



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COUNCIL MEETING JANUARY 25, 2022

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

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

- 1. CALL TO ORDER BY MAYOR**
- 2. ROLL CALL BY CITY CLERK**
- 3. PRAYER**
- 4. PLEDGE OF ALLEGIANCE**
- 5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:**
- 6. APPROVAL OF MINUTES**
 - A. City Council Minutes January 11, 2022
- 7. CONSENT AGENDA:**
 - A. Public Safety December report

- B. Community Services November, 2021 Report
- C. Community Services December, 2021 Report
- D. Building Division November, 2021 Report
- E. Building Division December, 2021 Report

8. REPORTS OF THE CITY ATTORNEY:

- A. City Attorney Report

9. REPORTS OF THE CITY MANAGER:

- A. City Manager Report Jan. 25, 2022

10. OLD BUSINESS:

- A. Ordinance 2022-02: Voluntary Annexation-3102 Liberty Street
- B. Ordinance 2022-03: Voluntary Annexation - 6 Carter Terrace
- C. Ordinance 2022-04: Treasure Island Development Agreement - 2025 S. Atlantic Avenue, Fraile St/Armstrong Ave, etc.

11. NEW BUSINESS:

- A. Discussion on selection criteria process for City Manager
- B. Ordinance 2022-01: Rezoning Application RZ12021045, 3232 La Paloma Ave - Westminster By The Sea Presbyterian Church

12. COUNCIL COMMENTS:

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

15. ADJOURNMENT:

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE

FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

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

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

MINUTES
CITY COUNCIL MEETING
January 11, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Richard Frizalone, Councilmember Michael Politis
Staff: City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney John Cary, Community Services Director Fred Hiatt, City Planner Stewart Cruz, Finance Director Kurt Swartzlander, and Public Safety LT. Michael Schoenbrod.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

There were no ceremonial items for the meeting.

6. APPROVAL OF MINUTES

A. City Council Minutes December 14, 2021

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve the City Council Minutes for December 14, 2021.
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).
Yes: Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone, Vice Mayor Mel Lindauer, Councilmember Michael Politis

7. CONSENT AGENDA:

A. Third Amendment for ILA Fire and/or Rescue Mutual Aid

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL

LINDAUER to approve the consent agenda.

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

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

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report

City Attorney Cary reviewed his report for the council. Mayor Miller inquired about the timeline to put the charter review changes on the agenda. It was decided to include them on the February agenda.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report January 11, 2022

City Manager Michael Booker reviewed his report for the council. He officially announced his retirement effective July 8th of this year. Mayor Miller requested this item be added to the next agenda.

10. OLD BUSINESS:

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

The City Attorney read the ordinance by title only. There was no additional discussion related to the item.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2021-09 on second reading.

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

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

11. NEW BUSINESS:

A. Ordinance 2022-02: Voluntary Annexation-3102 Liberty Street

The City Attorney read the ordinance by title only. This is a voluntary annexation and there was no further discussion.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve Ordinance 2022-02 on first reading.

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

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

B. Ordinance 2022-03: Voluntary Annexation - 6 Carter Terrace

The City Attorney read the ordinance by title only. There was no further discussion on the item.

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD BRYAN to Approve Ordinance 2022-03 on first reading.

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

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

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

The City Attorney read the ordinance by title. City Planner Stewart Cruz provided a short history of the property. The City Council approved a stipulated agreement last August which kept the previous code violations at bay. At this point, all the councilmembers announced that they had ex-parte communications with Attorney Rob Merrill of Cobb & Cole. The proposed development agreement provides for demolition of the existing structure at 2025 S. Atlantic Avenue within a total of 120 days of approval/recordation. If the structure is not demoed within 60 days, the owner shall place monies in escrow to cover the demolition cost with an option for the city to access the funds and finalize the demolition within 120 days. The site must be restored within a total of 150 days. The DA also establishes development criteria, agreement duration, property maintenance, deviations, entitlements and incentives. If approved, this would replace the existing development agreement that is set to expire in 2024. The proposed development consists of a 300 room hotel and a multi-family building with 200 units. The one area of the DA that staff doesn't agree with is the time duration. Staff felt that 5 years to obtain a Certificate of Occupancy for the hotel and 15 years for the condominium was adequate. The applicant would like 8 years to obtain the building permit and pay all permit fees for the hotel and 15 years for the permit and fees for the multi-family building. Mr. Cruz stated that the Planning & Zoning Board recommended approval of the 5 year plan. Mayor Miller commented that she did not appreciate receiving an updated copy of the DA moments before the meeting began. Attorney Rob Merrill for the applicant responded that he had been working diligently with city staff on the DA. He mentioned that the wonder had now shortened the demolition window to 60 days from the initial 120 days. He stated that it would be up to the market on whether a building ever gets built and how long it may take to do so. With the recent world events in the past two years, the owners definitely want 8 years

to obtain a permit. Mayor Miller requested that total restoration be explained and Director Hiatt outlined the details involved, including debris removal and property maintenance. CMBR Politis stated that he could support the 8 year plan due to the current marketplace and availability of materials. CMBR Frizalone asked each staff member individually if they were on board with the 8 year plan and all responded they were.

Audience members Anne Ruby and Sandy Murphy spoke in favor of the project. Their properties are directly across the street from the existing structure. They have been waiting for the property to be renovated and are anxious for work to begin. They hoped to see a crosswalk, bus shelter and native plants on the property.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve Ordinance 2022-04: and directed the City Manager to negotiate the final terms of the development agreement for the second hearing.

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

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

D. Consideration to cancel the February 8, 2022 City Council Meeting

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD BRYAN to cancel the February 8, 2022 City Council Meeting.

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

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

12. COUNCIL COMMENTS:

Mayor Miller thanked Nancy Maddox and her staff for a successful business expo last weekend. There was great participation and beautiful weather for the event. She also reminded the audience of her upcoming Coffee with the Mayor. CMBR Bryan informed everyone that he was very optimistic that the state legislature would approve the proposed smoking bill that he had been following. Vice Mayor Lindauer announced that Mayor Miller would be receiving the Mayor Blaine O'Neal Award at the upcoming Volusia League of Cities Annual Award Banquet. CMBR Frizalone thanked the City Manager for his many years of service to the city. CMBR Politis added to the accolades for the City Manager, stating that "Mike is a good man with a great staff".

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

Selection of a new city manager after Michael Booker's retirement.

15. ADJOURNMENT:

The meeting ended at 7:30 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB



CITY OF DAYTONA BEACH SHORES

DEPARTMENT OF PUBLIC SAFETY

3050 South Atlantic Avenue

Daytona Beach Shores, Florida 32118

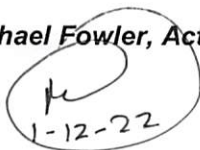
Office of Director of Public Safety

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

MONTHLY REPORT FOR DECEMBER 2021

	Dec-21	21/YTD	Dec-20	20/YTD
Police Related Calls	2,166	25,132	1,841	25,835
Fire Related Calls	24	461	26	517
Rescue Related Calls	98	1,146	78	925
Fire Related Alarms Sounding	11	161	20	247
Traffic Citations	223	2,554	85	2,236
Written Warnings	27	130	55	791
Building Inspections	51	206	64	368
Arrests: Adults	47	417	39	347
Juveniles	0	2	0	9
City Ordinance Charges	0	1	0	1
Florida State Statute Charges	82	710	66	604
Accidents: Total	20	266	11	243
Street/Highway	13	143	6	127
Parking Lot	7	131	5	116

Capt. Michael Fowler, Acting Public Safety Director


1-12-22

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2021-12-01 through 2021-12-31

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
MISCELLANEOUS LE CALL	MISC	405	18.70 %	13.06
EXTRA PATROL	EP	394	18.19 %	12.71
PROPERTY CHECK	PRC	372	17.17 %	12.00
TRAFFIC STOP	TS	352	16.25 %	11.35
SUSP PERSON	SPER	56	2.59 %	1.81
SUSP VEHICLE	SVEH	45	2.08 %	1.45
TELEPHONE HANDLE	THC	31	1.43 %	1.00
MEDICAL EMERGENCY	MED1	28	1.29 %	0.90
DIRECTED PATROL REQUEST	DPR	27	1.25 %	0.87
SUSPECT STOP	SS	24	1.11 %	0.77
MEDICAL NON-EMERG	MED2	22	1.02 %	0.71
MVA	MV	20	0.92 %	0.65
SUSP INCIDENT	SINC	20	0.92 %	0.65
DISTURBANCE	DIST	19	0.88 %	0.61
RADAR	RADAR	19	0.88 %	0.61
WALKUP	WALKUP	19	0.88 %	0.61
NARCOTICS	NARC	15	0.69 %	0.48
ZONE ACCOUNTABILITY PATR	ZAP	15	0.69 %	0.48
FOUND PROPERTY	PROPF	13	0.60 %	0.42
SPECIAL DETAIL	SDL	13	0.60 %	0.42
FLAG DOWN	FLAG	11	0.51 %	0.35
INVESTIGATION	INV	10	0.46 %	0.32
911 CK/OPEN LINE	911CK	9	0.42 %	0.29
ANIMAL COMPLAINT	AC	8	0.37 %	0.26
ASSAULT/BATTERY	ABAT	8	0.37 %	0.26
CIVIL COMPLAINT	CIVIL	8	0.37 %	0.26
FIRE ALARM	ALARMF	8	0.37 %	0.26
RECKLESS DRIVER	RD	8	0.37 %	0.26
UNCONSCIOUS	UNC	8	0.37 %	0.26
WARRANT	WAR	8	0.37 %	0.26
ELEVATOR CALL	ELEV	7	0.32 %	0.23
FALL- NON EMERGENCY	TRAU3	7	0.32 %	0.23
TRESPASSERS	TRES	7	0.32 %	0.23
WELL BEING CHECK	WBC	7	0.32 %	0.23
DOMESTIC DISTURBANCE	DV	6	0.28 %	0.19
MENTALLY ILL PER	MIP	6	0.28 %	0.19
TRAUMA EMERGENCY	TRAU1	6	0.28 %	0.19
VANDALISM	VAND	6	0.28 %	0.19
BUSINESS ALARM	ALARMB	5	0.23 %	0.16
CITY ORDINANCE VIOLATION	COV	5	0.23 %	0.16
DEAD PERSON	DEAD	5	0.23 %	0.16
DISABLED VEHICLE	DAV	5	0.23 %	0.16
DRUNK PERSON	IP	5	0.23 %	0.16
FIGHT	FIGHT	5	0.23 %	0.16
SUICIDAL PERSON	SP	5	0.23 %	0.16
THEFT	THEFT	5	0.23 %	0.16

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2021-12-01 through 2021-12-31

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
ASSIST AGENCY	ASSIST	4	0.18 %	0.13
ILLEGAL PARKING	PARK	4	0.18 %	0.13
NOISE	NOISE	4	0.18 %	0.13
STROKE / CVA	CVA	4	0.18 %	0.13
ATT TO CONTACT	ATC	3	0.14 %	0.10
BURGLARY ALARM	ALARM	3	0.14 %	0.10
DRUNK DRIVER	DUI	3	0.14 %	0.10
INFORMATION GIVEN	INFO	3	0.14 %	0.10
SHOPLIFTING	SHOP1	3	0.14 %	0.10
911 CK/OPN LINE/MED HAZ	911MED	2	0.09 %	0.06
ABUSE	ABUSE	2	0.09 %	0.06
CARDIAC ARREST	CPR	2	0.09 %	0.06
ESCORT	ESCORT	2	0.09 %	0.06
FLEEING DRIVER	FLEE	2	0.09 %	0.06
HIT&RUN MVA	MVHR	2	0.09 %	0.06
LOST PROPERTY	PROPL	2	0.09 %	0.06
MISC FIRE SERVICE CALL	MISCF	2	0.09 %	0.06
RECOVERED SIG 10	SVR	2	0.09 %	0.06
SEX OFFENSE	SO	2	0.09 %	0.06
TRAFFIC CONTROL	TC	2	0.09 %	0.06
VIOLATION OF PROBATION	VOP	2	0.09 %	0.06
WALK & TALK	WT	2	0.09 %	0.06
ALZHEIMERS	ALZ	1	0.05 %	0.03
ASSIST	ASST	1	0.05 %	0.03
BAKER TRANSPORT	BT	1	0.05 %	0.03
BURG/JUST OCCD	BURGJO	1	0.05 %	0.03
BURGLARY	BURG	1	0.05 %	0.03
DANGEROUS COND FD	DCFD	1	0.05 %	0.03
DANGEROUS COND PD	DCPD	1	0.05 %	0.03
FIRST AID CALL	FAID	1	0.05 %	0.03
FOUND CHILD	CHILDF	1	0.05 %	0.03
FRAUD	FRAUD	1	0.05 %	0.03
MEDICAL UNKNOWN	ALARMM	1	0.05 %	0.03
MISSING PERSON RECOVERED	MPR	1	0.05 %	0.03
MVA MAJOR	MVMI	1	0.05 %	0.03
OBSCENE CALL	OCALL	1	0.05 %	0.03
P/U UNWANTED RX DRUGS	PURX	1	0.05 %	0.03
STOLEN VEHICLE	SV	1	0.05 %	0.03
SUPPLEMENT	SUP	1	0.05 %	0.03
TOWED VEHICLE	TOW	1	0.05 %	0.03
TRAFFIC LITE OUT	TLO	1	0.05 %	0.03
TRAUMA NON EMERG	TRAU	1	0.05 %	0.03
WEAPONS COMPL	WC	1	0.05 %	0.03
WELL BEING CHECK MEDICAL	WBCF	1	0.05 %	0.03
TOTAL CALLS:		2,166	100.00%	69.87

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2021-12-01 through 2021-12-31

LOCATION: ALL | ZONE: ALL | RD: ALL

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

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

DECEMBER 2021 STATISTICS

FIRE CALLS	CURRENT MONTH			YEAR TO DATE			PRIOR YEAR		
ENGINE RESPONSE	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
STRUCTURE FIRES	0	0	0	1	0	1	4	0	3
HAZARDOUS CONDITIONS	1	0	0	36	8	0	22	9	3
VEHICLE FIRES	0	0	0	1	1	1	1	0	0
BOAT FIRES	0	0	0	0	0	0	1	0	0
OTHER FIRES NOT LISTED	0	0	0	15	3	1	8	4	1
VEHICLE CRASHES W/ENGINE RESPONSE	0	0	0	8	3	3	9	4	0
SERVICE CALLS	19	1	1	267	24	4	285	66	15
FIRE ALARMS	8	1	2	194	5	2	141	13	5
CANCELLED EN ROUTE	0	2	0	48	21	22	70	36	42
TOTALS	28	4	3	570	65	34	541	132	69

CURRENT MONTH ESTIMATED FIRE DAMAGES

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

INSPECTIONS	CURRENT MONTH		YEAR TO DATE		PRIOR YEAR	
	INITIAL	FOLLOW-UP	INITIAL	FOLLOW-UP	INITIAL	FOLLOW-UP
HIGH RISE	5	4	82	69	75	107
HOTEL/MOTEL	14	2	53	39	43	38
ASSEMBLY	0	0	2	1	3	2
MERCANTILE	1	0	30	3	22	7
RESTAURANT	1	0	20	5	16	6
BUSINESS	6	2	86	13	51	8
OTHER	1	0	33	4	23	1
CONSTRUCTION	0	5	40	11	45	9
OCCUPATIONAL LICENSES	0	0	0	0	0	0
APARTMENTS/CONDO	10	0	32	12	24	2
TOTALS	38	13	378	157	302	180

PLANS EXAMINATION HOURS: 2 HRS

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

DECEMBER

EMS CALLS CURRENT MONTH YEAR TO DATE PRIOR YEAR

	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
ALS CALLS	48	3	0	512	73	11	543	108	9
BLS CALLS	38	7	2	354	78	26	340	77	13
TOTALS	86	10	2	866	151	37	883	185	22



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

TRAINING SEMINARS ATTENDED

Month of December 2021

<i>Norman Medders</i>	<i>11/29-12/3</i>	<i>Firefighting Tactics & Strategies I-POFD</i>
<i>Stephen Black Alexander Salas Molly Billue Ashley Epling</i>	<i>12/1-2</i>	<i>Breath Test Operator DSC</i>
<i>Enrique Rosario Brianna Doonan Jessica Long Kathryn Gotz Derek George Conrad Kerins</i>	<i>12/1-2</i>	<i>De-Escalation Techniques DSC</i>
<i>Brian Brueggemann</i>	<i>12/2-3</i>	<i>Property Room Management Training VCSO</i>
<i>Jack Ransom Jacob Franklin</i>	<i>12/6-10</i>	<i>Clandestine Lab Cert S Daytona</i>
<i>Norman Medders</i>	<i>12/6-10</i>	<i>Legal Issues for Investigators State Fire College</i>



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

MONTHLY REPORT FOR DECEMBER 2021

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

Replace hoses	veh #159
Replace thermostat & sensor	veh #155
Replace brake hose assembly	veh#151

COMMUNITY SERVICES DEPARTMENT

MONTHLY REPORT - NOVEMBER 2021

FACILITIES MAINTENANCE DIVISION:

Currently one position.

Normal monthly duties:

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

Additionally, this month:

This employee continued replacing light fixtures in city hall and public safety and started working on getting up Christmas decorations in the city buildings.

PARKS/STREETS DIVISION:

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

Normal monthly duties:

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

Additionally, this month:

The park/streets division started Christmas decorating, hanging the holiday banners along A1A, put up trees, garland and lights. They began work over repairs from the ocean surge caused by the windy days we have had. The guys refreshed the flower and mulch areas around the city as well as pressure washing some sidewalk areas. The electrician

removed a decorative pole and bus stop decorative pole on Dunlawton in anticipation of the DOT removing and replacing the mast arm there. He replaced some lights at public safety in the parking lot and bathroom and assisted in the repair of the generator transfer switch. He replaced the heads on several 40ft light poles, repaired a few street light panels and handled 31 electrical line locates.

SEWER DIVISION:

Currently four positions.

Normal monthly duties:

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

Additionally, this month:

The division did some early spring cleaning at the stations and on the equipment. They cleaned wet wells, water seals, air release valves, retro grates, hydro ranger and sewer lines around a couple stations. They pulled shrubs and formed pads for concrete in anticipation of a new generator install at station 8 and replaced the block heater for the generator at the facility building. They re-organized the station 1 garage, handled 4 animal control calls, 2 pool readings and 41 sewer line locates.

COMMUNITY SERVICES DEPARTMENT

MONTHLY REPORT - DECEMBER 2021

FACILITIES MAINTENANCE DIVISION:

Currently one position.

Normal monthly duties:

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

Additionally, this month:

This employee repaired/replaced lighting system in the PS gym, pipe clamps in the fire bay, cabinet door at the community center and the gate assembly at PS as well. The last week of the month he started removing and putting away Christmas decorations from the city buildings.

PARKS/STREETS DIVISION:

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

Normal monthly duties:

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

Additionally, this month:

The park/streets division worked set up and removal for the 5k Operation Changing Lives marathon and the Christmas parade, tree lighting this month. They changed out the decorative light pole banners

for Pearl Harbor Remembrance Day as well as Christmas. The made numerous banner pole arm repairs because of the windy days we had last month and remodeled the bathrooms by the tennis courts with tile, paint and benches. The electrician handled repairs for Christmas decorations, lighting at city hall, station 8 generator, power outage at public safety as well as replacing fuses in 2 40ft light poles. He also replaced a ceiling fan at the pavilion and handled 23 electrical line locates.

SEWER DIVISION:

Currently four positions.

Normal monthly duties:

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

Additionally, this month:

The division installed new belts and replaced the motor on the odor control system. They changed out a drive and sealed the top hatch at station 4 and repaired the door on the bypass pump and cleaned out a drain line for the master station. They also poured a concrete slab at station 8, replaced the block heaters at station 6 and the facility yard, handled 4 animal control calls, 4 pool readings and 40 sewer line locates.

City of Daytona Beach Shores

Planning & Building Division Statistics

Monthly Report – November, 2021

Planning Division

Site Plans - Submittals and Approvals:

Submitted this Month: 4
 Submitted this Fiscal Year: 5
 Approved by Staff this Month: 0
 Approved by Staff this Fiscal Year: 0
 Approved by City Council this Month: 0
 Approved by City Council this Fiscal Year: 0
 Amendments Approved by Staff this Fiscal Year: 0

Building Division

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

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Pirates Cove Adventure Golf	3420 South Atlantic Avenue	11/1	Re-roof 2 buildings, gold dust tile	\$38,700.00	\$289.24
Oceans Five Condo	2987 South Atlantic Avenue	11/1	Concrete repairs in parking garage	\$160,000.00	\$876.38
Dahlia Park	3621 South Atlantic Avenue	11/2	Install playground and custom sail shade	\$85,520.00	\$556.73
Edwin W Peck Sr Park	3167 South Atlantic Avenue	11/2	Install playground and custom sail shade	\$218,842.00	\$1,112.19
Shores Resort and Spa	2637 South Atlantic Avenue	11/4	Install duplex domestic water booster pump	\$53,960.00	\$77.94
Wnuk Residence	3047 South Atlantic Avenue, Unit 1804	11/8	Install 3 electric hurricane shutters	\$12,800.00	\$137.65
Toce Residence	3003 South Atlantic Avenue, Unit 2A1	11/9	Complete remodel, remove wall, new cabinets, showers	\$106,300.00	\$664.29
Oasis Condo	100 Browning Avenue	11/9	Shingle to shingle reroof	\$54,784.00	\$380.47
Tropic Shores Condo	3111 South Atlantic Avenue	11/9	Install monument sign	\$17,990.00	\$74.17
Oceans Four Condo	3003 South Atlantic Avenue	11/10	Replace laundry waste piping in each unit	\$282,924.00	\$475.17
Needham Residence	2626 South Atlantic Avenue, Unit 404	11/11	Raise kitchen ceiling, new cabinets, install 6 new doors	\$41,000.00	\$300.89

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Ocean Blue 21 LLC	138 Botefuhr Avenue	11/11	Repair CMU walls, remove pipe, repair cracks	\$18,257.00	\$177.58
Castillo Family, LLC	2625 South Atlantic Avenue, Unit 11NW	11/12	Kitchen and bath remodel	\$20,000.00	\$182.96
Dailey Residence	3601 South Atlantic Avenue, Unit 608	11/12	New cabinets and tops, new showers, vanity and top	\$27,400.00	\$226.75
Rohling Residence	2987 South Atlantic Avenue, Unit 1206	11/12	Replace windows, size for size	\$16,888.00	\$166.82
Cope Residence	2987 South Atlantic Avenue, Unit 2001	11/12	Replace windows and sliding glass doors	\$27,933.00	\$226.92
Oceans Atrium One	3013 S. Atlantic Avenue	11/16	Concrete restoration	\$15,000.00	\$154.75
Engum Residence	3114 Brookfair Crescent	11/17	Re-roof	\$13,650.00	\$146.20
Medunic/Jaskolka Residence	2 Oceans West Boulevard, Unit 1103	11/18	Remodel kitchen and 3 bathrooms, new cabinets	\$69,500.00	\$465.71
Fuerst Residence	3315 South Atlantic Avenue, Unit 1208	11/18	Remodel kitchen, new cabinets, and tops	\$50,500.00	\$357.62
Weaver Residence	1 Ocean West Boulevard, Unit 4A4	11/18	Remodel 2 bathrooms, tub, shower, vanity, and tile	\$24,000.00	\$204.49
Souza Residence	2987 South Atlantic Avenue, Unit 1902	11/18	Remodel master bath, tub to shower, vanity, closet	\$21,000.00	\$188.34
Holiday Inn Express	3301 South Atlantic Avenue	11/19	Replace (2) 100 gallon water heaters	\$31,800.00	\$48.86
Holloway Residence	3047 South Atlantic Avenue, Unit 701	11/19	Remodel kitchen and 2 bathrooms	\$17,000.00	\$166.82
Shoreline All Suites	2435 South Atlantic Avenue	11/19	Re-roof, apply SPF and coat with silicone	\$47,519.00	\$340.56
Sawina Residence	3425 South Atlantic Avenue, Unit 1401	11/19	Replace existing tub with walk in tub	\$18,501.00	\$69.25
Barrett Residence	3425 South Atlantic Avenue, Unit 306	11/22	Replace 14 windows, size for size	\$15,275.00	\$161.50
Sand Castle Motel	3619 South Atlantic Avenue	11/23	Concrete repairs to the cantilever	\$88,000.00	\$568.26
Riehl Residence	2917 South Atlantic Avenue, Unit 1106	11/24	Replace kitchen cabinets and tops, bathroom vanities	\$21,778.00	\$193.73
Johnson Trust	3311 South Atlantic Avenue, Unit 1603	11/30	Install 3 hurricane shutters	\$12,452.00	\$137.65
Johnson Trust	3311 South Atlantic Avenue, Unit 1601	11/30	Install 8 hurricane shutters	\$26,884.00	\$221.22
Johnson Trust	3311 South Atlantic Avenue, Unit 1604	11/30	Install 3 hurricane shutters	\$11,024.00	\$129.10
Gindling Residence	2 Oceans West Boulevard, Unit 2107	11/30	Install 3 hurricane shutters	\$15,544.00	\$161.50
Sand Point Condo	2615 South Atlantic Avenue	11/30	Concrete repairs	\$15,000.00	\$154.75
TOTALS	WORK ADDRESS	DATE	WORK DESCRIPTION	\$1,697,725.00	\$9,796.64

Building Division Revenue by Permit Category:

PERMIT TYPE	NOVEMBER 2021	FISCAL YEAR-TO- DATE 2021 TO 2022	NOVEMBER 2020	LAST FISCAL YEAR-TO- DATE 2020 TO 2021
BUILDING	\$9,503.73	\$24,801.95	\$40,420.68	\$54,001.56
ROOF	\$1,191.65	\$1,656.24	\$1,306.29	\$2,023.15
DEMOLITION	\$69.25	\$69.25	\$0.00	\$0.00
ELECTRICAL	\$1,471.00	\$3,621.50	\$2,126.06	\$7,096.86
MECHANICAL	\$2,177.39	\$4,327.89	\$3,613.27	\$9,830.49
PLUMBING	\$2,685.47	\$5,406.92	\$3,281.56	\$7,943.88
SIGN	\$377.67	\$797.56	\$89.50	\$404.35
POLITICAL SIGN BONDS	\$0.00	\$0.00	\$0.00	\$0.00
STORMWATER MANAGEMENT	\$0.00	\$0.00	\$0.00	\$0.00
MISCELLANEOUS	\$49.00	\$196.00	\$65.25	\$195.75
DEVELOPMENT FEES	\$9,891.00	\$10,481.00	\$50.00	\$160.00
PROMOTIONAL ACTIVITIES	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS	\$27,416.16	\$51,358.31	\$50,951.61	\$81,996.04

Building Division Activities:

ACTIVITY	NOVEMBER 2021	FISCAL YEAR-TO- DATE 2021 TO 2022	NOVEMBER 2020	LAST FISCAL YEAR-TO- DATE 2020 TO 2021
INSPECTIONS	283	603	284	688
FINAL CERTIFICATES OF OCCUPANCY ISSUED	0	0	0	0
TEMPORARY CERTIFICATES OF OCCUPANCY ISSUED	0	0	0	0
FINAL INSPECTIONS	170	358	191	441
FAILED INSPECTIONS	12	25	34	58

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

Projects Begun Current Fiscal Year-to-Date – 2021 to Present: \$12,927,069.00

Projects Begun Last Fiscal Year – 2020 to 2021: \$64,300,811.00

Projects Begun Two Fiscal Years Ago – 2019 to 2020: \$39,968,375.00

City of Daytona Beach Shores

Planning & Building Division Statistics

Monthly Report – December, 2021

Planning Division

Site Plans - Submittals and Approvals:

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

Building Division

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

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Beach Club Condo	3727 South Atlantic Avenue	12/1	Repair pool pump house, replace framing	\$12,000.00	\$129.10
Sand & Surf Condo	2535 South Atlantic Avenue	12/2	Misc. concrete repairs to building	\$54,925.00	\$380.52
Atkinson Residence	238 Florida Shores Boulevard	12/3	Replace 3 windows and 1 sliding glass door	\$10,770.00	\$120.55
Oceans Grand	2 Oceans West Boulevard	12/3	Replace package rooftop unit	\$306,931.00	\$2,198.31
Ghobeira Property	2008 South Atlantic Avenue	12/7	Replace storefront and windows, resolve violations	\$24,158.00	\$514.62
Prusi Residence	3311 South Atlantic Avenue, Unit 601	12/8	Shower to shower conversion	\$17,050.00	\$172.20
Ghobeira Property	2008 South Atlantic Avenue	12/8	Replace storefront glass system	\$16,540.00	\$166.82
Palma Bella Condo	3245 South Atlantic Avenue	12/9	Replace parking garage grille	\$23,155.00	\$204.49
Marc Charles Residence	3743 South Atlantic Avenue, Unit 6C	12/9	Install 7 hurricane shutters on patio door openings	\$18,350.00	\$177.58
Keller Residence	3043 South Atlantic Avenue, Unit 1501	12/10	Remodel kitchen and master bathroom	\$32,000.00	\$249.69
Ortiz Residence	2917 South Atlantic Avenue, Unit 601	12/10	Remodel kitchen and bathroom	\$27,450.00	\$226.77
Smith Residence	3043 South Atlantic Avenue, Unit 1701	12/10	Kitchen remodel	\$27,482.00	\$226.78

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Callum Residence	2545 South Atlantic Avenue, Unit 1002	12/10	Remodel showers, remove wall, replace interior doors	\$18,500.00	\$177.58
Millacci Residence	2937 South Atlantic Avenue, Unit 603	12/10	Replace 5 windows and 4 sliding glass doors	\$32,370.00	\$255.18
Dimucci Tower Condo Association	3797 South Atlantic Avenue, Unit 401	12/13	Build out of unit, cabinets, and countertops	\$23,000.00	\$199.11
Dimucci Tower Condo Association	3797 South Atlantic Avenue, Unit 203	12/13	Build out of unit, cabinets, and countertops	\$23,000.00	\$199.11
Dimucci Tower Condo Association	3797 South Atlantic Avenue, Unit 204	12/13	Build out of unit, cabinets, and countertops	\$23,000.00	\$199.11
Dimucci Tower Condo Association	3797 South Atlantic Avenue, Unit 303	12/13	Build out of unit, cabinets, and countertops	\$23,000.00	\$199.11
Dimucci Tower Condo Association	3797 South Atlantic Avenue, Unit 304	12/13	Build out of unit, cabinets, and countertops	\$23,000.00	\$199.11
Dimucci Tower Condo Association	3797 South Atlantic Avenue, Unit 403	12/13	Build out of unit, cabinets, and countertops	\$23,000.00	\$199.11
Dimucci Tower Condo Association	3797 South Atlantic Avenue, Unit 404	12/13	Build out of unit, cabinets, and countertops	\$23,000.00	\$199.11
Dimucci Tower Condo Association	3797 South Atlantic Avenue, Unit 503	12/13	Build out of unit, Cabinets. And countertops	\$23,000.00	\$199.11
Dimucci Tower Condo Association	3797 South Atlantic Avenue, Unit 504	12/13	Build out of unit, Cabinets, and countertops	\$23,000.00	\$199.11
Dimucci Tower Condo Association	3797 South Atlantic Avenue, Unit 603	12/13	Build out of unit, cabinets, and countertops	\$23,000.00	\$199.11
Dimucci Tower Condo Association	3797 South Atlantic Avenue, Unit 604	12/13	Build out of unit, cabinets, and countertops	\$23,000.00	\$199.11
Dimucci Tower Condo Association	3797 South Atlantic Avenue, Unit 702	12/13	Build out of unit, cabinets, and countertops	\$23,000.00	\$199.11
Dimucci Tower Condo Association	3797 South Atlantic Avenue, Unit 704	12/13	Build out of unit, cabinets, and countertops	\$23,000.00	\$199.11
Dimucci Tower Condo Association	3797 South Atlantic Avenue, Unit 703	12/13	Build out of unit, cabinets, and countertops	\$23,000.00	\$199.11
Crabby Joe's	3701 South Atlantic Avenue	12/13	Piling repair	\$30,000.00	\$238.31
Ellis Residence	3 Oceans West Boulevard, Unit 7C7	12/16	Install kitchen cabinets and countertops	\$20,000.00	\$182.96
Curran Shores North	3615 South Atlantic Avenue	12/16	Waterproofing deck coatings on walkway floors	\$16,160.00	\$166.82
Lippi Residence	2425 South Atlantic Avenue, Unit 1806	12/17	Remodel kitchen, master, and guest bathrooms	\$61,500.00	\$420.20

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Shores Resort and Spa	2637 South Atlantic Avenue	12/20	Install new pavers and equipment	\$10,300.00	\$120.55
Red Lobster	3162 South Atlantic Avenue	12/21	Replace fire alarm system	\$20,985.00	\$247.50
City Hall	2990 South Atlantic Avenue	12/29	Replace 2 condensers	\$15,000.00	\$0.00
TOTALS	WORK ADDRESS	DATE	WORK DESCRIPTION	\$1,117,626.00	\$9,364.07

Building Division Revenue by Permit Category:

PERMIT TYPE	DECEMBER 2021	FISCAL YEAR-TO-DATE 2021 TO 2022	DECEMBER 2020	LAST FISCAL YEAR-TO-DATE 2020 TO 2021
BUILDING	\$8,796.51	\$33,598.46	\$9,758.47	\$63,760.03
ROOF	\$0.00	\$1,656.24	\$3,640.72	\$5,663.87
DEMOLITION	\$0.00	\$69.25	\$0.00	\$120.00
ELECTRICAL	\$2,191.63	\$5,813.13	\$2,029.50	\$9,126.36
MECHANICAL	\$3,287.54	\$7,615.43	\$3,471.04	\$13,301.53
PLUMBING	\$2,614.25	\$8,021.17	\$7,676.20	\$15,620.08
SIGN	\$167.25	\$964.81	\$389.90	\$794.25
POLITICAL SIGN BONDS	\$0.00	\$0.00	\$0.00	\$220.00
STORMWATER MANAGEMENT	\$0.00	\$0.00	\$0.00	\$0.00
MISCELLANEOUS	\$65.25	\$261.25	\$65.25	\$261.00
DEVELOPMENT FEES	\$245.00	\$10,726.00	\$150.00	\$310.00
PROMOTIONAL ACTIVITIES	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS	\$17,367.43	\$68,725.74	\$27,181.08	\$109,177.12

Building Division Activities:

ACTIVITY	DECEMBER 2021	FISCAL YEAR-TO-DATE 2021 TO 2022	DECEMBER 2020	LAST FISCAL YEAR-TO-DATE 2020 TO 2021
INSPECTIONS	267	870	279	967
FINAL CERTIFICATES OF OCCUPANCY ISSUED	0	0	0	0
TEMPORARY CERTIFICATES OF OCCUPANCY ISSUED	0	0	0	0

FINAL INSPECTIONS	169	527	193	634
FAILED INSPECTIONS	18	42	20	78

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

Projects Begun Current Fiscal Year-to-Date – 2021to Present: \$14,044,695.00

Projects Begun Last Fiscal Year – 2020 to 2021: \$64,300,811.00

Projects Begun Two Fiscal Years Ago – 2019 to 2020: \$39,968,375.00



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

“LIFE IS BETTER HERE.”

**CITY COUNCIL AGENDA MEMORANDUM
JANUARY 25, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council
COPIES TO: Mike Booker, City Manager
Cheri Schwab, City Clerk
FROM: John Cary, City Attorney
DATE: January 19, 2022
SUBJECT: ***City Attorney Report***

The following is intended as my written report to the City Council for matters arising subsequent to its last meeting of January 11, 2022. Please advise if you have any questions, comments or concerns relative to these matters.

(1) *Public Safety Education Reimbursement Agreement*

Made changes to the Public Safety Education Reimbursement Agreement as requested by the Public Safety Department.

(2) *Chase Bank Property Purchase*

Drafted the Letter of Intent for the purchase of the property behind the Chase Bank Building. Later, worked with Finance Director to revise the Letter of Intent to explain the reason for the offer price.

(3) *136 Beachcomber Closing*

Prepared remaining closing documents for closing the sale for 136 Beachcomber. Set a closing date of January 27, 2022.

(4) *Treasure Island Property*

Finalized negotiations and the Development Agreement for Treasure Island for consideration at a February 1, 2022, special meeting (date tentative).

Respectfully, submitted,

/s/ John Cary, City Attorney



CITY OF DAYTONA BEACH SHORES

"Life Is Better Here"
Office of the City Manager

Phone (386) 763-5373 Fax (386) 763-5360

MEMORANDUM

DATE: January 18, 2022

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

FROM: Michael T. Booker, City Manager 

SUBJECT: City Manager's Report – January 25, 2022

136 Beachcomber:

- On Friday, January 21, the closing is scheduled to be held on 136 Beachcomber. Many thanks to the Mayor and City Council for facilitating the sale of this property.

Peck Park:

- I have a call in to Billie Wheeler re the updated status of this county project.

Opioid Abatement Funding Advisory Board:

- Volusia County is looking at an advisory board to look at ways in which funds from the opioid settlement may best be allocated. Each local government would receive one appointee to the Board.



CITY COUNCIL AGENDA MEMORANDUM JANUARY 25, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-02: Voluntary Annexation-3102 Liberty Street

SYNOPSIS:

Larry and Barbara Pollack, owners of the vacant unincorporated Volusia County single-family residential property located at 3102 Liberty (Exhibit 1), have petitioned the City of Daytona Beach Shores for voluntary annexation into the City's corporate limits (Exhibit 2) pursuant to Section 171.044, *Florida Statutes*. The owners purchased the property in August of 2021 and intend to build a single-family residence on the property. If adopted, Ordinance 2022-02 will annex the subject property and adjacent rights-of-way into the City limits of Daytona Beach Shores.

FISCAL IMPACT STATEMENT:

BACKGROUND:

The subject property is approximately 0.78 of an acre with dimensions of 150' x 228'. The property owners plan to build a single-family residential home in the immediate future. Therefore, pursuant to Section 171.062, *Florida Statutes*, the property owners have also submitted applications to amend the future land use and zoning classifications of the property in question to those of the City. These applications will be approved subsequent to the formal annexation of the subject property. Exhibit 4 attached provides a general description of the subject property.

Exhibit 5 attached demonstrates compliance with the voluntary annexation requirements prescribed in Section 171.044, *Florida Statutes*.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-02 as presented.

SUGGESTED MOTION:

A City Council Member may motion as follows:

"I move to approve Ordinance 2022-02 as presented."

- ATTACHMENT:**
1. Ord 2022-02-Voluntary Annexation-3102 Liberty St-Pollack
 2. Ordinance 2022-02 Exhibit-Survey
 3. Staff Report Exhibits

ORDINANCE NO. 2022-02

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, RELATING TO VOLUNTARY ANNEXATION OF REAL PROPERTY LOCATED AT 3102 LIBERTY STREET (SHORT PARCEL IDENTIFICATION NUMBER 5334-02-08-0010) TOGETHER WITH ASSOCIATED RIGHT-OF-WAYS IN ACCORDANCE WITH SECTION 171.044, *FLORIDA STATUTES*; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; REDEFINING THE BOUNDARIES OF THE CITY; PROVIDING FOR LEGAL EFFECT AND IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, PROVIDING FOR NON-CODIFICATION AND SETTING AN EFFECTIVE DATE.

WHEREAS, Larry and Barbara Pollack applied for annexation of property into the City of Daytona Beach Shores and is hereby determined to be the fee simple title owner of the real property described below; and

WHEREAS, the said applicants petitioned the City of Daytona Beach Shores, pursuant to Section 171.044, *Florida Statutes*, for annexation of said property into the municipal limits of the City of Daytona Beach Shores; and

WHEREAS, the subject property is currently addressed 3102 Liberty Street; and

WHEREAS, the subject property currently has a Short Tax Parcel Identification Number 5334-02-08-0010; and

WHEREAS, the City of Daytona Beach Shores has determined that all of the property which is proposed to be annexed into the City of Daytona Beach Shores is within an unincorporated area of Volusia County, is reasonably compact and contiguous to the corporate areas of the City of Daytona Beach Shores, Florida and it is further determined that the annexation of said property will not result in the creation of any enclave (and, indeed, logically fills in the City Limits of the City and is consistent with sound principles and practices relating to the delineating of jurisdictional boundaries thereby furthering sound management in terms of the provision of public facilities and services as well as sound land use planning), and it is further determined that the property otherwise fully complies with the requirements of State law and has, further, determined that associated rights-of-way should be annexed hereby; and

WHEREAS, the City Council of the City of Daytona Beach Shores, Florida has taken all actions in accordance with the requirements and procedures mandated by State law; and

WHEREAS, the City Council of the City of Daytona Beach Shores, Florida

hereby determines that it is to the advantage of the City of Daytona Beach Shores and in the best interests of the citizens of the City of Daytona Beach Shores to annex the aforescribed property; and

WHEREAS, the provisions of Section 166.031(3), *Florida Statutes*, provide that [a] municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State pursuant to the provisions of subsection (2); and

WHEREAS, the provisions of Section 171.091, *Florida Statutes*, provide as follows:

Recording.—Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

; and

WHEREAS, the map attached hereto as Exhibit “A” shows, describes, and depicts the property and named associated rights-of-ways which are hereby annexed into the City of Daytona Beach Shores said Exhibit being incorporated into the substantive provisions of this Ordinance as if fully set forth herein verbatim.

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

SECTION ONE: LEGISLATIVE AND ADMINISTRATIVE FINDINGS/ANNEXATION OF PROPERTIES.

(a). The City Council of the City of Daytona Beach Shores hereby finds that the recitations set forth are true and correct and that the requirements of Section 171.044, *Florida Statutes*, as well as all other requirements of controlling law, have been complied with in every respect.

(b). Under the authority of Section 166.031 (3), *Florida Statutes*, relating to city charter amendments, “[a] municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. . . . A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State . . .” This Ordinance shall amend the boundaries of the City to include the property annexed in this Ordinance.

SECTION TWO: ANNEXATION INTO THE CITY. The real property depicted and described by metes and bounds in Exhibit “A” appended hereto, which Exhibit is made part hereof and which property is owned by the petitioning property owners, and further described as set forth below, together with the associated rights-of-way as described below, is hereby annexed into the City Limits of the City of Daytona Beach Shores, said property being described as follows:

LOTS 1, 2 AND 3, BLOCK 8, ROGERS NORTH ORITA, AS RECORDED IN MAP BOOK 1, PAGE 115, RE-RECORDED IN MAP BOOK 14, PAGES 121 AND 122, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH THE SOUTHERLY 1/2 OF VAN AVENUE LYING BETWEEN THE NORTHERLY EXTENSION OF THE CENTERLINE OF LIBERTY STREET AND THE NORTHERLY EXTENSION OF THE CENTERLINE OF BROOKFAIR CRESCENT, AND THE WEST 1/2 OF LIBERTY STREET LYING BETWEEN THE CENTERLINE OF VAN AVENUE AND THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3, AND THE EASTERLY 1/2 OF BROOKFAIR CRESCENT LYING BETWEEN THE CENTERLINE OF VAN AVENUE AND THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3, DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3 WITH THE CENTERLINE OF BROOKFAIR CRESCENT; THENCE RUN N28°33'12"W ALONG THE CENTERLINE OF SAID BROOKFAIR CRESCENT, 175.01 FEET TO THE CENTERLINE OF VAN AVENUE (PLATTED PENINSULA AVENUE) THENCE RUN N60°52'43"E ALONG THE CENTERLINE OF SAID VAN AVENUE, 263.38 FEET TO THE CENTERLINE OF LIBERTY STREET; THENCE S26°36'00"E ALONG THE CENTERLINE OF LIBERTY STREET, 175.01 FEET TO THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3; THENCE S60°50'35"W ALONG SAID EASTERLY EXTENSION AND THE SOUTHERLY LINE OF SAID LOT 3 AND THE WESTERLY EXTENSION THEREOF, 257.41 FEET TO THE POINT OF BEGINNING.

SECTION THREE: CHANGE IN CITY BOUNDARIES/LEGAL EFFECT OF ANNEXATION. The boundary lines of the City Limits of the City of Daytona Beach Shores are hereby redefined and, upon the effective date of this Ordinance shall also encompass the annexed property as described herein and depicted in Exhibit “A”. Upon this Ordinance becoming effective, the property owner of the annexed property shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to property owners of the City as further provided in Chapter 171, *Florida Statutes*, and shall further be subject to the responsibilities of ownership as may from time-to-time be determined by the governing authority of the City and the provisions of said Chapter 171, *Florida Statutes*.

SECTION FOUR: ADMINISTRATIVE IMPLEMENTING ACTIONS.

(a). Within seven (7) days of the adoption of this Ordinance, the City Clerk shall file a copy of said Ordinance with the Clerk of the Court (Land Records/Recording), with the Chief Administrative Officer of Volusia County (the County Manager), with the Florida Department of State, and with such other agencies and entities as may be required by law or otherwise desirable.

(b). The City Manager, or designees within City management staff, shall ensure that the property annexed by this Ordinance is incorporated into the City of Daytona Beach Shores *Comprehensive Plan* and the *Official Zoning Map* of the City of Daytona Beach Shores in an expeditious manner and, in accordance with, and pursuant to, the provisions of Under the authority of Section 166.031(3), *Florida Statutes*, the City Manager, or designees, shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties in all maps and geographical data relating to the City Limits said properties to include, but not be limited to, annexed rights-of-way and natural features.

SECTION FIVE: CONFLICTS. Any and all ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION SIX: SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION SEVEN: 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*, or the *City of Daytona Beach Shores Comprehensive Plan* provided, however, that the actions taken herein shall be depicted on the pertinent maps of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION EIGHT: EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

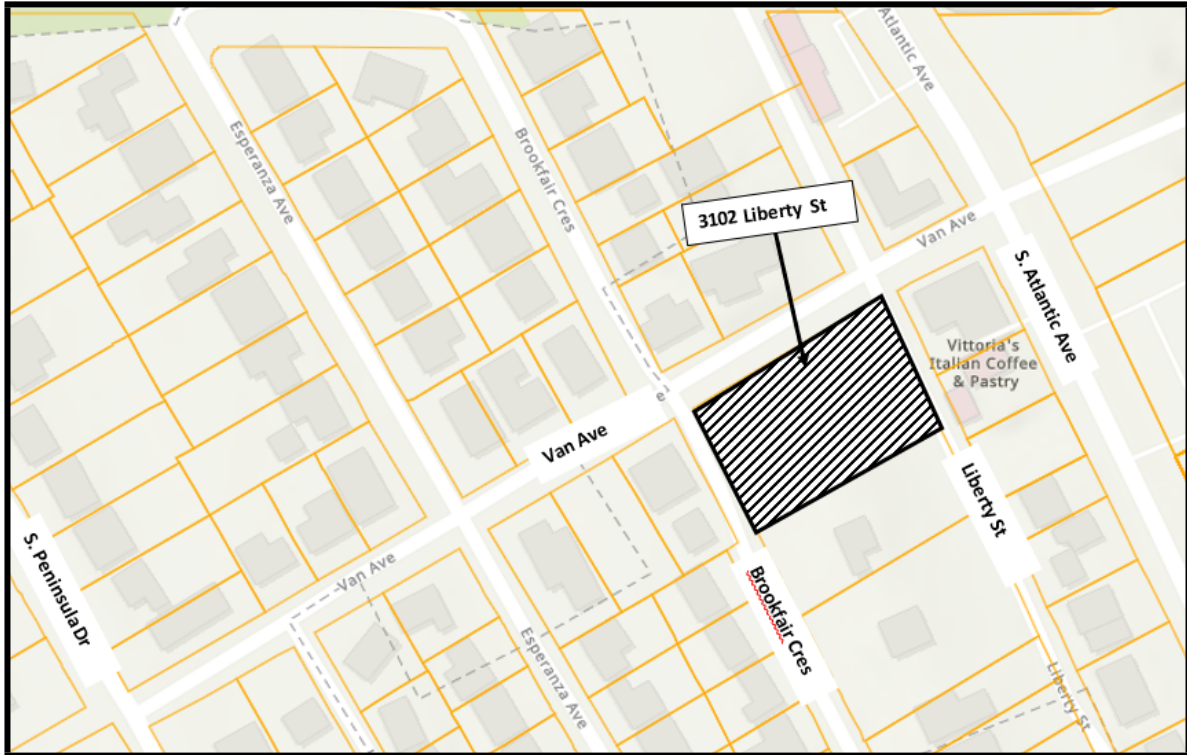
JOHN CARY, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2022.

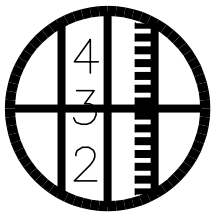
Adopted on second reading this _____ day of _____, 2022.

EXHIBIT A

(1) Location Map of Annexing Property (3102 Liberty St)



(2) Metes and Bounds Description/Sketch (Attached)



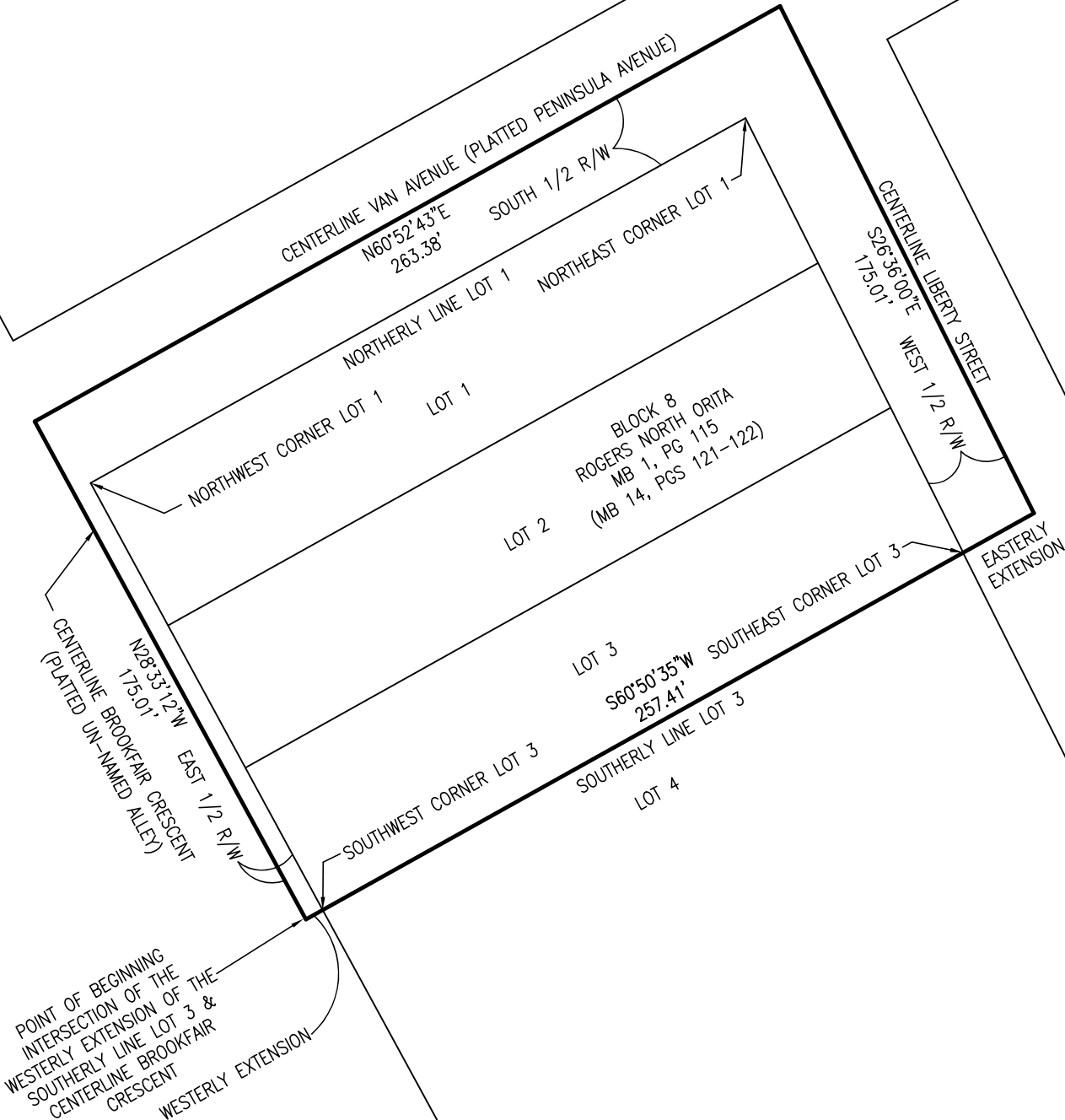
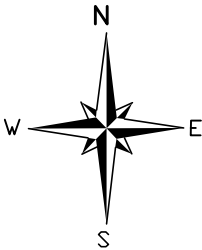
SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

3921 NOVA ROAD
PORT ORANGE, FL. 32127
(386) 761-5385

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www.sligerassociates.com



FOR: CITY OF DAYTONA BEACH SHORES, FLORIDA
DESCRIPTION:
ANNEXATION DESCRIPTION. SEE
SHEET 2 FOR LEGAL DESCRIPTION

SKETCH OF DESCRIPTION
NOT A BOUNDARY SURVEY

JOB #21-2064 3102 LIBERTY STREET

SCALE: 1"=50'

FIELD BOOK:

PAGE:

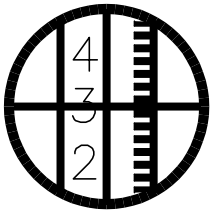
ABBREVIATIONS

(P)	PLATTED DIMENSION
(D)	DEEDED DIMENSION
(M)	MEASURED DIMENSION
(C)	CALCULATED DIMENSION
ID	IDENTIFICATION
A/C	AIR CONDITIONER
R/W	RIGHT OF WAY
CL	CENTERLINE
D	CENTRAL ANGLE
R	RADIUS
L	ARC LENGTH
CB	CHORD BEARING
FP&L CO.	FLORIDA POWER & LIGHT COMPANY
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
U.S.C. & G.S.	UNITED STATES COAST AND GEODETIC SURVEY

SHEET 1 OF 2

LEGEND

●	IRON ROD WITH CAP
○	IRON PIPE
□	CONCRETE MONUMENT
■	PERMANENT REFERENCE MONUMENT
△	PERMANENT CONTROL POINT
(R)	RADIAL LINE
(NR)	NON-RADIAL LINE
○	EXISTING ELEVATION
□	PROPOSED ELEVATION



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SURVEYORS NOTES

- 1. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY/SKETCH OF DESCRIPTION THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY/ SKETCH OF DESCRIPTION PREPARED WITHOUT BENEFIT OF AN ABSTRACT.
- 2. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- 3. BEARING STRUCTURE ASSUMED NORTH WITH THE BEARING ON THE NORTHERLY LINE OF LOT 1, BLOCK 8, ROGERS NORTH ORITA BEING N60°52'43"E.
- 4. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR VALID DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER."
- 5. UNLESS OTHERWISE SHOWN, RECORD DISTANCES AND DIRECTIONS AND FIELD MEASURED DISTANCES AND DIRECTIONS ARE THE SAME.
- 6. DESCRIPTION PREPARED BY SLIGER & ASSOCIATES, INC. 12/27/2021.

DESCRIPTION

LOTS 1, 2 AND 3, BLOCK 8, ROGERS NORTH ORITA, AS RECORDED IN MAP BOOK 1, PAGE 115, RE-RECORDED IN MAP BOOK 14, PAGES 121 AND 122, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH THE SOUTHERLY 1/2 OF VAN AVENUE LYING BETWEEN THE NORTHERLY EXTENSION OF THE CENTERLINE OF LIBERTY STREET AND THE NORTHERLY EXTENSION OF THE CENTERLINE OF BROOKFAIR CRESCENT, AND THE WEST 1/2 OF LIBERTY STREET LYING BETWEEN THE CENTERLINE OF VAN AVENUE AND THE EASTERLY EXTENSION OF THE SOUTHELY LINE OF SAID LOT 3, AND THE EASTERLY 1/2 OF BROOKFAIR CRESCENT LYING BETWEEN THE CENTERLINE OF VAN AVENUE AND THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3, DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3 WITH THE CENTERLINE OF BROOKFAIR CRESCENT; THENCE RUN N28°33'12"W ALONG THE CENTERLINE OF SAID BROOKFAIR CRESCENT, 175.01 FEET TO THE CENTERLINE OF VAN AVENUE (PLATTED PENINSULA AVENUE) THENCE RUN N60°52'43"E ALONG THE CENTERLINE OF SAID VAN AVENUE, 263.38 FEET TO THE CENTERLINE OF LIBERTY STREET; THENCE S26°36'00"E ALONG THE CENTERLINE OF LIBERTY STREET, 175.01 FEET TO THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3; THENCE S60°50'35"W ALONG SAID EASTERLY EXTENSION AND THE SOUTHERLY LINE OF SAID LOT 3 AND THE WESTERLY EXTENSION THEREOF, 257.41 FEET TO THE POINT OF BEGINNING.

REFERENCE: 3102 LIBERTY STREET

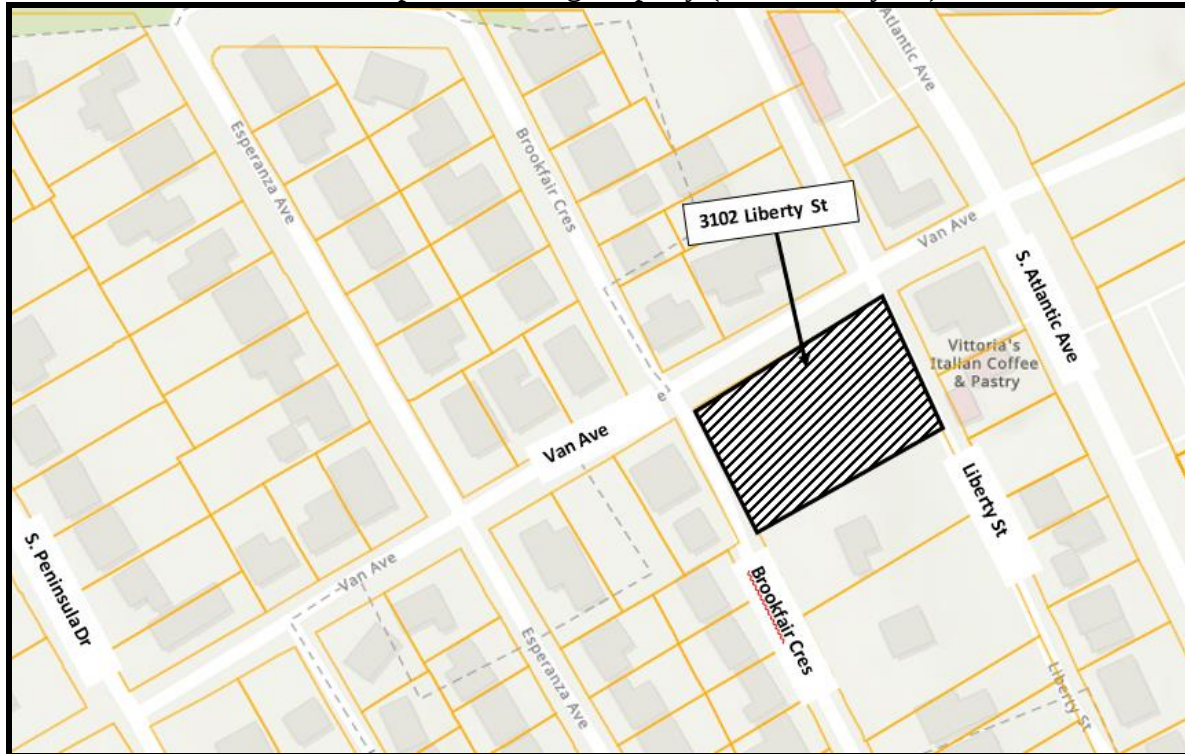
THIS PLAT OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND\OR INDIVIDUALS LISTED BELOW, ON THE MOST CURRENT DATE, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.

TYPE OF SURVEY	CERTIFIED TO	SURVEY DATE	JOB NUMBER
SKETCH OF DESCRIPTION	CITY OF DAYTONA BEACH SHORES, FLORIDA	12/27/2021	21-2064

SHEET 2 OF 2

FOR: CITY OF DAYTONA BEACH SHORES, FLORIDA						I HEREBY CERTIFY THAT THIS PLAT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
	DATE	JOB NO.	P.C.	DRW.	CHECKED BY	
SKETCH OF DESCRIPTION	12/27/2021	21-2064		JZ	DH	
BOUNDARY SURVEY						
TOPOGRAPHIC SURVEY						
FOUNDATION LOCATED						
FINAL IMPROVEMENTS						
RECERTIFICATION						
PROPOSED HOUSE LOCATION						J.E. ZAPERT, P.L.S. NO. 4046

EXHIBIT 1: Location Map of Annexing Property (3102 Liberty St.)



Source: Volusia County Property Appraiser Website, 2021

EXHIBIT 2
A: Annexation Application



City of Daytona Beach Shores
Building & Codes Division
2990 S. Atlantic Avenue
Daytona Beach Shores, FL 32118
Telephone (386) 763-5377 Fax (386) 763-5370

12021042
REQUEST FOR ANNEXATION

11/15/2021
(Date)

5334-02-08-0010

I (We) the undersigned am the sole property owner(s) of 3102 Liberty St. DBS, FL, Volusia County, Florida.
(Street Address)

By this letter, I (We) am requesting annexation into the City of Daytona Beach Shores, Florida. It is my (our) understanding that the fee for legal advertising has been waived by the City and that I (we) will not incur any costs for annexation.

Signed,

Larry M. Pollack
Signature

Larry M. Pollack
Name (Printed or typed)

973-906-5183
Telephone

Barbara Pollack
Signature

Barbara Pollack
Name (Printed or typed)

973-906-5184
Telephone

Signature

Name (Printed or typed)

Telephone

SWORN to and subscribed before me this 15th day of November, 2021 by Larry Pollack + Barbara Pollack, who is personally known to me ☒ or produced Identification _____. Type of Identification provided _____.

Daisy Crespo
Notary Public - State of ~~Florida~~ New Jersey
My Commission Expires:

DAISY CRESPO
A Notary Public of New Jersey
My Commission Expires August 1 2025

Please return this form to: Annexation Committee
c/o Planning Department
City of Daytona Beach Shores
2990 S. Atlantic Avenue
Daytona Beach Shores, FL 32118

EXHIBIT 2

B: Property Appraiser Website Owner Information



Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

Property Summary

Alternate Key:	3460766
Parcel ID:	533402080010
Township-Range-Section:	15 - 33 - 34
Subdivision-Block-Lot:	02 - 08 - 0010
Business Name:	
Owner(s):	POLLACK LARRY - TE - Tenancy in the Entirety - 100 POLLACK BARBARA - TE - Tenancy in the Entirety - 100
Mailing Address On File:	21 FOREST CT PASSAIC NJ 07055
Physical Address:	3102 LIBERTY ST, DAYTONA BEACH 32118
Building Count:	0
Neighborhood:	3107 - ORITA SUB
Subdivision Name:	
Property Use:	0000 - VACANT RES
Tax District:	200-UNINCORPORATED - NORTHEAST
2020 Certified Millage Rate:	19.5165
Homestead Property:	No
Agriculture Classification:	No
Legal 1:	LOTS 1 2 & 3 BLK 8 ROGERS NORTH ORITA PER OR 1761 PG 1555 PE
Legal 2:	R OR 8106 PG 2648

Property Values

Tax Year:	2022 Working	2021 Final	2020 Final
Valuation Method:	1-Market Oriented Cost	1-Market Oriented Cost	1-Market Oriented Cost
Improvement Value:	\$0	\$0	\$0
Land Value:	\$162,000	\$121,500	\$147,375
Just/Market Value:	\$162,000	\$121,500	\$147,375

Working Tax Roll Values by Taxing Authority

Values shown below are the 2022 WORKING TAX ROLL VALUES that are subject to change until certified. Millage Rates below that are used in the calculation of the Estimated Taxes are the 2021 FINAL MILLAGE RATES. The Just/Market listed below is not intended to represent the anticipated selling price of the property and should not be relied upon by any individual or entity as a determination of current market value.

EXHIBIT 3

A: Aerial View of Annexing Property (3102 Liberty St.)

Source: Volusia County Property Appraiser Website, 2021



B: Street View of Annexing Property (3102 Liberty St.)



Source: GoogleMaps, 2019

**EXHIBT 4
PRE-ANNEXATION FORM**

Name of Property Owner: Larry and Barbara Pollack

Property Address/Tax Parcel ID: 3102 Liberty St. /5334-02-08-0010

Lot Size: 150' x 228' = 34,200sf (0.78 acres)

According to Volusia County property records, does this property appear to meet Section 171.044 of Florida Statutes? Yes X No

How is property contiguous? East X West X North N South

Property Appraiser Just/Market Value: \$162,000

Homesteaded Property: Yes No X

Special Flood Hazard Area? Yes No X

Improved Lot Unimproved Lot (Vacant) X

Existing Use: Vacant

Conforming Land Use: Non-Conforming Land Use: Explain: Vacant Lot

Existing County Zoning: R-9 Urban Single-Family Residential District

Existing County Land Use: Urban Low Intensity

Condition of Property: Poor Good X Excellent

Water: Port Orange X Daytona Beach

Sanitary: Sewer X (DBS) Septic Tank

If septic tank on site, is sewer available? NA Yes No

Metes and Bounds Survey conducted? Yes X No

Prepared by: Stewart Cruz, City Planner Date: January 3, 2022

EXHIBIT 5: Voluntary Annexation Criteria pursuant to Section 171.044, *Florida Statutes*

Section	Annexation Criteria	Criteria Met	Comments
171.044(1)	Property must be contiguous to the City.	Yes	Per Sec. 171.031(11), subject property is contiguous to the City to the East, west and north.
171.044(1)	Property must be reasonably compact.	Yes	Per Sec. 171.031(12), subject property is reasonably compact and will not create new enclaves, pockets or finger areas in serpentine patterns. In addition, the annexation will aid in reducing the larger county enclave in the vicinity.
171.044(2)	Petition bears the signatures of all owners of property.	Yes	See Exhibit 2 .
171.044(2)	Meet publication requirements.	Yes	Evidence filed with the Office of the City Clerk.
171.044(3)	Ordinance shall be filed per statute.	Pending	Ordinance filing will occur per statutory deadline subsequent to the Ordinance's adoption.
171.044(3)	Ordinance shall include a map and legal description by metes and bounds.	Yes	See Ordinance 2022-02.
171.044(4)	Annexation method shall be supplemental to any other procedure provided by general law.	N/A	
171.044(5)	Annexation shall not create enclaves.	Yes	Per Sec. 171.031(13), subject property does not create an enclave. In fact the annexation will reduce the larger County enclave that currently exists in this area.
171.044(6)	Provision of notice to County Commissioners per statute.	Yes	Notice provided via certified mail per statutory requirement.



CITY COUNCIL AGENDA MEMORANDUM JANUARY 25, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council
FROM: Stewart Cruz, City Planner
PREPARED BY: Cheri Schwab, City Clerk
SUBJECT: Ordinance 2022-03: Voluntary Annexation - 6 Carter Terrace

SYNOPSIS:

Jennifer and Colby Caldwell, owners of the unincorporated Volusia County single-family residential property located at 6 Carter Terrace (Exhibit 1), have petitioned the City of Daytona Beach Shores for voluntary annexation into the City's corporate limits (Exhibit 2) pursuant to Section 171.044, *Florida Statutes*. The owners purchased the property in May of 2021. If adopted, Ordinance 2022-03 will annex the subject property and adjacent right-of-way into the City limits of Daytona Beach Shores.

FISCAL IMPACT STATEMENT:

BACKGROUND:

The subject property is approximately 0.22 of an acre with dimensions of 95' x100'. The property contains a 2,075 square foot two-story single-family residential structure (Exhibit 3). Pursuant to Section 171.062, *Florida Statutes*, the owners have also submitted applications to amend the future land use and zoning classifications of the property in question to those of the City. The future land use amendment and rezoning ordinances will be adopted subsequent to the formal annexation of the subject property.

Exhibit 4 attached provides a general description of the subject property, while Exhibit 5 demonstrates compliance with the voluntary annexation requirements prescribed in Section 171.044, *Florida Statutes*.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-03 as presented.

SUGGESTED MOTION:

A City Council Member may motion as follows:

"I move to approve Ordinance 2022-03 as presented."

- ATTACHMENT:**
1. Ord 2022-03-Voluntary Annexation-6 Carter Terrace-Caldwell
 2. Ordinance 2022-03 Exhibit - Survery
 3. Staff Report Exhibits

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, RELATING TO VOLUNTARY ANNEXATION OF REAL PROPERTY LOCATED AT 6 CARTER TERRACE (SHORT PARCEL IDENTIFICATION NUMBER (5334-00-02-0190) TOGETHER WITH ASSOCIATED RIGHT-OF-WAYS IN ACCORDANCE WITH SECTION 171.044, *FLORIDA STATUTES*; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; REDEFINING THE BOUNDARIES OF THE CITY; PROVIDING FOR LEGAL EFFECT AND IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, PROVIDING FOR NON-CODIFICATION AND SETTING AN EFFECTIVE DATE.

WHEREAS, Colby and Jennifer Caldwell applied for annexation of property into the City of Daytona Beach Shores and is hereby determined to be the fee simple title owner of the real property described below; and

WHEREAS, the said applicants petitioned the City of Daytona Beach Shores, pursuant to Section 171.044, *Florida Statutes*, for annexation of said property into the municipal limits of the City of Daytona Beach Shores; and

WHEREAS, the subject property is currently addressed 6 Carter Terrace; and

WHEREAS, the subject property currently has a Short Tax Parcel Identification Number 5334-00-02-0190; and

WHEREAS, the City of Daytona Beach Shores has determined that all of the property which is proposed to be annexed into the City of Daytona Beach Shores is within an unincorporated area of Volusia County, is reasonably compact and contiguous to the corporate areas of the City of Daytona Beach Shores, Florida and it is further determined that the annexation of said property will not result in the creation of any enclave (and, indeed, logically fills in the City Limits of the City and is consistent with sound principles and practices relating to the delineating of jurisdictional boundaries thereby furthering sound management in terms of the provision of public facilities and services as well as sound land use planning), and it is further determined that the property otherwise fully complies with the requirements of State law and has, further, determined that associated rights-of-way should be annexed hereby; and

WHEREAS, the City Council of the City of Daytona Beach Shores, Florida has taken all actions in accordance with the requirements and procedures mandated by State law; and

WHEREAS, the City Council of the City of Daytona Beach Shores, Florida

hereby determines that it is to the advantage of the City of Daytona Beach Shores and in the best interests of the citizens of the City of Daytona Beach Shores to annex the aforescribed property; and

WHEREAS, the provisions of Section 166.031(3), *Florida Statutes*, provide that [a] municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State pursuant to the provisions of subsection (2); and

WHEREAS, the provisions of Section 171.091, *Florida Statutes*, provide as follows:

Recording.—Any change in the municipal boundaries through annexation or contraction shall revise the charter boundary article and shall be filed as a revision of the charter with the Department of State within 30 days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

; and

WHEREAS, the map attached hereto as Exhibit “A” shows, describes, and depicts the property and named associated rights-of-ways which are hereby annexed into the City of Daytona Beach Shores said Exhibit being incorporated into the substantive provisions of this Ordinance as if fully set forth herein verbatim.

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

SECTION ONE: LEGISLATIVE AND ADMINISTRATIVE FINDINGS/ANNEXATION OF PROPERTIES.

(a). The City Council of the City of Daytona Beach Shores hereby finds that the recitations set forth are true and correct and that the requirements of Section 171.044, *Florida Statutes*, as well as all other requirements of controlling law, have been complied with in every respect.

(b). Under the authority of Section 166.031 (3), *Florida Statutes*, relating to city charter amendments, “[a] municipality may amend its charter pursuant to this section notwithstanding any charter provisions to the contrary. . . . A municipality may, by ordinance and without referendum, redefine its boundaries to include only those lands previously annexed and shall file said redefinition with the Department of State . . .” This Ordinance shall amend the boundaries of the City to include the property annexed in this Ordinance.

SECTION TWO: ANNEXATION INTO THE CITY. The real property depicted and described by metes and bounds in Exhibit “A” appended hereto, which Exhibit is made part hereof and which property is owned by the petitioning property owners, and further described as set forth below, together with the associated rights-of-way as described below, is hereby annexed into the City Limits of the City of Daytona Beach Shores, said property being described as follows:

A PORTION OF THE NORTHERLY 100 FEET OF THE SOUTHERLY 200 FEET OF THE LUFBERRY TRACT PER MAP BOOK 1, PAGE 115 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, NORTH OF RIOMAR BEACHES, MAP BOOK 6, PAGE 95, SAID PUBLIC RECORDS, IN SECTION 34 AND SECTION 35, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 16, CAROLYN TERRACE, PER MAP BOOK 19, PAGE 257 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN N64°00'00"E ALONG THE SOUTHERLY LINE OF SAID CAROLYN TERRACE, 500.97 FEET; THENCE S26°00'00"E, AT RIGHT ANGLES TO SAID SOUTHERLY LINE, 100.00 FEET; THENCE N64°00'00"E PARALLEL WITH SAID SOUTHERLY LINE, 68.10 FEET; THENCE AT AN ANGLE FROM WEST TO NORTH OF 92°43'40", RUN N23°16'20"W, 100.23 FEET TO THE SOUTHERLY LINE OF SAID CAROLYN TERRACE; THENCE S64°00'00"W ALONG SAID SOUTHERLY LINE, 72.68 FEET TO THE POINT OF BEGINNING.

SECTION THREE: CHANGE IN CITY BOUNDARIES/LEGAL EFFECT OF ANNEXATION. The boundary lines of the City Limits of the City of Daytona Beach Shores are hereby redefined and, upon the effective date of this Ordinance shall also encompass the annexed property as described herein and depicted in Exhibit “A”. Upon this Ordinance becoming effective, the property owner of the annexed property shall be entitled to all the rights and privileges and immunities as are from time-to-time granted to property owners of the City as further provided in Chapter 171, *Florida Statutes*, and shall further be subject to the responsibilities of ownership as may from time-to-time be determined by the governing authority of the City and the provisions of said Chapter 171, *Florida Statutes*.

SECTION FOUR: ADMINISTRATIVE IMPLEMENTING ACTIONS.

- (a). Within seven (7) days of the adoption of this Ordinance, the City Clerk shall file a copy of said Ordinance with the Clerk of the Court (Land Records/Recording), with the Chief Administrative Officer of Volusia County (the County Manager), with the Florida Department of State, and with such other agencies and entities as may be required by law or otherwise desirable.
- (b). The City Manager, or designees within City management staff, shall ensure that the property annexed by this Ordinance is incorporated into the City of Daytona Beach Shores *Comprehensive Plan* and the *Official Zoning Map* of the City of Daytona Beach

Shores in an expeditious manner and, in accordance with, and pursuant to, the provisions of Under the authority of Section 166.031(3), *Florida Statutes*, the City Manager, or designees, shall amend the boundaries of the City to include the property annexed in this Ordinance and all previously annexed properties in all maps and geographical data relating to the City Limits said properties to include, but not be limited to, annexed rights-of-way and natural features.

SECTION FIVE: CONFLICTS. Any and all ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION SIX: SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION SEVEN: 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*, or the *City of Daytona Beach Shores Comprehensive Plan* provided, however, that the actions taken herein shall be depicted on the pertinent maps of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION EIGHT: EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

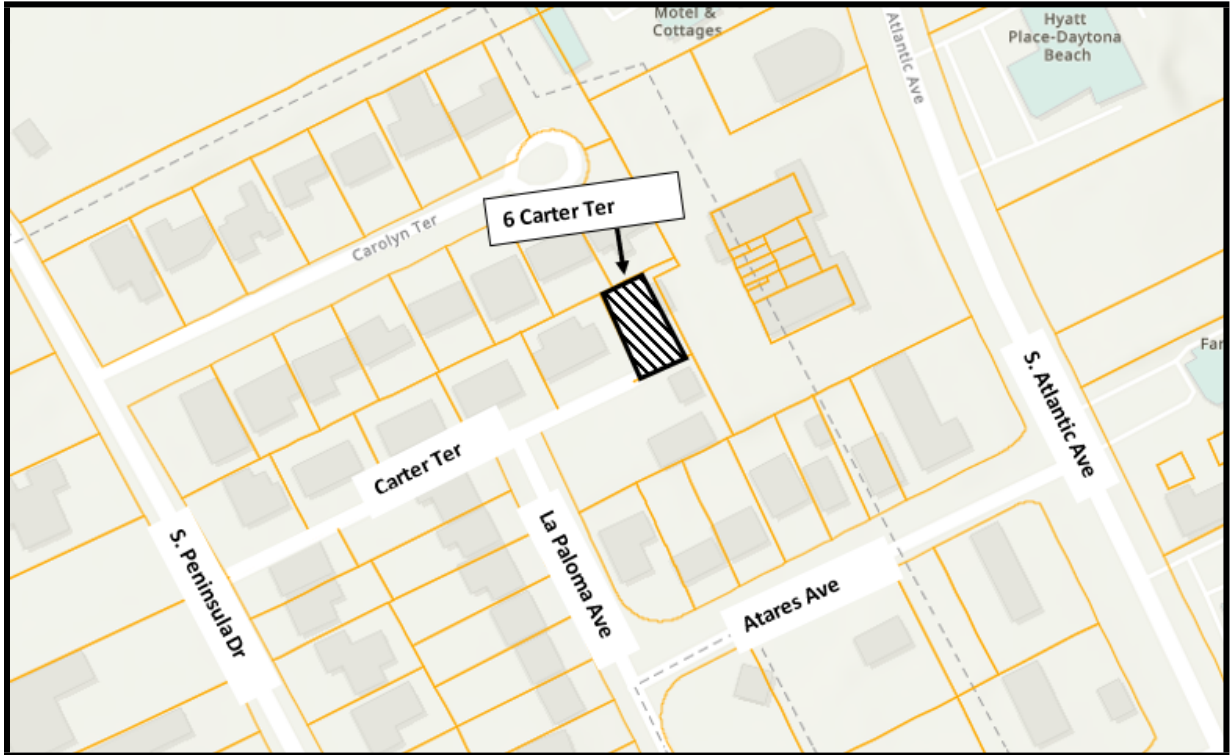
JOHN CARY, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2022.

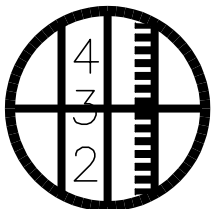
Adopted on second reading this _____ day of _____, 2022.

EXHIBIT A

(1) Location Map of Annexing Property (6 Carter Ter)



(2) Metes and Bounds Description/Sketch (Attached)



SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

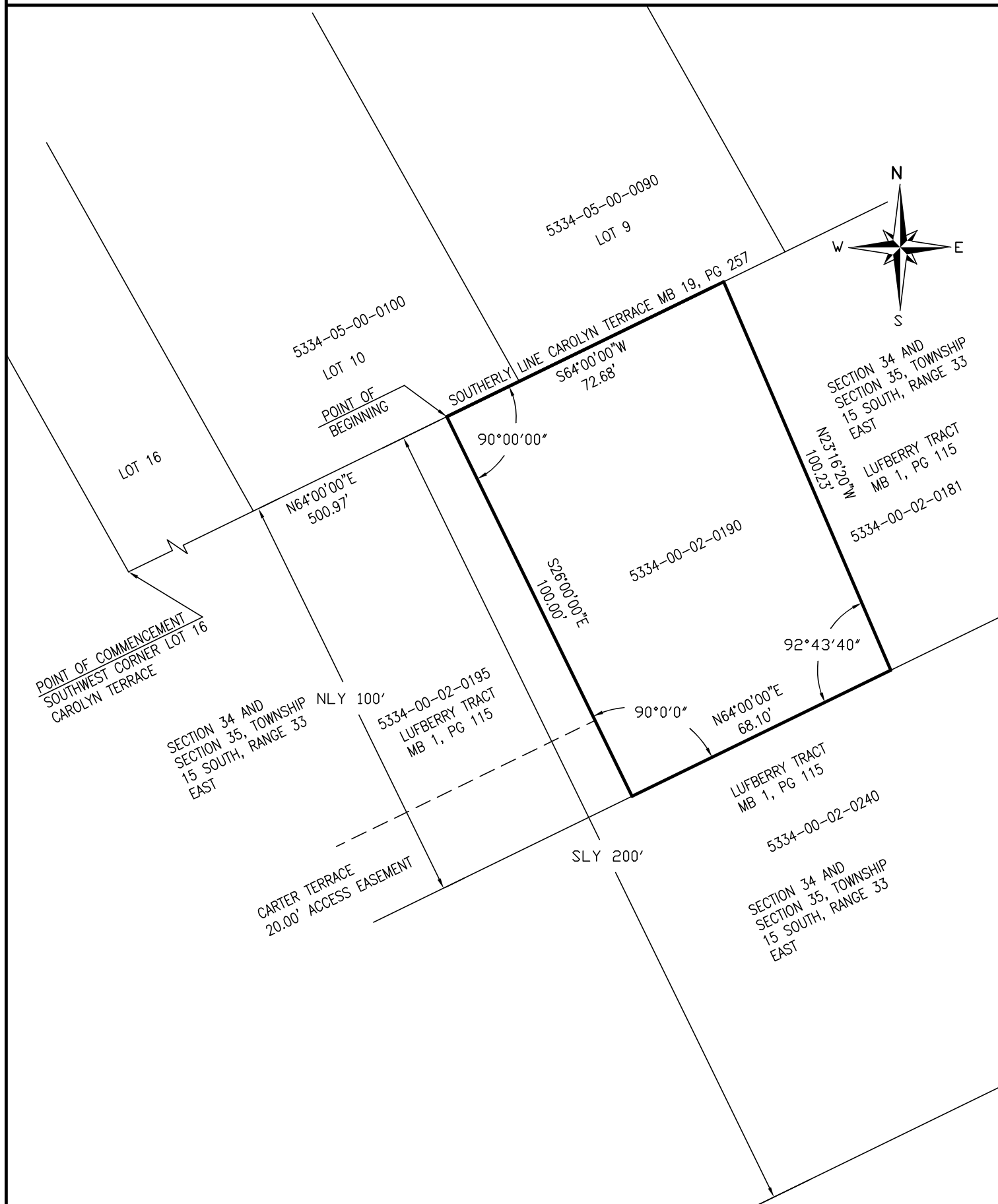
3921 NOVA ROAD

PORT ORANGE, FL. 32127

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www.sligerassociates.com



SKETCH OF DESCRIPTION
NOT A BOUNDARY SURVEY

FOR: CITY OF DAYTONA BEACH SHORES, FLORIDA

DESCRIPTION:
ANNEXATION DESCRIPTION. SEE
SHEET 2 FOR LEGAL DESCRIPTION

JOB #21-2064 6 CARTER TERRACE

SCALE: 1"=30'

FIELD BOOK:

PAGE:

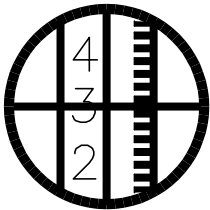
ABBREVIATIONS

(P)	PLATTED DIMENSION
(D)	DEEDED DIMENSION
(M)	MEASURED DIMENSION
(C)	CALCULATED DIMENSION
ID	IDENTIFICATION
A/C	AIR CONDITIONER
R/W	RIGHT OF WAY
CL	CENTERLINE
D	CENTRAL ANGLE
R	RADIUS
L	ARC LENGTH
CB	CHORD BEARING
FP&L CO.	FLORIDA POWER & LIGHT COMPANY
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
U.S.C. & G.S.	UNITED STATES COAST AND GEODETIC SURVEY

SHEET 1 OF 2

LEGEND

- | | |
|------|------------------------------|
| ● | IRON ROD WITH CAP |
| ○ | IRON PIPE |
| □ | CONCRETE MONUMENT |
| ■ | PERMANENT REFERENCE MONUMENT |
| △ | PERMANENT CONTROL POINT |
| (R) | RADIAL LINE |
| (NR) | NON-RADIAL LINE |
| ○ | EXISTING ELEVATION |
| □ | PROPOSED ELEVATION |



SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

3921 NOVA ROAD
PORT ORANGE, FL. 32127
(386) 761-5385

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www.sligerassociates.com

SURVEYORS NOTES

- 1. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY/SKETCH OF DESCRIPTION THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY/ SKETCH OF DESCRIPTION PREPARED WITHOUT BENEFIT OF AN ABSTRACT.
- 2. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- 3. BEARING STRUCTURE ASSUMED NORTH WITH THE BEARING ON THE SOUTHERLY LINE OF CAROLYN TERRACE, MAP BOOK 19, PAGE 257, BEING N64°00'00"E.
- 4. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR VALID DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER."
- 5. UNLESS OTHERWISE SHOWN, RECORD DISTANCES AND DIRECTIONS AND FIELD MEASURED DISTANCES AND DIRECTIONS ARE THE SAME.
- 6. DESCRIPTION PREPARED BY SLIGER & ASSOCIATES, INC. 12/27/2021.

DESCRIPTION

A PORTION OF THE NORTHERLY 100 FEET OF THE SOUTHERLY 200 FEET OF THE LUFBERRY TRACT PER MAP BOOK 1, PAGE 115 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, NORTH OF RIOMAR BEACHES, MAP BOOK 6, PAGE 95, SAID PUBLIC RECORDS, IN SECTION 34 AND SECTION 35, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF LOT 16, CAROLYN TERRACE, PER MAP BOOK 19, PAGE 257 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN N64°00'00"E ALONG THE SOUTHERLY LINE OF SAID CAROLYN TERRACE, 500.97 FEET; THENCE S26°00'00"E, AT RIGHT ANGLES TO SAID SOUTHERLY LINE, 100.00 FEET; THENCE N64°00'00"E PARALLEL WITH SAID SOUTHERLY LINE, 68.10 FEET; THENCE AT AN ANGLE FROM WEST TO NORTH OF 92°43'40", RUN N23°16'20"W, 100.23 FEET TO THE SOUTHERLY LINE OF SAID CAROLYN TERRACE; THENCE S64°00'00"W ALONG SAID SOUTHERLY LINE, 72.68 FEET TO THE POINT OF BEGINNING.

REFERENCE: 6 CARTER TERRACE

THIS PLAT OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND\OR INDIVIDUALS LISTED BELOW, ON THE MOST CURRENT DATE, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.

TYPE OF SURVEY	CERTIFIED TO	SURVEY DATE	JOB NUMBER
SKETCH OF	CITY OF DAYTONA BEACH SHORES, FLORIDA	12/27/2021	21-2064
DESCRIPTION			

SHEET 2 OF 2

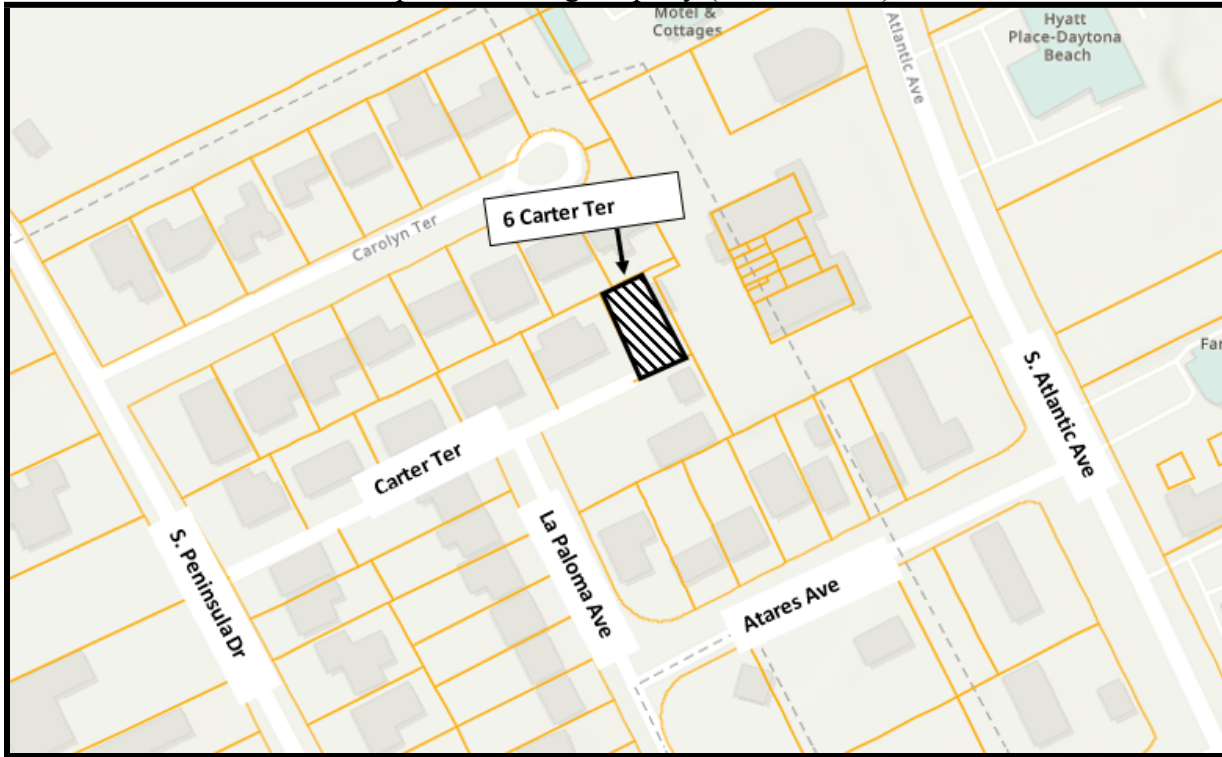
FOR: CITY OF DAYTONA BEACH SHORES, FLORIDA

	DATE	JOB NO.	P.C.	DRW.	CHECKED BY
SKETCH OF DESCRIPTION	12/27/2021	21-2064		JZ	DH
BOUNDARY SURVEY					
TOPOGRAPHIC SURVEY					
FOUNDATION LOCATED					
FINAL IMPROVEMENTS					
RECERTIFICATION					
PROPOSED HOUSE LOCATION					

I HEREBY CERTIFY THAT THIS PLAT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

J.E. ZAPERT, P.L.S. NO. 4046

EXHIBIT 1: Location Map of Annexing Property (6 Carter Ter.)



Source: Volusia County Property Appraiser Website, 2021

EXHIBIT 2
A: Annexation Application



City of Daytona Beach Shores
Building & Codes Division
2990 S. Atlantic Avenue
Daytona Beach Shores, FL 32118
Telephone (386) 763-5377 Fax (386) 763-7352

12021039 **RECEIVED**
REQUEST FOR ANNEXATION

11/10/2021
(Date)

NOV 18 2021
5334-00-02-0140
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

I (We) the undersigned am the sole property owner(s) of 6 Carter Ter., Volusia
County, Florida. (Street Address)

By this letter, I (We) am requesting annexation into the City of Daytona Beach Shores, Florida.
It is my (our) understanding that the fee for legal advertising has been waived by the City and
that I (we) will not incur any costs for annexation.

Signed,

Colby Caldwell
Signature

Colby Caldwell
Name (Printed or typed)

386-882-6560
Telephone

Jennifer Caldwell
Signature

Jennifer Caldwell
Name (Printed or typed)

386-341-1036
Telephone

Signature

Name (Printed or typed)

Telephone

SWORN to and subscribed before me this 17th day of November, 2021 by
Colby Caldwell
Jennifer Caldwell, who is personally known to me or produced
Identification ☒ Type of Identification provided Florida ID
Physically present

John R Campbell
Notary Public - State of Florida
My Commission Expires: 7/18/2025

John R Campbell
Notary Public, State of Florida
My Commission Expires 07/18/2025
Commission No. HH 140528

Please return this form to: Annexation Committee
c/o Planning Department
City of Daytona Beach Shores
2990 S. Atlantic Avenue
Daytona Beach Shores, FL 32118

EXHIBIT 2

B: Property Appraiser Website Owner Information



Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

Property Summary

Alternate Key:	3459776
Parcel ID:	533400020190
Township-Range-Section:	15 - 33 - 34
Subdivision-Block-Lot:	00 - 02 - 0190
Business Name:	
Owner(s):	CALDWELL COLBY LEE - TE - Tenancy in the Entirety - 100 CALDWELL JENNIFER KAE - TE - Tenancy in the Entirety - 100
Mailing Address On File:	6 CARTER TER DAYTONA BEACH FL 32118
Physical Address:	6 CARTER TER, DAYTONA BEACH 32118
Building Count:	1
Neighborhood:	3107 - ORITA SUB
Subdivision Name:	
Property Use:	0100 - SINGLE FAMILY
Tax District:	200-UNINCORPORATED - NORTHEAST
2020 Certified Millage Rate:	19.5165
Homestead Property:	No
Agriculture Classification:	No
Legal 1:	35 15 33 N 100 FT OF S 200 FT NEXT N FROM RIOMAR BCHS W OF O
Legal 2:	S B & E OF PEN DR 30 LOT 2 SEC 34 & OF LOT 1 IN SEC 35 EXC
Legal 3:	E 295 FT & EXC W 500.97 FT ON N/L & 495 FT ON S/L PER OR 397

Property Values

Tax Year:	2022 Working	2021 Final	2020 Final
Valuation Method:	1-Market Oriented Cost	1-Market Oriented Cost	1-Market Oriented Cost
Improvement Value:	\$202,771	\$202,066	\$179,464
Land Value:	\$103,831	\$103,831	\$103,045
Just/Market Value:	\$306,602	\$305,897	\$282,509

Working Tax Roll Values by Taxing Authority

EXHIBIT 3

A: Aerial View of Annexing Property (6 Carter Ter.)



Source: Volusia County Property Appraiser Website, 2021

B: Street View of Annexing Property (6 Carter Ter.)



Source: GoogleMaps, 2016

EXHIBT 4
PRE-ANNEXATION FORM

Name of Property Owner: Jennifer and Colby Caldwell

Property Address/Tax Parcel ID: 6 Carter Terrace / 5334-00-02-0190

Lot Size: 95' x 100' = 9,500sf (0.22 acres)

According to Volusia County property records, does this property appear to meet Section 171.044 of Florida Statutes? Yes X No

How is property contiguous? East X West North N South

Property Appraiser Just/Market Value: \$306,602

Homesteaded Property: Yes No X

Special Flood Hazard Area? Yes No X

Improved Lot X Unimproved Lot (Vacant)

Existing Use: Single-family Residential

Conforming Land Use: X Non-Conforming Land Use: Explain:

Existing County Zoning: R-9 Urban Single-Family Residential District

Existing County Land Use: Urban Low Intensity

Condition of Property: Poor Good X Excellent

Water: Port Orange X Daytona Beach

Sanitary: Sewer X (DBS) Septic Tank

If septic tank on site, is sewer available? Yes No

Metes and Bounds Survey conducted? Yes X No

Prepared by: Stewart Cruz, City Planner Date: January 3, 2022

EXHIBIT 5: Voluntary Annexation Criteria pursuant to Section 171.044, *Florida Statutes*

Section	Annexation Criteria	Criteria Met	Comments
171.044(1)	Property must be contiguous to the City.	Yes	Per Sec. 171.031(11), subject property is contiguous to the City to the North and east.
171.044(1)	Property must be reasonably compact.	Yes	Per Sec. 171.031(12), subject property is reasonably compact and will not create new enclaves, pockets or finger areas in serpentine patterns. In addition, the annexation will aid in reducing the larger county enclave in the vicinity.
171.044(2)	Petition bears the signatures of all owners of property.	Yes	See Exhibit 2 .
171.044(2)	Meet publication requirements.	Yes	Evidence filed with the Office of the City Clerk.
171.044(3)	Ordinance shall be filed per statute.	Pending	Ordinance filing will occur per statutory deadline subsequent to the Ordinance's adoption.
171.044(3)	Ordinance shall include a map and legal description by metes and bounds.	Yes	See Ordinance 2022-02.
171.044(4)	Annexation method shall be supplemental to any other procedure provided by general law.	N/A	
171.044(5)	Annexation shall not create enclaves.	Yes	Per Sec. 171.031(13), subject property does not create an enclave. In fact the annexation will reduce the larger County enclave that currently exists in this area.
171.044(6)	Provision of notice to County Commissioners per statute.	Yes	Notice provided via certified mail per statutory requirement.



**CITY COUNCIL AGENDA MEMORANDUM
JANUARY 25, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

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

SYNOPSIS:

NOTE: Due to an advertising error, this item will be continued to February 1st, 2022 at 4pm.

Ordinance 2022-04, if adopted, would approve a Development Agreement ("Agreement") between the City of Daytona Beach Shores and 2025 South Atlantic Avenue, LLC to permit the redevelopment of the Treasure Island properties and the demolition of the existing structure at the 2025 S. Atlantic Avenue property pursuant to the 2025 South Atlantic Avenue, LLC – City of Daytona Beach Shores Stipulated Settlement Agreement approved by the City Council on August 17, 2021.

FISCAL IMPACT STATEMENT:

Dependent upon Council Action

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

Item needs to be continued until February 1, 2022.

SUGGESTED MOTION:

A City Council member may move as follows:

1. "I move to continue Ordinance 2022-04 until February 1, 2022.

- ATTACHMENT:**
1. Ordinance 2022-04 TI DA
 2. EXHIBIT A-Location Map

ORDINANCE 2022-04

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO APPROVAL OF A DEVELOPMENT AGREEMENT PERTAINING TO PROPERTIES OWNED BY 2025 SOUTH ATLANTIC AVENUE, LLC IN ACCORDANCE WITH THE PROVISIONS OF THE “FLORIDA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT” AS SET FORTH AT SECTIONS 163.3220 - 163.3243, *FLORIDA STATUTES*; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS, PROVIDING FOR A SAVINGS PROVISION AND THE EFFECT OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER’S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 2025 South Atlantic Avenue, LLC and the City of Daytona Beach Shores have considered and processed and the City Council of the City of Daytona Beach Shores hereby approves and enacts the Development Agreement, as set forth in the Exhibit to this Ordinance (which Exhibit is incorporated herein by this reference thereto as if fully set forth herein verbatim), all of said actions occurring pursuant to the *Florida Local Government Development Agreement Act* as set forth at Sections 163.3220 through 163.3243, *Florida Statutes*; and

WHEREAS, 2025 South Atlantic Avenue, LLC is the owner of the properties that are subject to this Development Agreement set forth in the Exhibit to this Ordinance; and

WHEREAS, the City of Daytona Beach Shores and 2025 South Atlantic Avenue, LLC have complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

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

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

SECTION ONE: LEGISLATIVE FINDINGS AND INTENT.

(a). The City Council of the City of Daytona Beach Shores hereby adopts and incorporates into this Ordinance the City staff report and City Council agenda memorandum relating to the application relating to the proposed land use approvals and authorization of zoning entitlements pertaining to the property referenced in the Development Agreement as well as the recitals (whereas clauses) to this Ordinance.

(b). The findings of the provisions of the subject Development Agreement between the City of Daytona Beach Shores and 2025 South Atlantic Avenue, LLC are hereby adopted, ratified and affirmed.

SECTION TWO: APPROVAL AND ENACTMENT OF DEVELOPMENT AGREEMENT.

The Development Agreement between the City of Daytona Beach Shores and 2025 South Atlantic Avenue, LLC as set forth in the Exhibit to this Ordinance is hereby approved and enacted. The said Exhibit attached to this Ordinance is hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance

SECTION THREE: SAVINGS; EFFECT OF ORDINANCE.

The prior actions of the City of Daytona Beach Shores relating to the regulation of lands and development activities within the City including, but not limited to, the property which is the subject of the Development Agreement between the City of Daytona Beach Shores and 2025 South Atlantic Avenue, LLC as set forth in the Exhibit to this Ordinance, and involving the subject property, are hereby ratified and affirmed.

SECTION FOUR: CODIFICATION AND IMPLEMENTATION; SCRIVENER'S ERRORS.

- (a). The provisions of this Ordinance shall be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida*.
- (b). The City Manager, or designee(s), is hereby authorized to take any and all actions necessary to implement the provisions of this Ordinance.
- (c). The City Attorney shall assist the City Manager in the implementation of this Ordinance as may be necessary and required.
- (d). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.
- (e). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION FIVE: CONFLICTS.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

SECTION SIX: SEVERABILITY.

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

SECTION SEVEN: EFFECTIVE DATE.

This Ordinance shall take effect immediately as provided by law.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY J. MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form:

BECKY VOSE, CITY ATTORNEY

Passed on first reading this ___ day of _____, 2022.

Enacted on second reading this ___ day of _____, 2022.

DEVELOPER SIGNATURE BLOCK FOLLOWS:

PLENARY CONCURRENCE OF DEVELOPER

The undersigned developer concurs in each and every respect to the provisions of the subject amendment to the subject Development Agreement and the provisions of this Ordinance.

2025 South Atlantic LLC, a Florida limited liability company.

Mark Fogel, Member CEO
Date: _____, 2022

WITNESSES:

Signature of Witness

Printed Name of Witness

Signature of Witness

Printed Name of Witness

STATE OF FLORIDA)

COUNTY OF VOLUSIA)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared _____, and he acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily and they are personally known to me or provided _____ as identification.

Witness my hand and official seal in the County and State last aforesaid this ____ day of _____, 2022.

(Affix Notary Seal)

Notary Public; State of Florida
Print Name: _____

EXHIBIT B

FIGURE1: Treasure Island Properties - Aerial Location Map



Source: GoogleMaps 2021



**CITY COUNCIL AGENDA MEMORANDUM
JANUARY 25, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council
FROM: Becky Vose, City Attorney
PREPARED BY: Cheri Schwab, City Clerk
SUBJECT: Discussion on selection criteria process for City Manager

SYNOPSIS:

City Manager Michael Booker has announced his retirement effective July 8, 2022. Kurt Swartzlander has been with the City for four years and assumed the role of Assistant City Manager this past year. The council can discuss the selection criteria process and which direction they would like to take.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

Council discretion

RECOMMENDATION:

council discretion

SUGGESTED MOTION:

ATTACHMENT: None



PLANNING & ZONING BOARD AGENDA MEMORANDUM JANUARY 25, 2022 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-01: Rezoning Application RZ12021045, 3232 La Paloma Ave - Westminster By The Sea Presbyterian Church

SYNOPSIS:

Ordinance 2022-01 (Rezoning Application RZ12021045), if approved, would amend the City's Official Zoning Map by assigning the "P Public/Quasi Public" District to the property located at 3232 La Paloma Avenue (**Exhibit A**). The application (**Exhibit B**) was submitted on November 19, 2021 by Rev. Jeffery Sumner, Pastor and Registered Agent of the Westminster By The Sea Presbyterian Church, Inc, owner of the subject property. The property is 0.15 of an acre and is occupied by a 725 square foot residential structure currently being used as a counseling center. Counseling is permitted as an accessory use to a Church in the "P" District. At the time of the counseling center application approval, the City's zoning map incorrectly indicated the property was zoned "P" District. At a later date, the City discovered that the property was zoned "RSF-2" District. Hence, the proposed rezoning application, if approved, would allow the Church to keep the existing counseling center on the property.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

The subject property, located at 3232 La Paloma Avenue, was annexed into the corporate limits of the City of Daytona Beach Shores and assigned the City's "RSF-2 Urban Single-Family Residential Detached District" zoning classification on April 23, 1997 and August 18, 1997, respectively, pursuant to Section 171.062, *Florida Statutes*. At that time, the property was owned by a single-family residential homeowner. On June 4, 2007, property ownership was transferred to the Westminster By the Presbyterian Church, who used it as a parsonage up until recently.

On April 9, 2003 the City Council of the City of Daytona Beach Shores adopted Ordinance 2003-07, which replaced the previously held Official Zoning Map with a new digitally produced Official Zoning Map. The new digitally produced Official Zoning Map accepted on April 9, 2003, which was created

by a third party city contractor, incorrectly indicated that the real property at 3232 La Paloma Avenue had a zoning district classification of "P" Public/Quasi Public. Based on this information, the City granted the church authorization to operate a counseling center at the property. Therefore, the owner of the real property has operated the property consistent with the Daytona Beach Shores Land Development Code under the assumption that the property had a zoning district classification of "P" Public/Quasi Public, which includes the operation of a counseling center consistent with Ordinance 2021-07. City staff recently discovered that the Official Zoning Map accepted on April 9, 2003 incorrectly indicated the zoning district classification of the real property at 3232 La Paloma Avenue, hence the subject rezoning application.

B. PLANNING ANALYSIS

See **Exhibit C** for planning analysis.

C. PLANNING & ZONING BOARD

On January 10, 2022, the Daytona Beach Shores Planning and Zoning Board unanimously recommended approval of Rezoning Application RZ12021045 as presented.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-01 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-01 as presented."
- OR
2. "I move to approve Ordinance 2022-01, with the following amendments..."
- OR
3. "I move to deny Ordinance 2022-01, on the basis of the following..."

- ATTACHMENT:**
1. Ord. 2022-01-3232 La Paloma RZ
 2. EXHIBIT A-Location Map
 3. Exhibit B-3232 La Paloma RZ Application
 4. Exhibit C-RZ212021045 Westminster BTS Presbyterian Rezoning - 3232 La Paloma (P&Z Staff Report)

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE P PUBLIC/QUASI PUBLIC DISTRICT ZONING CLASSIFICATION TO PROPERTY GENERALLY LOCATED AT 3232 LA PALOMOA AVENUE, SHORT TAX PARCEL ID 5335-01-09-0110; 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 April 23, 1997 in accordance with the requirements of controlling law; and

WHEREAS, the property described in Section One herein was assigned the “RSF-2” Urban Single-Family Residential Detached District zoning classification on August 18, 1997 in accordance with the requirements of controlling law; and

WHEREAS, on April 9, 2003 the City Council of the City of Daytona Beach Shores adopted Ordinance 2003-07, which replaced the previous Official Zoning Map with a new digitally produced Official Zoning Map; and

WHEREAS, the new digitally produced Official Zoning Map accepted on April 9, 2003, which was created by a third party city contractor, incorrectly indicated that the real property at 3232 La Paloma Avenue had a zoning district classification of “P” Public/Quasi Public; and

WHEREAS, the owner of the real property at 3232 La Paloma Avenue, Westminster By the Presbyterian Church, has operated the property consistent with the Daytona Beach Shores Land Development Code under the assumption that the property had a zoning district classification of “P” Public/Quasi Public, which includes the operation of a counseling center consistent with Ordinance 2021-07; and

WHEREAS, the City staff recently discovered that the Official Zoning Map accepted on April 9, 2003 incorrectly indicated the zoning district classification of the real property at 3232 La Paloma Avenue; and

WHEREAS, the City received a rezoning application from the property owner of real property at 3232 La Paloma Avenue requesting the City amend the Official Zoning Map to assign the “P” Public/Quasi Public District zoning classification to the property in question; and

WHEREAS, the City Council of the City of Daytona Beach Shores has received recommendations from staff and the Planning and Zoning Board for the assignment of zoning classification to said 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 is hereby rezoned and assigned the Daytona Beach Shores zoning classification as follows:

Short Tax Parcel ID # 5335-01-09-0110, as described in Exhibit “A” as attached, is assigned the P, Public/Quasi Public 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 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 _____, 2022.

Adopted on second reading this _____ day of _____, 2022.

EXHIBIT A

LOTS 11 & 12 BLK 1 RIOMAR BCHES PER OR 5048 PG 2204 PER D/C 6035 PG 1222
PER OR 6071 PG 2897

EXHIBIT A

1: Aerial View: 3232 La Paloma Ave



Source: Volusia County Property Appraiser Website, 2021

2: Street View: 3232 La Paloma Ave



Source: GoogleMaps, 2014



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

RECEIVED
NOV 19 2021
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES
12021045

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: 11/19/2021

Current Zoning: RSF-2

Requested Zoning: P

Applicant's Name: Westminster By The Sea Presbyterian

Address: 3221 S. Peninsula Dr. Phone #: 386-767-8342

Representative: Pastor Jeffrey Sumner

Address: 1385 Hyde Park Dr., P.O. Phone #: 386-846-3200

Property Address & Parcel ID: 3232 La Paloma Ave. Parcel ID: 533501090110

Property Owner: Westminster By The Sea Presbyterian

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

Legal Description of Property:

LOTS 11 & 12 BLK 1 RIDMAR BCHES PER
OR 5048 PG 2204 PER D/C 10035 PG
1222 PER OR 10071 PG 2897


Applicant's Signature

November 19, 2021
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.

The proposed zoning will not have any effect/impact on the environment and natural resources. because there will be any increase in intensity of use.

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

No impact. Use is ancillary to the church as an office.

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

No change. There will be no new water or sewer fixtures and no increase of intensity of use.

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

No impact. There will be about 4 (?) visits per day. Parking will be on church property next door. Intensity of use will be no more than for a single family in and out.

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

No impact. The building has been ~~used for~~ used as office/manse for the church. This very low intensity of use will continue.

6. The proposed zoning is basically consistent with the comprehensive land use plan.

The use will continue as it has for the last 10 years - office ancillary to the church.

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?

This parcel was purchased by the church (X) years ago and requires rezoning as part of the unity of title process.

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. See #7 above.

9. Will the proposed change promulgate or encourage a physical benefit or have a stabilizing effect on the surrounding areas?

No change. The property will continue to be well maintained. The use will remain as it has been.

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

No. It will be assimilated into the church property.

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. See #10 above.

12. Is the change solely for the benefit of the owner and to the detriment of the community?

No. It is to bring the parcel into conformity with the church property.

13. Will the proposed change especially suit the applicant's own special purpose rather than serve the community?

No. The adjacent church serves the community. This parcel is being united with the church parcel.

14. Would the requested change materially diminish the value of surrounding properties or substantially alter the characteristics of the neighborhood?

No change at all. The property will continue ~~maintain~~ its current look and will continue to be well maintained.

EXHIBIT C
PLANNING ANALYSIS: RZ12021045

A. INTRODUCTION

The proposed application/ordinance if approved would change the zoning district classification of the church owned property located at 3232 la Paloma Avenue from “RSF-2” *Urban Single-Family Residential Detached District* to “P” *Public/Quasi Public District*. Although the Westminster By the Sea Presbyterian Church has owned and utilized the property since 2007, the subject application was submitted on November 19, 2021 subsequent to the discovery of a zoning map error.

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. **Figure 2** is a zoning map of the aforementioned. **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	RSF-2	Counseling Center
North	P	Church Property
South	RSF-2	Single Family Residence
East	R-9	Volusia County Single Family Residence
West	P	Church Property

Notes: *R-9 = Volusia County *Urban Single-Family Residential District*

Figure 1: Aerial View-3232 La Paloma Avenue and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2021

Figure 2: 3232 La Paloma – Zoning Map Of Surrounding Neighborhood

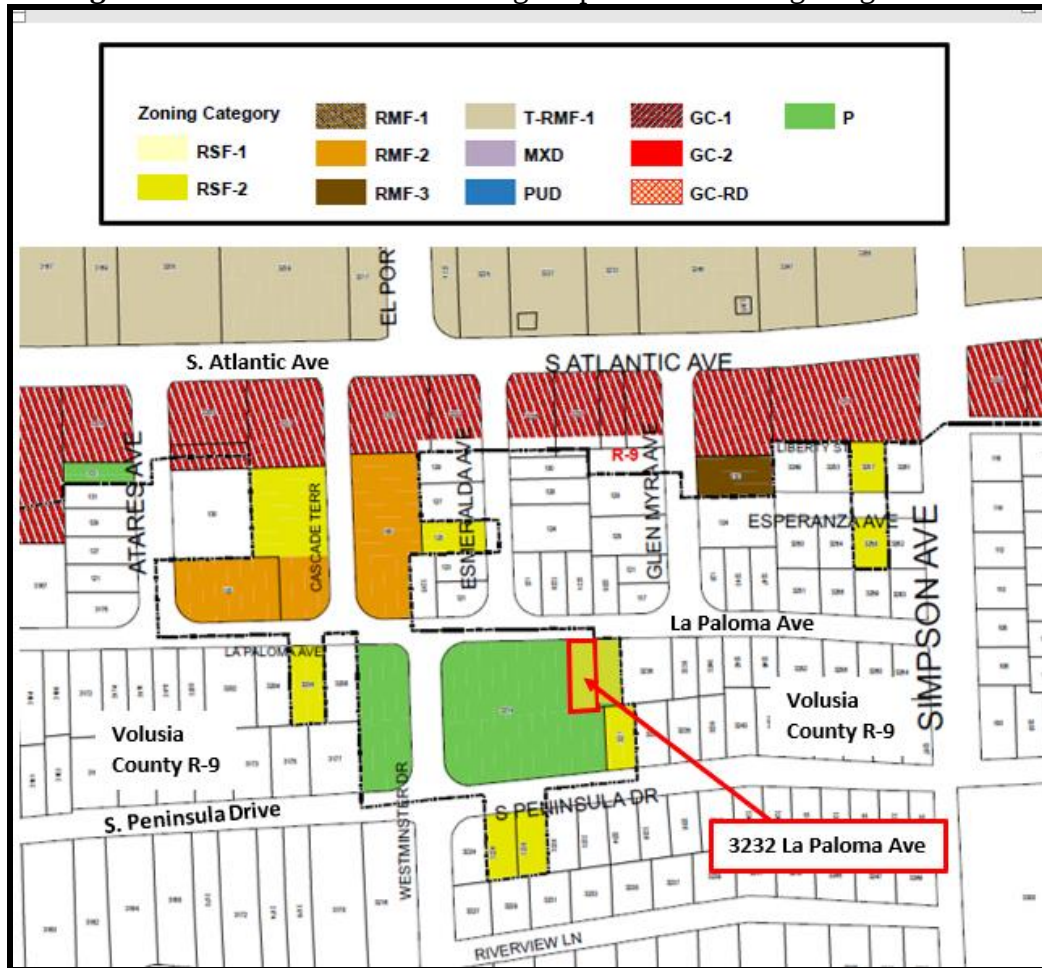


Figure 3: 3232 La Paloma Ave – Street View



Source: GoogleMaps, 2014

As noted in **Table 1** above, the subject property is currently zoned Volusia County RSF-2 Urban Single-Family Residential Detached District. The purpose, intent and permitted uses of the existing 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.

C. PROPOSED ZONING

The proposed zoning for the subject property is P Public/Quasi Public District. According to the Daytona Beach Shores Land Development Code, the purpose, intent and permitted uses of the proposed zoning district is as follows:

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

14-26.1. Purpose and Intent.

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

14-26.2. Permitted Principal Uses and Structures.

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

14-26.2.1 Permitted Accessory Uses.

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

D. COMPREHENSIVE PLAN

According to the City's Adopted Comprehensive Plan (2030) Future Land Use Map the subject property has a *Low Density Residential* future land use (FLU) classification. This FLU classification allows up to twelve (12) residential units per acre. In addition, Policy 1-1.4.2 of the plan provides that public/quasi public land uses are permitted within all land uses. Therefore, both residential and public/quasi public land uses are permitted on the subject property.

In addition, 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 zoning is not objectionable or inconsistent with the future land use map and surrounding neighborhood per Objective 1-1.4 of the plan. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030).

E. REVIEW AND COMMENTS

The subject application was initiated by the property owner, Westminster By The Sea Presbyterian Church, Inc. The subject property is located at 3232 La Paloma Avenue and has an acreage of 0.15+/- and a 725sf structure on site. The property has vehicular and pedestrian access to the abutting La Paloma Avenue which connects to S. Peninsula Drive and S. Atlantic Avenue via Westminster Avenue and Glen Myra Avenue, respectively.

As seen in Table 1 above, the proposed zoning change will be consistent with remainder of the church property adjacent to the north and west. According to the property owner, the rezoning is being sought to continue the counseling services offered at the site, which was approved by the City on August 31, 2021. The City was unaware at the time of the error in the zoning map.

Due to the intensity of the use associated with the application in question, the property is exempt from the City's Concurrency Review Process as it does not substantially impact any of the City's public facilities or infrastructure. However, adequate potable water, sewer, solid waste, recreation, and transportation facility capacities are currently available and serve the subject property.

Finally, pursuant to Sec. 559.955, *Florida Statutes* (Exhibit C.1) the prohibition of home-based businesses on a residential zoned properties are precluded by the state, provided certain requirements are met. If the rezoning application was not made by the church but instead by a single-family resident living at the property, said single-family resident would be able to offer counseling services from the property without prohibition or regulation by the City, providing certain requirements are met.

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 primary 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 to commercial or retail use is sought. In addition, the proposed counseling office use is accessory to the principal use of the existing church. Further, the proposed zoning change is density 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 zoned as a single-family residence. The proposed "P" Public/Quasi Public (office) 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 create more impact than the current public facilities can accommodate (see **Table 2** below). In fact, the only increase in public facility demand is in peak hour trips and such increase is considered di minimis.

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Zoning-RSF-2 (0.2-4 units/acre)	Proposed Zoning-P (0.2-4 units/acre)	Change
Residential Units Allowed	1	NA	-1
Population ¹	1.75	NA	-1.75
AM / PM Peak Hour Trips ²	1.5/2.02	2.5/3.2	+1/1.18
Sanitary Sewer (gallons/day) ³	250	72.5	-177.5
Potable Water (gallons/day) ⁴	192.5	72.5	-120
Solid Waste (lbs./person) ⁵	17.5	7.25	-10.25
Stormwater Drainage ⁶	NA	NA	NA
Recreation/Open Space	Varies	NA	Varies
Public School Student(s)	0.396	NA	-0.396

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
Medical Office Building (per 1000sf gfa) = 3.5 AM trips, 4.27 PM trips |
| 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: 10 pounds/1000 square feet (Port Orange LOS Std) |
| 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, 9th Edition
Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)
Port Orange Land Development Code

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

The proposed zoning will not unduly burden transportation facilities (see Table 2). 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 transportation network within the City currently operates above the adopted level of services. In addition, the owner has indicated in the zoning application that there will be about four (4) visits per day and parking will be on in the church parking lot to the north.

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 “P” Public/Quasi Public zoning district classification. Although rezoning will remove a single-family residence from the perceived housing pool within the City, the property is owned by and has been used by the Church since 2007. Hence, this property has not been a part of the existing housing pool within the City for many years. Therefore, 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 zoning is consistent with the Daytona Beach Shores Comprehensive Plan as noted in Sec. D of this planning analysis.

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. The proposed zoning change was made to ensure the Church property's consistency with the larger parent parcel adjacent to the north and west. The Church officially took control of the property in 2007. However, due to a mapping error in 2003, both the Church and the City were under the impression the subject property was always zoned "P", therefore no action was taken by the church at that time as it assumed the land use entitlements were legitimate. Further, the parcel will be combined with the larger parent parcel as part of the unity of title process.

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?

The proposed zoning change was made to ensure the Church property's consistency with the larger parent parcel adjacent to the north and west. The Church officially took control of the property in 2007. However, due to a mapping error in 2003, both the Church and the City were under the impression the subject property was always zoned "P", therefore no action was taken by the church at that time as it assumed the land use entitlements were legitimate. Further, the parcel will be combined with the larger parent parcel as part of the unity of title process.

9. Will the proposed change promulgate or encourage a physical benefit or have a stabilizing effect on the surrounding areas?

Due to the minimal impact of the proposed use noted in these finding of facts, the proposed zoning change should 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 zoning of the parent property adjacent to the north and west. In addition, the amendment is density neutral and part of the owner's lot combination and unity of title process. 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 zoning change is consistent with the existing zoning of the parent property to the north and west. In addition, the amendment is part of the owner's lot combination and unity of title process. Therefore, the proposed change to the "P" District is not a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, such that the use would violate the integrity of the zoning classification.

12. Is the change solely for the benefit of the owner and to the detriment of the community?

The proposed change is to rezone the subject property to “P” Public/Quasi Public District, which purpose and intent as seen in Section C of this staff report is to provide uses that serve the entire community.

13. Will the proposed change especially suit the applicant's own special purpose rather than serve the community?

The proposed change is to rezone the subject property to “P” Public/Quasi Public District, which purpose and intent as seen in Section C of this staff report is to provide uses that serve the entire community.

14. Would the requested change materially diminish the value of surrounding properties or substantially alter the characteristics of the neighborhood?

The rezoning will not substantially alter the characteristics of the neighborhood, particularly if the original repurposed single-family structure remains and is adequately maintained. In addition, the rezoning should not materially diminish the value of the surrounding properties due to nature of the office use in question. Further, based on a Zillow.com value analysis of properties in the area (Exhibit C.2), the subject properties have all increased in value.

EHIXIBT C.1
Sec. 559.955, Florida Statutes

The 2021 Florida Statutes

Title XXXIII

REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 559

REGULATION OF TRADE, COMMERCE, AND INVESTMENTS, GENERALLY

[View Entire Chapter](#)

559.955 Home-based businesses; local government restrictions.—

(1) Local governments may not enact or enforce any ordinance, regulation, or policy or take any action to license or otherwise regulate a home-based business in violation of this section.

(2) A home-based business that operates from a residential property as provided in subsection (3):

(a) May operate in an area zoned for residential use.

(b) May not be prohibited, restricted, regulated, or licensed in a manner that is different from other businesses in a local government’s jurisdiction, except as otherwise provided in this section.

(c) Is only subject to applicable business taxes under chapter 205 in the county and municipality in which the home-based business is located.

(3) For purposes of this section, a business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the following criteria:

(a) The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

(b) Parking related to the business activities of the home-based business complies with local zoning requirements and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Local governments may regulate the use of vehicles or trailers operated or parked at the business or on a street right-of-way, provided that such regulations are not more stringent than those for a residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street or neighboring property. For purposes of this paragraph, the term “heavy equipment” means commercial, industrial, or agricultural vehicles, equipment, or machinery.

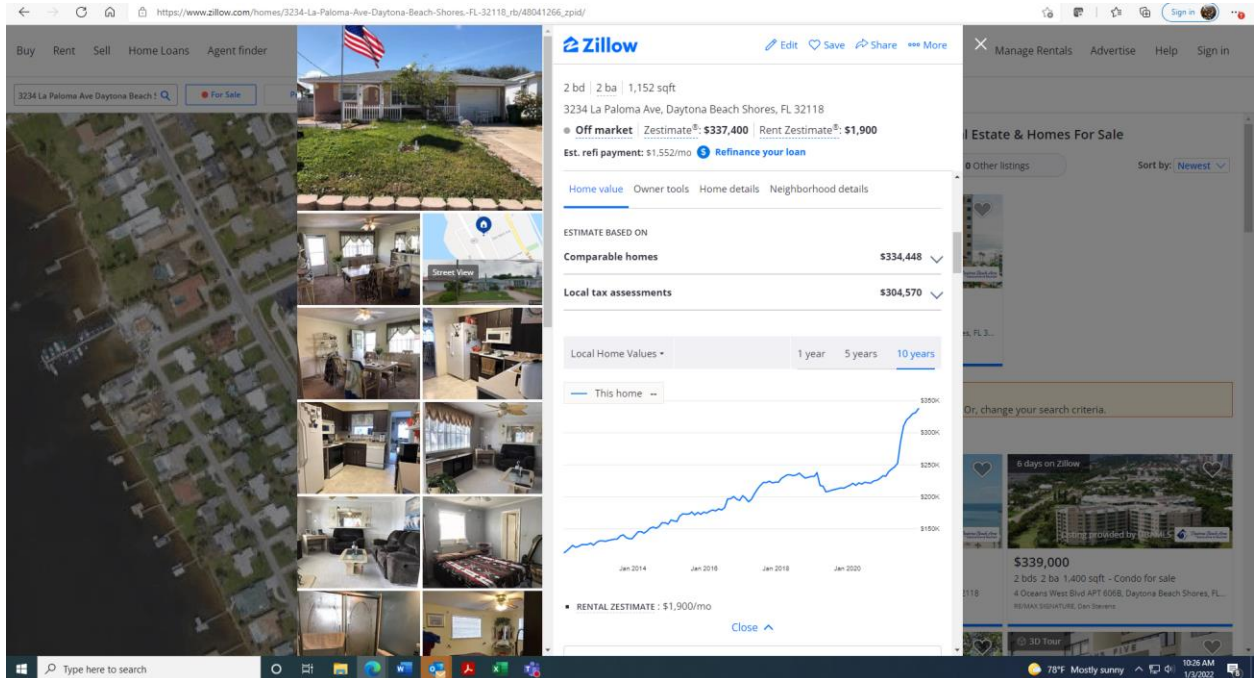
(c) As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.

- (d) The activities of the home-based business are secondary to the property's use as a residential dwelling.
 - (e) The business activities comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. Any local regulations on a business with respect to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more stringent than those that apply to a residence where no business is conducted.
 - (f) All business activities comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. Any local regulations on a business with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids may not be more stringent than those that apply to a residence where no business is conducted.
 - (4) Any adversely affected current or prospective home-based business owner may challenge any local government action in violation of this section. The prevailing party in a challenge may recover reasonable attorney fees and costs incurred in challenging or defending the action, including reasonable appellate attorney fees and costs.
 - (5) The application of this section does not supersede:
 - (a) Any current or future declaration or declaration of condominium adopted pursuant to chapter 718, cooperative document adopted pursuant to chapter 719, or declaration or declaration of covenant adopted pursuant to chapter 720.
 - (b) Local laws, ordinances, or regulations related to transient public lodging establishments, as defined in s. 509.013(4)(a)1., that are not otherwise preempted under chapter 509.
- History.—s. 1, ch. 2021-202.

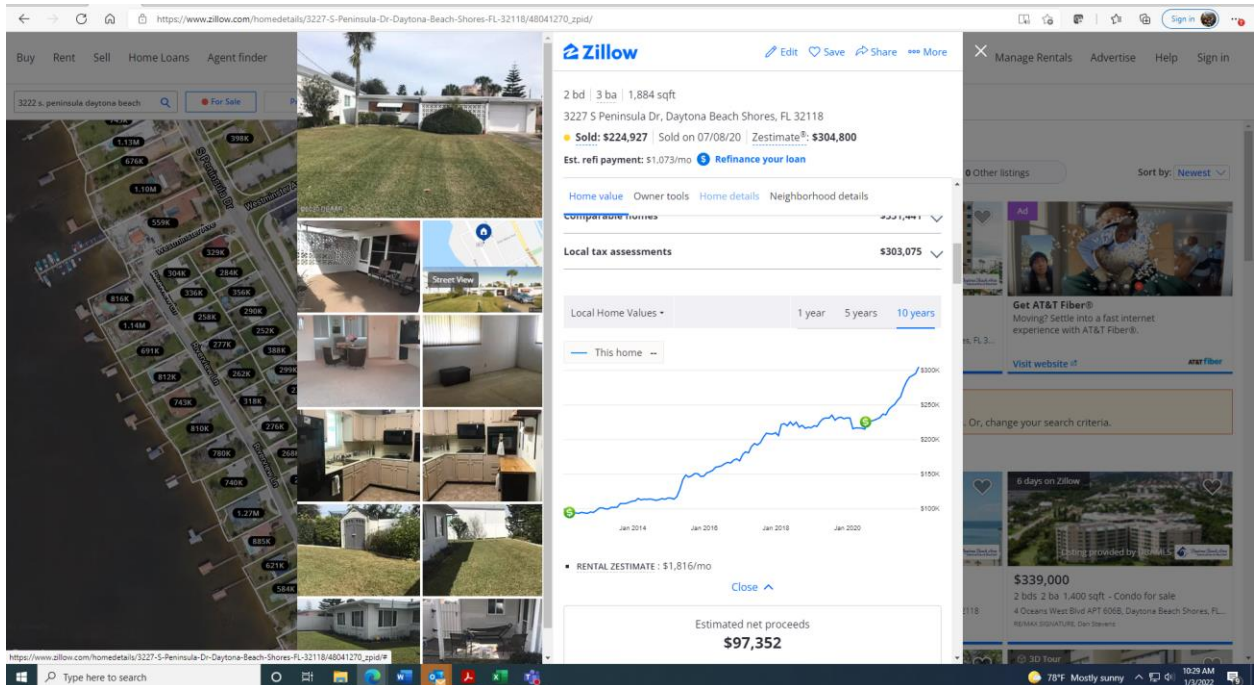
EXHIBIT C.2

Survey of Property Values Abutting 3232 La Paloma Ave Conducted 1-3-21

1. 3234 La Paloma



2. 3227 S Peninsula



3. 3235 La Paloma

Buy Rent Sell Home Loans Agent finder

3222 s. peninsula daytona beach

3235 La Paloma Ave, Daytona Beach, FL 32118

2 bd | 1 ba | 1,200 sqft

Sold: \$175,000 | Sold on 10/21/20 | Zestimate®: \$228,100

Est. refi payment: \$835/mo [Refinance your loan](#)

Home value Owner tools Home details Neighborhood details

Local Home Values 1 year 5 years 10 years

— This home —

Jan 2014 Jan 2016 Jan 2018 Jan 2020

RENTAL ZESTIMATE: \$1,494/mo

Estimated net proceeds
\$65,467

Est. selling price of your home \$ 228,100

Google

Type here to search

78°F Mostly sunny 10:33 AM 1/3/2022