

MINUTES
PLANNING & ZONING BOARD MEETING
October 12, 2021
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Rose Ann Tornatore, Chairman John Schmitz, Member James Lilly, Member Anthony Rembiszewski, Member Chuck Horion, Member Rick Delange and Member Jeni Groot-Begnaud. Staff present: City Planner Stewart Cruz, Board Attorney John Cary and City Clerk Cheri Schwab.

2. MINUTES

A. Planning & Zoning Minutes September 13, 2021

MEMBER CHUCK HORION moved, seconded by MEMBER RICK DELANGE to Approve the Planning & Zoning Minutes of September 13, 2021.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6 No = 0).

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

3. CONTINUED ITEM

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

City Planner Stewart Cruz provided background from his staff report. The property was subdivided into four lots. All have been sold and this lot is on the NW corner. The property owner would like to build a single-family residence with some deviations from the city's code. They requested a reduction of the front yard setback from 30 feet to 25.5 feet, reduction of rear yard setback from 25 feet to 10 feet and an increase in lot coverage from 35% to 39%. If the DA amendment is approved, the changes would only be for this lot, not the other remaining three. It was explained that this is a legislative process and at the will of the City Council. All development agreement requirements were provided and due public notice was given. Views of the property were shown to the board. Staff recommended approval as presented.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to recommend approval of the Development Agreement Amendment Application DA12021029: Aspesi Residence/Atlantic Avenue Estates, LLC - 3833 Cardinal Boulevard 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. ACTION ITEMS

A. Ordinance 2021-14: Mobile Food Vehicles

Attorney Cary read the ordinance by title for the record. The purpose of the ordinance is to create regulations for mobile food vehicles. In recent months, the city has been getting many inquiries about allowing food trucks in the city limits. Per the Florida Statutes, mobile food trucks are preempted from obtaining permits. The proposed ordinance would allow them on properties that have a valid development agreement. Currently there are four locations where they could be parked: Treasure Island property, Volusia County Beach Safety building, 109 Dunlawton and Publix. Staff recommended approval.

MEMBER CHUCK HORION moved, seconded by MEMBER ROSE ANN TORNATORE to recommend approval of Ordinance 2021-14 to the City Council.

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

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

5. QUASI-JUDICIAL HEARING

A. Special Exception 12021019 - Pax Tecum, LLC / Casual Bird Restaurant Mural

The hearing opened at 9:12 am. The Board Attorney swore in all participants. City Planner Stewart Cruz stated that the Ocean Veterinary clinic made the application as the mural will be located on their wall. It will be facing east and somewhat visible from Dunlawton Avenue. A rendering of the mural was shown to the board. It is hoped that the mural will help with social media advertising and bring more traffic to the restaurant. It will be used as a backdrop for a mobile food vehicle that is planned. All due public notice had been met and staff recommended approval as presented. Restaurant owner Brendan Galbreath spoke regarding the mural. He explained that there would be a clear coat over the painting to help prevent fading. The muralist would be available to provide touch-ups as needed.

There was no one in the audience to provide public input either for or against the applicant. The hearing closed at 9:22 am.

MEMBER RICK DELANGE moved, seconded by MEMBER CHUCK HORION to Approve Special Exception 12021019 - Pax Tecum, LLC / Casual Bird Restaurant Mural.

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,

6. OTHER

A. Discussion on Florida Legislation Updates

Board Attorney John Cary provided the FLC summary of current bills to the board. He reviewed a few that pertained to the Planning Board. He explained that the city had already complied with the bill regarding private property rights. He did caution board members from giving their opinions at city council meetings on matters that may come before the board at a later date as it could show prejudice.

7. BOARD COMMENTS

8. ADJOURNMENT

The meeting ended at 9:40 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman