



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COUNCIL MEETING JULY 27, 2021

**6:00 PM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Upon being recognized, a member of the public shall proceed to the podium and give his or her name and address and may, thereafter, speak for a maximum of three minutes on any matter relevant to a specific agenda item. During "Audience Comments," a member of the public may speak on any matter relevant to City business which is not on the agenda, for a maximum of three minutes in accordance with Section 2-1.1(d) and 2-2 of the City Code. In accordance with Section 2-2, during periods set aside for public discussion any person desiring to speak shall secure a form located at the agenda table, complete the form and present it to the City Clerk so the speaker can be recognized by the presiding officer. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section. It shall be the duty of the Director of Public Safety, upon the order of the presiding officer at any such meeting, to forcibly, if necessary, evict any person violating the provisions of this section from the Council Meeting Hall. Any such violation shall subject the offender, upon conviction thereof, to a fine and/or imprisonment as prescribed by Section 1-8.

- 1. CALL TO ORDER BY MAYOR**
- 2. ROLL CALL BY CITY CLERK**
- 3. PRAYER**
- 4. PLEDGE OF ALLEGIANCE**
- 5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:**
 - A. Employee Service Award - Detective Daniel Carrazana 5 years
 - B. Bill Griffin from Halifax Health
- 6. APPROVAL OF MINUTES**
 - A. City Council Minutes June 22, 2021

- B. Audit Selection Committee Minutes June 22, 2021

7. CONSENT AGENDA:

- A. Public Safety June report
- B. Request to utilize forfeiture funds
- C. Building Division June 2021 Report
- D. Community Services June 2021 Report
- E. Interlocal Agreement between the State Attorney and the City for the purpose of prosecuting cases

8. REPORTS OF THE CITY ATTORNEY:

- A. City Attorney Report

9. REPORTS OF THE CITY MANAGER:

- A. City Manager Report

10. OLD BUSINESS:

- A. Ordinance 2021-04: Comprehensive Plan Future Land Use Map amendment for annexing single-family residential property located at 2924 S. Peninsula Drive
- B. Ordinance 2021-05: Single-family residential rezoning application for annexed property located at 2924 S. Peninsula Drive
- C. Ordinance 2021-07: Permitting counseling services as an accessory use to churches in the "P - Public/Quasi Public" Zoning District

11. NEW BUSINESS:

- A. Ord. 2021-08 Revision of the Economic Development Ordinance
- B. Resolution 2021-06 FY2021-2022 Proposed Millage Rate
- C. Resolution 2021-07 to purchase land at 3046 S. Atlantic Avenue

D. Economic Development Existing Business Expansion Grant Reimbursement

12. COUNCIL COMMENTS:

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

15. ADJOURNMENT:

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF DAYTONA BEACH SHORES, 2990 S. ATLANTIC AVENUE, DAYTONA BEACH SHORES, FLORIDA 32118, TELEPHONE NUMBER 386-7635364, CSCHWAB@CITYOFDBS.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 711 or 1 8009558771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

MINUTES
CITY COUNCIL MEETING
June 22, 2021
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

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

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

6. APPROVAL OF MINUTES

A. City Council Minutes of June 8, 2021

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD BRYAN to approve the City Council Minutes of June 8, 2021.

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

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

7. CONSENT AGENDA:

A. Public Safety May monthly report

B. Community Services May, 2021 Report

C. Building Division May, 2021 Report

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to approve the consent agenda.

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

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

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report and Florida League of Cities Bill Summary

City Attorney Becky Vose reviewed her report for the City Council. She further explained that any allocation of funds from the opioid lawsuit would be used going forward for education and other matters.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report June 22, 2021

Assistant City Manager Kurt Swartzlander reviewed the report for council. It was announced that Halifax Health Express Care would be opening on July 1st. He acknowledged County Councilmember Billie Wheeler for her assistance on the project. The owners of the Treasure Island property have not upheld their agreement to keep the structure safe. It will be taken to the Special Magistrate in the next few months. The property at 109 Dunlawton hopes to secure their Certificate of Occupancy in the next week. There has been a large amount of interest on leasing the building. FPL has signed the agreement for the charging station and they are now working on obtaining the necessary permits. He announced that Lory Irwin became President for the Volusia/Flagler Finance Officer Association.

Captain Michael Fowler spoke on the recent truck event. All available officers were working the entire weekend. Traffic backed up into the city limits due to the way Daytona Beach was handling the traffic flow. Neighboring departments were utilized for extra manpower and over 600 citations were written legit complaints. Looking forward to the next event in late October, personnel will be better prepared. He hoped for more mutual aide from the west side of the county and possibly state agencies. Public Works will assist in placing barriers on side streets to maintain a traffic pattern. A mobile booking station for arrests will also be in place. Mayor Miller hoped to join a task force that will be working on future events. She felt asking the

Speedway for their assistance could help with future events. All the City Council stated their appreciation for the officers hard work. County Councilmember Billie Wheeler spoke explaining that she will be a part of the 8 city task force. She was not pleased with the recent event and the destruction of the beach that occurred.

10. OLD BUSINESS:

- A. Ordinance 2021-03: Voluntary annexation of unincorporated Volusia County property located at 2924 S. Peninsula Drive

This was second reading for Ordinance 2021-03 and the City Attorney read the short title. There were no additional comments made.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2021-03 on second reading.

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

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

11. NEW BUSINESS:

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

City Planner Stewart Cruz provided details from his staff report. It was explained that this item is a part of the annexation process. The property currently has a county land use designation and needs to be assigned a city land use designation. Doing so will allow city staff to enforce our Land Development Codes on the property. There is no change in the impact of city services. The Planning & Zoning Board recommended approval as well as city staff.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve Ordinance 2021-04 on first reading.

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

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

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

City Planner Stewart Cruz provided details from his staff report. This item is also part of the annexation process. It will change the property's zoning classification from the county to the city for single family residential. Both the Planning & Zoning Board and city staff recommend

approval.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD BRYAN to Approve Ordinance 2021-05 on first reading.

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

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

- C. Resolution 2021-04 to have the city join as a participant in a unified plan regarding the opioid epidemic

The County of Volusia requested that the City adopt the proposed Resolution to be included in the Florida Plan for potential settlement of the opioid lawsuit. A copy will be sent to the Attorney General.

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD BRYAN to Adopt Resolution 2021-04 on first reading.

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

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

- D. Auditor Selection Committee

Finance Director Kurt Swartzlander explained that the current auditor contract had ended. Per Florida Statutes, an auditor selection committee needed to be created. He recommended that the council appoint themselves as the committee to speed the process along. If approved, the RFP would be opened on July 30th and distributed to the council/committee that afternoon.

City Attorney Becky Vose read Resolution 2021-05 by title for the record.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Resolution 2021-05 on first reading.

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

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

- E. RFP Audit Services

The City Council meeting was recessed for approximately 10 minutes while the Audit Selection Committee met.

- F. Economic Development Lease Subsidy Grant Application- Salty Pint, LLC

Economic Director, Nancy Maddox, provided the details for the grant application. The Salty Pint, LLC has applied for a lease subsidy grant that would total \$9,540.70. They plan to open

for business on July 2nd. The location is inside the Winn Dixie Plaza. Lunch and dinner plan to be served seven days a week in a family friendly atmosphere.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve the Economic Development Lease Subsidy Grant Application for Salty Pint, LLC.

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

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

G. Discussion regarding Mayor Miller participating in a joint task force for multi-city events

Mayor Miller would like to participate in the joint task force being formed after the recent truck event. With the adoption of Ordinance 2020-08, a councilmember needs the authorization to represent the City Council.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to authorize Mayor Miller to participate in a joint task force for multi-city events.

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

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

12. COUNCIL COMMENTS:

The entire City Council was very appreciative of the Public Safety's efforts during the recent truck event to maintain order. Mayor Miller reminded everyone of the concert on Friday night that will have food trucks. The next Coffee with the Mayor will be held on July 14th.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There will be a budget workshop on July 27th at 4:00 pm. There will be a resolution to adopt a proposed millage rate.

15. ADJOURNMENT:

The meeting ended at 7:42 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

City Council 6/22/2021

CITY CLERK, CHERI SCHWAB

**MINUTES
AUDIT SELECTION COMMITTEE
JUNE 22, 2021**

Present: Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone, Vice Mayor Mel Lindauer, Councilmember Michael Politis
Staff: City Clerk Cheri Schwab, City Attorney Becky Vose, Community Services Director Fred Hiatt, City Planner Stewart Cruz, Finance Director Kurt Swartzlander, and Public Safety Director Stephan Dembinsky.

RFP Audit Services – Originally, some committee members felt the contract should be year to year instead of a term of five years. After the Finance Director explained that there would be a clause in the contract to allow either party to terminate early, the committee agreed to a five-year term with the possibility of up to two renewals. The timetable for ranking firms and presentations was discussed and agreed upon by the committee.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve the RFP for Audit Services as submitted.

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

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

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB



CITY OF DAYTONA BEACH SHORES

DEPARTMENT OF PUBLIC SAFETY

3050 South Atlantic Avenue

Daytona Beach Shores, Florida 32118

Office of Director of Public Safety

Office 386-763-5333 Fax 386-763-5341

MONTHLY REPORT FOR JUNE 2021

	<i>Jun-21</i>	<i>21/YTD</i>	<i>Jun-20</i>	<i>20/YTD</i>
<i>Police Related Calls</i>	2,692	14,053	2,660	14,212
<i>Fire Related Calls</i>	47	287	31	272
<i>Rescue Related Calls</i>	128	601	99	466
<i>Fire Related Alarms Sounding</i>	19	82	10	77
<i>Traffic Citations</i>	719	1,645	151	1,182
<i>Written Warnings</i>	42	206	92	325
<i>Building Inspections</i>	30	260	39	172
<i>Arrests: Adults</i>	53	225	25	178
<i>Juveniles</i>	0	2	0	7
<i>City Ordinance Charges</i>	0	0	0	0
<i>Florida State Statute Charges</i>	82	371	40	282
<i>Accidents: Total</i>	48	142	20	86
<i>Street/Highway</i>	33	71	14	55
<i>Parking Lot</i>	15	71	6	48

Stephan Dembinsky Public Safety Director 

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2021-06-01 through 2021-06-30

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
TRAFFIC STOP	TS	574	21.32 %	19.13
MISCELLANEOUS LE CALL	MISC	454	16.86 %	15.13
PROPERTY CHECK	PRC	367	13.63 %	12.23
EXTRA PATROL	EP	316	11.74 %	10.53
SUSP PERSON	SPER1	53	1.97 %	1.77
DIRECTED PATROL REQUEST	DPR	47	1.75 %	1.57
TELEPHONE HANDLE	THC	46	1.71 %	1.53
TRAFFIC CONTROL	TC	44	1.63 %	1.47
MEDICAL EMERGENCY	MED1	40	1.49 %	1.33
DISTURBANCE	DIST	37	1.37 %	1.23
NOISE	NOISE	33	1.23 %	1.10
ILLEGAL PARKING	PARK	31	1.15 %	1.03
SUSPECT STOP	SS	29	1.08 %	0.97
MVA	MV	28	1.04 %	0.93
SUSP VEHICLE	SVEH	28	1.04 %	0.93
FLAG DOWN	FLAG	26	0.97 %	0.87
SUSP INCIDENT	SINC	26	0.97 %	0.87
RADAR	RADAR	25	0.93 %	0.83
FIRE ALARM	ALARMF	22	0.82 %	0.73
911 CK/OPEN LINE	911CK	21	0.78 %	0.70
TOWED VEHICLE	TOW	21	0.78 %	0.70
RECKLESS DRIVER	RD	19	0.71 %	0.63
TRESPASSERS	TRES	19	0.71 %	0.63
FOUND PROPERTY	PROPF	16	0.59 %	0.53
WALKUP	WALKUP	16	0.59 %	0.53
HIT&RUN MVA	MVHR	15	0.56 %	0.50
SPECIAL DETAIL	SDL	13	0.48 %	0.43
ELEVATOR CALL	ELEV	12	0.45 %	0.40
INFORMATION GIVEN	INFO	12	0.45 %	0.40
DISABLED VEHICLE	DAV	11	0.41 %	0.37
INVESTIGATION	INV	11	0.41 %	0.37
MEDICAL NON-EMERG	MED	11	0.41 %	0.37
ANIMAL COMPLAINT	AC	10	0.37 %	0.33
FALL- NON EMERGENCY	TRAU3	10	0.37 %	0.33
ASSAULT/BATTERY	ABAT	9	0.33 %	0.30
FIGHT	FIGHT	9	0.33 %	0.30
STEP ZONE	STP	9	0.33 %	0.30
ZONE ACCOUNTABILITY PATR	ZAP	9	0.33 %	0.30
BUSINESS ALARM	ALARMB	8	0.30 %	0.27
WALK & TALK	WT	8	0.30 %	0.27
CIVIL COMPLAINT	CIVIL	7	0.26 %	0.23
DOMESTIC DISTURBANCE	DV	7	0.26 %	0.23
NARCOTICS	NARC	7	0.26 %	0.23
911 CK/OPN LINE/MED HAZ	911MED	6	0.22 %	0.20
MVA W/ INJURIES	MVI	6	0.22 %	0.20
SUICIDAL PERSON	SP	6	0.22 %	0.20

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2021-06-01 through 2021-06-30

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
TRAUMA EMERGENCY	TRAU1	6	0.22 %	0.20
WARRANT	WAR	6	0.22 %	0.20
WELL BEING CHECK	WBC	6	0.22 %	0.20
DRUNK DRIVER	DUI	5	0.19 %	0.17
FLEEING DRIVER	FLEE	5	0.19 %	0.17
STROKE / CVA	CVA	5	0.19 %	0.17
THEFT	THEFT	5	0.19 %	0.17
VANDALISM	VAND	5	0.19 %	0.17
CARDIAC ARREST	CPR	4	0.15 %	0.13
JUVENILE	JUV	4	0.15 %	0.13
MISSING PERSON	MP	4	0.15 %	0.13
ROAD OBSTRUCTION	RDOB	4	0.15 %	0.13
TRAUMA CRITICAL	TRAUE	4	0.15 %	0.13
UNCONSCIOUS	UNC	4	0.15 %	0.13
ASSIST	ASST1	3	0.11 %	0.10
ATT TO CONTACT	ATC	3	0.11 %	0.10
BURGLARY ALARM	ALARM	3	0.11 %	0.10
DRUNK PERSON	IP	3	0.11 %	0.10
FIREWORKS	FIREWK	3	0.11 %	0.10
LOST PROPERTY	PROPL	3	0.11 %	0.10
MENTALLY ILL PER	MIP	3	0.11 %	0.10
MISC FIRE SERVICE CALL	MISCF	3	0.11 %	0.10
SHOPLIFTING	SHOP	3	0.11 %	0.10
ASSIST AGENCY	ASSIST	2	0.07 %	0.07
BOLO	BOLO	2	0.07 %	0.07
CITY ORDINANCE VIOLATION	COV	2	0.07 %	0.07
DANGEROUS COND FD	DCFD	2	0.07 %	0.07
DEAD PERSON	DEAD	2	0.07 %	0.07
DROWNING	DROWN	2	0.07 %	0.07
FAILURE TO PAY	FTP	2	0.07 %	0.07
FOUND CHILD	CHILDF	2	0.07 %	0.07
HOLD UP ALARM	ALARMH	2	0.07 %	0.07
MVA MAJOR	MVMI	2	0.07 %	0.07
NE ASST- FIRE REQ	LEO2	2	0.07 %	0.07
POWER LINES HAZARD	PL	2	0.07 %	0.07
REPOSSESSED VEH	REPO	2	0.07 %	0.07
SHOOTING	SHOOT	2	0.07 %	0.07
STOLEN VEHICLE	SV	2	0.07 %	0.07
STRUC FIRE COMM/HIGHRISE	SFCH	2	0.07 %	0.07
WELL BEING CHECK MEDICAL	WBCF	2	0.07 %	0.07
ABANDONED VEH	AV	1	0.04 %	0.03
ABDOMINAL	ABP	1	0.04 %	0.03
ALZHEIMERS	ALZ	1	0.04 %	0.03
ATTEMPTED SUICIDE	ASUI	1	0.04 %	0.03
BIRD RESCUE	BIRD	1	0.04 %	0.03
BURG/IN PROG	BURGIP	1	0.04 %	0.03

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2021-06-01 through 2021-06-30

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
BURG/RESD	BURGR	1	0.04 %	0.03
CAR BREAK	CB1	1	0.04 %	0.03
DEPOSITS	DEP	1	0.04 %	0.03
ESCORT	ESCORT	1	0.04 %	0.03
FIRE OUTSIDE STRUCTURE	FOS	1	0.04 %	0.03
FIRST AID CALL	FAID	1	0.04 %	0.03
HAZARDOUS COND	HZM	1	0.04 %	0.03
MEDICAL UNKNOWN	ALARMM	1	0.04 %	0.03
MISSING PERSON RECOVERED	MPR	1	0.04 %	0.03
MVA M/C	MVMC	1	0.04 %	0.03
MVA W/ HAZARD	MVH	1	0.04 %	0.03
MVA W/INJ/MOTORCYCLE	MVMCI	1	0.04 %	0.03
OPEN DOOR	OPD	1	0.04 %	0.03
PERSON SHOT	PSHOT	1	0.04 %	0.03
PROWLER	PROW	1	0.04 %	0.03
SEIZURES	SEIZ	1	0.04 %	0.03
SMOKE IN STR COMM/HIRISE	SMISCH	1	0.04 %	0.03
SMOKE IN STRUCTURE	SMIS	1	0.04 %	0.03
SMOKE ODOR IN STRUCTURE	SMODIS	1	0.04 %	0.03
STABBING	STAB	1	0.04 %	0.03
STOLEN TAG	TAGS	1	0.04 %	0.03
TRAFFIC LITE OUT	TLO	1	0.04 %	0.03
TRAUMA NON EMERG	TRAU	1	0.04 %	0.03
VEH FIRE	VF	1	0.04 %	0.03
TOTAL CALLS:		2,692	100.00%	89.73

NOTE: CAD-generated statistical reports are compiled from a live database of calls for service; this live database requires frequent call updating to ensure real time data is correct and maintained. When compiling and comparing statistics over time, minor discrepancies are inherent and should be expected. For final report information on crime, Uniformed Crime Reporting (UCR) statistics should be utilized.

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

JUNE 2021 STATISTICS

FIRE CALLS	CURRENT MONTH			YEAR TO DATE			PRIOR YEAR		
ENGINE RESPONSE	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
STRUCTURE FIRES	0	0	0	1	0	1	1	0	2
HAZARDOUS CONDITIONS	1	1	0	17	4	0	17	6	2
VEHICLE FIRES	0	0	1	1	1	1	0	0	0
BOAT FIRES	0	0	0	0	0	0	0	0	0
OTHER FIRES NOT LISTED	1	0	0	8	1	0	7	3	2
VEHICLE CRASHES W/ENGINE RESPONSE	0	0	0	5	2	2	9	0	0
SERVICE CALLS	26	6	0	151	13	2	105	27	3
FIRE ALARMS	19	0	0	89	2	0	67	4	3
CANCELLED EN ROUTE	6	2	3	30	12	17	37	13	10
TOTALS	53	9	4	302	35	23	243	53	22

CURRENT MONTH ESTIMATED FIRE DAMAGES

CITY: \$0
COUNTY: \$0
MUTUAL AID: \$0

INSPECTIONS	CURRENT MONTH		YEAR TO DATE		PRIOR YEAR	
	INITIAL	FOLLOW-UP	INITIAL	FOLLOW-UP	INITIAL	FOLLOW-UP
HIGH RISE	8	8	34	43	25	49
HOTEL/MOTEL	2	2	23	18	35	35
ASSEMBLY	0	0	2	1	3	5
MERCANTILE	0	0	19	3	11	11
RESTAURANT	0	0	9	1	11	3
BUSINESS	0	3	56	6	44	19
OTHER	3	2	15	2	36	0
CONSTRUCTION	2	0	32	5	42	0
OCCUPATIONAL LICENSES	0	0	0	0	0	0
APARTMENTS/CONDO	0	0	15	7	9	8
TOTALS	15	15	205	86	216	130

PLANS EXAMINATION HOURS: 1 HRS

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

JUNE 2021 STATISTICS

EMS CALLS CURRENT MONTH YEAR TO DATE PRIOR YEAR

	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
ALS CALLS	58	8	0	248	34	5	286	49	9
BLS CALLS	51	10	1	201	33	9	197	39	9
TOTALS	109	18	1	449	67	14	483	88	18



CITY OF DAYTONA BEACH SHORES
DEPARTMENT OF PUBLIC SAFETY
3050 South Atlantic Avenue
Daytona Beach Shores, Florida 32118
Office of Director of Public Safety
Office 386-763-5333 Fax 386-763-5341

TRAINING SEMINARS ATTENDED

Month of June

<i>William Frank RJ Medders</i>	<i>6/16-18</i>	<i>FIAIA conference Clearwater</i>
<i>Laura Diedesch Dan Carrazana</i>	<i>6/16</i>	<i>De-escalation techniques Jacksonville</i>
<i>William Frank</i>	<i>6/22-24</i>	<i>G300 Incident Command Volusia County EOC</i>
<i>Brianna Doonan Molly Billue Ashley Epling</i>	<i>6/25</i>	<i>Autism Awareness NSBPD</i>
<i>Joanne Sweeney</i>	<i>6/21-25</i>	<i>Accreditation conference Orlando</i>



CITY OF DAYTONA BEACH SHORES
DEPARTMENT OF PUBLIC SAFETY
3050 South Atlantic Avenue
Daytona Beach Shores, Florida 32118
Office of Director of Public Safety
Office 386-763-5333 Fax 386-763-5341

MONTHLY REPORT FOR JUNE 2021

Vehicle Maintenance Division: 2 Positions Assigned: Conducted routine, scheduled maintenance checks and repairs on all city vehicles (includes oil changes and tire exchanges). Additional items were:

Replace battery	veh #158
Replace battery	veh #148
Replace battery	veh #M3
Replace battery	veh #167
Replace valve assembly	veh #148
Replace battery	veh #127
Replace headlight & tail lights	veh #79
Replace battery	veh #140
Replace brakes	veh #141
Replace battery	veh #153



DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

MEMORANDUM CONTRABAND FORFEITURE EXPENDITURE REQUEST

To: Michael Booker, City Manager
From: Stephan Dembinsky *SD*
Date: July 7, 2021
Re: Contraband Forfeiture Funds
File: PS21-07-01

FUNDING REQUEST

The Daytona Beach Shores Public Safety Department seeks Council approval for the expenditure of state contraband forfeiture monies FSS 932.7055. The Department has determined that the following training is an immediate need and will be utilized to enhance leadership in the agency.

TRAINING

The Department of Public Safety would like to utilize \$7,000 from the contraband forfeiture account for the purchase of 40 red dot sights.

Certification of Compliance:

The undersigned, as Public Safety Director of the City of Daytona Beach Shores, Florida, hereby requests, pursuant to Section 932.704, Florida Statutes, that the City Commission authorize the appropriation to, and expenditure by, the Daytona Beach Shores Public Safety Department of funds held in the City's Special Law Enforcement Trust Fund. The request is made, and the expenditure of appropriated funds shall be in conformity with Section 932.7055.

City of Daytona Beach Shores

Planning & Building Division Statistics

Monthly Report – June, 2021

Planning Division

Site Plans - Submittals and Approvals:

Submitted this Month: 1
 Submitted this Fiscal Year: 5
 Approved by Staff this Month: 1
 Approved by Staff this Fiscal Year: 3
 Approved by City Council this Month: 0
 Approved by City Council this Fiscal Year: 0
 Amendments Approved by Staff this Fiscal Year: 0

Building Division

Specific Large Projects (Over \$10,000) - Submitted This Month:

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Rich Residence	3023 South Atlantic Avenue, Unit 1103	6/2	Remodel bathrooms, new vanities	\$11,200.00	\$129.10
Sieg Residence	2917 South Atlantic Avenue, Unit 606	6/4	Replace windows and sliding glass doors	\$12,635.00	\$137.65
Albrecht Residence	3023 South Atlantic Avenue, Unit 204	6/8	Replace 1 window and 2 sliding glass doors, concrete	\$61,414.00	\$420.17
Thomas Residence	3043 South Atlantic Avenue, Unit 303	6/9	Replace impact windows and sliding glass doors	\$25,665.00	\$215.46
Piekarski Residence	2625 South Atlantic Avenue, Unit 28SE	6/9	Add kitchen cabinets, bedroom, closet, bath vanity	\$51,500.00	\$363.31
MAX Daytona	1903 South Atlantic Avenue	6/9	Install new remote station fire alarm system	\$141,500.00	\$2,320.80
Halifax Health	3048 South Atlantic Avenue	6/10	Install wall and monument signs	\$32,278.00	\$0.00
Daytona Seabreeze	3125 South Atlantic Avenue	6/10	Interior remodel, tub to shower, new entry doors	\$471,209.00	\$2,301.35
Roberson Residence	3343 South Atlantic Avenue, Unit 202	6/11	Replace 11 windows and 1 exterior door	\$13,420.00	\$146.20
Kelly Residence	3023 South Atlantic Avenue, Unit 1001	6/11	Replace 4 windows and 2 sliding glass doors	\$19,110.00	\$182.96
Seychelles Condo	3855 South Atlantic Avenue	6/11	Replace 127 windows in various units	\$154,105.00	\$856.11

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Grell Residence	3757 South Atlantic Avenue, Unit 202	6/14	Remodel kitchen, bathrooms, laundry room	\$39,000.00	\$289.51
Baratta Residence	1925 South Atlantic Avenue, Unit 410	6/14	Remodel guest and master bathroom	\$26,850.00	\$221.21
Oliver Residence	2937 South Atlantic Avenue, Unit 801	6/15	Kitchen and bath remodel, new cabinets, tops, shower	\$20,000.00	\$182.96
Perennial Vacation Club	2525 South Atlantic Avenue	6/15	Repair structural concrete issues for unit 134	\$35,000.00	\$266.76
Heimstadt Residence	3047 South Atlantic Avenue, Unit 302	6/16	Remodel kitchen and 2 bathrooms	\$19,000.00	\$177.28
Sheppard Residence	2906 South Peninsula Drive	6/17	Remove and replace shingle roof system	\$11,500.00	\$129.10
Dirks Residence	3757 South Atlantic Avenue, Unit 302	6/17	Replace 2 sliding glass doors	\$15,500.00	\$161.50
Scholin Residence	3601 South Atlantic Avenue, Unit 602	6/17	Remodel kitchen, new cabinets, and tops	\$35,000.00	\$266.76
Daytona Seabreeze	3125 South Atlantic Avenue	6/17	Tub to shower conversions	\$98,252.00	\$274.96
Moises Residence	2055 South Atlantic Avenue, Unit 608	6/18	Replace cabinets and counter tops	\$74,000.00	\$488.62
Labuz Residence	3023 South Atlantic Avenue, Unit 506	6/18	Replace 2 windows and 2 sliding glass doors	\$14,805.00	\$154.75
Smith Residence	2967 South Atlantic Avenue, Unit 1101	6/23	Remodel bathroom, new shower, and fixtures	\$26,000.00	\$215.56
Quint Residence	2515 South Atlantic Avenue, Unit 801	6/23	Install 5 motorized roll down hurricane shutters	\$14,998.00	\$154.75
Johnson Residence	3051 South Atlantic Avenue, Unit 502	6/25	Remodel master and guest bathrooms, replace doors	\$33,000.00	\$255.38
Fuerst Residence	3315 South Atlantic Avenue	6/25	Remodel master bath and closet	\$41,000.00	\$300.89
Gorelik Residence	3023 South Atlantic Avenue, Unit 405	6/25	Kitchen remodel, new cabinets, and counter tops	\$16,000.00	\$161.50
Oceanside Inn	1909 South Atlantic Avenue	6/28	Install electrical for main lobby remodel	\$50,000.00	\$142.75
Bahama House	2001 South Atlantic Avenue	6/29	Reroof metal roof, install TPO on flat roof	\$26,750.00	\$221.17
TOTALS	WORK ADDRESS	DATE	WORK DESCRIPTION	\$1,590,691.00	\$11,138.82

Building Division Revenue by Permit Category:

PERMIT TYPE	JUNE 2021	FISCAL YEAR-TO-DATE 2020 TO 2021	JUNE 2020	LAST FISCAL YEAR-TO-DATE 2019 TO 2020
BUILDING	\$10,297.19	\$148,651.47	\$75,317.24	\$175,849.22
ROOF	\$604.00	\$14,997.65	\$69.25	\$11,729.15
DEMOLITION	\$0.00	\$563.90	\$0.00	\$240.00

ELECTRICAL	\$4,505.03	\$24,925.34	\$11,423.03	\$28,950.51
MECHANICAL	\$1,916.95	\$32,972.35	\$3,544.55	\$20,747.40
PLUMBING	\$2,566.56	\$32,825.87	\$7,257.18	\$25,066.35
SIGN	\$138.50	\$2,234.50	\$165.00	\$1,915.56
POLITICAL SIGN BONDS	\$0.00	\$220.00	\$880.00	\$1,100.00
STORMWATER MANAGEMENT	\$0.00	\$0.00	\$0.00	\$0.00
MISCELLANEOUS	\$0.00	\$786.50	\$114.25	\$2,594.75
DEVELOPMENT FEES	\$110.00	\$1,915.00	\$0.00	\$3,302.90
PROMOTIONAL ACTIVITIES	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS	\$20,138.23	\$260,092.58	\$98,770.50	\$271,495.84

Building Division Activities:

ACTIVITY	JUNE 2021	FISCAL YEAR-TO-DATE 2020 TO 2021	JUNE 2020	LAST FISCAL YEAR-TO-DATE 2019 TO 2020
INSPECTIONS	287	2757	251	2124
FINAL CERTIFICATES OF OCCUPANCY ISSUED	0	1	0	2
TEMPORARY CERTIFICATES OF OCCUPANCY ISSUED	0	2	0	0
FINAL INSPECTIONS	184	1660	125	1178
FAILED INSPECTIONS	17	203	12	121

Annual Totals, Large Projects (Over \$10,000):

Projects Begun Current Fiscal Year-to-Date – 2020 to Present: \$44,003,558.00

Projects Begun Last Fiscal Year – 2019 to 2020: \$39,968,375.00

Projects Begun Two Fiscal Years Ago – 2018 to 2019: \$24,944,320.00

COMMUNITY SERVICES DEPARTMENT

MONTHLY REPORT - JUNE 2021

FACILITIES MAINTENANCE DIVISION:

Currently one position.

Normal monthly duties:

This division assesses any problems reported with the buildings and handles the repair if it is within his ability. He has an a/c certification so he can do a lot of the repairs inhouse. He replaces light bulbs, cleans the outside windows, paints and any other general maintenance needed with the city buildings and city owned properties.

Additionally, this month:

This employee continued work on public safety stucco repairs, he worked on humidity issues with the AC at the community center, removed the plexiglass panels between the council members and worked on installing mortice locks at public safety.

PARKS/STREETS DIVISION:

This division is normally eleven maintenance positions and one electrician position.

Normal monthly duties:

This division takes care of the maintenance, upkeep and general appearance of all the parks, streets, sidewalks and medians daily. They mow, change out lights, restock supplies, replace plants as needed, replace or repair street signs, check and clear the storm drains, as well as any other issues that may arise in the city. Although there are two divisions, they now all share in the normal monthly duties.

Additionally, this month:

The park/streets division had a lot of irrigation problems arise this month, Beachcomber Park, Florida Shores, St Kits and the community center. They refreshed the sod and rocks out in front of Public Safety and cleaned up around the city after the truck event rolled through town.

They also replaced the toilet and urinal at the McElroy park bathroom after some vandalism.

Turtle season has begun again so there will be streetlights out up and down Atlantic Avenue until October. The electrician replaced 10, 40ft light poles, had numerous projects going at public safety including sidewalk lights and impound cameras. He also installed a battery charger at station 1, fixed the broken lights at the McElroy dog park and handled 38 electrical line locates.

SEWER DIVISION:

Currently four positions.

Normal monthly duties:

This division maintains and checks all the sewer stations daily, they do all the general maintenance of the sewer stations, generators and the property the stations are located on. This includes mowing and general outside maintenance as well as cleaning the pump areas, wet wells and floats. The division also maintains and inspects the manholes in the city, delivers past due sewer bill notices for finance every month, does cooling tower readings and grease trap inspections quarterly and has two employees in the division that are animal control officers.

Additionally, this month:

The division cleaned the lines at Van Avenue Park and the Pavillion, greased the garage doors at station 1 and station 3 and installed a rebuild pump at our Riverside station. They also replaced a water line at the master station, replaced and cleaned up with weed mat and river rock around station 2 and tv'd around 2723 S. Atlantic after a sewer back up. They took cooling tower readings, handled 5 animal control calls, 4 pool meter readings and 59 sewer line locates as well.

INTERLOCAL AGREEMENT

This INTERLOCAL AGREEMENT (Agreement), is entered Into this ___ day of _____, 2021, by and between the **City of Daytona Beach Shores, Florida**, a Charter Municipal Corporation, whose address is 2990 South Atlantic Avenue and **R.J. Larizza**, duly elected, pursuant to Article V, Section 17, of the Florida Constitution as the **State Attorney of the Seventh Judicial Circuit** (State Attorney), whose address is 251 North Ridgewood Avenue, Daytona Beach, Florida 32114.

Recitals

WHEREAS, Section 27.02, Florida Statutes, provides that the State Attorney shall appear in circuit and county courts within his or her judicial circuit for the purpose of prosecuting violations of special laws and county and municipal ordinances punishable by incarceration if the prosecution is ancillary to a state prosecution, or if the State Attorney has contracted with the county or municipality for reimbursement for services rendered in accordance with Section 27.34(1) F.S., and both parties desire to enter into such a contractual agreement; and

WHEREAS, Section 27.34, F.S., provides for limitations on payment of salaries and other related costs of state attorneys' offices other than by the state, and that a county or municipality may contract with, or appropriate or contribute funds to the operation of, the various state attorneys, and that a state attorney prosecuting violations of special laws or county or municipal ordinances punishable by incarceration and not ancillary to a state charge, shall contract with cities to recover the full cost of services rendered on a hourly basis or reimburse the state for the full cost of assigning, one or more, full-time, or equivalent, attorney positions to work on behalf of the City; and

WHEREAS, the City and the State Attorney desire to contract for services rendered on an hourly basis; and

WHEREAS, an agreement for reimbursement on an hourly basis shall require City to reimburse the State Attorney at a rate of fifty dollars (\$50.00) per hour; and

WHEREAS, the City is willing to pay the State Attorney such sum on a quarterly basis in arrears; and

WHEREAS, the Agreement sets forth the duration, terms and provisions, rights and responsibilities of both the City and the State Attorney; and

WHEREAS, Section 163.01 F.S. authorizes the City and the State Attorney to enter into such an Agreement.

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, it is agreed by and between the parties as follows:

Section 1. The above recitals are incorporated into the body of this Agreement and said recitals are adopted as findings of fact.

Section 2. If any word, phrase, sentence, part, subsection, section, or other portion of this Agreement or any application thereof, to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, subsection, section, or other portion or the proscribed application thereof, shall be severable, and the remaining portions of this Agreement and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

Section 3. This Agreement shall be construed according to the laws of the State of Florida. Venue for any administrative and/or legal action arising under this Agreement shall be in Volusia County, Florida.

Section 4. In light of the scope and rationale of this Agreement, neither the City, nor the State Attorney may assign, transfer, and/or sell any of the rights noted in this Agreement without the express written approval of the other party. Should either the City or the State Attorney assign, transfer, or sell any of the rights noted in this Agreement without such prior approval of the other party, then such action on the part of either the City or the State Attorney, shall result in the automatic termination of this Agreement, without further notice or action required on the part of the other party.

Section 5. Both the City and the State Attorney acknowledge that this Agreement constitutes the complete agreement and understanding of both parties. The City and the State Attorney acknowledge that any amendments to this Agreement shall be in writing, and shall be executed by duly authorized representatives of both the City and the State Attorney.

Section 6. The duration of this Agreement shall be from October 1, 2021 through September 30, 2023. Either the City or the State Attorney may request a one-year extension of this Agreement by submitting a written request to the other party, no later than June 30, 2023. Pursuant to a written request, either the City or the State Attorney may approve an extension of this Agreement. Subsequent extensions to this Agreement may be handled in a manner similar to that described in this section. Should this Agreement not be extended within the time frame noted in this section, then this Agreement will terminate on September 30, of the year not extended. Under such circumstance, neither the City nor the State Attorney will have to provide any form of written notification of termination to the other party.

Section 7. This Agreement may be terminated without cause upon either the City or the State Attorney giving at least thirty (30) days advance written notice to the other party. Such written notification shall indicate that either the City or the State Attorney intends to terminate this Agreement within thirty (30) days from the date of notification. Consistent with other provisions of this Agreement, the State Attorney shall be

compensated for any services and/or expenses that are authorized under this Agreement, and that are performed and/or accrue up to the date of termination of this Agreement. The City will be responsible for payment of any fees, costs and expenses accrued up to the date of termination of this Agreement.

This Agreement may be terminated by either the City or the State Attorney, for cause, for the following reasons:

- 1) Assignment of this Agreement by either party, without the prior written approval/consent of the other party; or
- 2) Failure by either party to comply with any obligation noted in this Agreement; or
- 3) Failure by the City to pay, for a period exceeding seventy-five (75) days, any amounts due and owing, for authorized services performed by the State Attorney; or
- 4) Failure by the City to budget for the services and/or expenses noted in this Agreement; or
- 5) An exhaustion of funds budgeted for the services and/or expenses noted in this Agreement, without City approval of a subsequent increase in the funds budgeted for the services and/or expenses noted in this Agreement; or
- 6) Any subsequent revision/change/amendment to State law that would create an ethical conflict in funding and/or operations between the City and the State Attorney; or
- 7) A subsequent revision/change/amendment to State law that would prohibit the City and the State Attorney from entering into this type of Agreement.

Section 8. The State Attorney shall continue to appear in the circuit and county courts within the State Attorney's judicial circuit by and through an Assistant State Attorney, for the purpose of prosecuting violations of special laws and City ordinances punishable by incarceration if the prosecution is ancillary to a State prosecution; and shall appear on behalf of the City at all arraignments and first appearances held at the Volusia County Courthouse Annex located at 125 E. Orange Avenue, Daytona Beach, FL 32114, or at any Volusia County correctional facility, for violations of special laws and City ordinances.

Consequently, for purposes of this Agreement, the State Attorney, and Assistant State Attorneys will be viewed as independent contractors, and have independent contractor status.

Section 9. The City agrees to pay all fees, costs, and/or expenses in accordance with State law which are incurred during the prosecution of any violations of special laws and City ordinances undertaken pursuant to this Agreement. The State Attorney shall bear no expense of actions brought pursuant to this Agreement.

Section 10. The maximum amount available as compensation to the State Attorney, under this Agreement, is Five Thousand and 00/100 dollars (\$5,000.00) per contract year, unless the amount and the Agreement are amended in the manner set forth in this Agreement. Said amount is based on an hourly billing rate of fifty dollars (\$50.00) per hour. However, it is strictly understood that the State Attorney is not entitled to this amount of compensation as a matter of right. Rather, the State Attorney's compensation is based on actual hours worked pursuant to the terms of this Agreement.

Quarterly, the State Attorney shall submit an invoice to the Daytona Beach Shores Department of Public Safety which details the total hours incurred during the calendar quarter, along with the case or matter that was being prosecuted and/or handled on behalf of the City. If the State Attorney submits an incomplete or incorrect invoice, the Department of Public Safety will notify the State Attorney within fifteen (15) days of submission of the incomplete or incorrect invoice by the State Attorney. The State Attorney will then have an additional fifteen (15) days in which to submit a complete and/or correct invoice. If the State Attorney submits a complete and/or correct invoice in excess of thirty (30) days of the date that the original incomplete/incorrect invoice was submitted to the City, then the City has forty-five (45) days from the date of the submission of the complete and/or correct invoice, in which to reimburse and/or compensate the State Attorney for such services.

Except as noted above, once the State Attorney submits a complete and correct invoice to the City, the City has thirty (30) days from the date of submission, in which to reimburse and/or compensate the State Attorney for such services.

The City may modify this procedure at any time, upon ten (10) days advance notice, in order to accommodate the budgetary concerns and/or procedures of the City.

Section 11. All notices and other correspondence to the City shall be delivered, either by hand (receipt of delivery is necessary), or by US Mail to:

City of Daytona Beach
Shores
Attn: City Clerk
2990 South Atlantic Avenue
Daytona Beach Shores, FL
32118

All notices and other correspondence to the State Attorney shall be delivered, either by hand (receipt of delivery is necessary), or by US Mail to:

R.J. Larizza
Seventh Judicial Circuit
The Judicial Center
251 North Ridgewood Avenue
Daytona Beach, Florida 32114-7505

IN WITNESS WHEREOF, the parties below have hereunto set their hand and seal on the day and year set below.

City of Daytona Beach Shores, FL

Attest:

By: _____
Nancy J. Miller, Mayor

Cheri Schwab, City Clerk

Date: _____

Date: _____

State Attorney, Seventh Judicial Circuit

Attest:

By: _____
R. J. Larizza, State Attorney

Title:

Date: _____

Date: _____



Article II, Section 8, *Constitution of the State of Florida*: ***“Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse.”***

“LIFE IS BETTER HERE.”

**CITY COUNCIL AGENDA MEMORANDUM
JULY 27, 2021 AGENDA**

TO: Honorable Mayor and Members of the City Council
COPIES TO: Mike Booker, City Manager
Cheri Schwab, City Clerk
FROM: John Cary, City Attorney
DATE: July 21, 2021
SUBJECT: ***City Attorney Report***

The following is intended as my written report to the City Council for matters arising subsequent to its last meeting of June 22, 2021. Please advise if you have any questions, comments or concerns relative to these matters.

(1) *Seized Dogs*

Worked with Chief Dembinsky and Officer Rooney regarding filing a petition in Volusia County Circuit Court to determine the fitness and ability of an owner to adequately provide for seized dogs. Prepared the petition and supporting documentation.

(2) *Interlocal Agreement*

Advised Chief Dembinsky regarding an interlocal agreement with the Volusia County State Attorney's Office regarding representation of the city in criminal matters.

(3) *Special Magistrate Appeal*

Worked on appeal of Special Magistrate decision.

(4) *Opioid Litigation*

Reviewed documents received for the opioid litigation case.

(5) *Halifax Hospital*

Met with the Mayor and city staff regarding issues with the Halifax Hospital

(6) *Purchase of Property*

Worked with city staff regarding possible purchase of property.

(7) *Development Agreement*

Reviewed a proposed development agreement and advised staff.

(8) *Condemnation*

Met with staff multiple times to prepare a legal strategy for a building condemnation.

Respectfully, submitted,

/s/ John Cary, City Attorney



MEMORANDUM

TO: City Council, Mayor Nancy Miller, Vice Mayor Mel Lindauer, Council Member Rick Frizalone, Council Member Michael Politis, and Council Member Richard Bryan

FROM: Kurt Swartzlander - Acting City Manager

SUBJECT: City Manager's Report – July 27, 2021

DATE: July 27, 2021

HALIFAX HEALTH

Halifax Health has been able to open Radiology Associates the imaging portion of the newly remodeled building however the final ACHA inspections are still pending for the actual urgent care to open.

CHASE BANK EXCESS PROPERTY

The city is awaiting an appraisal to be completed on the western grass portion of the Chase Property. Chase has expressed their willingness to negotiate directly with the city on the potential purchase of this property. Since the Chase Bank complex is one parcel the bank does not see the portion in question as surplus and is in no rush to dispose of the parcel through regular surplus land process.

AMERICAN RESCUE PLAN ACT OF 2021 FUNDS (ARPA)

As you are probably aware the City will be receiving funds from the federal government through ARPA. At a future city council meeting staff would like to give a short presentation on the funding and available uses of this funding for our city. Recent estimates show the city receiving between \$1.9-\$2.3 million dollars.

TREASURE ISLAND PROPERTY

On July 1, 2021 the city sent a "Notice of Condemnation and Condemnation Hearing" to the owners of the Treasure Island Property. On August 18th, 2021 staff will present before the Special Magistrate a case to condemn the existing structure.

CONDOMINIUM INSPECTIONS

In light of the recent dramatic collapse of the Surfside Condominium staff has been reviewing the situation but would like to wait on the outcome of the state investigation before making any quick decisions that could have a costly impact on our condominium community. It is staff's belief that the State will, as it did in the aftermath of Hurricane Andrew, address any code changes needed as a result of their investigation.



CITY COUNCIL AGENDA MEMORANDUM

JULY 27, 2021 AGENDA

TO: Honorable Mayor and Members of the City Council

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 recently annexed 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. Applying a City future land use designation 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, was recently 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 annexed 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:

On June 14, 2021 the Planning and Zoning Board unanimously recommended approval of Ordinance 2021-04. In addition, on July 20, 2021, the Volusia Growth Management Commission (VGMC) issued a consistency certification for the proposed amendment (**Exhibit D**). Staff recommends approval of Ordinance 2021-04 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to **approve** Ordinance 2021-04 as presented."
- OR
2. "I move to approve Ordinance 2021-04, with the following amendments..."
- OR
3. "I move to deny 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
 5. Exhibit D-VGMC Consistency Certification Letter

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

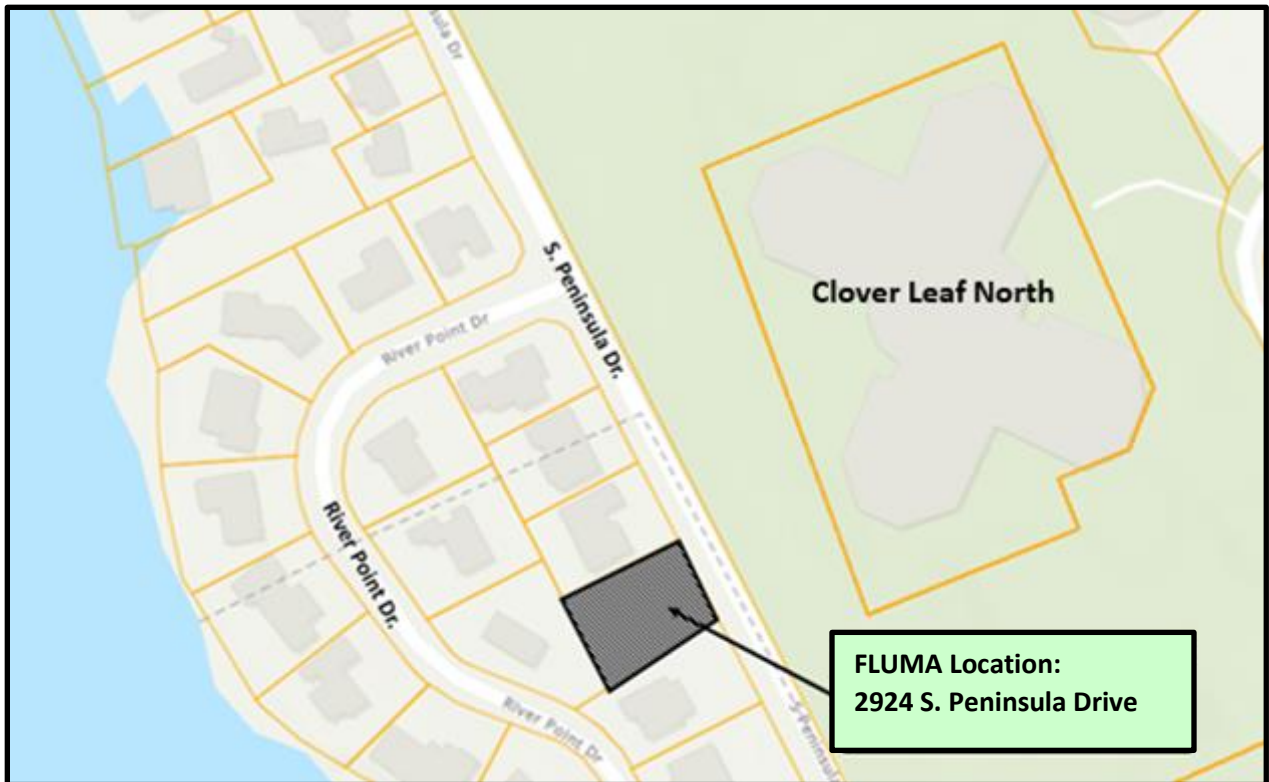
LOT 20, RIVER POINT SUBDIVISION AS RECORDED IN MAP BOOK 34, PAGE 113, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING IN SECTION 27, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

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

**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:

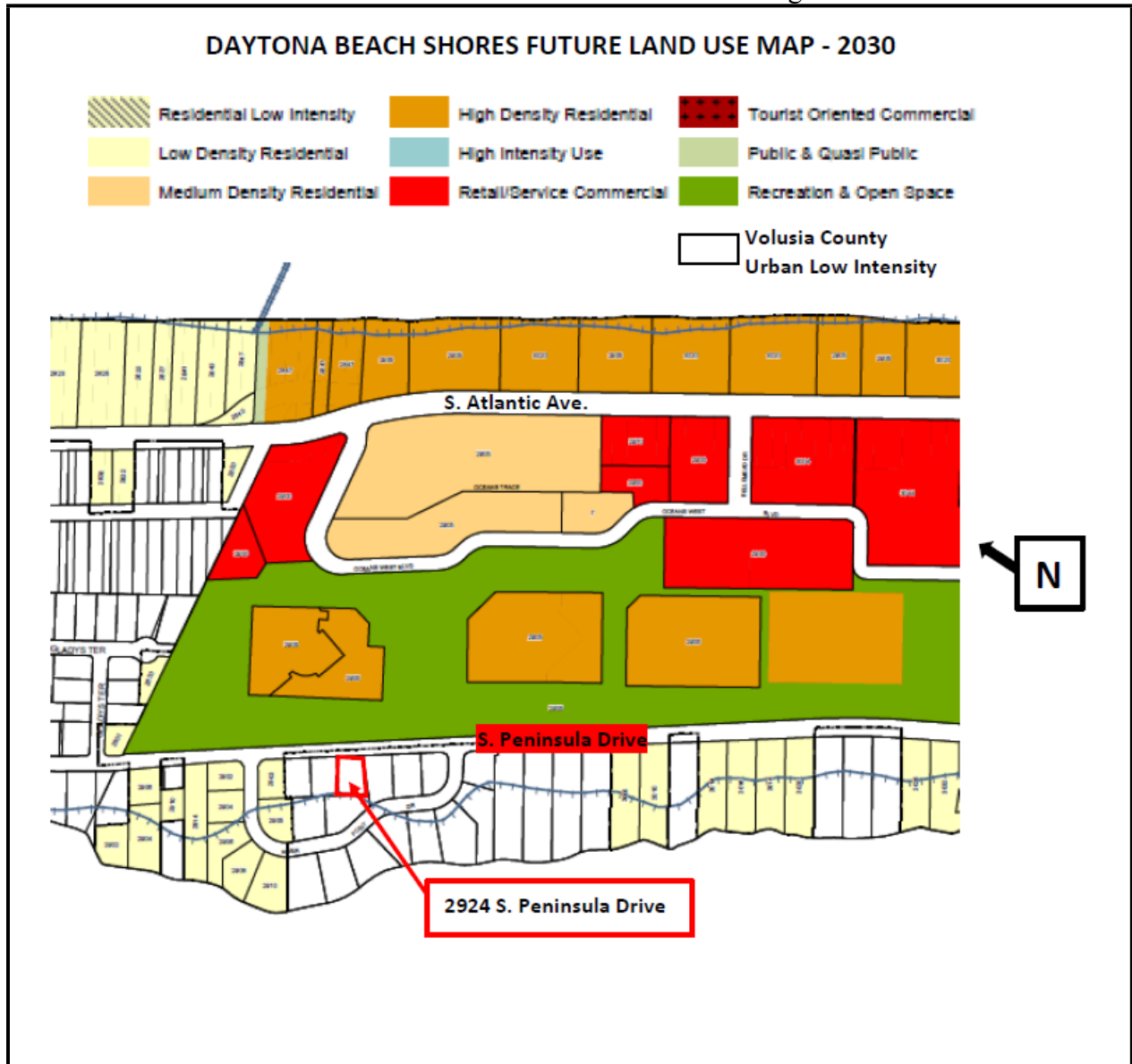
The property houses a 2,835 square foot single-family residential structure, which was built in 1988 (Volusia County Property Appraiser, 2021). The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-3” (Urban Single-Family 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

Location	Zoning		Future Land Use	
	Existing	Proposed	Existing	Proposed
Subject Property	R-3*	RSF-2+	Volusia County Urban Low Intensity	Residential Low Intensity
North	R-3		Volusia County Urban Low Intensity	
South	R-3		Volusia County Urban Low Intensity	
East	PUD		DBS Recreation & Open Space / High Density Residential	
West	R-3		Volusia County 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 (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	1	1	None
Population ¹	1.75	1.75	None
AM / PM Peak Hour Trips ²	1.5/2.02	1.5/2.02	None
Sanitary Sewer (gallons/day) ³	250	250	None
Potable Water (gallons/day) ⁴	192.5	192.5	None
Solid Waste (lbs./person) ⁵	17.5	17.5	None
Stormwater Drainage ⁶	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, 7th 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

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



Volusia Growth Management Commission

July 20, 2021

Stewart Cruz, AICP, City Planner
City of Daytona Beach Shores
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118

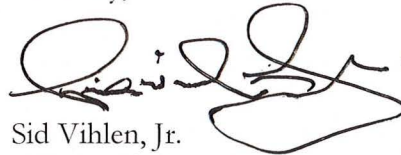
**RE: VGMC Case #21-032, City of Daytona Beach Shores
Small Scale Amendment – 2924 S. Peninsula Drive
Certificate of Consistency**

Dear Mr. Cruz,

VGMC Case No. 21-032 qualifies for certification in accordance with Chapter 90, Article II. of the Volusia County Code of Ordinances, Volusia Growth Management Commission Consistency Certification Rules and Organization. Based upon the lack of objection filed by another unit of local government, VGMC Case No. 21-032 is hereby deemed certified as consistent effective July 19, 2021 without the need for a public hearing.

The Volusia Growth Management Commission appreciates the efforts of the City of Daytona Beach Shores to further intergovernmental cooperation and coordination in Volusia County. If you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,



Sid Vihlen, Jr.
VGMC Chairman



CITY COUNCIL AGENDA MEMORANDUM JULY 27, 2021 AGENDA

TO: Honorable Mayor and Members of the City Council

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 recently annexed 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. Assigning a City zoning map designation 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:

On June 14, 2021 the Planning and Zoning Board unanimously recommended approval of Ordinance 2021-05. Staff recommends approval of Ordinance 2021-05 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to **approve** Ordinance 2021-05 as presented."

OR

2. "I move to approve Ordinance 2021-05, with the following amendments..."

OR

3. "I move to deny 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

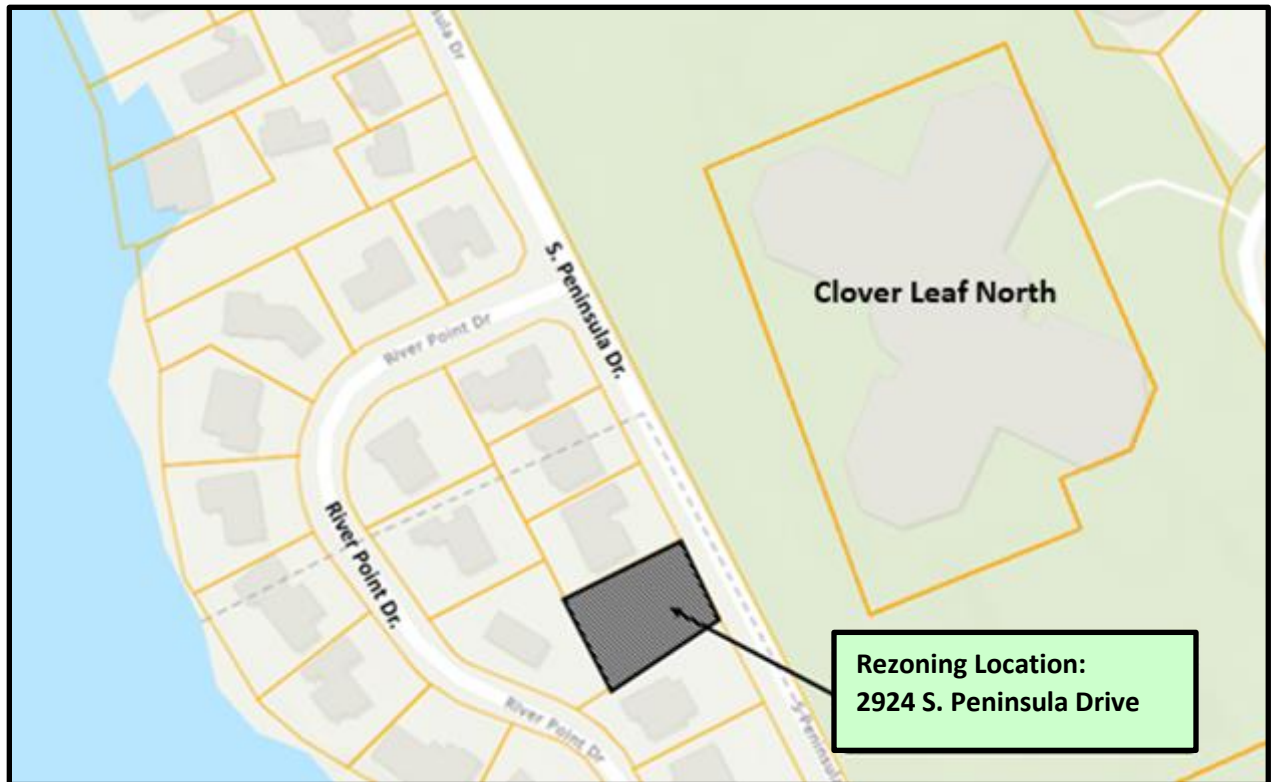
LOT 20, RIVER POINT SUBDIVISION AS RECORDED IN MAP BOOK 34, PAGE 113, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING IN SECTION 27, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

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

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

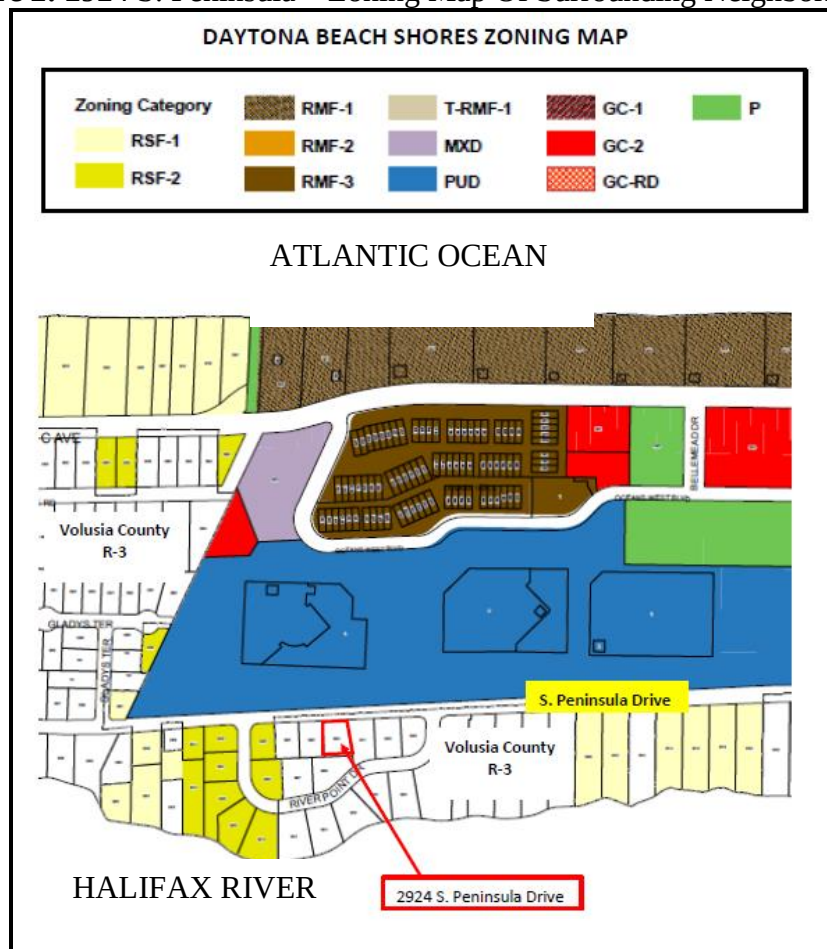


Figure 3: 2924 S. Peninsula Drive – Street View



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 (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	2	2	None
Population ¹	3.5	3.5	None
AM / PM Peak Hour Trips ²	1.5/2.02	1.5/2.02	None
Sanitary Sewer (gallons/day) ³	500	500	None
Potable Water (gallons/day) ⁴	385	385	None
Solid Waste (lbs./person) ⁵	35	35	None
Stormwater Drainage ⁶	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, 7th 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 COUNCIL AGENDA MEMORANDUM JULY 27, 2021 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2021-07: Permitting counseling services as an accessory use to churches in the "P - Public/Quasi Public" Zoning District

SYNOPSIS:

On March 19, 2021 the City received a written request from Zahn Engineering (**Exhibit A**), agent of Westminster By The Sea Presbyterian Church, requesting the City amend its "P" Public/Quasi Public Zoning District regulations to permit counseling services as an accessory use to a church. An accessory use is a use that is customarily incidental and subordinate to the principal use on a property. The Presbyterian Counseling Center, which is a separate entity from the church, would provide onsite paid for counseling services to members of the public in a detached structure located on the southeast portion of the property (**Exhibit B**). Ordinance 2021-07, if adopted, would permit the aforementioned use as described.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. Background

Subsequent to consulting with Zahn Engineering regarding the establishment of counseling services on the Westminster By The Sea Presbyterian Church property located at 3215 S. Peninsula Drive, the engineering firm provided a written request to the City to consider the aforementioned.

Per Sec. 14-26 of the Land Development Code (see below), counseling service is not a permitted use in the "P" Public Quasi/Public" District. Counseling service to the general public is also not a traditional accessory use to churches. Per Sec.14-10 of the Land Development Code (see below) if a use is not specifically listed as a permitted use or allowed by special exception then it is prohibited, hence the proposed Ordinance 2021-07.

Sec. 14-26. - P Public/Quasi Public.

14-26.1. Purpose and Intent.

The purpose and intent of the Public/Quasi Public District is to best satisfy the internal, recreational

and governmental service needs of the entire community. This district has been developed for implementing the City's land use plan within, but not necessarily limited to, those areas shown for Public/Quasi Public.

14-26.2. Permitted Accessory Uses and Structures.

Parks, churches and government offices, telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq., etc.

Sec. 14-10. - Interpretation of uses permitted.

Uses not designated as permitted by right or accessory to those permitted by right or allowed as special exception shall be prohibited from that district. Special exceptions shall only be permitted according to the additional regulations imposed, approved and permitted in accordance with the provisions of this ordinance.

B. Staff Analysis

If approved, Ordinance 2021-07 would permit counseling services to the public as an accessory use for churches in the "P" Public/Quasi Public District. Currently there are only two (2) churches, which are defined as houses of worship (Sec. 2-2, LDC), within city limits. Counseling services are generally offered on an appointment basis in an office setting. Therefore, counseling services are not considered an adverse land use as no undesired direct or secondary effects are anticipated. Finally, medical and government officials on the national and local level have been highlighting the need for increased mental health services, particularly due to factors such as the COVID-19 pandemic, economy, grief and other factors.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

On July 12, 2021 the Daytona Beach Shores Planning and Zoning Board unanimously recommended approval of the ordinance in question.

Staff recommends approval of Ordinance 2021-07 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to **approve** Ordinance 2021-07 as presented."

OR

2. "I move to approve Ordinance 2021-07, with the following amendments..."

OR

3. "I move to deny Ordinance 2021-07 on the basis of the following..."

ATTACHMENT:

1. Ordinance 2021-07 Counseling Services in P District
2. Exhibit A-Letter from Zahn Engineering-3-19-21
3. Exhibit B-Location Map

ORDINANCE 2021-07

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO COUNSELING SERVICES; AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE*; AMENDING APPENDIX “G”, AMENDING CHAPTER 14 ENTITLED “ZONING REGULATIONS,” BY AMENDING SECTION 14-26 ENTITLED “P PUBLIC/PUBLIC QUASI DISTRICT” TO PERMIT COUSELING SERVICES AS AN ACCESSORY USE TO CHURCHES; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Daytona Beach Shores to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Section 163.3202, *Florida Statutes*, provides that the City of Daytona Beach Shores shall adopt and enforce land development regulations for the purpose of implementing its comprehensive plan and protecting the public health, safety, and general welfare; and

WHEREAS, the City was approached by the Westminster By The Sea Presbyterian Church to permit counseling services open to the public on its church facility in Daytona Beach Shores; and

WHEREAS, churches customarily offer counseling services to their members; and

WHEREAS, counseling services and offices are not considered adverse land uses; and

WHEREAS, the City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, this Ordinance is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City Daytona Beach Shores*; and

WHEREAS, the recitals to this Ordinance (whereas clauses) are adopted as the legislative findings and intent of the City Council of the City of Daytona Beach Shores; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~strikethrough~~ shall constitute deletions to the original text.

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

SECTION ONE: Section 14-26, *Land Development Code*, Chapter 14, Appendix “G”, *Code of Ordinances of the City of Daytona Beach Shores*, entitled “P Public/Quasi Public,” is amended to read as follows:

Sec. 14-26. - P Public/Quasi Public.

14-26.1. Purpose and Intent.

The purpose and intent of the Public/Quasi Public District is to best satisfy the internal, recreational and governmental service needs of the entire community. This district has been developed for implementing the City's land use plan within, but not necessarily limited to, those areas shown for Public/Quasi Public.

14-26.2. Permitted ~~Aeeessory~~ Principal Uses and Structures.

Principal uses permitted in the P Public/Quasi Public District include parks, Parks, churches and government offices, telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq., etc.

14-26.2.1 Permitted Accessory Uses.

In the P Public/Quasi Public District counseling services shall be permitted as an accessory use to a church. All other permitted accessory uses shall be consistent with the definition of accessory uses pursuant to Sec. 2-2 of this code.

SECTION TWO: ENFORCEMENT AND PENALTIES.

(a). It is prohibited and unlawful for any person to fail to comply with the requirements of this Ordinance.

(b). The City may enforce the provisions of this Ordinance by any lawful means available to the City under the controlling provisions of State law and Section 1.8 of the *Code of Ordinances of the City of Daytona Beach Shores, Florida*.

(c). The penalties for violation of this Ordinance shall be as set forth in the code enforcement method asserted by the City under the *Code of Ordinances of the City*

of *Daytona Beach Shores, Florida* or as may be available under the controlling provisions of State law.

SECTION THREE: SAVINGS. The prior actions of the City of Daytona Beach Shores relating to the regulation of the matters and uses which are the subject of this Ordinance are hereby ratified and affirmed.

SECTION FOUR: CODIFICATION. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida* and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections Two, Three, Four, Five, Six, and Seven shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION FIVE: CONFLICTS. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION SIX: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION SEVEN: 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.

ZAHN ENGINEERING, INC.
Land Planning • Civil Engineering • Permitting

March 19, 2021

Via Email

Honorable Mayor Nancy Miller
Michael Booker, City Manager
City of Daytona Beach Shores
2990 S Atlantic Avenue
Daytona Beach Shores, FL 32118

**Re: Westminster by the Sea Presbyterian Church
Presbyterian Counseling Center**

Dear Honorable Mayor Miller and City Manager Booker:

Westminster by the Sea Presbyterian Church has been offering counseling services through the church office and classrooms for many years. The church also received a single-family home from the estate of a long-time church member. The parcel was incorporated into the church property and has been used as a manse for our associate pastor. The associate pastor has moved on and the building has been utilized for various office uses.

One of the church outreach programs is the Presbyterian Counseling Center. Our pastor, Jeff Sumner, recognized an opportunity to utilize the building as counseling offices for the Presbyterian Counseling Center. This provides an extended counseling service from that which is currently provided by Pastor Jeff and others in the Church.

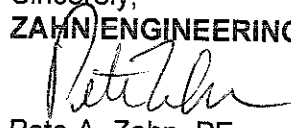
We previously reached out to the City regarding the use of the building by the Presbyterian Counseling Center (PCC). The response was that counseling services offered by the church employees to the church membership is an accessory use to the church. However, counseling services offered by an entity other than the church and to the general public disqualifies counseling services as an accessory use. We are continuing to use the building as before (office) and additionally, desire to offer space to the PCC.

There are no special exceptions permitted for counseling services in the "P" District per Staff. This leaves two options available to the church: 1) Apply to rezone and change the Future Land Use to commercial use or 2) petition the City Council to amend the LDC to permit counseling services as a permitted use in the "P" District.

Since rezoning will be very costly, and we want to preserve its religious standing, we decided to pursue the second option: petition to City Council.

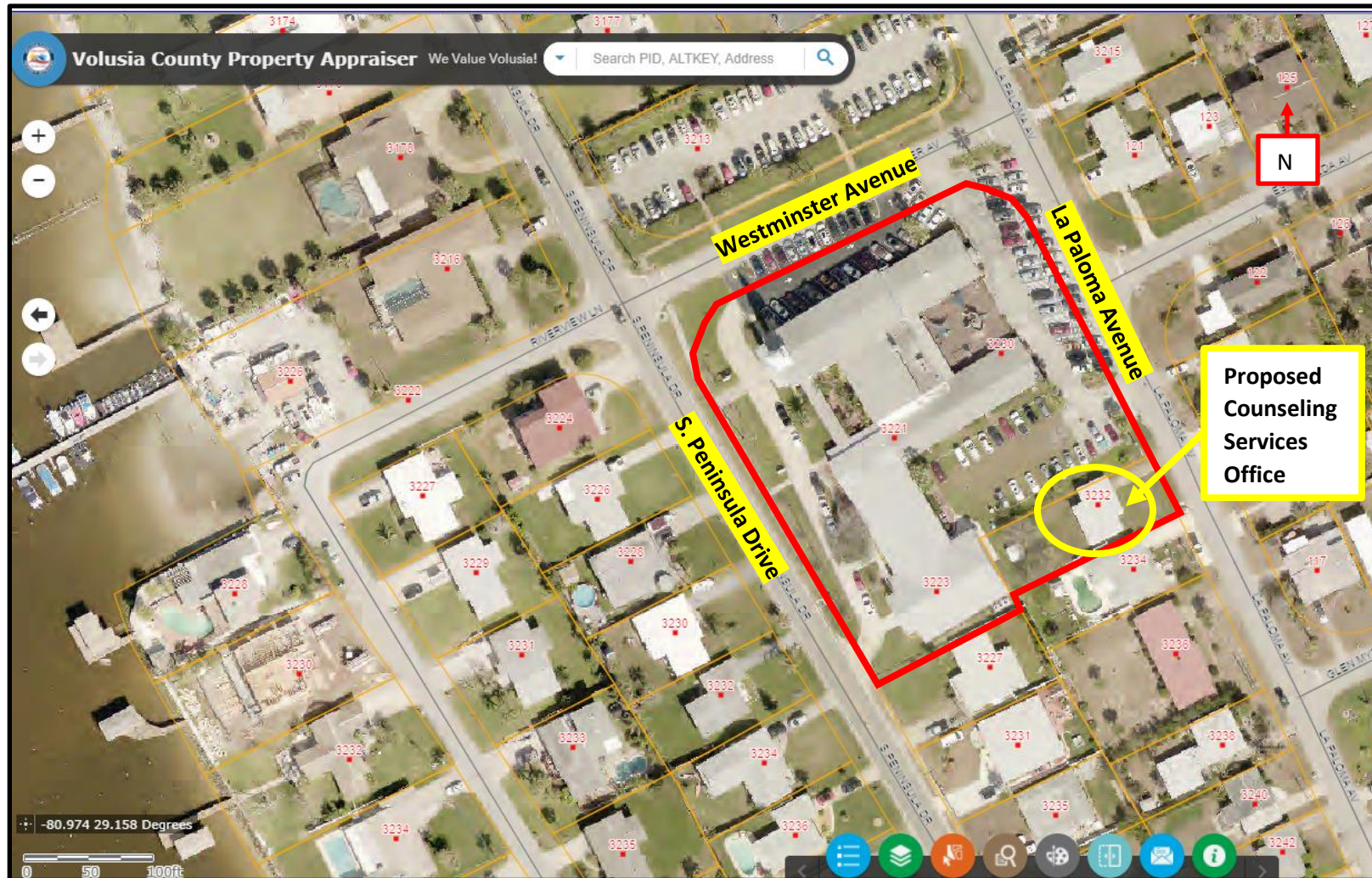
We were advised that the first step is a meeting with you to discuss the situation. So here we are, respectfully requesting a meeting to discuss. Pastor Jeff will be contacting you to arrange a time and date that is acceptable. We look forward to hearing from you.

Sincerely,
ZAHN ENGINEERING, INC.


Pete A. Zahn, PE
Treasurer, WBTS

150 S Palmetto Ave, Ste 201 • Daytona Beach, FL 32114
Phone: (386) 252-0020 • Fax: (386) 252-6050
www.zahneng.com

EXHIBIT B
Westminster by the Sea Presbyterian Church Property
3215 S. Peninsula Drive





**CITY COUNCIL AGENDA MEMORANDUM
JULY 27, 2021 AGENDA**

TO: Honorable Mayor and Members of the City Council
FROM: Nancy Maddox, Recreation Director
PREPARED BY: Nancy Maddox, Recreation Director
SUBJECT: Ord. 2021-08 Revision of the Economic Development Ordinance

SYNOPSIS:

FISCAL IMPACT STATEMENT:

BACKGROUND:

During the March 23, 2021 Economic Development Workshop, the City Council discussed three issues: 1. Verify the types of businesses that Council would like to target for economic development lease subsidy program funding, 2. The staff requested clearer direction on when an applicant could receive a grant of up to 10% for acquisition and 3. More clarity on the Alternative Tax Relief (ATR). Issues 1 and 3 were clarified and implemented. After a thorough discussion of Issue 2, it was the consensus of the Council to delete the up to 10% for acquisition. Attached is the revision of the Economic Development Ordinance for first reading. Ordinance 2021-08 under Sec. 10-11 – Creation of economic development program completely deletes paragraph (d) regarding issue 2.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of the ordinance.

SUGGESTED MOTION:

"I move to approve the revision of the Ordinance as presented."

OR

"I move to approve the revision of the Ordinance with the following conditions/amendments...."

OR

"I move to deny the revision of the Ordinance on the basis of...."

ATTACHMENT: 1. Ord 2021-08- Economic Development Program amendments

ORDINANCE 2021-08

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO A COMPREHENSIVE ECONOMIC DEVELOPMENT PROGRAM; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; AMENDING THE REQUIREMENTS TO RECEIVE A GRANT; ELIMINATING CERTAIN GRANT PROGRAMS; MAKING MINOR AND TECHNICAL AMENDMENTS; MAKING FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY; CODIFICATION AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Daytona Beach Shores (“City Council”) is the elected collegial body that is the legislative arm of the City of Daytona Beach Shores (“City”); and

WHEREAS, the City Council of the City of Daytona Beach Shores desires to ensure that the City and its environs are desirable for economic development of a positive nature for the benefit of the citizens of the City; and

WHEREAS, economic development programs are consistent with state statutes, including, but not limited to, sections 166.021 and 187.201, Florida Statutes, as well as the goals, objectives, and policies set forth in the City’s comprehensive plan; and

WHEREAS, the City Council has long recognized the economic challenges relating to the west side of State Road A1A (South Atlantic Avenue) which is a north-south Florida State Road that runs along the Atlantic Ocean, from Key West to Fernandina Beach and which is the main road through most oceanfront towns such as the City; and

WHEREAS, the City Council desires, to a significant, but not exclusive, extent to focus on the economic challenges relating to the west side of State Road A1A (South Atlantic Avenue); and

WHEREAS, the City Council declared a moratorium at its March 23, 2021, City Council meeting on any development grants as described in section 10-11 of the Code of the City of Daytona Beach Shores, except for those applications that may have been submitted prior to March 23, 2021.

WHEREAS, the City Council desires to protect the public health, safety, and welfare of the citizens of the City and maintain a high quality of life for the citizens of the City; and

WHEREAS, the City Council hereby finds and determines that the provisions of this Ordinance provide for public benefits and serve public purposes; and

WHEREAS, this ordinance is enacted pursuant to the home rule powers of the City as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*, Chapter 163, *Florida Statutes*, Chapter 166, *Florida Statutes*, and other applicable and controlling law; and

WHEREAS, the City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

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

SECTION ONE: LEGISLATIVE FINDINGS AND INTENT.

The City Council of the City of Daytona Beach Shores hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) to this Ordinance, and finds that same reflect the legislative intent of this Ordinance, and the same are hereby adopted, ratified, and affirmed.

SECTION TWO: ADOPTION.

The City Council of the City of Daytona Beach Shores hereby amends the *Code of Ordinances of the City of Daytona Beach Shores*, Chapter 10, entitled “Economic Development,” Article II, entitled “Economic Development Program” as follows:

CHAPTER 10 – ECONOMIC DEVELOPMENT

ARTICLE II – ECONOMIC DEVELOPMENT PROGRAM

Sec. 10-11. – Creation of economic development program.

- (a) The City Council of the City of Daytona Beach Shores hereby creates and establishes the City of Daytona Beach Shores Economic Development Program.
- (b) The purpose of the program is to encourage the renovation, development, redevelopment, and productive use of lands and buildings within the city limits of the City of Daytona Beach Shores.
- (c) In order to implement the program set forth in this section, the city council may enter development agreements, under the provisions of the Florida Local Government Development Agreement Act as set forth at F.S. §§ 163.3220 through 163.3243, or enter such other agreements as the city council determines are intended to enhance the high-quality economic development of the City of Daytona Beach Shores.
- ~~(d) The development agreements referenced in subsection (c) of this section, may relate to either city-owned or non-city-owned real property and may, among other things, provide for, by way of example and not limitation, provisions such as the city providing to the purchaser of city-owned real property an up to a ten percent rebate of the purchase price to allow the purchaser to use the funds to assist in the development of the real~~

~~property or, if the development agreement relates to non-city-owned real property, once the purchaser of the land applies to the city relative to the purchase price of the land and closes on the real estate transaction, the city would provide up to a ten percent grant to assist the new owner of the land in order to assist in the build out the real property in a high quality plan of development. The city shall impose conditions in each development to prevent a buyer purchasing city-owned real property from holding the real property for investment purposes or implementing a flip of the real property. The city's goal is that the real property shall be expeditiously developed in a high quality manner for the benefit of the citizens of the city.~~

SECTION THREE: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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

SECTION FIVE: CODIFICATION. Section Two of this ordinance shall become and be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida*, and may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance to be consistent with the other sections of the *Code of Ordinances*.

SECTION SIX: 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:

GRETCHEN "BECKY" VOSE, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2021.

Adopted on second reading this _____ day of _____, 2021.



**CITY COUNCIL AGENDA MEMORANDUM
JULY 27, 2021 AGENDA**

TO: Honorable Mayor and Members of the City Council
FROM: Kurt Swartzlander, Finance Director
PREPARED BY: Kurt Swartzlander, Finance Director
SUBJECT: Resolution 2021-06 FY2021-2022 Proposed Millage Rate

SYNOPSIS:

As part of the annual Truth in Millage procedures the City must adopt each year a proposed property tax rate which will be published in the Notice of Proposed Property Taxes usually mailed to all property owners in mid August. This notice communicates to each property owner the millage rate the city is proposing to levy for each new tax year. This resolution also sets the date and time for both the tentative millage rate hearing and tentative budget hearing.

FISCAL IMPACT STATEMENT:

This rate sets the maximum amount of taxes to be levied by the City for the fiscal year 2021-2022.

BACKGROUND:

N/A

LEGAL REVIEW:

Council discretion

RECOMMENDATION:

Approve Resolution 2021-05

SUGGESTED MOTION:

Motion to approve Resolution 2021-05

ATTACHMENT: 1. Res 2021-06 - FY21-22 Proposed Millage Rate

RESOLUTION 2021-06

A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, SETTING THE PROPOSED MILLAGE RATES FOR THE CITY FOR FISCAL YEAR 2021-2022; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Statutes, including Chapter 200.065(2)(e) 1., provide that the City Council shall adopt a proposed millage rate, and;

WHEREAS, the Volusia County Property Appraiser has certified a rolled-back rate of \$4.9356 per \$1,000 of taxable value for the City of Daytona Beach Shores.

NOW, THEREFORE, BE IT ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA:

SECTION ONE: There is hereby adopted a proposed millage rate of \$4.9356 per \$1,000 of taxable value for the general operating budget for the fiscal year 2021-2022. This final millage rate is the rolled-back rate of \$4.9356.

SECTION TWO: There is hereby adopted a proposed millage rate of \$0.000 per \$1,000 of taxable value for voted general obligation debt service for the fiscal year 2021-2022. Voters approved a general obligation debt issuance on November 7, 2006 to underground utilities and conduct related streetscape projects. The City is now debt-free and no longer needs to collect the voted debt millage.

SECTION THREE: The date and time of the Tentative Millage Rate hearing shall be Monday September 13, 2021 at 6:00pm and shall be followed immediately by the Tentative Budget Hearing.

SECTION FOUR: This Resolution shall be effective immediately upon its adoption.

CITY OF DAYTONA BEACH SHORES, FL

NANCY MILLER, MAYOR

MICHAEL BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

BECKY VOSE, CITY ATTORNEY

Passed and Adopted on this _____ day of _____, 2021



**CITY COUNCIL AGENDA MEMORANDUM
JULY 27, 2021 AGENDA**

TO: Honorable Mayor and Members of the City Council
FROM: Kurt Swartzlander, Finance Director
PREPARED BY: Kurt Swartzlander, Finance Director
SUBJECT: Resolution 2021-07 to purchase land at 3046 S. Atlantic Avenue

SYNOPSIS:

A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA AUTHORIZING THE MAYOR AND CITY STAFF TO OFFER TO PURCHASE PROPERTY AT 3046 SOUTH ATLANTIC AVENUE, AND TO CONTINUE NEGOTIATIONS AT THE DISCRETION OF ABOVE

FISCAL IMPACT STATEMENT:

Dependent upon council action.

BACKGROUND:

On June 22, 2021 Bank of America closed its local branch. At that time the Mayor and staff reached out to BOA to discuss the City purchasing this parcel.

LEGAL REVIEW:

RECOMMENDATION:

Approve Resolution 2021-07

SUGGESTED MOTION:

Motion to Approve Resolution 2021-07

ATTACHMENT:

1. Resolution 2021-7 Authorization to propose and negotiate on BOA Property
2. 3046 S Atlantic Avenue
3. BOA 3046 S Atlantic Daytona Beach Shores Appraisal

RESOLUTION 2021-07

A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA AUTHORIZING THE MAYOR AND CITY STAFF TO OFFER TO PURCHASE PROPERTY AT 3046 SOUTH ATLANTIC AVENUE, AND TO CONTINUE NEGOTIATIONS AT THE DISCRETION OF ABOVE

WHEREAS, the City Council of the City of Daytona Beach Shores hereby expresses its desire for the purchase of property located at 3046 South Atlantic Avenue, Daytona Beach Shores, FL 32118 (“Property”); and

WHEREAS, the City of Daytona Beach Shores desires to utilize the Property as part of its larger park system adjacent to the subject property. The City has an immediate need for additional parking for special events held at the park and its facilities. The city further desires to integrate this property into both its park system and public safety complex; and

WHEREAS, the City Council finds that the purchase of the Property is in the best interest of the citizens of the City of Daytona Beach Shores, and such Property is needed for a necessary public use; and

WHEREAS, the city has received an appraisal on the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA THAT:

Section 1. The City Council hereby acknowledges the above Whereas provisions and adopts same as legislative findings.

Section 2. The City of Daytona Beach Shores City Council hereby authorizes the Mayor, City Manager and other staff to propose an offer to purchase the property located at 3406 South Atlantic, Daytona Beach Shores, FL 32118.

Section 3. The city council hereby authorizes a purchase offer not to exceed \$900,000 dollars with terms to be negotiated by the Mayor, City Manager and staff.

Section 4. Said authorization shall be effective upon adoption of this resolution.

Section 5. Actual purchase of the subject parcel would be handled with the assistance of the City Attorney.

Section 6. This resolution shall be effective upon adoption by the City Council of the City of Daytona Beach Shores.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, THIS _____ DAY OF _____, 2021.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

GRETCHEN R. H. "BECKY" VOSE, CITY ATTORNEY



Volusia County Property Appraiser

123 W. Indiana Ave., Rm. 102

DeLand, FL. 32720

Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 4085548

Parcel ID: 532706030160

NC1-001-03-81

3046 S ATLANTIC AVE, DAYTONA BEACH SHORES, FL

Parcel Summary

Alternate Key:	4085548
Parcel ID:	532706030160
Township-Range-Section:	15 - 33 - 27
Subdivision-Block-Lot:	06 - 03 - 0160
Owner(s):	NC1-001-03-81 - FS - Fee Simple - 100 BARNETT BANK OF VOLUSIA COUNTY - FS - Fee Simple - 100
Mailing Address On File:	101 N TRYON ST CHARLOTTE NC 28255
Physical Address:	3046 S ATLANTIC AVE, DAYTONA BEACH SHORES 32118
Property Use:	2300 - FINANCIAL
Tax District:	403-DAYTONA BEACH SHORES
2020 Certified Millage Rate:	20.3552
Neighborhood:	7362
Business Name:	BANK OF AMERICA
Subdivision Name:	
Homestead Property:	No

AltKey: 4085548

Parcel ID: 532706030160

NC1-001-03-81

3046 S ATLANTIC AVE, DAYTONA BEACH SHORES, FL

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	\$769,943	\$769,943	\$0	\$769,943	1.5000	\$1,154.91
0012	DISCRETIONARY	\$769,943	\$769,943	\$0	\$769,943	0.7480	\$575.92
0011	REQ LOCAL EFFORT	\$769,943	\$769,943	\$0	\$769,943	3.6590	\$2,817.22
0050	GENERAL FUND	\$769,943	\$769,943	\$0	\$769,943	5.4500	\$4,196.19
0055	LIBRARY	\$769,943	\$769,943	\$0	\$769,943	0.5174	\$398.37
0520	MOSQUITO CONTROL	\$769,943	\$769,943	\$0	\$769,943	0.1781	\$137.13
0530	PONCE INLET PORT AUTHORITY	\$769,943	\$769,943	\$0	\$769,943	0.0880	\$67.76
0058	VOLUSIA ECHO	\$769,943	\$769,943	\$0	\$769,943	0.0000	\$0.00
0057	VOLUSIA FOREVER	\$769,943	\$769,943	\$0	\$769,943	0.1052	\$81.00
0059	VOLUSIA FOREVER I&S 2005	\$769,943	\$769,943	\$0	\$769,943	0.0783	\$60.29
0065	FLORIDA INLAND NAVIGATION DISTRICT	\$769,943	\$769,943	\$0	\$769,943	0.0320	\$24.64
0100	HALIFAX HOSPITAL AUTHORITY	\$769,943	\$769,943	\$0	\$769,943	0.9879	\$760.63
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	\$769,943	\$769,943	\$0	\$769,943	0.2287	\$176.09
0241	DAYTONA BCH SHRS I&S 2006	\$769,943	\$769,943	\$0	\$769,943	1.7350	\$1,335.85
0240	DAYTONA BEACH SHORES	\$769,943	\$769,943	\$0	\$769,943	5.0476	\$3,886.36
						20.3552	\$15,672.34

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			\$0.00

Estimated Ad Valorem Tax: \$15,672.34

Estimated Non-Ad Valorem Tax: \$0.00

Estimated Taxes: \$15,672.34

Estimated Tax Amount without SOH: \$15,672.34

AltKey: 4085548**Parcel ID: 532706030160****NC1-001-03-81****3046 S ATLANTIC AVE, DAYTONA BEACH SHORES, FL****Previous Years Certified Tax Roll Values**

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2020	\$405,000	\$365,273	\$770,273	\$770,273	\$0	\$770,273	\$0
2019	\$405,000	\$346,526	\$751,526	\$751,526	\$0	\$751,526	\$0
2018	\$405,000	\$335,704	\$740,704	\$740,704	\$0	\$740,704	\$0
2017	\$360,000	\$332,359	\$692,359	\$692,359	\$0	\$692,359	\$0
2016	\$360,000	\$315,438	\$675,438	\$675,438	\$0	\$675,438	\$0
2015	\$360,000	\$284,237	\$644,237	\$644,237	\$0	\$644,237	\$0
2014	\$360,000	\$262,705	\$622,705	\$622,705	\$0	\$622,705	\$0
2013	\$360,000	\$241,886	\$601,886	\$601,886	\$0	\$601,886	\$0
2012	\$360,000	\$249,828	\$609,828	\$609,828	\$0	\$609,828	\$0

AltKey: 4085548

Parcel ID: 532706030160

NC1-001-03-81

3046 S ATLANTIC AVE, DAYTONA BEACH SHORES, FL

Land Data

#	Land Use	Type	Units	Acres	Sq Feet	FF	Depth	Rate	Just Value
1	2300-FINANCIAL	S-SQUARE FEET			45000			9	\$405,000

Total Land Value: \$405,000

AltKey: 4085548

Parcel ID: 532706030160

NC1-001-03-81

3046 S ATLANTIC AVE, DAYTONA BEACH SHORES, FL

Miscellaneous Improvement(s)

#	Type	Year	Area	Units	Depreciated Value
1	PVA-PAVING ASPHALT	1983	24385	1	\$9,169
2	PFL-LIGHT, PARKING LOT	1983	1	5	\$541
3	PVC-PAVING CONCRETE	1983	1574	1	\$3,196
4	RTN-FENCE, WALL RETAINING	1983	789	1	\$1,925
5	ILP-PUMP ISLAND	1983	512	1	\$809
6	WFN-FENCE, WOOD	1998	44	1	\$220

AltKey: 4085548

Parcel ID: 532706030160

NC1-001-03-81

3046 S ATLANTIC AVE, DAYTONA BEACH SHORES, FL

Sales History

NOTE: This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description and/or recorded and indexed with the Clerk of the Court. Follow this link to search all documents by owner's name.

Book/Page	Inst #	Sale Date	Deed Type	Q/U	V/I	Sale Price
2752 / 1707		10/15/1985	WD-WARRANTY DEED	UNQUALIFIED	Improved	\$100
2278 / 0136		06/15/1981	WD-WARRANTY DEED	UNQUALIFIED	Vacant	\$250,000

AltKey: 4085548

Parcel ID: 532706030160

NC1-001-03-81

3046 S ATLANTIC AVE, DAYTONA BEACH SHORES, FL

Recent Neighborhood Sales

Alt Key	Address	City	Property Class	NBHD	Sale Date	Sale Price
3463641	3348 S ATLANTIC AVE	DAYTONA BEACH SHORES	PS100-STORES 1 STORY	7362	05/12/2021	\$515,000
3420021	2400 S ATLANTIC AVE	DAYTONA BEACH SHORES	2200-REST, DRIVE-IN	7362	05/06/2021	\$275,000
3569148	3624 S ATLANTIC AVE	DAYTONA BEACH SHORES	\$200-STORE/OFF/RES	7362	05/04/2021	\$450,000
3409787	2216 S ATLANTIC AVE	DAYTONA BEACH SHORES	PS100-STORES 1 STORY	7362	03/19/2021	\$287,000
3420811	2416 S ATLANTIC AVE	DAYTONA BEACH SHORES	2300-FINANCIAL	7362	12/08/2020	\$280,000
3409752	2120 S ATLANTIC AVE	DAYTONA BEACH SHORES	PS100-STORES 1 STORY	7362	07/07/2020	\$475,000
3409752	1/2-2120 S ATLANTIC AVE	DAYTONA BEACH SHORES	PS100-STORES 1 STORY	7362	07/07/2020	\$475,000
3418271	2222 S ATLANTIC AVE	DAYTONA BEACH SHORES	PS100-STORES 1 STORY	7362	02/04/2020	\$330,000
3418271	2224 S ATLANTIC AVE	DAYTONA BEACH SHORES	PS100-STORES 1 STORY	7362	02/04/2020	\$330,000

AltKey: 4085548

Parcel ID: 532706030160

NC1-001-03-81

3046 S ATLANTIC AVE, DAYTONA BEACH SHORES, FL

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

IRREG PARCEL IN PART OF LOT 15 & LOTS 16 & 17 & PART OF LOT 18 BLK C & IN
BLK F MC ELROYS BELLEVIEW MB 11 PG 98 MEAS 150 FT ON SOUTH ATLANTIC AVE
& MEAS 300.8 FT ON N & S/L PER OR 2752 PG 1707

AltKey: 4085548**Parcel ID: 532706030160****NC1-001-03-81****3046 S ATLANTIC AVE, DAYTONA BEACH SHORES, FL****Permit List**

Permit Date	Permit #	Description	Contractor	Amount
02/16/2021	20210242	CHANGE OUT 6 EXISTING HVAC UNITS	HOWARD SERVICES	\$22,802
06/16/2016	20160724	PLUMBING FOR BANK REMODEL	PROFESSIONAL PLUMBIN	\$8,028
06/16/2016	20160391	INT & EXT RENOVOATIONS FOR ADA COMPLIANCE	SOUTHEAST GENERAL CO	\$65,000
10/01/1989	2185	ADDITION	MR PERMIT	\$244,630
08/18/1989	19890817041	WELL/PUMP/IRRIGATION	BOBS WELL DRILLING	\$0
08/18/1989	19890817042	WELL/PUMP/IRRIGATION	BOBS WELL DRILLING	\$0
10/01/1982	809	NC	MR PERMIT	\$236,000

REAL ESTATE APPRAISAL REPORT

Of
Former Bank Branch Site



3046 S Atlantic Ave
Daytona Beach Shores, Florida 32118

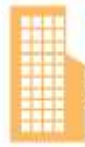
As of
July 8, 2021

Prepared For
Mr. Stewart Cruz, AICP
City Planner
City of Daytona Beach Shores
2990 S Atlantic Ave
Daytona Beach Shores, FL 32118
Client File: None

Prepared by
COOKSEY & ASSOCIATES, INC.

T. James Cooksey, MAI, CCIM
State-Certified General Real Estate Appraiser
RZ343

File Number: 9298



July 21, 2021

Mr. Stewart Cruz, AICP
City Planner
City of Daytona Beach Shores
2990 S Atlantic Ave
Daytona Beach Shores, FL 32118

Re: Appraisal Report, Real Estate Valuation
Former Branch Bank Site
3046 S Atlantic Ave
Daytona Beach Shores, Florida 32118
File Number: 9298

Dear Mr. Cruz:

At your request, I have prepared the following appraisal report which is a summary of the analysis applied to develop an opinion of market value for the referenced property. This report has been prepared in accordance Uniform Standards of Professional Practice (USPAP) Standards Rule 2-2(a) and is intended to conform to the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, applicable state appraisal regulations.

The purpose of this appraisal is to form an "As Is" Market Value opinion of the Fee Simple interest under market conditions prevailing as of July 8, 2021, the date of the most recent inspection of the subject.

The subject property is a former Bank of America branch. The building, constructed in 1983, has an area of 3,613 square feet with a 1,623 square foot canopy for drive-in lanes. Given recent trends in banking, the improvements suffer functional obsolescence and have limited remaining economic life, if any. The site area is 45,000 square feet with 150' frontage on Atlantic Avenue.

Based on the intended use of the appraisal and considering the subject's physical and economic characteristics, I have prepared an appropriate scope of work to provide for a credible value result. The scope included: **1)** An interior and exterior inspection of the subject property was made, and photographs taken.; **2)** An analysis of current economic factors as they pertain to the subject property type; **3)** Collection, verification and analysis of land sales and comparable sales of similar properties; **4)** and development of the sales comparison approach to value.

Your attention is directed to the Limiting Conditions and Assumptions section of this report (page 6). Acceptance of this report constitutes an agreement with these conditions and assumptions.

Based on the valuation analysis in the accompanying report, and subject to the definitions, assumptions and limiting conditions expressed in the report my opinion of the Market Value of the Fee Simple estate of the subject property as of July 8, 2021, is:

\$900,000
Nine Hundred Thousand Dollars

Respectfully submitted,
Cooksey & Associates, Inc.

T. James Cooksey, MAI, CCIM
State-Certified General Real Estate Appraiser
RZ343

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Summary of Important Facts and Conclusions

<i>Property Type</i>	Retail	
<i>Real Estate Appraised</i>	3046 S Atlantic Ave Daytona Beach Shores, Florida 32118	
<i>Property Rights Appraised</i>	Fee Simple	
<i>Client</i>	Mr. Stewart Cruz, AICP City of Daytona Beach Shores	
<i>Client File Number</i>	None	
<i>Intended Use of Appraisal</i>	Purchase Decision Making	
<i>Intended User</i>	Client	
<i>Census Tract</i>	826.05	
<i>MSA</i>	Daytona Beach	
<i>Estimated Exposure Time:</i>	12 to 18 months	
<i>Land Size</i>	1.03 ± acres	45,000 ± square feet
<i>Building Size</i>	3,343 ± square feet	
<i>Flood Hazard</i>	A	
<i>Zoning Classification</i>	GC-2 Retail/Service Commercial District	
<i>Highest and Best Use</i>	As Though Vacant As Now Improved	Retail sales, restaurant, and other services Retail redevelopment
<i>Effective Value Date</i>	July 8, 2021	
<i>Report Preparation Date</i>	July 21, 2021	
<i>Final Value Conclusion(s)</i>	As Is	
Value Conclusion(s)	\$900,000	

Overview

Scope of Work

According to the Uniform Standards of Professional Appraisal Practice, it is the appraiser's responsibility to develop and report a scope of work that results in credible results that are appropriate for the appraisal problem and intended user(s). The elements to be considered are summarized below in addition to the typical client expectations and typical appraisal work by peers for similar assignments.

Assignment Elements

The problem to be solved is to estimate the 'as is' market value of the subject property. This purpose necessitates identification of seven assignment elements listed below.

- | | | |
|----|--|--|
| 1. | The Client <i>(the person who engaged the appraisal and an intended user)</i> | Mr. Stewart Cruz, AICP
City of Daytona Beach Shores |
| 2. | Other Intended Users | None |
| 3. | Intended Use of Report <i>(To aid)</i> | Purchase Decision Making |
| 4. | Standard / Definition of Value Used to Form the Value Opinion | Market Value |
| 5. | Key Dates | |
| | Effective Value Date
<i>(point in time the value applies)</i> | July 8, 2021 |
| | Report Preparation Date
<i>(date the report was prepared)</i> | July 21, 2021 |
| | Date Property Appraised was Observed by One or More Appraisers Signing this Report | July 8, 2021 |
| 6. | Assignment Conditions | |
| | Extraordinary Assumptions:
An extraordinary assumption is defined by USPAP to be " <i>an assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinion or conclusions</i> ". | None |
| | Hypothetical Conditions:
USPAP defines a hypothetical condition as "that which is contrary to what exists but is supposed for the purpose of analysis". | None |

Relevant Characteristics

The 7th assignment element is relevant characteristics about the property appraised. These characteristics are typically categorized as physical, legal, and economic.

Details about the physical attributes of the property appraised are presented later in the Subject section of this report. Some relevant characteristics considered are listed below. Atypical issues are detailed elsewhere herein.

Unless specifically stated otherwise, the estate appraised (listed below) assumes no adverse leases, liens or encumbrances other than normal covenants and restrictions of record.

7a. Physical

Existing Property Use	Bank Branch
Property Use Reflected in One or More Value Opinions	Redevelopment
Sources of Information About the Property Appraised	Inspection, Public Records, Information provided by the client, etc.

7b. Legal

Category of Property Appraised	Real Property
Property Rights Appraised	Fee Simple

7c. Economic

Effect of Lease(s) on Value	N/A
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Extent of Services Provided

Number of Final Value Opinions Developed	1
Report Preparation Complies with Requirements Set Forth in USPAP Standard Rule	This is an Appraisal Report as defined by Uniform Standards of Professional Appraisal Practice under Standards Rule 2-2(A). This format provides a summary of the appraisal process, subject and market data and valuation analyses.
Format	Summary - Style
Other Client Requirements	None
Extent of Data Research	Adequate
Economic Data Sources	CCIM Site To Do Business; CoStar; National Association of Realtors, MLS, local government, Appraisal Institute publications
Data Verification	Direct and Third Party
Extent Of Subject Observation by One or More Appraisers Signing Report	An exterior inspection of the subject property was made, and photographs taken.

Other Intended Use Considerations

Client's Prior Engagement of Appraisal Services	Occasional
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Appraisal Development

Appraisal development is the extent of research and analyses that produce one or more credible opinions of value for one or more specifically identified intended users and an explicitly stated intended use. In this context, credible is defined as "worthy of belief".

The appraisal development process included the following tasks:

- observation of the property appraised
- research for appropriate market data
- data verification
- consideration of influential market area, physical, economic, and governmental factors
- determination of the subject's highest and best use.
- development of the sales comparison approach to value
- reconciliation of value indications
- preparation of this report

According to USPAP, all approaches that are applicable to the interest being appraised and necessary to produce credible results must be developed. The type of highest and best use; extent of feasibility considered; and the relevance of each major approach are listed below.

Highest and Best Use	Highest and best use analyses can be categorized into two different levels of detail - inferred and fundamental. A fundamental analysis forecasts demand from broad demographic and economic data like population and income. An inferred analysis is based on local trends and patterns from which inferences are made. Inferred analyses emphasize historical data while fundamental analyses are based on future projections.
	A(n) inferred analysis was prepared.
Cost Approach	Not Applicable
Sales Comparison	Developed
Income Approach	Not Applicable

Definitions

Definition of As Is Market Value: As is market value is defined as, "The estimate of the market value of real property in its current physical condition, use, and zoning as of the appraisal's effective date." (Source: *The Dictionary of Real Estate Appraisal, Fifth Edition, Appraisal Institute, Chicago, Illinois, 2010; also Interagency Appraisal and Evaluation Guidelines, Federal Register, 75 FR 77449, December 10, 2010, page 77471*)

Per Interagency; Appraisal and Evaluation Guidelines, December 10, 2010, Federal Register, Volume 75 Number 237, Page 77472

Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;
- Both parties are well informed or well advised, and acting in what they consider their own best interests;
- A reasonable time is allowed for exposure in the open market;
- Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

A **Fee Simple** estate is defined as:

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.¹

- 1) on-insurable items. This Value is not market or cash value but rather it is entirely a cost concept.²

¹ Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 5th ed. (Chicago: Appraisal Institute, 2010).

² CoreLogic/James R Favor & Company, LLC, *Replacement Cost Presentation* (Appraisal Institute, July 2016)

Limiting Conditions and Assumptions

Acceptance of and/or use of this report constitutes acceptance of the following limiting conditions and assumptions; these can only be modified by written documents executed by both parties.

1. This appraisal is to be used only for the purpose stated herein. While distribution of this appraisal in its entirety is at the discretion of the client, individual sections shall not be distributed; this report is intended to be used in whole and not in part.
2. Real estate values are affected by many changing factors. Therefore, any value opinion expressed herein is considered credible only on the effective value date. Every day that passes thereafter, the degree of credibility wanes as the subject changes physically, the economy changes, or market conditions change
3. No part of this appraisal, its value estimates or the identity of the firm or the appraiser(s) may be communicated to the public through advertising, public relations, media sales, or other media.
4. All files, work papers and documents developed in connection with this assignment are the property of Cooksey & Associates, Inc. Information, estimates and opinions are verified where possible, but cannot be guaranteed. Plans provided are intended to assist the client in visualizing the property; no other use of these plans is intended or permitted.
5. No hidden or unapparent conditions of the property, subsoil or structure, which would make the property more or less valuable, were discovered by the appraiser(s) or made known to the appraiser(s). No responsibility is assumed for such conditions or engineering necessary to discover them. Unless otherwise stated, this appraisal assumes there is no existence of hazardous materials or conditions, in any form, on or near the subject property.
6. Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyl, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, was not called to the attention of the appraiser nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test for such substances. The presence of such hazardous substances may affect the value of the property. The value opinion developed herein is predicated on the assumption that no such hazardous substances exist on or in the property or in such proximity thereto, which would cause a loss in value. No responsibility is assumed for any such hazardous substances, nor for any expertise or knowledge required to discover them.
7. If this appraisal values the subject as though construction, repairs, alterations, remodeling, renovation, or rehabilitation will be completed in the future, it is assumed such work will be completed in a timely fashion, using non-defective materials, and proper workmanship. All previously completed work is assumed to substantially conform to plans, specifications, descriptions, or attachments made or referred to herein. It is also assumed all planned, in-progress, or recently completed construction complies with the zoning ordinance, and all applicable building codes. A prospective value opinion has an effective value date that is beyond or in the future and can be effected by unforeseen events.
8. Comments or descriptions about physical condition of the improvements, if any, are based solely on a superficial visual observation. Electric, heating, cooling, plumbing, water supply, sewer or septic, mechanical equipment, and other systems were not tested. No determination was made regarding the operability, capacity, or remaining physical life of any component in, on, or under the real estate appraised. All building components are assumed adequate and in good working order unless stated otherwise. Private water wells and private septic systems are assumed sufficient to comply with federal, state, or local health safety standards. No liability is assumed for the soundness of structural members since structural elements were not tested or studied to determine their structural integrity. The roof cover for all structures is assumed water tight unless otherwise noted. Comments regarding physical condition are included to familiarize the reader with the property. This document is not an engineering or architectural report.
9. Any estimate for repairs is a non-warranted opinion of the Appraiser
10. Good title, free of liens, encumbrances and special assessments is assumed. No responsibility is assumed for matters of a legal nature.

11. Necessary licenses, permits, consents, legislative or administrative authority from any local, state or Federal government or private entity are assumed to be in place or reasonably obtainable.
12. It is assumed there are no zoning violations, encroachments, easements or other restrictions which would affect the subject property, unless otherwise stated.
13. The appraiser(s) are not required to give testimony in Court in connection with this appraisal. If the appraisers are subpoenaed pursuant to a court order, the client agrees to pay the appraiser(s) Cooksey & Associates, Inc.'s regular per diem rate plus expenses.
14. Appraisals are based on the data available at the time the assignment is completed. Amendments/modifications to appraisals based on new information made available after the appraisal was completed will be made, as soon as reasonably possible, for an additional fee.

Disclosures

Professional Standards

All leading professional appraisal organizations, the U.S. Congress, all state legislatures, and numerous legal jurisdictions recognize the Uniform Standards of Professional Appraisal Practice (USPAP), promulgated by the Appraisal Foundation. Revised biennially to keep it contemporary, these standards set forth ethical practices and proper procedures for a competent appraisal. This appraisal fully complies with all relevant portions of the USPAP version in effect on the date this report was prepared. It also complies with the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA), a federal law.

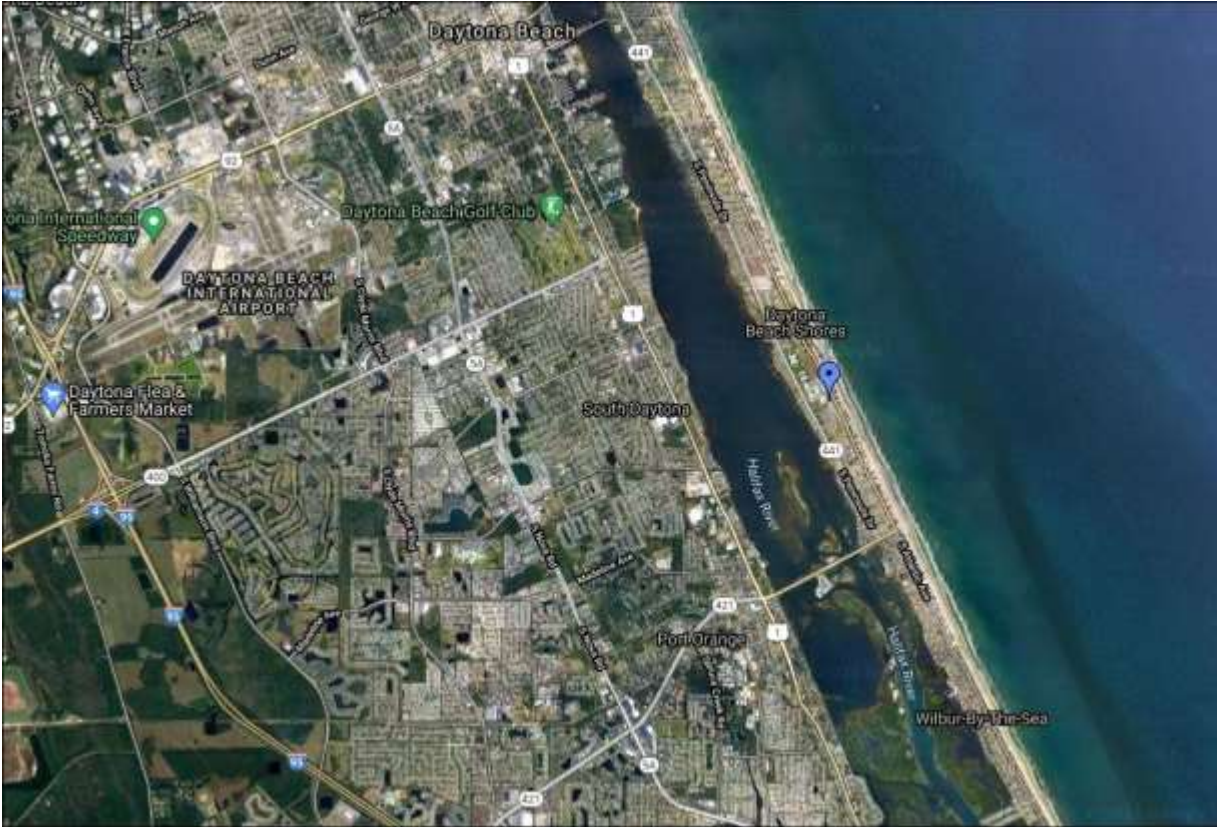
Competency

I have 35 years' experience with this property type in the market area.

Market Area & Neighborhood Overview

Surrounding Market Area

This is the area that most directly influences the subject's real estate market. A map of the surrounding area is shown below.

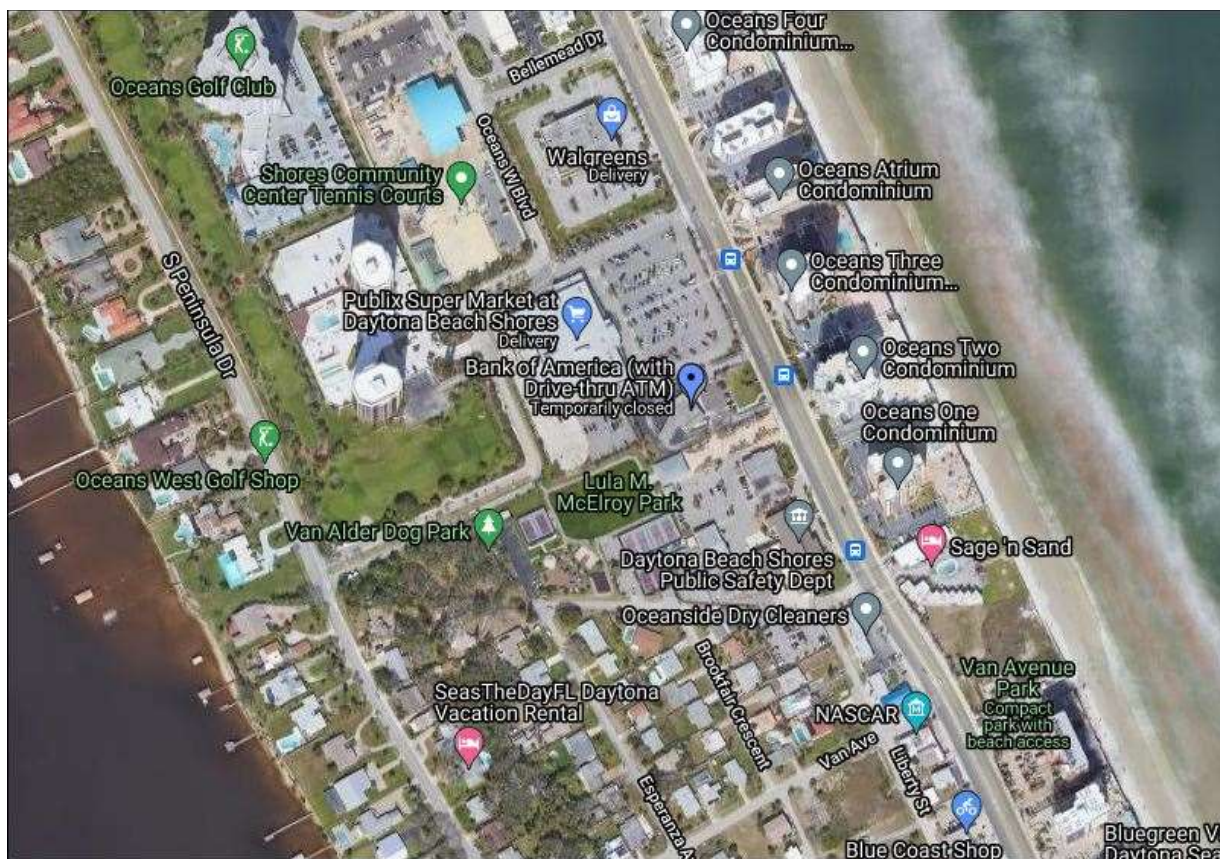


The city of Daytona Beach Shores was incorporated in 1960. The city is bordered on the north by Daytona Beach and the south by Port Orange. Located on the barrier island, it is comprised of only ± 1 square mile with an estimated population of $\pm 4,500$. 80% of the population reside in condominiums. As a resort and retirement community, the economy is based on tourism and services.

The subject location is next to the only Publix shopping center serving the barrier island from Daytona Beach to Ponce Inlet.

Immediate Environment

North: Publix Shopping Center
South: Commercial Uses
East: Residential Uses/Hotels
West: Residential Uses



Life Cycle Stage

Stable – some new multi-family development

Demand Generators

Retirees and tourists

Appraiser's Summary of Area Influences

Favorable for stable to appreciating property values.

Access & Linkages

Atlantic Avenue (SR A1A) is a divided four lane highway. Access to the mainland is to the south via the Dunlawton Ave bridge or to the north via the Int'l Speedway Blvd or Silver Beach Ave bridges.

Subject Street traffic count	15,000
Major East/West Street:	Dunlawton Ave – 1.2 Mile South
Major North/South Street:	Atlantic Ave
Distance to I-95	8 miles
Distance to I-4	10 miles

Subject Property

Identification of the Property

The subject property is a former Bank of America branch. The building, constructed in 1983, has an area of 3,613 square feet with a 1,623 square foot canopy for drive-in lanes. Given recent trends in banking, the improvements suffer functional obsolescence and have limited remaining economic life, if any.

Legal Description

IRREG PARCEL IN PART OF LOT 15 & LOTS 16 & 17 & PART OF LOT
18 BLK C & IN BLK F MC ELROYS BELLEVIEW MB 11 PG 98 MEAS 150
FT ON SOUTH ATLANTIC AVE & MEAS 300.8 FT ON N & S/L PER OR

Current Ownership & Sale History

The current owner of record is NC1-001-03-81 & Barnett Bank of Volusia County.

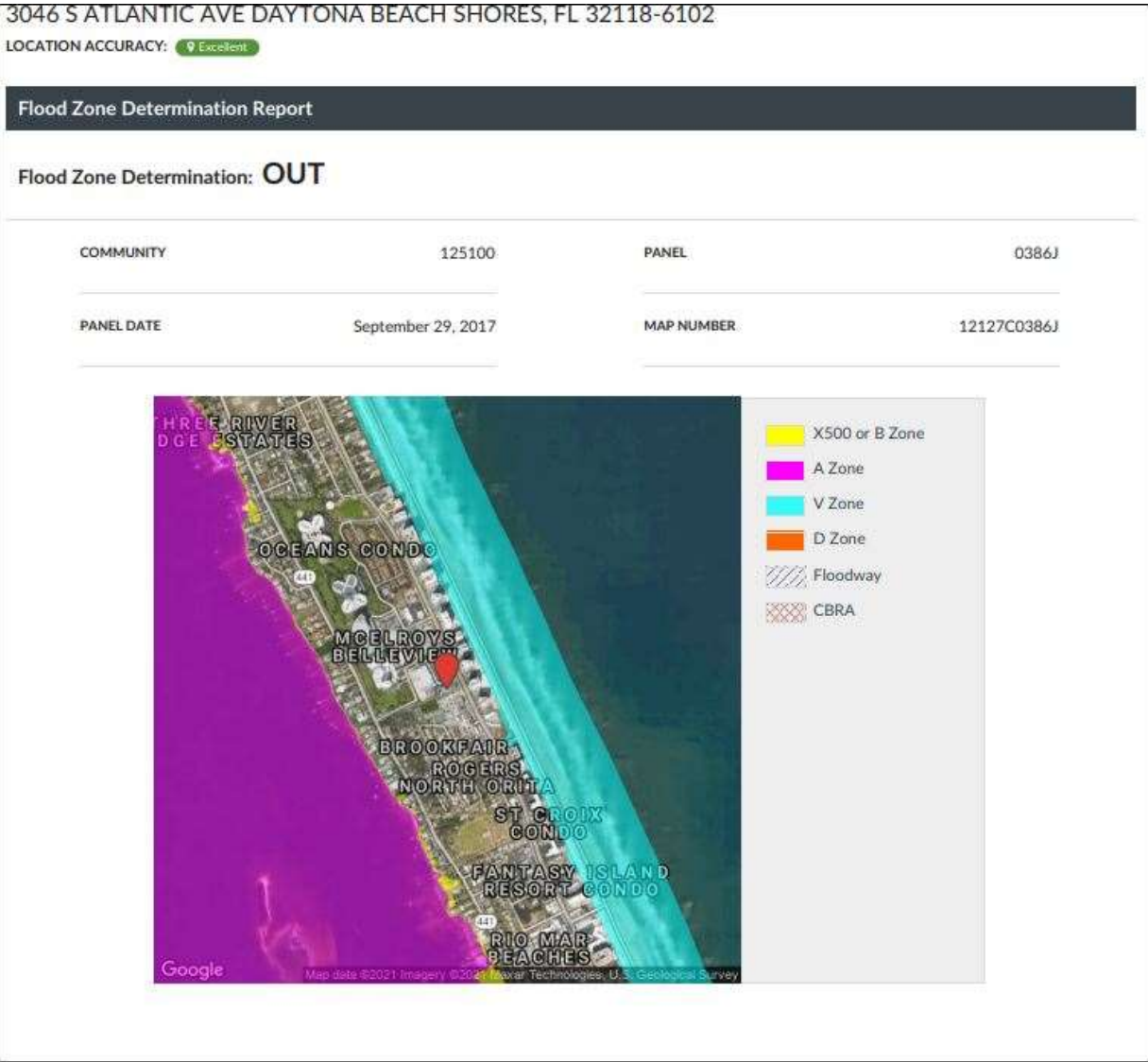
A search of public records indicates there has been no sale of the subject property in the previous three years.

Site Description

Location:	West Side of Atlantic Avenue, adjacent to Publix shopping center
Current Use of the Property:	Vacant Bank Branch
Site Size:	Total: 1.03 acres; 45,000 square feet
Frontage/Access:	The subject property has access with frontage as follows: Atlantic Ave: 145 feet The site has an average depth of 300 feet. It is a Mid-Block lot.
Utilities:	All Available
Site Improvements:	Parking, landscaping and Irrigation
Flood Zone:	The subject is located in an area mapped by the Federal Emergency Management Agency (FEMA), identified as flood zone A. The subject is located in a flood plain: No FEMA Map Number: 12127C0386J FEMA Map Date: 09-29-2017 Flood Maps published by FEMA are not precise. If anyone desires a precise determination of the subject's flood hazard classification, a professional engineer, licensed surveyor, or local government authority
Site Comments:	Good location next to Publix Shopping Center

Shape:	Rectangular
Access:	Average
Traffic Count:	15,000 Vehicles Per Day On Atlantic Ave
Exposure Rating:	Good

Flood Map



Aerial Map



Improvements Description

The subject property is a former Bank of America branch. The building, constructed in 1983, has an area of 3,613 square feet with a 1,623 square foot canopy for drive-in lanes. Given recent trends in banking, the improvements suffer functional obsolescence and have limited remaining economic life, if any.

Subject Photographs



View From Atlantic Ave



View From Rear of Property Facing East



Atlantic Avenue Facing North



Atlantic Avenue Facing South

Assessment and Taxes

Taxing Authority Volusia County
Assessment Year 2020

Assessment Summary	
County Appraised Value	
Parcel Number	532706030160
Land	\$405,000
Improvements	\$365,273
Total Just Value	\$770,273
Taxable Value	\$770,273
Millage Rate	20.3552
Tax Rate Per	\$1,000
Real Estate Taxes	\$15,679
Non-Ad Valorem	\$0
Total Taxes	\$15,679
Payment Status	Current
Amount Due	\$0

Comments

The target ratio of assessed value to market value is 85%. An analysis of recent sale transactions, however, indicate a wide range of ratios from 30% - 100%. This type of analysis generally does not yield a credible indication of value.

Zoning

Land Use Controls	
Zoning Jurisdiction	City of Daytona Beach Shores
Zoning Code	GC-2
Zoning Description	Retail/Service Commercial District. Permitted Uses include a variety of retail, restaurant, lodging, vehicle related and service uses, plus special exception uses. the c-1 district is slightly more restrictive..
Zoning Density	35% Maximum Lot Coverage
Actual Density of Use	11.28%
Current Use Legally Conforming	Yes
Zoning Change Likely?	No
Minimum Lot Size	7,500 SF
Set Back & Side Yard Distances	20' Front, 20' Rear, None Side
Maximum Building Height	45'

Analysis & Conclusions

Real Estate Market Cycles

Prior to the onset of the COVID-19 pandemic the area was in its 9th year of robust expansion. New home construction has continued at record pace furred to great extent with the in-migration of retirees and second home buyers. The pandemic has had the greatest impact on the Lodging, Food & Beverage and Retail sectors.

Real Estate Like Subject

Sales Market

New Construction	Some multi-family
Inventory of Competing Property For Sale	Limited
Expected Near Future Price Change	Increasing
Marketing Times	Stable
Overall Market Conditions	Stable

Property Strengths & Weaknesses

Strengths: Good location at community shopping center.

Weaknesses: Small permanent population base. Most commercial uses dependent on tourism.

Highest and Best Use

Process

The highest and best use of the property must be determined for both the subject site as though vacant, and for the property as currently improved (if applicable). The highest and best use must be:

1. Physically possible for the site.
2. Permitted under the zoning laws and deed restrictions that apply to the site.
3. Economically feasible.
4. The use which will produce the highest net return on investment (i.e. highest value) from among the possible, permissible, and economically feasible uses.

As Vacant

Possible Use

As detailed in the site description section, the site's physical characteristics should reasonably accommodate any use that is not restricted by its size of 1.03 acres, or 45,000 square feet.

Permissible Use

Zoning codes, land use plans, easements, and private deed restrictions often restricts permitted uses. The site is zoned GC-2, Retail/Service Commercial District. Permitted uses include a variety of retail, restaurant, lodging, vehicle related and service uses, plus special exception uses. the c-1 district is slightly more restrictive.. Given prevailing land use patterns in the area, and recognizing the principle of conformity, retail uses are given further consideration in determining highest and best use of the site, as if vacant.

Feasible Use

Financially Feasible Uses include restaurants and other retail sales and services.

Maximum Profitability

Retail sales, restaurant, and other services.

As Improved

The subject property is a former Bank of America branch. The building, constructed in 1983, has an area of 3,613 square feet with a 1,623 square foot canopy for drive-in lanes. Given recent trends in banking, the improvements suffer functional obsolescence and have limited remaining economic life, if any.

Most Probable Buyer:

Developer

Sales Comparison Approach

Introduction

The Sales Comparison Approach is based on the premise that a buyer would pay no more for a specific property than the cost of obtaining a property with the same quality, utility, and perceived benefits of ownership. It is based on the principles of supply and demand, balance, substitution and externalities. It includes the following steps.

- The market in which the subject property competes is investigated; comparable sales, contracts for sale and current offerings are reviewed.
- The most pertinent data is further analyzed and the quality of the transaction is determined.
- The most meaningful unit of value for the subject property is determined.
- Each comparable sale is analyzed and where appropriate, adjusted to equate with the subject property.
- The value indication of each comparable sale is analyzed and the data reconciled for a final indication of value via the Sales Comparison Approach.

Comparable Sales

I have researched several comparables for this analysis; these are documented on the following pages. They include 2 former branch bank locations and 2 prime vacant sites. All sales have been researched through numerous sources.

Land Sale No. 1



Property Identification

Property Type	Commercial Land
Address	1650 S Atlantic Ave
City, State Zip	New Smyrna Beach, Florida 32169
County	Volusia

Sale Data

Seller	South Atlantic Investors
Buyer	Ghaneshay Investors Investments
Sale Date	12-16-2020

Land Data

Total Land Size	1.03 acres or 45,000 SF
Topography	Generally Level, Open
Front Footage	200
Traffic Count	15,300
In Flood Plain?	No. Zone X
Zoning Code	B-2 Neighborhood Business
Proposed Use	Convenience Store

Indicators

Price/Gross SF	\$27.78 per SF
Price/Front Foot	\$6,250.00

Remarks

Purchased for Convenience Store

Land Sale No. 2



Property Identification

Property Type	Retail Land
Address	1300 S Atlantic Ave
City, State Zip	New Smyrna Beach, Florida 32169
County	Volusia

Sale Data

Seller	First Federal Savings Bank of New Smyrna
Buyer	NSB Capital Group, LLC
Sale Date	11-02-2021
Property Rights	Fee Simple
Conditions of Sale	Arm's length

Land Data

Total Land Size	1.01 acres or 44,050 SF
Topography	Generally Level
Front Footage	300
Traffic Count	4,000
In Flood Plain?	No. Zone X
Zoning Code	B-2 Neighborhood Business
Proposed Use	Restaurant

Indicators

Price/Gross SF	\$22.70 per SF
Price/Front Foot	\$3,333.33

Remarks

Sale of a former Regions Bank branch building. Sale price is equivalent to land value. Buyer is Boston's Seafood restaurant across the street. They will use the building for their catering operations as well as lease the first floor to a deli.

Land Sale No. 3



Property Identification

Property Type	Office Land
Address	3807 S Clyde Morris Blvd
City, State Zip	Port Orange, Florida 32129
County	Volusia

Sale Data

Seller	Palmetto #4, LLC
Buyer	Clean Streak Ventures, LLC
Sale Date	07-01-2021
Property Rights	Fee Simple
Conditions of Sale	Arm's length

Land Data

Total Land Size	1.29 acres or 56,192 SF
Topography	Clear, Level
Front Footage	230
Traffic Count	12,500
In Flood Plain?	No. Zone X
Zoning Code	CC Community Commercial

Indicators

Price/Gross SF	\$16.91 per SF
Price/Front Foot	\$4,130.43

Remarks

Closing date estimated based on the contract date and inspection period. Buyer will build a car wash.

Land Sale No. 4



Property Identification

Property Type	Commercial Land
Address	2970 S. Atlantic Ave.
City, State Zip	Daytona Beach Shores, Florida 32118
County	Volusia

Sale Data

Seller	Laverne B Fisher, LLC
Buyer	JPMorgan Chase Bank, NA
Sale Date	12-12-2019
Deed Book/Page	7786-3809
Property Rights	Fee Simple
Conditions of Sale	Arm's length

Land Data

Total Land Size	1.70 acres or 74,052 SF
Topography	Below Grade
Front Footage	S Atlantic
Traffic Count	15,000
In Flood Plain?	. Zone
Zoning Code	BGC-1 Business, General Commercial
Proposed Use	Bank Branch

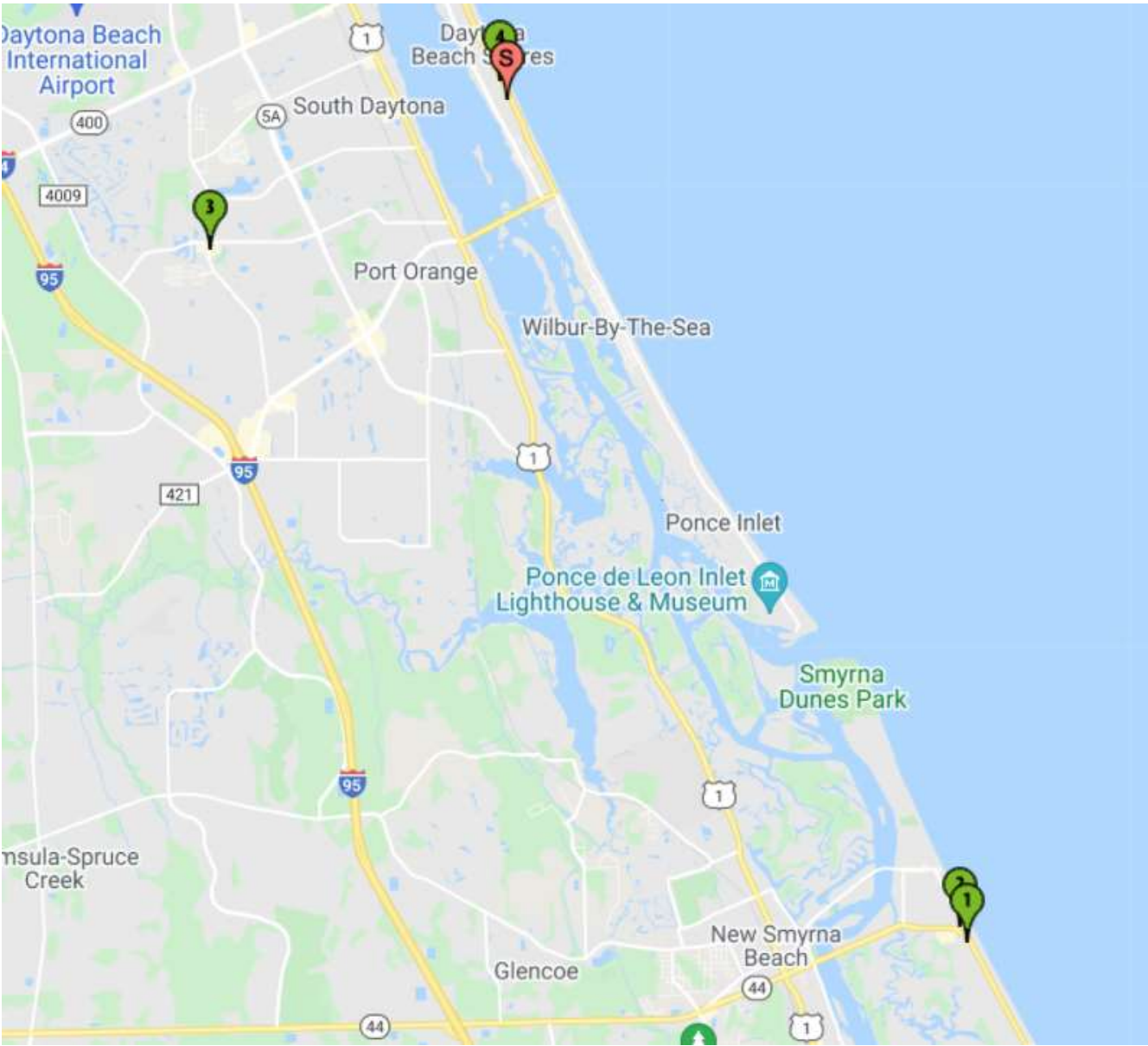
Indicators

Price/Gross SF	\$16.88 per SF
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Remarks

This was the sale of the former Oceans Sales Center, a 4,160 SF office building that was razed for construction of a new Chase Bank location.

Location Map



Comparison Analysis

The sales have been analyzed and compared with the subject property. I have considered adjustments for differences in the most pertinent areas summarized below:

	Subject	Comparable 1	Comparable 2	Comparable 3	Comparable 4
Address	3046 S Atlantic Ave Daytona Beach Shores	1650 S Atlantic Ave New Smyrna Beach	1300 S Atlantic Ave New Smyrna Beach	3807 S Clyde Morris Blvd Port Orange	2970 S. Atlantic Ave. Daytona Beach Shores
City					
Sale Date	N/A	12/16/2020	In-Contract	In-Contract	12/12/2019
Sale Price	N/A	\$1,250,000	\$1,000,000	\$950,000	\$1,250,000
Sale Price/ SF		\$27.78	\$22.70	\$16.91	\$16.88
Property Rights	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Adjustment		0%	0%	0%	0%
Financing			Conventional	Unknown	Unknown
Adjustment		0%	0%	0%	0%
Conditions of Sale			Arm's length	Arm's length	Arm's length
Adjustment		0%	0%	0%	0%
Market Conditions	7/8/2021	12/16/2020	11/2/2020	7/1/2021	12/12/2019
Adjustment		0%	0%	0%	10%
Adj Price / SF		\$27.78	\$22.70	\$16.91	\$18.57
Location	Beachside Commercial	New Smyrna	New Smyrna	Suburban - Good	Beachside Commercial
Comparison					
% Adjustment		-10%	-10%	10%	0%
\$ Adjustment		-\$2.78	-\$2.27	\$1.69	\$0.00
Gross Land Size (SF)	45,000	45,000	44,050	56,192	74,052
Comparison					
% Adjustment		0%	0%	0%	0%
\$ Adjustment		\$0.00	\$0.00	\$0.00	\$0.00
Main Frontage	145	200	300	230	
Comparison					
% Adjustment		0%	0%	0%	0%
\$ Adjustment		\$0.00	\$0.00	\$0.00	\$0.00
Utilities	Adequate	Adequate	Adequate	Adequate	All available
Comparison					
% Adjustment		0%	0%	0%	0%
\$ Adjustment		\$0.00	\$0.00	\$0.00	\$0.00
Zoning	GC-2	B-2	B-2	CC	BGC-1
Comparison					
% Adjustment		0%	0%	0%	0%
\$ Adjustment		\$0.00	\$0.00	\$0.00	\$0.00
Final Adjusted Price		\$25.00	\$20.43	\$18.60	\$18.57

Analysis of Sales

Property Rights

Rights conveyed may be leased fee, fee simple, leasehold or partial interests. Unless noted otherwise, the property interests conveyed are similar.

Financing

Seller Financing or assumption of existing financing at non-market terms may have influence the purchase price.

Conditions of Sale

Extraordinary motivations on the part of the seller or buyer may influence the sale price.

Market Conditions

This considers changes in the economic environment of time that affect value. These include local, national and worldwide economies. Demand for beachside real estate has steadily increased. An upward adjustment for market conditions was applied to the 2019 sale.

Location

This considers influences in the market or submarket area and surrounding land uses. The New Smyrna Beach locations serve a more densely populated area with high average household incomes. Those sales are adjusted -10%

Buildings

The branch bank locations were purchased for land value only. Sale 1 for additional parking for adjacent restaurant and Sale 2 for a convenience store.

Sales Comparison Approach Conclusion

The adjusted values of the comparable properties used in this analysis are shown in the chart below. All of the value indications have been considered in arriving at my final reconciled value:

Land Value Conclusion	Per SF	Value Indication
Min. adj. Price/SF	\$18.60	\$836,900
Max. adj. Price/SF	\$25.00	\$1,125,000
Avg adj. Price/SF	\$21.34	\$960,400
Reconciled Value/SF	\$20.00	\$900,000

Nine Hundred Thousand Dollars

Exposure Time

Terminology abounds in the real estate appraisal profession. Two related but different concepts that are often confused are Exposure Time and Marketing Time. USPAP specifically addresses the confusion.

Term	Definition	Explanation
Exposure Time (Statement 6)	<i>"... the estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal".</i>	Backward looking; ends on the effective value date. Based on factual, past events.
Marketing Time (Advisory Opinion 7)	<i>"... an opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value during the period immediately after the effective date of the appraisal".</i>	Forward looking; starts on the effective value date. A forecast based on expectancies of future occurrences.

Marketing time and exposure time are both influenced by price. That is, a prudent buyer could be enticed to acquire the property in less time if the price were less. Hence, the time span cited below coincides with the value opinion(s) formed herein. We estimate an "As Is" marketing time of approximately 12 to 18 months.

USPAP Standard rule 1-2(c)(iv) requires an opinion of exposure time, not marketing time, when the purpose of the appraisal is to estimate market value. We estimate and "As Is" exposure time of approximately 12 to 18 months.

Certification Statement

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions and conclusions.
- I have no present or prospective future interest in the property that is the subject of this report, and have no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report, or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions and conclusion were developed, and this report has been prepared in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, which includes the Uniform Standards of Professional Appraisal Practice.
- Use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- T. James Cooksey is a designated member of the Appraisal Institute and has completed the continuing education program prior to this preparation date.
- I certify sufficient competence to appraise this property through education and experience, in addition to the internal resources of the appraisal firm.
- The appraiser has not performed any prior services regarding the subject within the previous three years of the appraisal date.
- T. James Cooksey has personally inspected the subject property.

A handwritten signature in black ink, appearing to read 'T. James Cooksey', written in a cursive style.

T. James Cooksey, MAI, CCIM
State-Certified General Real Estate Appraiser
RZ343

Addenda

Client Engagement Letter



COOKSEY & ASSOCIATES, INC.
Real Estate Appraisals • Reviews • Consultation
www.cookseyassociates.com

Phone: 386.252.1293

1230 N. U.S. Highway 1, Suite 20 • Ormond Beach, FL 32174

Fax: 386.254.6992

June 21, 2021

Mr. Stewart Cruz, AICP
City Planner, City of Daytona Beach Shores
2990 S Atlantic Ave
Daytona Beach Shores, FL 32118
386-763-5361
Scruz@cityofdbss.org

Re: 3046 S Atlantic Ave
Daytona Beach Shores, FL 32118

Dear Mr. Cruz:

Thank you for giving us the opportunity to provide appraisal services for the above referenced property. This letter serves as a formal agreement, upon acceptance, to prepare an appraisal with the following scope.

Report Type	Narrative Appraisal Report
Intended Use	Purchase Decision Making
Intended Users	Client
Property Interest	Fee Simple
Appraisal Scope	Inferred Analysis, Interior/Exterior Inspection, All Applicable Approaches to Value
Effective Date	Current
Property Type	Retail-Bank Branch
Parcel Number/s	532706030160

The appraisals will be prepared in accordance with the Uniform Standards of Professional Practice and subject to the attached Standard Assumptions & Limiting Conditions.

Our report will be submitted to you within approximately four weeks from acceptance at a fee of \$2,500. If you agree to the terms of this proposal, please indicate your authorization to proceed by signing below and sending via fax to 386-254-6992 or email to info@cookseyassociates.com.

We look forward to being of service.

Sincerely,

Cooksey & Associates, Inc.

T. James Cooksey, MAI, President
St. Cert. Gen. RZ343

Accepted:

Title *City Plgr.*
Date *6/22/21*

Limiting Conditions and Assumptions

Acceptance of and/or use of this report constitutes acceptance of the following limiting conditions and assumptions; these can only be modified by written documents executed by both parties.

This appraisal is to be used only for the purpose stated herein. While distribution of this appraisal in its entirety is at the discretion of the client, individual sections shall not be distributed; this report is intended to be used in whole and not in part.

No part of this appraisal, its value estimates or the identity of the firm or the appraiser(s) may be communicated to the public through advertising, public relations, media sales, or other media.

All files, work papers and documents developed in connection with this assignment are the property of Cooksey & Associates. Information, estimates and opinions are verified where possible, but cannot be guaranteed. Plans provided are intended to assist the client in visualizing the property; no other use of these plans is intended or permitted.

No hidden or unapparent conditions of the property, subsoil or structure, which would make the property more or less valuable, were discovered by the appraiser(s) or made known to the appraiser(s). No responsibility is assumed for such conditions or engineering necessary to discover them. Unless otherwise stated, this appraisal assumes there is no existence of hazardous materials or conditions, in any form, on or near the subject property.

Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyl, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, was not called to the attention of the appraiser nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test for such substances. The presence of such hazardous substances may affect the value of the property. The value opinion developed herein is predicated on the assumption that no such hazardous substances exist on or in the property or in such proximity thereto, which would cause a loss in value. No responsibility is assumed for any such hazardous substances, nor for any expertise or knowledge required to discover them.

Unless stated herein, the property is assumed to be outside of areas where flood hazard insurance is mandatory. Maps used by public and private agencies to determine these areas are limited with respect to accuracy. Due diligence has been exercised in interpreting these maps, but no responsibility is assumed for misinterpretation. Absolute determination requires an elevation certificate by a qualified surveyor.

Good title, free of liens, encumbrances and special assessments is assumed. No responsibility is assumed for matters of a legal nature.

Necessary licenses, permits, consents, legislative or administrative authority from any local, state or Federal government or private entity are assumed to be in place or reasonably obtainable.

It is assumed there are no zoning violations, encroachments, easements or other restrictions which would affect the subject property, unless otherwise stated.

The appraiser(s) are not required to give testimony in Court in connection with this appraisal. If the appraisers are subpoenaed pursuant to a court order, the client agrees to pay the appraiser(s) Cooksey & Associates' regular per diem rate plus expenses.

Appraisals are based on the data available at the time the assignment is completed. Amendments/modifications to appraisals based on new information made available after the appraisal was completed will be made, as soon as reasonably possible, for an additional fee.

Qualifications of Appraiser

T. James Cooksey, MAI, CCIM, AI-GRS

State-Certified General Real Estate Appraiser RZ343

Licensed Real Estate Broker

Education

Bachelor of Arts Degree, Behavioral Science, University of South Florida, 1973 with minor studies in accounting & economics.

Partial List of Specialized Appraisal & Real Estate Education:

Course 101 - Introduction to Appraising Real Property, 1976
Course 102 - Applied Residential Property Valuation, 1984
Course 201 - Principles of Income Property Appraising, 1984
Course 202 - Applied Income Property Valuation, 1985
Appraisal Regulations of the Federal Banking Agencies Seminar, 1991
Case Studies, University of San Diego, Appraisal Institute, June 10-15, 1991
Litigation Valuation, University of Colorado, Appraisal Institute, June, 1992
Business Valuation Parts I & II, Appraisal Institute, 1996
Market Analysis of Commercial Real Estate, CIREA, 1997
Eminent Domain – September 27, 1998
Highest & Best Use Applications – Appraisal Institute 1998
Partial Interest Valuation, Divided – Appraisal Institute, September 8, 2000
Marina Valuation – International Marina Institute, January 2002
Separating Real & Personal Property from Intangible Business Assets, May 2002
Subdivision Analysis-November 2003
Eminent Domain Conference – CLE, Tampa October 2004
Computer Enhanced Cash Flow Modeling, Appraisal Institute, February 2006
Uniform Appraisal Standards for Federal Land Acquisitions, April 2007
Analyzing Distressed Real Estate, December 2007
Supervisor/Trainee Roles & Relationships, November 2010
Ad Valorem Tax Consultation, 2010
Small Hotel/Motel Valuation, Appraisal Institute, 2010
Feasibility, Market Value, Investment Timing: Option Value, Appraisal Institute 2010
Business Practices and Ethics, Appraisal Institute December 2012
Appraisal Curriculum Overview – General, Appraisal Institute, November 2012
Review Theory – General, Appraisal Institute July 2014
Real Estate Damages, Appraisal Institute, Randall Bell, MAI, PhD, April 2018
Advanced Land Valuation – Sound Solutions – Appraisal Institute, January 2018
Ignorance Isn't Bliss – Understanding an Investigation by a State Regulatory Board, Appraisal Institute, November 2018
USPAP and Florida Law Update, McKissock, November 2018
Transferred Value – Appraisal Institute, June 2020
Trial Components – Appraisal Institute, July 2020
Valuation of Donated Real Estate Including Conservation Easement June 2020

Employment History

Military	1968-1970 USAF, Weather Observer
Banking	1974 – 1976 Florida National Bank, St. Petersburg, FL, Credit Analyst 1976 – 1981 Ellis Banking Corporation, Bradenton, Flagler County and Ormond Beach, FL; Holding Company Staff Auditor, Bank Operations & Vice President, Commercial Lending
Appraisal	1981 – Present. Cooksey & Associates, f/k/a Massie Appraisal Company acquired after retirement of founder E.R. Massie, Jr. MAI, JD in 1987
Teaching	Adjunct professor Daytona Beach Community College, Real Estate Appraisal State Certification (AB1) 1989 - 1992

Appraisal Experience

Vacant land and acreage, subdivisions, farms, single family residences, mobile home parks, condominiums, motels, timeshare projects, banking facilities, warehouses, industrial facilities, apartment projects, retail stores, neighborhood and community shopping centers, office buildings, gas station/convenience stores, restaurants, condemnation/litigation and market/feasibility studies.

Partial List of Clients:

In addition to area law and accounting firms we serve the following institutions:

Bank of America	Florida Community Bank	City of Port Orange
Fifth Third	PNC	City of Daytona Beach
National City Bank	Main Street Bank	Florida Power & Light
RBC Bank	Surety Bank	FDIC
Wells Fargo	Gateway Bank	Harbor Community Bank
Floridian Bank	Regions Bank	Dept. of Natural Resources
Intracoastal Bank	Prosperity Bank	International Speedway Corp
Flagler County School Board	BB&T	City of Flagler Beach
Halifax Health Systems	Flagler County Commission	Daytona State College
City of Ormond Beach	Volusia County Public Works	Embry Riddle University
Space Coast Credit Union	Florida Hospital – Adventist Health	Bethune- Cookman University

Qualified Expert Witness

District Courts in Volusia, Flagler and Alachua Counties. Federal Bankruptcy Courts in Jacksonville and Tampa.

Professional Memberships

- MAI - Member of the Appraisal Institute
- CCIM, Certified Commercial Investment Member - Commercial Investment Real Estate Institute
- AI-GRS, Appraisal Institute. General Review Appraiser
- State of Florida Certified General Real Estate Appraiser #0000343
- Licensed Real Estate Broker, Member of Daytona Beach, Board of Realtors
- Past President - Appraisal Institute, Volusia/Flagler Chapter, 1991;
- Past President, Ormond Beach Rotary Club,

Continuing Education Requirement

The Appraisal Institute conducts a program of continuing education for its designated members. Members who meet the minimum standards of this program are awarded periodic educational certification. I have completed the requirements under the continuing education program of the Appraisal Institute.



Ron DeSantis, Governor

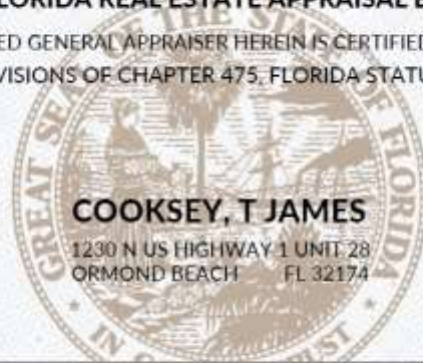
Halsey Beshears, Secretary



**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

FLORIDA REAL ESTATE APPRAISAL BD

THE CERTIFIED GENERAL APPRAISER HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 475, FLORIDA STATUTES



COOKSEY, T JAMES

1230 N US HIGHWAY 1 UNIT 28
ORMOND BEACH FL 32174

LICENSE NUMBER: RZ343

EXPIRATION DATE: NOVEMBER 30, 2022

Always verify licenses online at MyFloridaLicense.com



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This is your license. It is unlawful for anyone other than the licensee to use this document.



**CITY COUNCIL AGENDA MEMORANDUM
JULY 27, 2021 AGENDA**

TO: Honorable Mayor and Members of the City Council
FROM: Nancy Maddox, Recreation Director
PREPARED BY: Nancy Maddox, Recreation Director
SUBJECT: Economic Development Existing Business Expansion Grant Reimbursement

SYNOPSIS:

On April 28, 2020 the City Council approved an Economic Development Existing Business Expansion Grant Application 12020014: Daytona Diner Outdoor Dining Improvements located at 2043 S. Atlantic Avenue, Daytona Beach Shores. The total cost of the project was bid at \$28,963.58 and the grant award was approved at \$14,481.79. The owner has completed the project and the total cost was \$30,891.77. The owner was unable to do the decorative panels because the HOA of the building would not approve them but the cost of the project was more than the projected \$28,963.58 because of the cost of materials have increased so much. Staff has received all expense receipts from the owner verifying her expenses and the owner has received approval from the building official.

FISCAL IMPACT STATEMENT:

\$14,481.79

BACKGROUND:

On July 9, 2019 the Daytona Beach Shores City Council approved Economic Development Ordinance 2019-06. Sec. (4)(d) states "lease subsidies may be made only to, or for the benefit of, a tenant and may only be used for development and renovations to real property or lease payments as determined by the City Council." Lease subsidies and business expansion grants are capped at \$20,000.

LEGAL REVIEW:

Approved as to the extent allowed by the ordinance.

RECOMMENDATION:

Staff recommends approval to reimburse the owner, Daytona Diner.

SUGGESTED MOTION:

1. "I move to approve to reimburse the owner, Daytona Diner of \$14,481.79."

OR

1. "I move to approve to reimburse the owner, Daytona Diner with the following conditions/amendments..."

OR

1. "I move to deny to reimburse the owner, Daytona on the basis of"

ATTACHMENT: 1. Daytona Diner reimbursement



**CITY COUNCIL AGENDA MEMORANDUM
APRIL 28, 2020 AGENDA**

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Economic Development Grant Application 12020014: Daytona Diner Outdoor Dining Improvements-2043 S. Atlantic Avenue

SYNOPSIS:

On February 26, 2020, the City received Economic Development Grant application 12020014 from Daytona Diners, LLC, owner of the Daytona Diner restaurant located at 2043 S. Atlantic Avenue. The restaurant is situated on the east side of S. Atlantic Avenue on the Castaways Resort property and is open to the general public. The application is for a lease subsidy renovation grant that would facilitate the expansion of the business by constructing an outdoor dining area. Based on the two bids provided, the lowest total cost of the project is \$28,963.58. In line with the Economic Development Committee guidelines and previous action by the City Council, ie a dollar for dollar match capped at \$20,000, if approved, the grant would be in the amount of \$14,481.79.

FISCAL IMPACT STATEMENT:

This is a budgeted item.

BACKGROUND:

On July 9, 2019 the Daytona Beach Shores City Council approved Economic Development Ordinance 2019-06. Sec. Four (a) of the ordinance establishes a Commercial lease Subsidy Program while Sec. Four (d) states "lease subsidies may be made only to, or for the benefit of, a tenant and may only be used for development and renovations to real property or lease payments as determined by the City Council." Lease subsidies are capped at \$20,000.

On March 10, 2020, the City Council agreed to take formal action on amending Ordinance 2019-06 at a future City Council meeting. However, the City Council also directed staff to halt the processing of any new Economic Development applications although existing and completed applications already in the pipeline may continue to be processed accordingly. The Daytona Diner application meets this criteria.

In addition to extending its current lease for five years, the Daytona Diner establishment is proposing to expand their existing business by constructing an outdoor dining area on the ocean side of the restaurant. The outdoor dining expansion area is approximately 512 square feet and will cater to owners with pets and those who enjoy beachfront views. If established, the outdoor dining area will provide 24 seats and five tables and create two new jobs. The proposed work includes, among other things:

support columns, new ceiling, privacy fence, electrical work, new glass patio door, ADA ramp work, internal and external painting, etc.

LEGAL REVIEW:

RECOMMENDATION:

Due to the COVID-19 pandemic, the Economic Development Committee (EDC) did not have the opportunity to meet to discuss the grant as a group. However, multiple staff have individually reviewed the application consistent with Ordinance 2019-06 and the EDC's guidelines. Staff recommends approval of the grant and accompanying agreement in the amount of \$14,481.79.

NOTE: This amount applies a dollar for dollar match per the EDC guidelines.

SUGGESTED MOTION:

A City Council member may move as follows:

1. "I move to approve Economic Development Grant Application 12020014 and its accompanying grant agreement as presented."

OR

2. "I move to approve Economic Development Grant Application 12020014 and its accompanying grant agreement with the following conditions..."

OR

3. "I move to deny Economic Development Grant Application 12020014 and its accompanying grant agreement on the basis of the following..."

- ATTACHMENT:**
1. Daytona Diner-EDG Application 12020014-City Council Mtg
 2. ord 2019-06 economic development
 3. Daytona Diner Development -Renovation Agreement

DAYTONA BEACH SHORES ECONOMIC DEVELOPMENT PROGRAM

GRANT APPLICATION

12020014

12020014

(There is no entitlement to any reward, but the City encourages applications and the opportunity to work with applicants.)

DATE RECEIVED:

REFERENCE:

(Please Print)

524111
RECEIVED

FEB 26 2020

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

APPLICANT NAME: Daytona Diner
CONTACT PERSON (if an entity): Linda Toffolun
ADDRESS: 2043 S. Atlantic Ave.
CITY: DBS STATE: FL ZIP: 32118
TELEPHONE: 256-2603 FAX:
EMAIL ADDRESS: LTOFFOLUN@CFL.RR.COM

APPLICANT BUSINESS STRUCTURE:

(Please check all that apply)

☒ Sole proprietorship/individual

☐ Corporation

☐ Limited Liability Company

☐ Other

GRANT TYPE:

(Check one only)

Lease Subsidy

Other

☐ New Business (Buildout or Lease Subsidy)

☐ Land Purchase

☒ Existing Business Expansion

☐ Façade/Beautification

☐ Existing Business Relocation

☐ Alternative Grant Request

☐ Existing Business Lease Extension

PROJECT SITE INFORMATION:

Address: 2043 S. Atlantic Ave.

City: DBS

State: FL

Zip: 32118

Tax Parcel ID:

5316-30-00-0001

Page 1 of 9

BASE REAL PROPERTY VALUE:

Most recent City Taxable Value \$ Year:

Maximum New Investment Value \$

Certified by a licensed Florida Engineer or Architect \$

PROJECT DESCRIPTION:

Outdoor Seating. 24 Seats over looking the ocean. Extend property to include a removed back gate to allow handicap accessibility & parking. Enclose covered patio with privacy panels and additional fencing. Replace ceiling with metal Sheets to attain desired 50's diner theme.

PROJECT BENEFITS TO THE CITY:

Outdoor dining can let dog owners bring their pets with them. Can increase revenue thereby creating additional jobs. Will offer locals and visitors to our city a unique dining experience. Will enhance the look and value of the property. To my knowledge we are the only dog friendly restaurant in the Shores. We anticipate adding one to two additional employees.

REQUIRED PROJECT CHECKLIST:

- ☒ Certification by Applicant
- ☒ Application Authorization or Affidavit of Ownership
- ☒ Site plan, building plans, elevations and a detailed scope of work
- ☐ Business Plan
- ☐ Estimate by a Licensed Engineer or Architect ^{Contractor} certifying amount of new investment ☒
- ☐ Most recent property tax bill and truth in millage statement ☒

CERTIFICATION BY APPLICANT

The applicant certifies that all information in this application, and all information furnished in support of this application, is given for obtaining funds from the City of Daytona Beach Shores Economic Development Program and is true and complete to the best of the applicant's knowledge and belief.

If the applicant is not the owner of the property, or if the applicant is an organization rather than an individual, the applicant certifies that he/she has the authority to sign and enter into an agreement to perform the improvements on the property. Evidence of this authority must be attached.

Verification of any of the information contained in this application may be obtained from any source named herein.

It is further understood that all information obtained will be held in strict confidence and used for no other purposes by the City of Daytona Beach Shores inconsistent with controlling law. I have received and reviewed the program guidelines prior to submitting this application.

SIGNATURE:

Linda Toffola

DATE: 2-6-20'

PRINTED NAME:

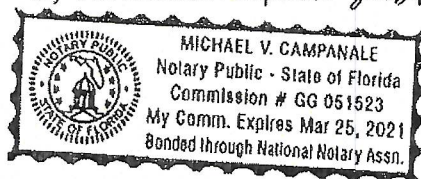
Linda Toffola

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 6th day of FEBRUARY, 20 20 by LINDA TOFFOLA, who is personally known to me, ~~OR who~~ has produced _____ as identification and did (did not) take an oath.

My commission expires: 2021'



Mike Campanale

Printed Name:
NOTARY PUBLIC

AFFIDAVIT OF OWNERSHIP*

PROPERTY ADDRESS:
TAX PARCEL ID:

Signed and sealed
in the presence of:

WITNESS #1 (Signature)

Evelyn Ellul

NAME PRINTED

EVELYN ELLUL

WITNESS #2 (Signature)

Elaine Fields

NAME PRINTED

ELAINE FIELDS

STATE OF FLORIDA

COUNTY OF VOLUSIA

OWNER (Printed Name)

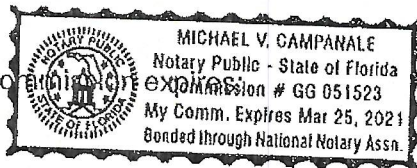
TIM BALAS

OWNER (Signature)

Tim Balas

The foregoing instrument was acknowledged before me this *6th* day of *Feb*, 2020
by *Tim BALAS, V.P.*, who is personally known to me, ~~OR who has~~
produced _____ as identification and did ~~(did not)~~ take an oath:

My co



Mike Campanale

Printed Name:
NOTARY PUBLIC

*NOTE: If more than one owner please provide additional affidavit of ownership
for each owner.

AUTHORIZATION TO APPLY

I, _____, am the owner of the following described property:

PROPERTY ADDRESS:

I do hereby authorize the following named individual or entity to apply for an Economic Development grant and enter into an agreement with the City of Daytona Beach Shores.

AUTHORIZED REPRESENTATIVE:
(IF APPLICABLE)

PROPERTY OWNER (1) (Print Name)

TIM BALAS

N/A
PROPERTY OWNER (2) (Printed Name)

PROPERTY OWNER (1) (Signature)

Tim Balas

N/A
PROPERTY OWNER (2) (Signature)

STATE OF FLORIDA

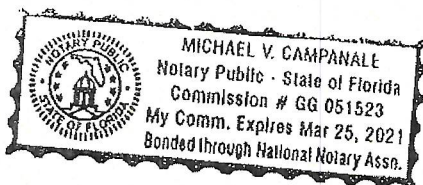
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this *6th* day of *February*, 2020' by *TIM BALAS, V.P.*, who is personally known to me, ~~OR who has produced~~ as identification and did ~~(did not)~~ take an oath.

MIKE CAMPANALE

Mike Campanale

My commission expires: *2021'*



Printed Name:
NOTARY PUBLIC



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Florida Profit Corporation
DAYTONA DINERS, INC.

Filing Information

Document Number P96000086979
FEI/EIN Number 59-3410150
Date Filed 10/21/1996
State FL
Status ACTIVE
Last Event AMENDMENT
Event Date Filed 05/27/2014
Event Effective Date NONE

Principal Address

2043 S. Atlantic Avenue
Daytona Beach Shores, FL 32118

Changed: 02/02/2014

Mailing Address

2967 S. Atlantic Avenue
Unit 401
Daytona Beach Shores, FL 32118

Changed: 02/17/2020

Registered Agent Name & Address

TOFFOLON, LINDA
2967 S. Atlantic Avenue
Unit 401
Daytona Beach Shores, FL 32118

Name Changed: 08/02/2011

Address Changed: 02/17/2020

Officer/Director Detail

Name & Address

Title D, President

TOFFOLON, LINDA

2967 S. Atlantic Avenue
Unit 401
Daytona Beach Shores, FL 32118

Title SV

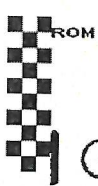
ARMSTRONG, MARLENE
P.O. BOX 290062
PORT ORANGE, FL 32129

Annual Reports

Report Year	Filed Date
2018	03/05/2018
2019	02/02/2019
2020	02/17/2020

Document Images

02/17/2020 -- ANNUAL REPORT	View image in PDF format
02/02/2019 -- ANNUAL REPORT	View image in PDF format
03/05/2018 -- ANNUAL REPORT	View image in PDF format
03/14/2017 -- ANNUAL REPORT	View image in PDF format
03/30/2016 -- ANNUAL REPORT	View image in PDF format
04/02/2015 -- ANNUAL REPORT	View image in PDF format
05/27/2014 -- Amendment	View image in PDF format
02/02/2014 -- ANNUAL REPORT	View image in PDF format
02/14/2013 -- ANNUAL REPORT	View image in PDF format
03/06/2012 -- ANNUAL REPORT	View image in PDF format
08/02/2011 -- ANNUAL REPORT	View image in PDF format
02/25/2011 -- REINSTATEMENT	View image in PDF format
01/10/2009 -- ANNUAL REPORT	View image in PDF format
01/14/2008 -- ANNUAL REPORT	View image in PDF format
01/08/2007 -- ANNUAL REPORT	View image in PDF format
02/03/2006 -- ANNUAL REPORT	View image in PDF format
01/16/2005 -- ANNUAL REPORT	View image in PDF format
03/23/2004 -- ANNUAL REPORT	View image in PDF format
03/12/2003 -- ANNUAL REPORT	View image in PDF format
02/26/2002 -- ANNUAL REPORT	View image in PDF format
04/18/2001 -- ANNUAL REPORT	View image in PDF format
03/08/2000 -- ANNUAL REPORT	View image in PDF format
03/10/1999 -- ANNUAL REPORT	View image in PDF format
02/27/1998 -- ANNUAL REPORT	View image in PDF format
01/17/1997 -- ANNUAL REPORT	View image in PDF format
10/21/1996 -- DOCUMENTS PRIOR TO 1997	View image in PDF format



Daytona Diner <ltoffolon65@gmail.com>

Daytona Diner 5 Year Lease Renewal / Extension....

message

impanale <campanale@aol.com>
x: ltoffolon65@gmail.com

Fri, Apr 17, 2020 at 11:38 AM

Linda,

The Castaways Board of Directors are pleased to inform you that your current **Diner Lease has been approved for a full five year extension effective immediately.** If you have any questions or need additional information or documentation, please do not hesitate to contact me at any time.... mvc

Michael V. Campanale
President

Castaways Beach Resort Condominium Association, Inc.
2043 South Atlantic Avenue
Daytona Beach Shores, FL 32118
Office - 386-255-1305
Home - 386-226-1087
Fax - 386-255-1381
campanale@aol.com

4/17/202

Bruce E. Butler
Daytona Beach, FL 32118
License #13VH05913500

Daytona Diner
2043 S Atlantic Ave
Daytona Beach Shore
FL 32118

Proposed Project: Create new outdoor seating capacity

Construct four new 16"x16"x48" concrete fence columns to support 3' aluminum fencing to match existing gate, move existing gate as shown in diagram supplied by owner. \$2,500

Cut existing sidewalk and pour new ramp access to parking lot for new entrance.
Also restrip parking lot to conform to drawing supplied by owner. \$1,700

Construct entrance gate with small metal roof and cedar gates. \$1,100

Paint exterior walls to match existing pattern in black and white diamonds. \$ 580

Build privacy screen above south facing wall and north facing opening using cedar framework, ss fasteners and aluminum privacy screen selected by owner. \$4,800

Construct concrete columns and metal framework from 2"x2"x1/4" to support proposed granite counter 36"x120". \$2,200

Create new ceiling using corrugated galvanized metal
and cedar framing, again using ss fasteners \$2,000

Paint patio area to resemble interior floor and walls of
diner. \$ 700

Have qualified electrician extend existing lighting as
needed. \$1,300

Replace existing door to patio by glass contractor. \$9,548

Total cost of project: **\$26,428**

Signed


Bruce E. Butler

Atlantic Breeze Construction LLC.**P.O. Box 291288****Port Orange, FL 32129****CBC1261432****518-572-0744****Proposal:****Daytona Diner****2043 Atlantic Avenue****Daytona Beach Shores, FL 32118****Attn: Linda Toffolon****Proposed Project;****Create new outdoor seating area****Date: April 12, 2020**

Construct four new 16"X16"X48" Concrete columns to support 3' aluminum fencing to match existing gate, move existing gate in diagram supplied by owner. **\$2900.00**

Cut existing concrete sidewalk and pour a new ADA compliant ramp access to parking lot. We will also stripe parking lot to specifications provided by owner. **\$1950.00**

Paint exterior walls to match existing pattern in black and white diamonds. **\$750.00**

We will construct a privacy screen above south facing wall and north facing opening using cedar framing, all stainless steel fasteners and aluminum privacy screen selected by owner. **\$5,150.00**

Construct concrete columns and aluminum framework from 2"X2"X1/4" to support proposed granite counter 36"X120". **\$2400.00**

Create new ceiling using corrugated galvanized metal and cedar framing,
using stainless steel fasteners.

\$2250.00

Paint patio area to match interior floor design inside diner.

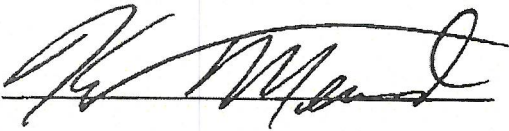
\$925.00

A certified electrician will extend existing lighting all done to local codes.

\$1550.00

We will replace existing door to the patio area, to be installed by an independent
Contractor, see attached quote.

Kevin Menard
President



Total Cost: \$17,875.00

Thank you for your valued business



Alpha Omega Glass and Mirror, LLC

151 Carswell Avenue • Daytona Beach, Florida 32117

PHONE (386) 239-9521 • FAX (386) 238-6066

www.alphaomegaglass.com

Monday, March 2, 2020

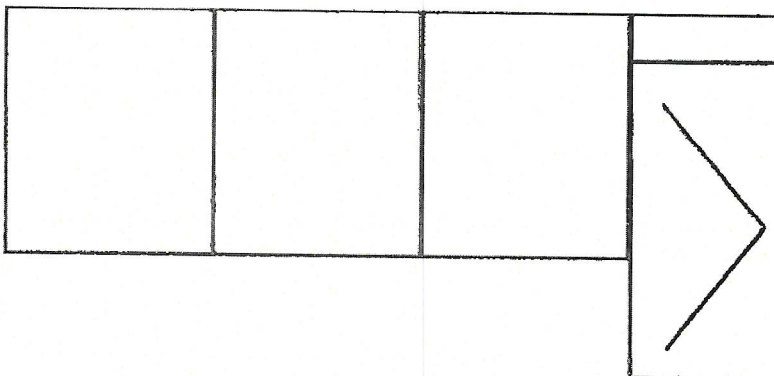
Linda Tiffolon | Daytona Diner – 386-453-1256

Project: 2043 S Atlantic Ave, Daytona Beach, FL 32118, FL

Subject: Storefront Entrance

To Provide and Install the following product based on the following conditions:

- **Scope of Work**
 - Install Large Missile Hurricane Impact Rated Storefront
- **Constraints on Proposal**
 - No Plans, Specifications, or Design Pressures received
 - Alpha Omega Glass carries insurance above that required by the state of Florida
 - Work to be completed during normal business hours. Mon-Fri, 7:00am-3:30pm
- **Products**
 - Aluminum Storefront Entrance
 - One (1) Opening w/ Single Door and Transom, and Windows
 - Large Missile Hurricane Impact Rated
 - 1-5/16" Laminated Insulated Glass
 - 2 1/2" x 5" Aluminum Framing
 - Medium Stile Doors w/ Standard 8" Bottom Rail
 - All Hardware is Manufacturer Standard w/ standard Finish
 - Tubular Push/Pull Handles, Butt Hinges, Surface Mounted Closers
 - MS Lock w/ Construction Cylinder & Thumb Turn. Final Cylinder by Others
- **Color/Finish**
 - Metal Framing: Dark Bronze Anodized
 - Glass: Standard Gray (Turtle Code Compliant)



Base Proposal

Base Price: (Sales Tax Included)	\$9,843.54
3.0% Discount for Payment by Cash or Check:	\$295.31
Discounted Cash Price:	\$9,548.23

****Must Pay Total Contract by Cash/Check to Receive Discounted Cash Price****

State Certified Glazing Contractor. License # SCC131151136

Page 1 of 2

Alpha Omega Glass and Mirror, LLC
Ph: (386) 239-9521, Fax: (386) 238-6066

The following items are specifically excluded from this estimate: Permits, Mock-ups, Special Samples, NFRC Testing, Shop Drawings, P.E. Licensed Stamps, Structural Calculations, Engineering, Cleaning and Protective/Strippable Coatings, Air Barriers, Applied Waterproofing, Special or Field Testing, Board-Up, Trims/Stucco/concrete/brick/drywall/paint/wallpaper/flooring repairs required prior to or as a result of this scope of work, Hurricane protection for non-impact framing, Structural Repairs or Modifications, Insurance in excess of Florida Statutory requirements. Final Cleaning, anything not specifically spelled out in this proposal.

Terms and Conditions: 50% Deposit. Balance Due Upon Completion. This quotation is valid for 30 days. Acceptance of this offer shall constitute an order and contract for the purchase of the items described herein. Payments made after the agreed term will receive a Finance Charge of 1-1/2% per month or 18% Annual Percentage Rate. In the event it shall become necessary for Alpha Omega Glass, LLC. to enforce any of the provisions of this agreement, the purchaser agrees to pay all costs and expenses associated with such enforcement including without limitation, reasonable attorney's fees, court costs, and appellate costs. Venue shall be in Volusia County, FL.

Adds to Base Proposal

- **Adds for Door Panel Upgrades:**
 - Upgrade to 10" Bottom Rail for ADA. **Add: \$36.00**
- **Adds for Door Hardware Upgrades:**
 - Upgrade to Manufacturer's Standard Panic Exit Device. **Add: \$981.00**
 - Upgrade to Heavy Duty Closer. **Add: \$98.00**
 - Upgrade to LCN 4041 Closer. **Add: \$335.00**

Building Permit

- **Option #1:**
 - Building Permit to be obtained and paid for by a General Contractor.

This Option Accepted By: Signed: _____, Print: _____
- **Option #2:**
 - Building Permit to be obtained by Alpha Omega Glass. Required if Building Permit is not obtained by a General Contractor. **Add: \$250.00 PLUS City's permit fees, plus any additional engineering fees required as a result of inquiries by the Building Official.**

This Option Accepted By: Signed: _____, Print: _____

Thank you,



Toby Herman
Estimator/Project Manager

Proposal Accepted by:

Signed: _____

Print: _____

Title: _____ Date: _____

Furniture
Total

\$2,535.58

Flash Furniture...
tore.com

X



\$498.87
X2
\$997.74



\$371.18
X2
\$742.36

Set of
2 bar
stools
\$198.87
X4
\$795.48



Black Pearl

Starting at

\$53¹⁰/sq. ft.

Buy A Sample

$$\$53.10 \times 20' = \$1,062$$

* included in estimate!

Screens Shop

★★★★★ 1 Review



See Gallery

\$369.99

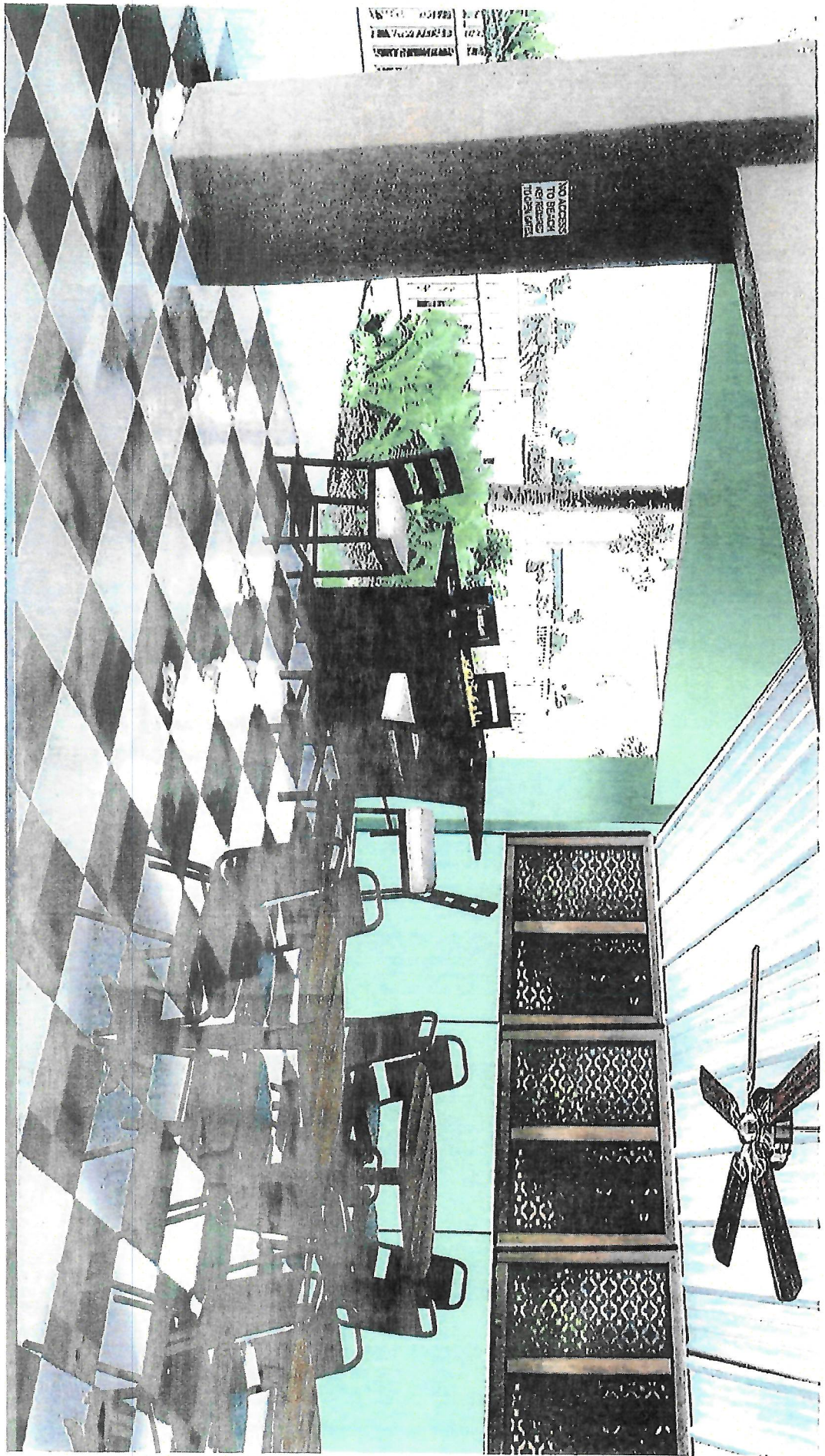
(6' H x 3' W)
panel

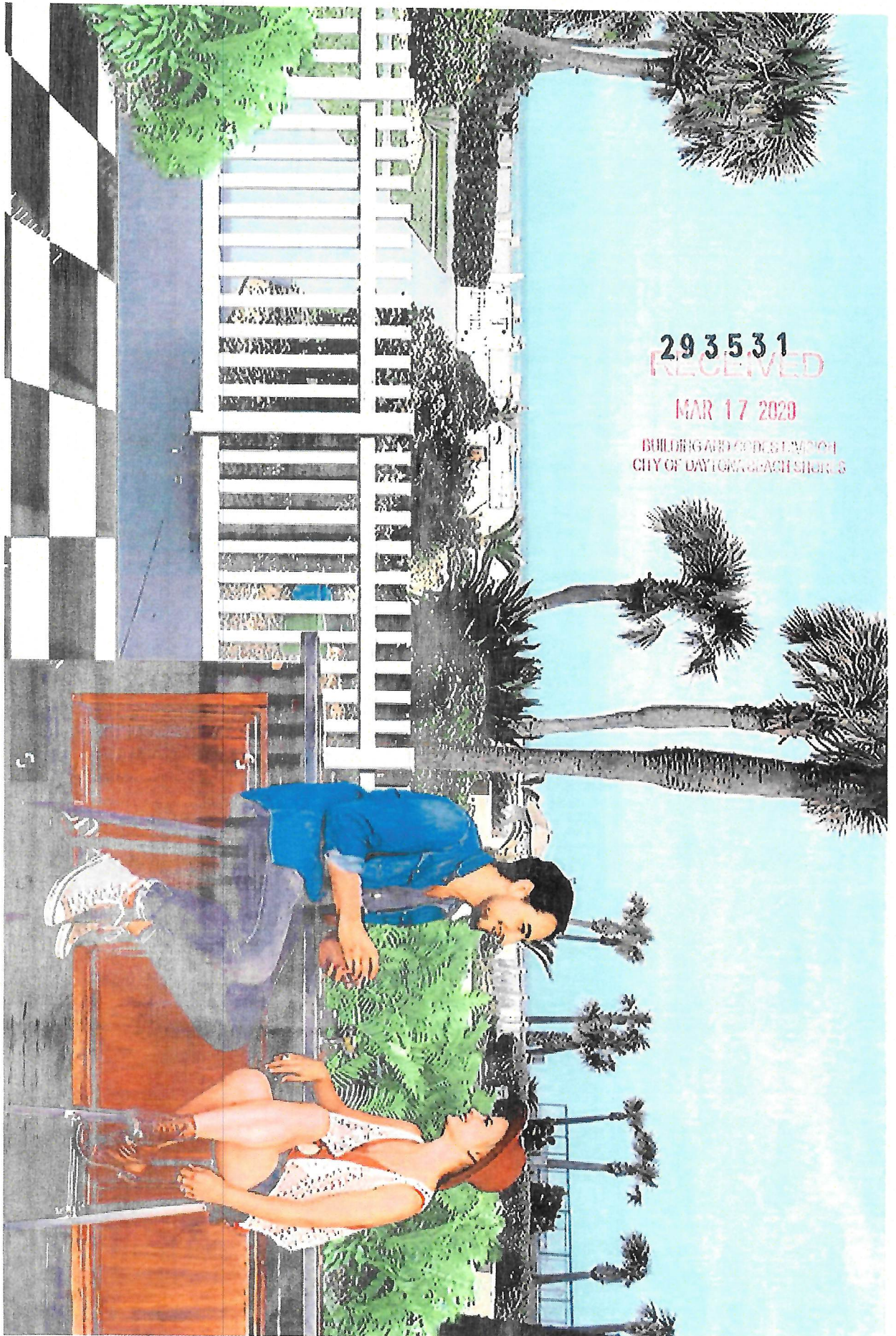
★ 1/2 panels = \$959.92

included in estimate

Existing
Area





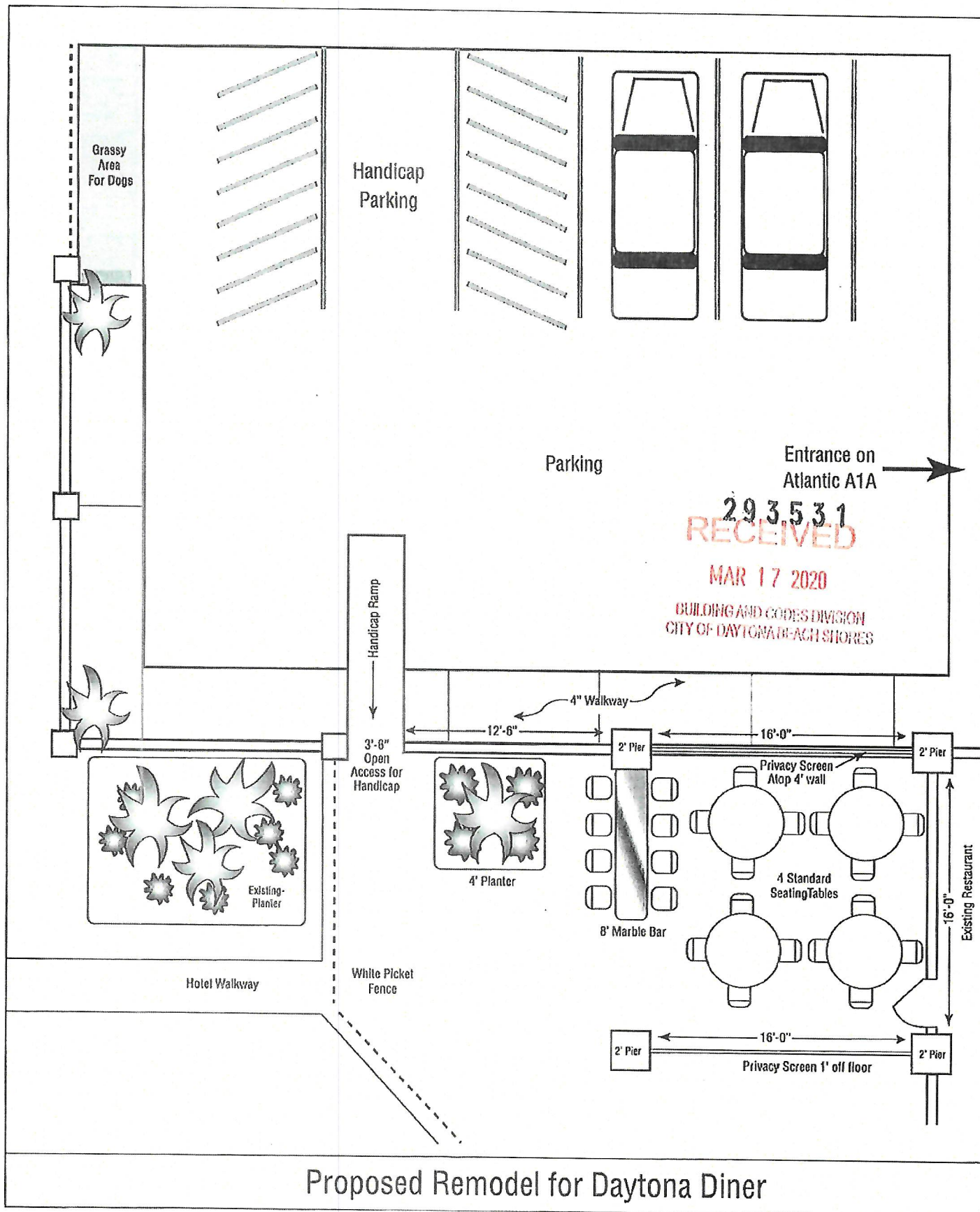


293531
RECEIVED

MAR 17 2020

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES





Cruz, Stewart

From: Linda Toffolon <ltoffolon65@gmail.com>
Sent: Thursday, March 26, 2020 10:56 AM
To: Cruz, Stewart
Subject: Re: Outdoor Seating Plans for Daytona Diner

Yes. Thank you.

On Thu, Mar 26, 2020, 10:50 AM Cruz, Stewart <scruz@cityofdbbs.org> wrote:

I will remove the design work from the concrete wall (fence) as requested. Thank you.

stewart

From: Linda Toffolon <ltoffolon65@gmail.com>
Sent: Thursday, March 26, 2020 10:34 AM
To: Cruz, Stewart <scruz@cityofdbbs.org>
Subject: Outdoor Seating Plans for Daytona Diner

Stewart, Please remove outside wall design from our plans. Thank you.

Linda Toffolon

Daytona Diner

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Daytona Diner

Patio Project

Home Depot: Plants Planters, Soil	\$ 669.25
Home Depot: Benches	\$ 256.44
Amazon: 8 Bar Stools	\$ 764.10
Webstrauntstore: 4 Table Bases	\$ 96.84
Amazon: Ceiling Fan	\$ 259.86
Amazon: Decals, Wall Décor	\$ 144.80
City of DBS: Permit	\$ 65.25
Petersen Furniture: Chairs	\$ 2,222.00
Alpha Omega Glass: Door	\$ 9,548.23
Bruce Butler, Contractor	\$ 10,000.00
Bruce Butler, Contractor	\$ 6,865.00
Total	\$30,891.77