



# City of Daytona Beach Shores

*"Life is Better Here"*

*"A Premier, Friendly Place to Be"*

## **AGENDA PLANNING & ZONING BOARD MEETING JUNE 14, 2021**

**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 May 10, 2021

**3. QUASI-JUDICIAL HEARING**

A. Ordinance 2021-05: Single-family residential rezoning application for annexed property located at 2924 S. Peninsula Drive

B. Special Exception SPEX12021005: El Caribe Resort Westside Overflow Parking, 2122 - 2128 S. Atlantic Avenue

**4. DISCUSSION ITEMS**

A. Ordinance 2021-04: Comprehensive Plan Future Land Use Map amendment for annexing single-family residential property located at 2924 S. Peninsula Drive

**5. OTHER**

**6. BOARD COMMENTS**

## 7. ADJOURNMENT

**MINUTES**  
**PLANNING & ZONING BOARD MEETING**  
**May 10, 2021**  
**3000 Bellemead Drive Daytona Beach Shores, FL 32118**

**1. OPENING REMARKS**

**Present:** Member Rose Ann Tornatore, Chairman John Schmitz, Member Rick Delange, Member James Lilly, Member Chuck Horion, Member Anthony Rembiszewski  
**Staff:** City Clerk Cheri Schwab, Board Attorney John Cary, Community Services Director Fred Hiatt, and City Planner Stewart Cruz.

**2. MINUTES**

A. Planning & Zoning Minutes March 8, 2021

**MEMBER JAMES LILLY moved, seconded by MEMBER RICK DELANGE to Approve the Planning & Zoning Minutes of March 8, 2021.**

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

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

**3. QUASI-JUDICIAL HEARING**

**4. DISCUSSION ITEMS**

A. Ordinance 2021-xx: Temporary Promotional Activities Regulation Amendment to Permit Additional Signage Duration for new Businesses.

City Planner Stewart Cruz explained that the City Council had recently directed staff to amend the temporary promotional activities ordinance. The proposed amendment will allow a new business to have 14 days to announce their opening. This benefit must be utilized within 90 days of obtaining a Certificate of Use for the new business. The business can display two banners and one other promotional accessory. Staff recommends approval.

**MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER RICK DELANGE to recommend approval of Ordinance 2021-xx: Temporary Promotional Activities to the City Council.**

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

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

**5. OTHER**

**6. BOARD COMMENTS**

**7. ADJOURNMENT**

The meeting ended at 8:35 am.

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**Cheri Schwab, Recording Secretary**

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**John Schmitz, Chairman**



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### **PLANNING & ZONING BOARD AGENDA MEMORANDUM JUNE 14, 2021 AGENDA**

**TO:** The Members of the Planning & Zoning Board

**FROM:** Stewart Cruz, City Planner

**PREPARED BY:** Stewart Cruz, City Planner

**SUBJECT:** Ordinance 2021-05: Single-family residential rezoning application for annexed property located at 2924 S. Peninsula Drive

#### **SYNOPSIS:**

Ordinance 2021-05, if adopted, would amend the City's Official Zoning Map by assigning the "RSF-2 Urban Single-Family Residential Detached District" to the annexing single-family residential property located at 2924 S. Peninsula Drive (**Exhibit A**). The application (**Exhibit B**) was submitted by Shane McGill and Erica Smith, owners of the subject property, and is a requirement of Florida Law when a property is annexed. The property is 0.308 acres and is occupied by a 2,835 square foot structure. The proposed amendment is compatible with the current Volusia County zoning district (R-3, Urban Single-Family Residential District).

#### **FISCAL IMPACT STATEMENT:**

#### **BACKGROUND:**

## **A. BACKGROUND**

The subject property, located at 2924 S. Peninsula Drive, is currently in the process of being annexed into the corporate limits of the City of Daytona Beach Shores. However, Section 171.062, Florida Statutes limits regulatory and development control over an annexing property if the area annexed was subject to a county land use plan and county zoning such that said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment and zoning change that includes the annexed area. The purpose of this application is to realize the latter. The property owners have also submitted an application to amend the future land use classification of the property in question to Residential Low Intensity, consistent with the existing and surrounding land uses and current Volusia County Urban Low Intensity future land use classification. The zoning change will be adopted subsequent to the formal future land use amendment of the subject property.

## **B. PLANNING ANALYSIS**

See **Exhibit C** for planning analysis.

### **LEGAL REVIEW:**

Approved as to form and content.

### **RECOMMENDATION:**

Staff recommends approval of Ordinance 2021-05 as presented.

### **SUGGESTED MOTION:**

A Planning and Zoning Board member may motion as follows:

1. "I move to recommend approval of Ordinance 2021-05 as presented."  
OR
2. "I move to recommend approval of Ordinance 2021-05, with the following amendments..."  
OR
3. "I move to recommend denial of Ordinance 2021-05, on the basis of the following..."

- ATTACHMENT:**
1. Ord. 2021-05-RZ 2924 S. Peninsula Drive
  2. Exhibit A-Location Map
  3. Exhibit B-Application
  4. Exhibit C-2924 S. Peninsula Drive-Rezoning (P&Z Staff Report)

**ORDINANCE NO. 2021-05**

**AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE RSF-2 URBAN SINGLE-FAMILY RESIDENTIAL DETACHED DISTRICT ZONING CLASSIFICATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED 2924 S. PENINSULA DRIVE, SHORT TAX PARCEL ID 5327-09-00-0200; PROVIDING 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**, the property described in Section One herein was annexed into the City of Daytona Beach Shores on June 22, 2021, and an appropriate City zoning classification must be assigned to the real property in accordance with the requirements of controlling law; 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 said annexed 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 property described hereinafter which was annexed into the City of Daytona Beach Shores pursuant to Ordinance No. 2021-03 is hereby rezoned and assigned the Daytona Beach Shores zoning classification as follows:

Short Tax Parcel ID #5327-09-00-0200, as described in Exhibit “A” as attached, is assigned the RSF-2, Urban Single-Family Residential Detached District 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 be 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:**

\_\_\_\_\_  
**JOHN CARY, CITY ATTORNEY**

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

## EXHIBIT A

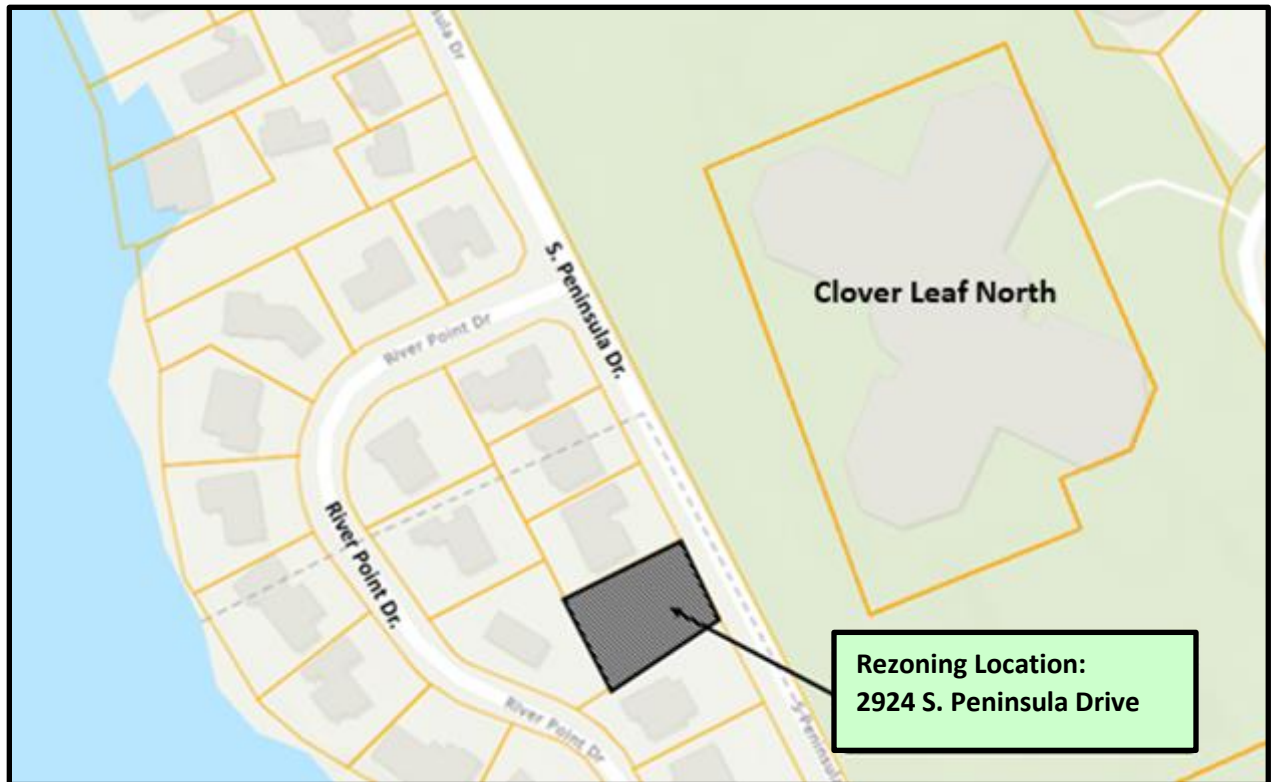
LOT 20, RIVER POINT SUBDIVISION AS RECORDED IN MAP BOOK 34, PAGE 113, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING IN SECTION 27, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEASTERLY CORNER OF SAID LOT 20; THENCE RUN S55°50'30"W ALONG THE SOUTHERLY LINE OF SAID LOT 20, A DISTANCE OF 135.95 FEET TO THE WESTERLY LINE OF SAID LOT 20; THENCE N27°22'00"W ALONG THE WESTERLY LINE OF SAID LOT 20, A DISTANCE OF 107.50 FEET TO THE NORTHERLY LINE OF SAID LOT 20; THENCE N82°38'00"E ALONG THE NORTHERLY LINE OF SAID LOT 20, A DISTANCE OF 135.00 FEET TO THE EASTERLY LINE OF SAID LOT 20 BEING ALSO THE WESTERLY RIGHT OF WAY LINE OF SOUTH PENINSULA DRIVE; THENCE S27°22'00"E ALONG SAID EASTERLY LINE, 91.42 FEET TO THE POINT OF BEGINNING.  
CONTAINING 0.308 ACRES, MORE OR LESS.

TOGETHER WITH A PORTION OF SOUTH PENINSULA DRIVE AS DESCRIBED IN OFFICIAL RECORDS BOOK 1823, PAGE 366, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING IN SECTION 27, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEASTERLY CORNER OF SAID LOT 20; THENCE RUN N27°22'00"W ALONG THE EASTERLY LINE OF SAID LOT 20, BEING ALSO THE WESTERLY RIGHT OF WAY LINE OF SAID SOUTH PENINSULA DRIVE, A DISTANCE OF 91.42 FEET TO THE NORTHERLY LINE OF SAID LOT 20; THENCE N82°38'00"E ALONG THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT 20, A DISTANCE OF 80.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID SOUTH PENINSULA DRIVE; THENCE S27°22'00"E ALONG SAID EASTERLY RIGHT OF WAY LINE, 91.42 FEET; THENCE S62°38'00"W, 80.00 FEET TO THE POINT OF BEGINNING.  
CONTAINING 0.168 ACRES, MORE OR LESS.

**LOCATION MAP: 2924 S. Peninsula Drive**





City of Daytona Beach Shores  
Community Services Department  
2990 South Atlantic Avenue  
Daytona Beach Shores, FL 32118  
Telephone (386) 763-5377

637085

RECEIVED

APR 23 2021

BUILDING AND CODES DIVISION  
CITY OF DAYTONA BEACH SHORES

12021010

### 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: 4/23/2021

Current Zoning: Single family - Volusia County

Requested Zoning: Single family, Dayton Beach Shores

Applicant's Name: Erica Smith Shane McGill

Address: 2924 S Peninsula Dr. Daytona Beach Phone #: 860-501-2520

Representative: \_\_\_\_\_

Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

Property Address & Parcel ID: 2924 S Peninsula Dr. Daytona Beach, FL 32118

Property Owner: Shane McGill and Erica

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

Legal Description of Property:

Lot 20 River Point Sub MB 34 PG 113 Per or 5204 PG  
or 5318 PG 2680 Per or 5335 PG 4282 Per or 6392 PG  
1057 Per or 7715 PG 4998 per or 7885 PG 2613

Shane McGill  
Applicant's Signature

Shane McGill

Erica Smith  
Erica Smith

4/23/2021  
Date

shanemcgill@rocketmail.com

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.

The property is a existing single family home and will have a neutral enviromental impact

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

A favorable impact.

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

We are currently connected to Daytona Beach Shores sewer, and Port Orange water. Our children are all adults, and we shouldn't need to use the school system.

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

No, single family home.

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

We both work from home.

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

Yes

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?

No

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

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

Neutral

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

No, the adjacent property to the east is within  
Daytona Beach Shores.

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?

No

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

No

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

No, we enjoy being active in our community. We look forward to being involved in the shores.

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

No

**EXHIBIT C**  
**PLANNING ANALYSIS**  
**Ordinance 2021-05**

**A. INTRODUCTION**

The proposed application/ordinance if approved would change the zoning district classification of the annexing single-family residential property located at 2924 S. Peninsula Drive from Volusia County *R-3 Urban Single-Family Residential District* to Daytona Beach Shores *RSF-2 Urban Single-Family Residential Detached District*. The subject application was submitted on April 23, 2021. The subject property contains an acreage of approximately 0.308 and has a single-family residential structure on site.

**B. 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 and **Figure 2** is a zoning map of the same while **Figure 3** provides a street view of the property in question.

**Table 1:** Zoning and Land Use Area Description

| Location         | Zoning | Current Land Use        |
|------------------|--------|-------------------------|
| Subject Property | R-3*   | Single Family Residence |
| North            | R-3    | Single Family Residence |
| South            | R-3    | Single Family Residence |
| East             | PUD+   | Single Family Residence |
| West             | R-3    | Single Family Residence |

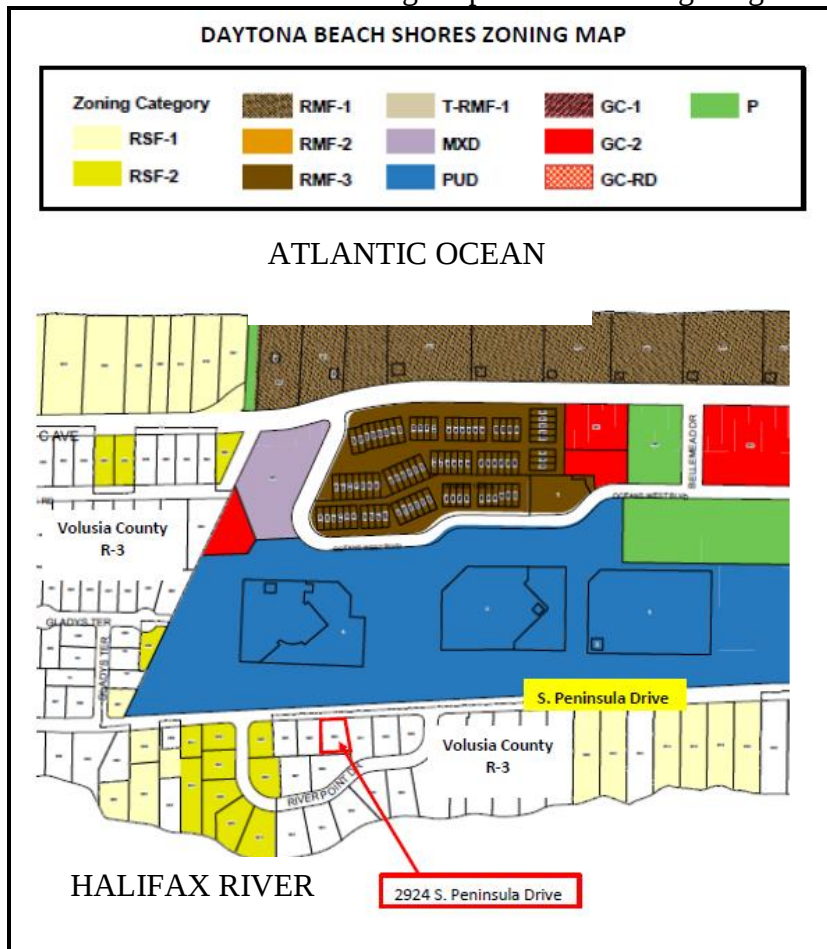
**Notes:** \*R-3 = Volusia County *Urban Single-Family Residential District*; + PUD = Daytona Beach Shores *Planned Unit Development District*.

**Figure 1:** Aerial View-2924 S. Peninsula Drive and Surrounding Neighborhood



**Source:** Volusia County Property Appraiser, 2021

**Figure 2: 2924 S. Peninsula – Zoning Map Of Surrounding Neighborhood**



**Figure 3: 2924 S. Peninsula Drive – Street View**



Source: GoogleMaps, 2018

As noted in **Table 1** above, the subject property is currently zoned Volusia County R-3 Urban Single-Family Residential District. According to the Volusia County Land Development Code, the purpose, intent and permitted uses of the existing zoning district is as follows:

“R-3 Urban Single-Family Residential District”:

*Purpose and intent:* The purpose and intent of the R-3 Urban Single-Family Residential Classification, is to provide medium-low-density residential developments, preserving the character of existing or proposed residential neighborhoods.

*Permitted principal uses and structure:* In the R-3 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Cluster and zero lot line subdivisions.

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article.

Exempt landfills.

Fire stations.

Home occupations, class A.

Houses of worship.

Parks and recreational areas accessory to residential developments.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

Single-family standard or manufactured modular dwelling.

## **C. PROPOSED ZONING**

The proposed zoning for the subject property is RSF-2 Urban Single-Family Residential Detached District. According to the Daytona Beach Shores Land Development Code, the purpose, intent and permitted uses of the proposed zoning district is as follows:

“RSF-2 Urban Single-Family Residential Detached District”:

*Purpose and Intent:* The purpose and intent of the RSF-2 Urban Single-Family Residential Detached District is to provide medium residential density for the purpose of preserving the character of existing residential neighborhoods and generally implementing the city's land use plan within, but not necessarily limited to, those areas shown for single-family use.

### *14-17.2. Permitted Principal Uses and Structures:*

Single-family dwelling.

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

#### 14-17.3. Permitted Accessory Uses and Structures.

Home occupations regulated by section 14-45 and other accessory uses or structures customarily incidental to the permitted principal use or structure.

### **D. COMPREHENSIVE PLAN**

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question. Therefore, the existing acreage and proposed zoning will restrict the use to one single-family residential unit.

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 are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

### **E. REVIEW AND COMMENTS**

The subject application was initiated by the property owners, Shane McGill and Erica Smith. The subject property is located at 2924 S. Peninsula Drive (S.R. 441) and has an acreage of 0.308+/- . The site has vehicular and pedestrian access to the abutting S. Peninsula Drive which connects to S.R. A1A (Dunlawton Avenue) and US92 International Speedway Boulevard. S. Peninsula Drive also intersects several collector roads, which connect to S.R. A1A (S. Atlantic Avenue).

The proposed zoning change will be consistent with the previous Volusia County zoning and adjacent zoning district classifications. The property is currently occupied with a single-family residential structure. According to the property owner, no redevelopment is intended and the proposed change is density neutral.

Since the application in question regards a single-family residential property, it is exempt from the City's Concurrency Review Process as it does not substantially impact any of the City's public facilities or infrastructure. Further, adequate potable water, sewer, solid waste, recreation, public school and transportation facility capacities are currently available and serve the subject property.

### **F. FINDING OF FACTS**

When considering a request to change zoning, the Planning and Zoning Board 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 responses to the criteria are attached in the **Exhibit B** (owner's application).

**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 is currently developed with a single-family residential structure. If redeveloped, consistency with the City's Land Development Code will be required. Further, the proposed zoning change would not permit hazardous uses such as industry, which could have an unfavorable impact on the environment and natural resources of the area.

**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 neutral impact on the economy of the area as the property is currently developed and no redevelopment or change in entitlement is sought. The zoning is also consistent with the Volusia County Zoning District classification and the proposed zoning change is density and use neutral.

**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 developed as a single-family residence. This existing use will not unduly burden public facilities. The subject property is currently being served with or has access to transportation, public schools, water, sewer, and solid waste disposal services. All existing public facilities have adequate capacity and the proposed rezoning will not provide any more impact on said facilities than the current Volusia County Zoning currently permits (see **Table 2** below).

**Table 2: Impact Analysis (Theoretical Max.)**

| Development Variable                         | Current Future Land Use<br>(0.2-4 units/acre) | Proposed Future Land Use<br>(0.2-4 units/acre) | Change |
|----------------------------------------------|-----------------------------------------------|------------------------------------------------|--------|
| Residential Units Allowed                    | 2                                             | 2                                              | None   |
| Population <sup>1</sup>                      | 3.5                                           | 3.5                                            | None   |
| AM / PM Peak Hour Trips <sup>2</sup>         | 1.5/2.02                                      | 1.5/2.02                                       | None   |
| Sanitary Sewer<br>(gallons/day) <sup>3</sup> | 500                                           | 500                                            | None   |
| Potable Water<br>(gallons/day) <sup>4</sup>  | 385                                           | 385                                            | None   |
| Solid Waste (lbs./person) <sup>5</sup>       | 35                                            | 35                                             | None   |
| Stormwater Drainage <sup>6</sup>             | n/a                                           | n/a                                            | n/a    |
| Recreation/Open Space                        | See summary below                             | See summary below                              | None   |
| Public School Student(s)                     | 0.8                                           | 0.8                                            | None   |

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 = 0.75 AM trips, 1.01 PM 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 = 0.396 per single-family unit.                                                                                                           |

Sources:

2010 US Census

ITE Trip Generation Manual, 7<sup>th</sup> Edition

Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)

**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. Peninsula Drive road and the existing system of local, collector and arterial road network. The adjacent transportation network currently operates above the adopted level of services.

**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 single-family residential property being rezoned to a Daytona Beach Shores compatible single-family residential zoning district classification. Hence, the rezoning will not impact the ability of people to find adequate housing since the change will neither create new housing nor eliminate 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 *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question.

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 existing single-family residence, proposed future land use and proposed zoning are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent 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?**

The physical, economic or environmental conditions relative to the property in question and the surrounding area have not changed so as to require a zoning change. However, the subject property is being annexed into the City through the voluntary annexation process pursuant to Section 171.044, *Florida Statutes*. However, Section 171.062, *Florida Statutes* limits regulatory and development control over an annexing property if the area annexed was subject to a county land use plan and county zoning and said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area, hence, the purpose of this application to amend the zoning classification of the subject property.

**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 property is being annexed into the City from unincorporated Volusia County; therefore the appropriate City zoning classification must be assigned so that the City may provide developmental and regulatory control.

**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 consistent with the existing Volusia County zoning district classification and is density and use neutral. Therefore, the proposed change will 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. However, the proposed zoning change is consistent with the existing Volusia County zoning district classification in the area and the amendment is density and use neutral. Further, the proposed zoning classification will provide an existing use that is identical to the City's and County's zoning classification in the neighborhood. 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 change involves rezoning one individual property which is being annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhoods use, future land use and zoning classifications. Therefore, the proposed change is not the singling out of a small parcel of land allowing a use 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 change involves rezoning one individual property which is being annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhood uses, future land use and zoning classifications. Therefore, the proposed change would not be solely for the benefit of the owner and to the detriment of the community but instead the change would benefit the entire community by maintaining the existing land use of the property and the integrity of the neighborhood.

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

The proposed change is consistent with the neighborhood existing and future land uses and therefore serves the entire community by maintaining the neighborhood's single-family residential characteristics.

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

The rezoning will not materially diminish the value of the surrounding properties or substantially alter the characteristics of the neighborhood since the proposed rezoning will ensure the single-family nature of the community is maintained.



## City of Daytona Beach Shores

*"Life is Better Here"*

*"A Premier, Friendly Place to Be"*

### **AGENDA PLANNING & ZONING BOARD MEETING JUNE 14, 2021**

**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 JUNE 14, 2021 AGENDA**

**TO:** The Members of the Planning & Zoning Board

**FROM:** Stewart Cruz, City Planner

**PREPARED BY:** Stewart Cruz, City Planner

**SUBJECT:** Special Exception SPEX12021005: El Caribe Resort Westside Overflow Parking, 2122 - 2128 S. Atlantic Avenue

#### **SYNOPSIS:**

Special Exception 12021005, if approved, would permit overflow parking for the El Caribe Resort on the property located at 2122-2128 S. Atlantic Avenue. The subject property contains an existing improved parking lot with 38 parking spaces. Two additional parking spaces will be added. The property is zoned "GC-RD" General Commercial-Redevelopment District (east half) and "RMF-2" Multifamily Residential District-Medium Density (west half). The Daytona Beach Shores Land Development Code (LDC) permits parking as a principal use in the GC-RD and RMF-2 Districts but only by means of a special exception, hence the subject application.

#### **FISCAL IMPACT STATEMENT:**

#### **BACKGROUND:**

## **A. BACKGROUND**

The subject application (**Exhibit A**) was submitted on March 4, 2021 since parking as a principal use on the property is only permitted by special exception.

## **B. PLANNING ANALYSIS**

See **Exhibit B** attached.

### **LEGAL REVIEW:**

Approved as to form and legality.

### **RECOMMENDATION:**

Staff recommends approval of Special Exception SPEX12021005 as presented.

### **SUGGESTED MOTION:**

A Planning and Zoning Board member may motion as follows:

1. "I move to approve Special Exception SPEX12021005 as presented."  
OR
2. "I move to approve Special Exception SPEX12021005 with the following conditions..."  
OR
3. "I move to deny Special Exception SPEX12021005 on the basis of the following . . . ."

- ATTACHMENT:**
1. Exhibit A-SPEX12021005 Application
  2. Exhibit B-SPEX12021005 Planning Analysis
  3. 801-SITE PLAN SPECIAL EXCEPTION



**City of Daytona Beach Shores**  
**COMMUNITY SERVICES DEPARTMENT**  
2990 S. Atlantic Avenue  
Daytona Beach Shores, FL 32118  
Phone (386) 763-5377 Fax (386) 763-5370

RECEIVED  
085428  
MAR 4 2021

12021005  
**APPLICATION FOR SPECIAL EXCEPTION**  
BUILDING AND CODES DIVISION  
CITY OF DAYTONA BEACH SHORES

The Undersigned Applicant requests the Planning and Zoning Board, as required, to hear and decide upon this application in accordance with Article X, AND Section 14-58 of the Land Development Code.

Date Submitted: 03 / 02 / 2021 Applicable Section of Code: 14-48-.2

**Fees must be paid at the time the application is submitted.**

Applicant's Name: The Performance Group, Inc.

Address: 100 Marina Point Drive, Daytona Beach, FL 32114

Phone #: 386-239-7166 Fax #: 386-239-7120

Property Address: 2125 S. Atlantic Avenue

Parcel Number: 531502020170, 531502020220, 531502020250, 531624000092, 531502030011

Existing Property Use: Vacant

Requested Special Exception: Off site parking for Hotel use

Representing Agent/Attorney (if any): Joseph H. Hopkins

Address: 100 Marina Point Drive, Daytona Beach, FL 32114

Phone #: 386-239-7166 Fax #: 386-239-7120

NOTES: 1) Notarized letter of authorization from owner MUST be submitted if application is filed by anyone other than the owner. 2) A completed application MUST be submitted at least 45 days prior to the anticipated hearing date.

Legal description of the property:

See Exhibit A attached.

Description of your request:

The El Caribe Hotel request to use the offsite parking lot located on the West side of A1A for overflow parking.

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Please explain how your application meets the following special exception criteria:

1. In granting any special exceptions the Board shall find that such grant will not authority (adversely) affect the public interest.

The parking lot is existing and has a surplus of 40 stalls.

Use of the parking lot will not adversely affect the Public's interest.

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2. In granting any special exception, the Board may prescribe appropriate conditions and Safeguards pursuant to this ordinance and the regulations enacted under it which are consistent with the protection of the public health, safety, morals or general welfare. Violation of such conditions and safeguards when made a part of the terms under which a special exception is granted shall be deemed a violation of the ordinance and regulations promulgated hereunder.

Agree ( x )

Disagree ( )

Explanation: \_\_\_\_\_

3. The Board may prescribe a reasonable time limit within which the action for which the special exception is required shall be begun or completed or both.

Agree ( x )

Disagree ( )

Explanation: \_\_\_\_\_

4. The following standards shall be applicable in determining whether the Board shall grant or deny a special exception, in addition to the aforementioned provisions, or provisions set forth in zoning regulations adopted pursuant to this ordinance.

- a. The grant of a special exception shall be in harmony with the purpose and intent of this ordinance and the zoning regulations and any comprehensive plans promulgated hereunder, particularly those applicable to the zoning classification in which the special exception is located.

Parking lots are a permitted special exception in the GC-RD District and a permitted accessory use in the RMF-2 District

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- b. The Board may not grant a special exception unless the applicant has demonstrated his compliance, or ability to comply with, the conditions imposed by the zoning regulations.

The zoning regulations allow for offsite parking in conjunction with a principal use. The overflow parking is above the code requirements.

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- c. The Board must find that the applicant has submitted sufficient evidence to assure that he is or will be able to comply with all requirements of the city or state agencies having jurisdiction over the particular use, and the board may require appropriate guarantees to assure compliance.

The Owner will assure compliance with the buffering and maintenance of the Property.

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d. The Board shall find that the proposed use will not generate an undue amount of traffic congestion which would tend to create a hazard or danger to the public or to persons in the vicinity from such use, or create a public nuisance.

Use of the site for overflow parking will improve public safety, minimize congestion and improve the operations of the Hotel. Use of the lot will not create a hazard or nuisance to the public.

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e. The Board shall find that the special exception will not materially alter the character of the surrounding neighborhood or adversely affect the value of surrounding lands, buildings or natural resources.

The parking lot is existing and will have no impact on the surrounding area.

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f. The Board shall find that the special exception will not adversely affect the natural environment, natural environment (resources) or scenic beauty, or give rise of any pollution of the air, land or water, or cause unnecessarily injurious heat, noise or odor.

The parking lot is existing and will have no adverse environmental or physical effect.

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5. The Board shall find that the special exception is consistent with the Daytona Beach Shores Comprehensive Plan.

The offside parking is consistent with the Comprehensive Plan.

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6. When reviewing an application for a special exception, the Planning and Zoning Board and City Council shall also consider the following requirements and criteria:

a. Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety.

Use of the parking lot will not impact adjoining properties.

All activities are contained on site with sufficient and safe access already existing.

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b. Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that which generally experienced in the district with regard to normative development activity.

The offsite parking is consistent with current land development regulation and is adequately buffered from adjoining properties.

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c. Required yards, screening or buffering and landscaping shall be consistent with the district in general and the specific needs of the abutting land uses as determined by the City.

Buffering and setbacks are consistent with the City's regulations.

d. Architectural and signage treatments shall comply with the general provisions applicable to permitted uses in the district, to the greatest extent practicable, and mitigate impacts to surrounding development.

No vertical improvements are proposed.

e. Size, location or number of special exception uses in an area shall be limited so as to maintain the overall character of the district as generally intended by this Code.

The overall character of the District is not impacted by the use of the offsite parking.

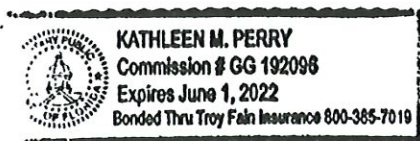
APPLICANT's SIGNATURE

STATE OF FLORIDA

COUNTY OF VOLUSIA

Sworn to and subscribed before me this 4<sup>TH</sup> day of March 2021 by  
JOSEPH H. HOPKINS who is personally known to me or has produced  
and who did (did not) take an oath.

My Commission Expires: JUNE 1, 2022



**APPLICANT AFFIRMATION (Sec. 14-58.1.1)**

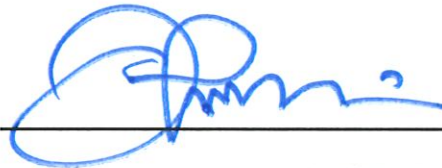
**Applicant's Affirmation:** By signing below, I hereby state that all information contained in this application and all documentation submitted herewith is true and correct to the best of (my) (our) knowledge and belief. I acknowledge that I fully understand the requirements relating to the specific special exception use that I am applying for and that I fully understand the process for the application that I am submitting, as outlined in the City's Code of Ordinances. Moreover, I acknowledge and agree that the following conditions shall apply to my permit, if approved, and that the city may impose further conditions pursuant to the City's Code of Ordinances:

Transfer or abandonment of special exceptions. Special exceptions shall run with the property and the ownership of a special exception use may be transferred to another party. A special exception use that is not initiated within two (2) years of being granted shall not be established without a new public hearing in accordance with requirements of this Section and shall be deemed abandoned. A special exception use that is abandoned, after establishment, for a period of six (6) months or more shall not be reestablished without a new public hearing in accordance with requirements of this Section.

Violation of special exception terms or conditions. It is a violation of this Code for any person to violate or to refuse or fail to comply with any term or condition of a special exception. Violations may be prosecuted or enforced in any manner as may be provided by law for prosecution or enforcement of municipal ordinances.

Expiration or abandonment of special exception purpose. If a special exception does not begin to serve the purpose for which it was granted permission within two (2) years from the date of approval of the special exception it shall expire and be deemed, conclusively, to have been abandoned. The submittal of a site development plan will constitute meeting the requirements of this provision. If after receiving approval the site development plan expires, the special exception will also expire and a new application must be submitted and approved in accordance with this Section.

APPLICANT's SIGNATURE



STATE OF FLORIDA

COUNTY OF Volusia

Sworn to and subscribed before me this 4<sup>th</sup> day of MARCH 20  
21, by JOSEPH H. HOPKINS who is personally known to me or has produced  
\_\_\_\_\_ and who did (did not) take an oath.



My Commission Expires: JUNE 1, 2022





085428

## STATEMENT OF OWNERSHIP AND CONTROL

MAR 4 2021

BUILDING AND CODES DIVISION  
CITY OF DAYTONA BEACH SHORES

The property subject to this application for Special Exception before the City of Daytona Beach Shores is under the ownership and control of Century Nationwide Properties, LLC, a Florida Limited Liability Company. Ownership is verified by the following Warranty Deeds recorded in the public record of Volusia County, Florida:

| <u>Parcel Number</u> | <u>OR Book and Page</u> |
|----------------------|-------------------------|
| 531502020170         | 5488/ 2088              |
| 531502020220         |                         |
| 531502020250         |                         |
| 531502030011         | 6718/ 1492              |
| 531624000092         | 6746/ 3657              |

I hereby certify that the ownership and control of the properties, as stated above, has been verified based on current public records and is true and correct to the best of my knowledge and belief.

Joseph H. Hopkins, P.E.

State of Florida  
County of Volusia

Before me one this 4<sup>th</sup> day of March 2021, by Joseph H. Hopkins, who is personally known to me or who has produced \_\_\_\_\_ as identification, and who executed the forgoing instrument and affirmed that they executed the same for the purpose therein expressed.



Notary

CIVIL ENGINEERING  
PLANNING  
DEVELOPMENT

# LETTER OF AUTHORIZATION

2125 S. Atlantic Avenue  
Daytona Beach Shores, Florida

RECEIVED

MAR 4 2021

BUILDING AND CODES DIVISION  
CITY OF DAYTONA BEACH SHORES

085428

To Whom It May Concern:

Century Nationwide Properties, LLC, is a Florida Limited Liability Corporation and Owner of the properties described in Exhibit A, attached hereto.

Century Nationwide Properties, LLC hereby authorizes Joseph H. Hopkins, P.E. of The Performance Group, Inc. to submit applications and related exhibits on my behalf in pursuing land development approvals on the property:

The applications shall include, but not limited to:

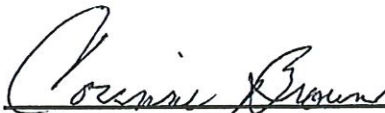
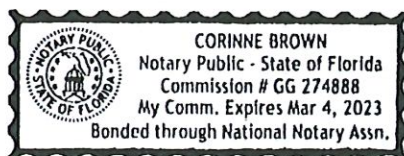
1. City of Daytona Beach Shores



George D. Anderson, Manager  
Century Nationwide Properties, LLC

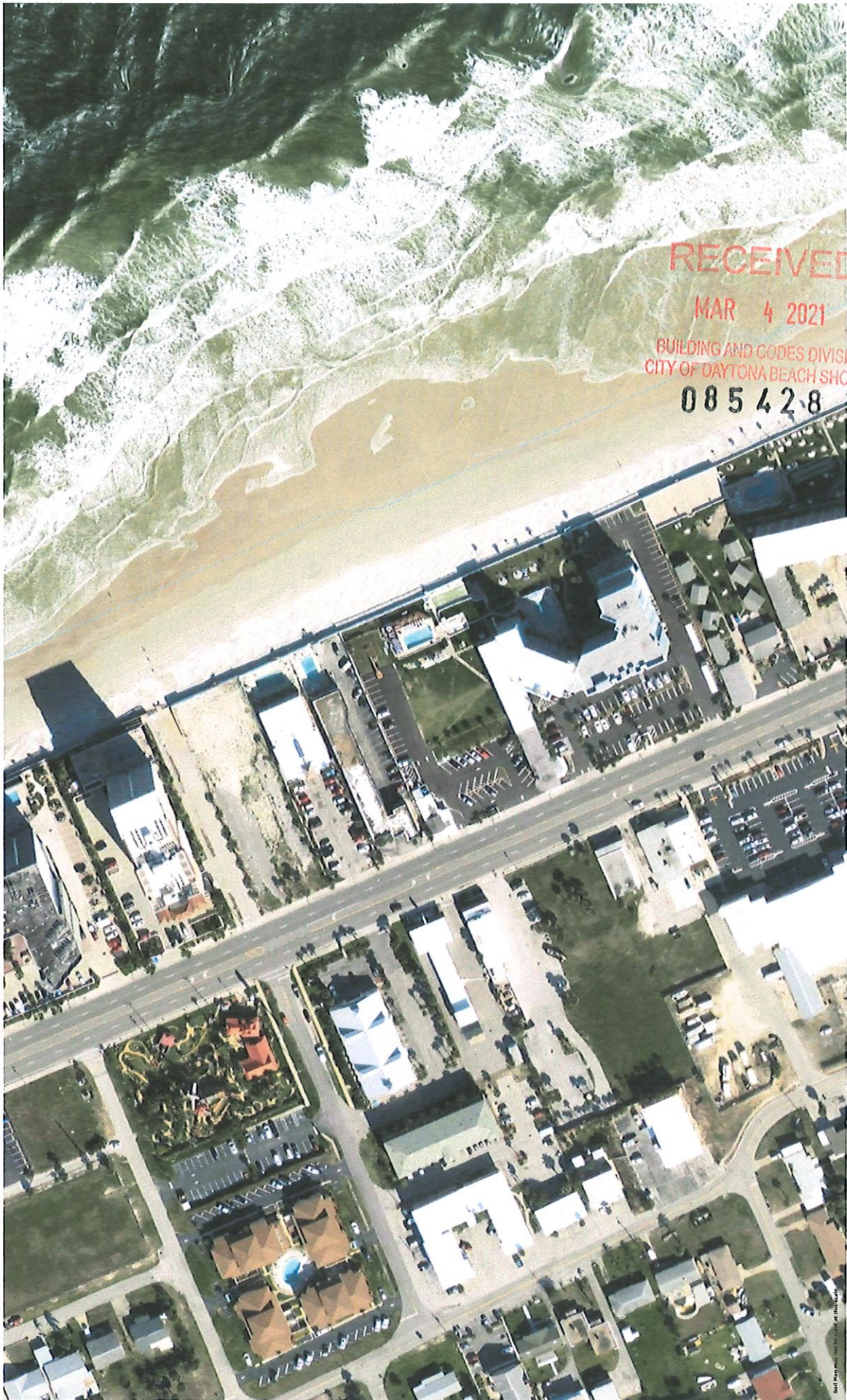
STATE OF FLORIDA  
COUNTY OF VOLUSIA

Before me on this 3RD day of March, 2021 by George D. Anderson, who is personally known to me or who has produced \_\_\_\_\_ as identification, and who executed the forgoing instrument and affirmed that they executed the same for the purpose therein expressed.

  
Notary

085428

**Web End Survey**  
**National Cooperative End Survey**



RECEIVED

MAR 4 2021

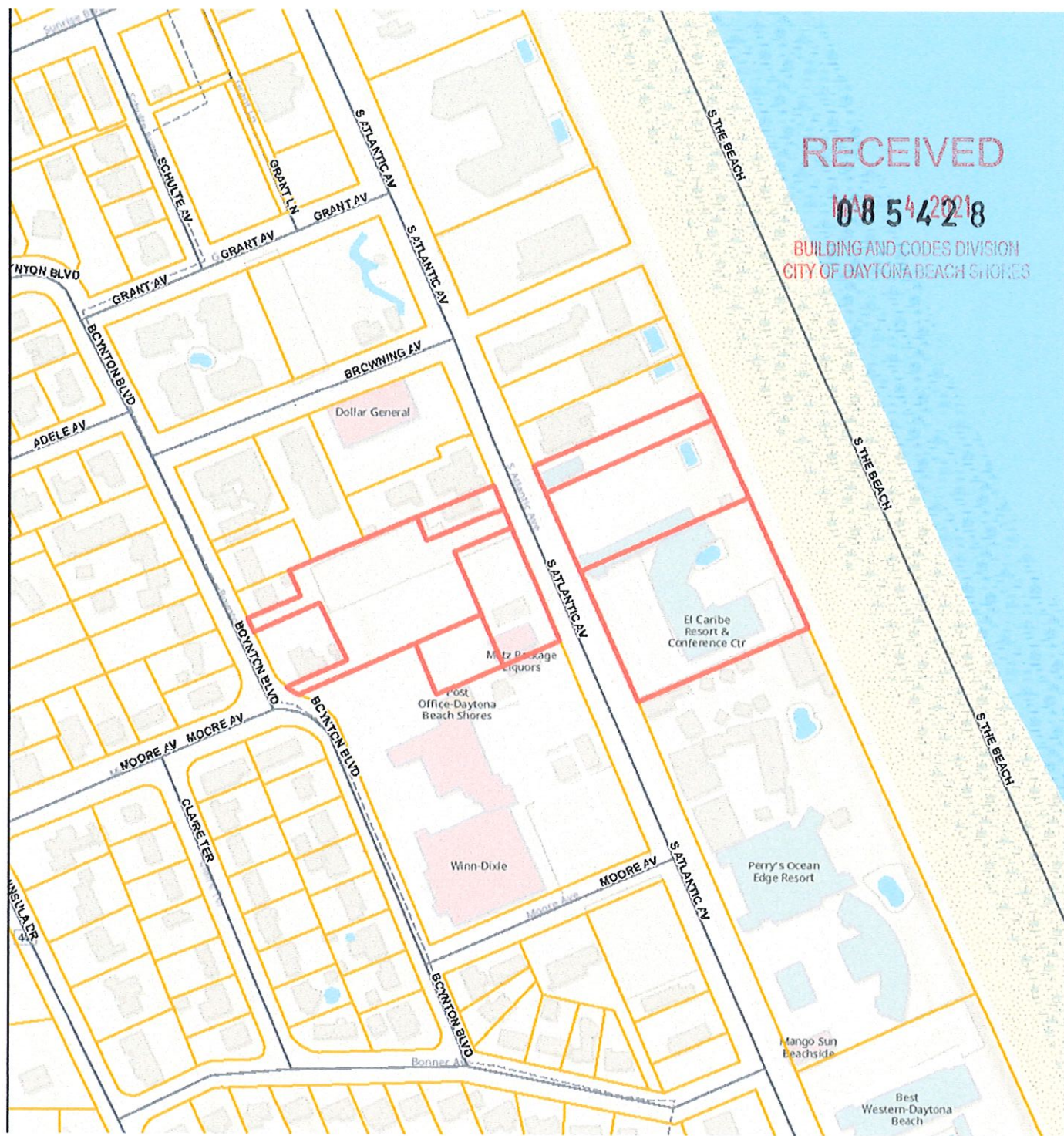
BUILDING AND CODES DIVISION  
CITY OF DAYTONA BEACH SHORES

085428

Photograph: Bill C. Brown - Maitland, Florida

Web: Bill C. Brown  
Maitland, Florida

Scale: 1" = 100' (approximate)  
North Arrow  
City of Maitland  
Official Record  
Date: 03/04/2021



RECEIVED

MAR 5 4 2021

BUILDING AND CODES DIVISION  
CITY OF DAYTONA BEACH SHORES

## PARCEL MAP

EL CARIBE - SPECIAL EXCEPTION

801

NO SCALE

MARCH 4, 2021

## THE PERFORMANCE GROUP

CIVIL ENGINEERING / PLANNING / DEVELOPMENT



JOSEPH H. HOPKINS, P.E. NO. 48059  
100 MARINA POINT DR., DAYTONA BEACH, FL. 32114  
TELEPHONE: (386) 239-7166 FAX: (386) 239-7120



March 4, 2021

Mr. Stewart Cruz, AICP  
City Planner  
City of Daytona Beach Shores  
2900 S. Atlantic Avenue  
Daytona Beach Shores, FL 32118

RECEIVED  
MAR 5 2021  
BUILDING AND CODES DIVISION  
CITY OF DAYTONA BEACH SHORES

Re: El Caribe – 2125 Atlantic Avenue  
Offsite Parking - Application for Special Exception

Dear Mr. Cruz:

Please find attached to the following information to support our application for a Special Exception regarding the referenced property:

1. Application
2. Application Fee (\$220.00)
3. Statement of Ownership and Control
4. Owner's Authorization and Consent
5. Applicant Affirmation
6. Site Plan (11 sets)
7. Survey
8. Aerial Photo (2 sets)
9. Parcel Map

The request is to utilize an existing paved parking lot located on the west side of Atlantic Avenue for overflow parking affiliated with the El Caribe Hotel.

The parking lot is located directly across the street from the hotel and contains 40 parking stalls. There is one 2-story principal structure on site (2122 S. Atlantic Avenue). The parking demand for the principal structure was computed based on commercial use for the ground floor level and residential use for the second level. As noted in the attached plans, the site has a surplus of 27 stalls above the requirements for the principal use. The surplus stalls would be utilized by the hotel during extended periods of peak occupancy.

In 2013 the west parking lot and 2-story structure were subject to a Binding Lot Agreement (OR Book 6910, Page 3000). It was the intent of the agreement to provide shared access and parking for the principal structure. As stated above, the structures requirements for parking were computed and deducted from the total available parking count.

CIVIL ENGINEERING  
PLANNING  
DEVELOPMENT

Mr. Stewart Cruz  
February 25, 2021  
Page 2 of 2

If in your review of the attached documents you have any questions or need additional information to complete your review, please do not hesitate to give me a call.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Hopkins', with a stylized flourish at the end.

Joseph H. Hopkins, P.E.  
President

**PLANNING ANALYSIS  
SPEX12021005**

**A. BACKGROUND**

The subject application was submitted to the City on March 4, 2021 by applicant, The Performance Group, Inc. The owner, Century Nationwide Properties, LLC, owns the El Caribe Resort located at 2125 S. Atlantic Avenue and the special exception property located at 2122 – 2128 S. Atlantic Avenue. The owner is seeking to establish overflow parking for the El Caribe Resort on the subject property, which has a preexisting paved parking lot, a vacant 2-story commercial building, and various forms of screening on the perimeter of the non-street property lines, with the exception a connection point with Beachside Grille parking lot on the south side of the property. Total on site improvements account for about 47% of the 1.6-acre property. Parking is only permitted as a principal use on the subject property by means of a special exception.

**B. ZONING AND LAND USE**

Subject Property:       (1) Front, GC-RD (General Commercial-Redevelopment District): Vacant 2-story commercial building  
                                  (2) Rear, RMF-2 (Multifamily Residential District-Medium Density): Vacant

Surrounding Property:

North:               GC-RD District: Abandoned Car Wash & RMF-2 Apartments

South:              GC-RD: Office Building, Beachside Grill, Winn Dixie Plaza

East:                T/RMF-1: El Caribe Resort

West:                RMF-2: Apartments & Daytona Beach Residential Zoning: Single-family residences

**C. PROJECT DESCRIPTION**

The subject property is located at 2122 through 2128 S. Atlantic Avenue and is approximately 1.6 acres (**Figure 1** below). The subject property contains an improved parking lot with 38 parking spaces, however an additional two will be added on the west of vacant commercial building, one of which will be a handicap accessible space. The additional two spaces may be used for a future use of the building (**Figure 2**) in question. If the vacant building is utilized the El Caribe Resort total overflow parking will reduce to 27.

Vehicular and pedestrian access is available along S. Atlantic Avenue on the east of the property. The parking lot has adequate screening adjacent to the residential uses and the vast majority of the non-street property lines. Additional landscape buffer will be added along S. Atlantic Avenue south of the driveway (see attached Site Plan). The proposed plan meets all the parking (Sec. 14-48) and most landscaping design (Sec. 14-46) requirements of the City's LDC. If approved, additional landscaping may be required and a complete LDC analysis will be conducted during the site plan review process.

**Figure 1: Subject Property: Aerial View & Location**



**Source:** Volusia PALMS 2018

**Figure 2: Subject Property: S. Atlantic Avenue View**



**Source:** GoogleMaps, 2018

#### **D. STAFF REVIEW AND COMMENTS**

Ordinance 2019-05 amended the City's LDC and authorized the Planning and Zoning Board to make decisions on special exceptions, except where otherwise provided. Sections 14-58.1.2.A(8) and 14-58.1.2.D(5) of the City's LDC provides for parking in the RMF-2 and GC-RD districts, respectively, provided certain criteria are met. In addition, all special exceptions must meet the review criteria established under Sec. 14-58.1.1.D(2) and 14-63.7. Analysis of the aforementioned Parts I and II are below, respectively. Criteria analyses are summarized in the criteria evaluation table (Part III) at the end of this section. The applicant's application and responses are attached.

#### **PART I**

##### ***14-58.1.2. Special Exceptions permitted in all Districts.***

A. The following uses are permitted as special exceptions in all districts unless otherwise noted:

\*\*\*

8. Temporary Parking, provided:

a. Screening and/or landscaping will be required as a buffer on all non-street property lines. Staff Comment: *Property is screened on the vast majority of the non-street property lines with a combination of a 6-foot high wooden fence, screened enclosure and masonry block wall, with the exception of the area of the property connected to the Beachside Grille parking lot located on the south side of the property.* Conclusion: **Criterion Partially Met.**

b. The hours of operation and noise caused by the parking shall not be inconsistent with the character of the neighborhood. *The parking lot is preexisting and the hours of operation will be consistent with the use of the hotel.* Conclusion: **Criterion Met.**

c. The purpose for the parking shall be within a reasonable distance of said parking. Staff Comment: *The parking use is for the El Caribe Resort overflow parking. The parking property and the El Caribe Resort property are separated by S. Atlantic Avenue, an 80-foot wide right-of-way.* Conclusion: **Criterion Met.**

d. This special exception may be approved for a limited period of time. In this event the City may determine to issue variances relating to certain requirements that would ordinarily be required for a permanent improvement. Staff Comment: *The request is for as long as the parking is needed. Therefore, if approved, the special exception should run with the land. No variances appear to be needed.* Conclusion: **Criterion Met.**

e. Pursuant to the authority of Section 14-69.1, 5. of this Code, the Planning and Zoning Board is hereby assigned the duties [as] to the granting of special exemptions under this provision. Staff Comment: *This provision was ratified by Ord. 2019-05.* Conclusion: **Criterion Not Applicable/Met.**

f. Pursuant to the authority of Section 2-2 of this Code, due public notice shall be established. Staff Comment: *Evidence of due public notice has been submitted to the City.* Conclusion: **Criterion Met.**

g. All off-beach parking shall be permitted in the GC-RD, GC-1 and GC-2 commercial zoning districts pursuant to this ordinance. Staff Comment: *The proposed parking is not related to off-beach parking.* Conclusion: **Criterion Not Applicable/Met.**

#### **14-58.1.2. Special Exceptions permitted in all Districts.**

\*\*\*

D. The following uses are permitted as special exceptions in the GC-RD zoning districts as follows:

\*\*\*

##### **5. Parking, provided:**

a. Screening and/or landscaping will be required as a buffer on all non-street property lines. Staff Comment: *Property is screened on the vast majority of the non-street property lines with a combination of a 6-foot high wooden fence, screened enclosure and masonry block wall, with the exception of the area of the property connected to the Beachside Grille parking lot located on the south side of the property.* Conclusion: **Criterion Partially Met.**

b. The hours of operation and noise caused by the parking shall not be inconsistent with the character of the neighborhood. Staff Comment: *The parking lot is preexisting, and the hours of operation will be consistent with the use of the hotel.* Conclusion: **Criterion Met.**

c. The purpose for the parking shall be within a reasonable distance of said parking. Staff Comment: *The parking use is for the El Caribe Resort overflow parking. The parking property and the El Caribe Resort property are separated by S. Atlantic Avenue, an 80-foot wide right-of-way.* Conclusion: **Criterion Met.**

d. This special exception may be approved for a limited period of time. In this event the City may determine to issue variances relating to certain requirements that would ordinarily be required for a permanent improvement. Staff Comment: *The request is for as long as the parking is needed, i.e. a change of use of either east or west side properties. Therefore, if approved, the special exception should run with the land. No variances appear to be needed.* Conclusion: **Criterion Met.**

e. Pursuant to the authority of Section 14-69.1, 5. of this Code, the Planning and Zoning Board is hereby assigned the duties as to the granting of special exceptions under this provision. Staff Comment: *This provision was ratified by Ord. 2019-05.* Conclusion: **Criterion Not Applicable/Met.**

f. Pursuant to the authority of Section 2-2 of this Code, due public notice shall be established. Staff Comment: *Evidence of due public notice has been submitted to the City.* Conclusion: **Criterion Met.**

g. Off-beach parking facilities shall be located within five hundred (500) feet of a public pedestrian beach access or vehicular ramp and: Staff Comment: *The proposed parking is not related to off-beach parking.* Conclusion: **Criterion Not Applicable/Met.**

1. The total off-beach parking, driving and vehicular use areas do not exceed sixty (60) percent of the overall area of the property.

2. There is a clear demonstration of need for the off-beach parking facility based upon sound and generally accepted scientific and land use planning practices and principles. The burden of proof shall be on the property owner to meet this requirement.

## **PART II**

### ***14-58.1. Special Exceptions.***

#### ***14-58.1.1.***

***\*\*\****

#### ***D. Special Requirements and Conditions.***

2. *Review Criteria.* When reviewing an application for a special exception, the planning and zoning board and city council shall consider the following requirements and criteria:

(a) Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the public safety; *Staff Comment:* *The application relates to property with a preexisting parking lot. Vehicular access already exists and will be obtained from S. Atlantic Avenue.* *Conclusion:* ***Criterion Met.***

(b) Off-street parking, loading and service areas for commercial, hotel/motel and multifamily residential development shall be provided and located such that there is no adverse impact on adjoining properties, beyond that which generally experienced in the district with regard to normative development activity; *Staff Comment:* *The application relates to property with a preexisting parking lot. Vehicular access already exists and will be obtained from S. Atlantic Avenue. In addition, parking lot usage will be consistent with normal resort operations.* *Conclusion:* ***Criterion Met.***

(c) Required yards, screening or buffering and landscaping shall be consistent with the district in general and the specific needs of the abutting land uses as determined by the city; *Staff Comment:* *Property is screened on the vast majority of the non-street property lines with a combination of a 6-foot high wooden fence, screened enclosure and masonry block wall, with the exception of the area of the property connected to the Beachside Grille parking lot located on the south side of the property.* *Conclusion:* ***Criterion Partially Met.***

(d) Architectural and signage treatments shall comply with the general provisions applicable to permitted uses in the district, to the greatest extent practicable, and mitigate impacts to surrounding development; and *Staff Comment:* *Application is for a preexisting parking lot. No vertical improvements are proposed.* *Conclusion:* ***Criterion Not Applicable.***

(e) Size, location, or number of special exception uses in an area shall be limited so as to maintain the overall character of the district as generally intended by this Code. *Staff Comment:* *The application relates to property with a preexisting parking lot. Vehicular access already exists and will be obtained from S. Atlantic Avenue. In addition, parking lot usage will be consistent with normal resort operations. Therefore, the overall character of the district will not be impacted by the grant of this special exception.* *Conclusion:* ***Criterion Met.***

**Sec. 14-63. - Planning and zoning board functions, powers and duties.**

7. In terms of exercising its authority under the provisions of the Land Development Code, the planning and zoning board shall adhere to the following:

a. In granting any special exceptions the board shall find that such grant will not adversely affect the public interest. *Staff Comment: There is no evidence that the grant of this special exception will adversely affect the public interest. The parking lot is preexisting and was once used for arcade and golf cart amusement. Conclusion: Criterion Met.*

b. In granting any special exception, appropriate conditions and safeguards may be imposed which are consistent with the protection of the public health, safety, morals, or general welfare. Violation of such conditions and safeguards when made a part of the development order under which a special exception is granted shall be deemed a violation of the Land Development Code. *Staff Comment: Applicant agrees. Conclusion: Criterion Met.*

c. The board may prescribe a reasonable time limit within which the action for which the special exception is required shall be begun or completed or both. *Staff Comment: Applicant agrees. Conclusion: Criterion Met.*

d. The following standards shall be applicable in determining whether the board shall grant or deny a special exception:

i. The grant of a special exception shall be in harmony with the purpose and intent of the Land Development Code, particularly those applicable to the zoning classification in which the special exception is located. *Staff Comment: Parking by means of special exception is permitted on the property, which is owned by the same entity as the El Caribe Resort. As the economy rebounds and overnight stays increase in Volusia County, providing overflow parking for the resort becomes crucial to its success by addressing surges in parking demand, particularly during special events. Maintaining a healthy local economy and organized parking is consistent with the overall goals and objectives of the Land Development Code. Conclusion: Criterion Met.*

ii. The board may not grant a special exception unless the applicant has demonstrated his compliance, or ability to comply with, the conditions imposed. *Staff Comment: Application meets all applicable regulations. Conclusion: Criterion Met.*

iii. The board must find that the applicant has submitted sufficient evidence to assure that he, she, they or it is or will be able to comply with all requirements of the city or state agencies having jurisdiction over the particular use, and the board may require appropriate guarantees to assure compliance. *Staff Comment: Application meets all applicable regulations. Conclusion: Criterion Met.*

iv. The board shall find that the proposed use will not generate an undue amount of traffic congestion which would tend to create a hazard or danger to the public or to persons in the vicinity from such use, or create a public nuisance. *Staff Comment: The application relates to property with a preexisting parking lot. Vehicular access already exists and will be obtained from S. Atlantic Avenue. In addition, the resort is not increasing its density, therefore, no additional trip generation will be produced and no traffic congestion is anticipated. Conclusion: Criterion Met.*

v. The board shall find that the special exception will not materially alter the character of the surrounding neighborhood or adversely affect the value of surrounding lands, buildings, or natural resources. *Staff Comment: The application relates to property with a preexisting parking lot. Vehicular access already exists and will be obtained from S. Atlantic Avenue. In addition, the resort is not increasing its density, therefore, the special exception will not materially alter the character of the surrounding neighborhood or adversely affect the value of surrounding lands, buildings, or natural resources. Conclusion: Criterion Met.*

vi. The board shall find that the special exception will not adversely affect the natural environment, natural resources, or scenic beauty, or give rise of any pollution of the air, land or water, or cause unnecessarily injurious heat, noise or odor. *Staff Comment: The application relates to property with a preexisting parking lot. Vehicular access already exists and will be obtained from S. Atlantic Avenue. In addition, the resort is not increasing its density, therefore, the special exception will not adversely affect the natural environment, natural resources or scenic beauty, or give rise of any pollution of the air, land or water, or cause unnecessarily injurious heat, noise or odor. Conclusion: Criterion Met.*

### **PART III**

#### **CRITERIA SUMMARY:**

Based on staff's interpretation of the facts and evidence provided, the following table was derived to assist the Board's decision-making process. The evaluation criteria are required by the City's LDC and based on staff's analysis 28 of the 31 criteria have been fully met while the three (3) that haven't been met regard screening adjacent to a commercial parking lot. The applicant has requested a waiver of this requirement. Staff does not object to the waiver request for screening in this vicinity as the use on the property is similar as the proposed special exception use, i.e. parking.

**Table 1:** Evaluation Criteria

| <b>Criteria 14-58.1.2.A.8</b> | <b>a</b> | <b>b</b> | <b>c</b> | <b>d</b>   | <b>e</b>    | <b>f</b>     | <b>g</b>    |            |             |
|-------------------------------|----------|----------|----------|------------|-------------|--------------|-------------|------------|-------------|
| Criteria Met                  |          | X        | X        | X          | X           | X            | X           |            |             |
| Criteria Partially Met        | X        |          |          |            |             |              |             |            |             |
| Criteria Not Met              |          |          |          |            |             |              |             |            |             |
| <b>Criteria 14-58.1.2.D.5</b> | <b>a</b> | <b>b</b> | <b>c</b> | <b>d</b>   | <b>e</b>    | <b>f</b>     | <b>g</b>    |            |             |
| Criteria Met                  | X        | X        | X        | X          | X           | X            | X           |            |             |
| Criteria Partially Met        |          |          |          |            |             |              |             |            |             |
| Criteria Not Met              |          |          |          |            |             |              |             |            |             |
| <b>Criteria 14-58.1.1.D.2</b> | <b>a</b> | <b>b</b> | <b>c</b> | <b>d</b>   | <b>e</b>    | <b>f</b>     | <b>g</b>    | <b>e</b>   |             |
| Criteria Met                  | X        | X        |          | X          | X           | X            | X           | X          |             |
| Criteria Partially Met        |          |          | X        |            |             |              |             |            |             |
| Criteria Not Met              |          |          |          |            |             |              |             |            |             |
| <b>Criteria 14-63.7</b>       | <b>a</b> | <b>b</b> | <b>c</b> | <b>d.i</b> | <b>d.ii</b> | <b>d.iii</b> | <b>d.iv</b> | <b>d.v</b> | <b>d.vi</b> |
| Criteria Met                  | X        | X        | X        | X          | X           | X            | X           | X          | X           |
| Criteria Partially Met        |          |          |          |            |             |              |             |            |             |
| Criteria Not Met              |          |          |          |            |             |              |             |            |             |

ENGINEERING PLANS FOR

# EL CARIBE RESORT

SPECIAL EXCEPTION TO USE OFFSITE PARKING

2125 S. ATLANTIC AVE. DAYTONA BEACH SHORES, FLORIDA

MARCH, 2021

LEGAL DESCRIPTION:

LEGAL DESCRIPTION: (FROM TITLE COMMITMENT)

THE LAND REFERRED TO HEREIN FOR SPECIAL EXCEPTION BELOW IS SITUATED IN THE COUNTY OF VOLUSIA, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 3:  
THAT PORTION OF LOT 9, PENNLANTIC SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 123, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND THAT PORTION OF BLOCK 3, MELINDA COOKE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 93, AND RE-RECORDED IN PLAT BOOK 12, PAGE 47, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 9, PENNLANTIC SUBDIVISION, WITH THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH ATLANTIC AVENUE (STATE ROAD A-1-A), AN 80 FOOT RIGHT-OF-WAY; THENCE N 25°00'00" W 155.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH ATLANTIC AVENUE TO A POINT; SAID POINT BEING 45 FEET SOUTHERLY OF THE INTERSECTION OF THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT 9, PENNLANTIC SUBDIVISION, THROUGH SAID BLOCK 3, MELINDA COOKE SUBDIVISION, WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH ATLANTIC AVENUE; THENCE S 65°00'50" W 103.41 FEET TO A POINT; THENCE N 25°00'00" W, PARALLEL WITH THE SAID WESTERLY RIGHT-OF-WAY LINE OF SOUTH ATLANTIC AVENUE 45 FEET; THENCE S 65°00'50" W 191.95 FEET ALONG SAID EASTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 9 AND ALONG THE NORTHERLY LINE OF LOT 9; THENCE S 27°40'10" E AND PARALLEL TO BOYNTON BOULEVARD, A 60 FOOT RIGHT-OF-WAY, A DISTANCE OF 50.00 FEET; THENCE S 65°00'50" W AND PARALLEL TO THE NORTH LINE OF SAID LOT 9, 100.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID BOYNTON BOULEVARD; THENCE S 27°40'10" E ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID BOYNTON BOULEVARD 20.07 FEET; THENCE N 65°00'50" E AND PARALLEL TO THE NORTHERLY LINE OF SAID LOT 9, 128.32 FEET; THENCE S 24°59'10" E AND AT RIGHT ANGLES TO THE LAST MENTIONED LINE 110.00 FEET; THENCE S 65°00'50" W AT RIGHT ANGLES TO THE LAST MENTIONED LINE AND PARALLEL TO THE SOUTHERLY LINE OF LOT 9, 115.73 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID BOYNTON BOULEVARD; THENCE SOUTHEASTERLY 23.10 FEET ALONG THE ARC OF A CURVE, SAID CURVE HAVING A RADIUS OF 120.00 FEET AND A CENTRAL ANGLE OF 11°01'48", SAID LINE ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF SAID BOYNTON BOULEVARD, TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE N 65°00'50" E ALONG THE SOUTHERLY LINE OF SAID LOT 9, 221.93 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9; THENCE CONTINUING N 65°00'50" E ALONG THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 9, ALSO BEING THE NORTHERLY LINE OF LOT 8, SAID PENNLANTIC SUBDIVISION, 236.13 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, EXCEPTING FROM THE FOREGOING DESCRIPTION ANY PORTION TAKEN FOR THE WIDENING OF SOUTH ATLANTIC AVENUE TO AN 80 FOOT RIGHT-OF-WAY.

LESS AND EXCEPT:

A PORTION OF BLOCK 3, MELINDA COOKE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 93, AND RE-RECORDED IN PLAT BOOK 12, PAGE 47, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE NORTHERLY LINE OF LOT 8, PENNLANTIC SUBDIVISION, AS RECORDED IN MAP BOOK 11, PAGE 123, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, WITH THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH ATLANTIC AVENUE (STATE ROAD A-1-A), AN 80 FOOT RIGHT-OF-WAY; THENCE S 65°18'50" W ALONG SAID NORTHERLY LINE, 108.98 FEET; THENCE N 23°51'31" W 117.90 FEET; THENCE N 66°18'50" E 109.38 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE; THENCE S 23°39'47" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE 117.90 FEET TO THE POINT OF BEGINNING.

PARCEL 4:  
THE NORTHERLY 45.00 FEET OF THE FOLLOWING DESCRIBED PARCEL: THE NORTHERLY 200 FEET OF THE SOUTHERLY 1190 FEET AS MEASURED ON ATLANTIC AVENUE, OF BLOCK 3, COOK SUBDIVISION, AS RECORDED IN MAP BOOK 1, PAGE 93, AND RE-RECORDED IN PLAT BOOK 12, PAGE 47, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THEREFROM A TRIANGLE IN THE SOUTHWEST CORNER, BEING THE WESTERLY 42.72 FEET ON THE SOUTH LINE AND 100 FEET ON THE EAST LINE AND INCLUDING A TRIANGLE IN LOT 9, PENNLANTIC SUBDIVISION, AS RECORDED IN MAP BOOK 11, PAGE 123, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING THE EASTERLY 42.72 FEET ON THE NORTH LINE AND 100 FEET ON THE WEST LINE EXCEPTING THEREFROM THAT PORTION DEEDED FOR STATE ROAD A-1-A, TOGETHER WITH AN 8.50 FOOT ACCESS EASEMENT LYING SOUTH OF AND ALONG THE SOUTHERLY LINE OF EXTENDING FROM THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH ATLANTIC AVENUE, A 100 FOOT RIGHT-OF-WAY, TO THE WESTERLY LINE OF SAID PARCEL.

TOGETHER WITH THE EL CARIBE RESORT AS FOLLOWS:

PARCEL 5:  
PARCEL A:  
LOTS 17, 18, 19, BLOCK 2, MELINDA COOK'S SUBDIVISION OF FRACTIONAL SECTION 15 TOWNSHIP 15 S RANGE 33 E, ACCORDING TO THE MAP IN MAP BOOK 1, PAGE 93, AND RE-RECORDED IN PLAT BOOK 12, PAGE 47, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

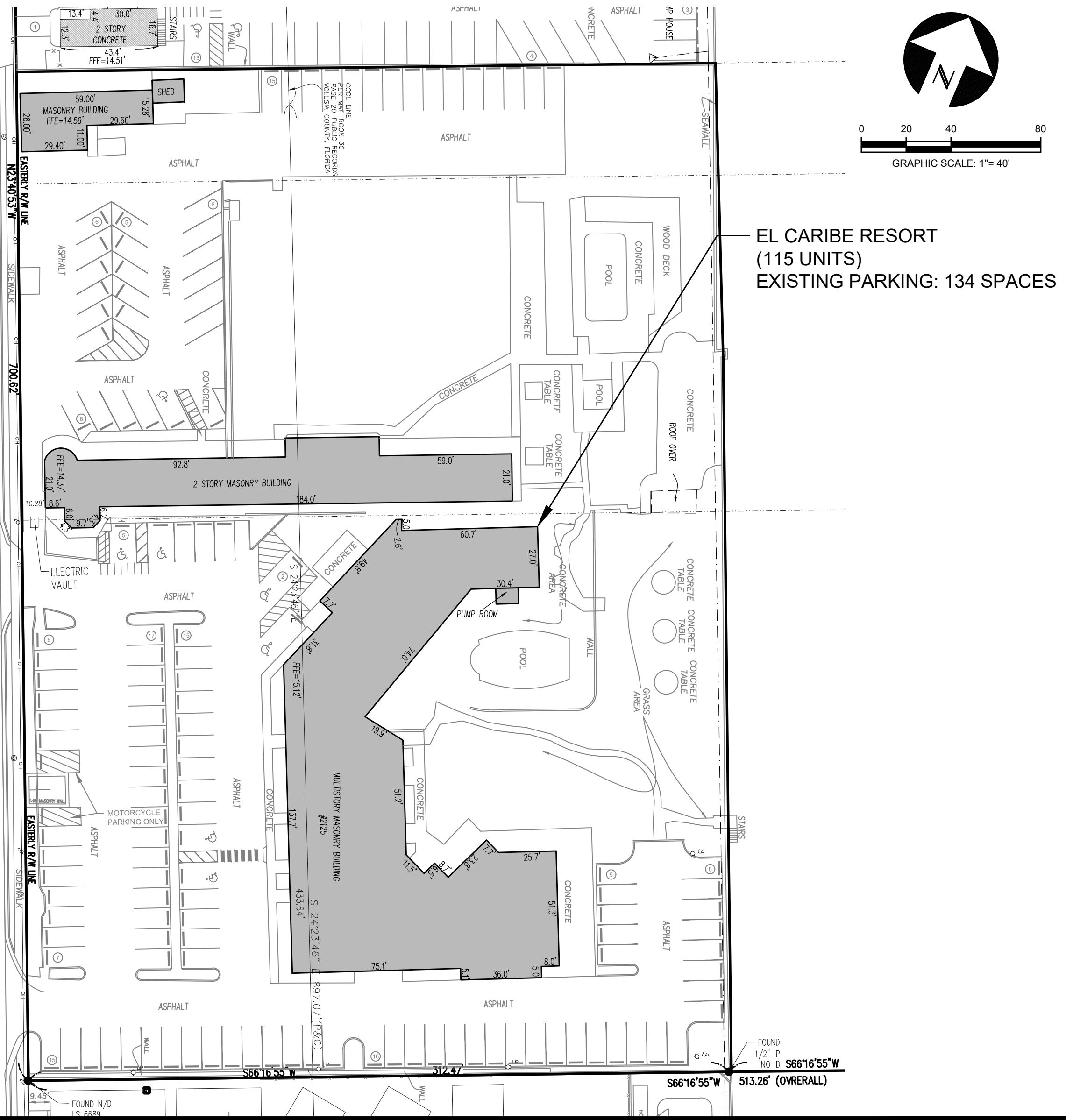
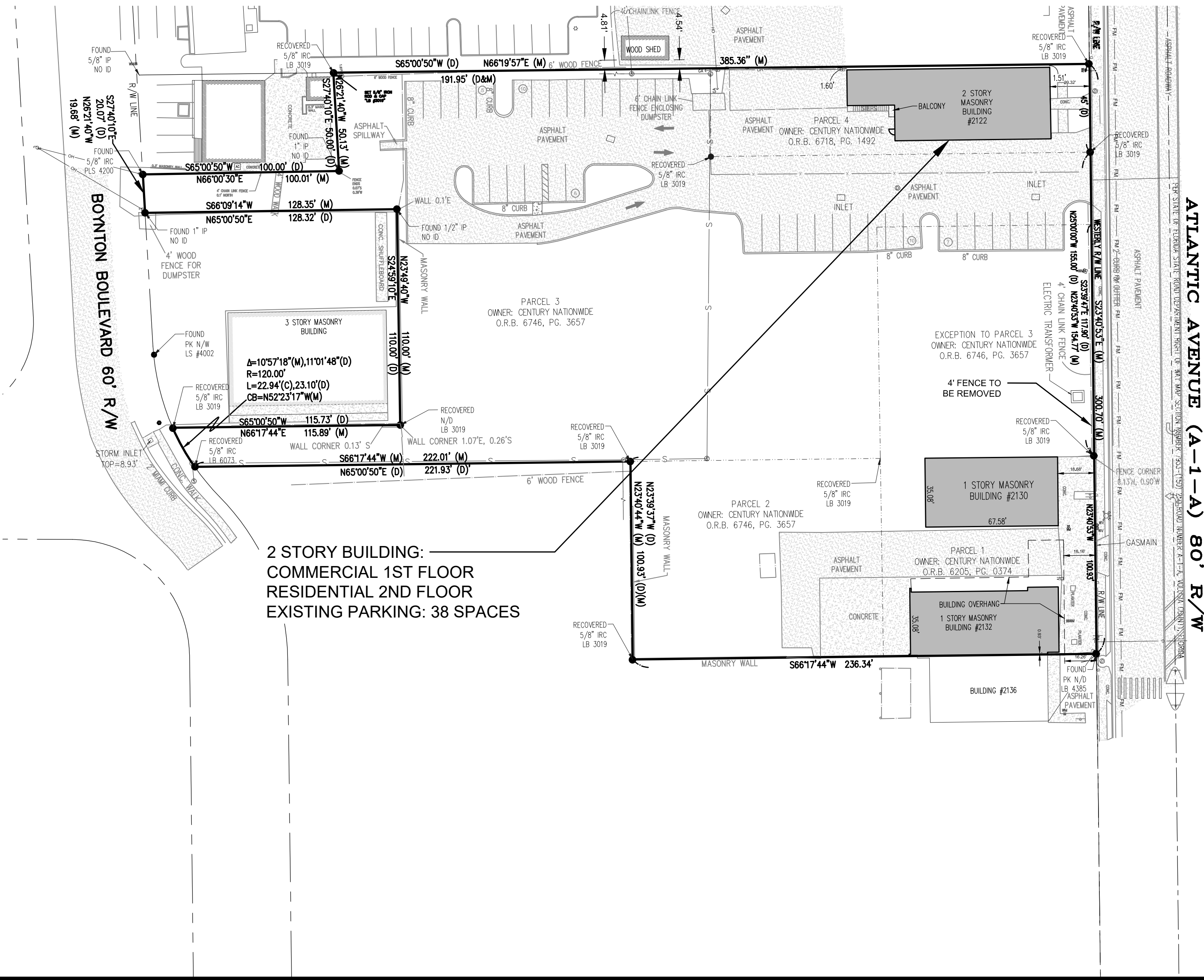
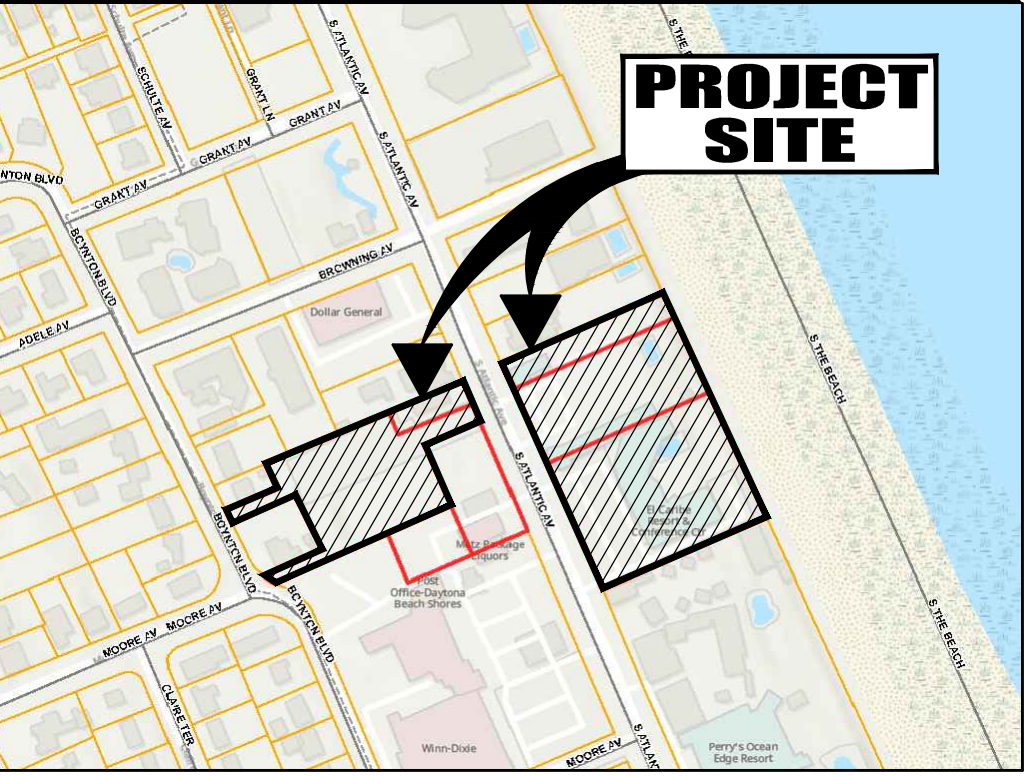
PARCEL B:  
LOTS 20 AND 21, BLOCK 2, MELINDA COOK'S SUBDIVISION OF FRACTIONAL SECTION 15 TOWNSHIP 15 S RANGE 33 E, ACCORDING TO THE MAP IN MAP BOOK 1, PAGE 93, AND RE-RECORDED IN PLAT BOOK 12, PAGE 47, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PARCEL 6:  
LOTS 22, 23, AND 24, BLOCK 2, MELINDA COOK'S SUBDIVISION OF FRACTIONAL SECTION 15 TOWNSHIP 15 S RANGE 33 E, ACCORDING TO THE MAP IN MAP BOOK 1, PAGE 93, AND RE-RECORDED IN PLAT BOOK 12, PAGE 47, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

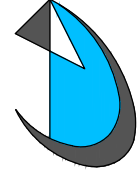
PARCEL 7:  
LOT 25, BLOCK 2, MELINDA COOK'S SUBDIVISION OF FRACTIONAL SECTION 15 TOWNSHIP 15 S RANGE 33 E, ACCORDING TO THE MAP IN MAP BOOK 1, PAGE 93, AND RE-RECORDED IN PLAT BOOK 12, PAGE 47, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

VICINITY MAP:

SCALE: 1" = 40'



THE PERFORMANCE GROUP  
CIVIL ENGINEERING / PLANNING / DEVELOPMENT



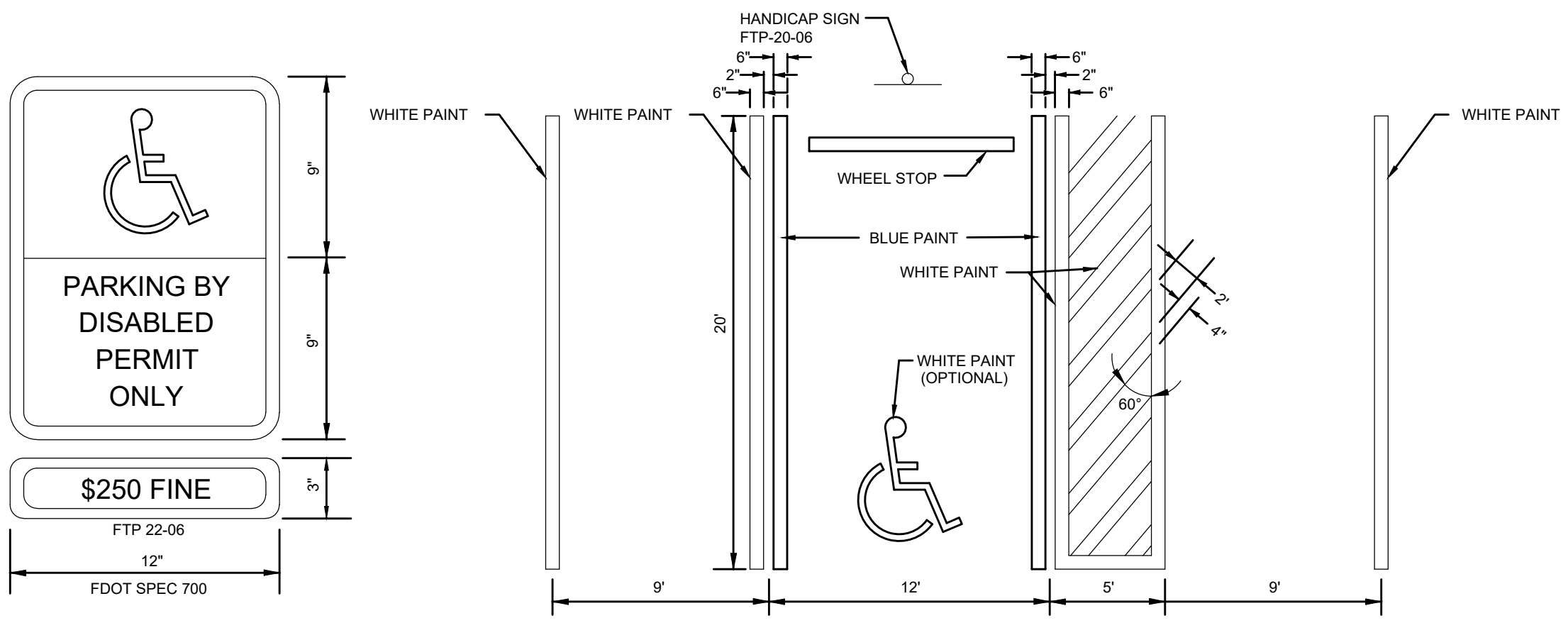
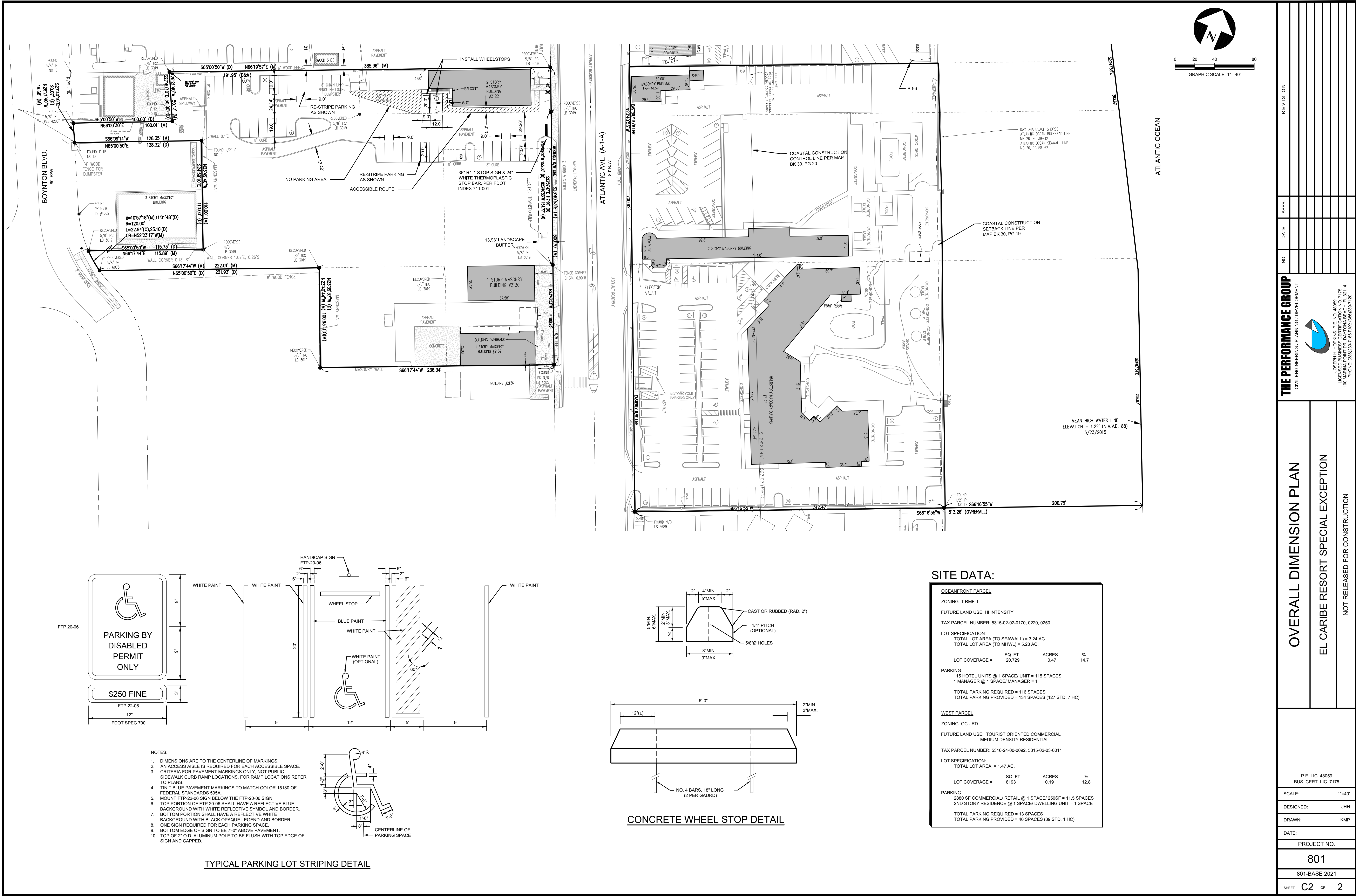
JOSEPH H. HOPKINS, P.E. NO. 48059  
LICENSED BUSINESS CERTIFICATION NO. 7175  
100 WEST BOYNTON BLVD., DAYTONA BEACH, FL 32114  
PHONE: (386) 252-7175 FAX: (386) 252-7176

OVERALL EXISTING CONDITIONS PLAN

EL CARIBE RESORT SPECIAL EXCEPTION

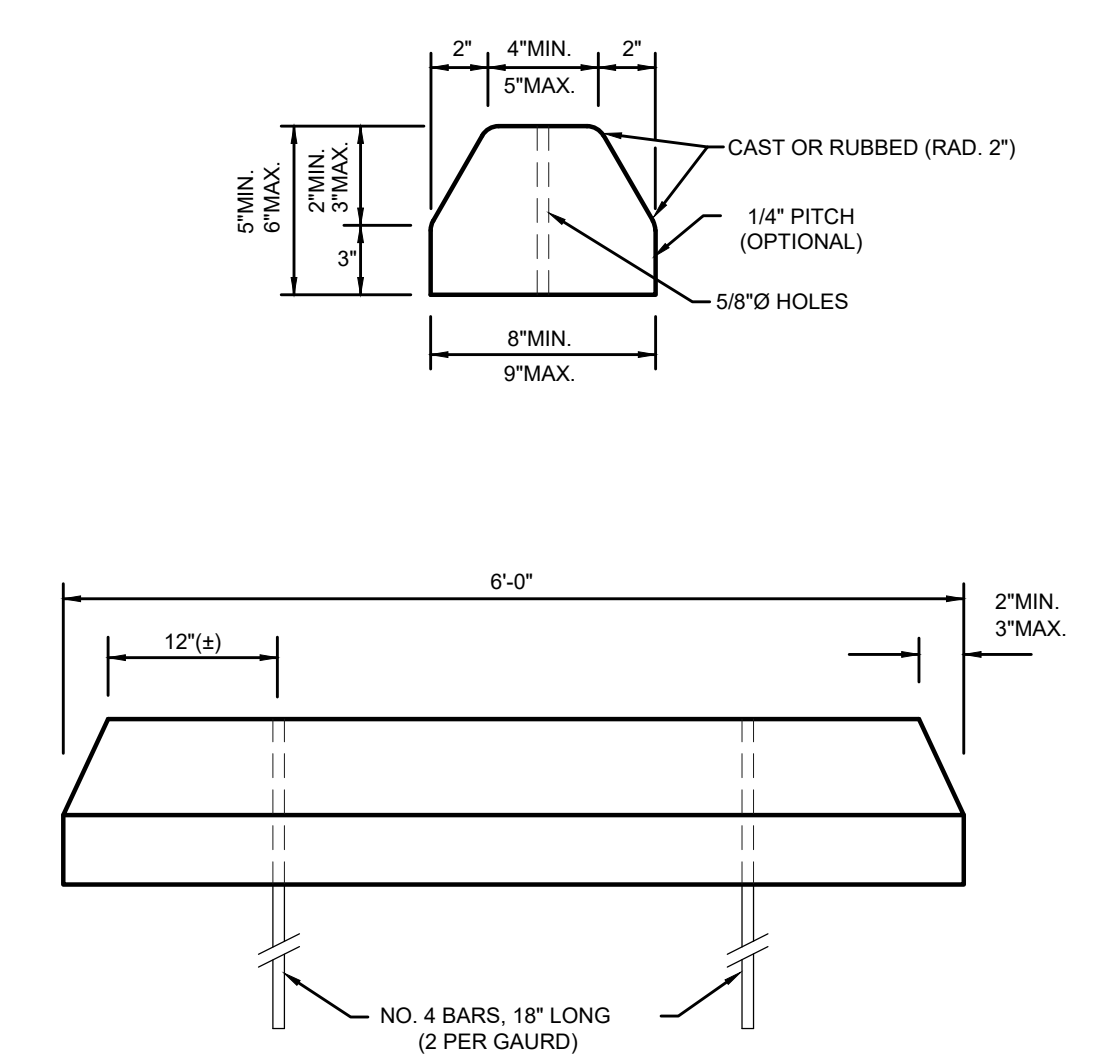
NOT RELEASED FOR CONSTRUCTION

|                                         |         |
|-----------------------------------------|---------|
| P.E. LIC. 48059<br>BUS. CERT. LIC. 7175 |         |
| SCALE:                                  | 1"=40'  |
| DESIGNED:                               | JHH     |
| DRAWN:                                  | KMP     |
| DATE:                                   |         |
| PROJECT NO.                             |         |
| 801                                     |         |
| 801-BASE 2021                           |         |
| SHEET                                   | C1 OF 2 |



- NOTES:
1. DIMENSIONS ARE TO THE CENTERLINE OF MARKINGS.
  2. AN ACCESS ASLE IS REQUIRED FOR EACH ACCESSIBLE SPACE.
  3. CRITERIA FOR PAVEMENT MARKINGS ONLY, NOT PUBLIC SIDEWALK CURB RAMP LOCATIONS. FOR RAMP LOCATIONS REFER TO PLANS.
  4. TINT BLUE PAVEMENT MARKINGS TO MATCH COLOR 15180 OF FEDERAL STANDARDS 595A.
  5. MOUNT FTP-22-06 SIGN BELOW THE FTP-20-06 SIGN.
  6. TOP PORTION OF FTP-20-06 SHALL HAVE A REFLECTIVE BLUE BACKGROUND WITH WHITE REFLECTIVE SYMBOL AND BORDER.
  7. BOTTOM PORTION SHALL HAVE A REFLECTIVE WHITE BACKGROUND WITH BLACK OPAQUE LEGEND AND BORDER.
  8. ONE SIGN REQUIRED FOR EACH PARKING SPACE.
  9. BOTTOM EDGE OF SIGN TO BE 7'-0" ABOVE PAVEMENT.
  10. TOP OF 2" O.D. ALUMINUM POLE TO BE FLUSH WITH TOP EDGE OF SIGN AND CAPPED.

TYPICAL PARKING LOT STRIPING DETAIL

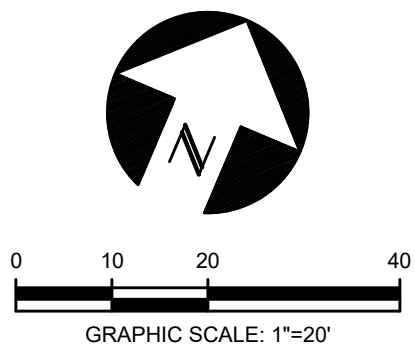


CONCRETE WHEEL STOP DETAIL

SITE DATA:

|                                                           |         |       |      |
|-----------------------------------------------------------|---------|-------|------|
| OCEANFRONT PARCEL                                         |         |       |      |
| ZONING: T RMF-1                                           |         |       |      |
| FUTURE LAND USE: HI INTENSITY                             |         |       |      |
| TAX PARCEL NUMBER: 5315-02-02-0170, 0220, 0250            |         |       |      |
| LOT SPECIFICATION:                                        |         |       |      |
| TOTAL LOT AREA (TO SEAWALL) = 3.24 AC.                    |         |       |      |
| TOTAL LOT AREA (TO MHWL) = 5.23 AC.                       |         |       |      |
| LOT COVERAGE =                                            | SQ. FT. | ACRES | %    |
|                                                           | 20,729  | 0.47  | 14.7 |
| PARKING:                                                  |         |       |      |
| 115 HOTEL UNITS @ 1 SPACE/ UNIT = 115 SPACES              |         |       |      |
| 1 MANAGER @ 1 SPACE/ MANAGER = 1                          |         |       |      |
| TOTAL PARKING REQUIRED = 116 SPACES                       |         |       |      |
| TOTAL PARKING PROVIDED = 134 SPACES (127 STD, 7 HC)       |         |       |      |
| WEST PARCEL                                               |         |       |      |
| ZONING: GC - RD                                           |         |       |      |
| FUTURE LAND USE: TOURIST ORIENTED COMMERCIAL              |         |       |      |
| MEDIUM DENSITY RESIDENTIAL                                |         |       |      |
| TAX PARCEL NUMBER: 5316-24-00-0092, 5315-02-03-0011       |         |       |      |
| LOT SPECIFICATION:                                        |         |       |      |
| TOTAL LOT AREA = 1.47 AC.                                 |         |       |      |
| LOT COVERAGE =                                            | SQ. FT. | ACRES | %    |
|                                                           | 8193    | 0.19  | 12.8 |
| PARKING:                                                  |         |       |      |
| 2880 SF COMMERCIAL/ RETAIL @ 1 SPACE/ 280SF = 11.5 SPACES |         |       |      |
| 2ND STORY RESIDENCE @ 1 SPACE/ DWELLING UNIT = 1 SPACE    |         |       |      |
| TOTAL PARKING REQUIRED = 13 SPACES                        |         |       |      |
| TOTAL PARKING PROVIDED = 40 SPACES (39 STD, 1 HC)         |         |       |      |

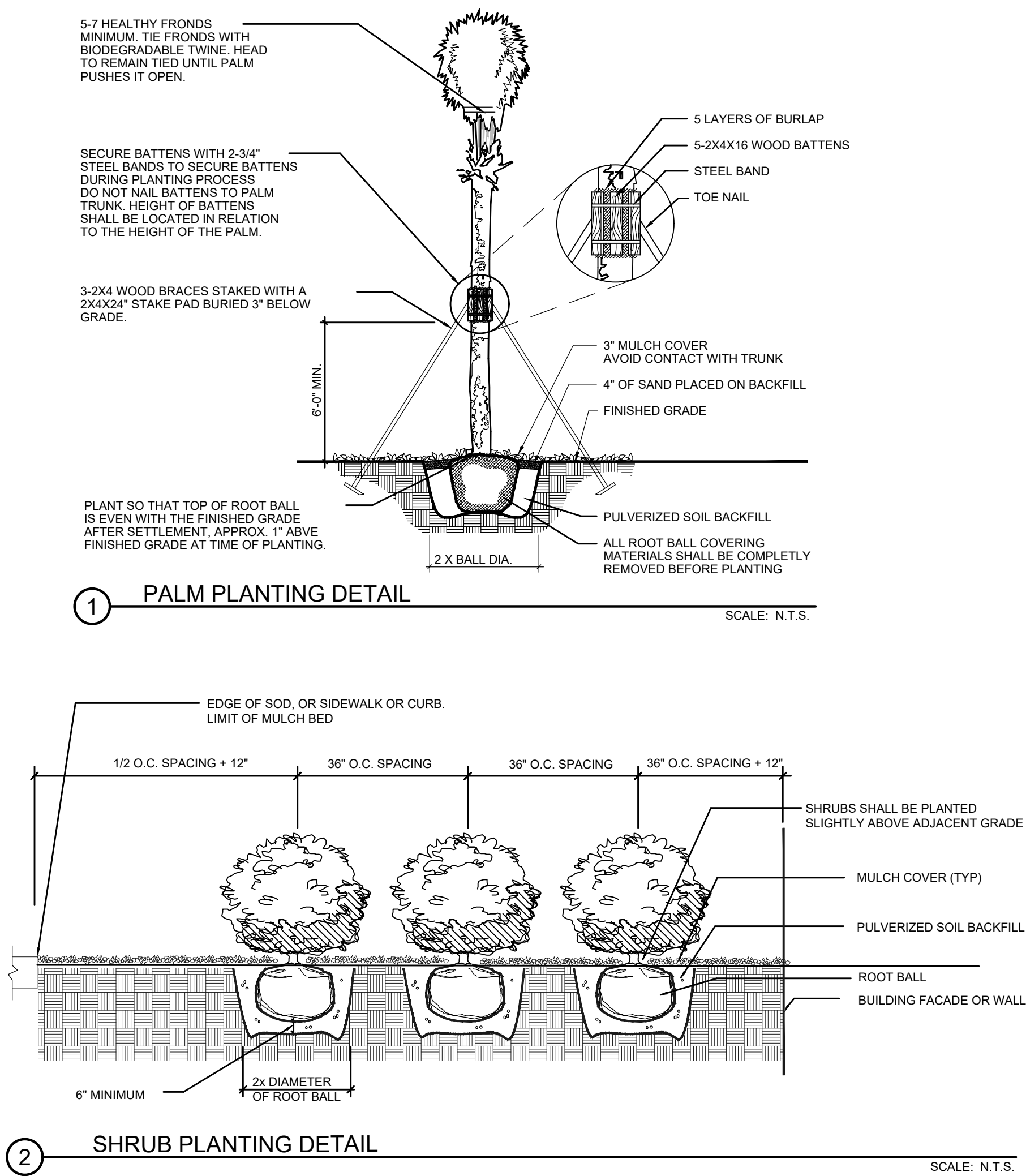
|  |  |                                         |  |               |  |               |  |            |  |       |  |                                             |  |               |  |                        |  |                                    |  |                               |  |                                                                                                                                                                                                                                                                                                                                                                              |  |     |  |      |  |       |  |          |  |
|--|--|-----------------------------------------|--|---------------|--|---------------|--|------------|--|-------|--|---------------------------------------------|--|---------------|--|------------------------|--|------------------------------------|--|-------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----|--|------|--|-------|--|----------|--|
|  |  | P.E. LIC. 48059<br>BUS. CERT. LIC. 7175 |  | SCALE: 1"=40' |  | DESIGNED: JHH |  | DRAWN: KMP |  | DATE: |  | PROJECT NO.<br><br>801<br><br>801-BASE 2021 |  | SHEET C2 OF 2 |  | OVERALL DIMENSION PLAN |  | EL CARIBE RESORT SPECIAL EXCEPTION |  | NOT RELEASED FOR CONSTRUCTION |  | <div>THE PERFORMANCE GROUP</div> <div>CIVIL ENGINEERING / PLANNING / DEVELOPMENT</div> <div></div> <div>JOSEPH H. HOPKINS, P.E. NO. 48059<br/>LICENSED BUSINESS CERTIFICATION NO. 7175<br/>100 MARINA POINT DR. DAYTONA BEACH, FL 32114<br/>PHONE: (386)238-7168 FAX: (386)238-7120</div> |  | NO. |  | DATE |  | APPR. |  | REVISION |  |
|  |  |                                         |  |               |  |               |  |            |  |       |  |                                             |  |               |  |                        |  |                                    |  |                               |  |                                                                                                                                                                                                                                                                                                                                                                              |  |     |  |      |  |       |  |          |  |
|  |  |                                         |  |               |  |               |  |            |  |       |  |                                             |  |               |  |                        |  |                                    |  |                               |  |                                                                                                                                                                                                                                                                                                                                                                              |  |     |  |      |  |       |  |          |  |
|  |  |                                         |  |               |  |               |  |            |  |       |  |                                             |  |               |  |                        |  |                                    |  |                               |  |                                                                                                                                                                                                                                                                                                                                                                              |  |     |  |      |  |       |  |          |  |
|  |  |                                         |  |               |  |               |  |            |  |       |  |                                             |  |               |  |                        |  |                                    |  |                               |  |                                                                                                                                                                                                                                                                                                                                                                              |  |     |  |      |  |       |  |          |  |



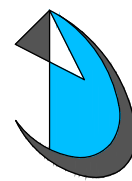
| Amount | Key | Botanical Name     | Common Name        | Size                   | Height | Spacing  | Flower Color | Native Y/N | Type  | Evergreen/Deciduous |
|--------|-----|--------------------|--------------------|------------------------|--------|----------|--------------|------------|-------|---------------------|
| 12     | SP  | SABAL PALMETTO     | CABBAGE PALM       | VARIES (13" CAL. MIN.) | 8'-10' | -        | -            | Y          | TREE  | Evergreen           |
| 67     | VS  | VIBURNUM SUSPENSUM | SANDANKWA VIBURNUM | 3 GAL.                 | 24"    | 36" O.C. | WHITE        | -          | SHRUB | Evergreen           |

1. ALL PLANTS SHALL BE FLORIDA NUMBER 1 OR BETTER AS OUTLINED IN "FLORIDA GRADES AND STANDARDS FOR NURSERY PLANT MATERIAL".
2. IN THE EVENT OF A VARIATION BETWEEN THE PLANT LISTS AND THE ACTUAL QUANTITY OF PLANTS SHOWN ON THE PLANS, THE PLANS SHALL CONTROL.
3. THE ENGINEER OF RECORD MAY REJECT ANY PLANT MATERIAL BRING TO THE JOB SITE WHICH HE DEEMS OF INFERIOR QUALITY OR APPEARANCE.
4. ALL BEDS SHALL BE MULCHED WITH 3 INCH THICK LAYER. MULCH SHALL NOT BE PLACED WITHIN 12 INCHES OF THE TRUNKS OF TREES AND SHRUBS.

1. ONE TREE PER 2,500 S.F. OR ONE TREE 35' ON CENTER.
2. 50% SHADE TREES THAT ARE SALT AND DROUGHT TOLERANT AND WIND RESISTANT.
3. IF SHADE TREES ARE NOT AVAILABLE, PALMS MADE BE SUBSTITUTED AT A 3:1 RATIO.
4. MINIMUM TREE PLANTING HEIGHT IS 8' WITH A MINIMUM 1 1/2" CALIPER.
5. SHRUBS SHALL BE PLANTED AT 24" IN HEIGHT MINIMUM AND 18"-36" ON CENTER. SHRUBS MUST BE 3' IN HEIGHT WITHIN 2 YEARS.

[illegible]

**THE PERFORMANCE GROUP**  
CIVIL ENGINEERING / PLANNING / DEVELOPMENT



JOSEPH H. HOPKINS, P.E. NO. 48059  
LICENSED BUSINESS CERTIFICATION NO. 7175  
100 MARINA POINT DR. DAYTONA BEACH, FL 32114  
PHONE: (386)239-7166 FAX: (386)239-7120

# LANDSCAPE PLAN

EL CARIBE RESORT SPECIAL EXCEPTION

NOT RELEASED FOR CONSTRUCTION

P.E. LIC. 48059  
BUS. CERT. LIC. 7175

SCALE: 1"=20'

DESIGNED: JHH

DRAWN: KMP

DATE: \_\_\_\_\_

PROJECT NO. \_\_\_\_\_

801

801-BASE 2021

SHEET **L1** OF **1**



# City of Daytona Beach Shores

*"Life is Better Here"*

*"A Premier, Friendly Place to Be"*

## AGENDA PLANNING & ZONING BOARD MEETING JUNE 14, 2021

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 JUNE 14, 2021 AGENDA

**TO:** The Members of the Planning & Zoning Board

**FROM:** Stewart Cruz, City Planner

**PREPARED BY:** Stewart Cruz, City Planner

**SUBJECT:** Ordinance 2021-04: Comprehensive Plan Future Land Use Map amendment for annexing single-family residential property located at 2924 S. Peninsula Drive

#### SYNOPSIS:

Ordinance 2021-04, if adopted, would amend the City's Adopted Comprehensive Plan Update (2030) Future Land Use Map by assigning the *residential low intensity* future land classification to the annexing single-family residential property located at 2924 S. Peninsula Drive (**Exhibit A**). The application (**Exhibit B**) was submitted by Shane McGill and Erica Smith, owners of the subject property, and is a requirement of Florida Law when a property is annexed. The property is 0.308 acres and is occupied by a 2,835 square foot structure. The proposed amendment is compatible with the current Volusia County future land use category and as such, the use will remain as single-family residential.

#### FISCAL IMPACT STATEMENT:

#### BACKGROUND:

## **A. BACKGROUND**

The subject property, located at 2924 S. Peninsula Drive, is currently being annexed into the corporate limits of the City of Daytona Beach Shores pursuant to the voluntary annexation process outlined in Section 171.044, Florida Statutes . However, Section 171.062, Florida Statutes limits regulatory and development control over an annexing property if the area annexed was subject to a county land use plan and county zoning and the municipality does not adopt a comprehensive plan and zoning amendment that include the annexed area. Therefore, the County land use plan and zoning regulations would remain in full force and effect until the City changes the future land use classification and zoning designation of the subject property. The purpose of this application is to realize the former. Additionally, the property owners have also submitted an application to rezone the property to the City's RSF-2 Urban Single-Family Residential Detached District, consistent with the existing and surrounding land uses and current Volusia County R-9 District zoning classification. The rezoning will occur subsequent to the future land use amendment associated with the subject property.

## **B. PLANNING ANALYSIS**

See **Exhibit C** for planning analysis.

### **LEGAL REVIEW:**

Approved as to form and content.

### **RECOMMENDATION:**

Staff recommends approval of Ordinance 2021-04 as presented.

### **SUGGESTED MOTION:**

A Planning and Zoning Board member may motion as follows:

1. "I move to **recommend approval** of Ordinance 2021-04 as presented."  
OR
2. "I move to recommend approval of Ordinance 2021-04, with the following amendments..."  
OR
3. "I move to recommend denial of Ordinance 2021-04, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2021-04-CPA 2924 S. Peninsula Drive
  2. Exhibit A-Location Map
  3. Exhibit B-Application
  4. Exhibit C-Ord 2021-04-P&Z Staff Report-FLUMA-Shane McGill & Erica Smith

**ORDINANCE NO: 2021-04**

**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 AMENDING MAP L-4 ENTITLED, “GENERALIZED FUTURE LAND USE MAP (2030)” ASSIGNING THE RESIDENTIAL LOW INTENSITY FUTURE LAND USE DESIGNATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 2924 S. PENINSULA DRIVE, SHORT TAX PARCEL ID 5327-09-00-0200; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-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 small scale development activities as provided in Section 163.3187(1)(c), *Florida Statutes*; and

**WHEREAS**, the Volusia County Growth Management Commission 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*; 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**, Shane McGill and Erica Smith, owners of the real property with short tax parcel ID 5327-09-00-0200 and generally located at 2924 S. Peninsula Drive, submitted an owner initiated future land use map amendment application to the City of Daytona Beach Shores on April 23, 2021; and

**WHEREAS**, Shane McGill and Erica Smith, owners of the subject property, are requesting the City of Daytona Beach Shores amend the future land use classification of the subject real property to Residential Low Intensity; 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 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 FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP.** Chapter 1, “Future Land Use Element,” containing the Official Future Land Use Map (Map L-4) of the *City of Daytona Beach Shores Comprehensive Plan* is hereby amended to change the Future Land Use Designation of a +/-0.308 acre property from Volusia County Urban Low Intensity to Daytona Beach Shores Residential Low Intensity as to property as described in Exhibit “A” as follows:

| Location Address        | Short Tax Parcel ID | Daytona Beach Shores Future Land Use Designation |
|-------------------------|---------------------|--------------------------------------------------|
| 2924 S. Peninsula Drive | 5327-09-00-0200     | Residential Low Intensity                        |

**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 163.3187(1)(c)2.b, *Florida Statutes* and *Volusia Growth Management Rules*.

**SECTION THREE: 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 FOUR: 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 FIVE. NON-CODIFICATION.** This Ordinance shall be not be codified in the *City Code of the City of Daytona Beach Shore* or, the *Land Development Code of the City of Daytona Beach Shores*, or the *City of Daytona Beach Shores Comprehensive Plan* provided, however, that the actions taken herein shall be depicted in the *City of Daytona Beach Shores Comprehensive Plan* and on the Future Land Use Map of the City of Daytona Beach Shores by the City Manager, or designee.

**SECTION SIX: EFFECTIVE DATE.** This Ordinance shall become effective, in accordance with the provisions of Section 163.3187, *Florida Statutes*, thirty-one (31) days after enactment; provided, however, if this Ordinance is challenged within thirty (30) days after enactment, this Ordinance shall not become effective until the Florida Department of Community Affairs, acting as the State Land Planning Agency, or the Administration Commission, respectively, issues a final order determining that the small scale development amendment to the *City of Daytona Beach Shores Comprehensive Plan* set forth in this Ordinance is in compliance.

## **CITY OF DAYTONA BEACH SHORES, FLORIDA**

\_\_\_\_\_  
**NANCY MILLER, MAYOR**

\_\_\_\_\_  
**MICHAEL T. BOOKER, CITY MANAGER**

\_\_\_\_\_  
**CHERI SCHWAB, CITY CLERK**

**Approved as to form and legality:**

\_\_\_\_\_  
**JOHN CARY, CITY ATTORNEY**

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

## EXHIBIT A

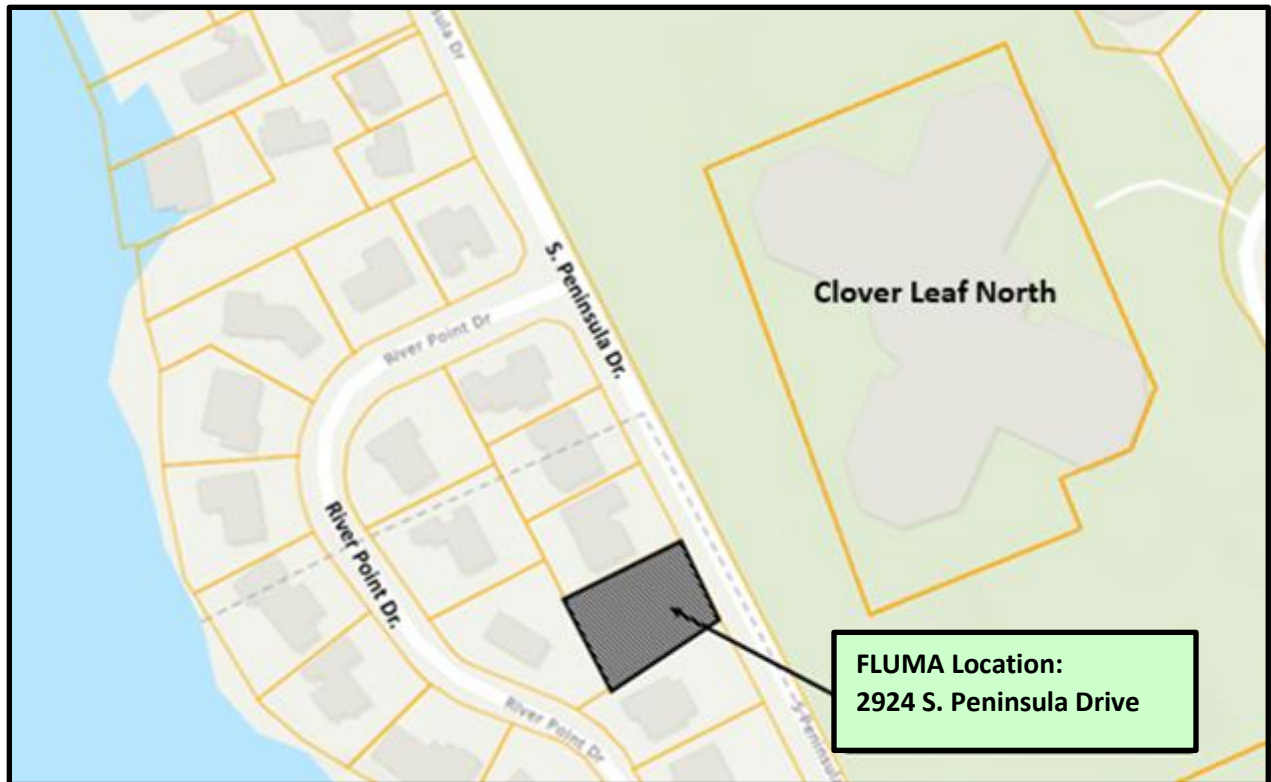
LOT 20, RIVER POINT SUBDIVISION AS RECORDED IN MAP BOOK 34, PAGE 113, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING IN SECTION 27, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEASTERLY CORNER OF SAID LOT 20; THENCE RUN S55°50'30"W ALONG THE SOUTHERLY LINE OF SAID LOT 20, A DISTANCE OF 135.95 FEET TO THE WESTERLY LINE OF SAID LOT 20; THENCE N27°22'00"W ALONG THE WESTERLY LINE OF SAID LOT 20, A DISTANCE OF 107.50 FEET TO THE NORTHERLY LINE OF SAID LOT 20; THENCE N62°38'00"E ALONG THE NORTHERLY LINE OF SAID LOT 20, A DISTANCE OF 135.00 FEET TO THE EASTERLY LINE OF SAID LOT 20 BEING ALSO THE WESTERLY RIGHT OF WAY LINE OF SOUTH PENINSULA DRIVE; THENCE S27°22'00"E ALONG SAID EASTERLY LINE, 91.42 FEET TO THE POINT OF BEGINNING.  
CONTAINING 0.308 ACRES, MORE OR LESS.

TOGETHER WITH A PORTION OF SOUTH PENINSULA DRIVE AS DESCRIBED IN OFFICIAL RECORDS BOOK 1823, PAGE 366, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING IN SECTION 27, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEASTERLY CORNER OF SAID LOT 20; THENCE RUN N27°22'00"W ALONG THE EASTERLY LINE OF SAID LOT 20, BEING ALSO THE WESTERLY RIGHT OF WAY LINE OF SAID SOUTH PENINSULA DRIVE, A DISTANCE OF 91.42 FEET TO THE NORTHERLY LINE OF SAID LOT 20; THENCE N62°38'00"E ALONG THE EASTERLY EXTENTION OF THE NORTHERLY LINE OF SAID LOT 20, A DISTANCE OF 80.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID SOUTH PENINSULA DRIVE; THENCE S27°22'00"E ALONG SAID EASTERLY RIGHT OF WAY LINE, 91.42 FEET; THENCE S62°38'00"W, 80.00 FEET TO THE POINT OF BEGINNING.  
CONTAINING 0.168 ACRES, MORE OR LESS.

**LOCATION MAP: 2924 S. Peninsula Drive**





**City of Daytona Beach Shores**  
**COMMUNITY SERVICES DEPARTMENT**  
 2990 S. Atlantic Avenue  
 Daytona Beach Shores, FL 32118  
 Phone (386) 763-5377 Fax (386) 763-5370

12021011

**APPLICATION FOR COMPREHENSIVE PLAN/FUTURE LAND USE MAP  
 AMENDMENT**

637085

The Undersigned Applicant requests the Planning and Zoning Board AND City Council to hear and decide upon this application in accordance with Sec. 2-2 of the Land Development Code and Florida Law.

RECEIVED

APR 23 2021

BUILDING AND CODES DIVISION  
 CITY OF DAYTONA BEACH SHORES

Date Submitted: 4 / 23 / 2021

Applicable Section of the Comprehensive Plan: \_\_\_\_\_

Fees must be paid at the time the application is submitted.

Applicant's Name: Shane McGill Erica Smith

Address: 2924 S. Peninsula Dr. Phone #: 860-501-2520

Property Address: 2924 S Peninsula Dr. Daytona Beach 32118

Existing Property Use: Single family

Representing Attorney (if any): \_\_\_\_\_

Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

NOTES: 1) Notarized letter of authorization from owner MUST be submitted if application is filed by anyone other than the owner. 2) A completed application MUST be submitted at least 45 days prior to the anticipated Planning and Zoning hearing date.

Legal description of the property:

Lot 20 River point sub. MB 34

Description of your request:

Annexation from the county into Daytona Beach Shores

Shane McGill Erica Smith  
 Applicant's Signature

Shane McGill

Erica Smith

4 / 23 / 2021  
 Date

shanemcgill@rocketmail.com

**EXHIBIT C**  
**PLANNING ANALYSIS**  
**Ordinance 2021-04**

**A. INTRODUCTION**

The proposed amendment seeks to change the future land use designation of a single-family residential property, currently being annexed into the City, from Volusia County *Urban Low Intensity* (0.2-4.0 units/acre) to Daytona Beach Shores *Residential Low Intensity* (0-4.0 units/acre). The +/- 0.308 acre property is located at 2924 S. Peninsula Drive. The subject application received on April 23, 2021, if approved, would result in the first 2021 small-scale comprehensive plan amendment for the City of Daytona Beach Shores in accordance with Section 163.3187, *Florida Statutes*.

**B. PROPOSED AMENDMENT ITEM(S)**

**Item 1:** Map Amendment - Chapter 1, Future Land Use Element: amending Map L-4 entitled, “Generalized Future Land Use Map (2030),” to change the future land use classification of the annexing property located at 2924 S. Peninsula Drive from Volusia County *Urban Low Intensity* to Daytona Beach Shores *Residential Low Intensity*:

**Overview:**

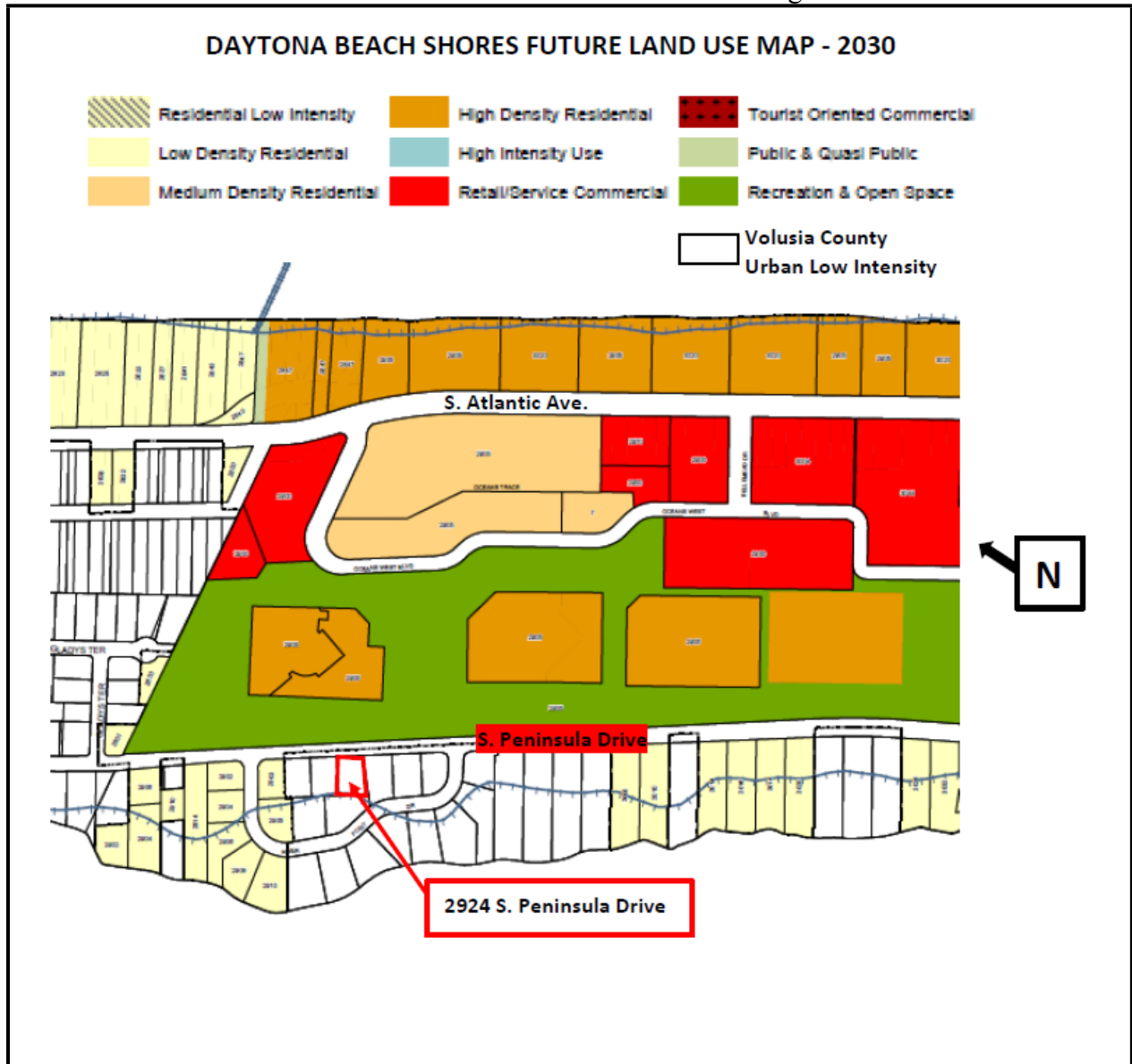
The property houses a 2,835 square foot single-family residential structure, which was built in 1988 (Volusia County Property Appraiser, 2021). The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-3” (Urban Single-Family Residential District), respectively. The surrounding future land use designations and zoning classifications are depicted in **Table 1** below while the future land use is illustrated in **Figure 1**. The subject request is to change the FLU designation to Daytona Beach Shores *Residential Low Intensity* (0-4 units/acre).

**Table 1:** Abutting Zoning and Future Land Use Classification

| <b>Location</b>  | <b>Zoning</b> |          | <b>Future Land Use</b>                                       |                              |
|------------------|---------------|----------|--------------------------------------------------------------|------------------------------|
|                  | Existing      | Proposed | Existing                                                     | Proposed                     |
| Subject Property | R-3*          | RSF-2+   | Volusia County<br>Urban Low Intensity                        | Residential Low<br>Intensity |
| North            | R-3           |          | Volusia County<br>Urban Low Intensity                        |                              |
| South            | R-3           |          | Volusia County<br>Urban Low Intensity                        |                              |
| East             | PUD           |          | DBS Recreation &<br>Open Space / High<br>Density Residential |                              |
| West             | R-3           |          | Volusia County<br>Urban Low Intensity                        |                              |

**Notes:** \*R-3 = Volusia County *Urban Single-Family Residential District*; +RSF-2 = *Urban Single-Family Residential Detached District*.

**FIGURE 1: 2924 S. Peninsula Drive - Surrounding Land Use**



### Description, Data and Analysis:

The analysis conducted below demonstrates the amendment's compliance with the City's Comprehensive Plan and the Florida Administrative Code for future land use map amendments. Therefore, the analysis shows that there will not be any significant impacts on the environment, roadways, public schools and utilities as the allowable densities and use will remain the same.

## I. IMPACTS OF PROPOSED AMENDMENT

The current Volusia County *Urban Low Intensity* Future Land Use (FLU) classification allows a maximum density of four (4) units per acre. Under the proposed Daytona Beach Shores FLU designation, *Residential Low Intensity*, the maximum density allowed is also four (4) units per acre. Therefore, the proposed land use amendment would not result in any change in residential density permitted. Further, given the +/-0.308 acre size of the property, the proposed amendment would only allow one (1) residential unit on site, which is the same as currently allowed under the Volusia County FLU classification.

The property is currently vacant but once occupied by a single-family residential structure. Additionally, the proposed Daytona Beach Shores zoning for this property, RSF-2 Urban Single-Family Residential Detached District, would permit only one residential dwelling unit on site. So, from a practical perspective the proposed future land use change will result in no net change in density and impacts.

In accordance with the Daytona Beach Shores Comprehensive Plan Update (2030) and standard practice from the Florida Department Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the current future land use designation versus the designation proposed (**Table 2** below). The following seven public facilities and services were examined and discussed briefly below: (1) Transportation, (2) Sanitary Sewer, (3) Potable Water, (4) Solid Waste, (5) Stormwater Drainage, (6) Recreation, and (7) Public Schools.

**Table 2: Impact Analysis (Theoretical Max.)**

| Development Variable                         | Current Future Land Use<br>(0.2-4 units/acre) | Proposed Future Land Use<br>(0.2-4 units/acre) | Change |
|----------------------------------------------|-----------------------------------------------|------------------------------------------------|--------|
| Residential Units Allowed                    | 1                                             | 1                                              | None   |
| Population <sup>1</sup>                      | 1.75                                          | 1.75                                           | None   |
| AM / PM Peak Hour<br>Trips <sup>2</sup>      | 1.5/2.02                                      | 1.5/2.02                                       | None   |
| Sanitary Sewer<br>(gallons/day) <sup>3</sup> | 250                                           | 250                                            | None   |
| Potable Water<br>(gallons/day) <sup>4</sup>  | 192.5                                         | 192.5                                          | None   |
| Solid Waste (lbs./person) <sup>5</sup>       | 17.5                                          | 17.5                                           | None   |
| Stormwater Drainage <sup>6</sup>             | n/a                                           | n/a                                            | n/a    |
| Recreation/Open Space                        | See summary below                             | See summary below                              | None   |
| Public School Student(s)                     | 0.396                                         | 0.396                                          | None   |

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 = 0.75 AM trips, 1.01 PM 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 = 0.396 per single-family unit.

Sources:  
2010 US Census  
ITE Trip Generation Manual, 7<sup>th</sup> Edition  
Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)

### **Transportation:**

The subject property is a single-family lot with vehicular transportation access to the abutting S. Peninsula Drive, which is a two laned minor arterial road pursuant to the City's Comprehensive Plan. S. Peninsula Drive (SR441) connects to Dunlawton Boulevard (SR421) and International Speedway Boulevard (US92) which are both principal arterial roads leading to the interstate system. The allowable Level-Of-Service (LOS) standard for S. Peninsula Drive is "D." The road is designed for 17,700 daily trips however the road only experiences 9,000 daily trips. Therefore, the LOS is currently at "C." Since the City has no vested trips for this road there will be no net change in vehicular trips as demonstrated in **Table 2** above, hence the allowed LOS standard will continue to be maintained.

### **Sanitary Sewer:**

The City's adopted LOS standard for sanitary sewer is 250 gallons per dwelling unit per day. Using this standard, the proposed land use would theoretically generate a demand of 250 gallons per day. However, since no increase in the number of entitled dwelling units would occur there is no net change in theoretical demand. Regardless it should be noted the City of Port Orange sewer treatment facilities are currently operating at an acceptable level of service.

### **Potable Water:**

The City's adopted LOS standard for potable water is 110 gallons per capita per day. Using this standard, the proposed land use would theoretically create a demand of 192.5 gallons of water per day. No increase in number of theoretical dwelling units or demand will occur. In addition, the current potable water usage is already accounted for in Port Orange's current consumptive use permit (CUP).

### **Solid Waste Collection:**

The proposed land use allows for one (1) residential unit that would be expected to support a population of 1.75 persons, which together would theoretically generate 17.5 pounds of solid waste per day. Solid waste generated within the City of Daytona Beach Shores is collected by Waste Pro, which delivers it to the Volusia County landfill. The 3,000-acre landfill is a Class I facility with a projected life span to the year 2050.

### **Stormwater Drainage:**

The City's adopted LOS standard for stormwater is the 25-year, 24-hour storm event. More specifically, the stormwater facilities must be capable of treating and conveying the runoff from such a storm without causing flooding of adjacent properties or polluting any receiving water bodies. In addition, the Comprehensive Plan requires that there be no net loss of stormwater

retention function as a result of development. Therefore, if the property is developed the parcel must have the same ability to store and discharge water after development as it does before development occurs. The applicants would be required to address stormwater retention on the property in accordance with these City standards.

### **Recreation and Open Space:**

The proposed amendment would theoretically add 1.77 residents to the City. The City's most recent population count was 4,247 (2010 US Census). Policy 7-1.2.1 and Policy 9-1.3.1 in the City's Comprehensive plan establish the LOS standards for recreation facilities within the City. Considering the City's population and the City's recreational LOS standards, it is easy to conclude that Daytona Beach Shores currently has adequate capacity for all recreational facilities as required by the City's Adopted Comprehensive Plan and seen in **Table 3** below.

**Table 3:** Recreation Facilities Analysis

| <b>Type of Park/<br/>Recreational Facility</b> | <b>Unit of Measure/LOS<br/>Standard</b> | <b>Current LOS<br/>(Facilities)</b> | <b>Deficit</b> |
|------------------------------------------------|-----------------------------------------|-------------------------------------|----------------|
| Playgrounds                                    | one per 10,000 people                   | <b>1</b>                            | None           |
| Neighborhood Park                              | one per 10,000 people                   | <b>5</b>                            | None           |
| Community Park                                 | one per 25,000 people                   | <b>1</b>                            | None           |
| Children's Play Areas                          | one per 10,000 people                   | <b>1</b>                            | None           |
| Baseball/Softball Field                        | one per 15,000 people                   | <b>1</b>                            | None           |
| Tennis Courts                                  | one per 2,000 people                    | <b>11</b>                           | None           |
| Community Center                               | one per 20,000 people                   | <b>1</b>                            | None           |
| Exercise Trail                                 | one per 14,000 people                   | <b>1</b>                            | None           |
| Nature Study Trail                             | one per 14,000 people                   | <b>1</b>                            | None           |

### **Public Schools:**

Based on the Volusia County School District's student generation rate for a single-family dwelling unit, the proposed land use could generate at least one (1) full time student. This is exactly the same that could be generated by the existing Volusia County future land use due to the residential density neutrality of the proposed change. Therefore, no increase impact on existing public school facilities is expected. Further, due to the aforementioned, the FLU amendment is exempt from the School District review.

## **II. LAND USE COMPATIBILITY**

The FLU of the surrounding area is primarily residential low intensity (single-family) in character (**Figure 1**). The subject property is located in a single-family neighborhood with Recreation/Open Space and Multifamily High Intensity to the east. **Figure 2**.

**Figure 2:** Aerial View of 2924 S. Peninsula Drive and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2021

Considering the above along with **Table 1** contained in the body of this staff report, it is clear that the proposed land use, which is a density neutral land use request, is consistent with the existing and future land use of the surrounding neighborhood.

### **III. APPLICABLE PLANS, CODES AND REGULATIONS**

#### **Future Land Use Element (Daytona Beach Shores Comprehensive Plan):**

Policy 1-1.1.5: (a) The City shall maintain at least a Level of Service standard "D" 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.

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.

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.

### **Capital Improvement Element**

**Policy 9-1.3:** The City shall use the following Level of Service (LOS) standards in reviewing the impacts of new development and redevelopment on public facility provisions:

- (a) **Sanitary Sewers:** 250 gallons per dwelling unit per day
- (b) **Solid Waste:** 10 pounds per capita per day
- (c) **Drainage:** 25-year, 24-hour design storm
- (d) **Potable Water:** 110 gallons/capita/day (gcd) for Port Orange Service Area  
150 gcd for Daytona Beach Service Area
- (e) **Roadways:** Arterials: LOS "D" at peak hour  
Collectors: LOS "C" at peak hour
- (f) **Recreation:** See Table 3 above

## **IV. REVIEW CRITERIA AND STAFF FINDINGS**

1. The amendment shall not decrease the LOS Standard for hurricane evacuation routes below LOS Standard D and (b) the amendment shall not increase the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above 16 hours.

**Staff finding:** The proposed land use amendment is density neutral. Consequently, no increase in traffic is anticipated as a result of the proposed change, therefore: (a) there will be no decrease in the adopted LOS Standard Van Avenue, S.R. 441 and S.R. A1A; and (b) considering the aforementioned, the hurricane evacuation clearance time shall remain the same for the subject roads in question.

2. Written assurances from service providers for sewage treatment, potable water, and solid waste shall be provided when there is a future land use map amendment result in an increase in density or intensity.

**Staff finding:** The proposed land use amendment is density neutral and the site is already developed. Therefore, no increase in demand is anticipated and no written assurances are needed from service providers since services are already being provided for at the accepted LOS standard.

3. The amendment shall not result in objectionable land use designations inconsistent with the character of the overall future land use plan.

**Staff finding:** The proposed amendment will not result in an incompatible land use designation with adjacent parcels, the neighborhood or overall character of the future land use plan. The proposed *Residential Low Intensity* (0-4 units/acre) designation will provide for a single-family residence and is therefore compatible with the surrounding residential low-density (single-family) space land uses.

4. The amendment shall not decrease the LOS Standards for public facilities adopted in Policy 9-1.3 of the City's Comprehensive Plan.

**Staff finding:** The proposed land use amendment is density neutral, therefore, no increase demand on public facilities is anticipated.

**V. CONCLUSION:**

The proposed land use amendment is consistent with overall goals, objectives, and Policies of the Daytona Beach Shores Comprehensive Plan (2030).