

MINUTES
PLANNING & ZONING BOARD MEETING
February 10, 2020
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Chairman John Schmitz, Member Rose Ann Tornatore, Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Van Alder, Member Harold Needham
Staff: City Clerk Cheri Schwab, Board Attorney Raymond Branch, and City Planner Stewart Cruz.

The meeting was called to order at 8:30 am.

Chairman John Schmitz took a moment to publicly thank Rose Ann Tornatore for her contributions to the First Step Shelter for the homeless.

He also mentioned an upcoming Ethics training being held at the City of Sanford on March 18, 2020.

2. MINUTES

A. Planning & Zoning Minutes Jan. 13, 2020

MEMBER CHUCK HORION moved, seconded by MEMBER JAMES LILLY to approve the Planning & Zoning Minutes of Jan. 13, 2020.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Harold Needham, Chairman John Schmitz, Member Rose ann Tornatore, Member Van Alder

3. QUASI-JUDICIAL HEARING

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

City Planner Stewart Cruz explained that he had received an email from the owner/applicant requesting a continuance until a Development Agreement has been negotiated. A copy of the email was provided to the boardmembers. After hearing the opposition from the nearby residents, the owner, Mark Scharff, requested a meeting with staff. At that time, a development agreement was discussed so concerns could be alleviated. Items that could be included in the DA were the number of units, unit design, and a construction timeline. After the meeting, the applicant didn't understand that he needed to initiate the DA and so far has not done so. City staff recommended continuing the item until April 13, 2020. It was noted that Development Agreements were not required to be approved by the board, just the City Council.

MEMBER CHUCK HORION moved, seconded by MEMBER RICK DELANGE to continue the item until the April 13th meeting agenda.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 2).

Yes: Member Rick Delange, Member Chuck Horion, Member Harold Needham, Chairman John Schmitz, Member Rose Ann Tornatore

No: James Lilly, Van Alder

4. DISCUSSION ITEMS

- A. Ordinance 2020-Tree Removal: Amending the Daytona Beach Shores Land Development Code tree removal exemption provisions consistent with Sec. 163.045, Florida Statutes.

City Planner Stewart Cruz explained that the proposed ordinance was a result from recently adopted State legislation. The state statute now preempts all residential lots, including multifamily and planned unit development (PUD) properties, from needing a permit for tree removal, providing documentation from a certified arborist or landscape architect is obtained by the property owner. In addition, the statute exempts the property owner from having to replant the removed tree. Boardmembers inquired if the size and type of the tree mattered and it was explained that the tree had to be at least 15 feet high and a palm must be 8 feet high. It was noted that Code Enforcement would be utilized to assist in verification. Staff recommended approval to the City Council.

MEMBER RICK DELANGE moved, seconded by MEMBER VAN ALDER to recommend approval of Ordinance 2020-Tree Removal to the City Council.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Harold Needham, Chairman John Schmitz, Member Rose ann Tornatore, Member Van Alder

- B. Ordinance 2020-03: An ordinance relating to temporary promotional outdoor activities within City limits.

City Planner Stewart Cruz explained the proposed ordinance would amend the Land Development Code to permit outdoor promotional activities. The current regulations in this area are restrictive and were put in place quite a few years ago. The city gets numerous calls from businesses asking to allow an outdoor activity. The typical response was to begin the special event process that requires 60 days advance planning and is very restrictive from the business community perspective. This proposed ordinance would allow a business the right to have a tent and promotional activities for a total of 21 days a year with a minimum of three days per event. Tents would be allowed if space is available and there are guidelines in place. It would allow for attractive signs and inflatables. There are still a few prohibitions to what would be allowed. There can be no bike wash or car washes allowed unless that is the type of business currently. There will be no outside body art permitted. If the proposed ordinance is adopted, the fee would be adopted by a resolution. It was noted that both the Building & Code Department and Code Enforcement would create a spreadsheet to track the activity each year. Mr. Lilly thought it was a positive move for the business community.

MEMBER CHUCK HORION moved, seconded by MEMBER VAN ALDER to recommend approval to the City Council on Ordinance 2020-03.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Harold Needham, Chairman John Schmitz, Member Rose ann Tornatore, Member Van Alder

- C. Board duties and procedures

The Chair informed the board that the rules and procedures were adopted last year by Ordinance and would provide guidance to the members. The request to speak form has been amended to include boards and not just the City Council.

MEMBER CHUCK HORION moved, seconded by MEMBER VAN ALDER to approve the Board duties and procedures and to begin utilizing the speaker form with a time limit of three minutes.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Harold Needham, Chairman John Schmitz, Member Rose ann Tornatore, Member Van Alder

5. OTHER

6. BOARD COMMENTS

Mr. Lilly stated that he appreciated the hard work and professionalism of the city staff.
Mr. Horion inquired about a boardmember who had more than three absences. This matter will be discussed with Mayor Miller.

7. ADJOURNMENT

The meeting ended at 9:18 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman