

MINUTES
PLANNING & ZONING BOARD MEETING
February 14, 2022
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

Staff: City Clerk Cheri Schwab, Board Attorney John Cary, and City Planner Stewart Cruz.

2. MINUTES

A. Planning & Zoning Minutes Jan. 10, 2022

MEMBER CHUCK HORION moved, seconded by MEMBER ROSE ANN TORNATORE to Approve the Planning & Zoning Minutes of January 10, 2022.

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

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

3. QUASI-JUDICIAL HEARING

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

The hearing opened at 8:31 am. Board members reported no verbal ex -parte communication but did admit to driving past the motel frequently.

The board attorney swore in everyone who planned to testify. City Planner Stewart Cruz gave a brief summation of his staff report. He noted that all due public notice had been met. The applicant is requesting a sign variance that would be 25% larger and 25% wider than is permitted on the site. The criteria for the variance was reviewed with staff determining that 1 criterion was partially met and the remaining two were not. Staff recommended that the variance be denied. Mr. Cruz informed the board that the ten year period to have all non-conforming pole signs changed to monument sign was ending on April 9th. At that time, all those non-compliant would be turned over to Code Enforcement.

Mr. Ray Webb from Kenco sign spoke to the board on behalf of the applicant. He explained that Holiday Inn Express had strict sign rules that had to be adhered to. They only have four versions of the sign design to choose from. If the sign does not comply with their franchise standards, the owner could lose the franchise. Chairman Schmitz inquired if the proposed top of the sign, that was just solid blue and white, could be removed, thus reducing the height of the sign. Mr. Webb did not believe that Holiday Inn Express would approve, but he could take it back and ask.

There was no one in the audience who wished to speak for or against the applicant. The hearing closed at 8:55 am.

Boardmember Horion didn't want to see the franchise lost over sign requirements. City Planner Cruz stated that he had not been advised that the franchise could be lost if the proposed sign was not accepted. Board Attorney Cary stated that the item could be continued to next month's agenda. This would allow Mr. Webb to speak with the applicant and obtain a letter from Holiday Inn Express stating their requirements. Mr. Webb mentioned that it would take three months to manufacture the sign, it would not be ready by April 9th. Staff indicated they would work with the Code Enforcement office on this.

MEMBER CHUCK HORION moved, seconded by MEMBER RICK DELANGE to Continue Sign Variance Application ZV 12021031 until March 14, 2022.

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

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

B. Zoning Variance ZV12021047: South Atlantic Real Estate Group/Chris Pollard - 2422 S. Atlantic Avenue

The hearing opened at 9:10 am. The board members stated that there was no ex-parte communication. City Planner Stewart Cruz gave a brief presentation to the board. The applicant would like to construct an overhang that would extend an additional two feet into the front yard setback on S. Atlantic Avenue and an additional 2.75 feet into the front yard setback along Cheshire Road. The owner is in the process of renovating the existing structure and beautifying the property. The seven criteria were reviewed with the board and it was staff's legal determination that 3 were met and the remaining 4 were not. Staff recommended denial of the variance application.

Applicant Chris Pollard spoke to the board. He explained all the renovations that were planned, including the new facade and overhang that will aid his customers during any inclement weather. Currently, there is nothing to provide any shelter from the rain. The board questioned him regarding using a smaller overhang or a retractable one. Those were not feasible for ADA requirements.

MEMBER JAMES LILLY moved, seconded by MEMBER CHUCK HORION to Approve Zoning Variance ZV12021047: South Atlantic Real Estate Group/Chris Pollard - 2422 S. Atlantic Avenue.

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

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

C. Rezoning Application RZ12021040: Coby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to Continue the Rezoning Application RZ12021040 until March 14, 2022.

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

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

- D. Rezoning Application RZ12021043: Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

MEMBER RICK DELANGE moved, seconded by MEMBER CHUCK HORION to Continue Rezoning Application RZ12021043 until March 14, 2022.

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

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

4. ACTION ITEMS

- A. Future Land Use Map Amendment CPA12021041: Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to Continue Future Land Use Map Amendment CPA12021041 until March 14, 2022.

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

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

- B. Future Land Use Map Amendment CPA12021044: Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

MEMBER RICK DELANGE moved, seconded by MEMBER CHUCK HORION to Continue Future Land Use Map Amendment CPA12021044 until March 14, 2022.

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

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

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 9:50 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman