

MINUTES
PLANNING & ZONING BOARD MEETING
October 12, 2020
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Rick Delange, Member Chuck Horion, Chairman John Schmitz, Member Rose Ann Tornatore **Members Excused:** Jim Lilly, Van Alder
Staff: City Clerk Cheri Schwab, Board Attorney John Cary, City Planner Stewart Cruz,

2. MINUTES

A. Planning & Zoning Minutes September 14, 2020

MEMBER RICK DELANGE moved, seconded by MEMBER CHUCK HORION to Approve Planning & Zoning Minutes of September 14, 2020.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

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

3. QUASI-JUDICIAL HEARING

4. DISCUSSION ITEMS

A. Ordinance 2020-13: Proposed Amendment to Atlantic Avenue Estates, LLC - Daytona Beach Shores Development Agreement 12020027

City Planner Stewart Cruz explained that the proposed ordinance would allow an amendment to the Atlantic Avenue Estates Development Agreement from 2016. The original DA allowed for the construction of four residential duplexes with a total of eight units. The proposed amendment would allow the option for single-family residential development, on some or all of the property. The total number of units would not exceed eight. The property owner has requested this amendment due to increasing construction costs and the change in market demand. This project is consistent with both the Comprehensive Plan and LDC. Staff has reviewed and recommended approval. The ordinance will go before the City Council on October 27th and November 10th. The board held a brief discussion and asked minor questions of the City Planner.

Audience member - Gary Koplan spoke in favor of the project. His only concerns were the location of refuse dumpsters and the proximity of the buildings to his property line.

MEMBER CHUCK HORION moved, seconded by MEMBER RICK DELANGE to recommend approval of Ordinance 2020-13 to the City Council.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

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

B. Ordinance 2020-15: Removal of Background Check Requirement For Fortune Tellers, Palmists, etc.

City Planner Stewart Cruz explained that the proposed ordinance would remove the background check requirement for fortunetellers, palmist and similar occupations in conjunction with the issuance of a certificate of use. There is no legal requirement for having this background check. The courts have deemed fortune telling and similar occupations as protected under the "free speech" provisions of the US Constitution. There is also no Florida Statute requiring a background check on these occupations. This is purely an administrative housecleaning effort. Staff recommended approval.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER RICK DELANGE to recommend approval of Ordinance 2020-15 to the City Council.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

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

C. Ordinance 2020-16: Updating Shared Off-street Parking Requirements

City Planner Stewart Cruz explained that the proposed Ordinance 2020-16 would amend the LDC off-street parking requirements relative to shared parking. This has been one of the limiting factors in economic development in the city due to the nonconforming nature of commercial properties. Currently, some businesses make parking agreements with their neighbors or they purchase additional property on the west side of S. Atlantic Avenue for extra parking. This is especially difficult for many small businesses. The proposed changes would amend the definition of shopping center that would make it consistent with other chapters in the LDC; amend the combination of off-street parking regulations for businesses with varying peak hours and create an additional method to calculate the overall off-street parking required. The optional method would be one parking space for every 250 square feet of gross floor area of the entire shopping center. The proposed ordinance is consistent with the LDC, the city's comprehensive plan and staff recommends approval.

MEMBER CHUCK HORION moved, seconded by MEMBER RICK DELANGE to Approve Ordinance 2020-16: Updating Shared Off-street Parking Requirements.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

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

5. OTHER

6. BOARD COMMENTS

Attorney Cary informed the board that he would be providing training at the next meeting.

7. ADJOURNMENT

The meeting ended at 9:36 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman