

MINUTES
PLANNING & ZONING BOARD MEETING
September 13, 2021
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Rose Ann Tornatore, Member Rick Delange, Member Anthony Rembiszewski, Member James Lilly, Member Chuck Horion and Chair John Schmitz.
Staff: City Clerk Cheri Schwab, City Attorney John Cary, and City Planner Stewart Cruz

2. MINUTES

A. Planning & Zoning Minutes July 12, 2021

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to Approve Planning & Zoning of Minutes July 12, 2021.

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

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

3. ACTION ITEMS

A. Development Agreement Amendment Application DA12021029: Aspesi Residence/Atlantic Avenue Estates, LLC - 3833 Cardinal Boulevard

City Planner Stewart Cruz requested the item be continued until the October 12th meeting. The applicant was not able to obtain all the required signatures before the deadline for today's meeting.

MEMBER CHUCK HORION moved, seconded by MEMBER ROSE ANN TORNATORE to Continue the Development Agreement Amendment Application DA12021029.

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

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

B. Ordinance 2021-09: Property Rights Element Comprehensive Plan Amendment

City Planner Stewart Cruz explained that this amendment is required by HB 59, which was recently approved by the Florida Legislature. It would add a chapter on property rights elements. The house bill included model language and staff is recommending approval.

MEMBER RICK DELANGE moved, seconded by MEMBER CHUCK HORION to recommend approval of Ordinance 2021-09 to the City Council.

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

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

C. Ordinance 2021-10: Treasure Island Stipulated Settlement Agreement
Comprehensive Plan Amendment - 2025 S. Atlantic Ave, et al

City Planner Stewart Cruz explained that the proposed comprehensive plan amendment is related to the stipulated agreement between the City and 2025 S. Atlantic LLC. He provided a summary of the amendment to the board. It would allow flexibility and a mixture of uses. It would also allow density to be transferred from parcel to parcel with certain restrictions. Staff recommended approval of the amendment. Attorney Rob Merrill from Cobb & Cole, who was representing the applicant, spoke briefly to the board. He stated that the staff summary was very comprehensive and complete. He added that this is the first step to demolishing the structure and beginning the redevelopment process.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to recommend approval of Ordinance 2021-10 to the City Council.

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

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

4. QUASI-JUDICIAL HEARING

A. Zoning Variance Application ZV12021017: Chhaya Nathoo Residence - 2711 S. Atlantic Avenue

The hearing opened at approximately 9:00 am. The board members stated there was no ex-parte communication. The speakers were sworn in for the record by Board Attorney Cary. City Planner Stewart Cruz indicated that all due public notice had been met. The variance application is for 2711 S. Atlantic Avenue. It is currently a vacant lot and the owners plan to build a single family residence. The owner is requesting a variance for side yard setbacks of 6.5 feet instead of the required 10 feet. An artist's rendering of the proposed home was shown as well as an aerial view of the property. Mr. Cruz summarized the variance criteria for the board and declared it was staff's recommendation to grant the variance.

Christopher Bomp, general contractor for the project, spoke on behalf of the owner. He stated that it would be the owner's primary residence and not a rental property. The structure planned would be smaller than the previous home on the lot. The board had no questions for Mr. Bomp or the owners who were present.

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

Lisa Park, who resides just north of the property, spoke against the application. It was her opinion that the home could be designed to fit within the guidelines and setbacks that are required. She displayed a picture of her home as an example. She felt that the close proximity to her retaining wall would cause an issue. Mr. Bomp explained that the building wouldn't impact her home in any way.

The hearing closed at 9:25 am.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER RICK DELANGE to Approve the Zoning Variance Application ZV12021017 as presented.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 1).

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

No: James Lilly

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 9:30 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman