City of Daytona Beach Shores

"Life is Better Here"
"A Premier, Friendly Place to Be"

AGENDA
PLANNING & ZONING BOARD MEETING
NOVEMBER 8, 2021
8:30 AM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118

Notice is hereby given to all interested parties that if any person should decide to appeal any decision made at the aforementioned meeting of the P&Z Board, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City Clerk, City of Daytona Beach Shores, at least five working days prior to the meeting.

1. OPENING REMARKS

2. MINUTES

A. Planning & Zoning Minutes October 12, 2021

3. QUASI-JUDICIAL HEARING

4. ACTION ITEMS

A. Ordinance 2021-15: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 104 Broad Avenue

B. Ordinance 2021-16: Comprehensive Plan Future Land Use Map Amendment-131 Glen Myra Avenue

C. Ordinance 2021-17: Rezoning application for recently annexed property located at 104 Broad Avenue

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

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

PLANNING & ZONING BOARD AGENDA MEMORANDUM
NOVEMBER 8, 2021 AGENDA

TO: The Members of the Planning & Zoning Board
FROM: Stewart Cruz, City Planner
PREPARED BY: Stewart Cruz, City Planner
SUBJECT: Ordinance 2021-15: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 104 Broad Avenue

SYNOPSIS:

Ordinance 2021-15, 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 104 Broad Avenue (Exhibit A). The application (Exhibit B) was submitted by Heather Roberts, owner of the subject property. Applying a City future land use designation is a requirement of Florida Law whenever a property is annexed. The property is 0.225 acres and is occupied by a 1,508 square foot residential 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 104 Broad Avenue, 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 owner has 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 legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2021-15 as presented.

SUGGESTED MOTION:

A Planning and Zoning Board member may motion as follows:

1. "I move to recommend approval of Ordinance 2021-15 as presented."
OR
2. "I move to recommend approval of Ordinance 2021-15, with the following amendments..."
OR
3. "I move to recommend denial of Ordinance 2021-15, on the basis of the following..."

ATTACHMENT:

1. ORD 2021-15-CPA 104 Broad Ave
2. EXHIBIT A-Location Map-104 Broad Ave
3. EXHIBIT B-Application
4. Exhibit C-Ord 2021-15-P&Z Staff Report-FLUMA-104 Broad-Heather Roberts

ORDINANCE NO: 2021-15

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 104 BROAD AVENUE, SHORT TAX PARCEL ID 5335-03-05-0240; 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, Heather Roberts, owners of the real property with short tax parcel ID 5335-03-05-0240 and generally located at 104 Broad Avenue, submitted an owner initiated future land use map amendment application to the City of Daytona Beach Shores on August 9, 2021; and

WHEREAS, Heather Roberts, owners of the subject property, are requesting the City of Daytona Beach Shores amends 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 +/-0.23 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
104 Broad Avenue	5335-03-05-0240	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: EFECTIVE 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.

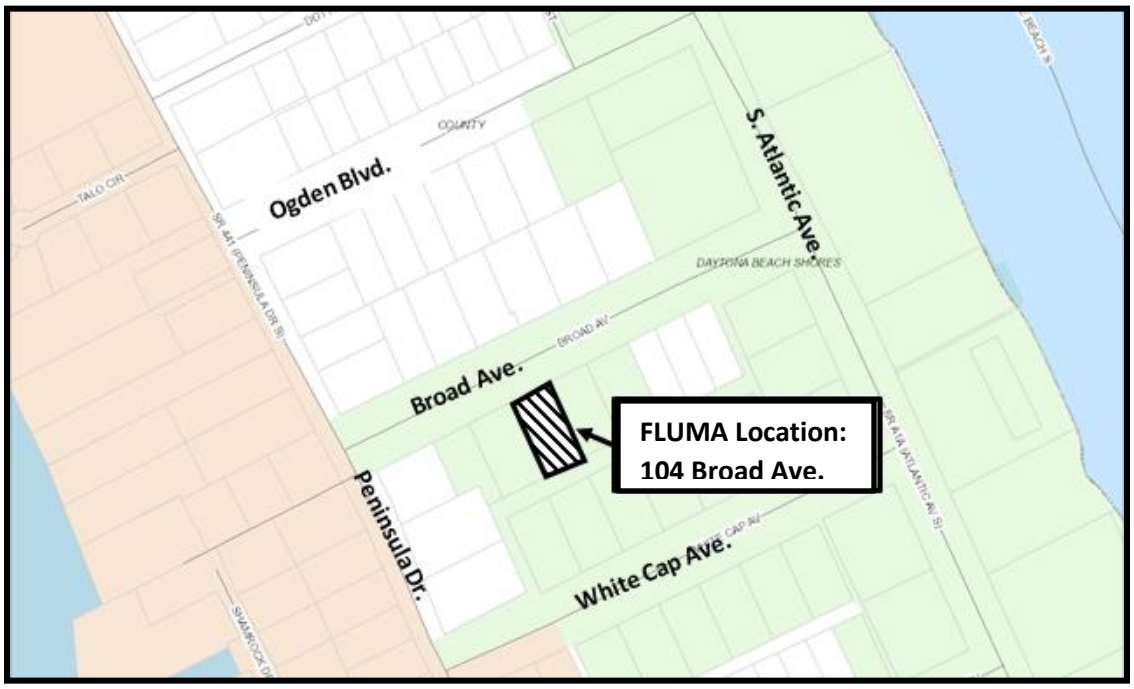
EXHIBIT A

LOT 23, EXCEPT THE WESTERLY 35' THEREOF AND ALL OF LOT 24 AND THE WESTERLY 5.0 FEET OF LOT 25, ALL IN BLOCK "E", MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE WESTERLY 35' OF SAID LOT 23; THENCE RUN NORTH ALONG THE EASTERLY LINE OF THE WESTERLY 35' OF SAID LOT 23, 140.00 FEET TO THE NORTH LINE BLOCK “E” EAST; THENCE EAST ALONG SAID NORTH LINE BLOCK “E” EAST, 70.00 FEET TO THE NORTHEAST CORNER OF THE WESTERLY 5.0' OF SAID LOT 25; THENCE SOUTH ALONG THE EASTERLY LINE OF THE WESTERLY 5.0' OF SAID LOT 25, A DISTANCE OF 140.00 FEET TO THE SOUTH LINE OF SAID LOT 25; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 25 AND THE SOUTH LINE OF SAID LOT 24 AND THE SOUTH LINE OF SAID LOT 23, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT A

FLUMA Location Map: 104 Broad Avenue



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

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AUG 09 2021
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

120210 22

APPLICATION FOR COMPREHENSIVE PLAN/FUTURE LAND USE MAP AMENDMENT

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.

Date Submitted: 8/7/21

Applicable Section of the Comprehensive Plan: _____

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

Applicant's Name: Heather Roberts

Address: 104 Broad Avenue Daytona Beach Shores FL 32117 Phone #: 773-332-7890

Property Address: _____

Existing Property Use: _____

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:

Residential house

Description of your request:

H Roberts
Applicant's Signature

8/7/21
Date

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2021-15

A. INTRODUCTION

The proposed amendment seeks to change the future land use designation of a single-family residential property, recently 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 +/- 0.225 acre property is located at 104 Broad Avenue. The subject application received on August 9, 2021, if approved, would result in the second 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 104 Broad Avenue from Volusia County *Urban Low Intensity* to Daytona Beach Shores *Residential Low Intensity*:

Overview:

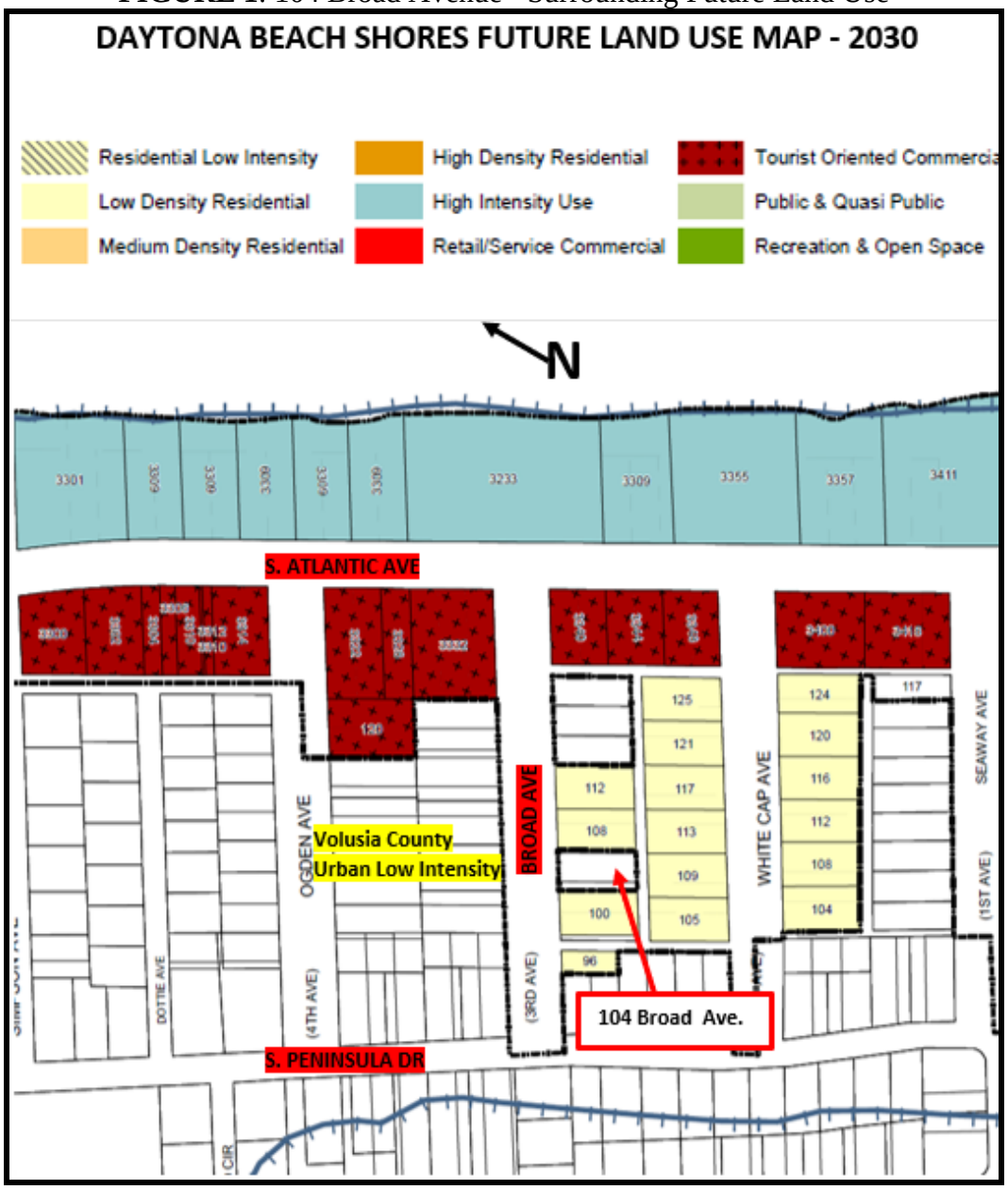
The property houses a 1,508 square foot single-family residential structure, which was built in 1956 (Volusia County Property Appraiser, 2021). The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and "R-9" (Urban Single-Family 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

	Zoning		**Future Land Use**	
Location	Existing	Proposed	Existing	Proposed
Subject Property	R-9*	RSF-2+	Volusia County Urban Low Intensity	Residential Low Intensity
North	R-9		Volusia County Urban Low Intensity	
South	RSF-2		Residential Low Density	
East	RSF-2		Residential Low Density	
West	RSF-2		Residential Low Density	

Notes: *R-9 = Volusia County *Urban Single-Family Residential District*; +RSF-2 = *Urban Single-Family Residential Detached District*.

FIGURE 1: 104 Broad Avenue - Surrounding Future 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 +/-0.225 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 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 and planning 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 Broad Avenue, which is a local road connecting to both S. Peninsula Drive (SR441) and S. Atlantic Avenue (SR A1A). S. Peninsula Drive is a two laned minor arterial road and S. Atlantic Avenue (SRA1A) is a five laned principal arterial road, pursuant to the City's Comprehensive Plan, respectively. The two roads connect 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." Both Atlantic Avenue (SR A1A). S. Peninsula Drive are operating at acceptable levels of service. 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 104 Broad Avenue 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).

PLANNING & ZONING BOARD AGENDA MEMORANDUM
NOVEMBER 8, 2021 AGENDA

TO: The Members of the Planning & Zoning Board
FROM: Stewart Cruz, City Planner
PREPARED BY: Stewart Cruz, City Planner
SUBJECT: Ordinance 2021-16: Comprehensive Plan Future Land Use Map Amendment-131 Glen Myra Avenue

SYNOPSIS:

Ordinance 2021-16, if adopted, would amend the City's Adopted Comprehensive Plan Update (2030) Future Land Use Map by assigning the *tourist oriented commercial* future land classification to a 2004 annexed property located at 131 Glen Myra Avenue (**Exhibit A**). The application (**Exhibit B**) was submitted by Dr. Tracy Denison, owner of the subject property, however, annexation occurred under previous ownership. Applying a City future land use designation is a requirement of Florida Law when a property is annexed. The property is 0.17 acres (50' x 148') and is currently vacant. The proposed amendment would be consistent with the adjacent properties on S. Atlantic Avenue, which are also owned by the Denisons.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

The subject property, located at 131 Glen Myra Avenue, with Volusia County Parcel ID 533501060400, was annexed into the corporate limits of the City of Daytona Beach Shores in 2004 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. In 2005 the City adopted Ordinance 2005-08, which rezoned the property to GC-1 "Tourist Oriented Commercial" District, however, the rezoning does not become effective until the future land use map amendment becomes adopted consistent with Florida Law. Hence the reason for the proposed future land use map amendment.

B. PLANNING ANALYSIS

See **Exhibit C** for planning analysis.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2021-16 as presented.

SUGGESTED MOTION:

A Planning and Zoning Board member may motion as follows:

1. "I move to recommend approval of Ordinance 2021-16 as presented."
OR
2. "I move to recommend approval of Ordinance 2021-16, with the following amendments..."
OR
3. "I move to recommend denial of Ordinance 2021-16, on the basis of the following..."

ATTACHMENT:

1. Exhibit A-131 Glen Myra
2. Exhibit B-131 Glen Myra FLUMA Application
3. Exhibit C-Ord 2021-16-P&Z Staff Report-FLUMA-131 Glen Myra-Denisons

EXHIBIT A: 131 Glen Myra Avenue, Aerial Map and Street View

en Myra Ave
a Beach Shores, Florida
Google
Street View - Jun 2011
Google

12D21025

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

RECEIVED
SEP 22 2021
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

APPLICATION FOR COMPREHENSIVE PLAN/FUTURE LAND USE MAP AMENDMENT

236645

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.

Date Submitted: 09 / 22 / 2021

Applicable Section of the Comprehensive Plan: _____

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

Applicant's Name: Douglas R Denison & Tracy N Denison

Address: 104 W Ocean Dunes Rd, Daytona Beach, FL 32118 Phone #: 386-566-7365

Property Address: Glen Myra Ave, Daytona Beach Shores, FL 32118 PID# 533501060400

Existing Property Use: R-9

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:

LOTS 40 & 41 INC BLK F RIO MAR BEACHES PER OR 5233 PG 3206 PER OR 5348 PG 1388

Description of your request:

Change Land use from County to City Commercial

Dr. Tracy N. Denison
Applicant's Signature

9 / 22 / 21
Date

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2021-16

A. INTRODUCTION

The proposed amendment seeks to change the future land use designation of a 2004 annexed property, from Volusia County *Urban Low Intensity* (0.2-4.0 units/acre) to Daytona Beach Shores *Tourist Oriented Commercial*. The +/- 0.17 acre property (50' x 148') is located at 131 Glen Myra Avenue. The subject application received on September 22, 2021, if approved, would result in the third 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 131 Glen Myra Avenue from Volusia County *Urban Low Intensity* to Daytona Beach Shores *Tourist Oriented Commercial*:

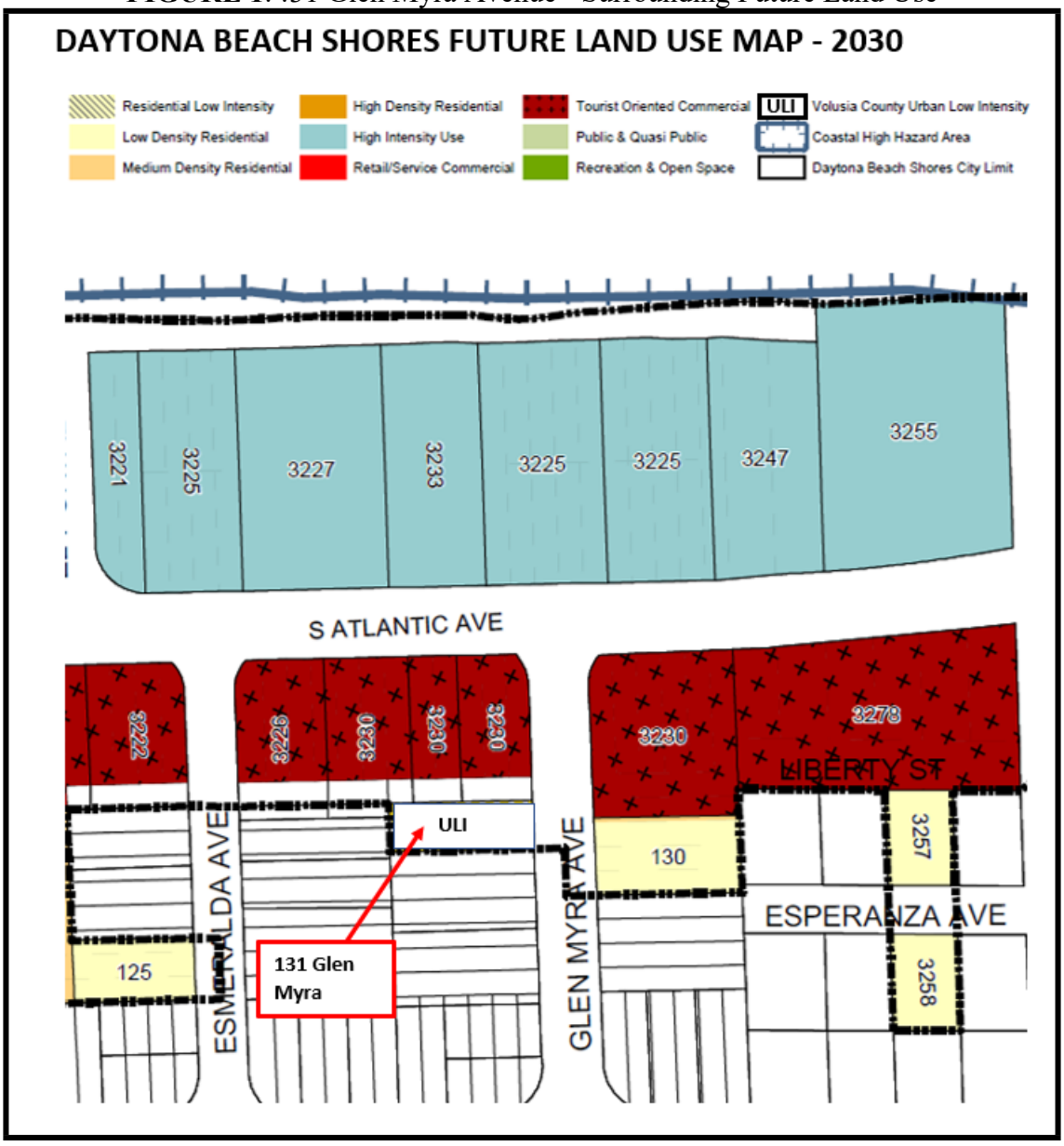
Overview:

The 0.17 acre property is currently vacant and abuts additional properties on S. Atlantic Avenue owned by the property owner. The current Volusia County Future Land Use (FLU) is *Urban Low Intensity* (0.2-4 units/acre). The surrounding future land use designations is 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 *Tourist Oriented Commercial*.

Table 1: Abutting Zoning and Future Land Use Classification

Location	Future Land Use	
	Existing	Proposed
Subject Property	Volusia County Urban Low Intensity	Tourist Oriented Commercial
North	Volusia County Urban Low Intensity	
South	Residential Low Density & Tourist Oriented Commercial	
East	Tourist Oriented Commercial	
West	Volusia County Urban Low Intensity	

FIGURE 1: !31 Glen Myra Avenue - Surrounding Future 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, *Tourist Oriented Commercial*, which is a commercial future land use classification. Therefore, the proposed land use amendment would not result in an increase in residential density permitted. Further, given the +/-0.17 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.

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	Change
Residential Units Allowed	1	0	-1
Population[1]	1.75	0	-1.75
AM / PM Peak Hour Trips[2]	1.5/2.02	17.7/13	+16.2/+10.98
Sanitary Sewer (gallons/day)[3]	250	740	+490
Potable Water (gallons/day)[4]	192.5	740	+547.5
Solid Waste (lbs./person)[5]	17.5	74	+56.5
Stormwater Drainage[6]	n/a	n/a	n/a
Recreation/Open Space	See summary below	N/A	N/A
Public School Student(s)	0.396	N/A	-1

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
   Specialty Retail Center per 1000sf = 6.84AM trips, 5.02PM trips
   Site FAR 1.4/Lot cover 35%, Building height = 4 stories: GFA = 2,590sf
3. Sanitary Sewer: Single family: 250 gallons per dwelling unit per day
   Commercial: 1/10 gallons per sf per day (Port Orange LOS Std)
4. Potable Water: Residential: 110 gallons per capita per day
   Commercial: 1/10 gallons per sf per day (Port Orange LOS Std)
5. Solid Waste: Residential: 10 pounds per capita per day
   Commercial: 10lbs/1000 square feet
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

Transportation:

The subject property has vehicular transportation access to the abutting Glen Myra Avenue, which is a local road connecting to both S. Peninsula Drive (SR441) and S. Atlantic Avenue (SR A1A). S. Peninsula Drive is a two laned minor arterial road and S. Atlantic Avenue (SRA1A) is a five laned principal arterial road, pursuant to the City's Comprehensive Plan, respectively. The two roads connect 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." Both Atlantic Avenue (SR A1A). S. Peninsula Drive are operating at acceptable levels of service. The City has no vested trips for this road however there will be a change in vehicular trips as demonstrated in **Table 2** above. However, the net change, which is an additional +16.2AM and +10.98PM peak hour trips, will not significantly impact the current LOS and hence, said LOS for both connecting arterials will continue to be maintained.

Sanitary Sewer:

The City's adopted LOS standard for sanitary sewer is 250 gallons per dwelling unit per day. The City does not have a sewer LOS standard for commercial land uses. Therefore, since the City's sewer is treated by the City of Port Orange, the aforementioned city's commercial sewer LOS standard of 1/10 gallons per square foot per day was used. This resulted in a net increase of 490 gallons per day. The City of Port Orange sewer treatment facility currently has an additional 2.1MGD (million gallons per day) treatment capacity which means the additional sewer generated is de minimis.

Potable Water:

The City's adopted LOS standard for potable water is 110 gallons per capita per day. The City does not have a potable water LOS standard for commercial land uses. Therefore, since the City's potable water in this part of town is provided by the City of Port Orange, the aforementioned city's commercial potable water LOS standard of 1/10 gallons per square foot per day was used. This resulted in a net increase of 547.5 gallons per day. The City of Port Orange potable water facility currently has an additional allowable daily capacity of 5.94MGD. Therefore the proposed increase in potable water demand is de minimis.

Solid Waste Collection:

The proposed land use is expected to 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 future land use is commercial, which does not permit residential use. Hence, no recreation analysis is applicable or required.

Public Schools:

The proposed future land use is commercial, which does not permit residential use. Hence, no student generation analysis is applicable or required. However, the change from urban low intensity to commercial would see a reduction in one public school student generated.

II. LAND USE COMPATIBILITY

The FLU of the surrounding area is residential low intensity (west) and commercial (east)in character (**Figure 1**). This is also reflected in **Figure 2** below which depicts an aerial view of the neighborhood.

Figure 2: Aerial View of 131 Glen Myra 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 (see Table 2 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 but increases intensity. However, the di minimis increase in traffic (+16.2AM/+10.98PM peak hour trips), will not significantly impact the current LOS and hence, said LOS for both connecting arterials will continue to be maintained; and (b) considering the aforementioned, the hurricane evacuation clearance time should also not be impacted significantly.

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: Written assurances will be provided from service providers assuring the accepted LOS standards are being maintained.

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, since the adjacent properties to the east also possess the same future land use classification.

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 provides for de minimis increase in public facilities demanded, therefore the LOS standards will be maintained.

V. CONCLUSION:

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

PLANNING & ZONING BOARD AGENDA MEMORANDUM
NOVEMBER 8, 2021 AGENDA

TO: The Members of the Planning & Zoning Board
FROM: Stewart Cruz, City Planner
PREPARED BY: Stewart Cruz, City Planner
SUBJECT: Ordinance 2021-17: Rezoning application for recently annexed property located at 104 Broad Avenue

SYNOPSIS:

Ordinance 2021-17, 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 104 Broad Avenue (Exhibit A). The application (Exhibit B) was submitted by Heather Roberts, owner of the subject property, and is a requirement of Florida Law when a property is annexed. The property is 0.23 acres and is occupied by a 1,508 square foot residential structure. The proposed amendment is compatible with the current Volusia County zoning district (R-9, Urban Single-Family Residential District).

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

The subject property, located at 104 Broad Avenue, was recently 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 legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2021-17 as presented.

SUGGESTED MOTION:

A Planning and Zoning Board member may motion as follows:

1. "I move to **recommend approval** of Ordinance 2021-17 as presented."
OR
2. "I move to recommend approval of Ordinance 2021-17, with the following amendments..."
OR
3. "I move to recommend denial of Ordinance 2021-17, on the basis of the following..."

ATTACHMENT:

1. Ord. 2021-17-RZ-104 Broad Ave
2. EXHIBIT A-Location Map
3. Exhibit B-131 Broad Ave- RZ
4. Exhibit C-104 Broad Ave-Rezoning (P&Z Staff Report)

ORDINANCE NO. 2021-17

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 AT 104 BROAD AVENUE, SHORT TAX PARCEL ID 5335-03-05-0240; 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 October 26, 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. 2021-12 is hereby rezoned and assigned the Daytona Beach Shores zoning classification as follows:

> Short Tax Parcel ID #5335-03-05-0240, 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 23, EXCEPT THE WESTERLY 35' THEREOF AND ALL OF LOT 24 AND THE WESTERLY 5.0 FEET OF LOT 25, ALL IN BLOCK "E", MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE WESTERLY 35' OF SAID LOT 23; THENCE RUN NORTH ALONG THE EASTERLY LINE OF THE WESTERLY 35' OF SAID LOT 23, 140.00 FEET TO THE NORTH LINE BLOCK “E” EAST; THENCE EAST ALONG SAID NORTH LINE BLOCK “E” EAST, 70.00 FEET TO THE NORTHEAST CORNER OF THE WESTERLY 5.0' OF SAID LOT 25; THENCE SOUTH ALONG THE EASTERLY LINE OF THE WESTERLY 5.0' OF SAID LOT 25, A DISTANCE OF 140.00 FEET TO THE SOUTH LINE OF SAID LOT 25; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 25 AND THE SOUTH LINE OF SAID LOT 24 AND THE SOUTH LINE OF SAID LOT 23, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT A

1: Aerial View: 104 Broad Ave.

Source: Volusia County Property Appraiser Website, 2021

2: Street View: 104 Broad Ave.

Source: GoogleMaps, 2016

240322
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AUG 09 2021
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

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

120210 21

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: 8/7/21 Current Zoning: _____

Requested Zoning: RSF-2

Applicant's Name: Heather Roberts

Address: 104 Broad Avenue Phone #: 773-332-7890

Representative: _____

Address: _____ Phone #: _____

Property Address & Parcel ID: _____

Property Owner: Heather Roberts

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

Legal Description of Property:

_____

_____

_____

_____

H Roberts
Applicant's Signature

8-7-21
Date

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.

   Favorable

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

   Favorable

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

   Efficiently use

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

   Efficiently use

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

   Favorably

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?

Not applicable

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

No

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

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 2021-17

A. INTRODUCTION

The proposed application/ordinance if approved would change the zoning district classification of the annexing single-family residential property located at 104 Broad Avenue from Volusia County *R-9 Urban Single-Family Residential District* to Daytona Beach Shores *RSF-2 Urban Single-Family Residential Detached District.* The subject application was submitted on August 9, 2021. The subject property contains an acreage of approximately 0.23 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-9*	Single Family Residence
North	R-9	Single Family Residence
South	RSF-2	Single Family Residence
East	RSF-2	Single Family Residence
West	RSF-2	Single Family Residence

Notes: *R-9 = Volusia County *Urban Single-Family Residential District*; + PUD = Daytona Beach Shores *Planned Unit Development District*.

Figure 1: Aerial View-104 Broad Avenue and Surrounding Neighborhood

Source: Volusia County Property Appraiser, 2021

Figure 2: 104 Broad Avenue – Zoning Map Of Surrounding Neighborhood

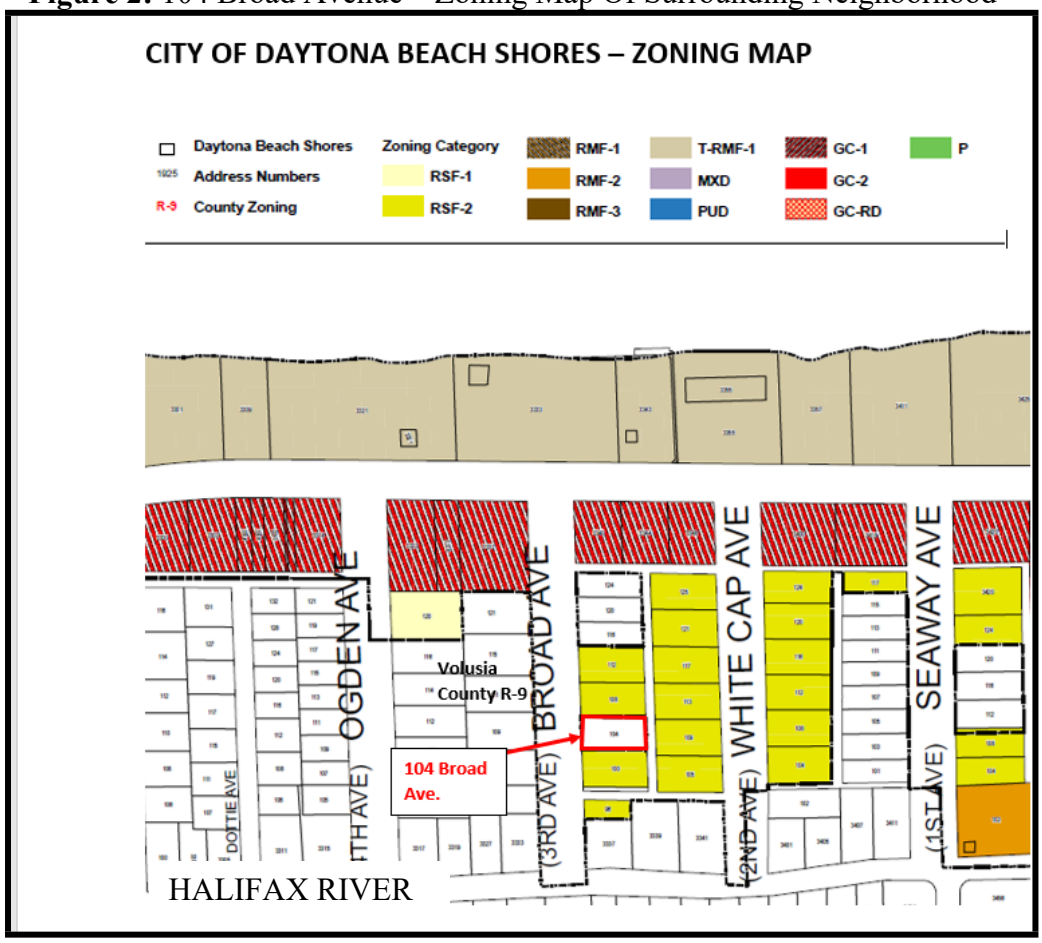

Figure 3: 104 Broad Avenue – Street View

Source: GoogleMaps, 2018

As noted in **Table 1** above, the subject property is currently zoned Volusia County *R-9 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-9 Urban Single-Family Residential District":

Purpose and intent: The purpose and intent of the R-9 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 owner, Heather Roberts. The subject property is located at 104 Broad Avenue and has an acreage of 0.23+/-. The site has vehicular and pedestrian access to the abutting Broad Avenue which connects to S. Peninsula Drive and 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	1	1	None
Population[1]	1.75	1.75	None
AM / PM Peak Hour Trips[2]	0.75/1.01	0.75/1.01	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)

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 was 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 was 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 was 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 was 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.