residential, Retail/Service Commercial, and High Intensity Uses Land Use categories shown on the FLUM. Due to the fact that the City of Daytona Beach Shores is located entirely within the Coastal High Hazard Area, it is unlikely that any new public schools would be located within the City.

Policy 1-1.4.5: Coordination with Volusia County School Board. The City will meet with the Volusia County School Board and staff to establish Policies and Standards for locating new schools.

Policy 1-1.4.6: School Siting Criteria. The following criteria shall be used in locating public schools within Daytona Beach Shores:

I. General Guidelines.

- A. Proposed school sites shall be located away from industrial uses, limited access roadways, railroads, and similar land uses to avoid noise, odors, dust, and traffic impacts and hazards.
- B. Disrupting influences caused by school yard noise and traffic indicate that schools be sensitive to adult communities, nursing homes and similar land uses through site design.
- C. Schools shall be designed to minimize the impacts to adjacent neighborhoods through control of site aspects including traffic access, landscaping, buffers, and site design and layout provided by the Volusia County School District.

II. Site Acceptability

- A. School size and land area requirements for elementary, middle, and high schools shall meet the minimum standards established by the Volusia County School Board.
- B. Schools should be centrally located within their intended attendance zones, to the maximum extent possible, and be consistent with walking and bus travel time standards of the school district. High schools shall be exempted from this provision due the large land area requirement.
- C. The site should be of sufficient size to ensure that buildings and ancillary facilities, and future expansions can be located away from floodplains, flood prone areas, wetlands and other environmentally sensitive areas, coastal high hazard areas and will not interfere with historic or archaeological resources.
- D. Public utilities (e.g., water, sewer, stormwater) must be available to the site.
- E. Access to the site should be from a collector road (local roads for elementary schools) and avoid the need for slow down zones, if possible.
- F. Ingress and egress should not create detrimental impacts on roads adjacent to the site.
- G. Approaches to the site should be safe for pedestrians, bicycles, cars and buses.
- H. A mass transit or bus stop should be located near the site.

III. School Specific Site Location Recommendations

- A. **Elementary Schools.** Elementary schools serve a neighborhood or group of neighborhoods where students have a short distance to walk. Land uses should be predominately residential and include housing types and densities sufficient to meet the school's enrollment capacity with students that are predominately within walking distance of the school.
- B. **Middle Schools.** Middle schools have a community orientation and the mix of land uses can include more commercial uses than would be allowed in a neighborhood. Enrollment comes from two or more elementary schools.
- C. **High Schools.** High schools should be buffered from residential areas. Enrollment for high schools comes from two or more middle schools. The campus should be large enough to encourage students to remain onsite and to ensure sufficient parking or parking controls to avoid disruptive offsite parking.

Policy 1-1.4.7: Collocation of Facilities. The City of Daytona Beach Shores shall seek to co-locate public facilities, such as parks, libraries, and community centers, with schools to greatest extent possible. In collocating facilities, the City shall use the following guidelines:

- **Elementary Schools.** Playgrounds can be collocated with elementary schools. In areas with densities high enough to support them, a neighborhood park with facilities for the elderly, a neighborhood recreation center, and a library sub-branch can be included.
- **Middle Schools.** A community park and athletic fields are appropriate to locate with middle schools. A community center, if the school will not be used for this purpose, and a library sub-branch or branch can be included depending on the school's location and the population served.
- **High School.** Community parks with a community center, if the school will not be used for this purpose, and athletic field can be collocated with high schools. A main or branch library is also appropriate. If justified by the population to be served, a district park could be collocated with the school.

Policy 1-1.4.8 Town Center (TC) Future Land Use Designation: The Town Center future land use category is intended to be a convenient and flexible special character district that authorizes horizontal and vertical mixed-use development within an existing redevelopment area where the comprehensive redevelopment of large tracts of land is envisioned.

Individual development within the TC shall follow consistent standards and coordinate with each other in order to create a cohesive area with a strong sense of place and identity. Development on land designated TC is intended to feature high quality architecture and well designed urban form that promotes pedestrian activity spread throughout the day which reduces transportation impacts and a-balances a mix of land uses.

Criteria for TC Designation

- 1) Lands designated TC must be in the South Atlantic Corridor Redevelopment Area.

- 2) The initial area designated TC must be no less than 25 acres in size to allow sufficient land for a functional mix of uses. Once established smaller tracts of lands contiguous to the Town Center may be added so long as the Town Center remains compact and functional.
- 3) Lands designated TC must be served by public infrastructure including but not limited to potable water and wastewater lines.
- 4) The land area designated TC shall be served by South Atlantic Avenue and at least one existing or proposed collector roadway.

Mix of Uses

The Town Center shall incorporate a mixture of the following land uses up to the maximum units or gross square footages identified below:

Residential (up to 1250 units with no single site exceeding 70 units per acre)

Hotel (up to 500 rooms with no single site exceeding 70 units per acre)

Commercial (up to 250,000 square feet)

Office (up to 130,000 square feet)

Public/Quasi-Public (52,000 sq feet)

The land uses within the Town Center shall be mixed horizontally and/or vertically. The overall composition of the Town Center shall comply with the following ranges based on the gross aggregate area of the Town Center:

40% to 60% Residential

20% to 30% Commercial

10% to 40% All Other Uses

Character Guidelines

Development within the Town Center future land use designation shall meet the following guidelines intended to ensure that the character of the Town Center is high quality, urban, pedestrian-oriented and functional.

- The core of the Town Center will be oriented towards the intersection of existing or proposed collector roadways, not South Atlantic Avenue.
- The core street(s) shall be lined with buildings in order to create a consistent street wall.
- The core street(s) and South Atlantic Avenue shall feature sheltered transit stops.
- Street-level uses will be reserved for nonresidential development with active street fronts.
- The core streets of the Town Center shall feature wide sidewalks to encourage the development of a lively streetscape and accommodate sidewalk cafes and other similar activities.
- Onsite parking shall be placed either underground, in above ground parking structures wrapped by habitable structures or surface lots on the interior of properties screened by buildings.
- High quality architecture designed to help form a lively urban space and identify the Town Center as a distinctive place shall be required.

Objective 1-1.5: The City shall promote the compatibility of between low and higher density development. This Objective shall be achieved through the implementation of the following Policies.

Policy 1-1.5.1: Projects should be designed with special consideration given to compatibility with the surrounding uses and any adjacent developments. Compatibility is defined as a condition in which dissimilar land uses can co-exist in relative proximity to one another in a stable fashion over time, such that neither use is unduly negatively impacted by the other.

Policy 1-1.5.2: The City shall require planned unit developments for parcels three (3) acres or more undergoing future land use changes yielding a greater density.

Policy 1-1.5.3: The City shall require planned unit developments provide compatible architecture and adequate setbacks when adjacent to lower density development.

Policy 1-1.5.4: The City shall adopt a future land use – zoning compatibility matrix. The matrix shall be consistent with the comprehensive plan.

Policy 1-1.5.5: The City shall require compatibility between commercial areas and adjacent lower intensity uses through the use of landscape and open space buffering.

Objective 1-1.6: The City shall promote the compatibility of land use with that of adjoining jurisdictions. This Objective shall be achieved through the implementation of the following Policies.

Policy 1-1.6.1: The City shall consider adjoining existing land use and plans when reviewing development proposals adjacent to the City limits.

Policy 1-1.6.2: The City shall continue to participate in available intergovernmental coordination committees such as the Metropolitan Planning Organization (MPO), Volusia Council of Governments (VCOG), the Volusia Growth Management Commission (VGMC) and associated technical committees.

Policy 1-1.6.3: The City shall work with adjacent jurisdictions and intergovernmental coordination committees to develop and utilize a system of intergovernmental negotiation for siting locally unpopular public and private land uses. Such a system should consider the area of population served, the impact on land development patterns or important natural resources, and the cost-effectiveness of service delivery.

Policy 1-1.6.4: The City shall consider compatible architecture and setbacks when a new development is proposed adjacent to a lower density development in an adjoining jurisdiction.

Goal 1-2: To ensure that development patterns are energy efficient and reduce green house gas emissions by reducing the need to travel by private car, supporting public transit and promoting the development of renewable energy resources and use of holistic design principles.

Objective 1-2.1: To promote compact, mixed-use, and energy efficient development to encourage pedestrian, bicycle and transit use, leading to a more energy efficient community and a reduction in greenhouse gas emissions.

Policy 1-2.1.1: The City shall encourage an urban design pattern in redevelopment areas, where appropriate, that will minimize travel requirements among living, working, shopping and recreation areas.

Policy 1-2.1.2: The City shall develop land use policies that will encourage energy efficiency and the

use of renewable energy sources.

Policy 1-2.1.3: The City shall encourage the maintenance, restoration and adaptive reuse of existing urban areas, including buildings, infrastructure and other assets, to reduce energy use and Vehicle Miles Traveled (VMTs).

Policy 1-2.1.4: The City shall encourage urban design strategies that maximize the use of renewable, sustainable, active and passive sources of energy design in architecture.

Policy 1-2.1.5: The City shall identify and remove obstacles to energy conservation and renewable energy systems in the City's Land Development Code.

Goal 1-3: Goal 1-3: To protect private property rights by allowing certain limited changes to nonconforming uses that are fair and reasonable.

Objective 1-3.1: The City shall allow limited expansion of single-family residential uses and structures, even when non-conforming, with regard to properties which are designated a High Intensity Future Land Use Classification.

Policy 1-3.1.1: By December 31, 2020 the City shall amend the Land Development Code to allow the expansion of single-family residential structures pursuant to Objective 1-3.1 to expand within and up to the existing building footprint of the existing structure but in no case shall expansion extend beyond the existing building height of the highest part of the roof structure.