

MINUTES
PLANNING & ZONING BOARD MEETING
January 10, 2022
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Rose ann Tornatore, Jeni Groot-Begnaud, Member Chuck Horion, Member Anthony Rembiszewski

Staff: City Clerk Cheri Schwab, Board Attorney John Cary, Community Services Director Fred Hiatt, City Planner Stewart Cruz

2. MINUTES

A. Planning & Zoning Minutes from November 8, 2021

MEMBER CHUCK HORION moved, seconded by MEMBER ANTHONY REMBISZEWSKI to Approve the Planning & Zoning Minutes from November 8, 2021.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Member Chuck Horion, Member Rose ann Tornatore, Member Anthony Rembiszewski, Jeni Groot-Begnaud

3. QUASI-JUDICIAL HEARING

A. Sign Variance Application ZV 12021031: Holiday Inn Express - 3301 S. Atlantic Avenue

MEMBER CHUCK HORION moved, seconded by JENI GROOT-BEGNAUD to Continue the Sign Variance Application ZV 12021031 until the meeting on February 14, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Member Chuck Horion, Member Rose ann Tornatore, Member Anthony Rembiszewski, Jeni Groot-Begnaud

B. Rezoning Application RZ12021045: 3232 La Paloma Ave - Westminster By The Sea Presbyterian Church

City Planner Stewart Cruz provided background on the history of the property. The church bought the home in 2007 and up to recently used it as a parsonage. In 2003, the city adopted a new zoning map and it was digitally produced by a third party. At that time, an error occurred with the map and the property looked to be classified as "P" for Public use. Based on this map, the city granted the church authorization to operate a counseling center.

A neighbor contacted the city shortly after regarding this. This application will rezone the property to "P" from RSF-2 residential. He explained that all criteria had been met and staff recommended the rezoning.

Rev. Jeffrey Sumner spoke to the board. He explained that the Assistant Pastor had resided in the house until he recently deceased. The church wanted to use the property and decided to open a counseling center for family therapy only. Clinical Dir. Lisa Benitez shared background on the counseling provided. It is mainly for children and family matters. They have found that doing so in a home setting produces great results.

The following audience members spoke against the rezoning application:

Blake Kenton, who lives next door, states there is excessive traffic and he does not support the counseling center being located in a single family home.

Barbara Loiacono also stated the increase in traffic and people around the area. She felt it was a safety issue and could diminish the property value.

Kahri Kenton explained that she was unhappy with the counseling center next door because she has small children and was worried about their safety. Their street was a family neighborhood.

Andrea Benezette stated she was against the counseling center because it made the street more active. She inquired if the center could be moved inside the church.

Sara Durrwachter also felt there was too much traffic created by the counseling center.

Attorney Kayla Hathaway represents the Kentons. Based on a mistake on the zoning map, she felt this could constitute spot zoning. She stated that the Kentons have observed the impact on their neighborhood for the past six months and are very unhappy.

Tanya Setter stated her concerns were the increase in traffic and cars speeding through the neighborhood.

Audience members in favor of the rezoning:

Debra Soncek explained that she lives in the neighborhood and could clearly see the house with the counseling center. She has not observed the troubles that the other neighbors have stated. She felt it was the locals who were driving fast on the street. The counseling center was good for the community and did not pose a threat.

Laura Walker, Administration Director for WBTS, explained that all their counseling centers were located in residential areas. The staff is licensed and registered with the state. It is just children and family therapy sessions, no substance abuse at this location. The home setting makes it ideal for the sessions.

Ms. Tornatore inquired if the church would put a hedge barrier between the homes to act as a buffer. Rev. Sumner stated that the use of the property was to help others. He would look into buffer and perhaps better signage. City Planner Cruz explained that a buffer was not required and that the application was not spot zoning as someone earlier implied.

MEMBER ANTHONY REMBISZEWSKI moved, seconded by MEMBER CHUCK HORION to recommend approval on the Rezoning Application RZ12021045 to the City Council.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Member Chuck Horion, Member Rose ann Tornatore, Member Anthony Rembiszewski, Jeni Groot-Begnaud

4. ACTION ITEMS

- A. Ordinance 2022-04: Treasure Island Development Agreement - 2025 S. Atlantic Avenue, Fraile St/Armstrong Ave, etc.

City Planner Stewart Cruz explained that the proposed ordinance would approve a Development Agreement between the owners of the Treasure Island property and the city. There are 9 parcels involved. The proposed agreement would allow for demolition of the structure at 2025 S. Atlantic and also restore the property. It was explained that the DA had two options; 1) 5 years to acquire a Certificate of Occupancy for a single hotel development on the combined east parcels or 2) 5 years to acquire a Certificate of Occupancy for the hotel and 15 years to acquire a Certificate of Occupancy for a multi-family building on the Sunny Shores parcel. It included very detailed property preparation and maintenance on all property owned. Any incentives would start one day after the demolition and restoration of the site. There are also several deviations from the city's LDC. Late last week, the applicant supplied a revised DA for staff, the council and board to consider. The main differences were the time duration from 5 years to 8 years and the owners wanted the incentives immediately, not after the demolition. Mr. Cruz explained that the City Council would be shown this revised agreement at their meeting next evening.

Attorney Rob Merrill spoke on behalf of the property owners. He stated that there were a few outstanding items that staff would work through.

Audience members Denise Ferrara, Sandy Murphy and Anne Ruby all spoke in favor of the project. They all live in the area and are anxious to see something begin. They hoped the work would include a lighted crosswalk, sheltered bus benches and native plants.

MEMBER CHUCK HORION moved, seconded by JENI GROOT-BEGNAUD to recommend approval of Ordinance 2022-04 to the City Council with the version that staff provided for the 5 year plan.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Member Chuck Horion, Member Rose ann Tornatore, Member Anthony Rembiszewski, Jeni Groot-Begnaud

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 10:10 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman