



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING JULY 18, 2022

**8:30 AM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

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

1. OPENING REMARKS

2. MINUTES

A. PLanning & Zoning Minutes June 6, 2022

3. QUASI-JUDICIAL HEARING

A. Variance ZV12022016: Max Beach Resort, 1903 S. Atlantic Avenue

B. Special Exception SPEX12022013: Max Beach Resort, 1903 S. Atlantic Avenue

4. ACTION ITEMS

A. Regular Site Plan RSP121021034: Villa Cardinal Townhomes, 3723 Cardinal Boulevard

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

MINUTES
PLANNING & ZONING BOARD MEETING
June 6, 2022
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Chairman John Schmitz, Member James Lilly, Member Rose Ann Tornatore, Member Chuck Horion, Member Rick Delange, Member Anthony Rembiszewski
Staff: City Clerk Cheri Schwab, City Attorney John Cary, Community Services Director Stewart Cruz

The board congratulated Stewart Cruz on his recent promotion to Community Services Director.

2. MINUTES

A. Planning & Zoning Minutes April 11, 2022

MEMBER CHUCK HORION moved, seconded by MEMBER ROSE ANN TORNATORE to Approve the Planning & Zoning Minutes of April 11, 2022.

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

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

3. QUASI-JUDICIAL HEARING

A. Variance ZV12022016: Max Beach Resort, 1903 S. Atlantic Avenue

Director Cruz explained that this agenda item and the next would need to be continued until July 18th. The applicants had not properly noticed the property to fulfill the due public notice requirement.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER RICK DELANGE to Continue Variance ZV12022016 and SPEX12022013 for the Max Beach Resort.

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

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

- B. Special Exception SPEX12022013: Max Beach Resort, 1903 S. Atlantic Avenue

4. ACTION ITEMS

- A. Regular Site Plan RSP 21022005, Surf Style Beachware/Surf Shop - 2226 S. Atlantic Avenue

Director Stewart Cruz provided a brief synopsis of his staff report. The property is 1.8 acres and will be a retail store called Surf Style. All due public notice has been met. The site plan meets all requirements for use and staff has reviewed and approved it. The property is currently a vacant lot. After the staff report was completed, the City of Daytona Beach provided a comment regarding the stormwater. It was planned to tie in with the Robbin Terrace system to the rear, but that is a closed system. There is a dry retention pond planned for the rear of the property and the engineers assured the board that the water runoff can be addressed.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to recommend approval to the City Council for Site Plan RSP 21022005 with the condition that the stormwater can be revised.

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

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

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 8:54 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman



PLANNING & ZONING BOARD AGENDA MEMORANDUM JULY 18, 2022 AGENDA

TO: The Members of the Planning & Zoning Board
FROM: Stewart Cruz, Community Services Director
PREPARED BY: Stewart Cruz, Community Services Director
SUBJECT: Variance ZV12022016: Max Beach Resort, 1903 S. Atlantic Avenue

SYNOPSIS:

On May 6, 2022, the applicant, 1901-1903 S. Atlantic LP (dba M^AX Beach Resort), submitted variance application ZV12022016, which, if approved, would permit the resort to keep an after-the-fact 7.5' high rail fence on the east side of the property adjacent to the pool area and the southern property line. Section 14-44 of the Daytona Beach Shores Land Development Code limits fences to six (6) feet in height.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. Background

On May 6, 2022, the applicant, 1901-1903 S. Atlantic LP (dba M^AX Beach Resort), submitted variance application ZV12022016, which, if approved, would permit the resort to keep an after-the-fact 7.5' high rail fence on the east side of the property adjacent to the pool area and the southern property line. Section 14-44 of the Daytona Beach Shores Land Development Code limits fences to six (6) feet in height. The Max Beach Resort has received a temporary certificate of occupancy (CO) and is nearing receipt of their final CO.

B. Analysis

The subject application (**Exhibit A**) and staff's analysis of the application (**Exhibit B**) are attached .

C. Public Notice

Due public notice has been performed by the applicant and evidence of such has been submitted to the City.

LEGAL REVIEW:

Approve if you find that this application meets the variance criteria.

RECOMMENDATION:

Based on the staff analysis (**Exhibit B**) provided, staff recommends denial of Variance ZV12022016 as presented. However, staff recommends approval of that portion of the fence along the southerly property line.

SUGGESTED MOTION:

A Board member may motion one of the following:

1) "I move to approve Variance ZV12022016 as presented."

OR

2) "I move to approve Variance ZV12022016, on the condition of the following..."

OR

3) "I move to deny Variance ZV12022016, on the basis of..."

ATTACHMENT:

1. Exhibit A-Max Beach Resort Variance Application
2. EXHIBIT B-Staff Analysis

City of Daytona Beach Shores
Community Services Department
2990 S. Atlantic Avenue, Daytona Beach Shores, FL 32118
Telephone (386) 763-5377
Fax (386) 763-5370

CK # 7139
66 393 5 1220.00



RECEIVED

MAY 06 2022

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

12022010

VARIANCE APPLICATION BEFORE THE PLANNING AND ZONING BOARD

The Undersigned Applicant requests the Planning and Zoning Board to hear and decide upon this application in accordance with Sec. 14-63 of the Daytona Beach Shores Land Development Code entitled "Planning and Zoning Board Functions, Powers and Duties."

Date Submitted: 5 / 6 / 2022

Applicable Section of Code: Section 14-44

Fees must be paid at the time the application is submitted

1901-1903 S Atlantic LP

Applicant's Name: (dba Max Beach Resort)

Email: joey@storchlawfirm.com

Address: 420 South Nova Road, Daytona Beach, FL 32114

Phone #: 386-238-8383

Property Address: 1901 S. Atlantic Avenue, Daytona Beach Shores, FL 32118

Representing Attorney (if any): Storch Law Firm

Email: joey@storchlawfirm.com

Address: 420 South Nova Road, Daytona Beach, FL 32114

Phone #: 386-238-8383

NOTE: Notarized letter of authorization from owner MUST be submitted if application is filed by anyone other than the owner. In addition, all new exhibits introduced at a scheduled hearing must be submitted to the City Clerk to be included as part of the record.

Legal description of the property:

Parcel Nos. 531600020010 and 531600020020 (See enclosed documents)

Description of your request:

Variance to permit a fence height of seven and a half (7 ½) feet in required side and rear yards in lieu of six (6) foot as outlined in Section 14-44, City of Daytona Beach Shores Land Development Code

The applicant must agree that:

2. In granting any variance, the Planning and Zoning Board may prescribe appropriate conditions and safeguards in conformity with this ordinance and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and regulations promulgated hereunder.

Agree (☒) Disagree (☐)

Explanation: _____

3. The Planning and Zoning Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun, or completed, or both.

Agree (☒) Disagree (☐)

Explanation: _____

4. No conforming use of neighboring lands, structures, or buildings in the same zoning classification and no permitted use of lands, structures or buildings in other zoning classifications shall be considered grounds for the authorization of a variance.

Agree (☒) Disagree (☐)

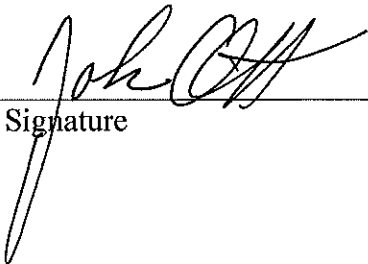
Explanation: _____

5. Concerning ex-parte communications, the applicant shall not speak to the Planning and Zoning Board members upon their visiting the site and prior to the Public Hearing relating to said variance request in order that said board member shall not prejudice themselves prior to said variance request coming before the Planning and Zoning Board in an open proceeding where the Board's decision-making process and determination will be in full view of the public, thereby providing due process involving a fair opportunity for the presentation of both sides of the case in an open proceeding where a record of the proceedings may be kept.

Agree (☒) Disagree (☐)

Explanation: _____

Applicant's Signature



5/6/22
Date



GLENN D. STORCH, ESQUIRE
glenn@storchlawfirm.com

COREY D. BROWN, ESQUIRE
corey@storchlawfirm.com

May 6, 2022

A. JOSEPH POSEY, ESQUIRE
joey@storchlawfirm.com

Mr. Stewart Cruz
City Planner
City of Daytona Beach Shores
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118

***Re: Application for Variance / Max Beach Resort / Poolside Fencing
Section 14-44 / City of Daytona Beach Shores Land Development Code***

Dear Stewart:

Thank you for all the feedback you provided for the above referenced application. The purpose of this letter is to request the following variance: A variance from LDC Section 14-44 to permit a seven and a half (7 ½) foot fence height in required side and rear yards in lieu of six (6) foot. The specific variance criteria are outlined in Section 14-63.8.a of the City LDC.

Responses to the LDC variance criteria are as follows:

- a. Special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable generally to other lands, structures or buildings in the same zoning classification.

Response: The special condition for the requested variance is that the adjacent property has a grade that is 1 ½ to 2 feet higher than the subject property, with such grade change being abrupt and directly adjacent to the property line and fence. Such a special condition results in a 6-foot fence on the subject property that would effectively only be 4 to 4 ½ feet high and unable to prevent and/or deter unauthorized persons, including children, who may not be able to swim, from entering the portion of the subject property around the pool deck. The additional fence height is a necessity for the safety of both the subject property resort and the adjoining condominium.

- b. The special conditions or circumstances do not result from the actions of the applicant and are not primarily economic or financial in nature

Response: The property owner does not control the grade of the adjacent property, and an increased fence height is more costly than the maximum 6-foot-high fence required by the City's Land Development Code.

- c. Literal interpretation or enforcement of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the Land Development Code

Response: As you know, property owners within the City have the right to put in place fences around their properties, and specifically around their pool areas, that are sufficient in height to keep people out and to protect their property, persons on their properties, and even the well-being of would-be trespassers for which a pool could be a hazard. In this instance, because of the 1 ½ to 2-foot increase in grade on the adjacent property and the increased pedestrian traffic on the adjacent and subject, literal interpretation of the Land Development Code would result in an ineffective fence that prevents the property owner from being able to properly protect the subject property, unlike other property owners in the same zoning classification.

- d. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification of the regulation at issue.

Response: The proposed fence height is definitely a minimal variance because, even if looking at a conservative estimate of the difference in grade of 1 ½ feet, the effective height of the fence on the adjacent property is far less than the maximum permitted fence height of 6 feet. The proposal is also an appropriate height to deter trespassing and to protect the subject and adjacent property. As such, the property owner is attempting to balance the right to protect the subject property with the desire to comply as closely as possible with the Land Development Code.

- e. The variance sought will not authorize or extend any nonconforming use or other nonconformity with respect to the land or structures in question.

Response: The requested fence height variance will not authorize or extend any other non-conformity on the subject property.

- f. The granting of the variance will be in harmony with the general intent and purpose of this ordinance, will not be injurious to the area involved, or surrounding properties, and will not authorize a use of the property not permitted by its zoning classification.

Response: The proposed variance has the effect of helping to secure the subject property and pool deck and to keep people, including children, out of a potentially dangerous area for those who cannot swim. This is certainly in keeping with the general intent and purpose of the Land Development Code generally and the fence height provision specifically. Also, because the variance is minimal the variance will not be injurious to surrounding properties in the area.

- g. The variance sought will be consistent with the City's Comprehensive Plan, its enabling legislation and regulations adopted pursuant thereto.

Response: The variance is consistent with the City's Comprehensive Plan because it has the effect of protecting public health and private property rights

In addition, the applicant agrees to the following:

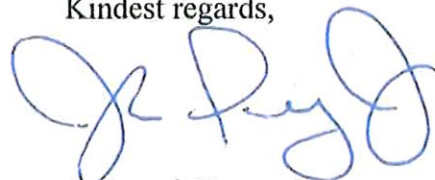
1. In granting any variance, the Planning and Zoning Board may prescribe appropriate conditions and safeguards in conformity with this ordinance and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and regulations promulgated hereunder.
2. The Planning and Zoning Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun, or completed, or both.
3. No conforming use of neighboring lands, structures, or buildings in the same zoning classification and no permitted use of lands, structures or buildings in other zoning classifications shall be considered grounds for the authorization of a variance.
4. Concerning ex-parte communications, the applicant shall not speak to the Planning and Zoning Board members upon their visiting the site and prior to the Public Hearing relating to said variance request in order that said board member shall not prejudice themselves prior to said variance request coming before the Planning and Zoning Board in an open proceeding where the Board's decision-making process and determination will be in full view of the public, thereby providing due process involving a fair opportunity for the presentation of both sides of the case in an open proceeding where a record of the proceedings may be kept.

Enclosed please find the following:

- Authorization of owner
- Proposing fencing plan
- Pictures of existing conditions

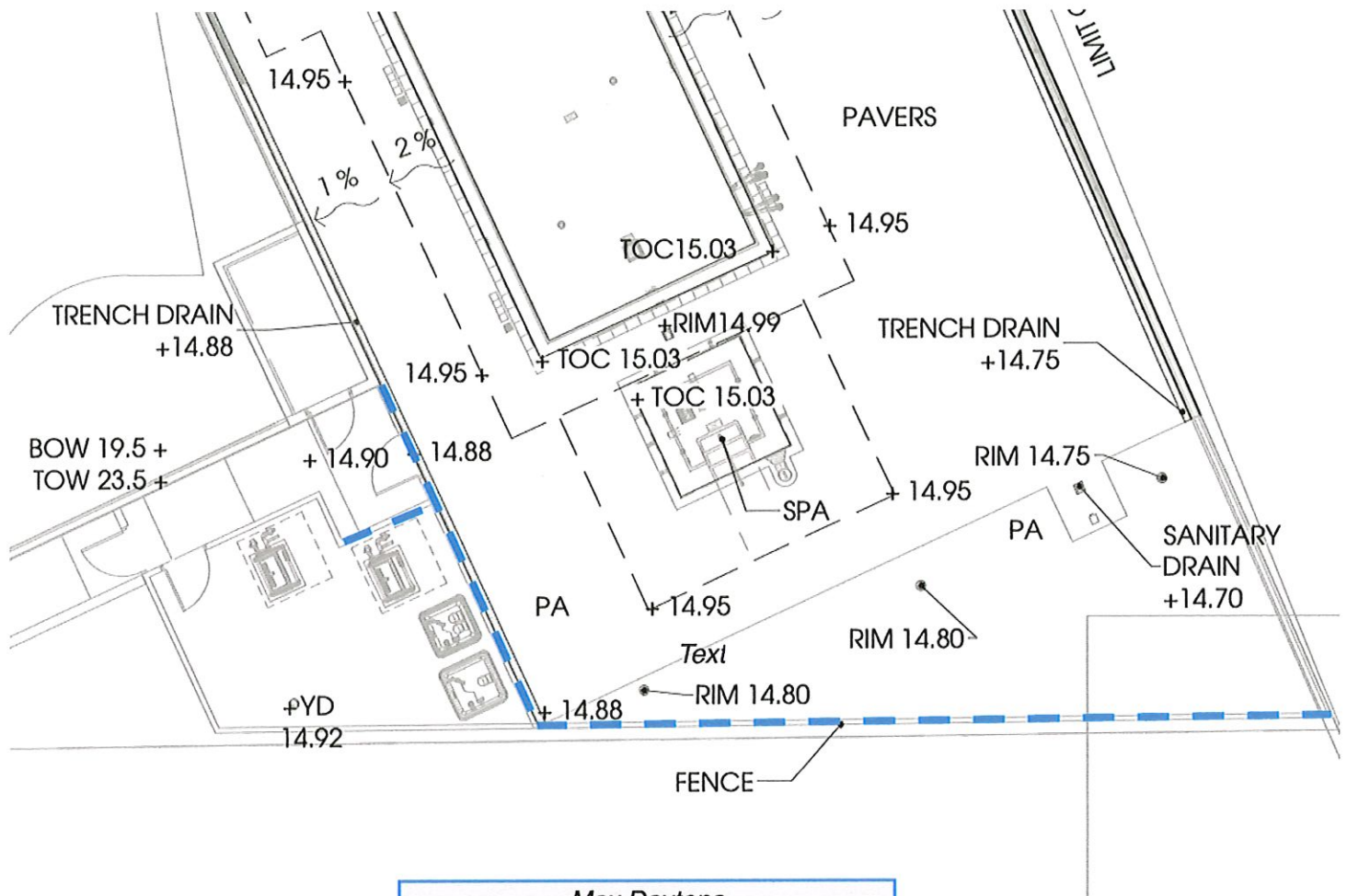
The application be provided under separate cover. Please let me know if you have any questions or need anything further.

Kindest regards,

A handwritten signature in blue ink, appearing to read 'A. Joseph Posey, Jr.', written over a horizontal line.

A. Joseph Posey, Jr.
For: Storch Law Firm

GDS/ajp



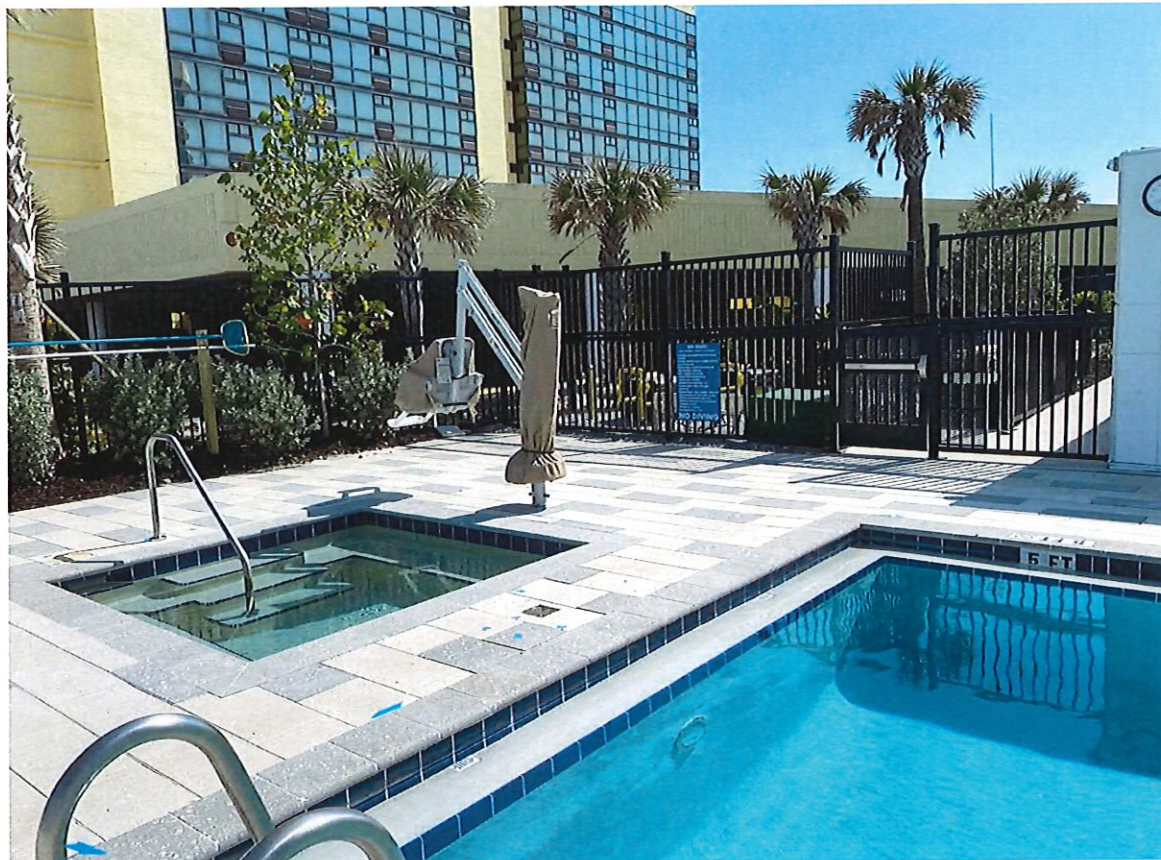
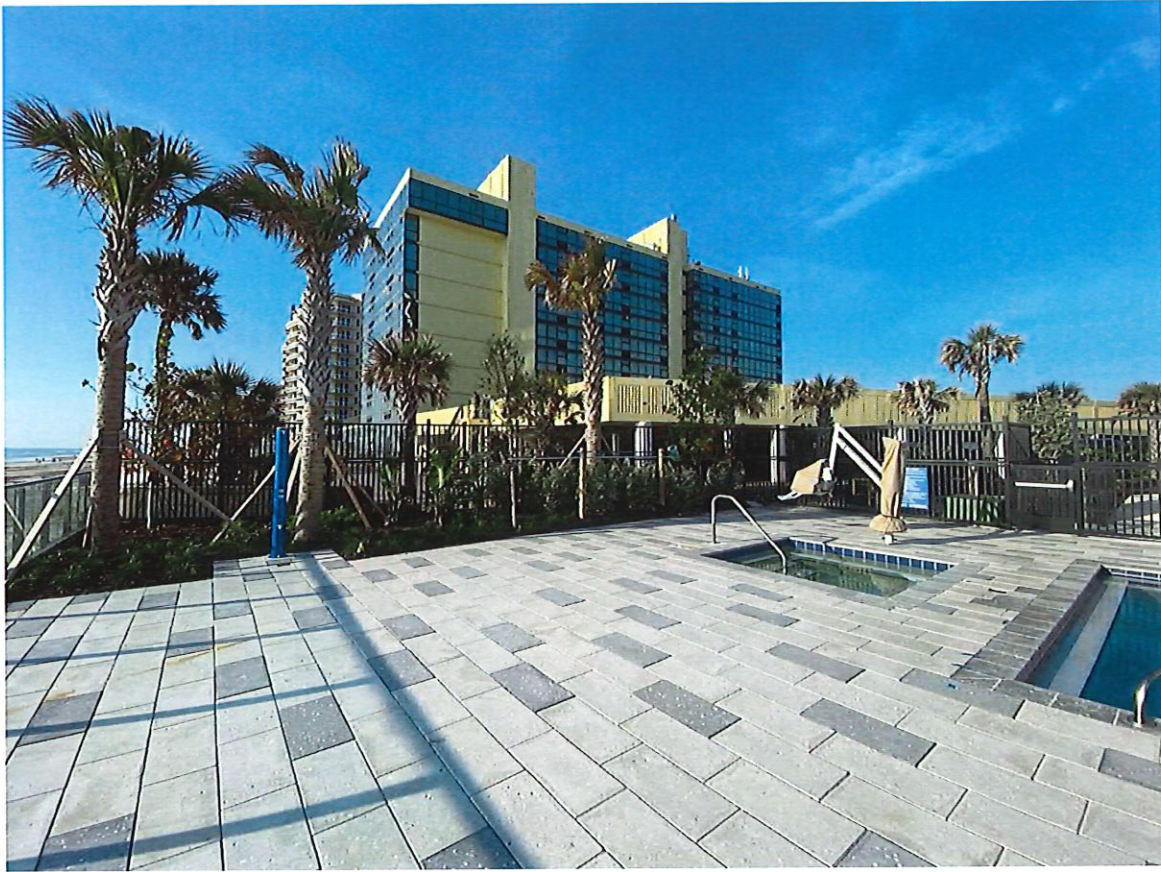


EXHIBIT B
ZV12021016 STAFF ANALYSIS

I. Background

The subject property is located in the “T-RMF-1” Hotel/Motel-Multifamily Residential (High Density) Zoning District at 1903 S. Atlantic Avenue (**Exhibit 1**). The development is nearing the issuance of a final certificate of occupancy. During the inspection of the pool area to determine compliance with applicable codes, the city building inspector observed that the pool fence met the Florida Building Code height minimum requirement of 48” but exceeded the Daytona Beach Shores Land Development Code (LDC) maximum height requirement of six (6) feet. Sec. 14-44 of the LDC provides that “*fences, walls and hedges are permitted in required side and rear yards not exceeding six (6) feet in height, measured from finished grade.*” Consequently, the city’s building inspector failed the inspection and hence the purpose of this variance, in which the applicant is applying for a variance of seven and a half (7.5) feet in the required side and rear yards in lieu of the required six (6) feet maximum prescribed by Sec. 14-44 of the LDC.

II. Evaluation Criteria

Section 14-63.8.a of the City’s Land Development Code (LDC) outlines the criteria for the Planning and Zoning Board to consider when evaluating variance requests. To justify a variance request, the applicant must demonstrate the following [NOTE: required criteria in *italics*]. Applicant’s full responses to criteria are seen in **Exhibit A**, which is attached to the staff memo.

- i. *Special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable generally to other lands, structures or buildings in the same zoning classification.*

Staff Comment: The applicant has noted that the special condition warranting the requested variance is the difference in the grade elevation of the subject property and the adjacent southern property at the share property lines in the pool area vicinity. According to the applicant, the adjacent property grade to the south 1.5’ to 2’ higher than the subject property, hence a six (6) foot high fence would result in a 4’ to 4.5’ high fence, which would be unable to prevent and/or deter unauthorized persons, including children, who may not be able to swim, from entering that portion of the property. Staff has confirmed this is the case for portions of the fence area along the southern property line in the vicinity of the pool deck. However, staff could not identify any special condition or circumstance for portions of the fence exceeding the height maximum separating the pool deck and the pool equipment area, which are both at the same grades.

- ii. *The special conditions or circumstances do not result from the actions of the applicant and are not primarily economic or financial in nature.*

Staff Comment: The grade of the adjoining property to the south is not a result of the actions of the applicant and are not primarily economic or financial in nature. However, as noted ins Sec. (i) above, staff could not identify any special conditions or circumstances peculiar to the land, structure or building that would justify the variance requested for that portion of the fence separating the pool deck and the pool equipment area.

- iii. *Literal interpretation or enforcement of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of this Ordinance.*

Staff Comment: Due to the grade differences between the adjoining southerly property and the subject property, literal interpretation or enforcement of the provisions of LDC fence standard would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.

- iv. *The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation at issue.*

Staff Comment: As noted in sections i and ii of this report, the variance, if authorized, will not represent the minimum variance that will afford relief and will not represent the least modification possible of the regulation at issue as staff cannot identify any special condition or circumstance for the portion of the fence exceeding the city's sign height standards in the area separating the pool deck and the pool equipment.

- v. *The variance sought will not authorize or extend any non-conforming use or other non-conformity with respect to the land or structures in question.*

Staff Comment: The resort is a new development which is nearing final CO, therefore the variance if approved will authorize or extend any non-conforming use or other non-conformity with respect to the land or structures in question.

- vi. *The granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will not authorize a use of the property not permitted by its zoning classification.*

Staff Comment: The granting of the variance, if authorized, would be in harmony with the general intent and purpose of the LDC. Additionally, if approved, the variance will not authorize a use of the property not permitted by its zoning classification. Lastly, it appears that the variance, if authorized, would not be injurious to the area involved or the surrounding properties.

- vii. *The variance sought will be consistent with the City's Comprehensive Plan, its enabling legislation and regulations adopted pursuant thereto.*

Staff Comment: The variance sought would be consistent with the City's Comprehensive Plan, its enabling legislation and regulations adopted pursuant thereto.

Based on staff's interpretation of the facts and evidence provided, **Table 1** below was derived to assist the Board's decision-making process:

Table 1: Authorization Criteria Summary (per Section 14-63.8.a)* - Property Line Fence

Criteria	i	ii	iii	iv	v	vi	vii	Total
Criteria Met	X	X	X	X	X	X	X	7
Criteria Not Met								0
Criteria Partially Met								0

NOTE: * Pursuant to prior and current legal counsel, a successful variance application can only be achieved if all evaluation criteria are met.

Table 1: Authorization Criteria Summary (per Section 14-63.8.a)* - Pool Equipment Fence

Criteria	i	ii	iii	iv	v	vi	vii	Total
Criteria Met			X		X	X	X	4
Criteria Not Met								0
Criteria Partially Met	X	X		X				3

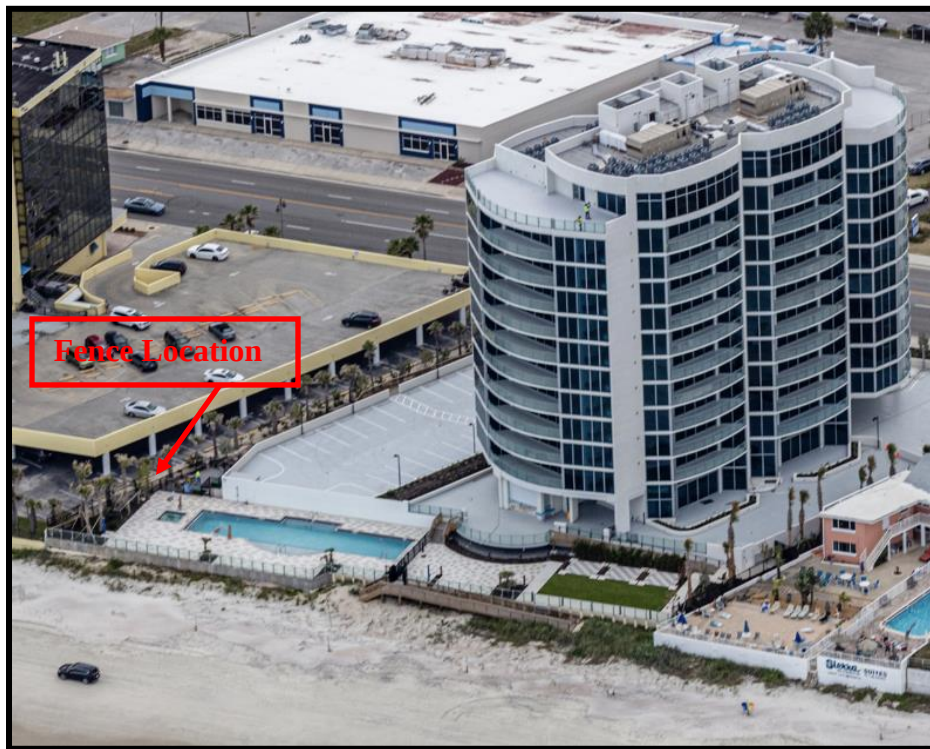
NOTE: * Pursuant to prior and current legal counsel, a successful variance application can only be achieved if all evaluation criteria are met.

FIGURE 1
Aerial Map – 1903 S. Atlantic Avenue



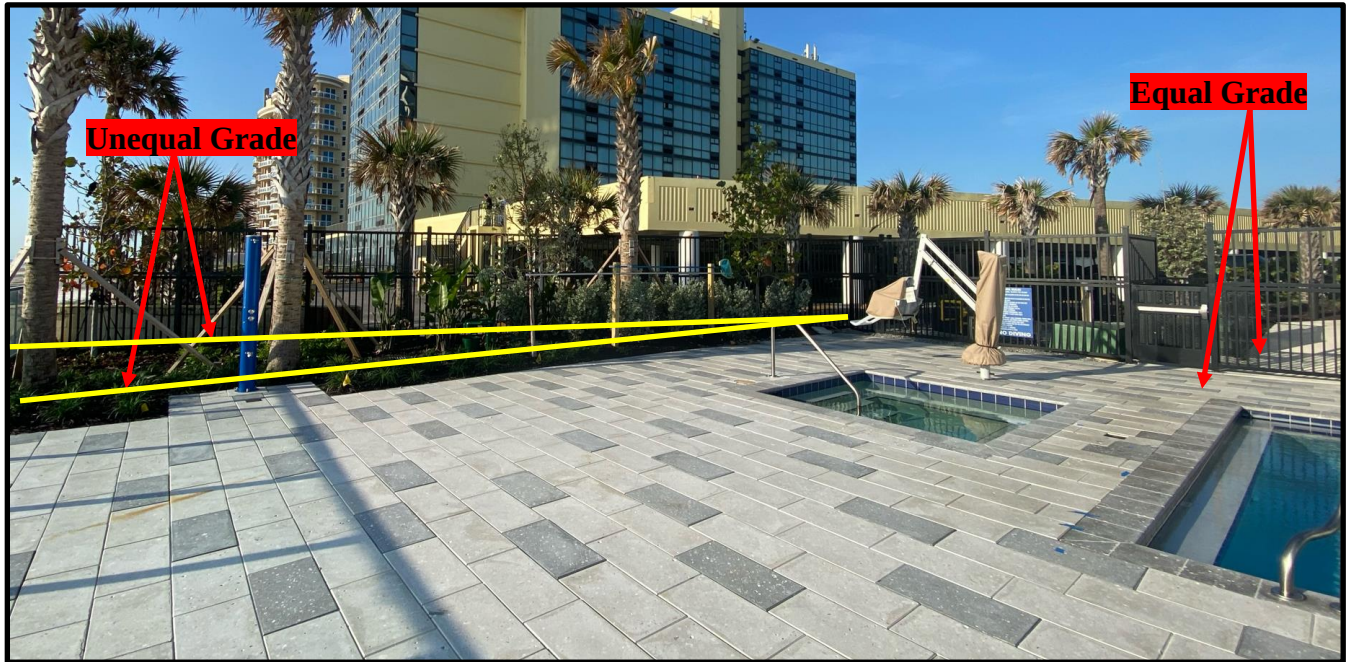
Source: Volusia County Property Appraiser, 2021

Aerial View of Area



Source: Max Beach Resort

FIGURE 2
Resort Pool Area





PLANNING & ZONING BOARD AGENDA MEMORANDUM JULY 18, 2022 AGENDA

TO: The Members of the Planning & Zoning Board
FROM: Stewart Cruz, Community Services Director
PREPARED BY: Stewart Cruz, Community Services Director
SUBJECT: Special Exception SPEX12022013: Max Beach Resort, 1903 S. Atlantic Avenue

SYNOPSIS:

On May 2, 2022, the applicant, 1901-1903 S. Atlantic LP (dba M^Ax Beach Resort), submitted a special exception application, which, if approved, would permit the application of an original art mural on the east side of the property adjacent to the pool & spa area. The mural, if approved, would only be visible to guests and beach goers in the vicinity.

FISCAL IMPACT STATEMENT:

BACKGROUND:

I. BACKGROUND

On May 2, 2022, the applicant, 1901-1903 S. Atlantic LP (dba M^Ax Beach Resort), submitted a special exception application, which, if approved, would allow the owner to apply an original art mural on a portion of the eastern wall adjacent to the pool and spa area of the resort. The application was completed on May 6, 2022. As seen in the application (**Exhibit A**), the mural would cover an area of 78' x 8.5' plus an area of 12' x 5' or a total of 723 square feet, which equates to 30 percent of the eastern wall area (**Exhibit A-2**). If approved, the mural would only be visible to guests and beach goers in the vicinity.

II. PLANNING ANALYSIS

All LDC standards and requirements are met. See attached planning analysis **Exhibit B**.

III. DUE PUBLIC NOTICE

Evidence of due public notice has been submitted to the record.

LEGAL REVIEW:

Approve if you find that the special exception criteria are met.

RECOMMENDATION:

Staff recommends approval of SPEX12022013 as presented.

SUGGESTED MOTION:

A Planning and Zoning Board member may motion as follows:

1. "I move to approve Special Exception SPEX12022013, as presented."
- OR
2. "I move to approve Special Exception SPEX12022013, with the following conditions."
- OR
3. "I move to deny Special Exception SPEX12022013 on the basis of the following..."

- ATTACHMENT:**
1. Exhibit A - Max Beach Resort SPEX Mural Application
 2. Exhibit A2- 22 5 31 - Updated Mural 30%
 3. Exhibit B - Planning Analysis - Max Beach Resort - Mural



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

RECEIVED

MAY 06 2022

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

revised address

12022013
APPLICATION FOR SPECIAL EXCEPTION

The Undersigned Applicant requests the Planning and Zoning Board, as required, to hear and decide upon this application in accordance with Article X, AND Section 14-58 of the Land Development Code.

Date Submitted: 05 / 06 / 22 Applicable Section of Code: 14-58.12.6

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

Applicant's Name: 1901-1903 S Atlantic LP (dba Max Beach Resort)

Address: 1901 S. Atlantic Avenue, Daytona Beach Shores, FL 32118

Phone #: 647-970-7518 Fax #: _____

Property Address: 1901 S. Atlantic Avenue , Daytona Beach Shores, Florida 32118

Parcel Number: 531600020010

Existing Property Use: T-1

Requested Special Exception: Mural

Representing Agent/Attorney (if any): Storch Law Firm

Address: 420 S Nova Rd, Daytona Beach, FL 32114

Phone #: 386-238-8383 Fax #: _____

NOTES: 1) Notarized letter of authorization from owner MUST be submitted if application is filed by anyone other than the owner. 2) A completed application MUST be submitted at least 45 days prior to the anticipated hearing date.

Legal description of the property:

Hospitality - Multi-Family

Description of your request:

Original Art Mural located beside property Pool & Spa - Access to Guests Only

Please explain how your application meets the following special exception criteria:

1. In granting any special exceptions the Board shall find that such grant will not authority (adversely) affect the public interest.

The requested special exception is simply to permit a mural along the poolside of the Max Daytona Resort. The mural will be professional prepared, and the finished product will complement the beachside aesthetic.

2. In granting any special exception, the Board may prescribe appropriate conditions and Safeguards pursuant to this ordinance and the regulations enacted under it which are consistent with the protection of the public health, safety, morals or general welfare. Violation of such conditions and safeguards when made a part of the terms under which a special exception is granted shall be deemed a violation of the ordinance and regulations promulgated hereunder.

Agree (x)

Disagree ()

Explanation: Understood. The mural, as proposed, will be an asset to the beachside.

3. The Board may prescribe a reasonable time limit within which the action for which the special exception is required shall be begun or completed or both.

Agree (x)

Disagree ()

Explanation: A sign mural application has already been filed with the City.

4. The following standards shall be applicable in determining whether the Board shall grant or deny a special exception, in addition to the aforementioned provisions, or provisions set forth in zoning regulations adopted pursuant to this ordinance.

a. The grant of a special exception shall be in harmony with the purpose and intent of this ordinance and the zoning regulations and any comprehensive plans promulgated hereunder, particularly those applicable to the zoning classification in which the special exception is located.

This request is in harmony with the purpose and intent of the City Code and Comprehensive Plan. A mural will add to the beachside aesthetic of the Max Daytona Resort.

b. The Board may not grant a special exception unless the applicant has demonstrated his compliance, or ability to comply with, the conditions imposed by the zoning regulations.

Understood. This mural will meet all requirements and conditions of the City Code

c. The Board must find that the applicant has submitted sufficient evidence to assure that he is or will be able to comply with all requirements of the city or state agencies having jurisdiction over the particular use, and the board may require appropriate guarantees to assure compliance.

Understood. The applicant has already filed for a mural sign permit with the City.

d. The Board shall find that the proposed use will not generate an undue amount of traffic congestion which would tend to create a hazard or danger to the public or to persons in the vicinity from such use, or create a public nuisance.

No traffic will be generated as a result of this request

e. The Board shall find that the special exception will not materially alter the character of the surrounding neighborhood or adversely affect the value of surrounding lands, buildings or natural resources.

This request will complement and add value to the surrounding area.

f. The Board shall find that the special exception will not adversely affect the natural environment, natural environment (resources) or scenic beauty, or give rise of any pollution of the air, land or water, or cause unnecessarily injurious heat, noise or odor.

This request will have no environmental impacts.

5. The Board shall find that the special exception is consistent with the Daytona Beach Shores Comprehensive Plan.

Understood. This request is consistent with the City Comprehensive Plan.

6. When reviewing an application for a special exception, the Planning and Zoning Board and City Council shall also consider the following requirements and criteria:

a. Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety.

No traffic will be generated by this request.

b. Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that which generally experienced in the district with regard to normative development activity.

No parking, loading, or service areas are proposed as part of this request.

c. Required yards, screening or buffering and landscaping shall be consistent with the district in general and the specific needs of the abutting land uses as determined by the City.

Understood

d. Architectural and signage treatments shall comply with the general provisions applicable to permitted uses in the district, to the greatest extent practicable, and mitigate impacts to surrounding development.

Understood.

e. Size, location or number of special exception uses in an area shall be limited so as to maintain the overall character of the district as generally intended by this Code.

Understood.

APPLICANT's SIGNATURE

STATE OF Florida

COUNTY OF Volusia

Sworn to and subscribed before me this 6th day of May, 2022, by John Ott who is personally known to me or has produced and who did (did not) take an oath.

My Commission Expires: 8/12/24



Laura Radford
Notary Public
State of Florida
Comm# HH031575
Expires 8/12/2024

APPLICANT AFFIRMATION (Sec. 14-58.1.1)

Applicant's Affirmation: By signing below, I hereby state that all information contained in this application and all documentation submitted herewith is true and correct to the best of (my) (our) knowledge and belief. I acknowledge that I fully understand the requirements relating to the specific special exception use that I am applying for and that I fully understand the process for the application that I am submitting, as outlined in the City's Code of Ordinances. Moreover, I acknowledge and agree that the following conditions shall apply to my permit, if approved, and that the city may impose further conditions pursuant to the City's Code of Ordinances:

Transfer or abandonment of special exceptions. Special exceptions shall run with the property and the ownership of a special exception use may be transferred to another party. A special exception use that is not initiated within two (2) years of being granted shall not be established without a new public hearing in accordance with requirements of this Section and shall be deemed abandoned. A special exception use that is abandoned, after establishment, for a period of six (6) months or more shall not be reestablished without a new public hearing in accordance with requirements of this Section.

Violation of special exception terms or conditions. It is a violation of this Code for any person to violate or to refuse or fail to comply with any term or condition of a special exception. Violations may be prosecuted or enforced in any manner as may be provided by law for prosecution or enforcement of municipal ordinances.

Expiration or abandonment of special exception purpose. If a special exception does not begin to serve the purpose for which it was granted permission within two (2) years from the date of approval of the special exception it shall expire and be deemed, conclusively, to have been abandoned. The submittal of a site development plan will constitute meeting the requirements of this provision. If after receiving approval the site development plan expires, the special exception will also expire and a new application must be submitted and approved in accordance with this Section.

APPLICANT's SIGNATURE _____

STATE OF _____

COUNTY OF _____

Sworn to and subscribed before me this 6th day of May 2022, by John Ott who is personally known to me or has produced _____ and who did (did not) take an oath.

My Commission Expires: 8/12/24



Laura Radford
Notary Public
State of Florida
Comm# HH031575
Expires 8/12/2024

Murals Sec. (14-58.1.2.D)

Murals are permitted as Special exceptions in the GC-1, GC-2 and T zoning districts as follows:

1. Murals. Murals are artistic representations that could enhance the community's aesthetic value, sense of place and well being. If located strategically, murals can also serve to introduce and welcome visitors to the City while illustrating the City's past, present and vision for the future. Permitting colors not listed on the City's Official Color Palette in commercial and hotel districts by means of special exception would regulate murals so as to enhance aesthetics within the City, limit potential adverse impacts, foster community identity and maintain public safety. Murals qualifying under the terms of this Section may only be permitted in the GC-1, GC-2 and T districts subject to the following conditions:

a. Location: Murals qualifying under the terms of this Section may only be placed on commercial and hotel properties located in a commercial or hotel/motel zoning district, respectively.

b. Size: Murals shall be limited to 30% of any single wall surface area of the primary building.

c. Public Safety: Murals must not impede or have an adverse effect on the safe and efficient movement of vehicular or pedestrian traffic.

d. Design and Application Standards:

1. A mural must exhibit exceptional design, material, and application standards, while incorporating high-quality materials that will enhance the overall development and appearance of the site.
2. The materials used in developing a mural may consist of, but are not limited to, paint and other artistic mediums such as tile or mosaic, original digital images and low-relief sculpture. All materials must be appropriate for outdoor location and climate, with special considerations for longevity.
3. A mural's color scheme shall be complementary and harmonious with the exterior colors of the building or structure, and consistent with the chosen theme. The design, location and scale of the mural shall be in keeping with and enhance the building as well as the local environment.
4. A mural shall not obscure or detract from the significant architectural features of the structure on which it is located or have an adverse effect on adjacent properties or facing properties.
5. A mural's overall features shall be designed to enhance the City's gateways and contribute to the unique character and quality of life in the City of Daytona Beach Shores.
6. There shall be no exterior lighting directed upon the mural.
7. Murals shall not cover doors or windows or other architectural elements such as cornices and pilasters.
8. Murals may only be permitted on flat planes of walls.
9. Each mural shall be an original work of art.

10. A mural shall be designed, applied and/or constructed under the supervision of a qualified artist/muralist or other qualified professional who has sufficient knowledge and experience in the design and execution of such projects, as well as with the application of the selected medium.

e. Alterations: A mural shall remain in place without alterations for a minimum period of one year. Any future alteration is subject to approval by the City Council after receiving a recommendation from the Beautification Advisory Board.

f. Maintenance Plan Required: Murals may only be approved when submitted for review with an adequate and professionally prepared maintenance plan.

g. Written consent from the property owner of the property on which a mural is to be developed is required.

h. The special exception relating to a mural may be approved for a limited period of time and such condition of use shall be incorporated into the development order relating to the approval.

i. Pursuant to Section 2-2 of this Code, due public notice shall be provided by the applicant

j. The property owner shall be responsible for compliance with the terms of this Section and the special exception development order issued.



GLENN D. STORCH, ESQUIRE
glenn@storchlawfirm.com

COREY D. BROWN, ESQUIRE
corey@storchlawfirm.com

May 5, 2022

A. JOSEPH POSEY, ESQUIRE
joey@storchlawfirm.com

Mr. Stewart Cruz
City Planner
City of Daytona Beach Shores
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118

***Re: Application for Special Exception / Max Beach Resort / Poolside Mural
Section 14-58.1.2.E / City of Daytona Beach Shores Land Development Code***

Dear Stewart:

Thank you for all the feedback you provided for the above referenced application. The purpose of this letter is to address the specific design and application standards outlined in Section 14-58.1.2.E of the City LDC for murals. The supporting documents and mural application have already been provided to you under separate cover.

Responses to the LDC criteria are as follows:

1. Murals. Murals are artistic representations that could enhance the community's aesthetic value, sense of place and well being. If located strategically, murals can also serve to introduce and welcome visitors to the city while illustrating the city's past, present and vision for the future. Permitting colors not listed on the city's official color palette in commercial and hotel districts by means of special exception would regulate murals so as to enhance aesthetics within the city, limit potential adverse impacts, foster community identity and maintain public safety. Murals qualifying under the terms of this section may only be permitted in the GC-1, GC-2 and T districts subject to the following conditions:

- a. Location: Murals qualifying under the terms of this section may only be placed on commercial and hotel properties located in a commercial or hotel/motel zoning district, respectively.

Response: The mural is being proposed in the appropriate zoning district.

- b. Size: Murals shall be limited to thirty (30) percent of any single wall surface area of the primary building.

Response: The mural complies with the size requirement.

- c. Public Safety: Murals must not impede or have an adverse effect on the safe and efficient movement of vehicular or pedestrian traffic.

Response: The mural will not impede or affect the movement of vehicular or pedestrian traffic.

d. Design and Application Standards:

- 1) A mural must exhibit exceptional design, material, and application standards, while incorporating high-quality materials that will enhance the overall development and appearance of the site.

Response: The proposed mural depicts a mixture of common Florida vegetation, including banana and palmetto palms, with a tropical color palette. The work will be done by a professional art studio from St. Petersburg. According to the artist, the bright pastel colors and Florida palms were chosen to highlight the beach lifestyle in the area.

- 2) The materials used in developing a mural may consist of, but are not limited to, paint and other artistic mediums such as tile or mosaic, original digital images and low-relief sculpture. All materials must be appropriate for outdoor location and climate, with special considerations for longevity.

Response: The materials being used were chosen specifically for the beach environment. The mural will be painted with 100% acrylic paint, with a satin finish to product against the beachside weather.

- 3) A mural's color scheme shall be complementary and harmonious with the exterior colors of the building or structure, and consistent with the chosen theme. The design, location and scale of the mural shall be in keeping with and enhance the building as well as the local environment.

Response: The mural color scheme was chosen to highlight the beach lifestyle theme of the resort and the City of Daytona Beach Shores. The mural will enhance the poolside experience at the resort and complement the view of the beach.

- 4) A mural shall not obscure or detract from the significant architectural features of the structure on which it is located or have an adverse effect on adjacent properties or facing properties.

Response: The location of the mural was specifically picked to emphasize the tropical theme of the pool area, and to complement the main resort building.

- 5) A mural's overall features shall be designed to enhance the City's gateways and contribute to the unique character and quality of life in the City of Daytona Beach Shores.

Response: The proposed mural captures the beachside lifestyle of the area and adds to the character and highlights the quality of life in the City of Daytona Beach Shores.

- 6) There shall be no exterior lighting directed upon the mural.

Response: No lighting is proposed for the mural.

- 7) Murals shall not cover doors or windows or other architectural elements such as cornices and pilasters.

Response: The mural will only cover a portion of the exterior parking garage wall.

- 8) Murals may only be permitted on flat planes of walls.

Response: The mural will only cover flat planes of walls.

- 9) Each mural shall be an original work of art.

Response: The artwork for the mural was commissioned by the applicant specifically for the Max Beach Resort.

- 10) A mural shall be designed, applied and/or constructed under the supervision of a qualified artist/muralist or other qualified professional who has sufficient knowledge and experience in the design and execution of such projects, as well as with the application of the selected medium,

Response: All work will be performed by a qualified artist/muralist. The scope of work and the professional background of the artist are included in our submittal packet for the special exception.

- e. Alterations: A mural shall remain in place without alterations for a minimum period of one (1) year. Any future alteration is subject to approval by the city council after receiving a recommendation from the beautification advisory board.

Response: Understood.

- f. Maintenance Plan Required: Murals may only be approved when submitted for review with an adequate and professionally prepared maintenance plan.

Response: Understood.

- g. Written consent from the property owner of the property on which a mural is to be developed is required.

Response: An authorization of owner has been provided as part of the special exception application.

- h. The special exception relating to a mural may be approved for a limited period of time and such condition of use shall be incorporated into the development order relating to the approval.

Response: Understood.

- i. Pursuant to Section 2-2 of this Code, due public notice shall be provided by the applicant.

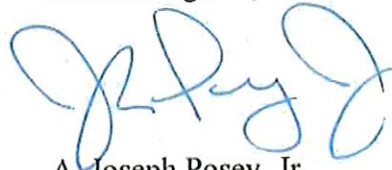
Response: The applicant will follow the public notice provision of the LDC.

- j. The property owner shall be responsible for compliance with the terms of this section and the special exception development order issued.

Response: Understood.

Please let me know if you have any questions or need anything further.

Kindest regards,



A. Joseph Posey, Jr.
For: Storch Law Firm

GDS/ajp

NOTICE TO ABUTTING PROPERTY OWNERS

May 5, 2022

Dear Property Owner:

The owners of the property located at 1903 South Atlantic Avenue, Daytona Beach Shores, Florida, 32118, which abuts your property, have submitted an application to the Planning and Zoning Board of the City of Daytona Beach Shores for the following request:

Special Exception to permit a beach themed mural along the pool and spa areas of the Max Daytona Beach Resort.

The City of Daytona Beach Shores Planning and Zoning Board will hold a Public Hearing on this application on June 6, 2022, beginning at 8:30 A.M. in the City Council Chambers in the Community Center located at 3000 Bellemead Drive, Daytona Beach Shores. All interested parties may appear at this public hearing and will be given an opportunity to be heard.

The application is available for public inspection at the City of Daytona Beach Shores, Community Services Department, Building & Codes Division, 2990 S. Atlantic Avenue, Daytona Beach Shores. For more information, please contact the Building & Codes Division at 386-763-5377.

Anyone who wishes to appeal any decision by the Planning and Zoning Board or City Council with respect to any matter considered at said Public Hearings will need a record of Public Hearing proceedings, including all testimony and evidence, and should arrange in advance for the making of a verbatim transcript of the Public Hearing. The Public Hearing may be continued to one or more dates. The dates, times and places of any continuation of the Public Hearing will be announced at the Public Hearing and no further notice regarding said continuation is required to be published.

In accordance with the Americans with Disabilities Act (ADA), persons needing special accommodations to participate in the proceedings should contact the City Clerk's Office no later than seven days prior to the hearing.

Bayshore Capital Inc.

April 20, 2022

1901-1903 S Atlantic LP
Dba Max Beach Resort
1901 S. Atlantic Avenue
Daytona Beach Shores, Florida 32118

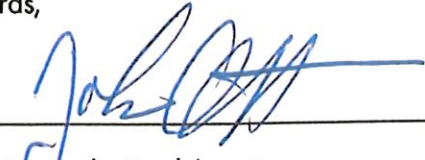
RE: Poolside Mural

To City of Daytona Beach Shores:

I John Ott, authorized agent for 1901-1903 S. Atlantic LP, authorize Leo Gomez Studios to paint the poolside mural located at 1901 S. Atlantic Avenue, Daytona Beach Shores, Florida, 32118.

For any questions or concerns, please contact John Ott directly at 321-438-2525 or Max Beach Resort General Manager, Libby Gallant at 386-299-8472.

Regards,



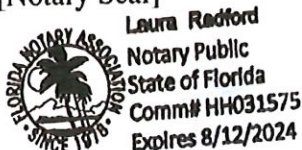
John Ott, Authorized Agent
1901-1903 S. Atlantic LP

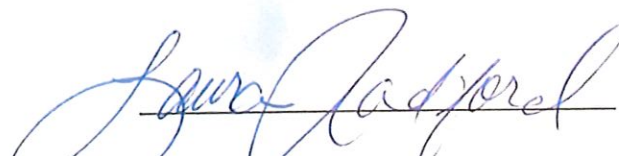
STATE OF FLORIDA

COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 20th day of April,
2022, by John Ott, who ☒ is personally known to me or ☐ has produced
_____ as identification.

[Notary Seal]





NOTARY PUBLIC, State of Florida at Large.



Pool Wall Mural Permit Application
April 20, 2022

RECEIVED

MAY 02 2022

BUILDING AND CODE DEPARTMENT
CITY OF DAYTONA BEACH SHORES

77 3 99 2



Max Poolside Mural Details and Specifications

Commissioned By	1901-1903 S. Atlantic LP (dba Max Beach Resort)
Artist	Leo Gomez Studios
Time for Completion	Approx 1.5 weeks
Start Date	April 26, 2022 TBD
Medium	Acrylic Paint on Existing Wall Treatment
Cost of Project	Approx \$25,000
Max Height of Pool Wall	8.5'
Max Width of Pool Wall	90'
Total Square Footage	723 sqft
Background Paint	Brand: Benjamin Moore Regal Select Exterior Sheen: Low Lustre
Sealant	Ronan QUATHANE UV ABSORBER
Maintenance	The mural will be maintenance as needed. For sand, dust and dirt please rinse off with water only. For scratches or damage, the mural should be fixed by artist only. The mural will be checked on every 2 years to look at regular wear and tear and provide maintence if needed.

MAX - LEO GOMEZ STUDIO

MURAL PERMIT - QUESTIONS ANSWERED

01. Paint:

The mural will be painted with 100% acrylic paint.

Brand: Benjamin Moore Regal Select Exterior

A very duerable paint with excellent coverage. Satin finish protects against harsh weather condition, stays rich and vibrant for lifetime. Low VOC.

02. Color Palette

All colors are bright pastel colors. Inspired by Florida palms and the beach lifestyle. Colors will include a variety of pinks, teals and greens.

03. Seal

The mural will be sealed upon completion with Ronan QUATHANE UV ABSORBER. An UV Absorber that is a high quality single component water based aliphatic urethane formulated for use as a protective topcoat clear over murals when resistance to the effects of long-term exposure to sunlight, weather and chemicals is a requirement. It dries to a durable, flexible finish that is abrasion, weather, and ultraviolet resistant.

04. Maintenance

The mural will be maintenance as needed.

For sand, dust and dirt please rinse off with water only.

For scratches or damage, the mural should be fixed by artist only.

The mural will be checked on every 2 years to look at regular wear and tear and provide maintence if needed.

ABOUT THE ARTIST

Leo Gomez is a mural artist based in St. Petersburg, FL specialising in colorful and vibrant murals.

His works includes both small and large scale murals that boost his client's brand engagements and social impressions. He combines his love for eye-catching art with his expertise in graphic design and social trends to design murals that are beautiful, truly unique, highly interactive and gives the viewer a joyful experience.

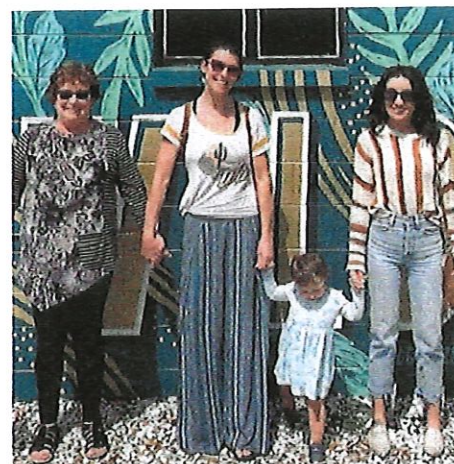
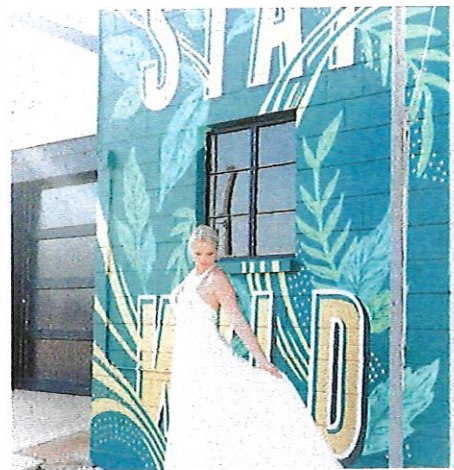
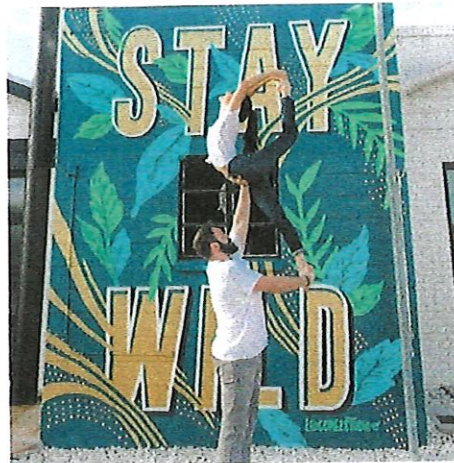
Leo runs his design studio out of St. Pete, FL and has created hundreds of murals. He works directly with the city of St. Petersburg in beautification projects, tourists art destinations, mural festivals and community events.

Some of his clients include local businesses in the Tampa Bay area, as well as other well known companies such as Starbucks, Publix, YMCA, and the Bayfront Hospital.

Leo's mural portfolio is online at [instagram.com/leogomezstudio](https://www.instagram.com/leogomezstudio) and his studio's website [leogomezstudio.com](https://www.leogomezstudio.com)



WORK EXAMPLE #1



COMMUNITY ENGAGEMENT

STAY WILD
2017

WORK EXAMPLE #2



WE RISE BY LIFTING OTHERS
PUBLIC ART MENTAL HEALTH CAMPAIGN BY PINELLAS COUNTY
2020



COMMUNITY ENGAGEMENT

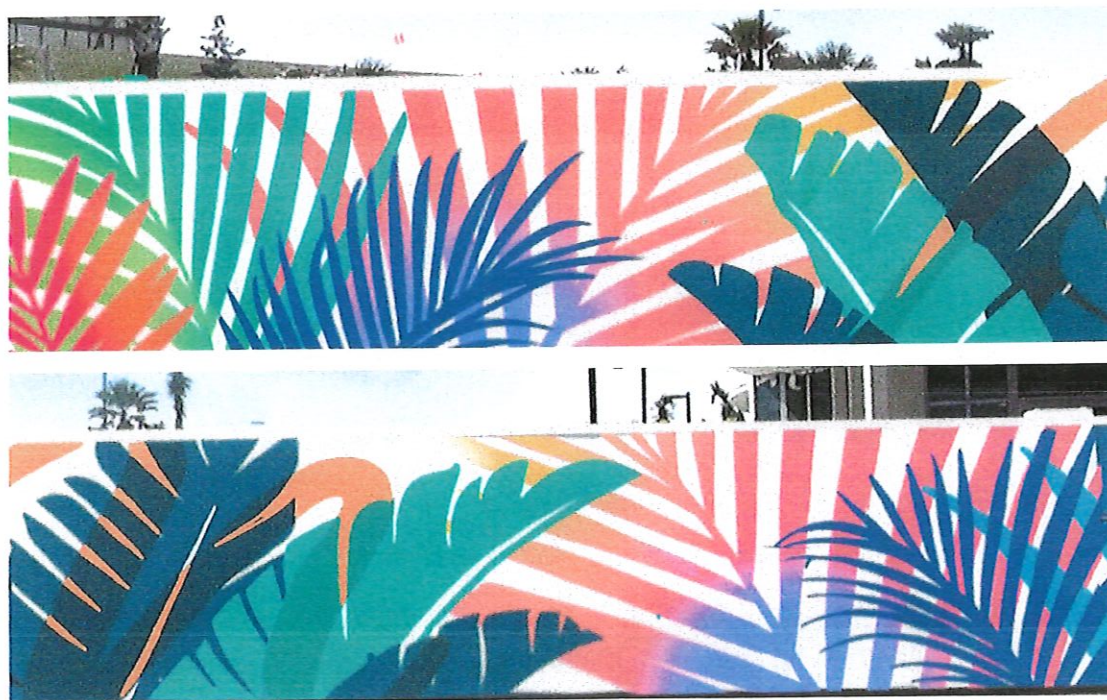
PROPOSED DESIGN



Dimensions: 90ft x 8ft



Sketch Mock-up



Sketched Zoomed In

ADDITIONAL MOCK-UPS

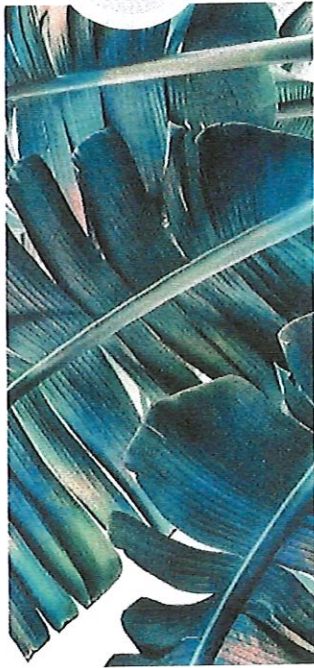


MAX

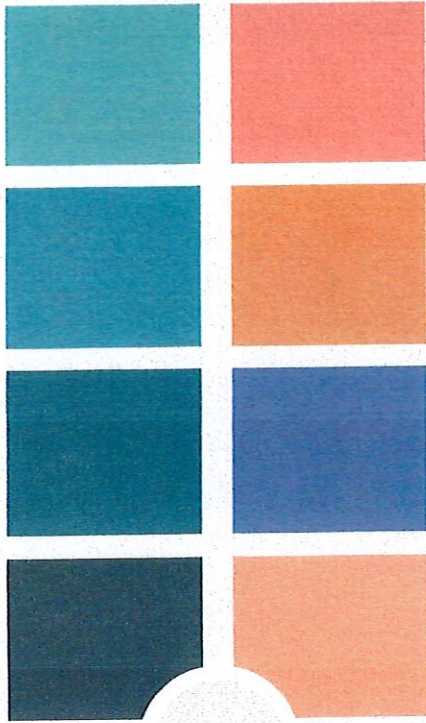


TROPICAL
PALM

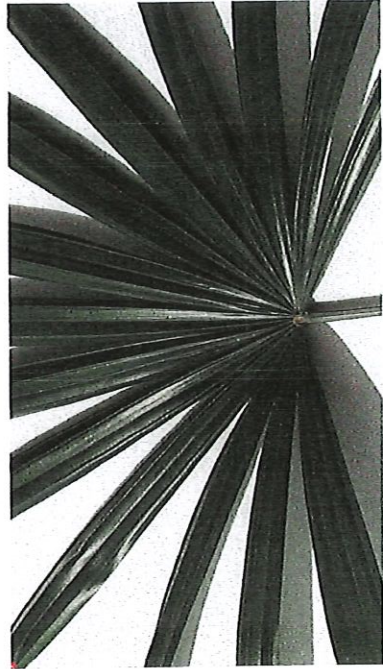
BANANA PALM



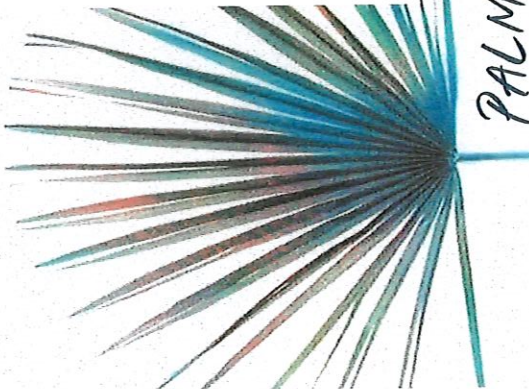
COLOR PALETTE RANGE

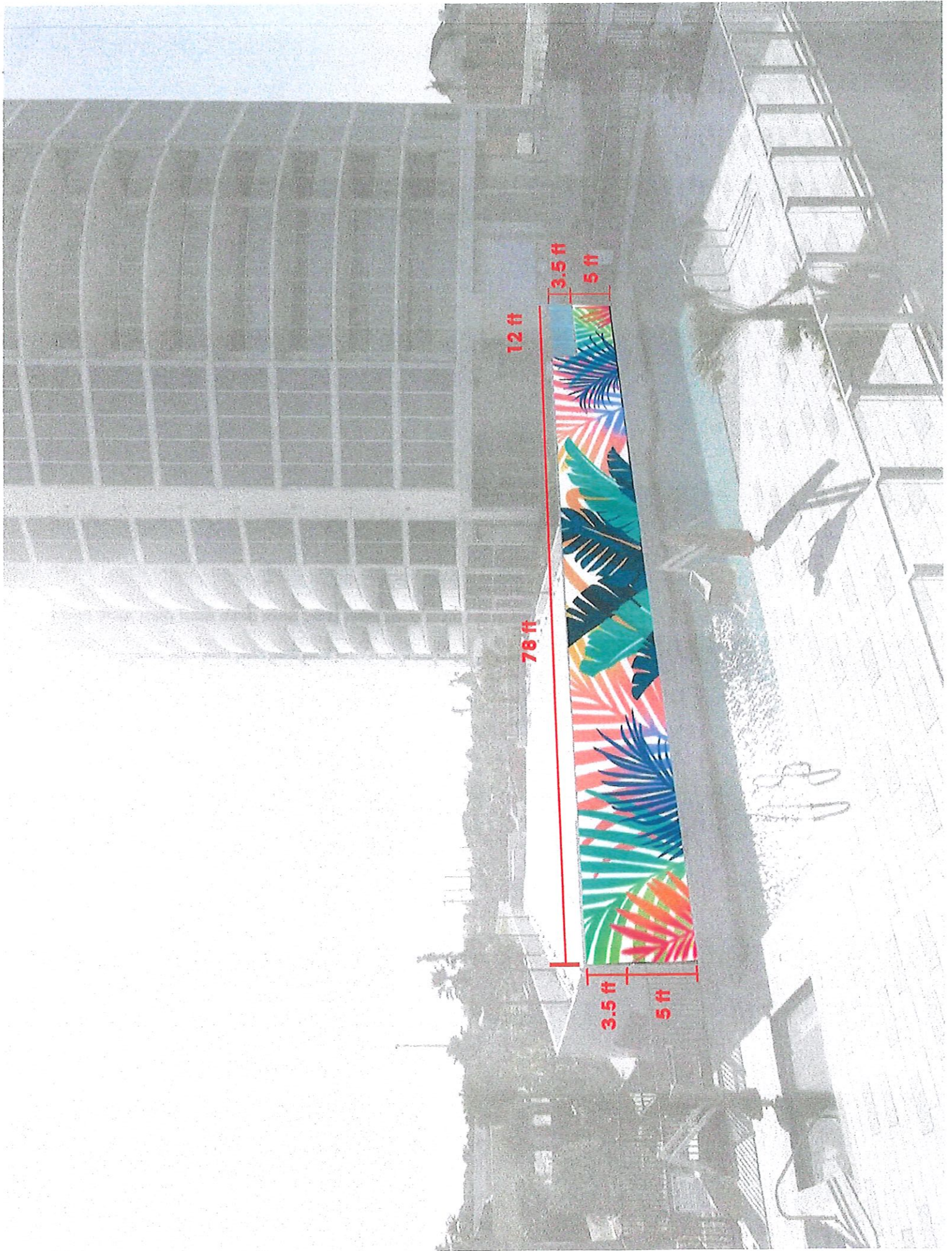


m



PALMETTO FAN PALM







WJ WEEKS
ARCHITECTURE LLC
8400 Community Circle
Suite 105
Daytona Beach, FL 32119
904-254-3035

ARCHITECT OF RECORD

AA 75002-407

MAX

DAYTONA

1901-1903
S. ATLANTIC BLVD.
DAVIDSON BENCH DRIVE
DAVIDSON 33319

2017-202

1901-1903

S. ATLANTIC BLVD.

399 Bay Street,
Suite 200
Daytona, Florida 32114

Project No.

1901-1903

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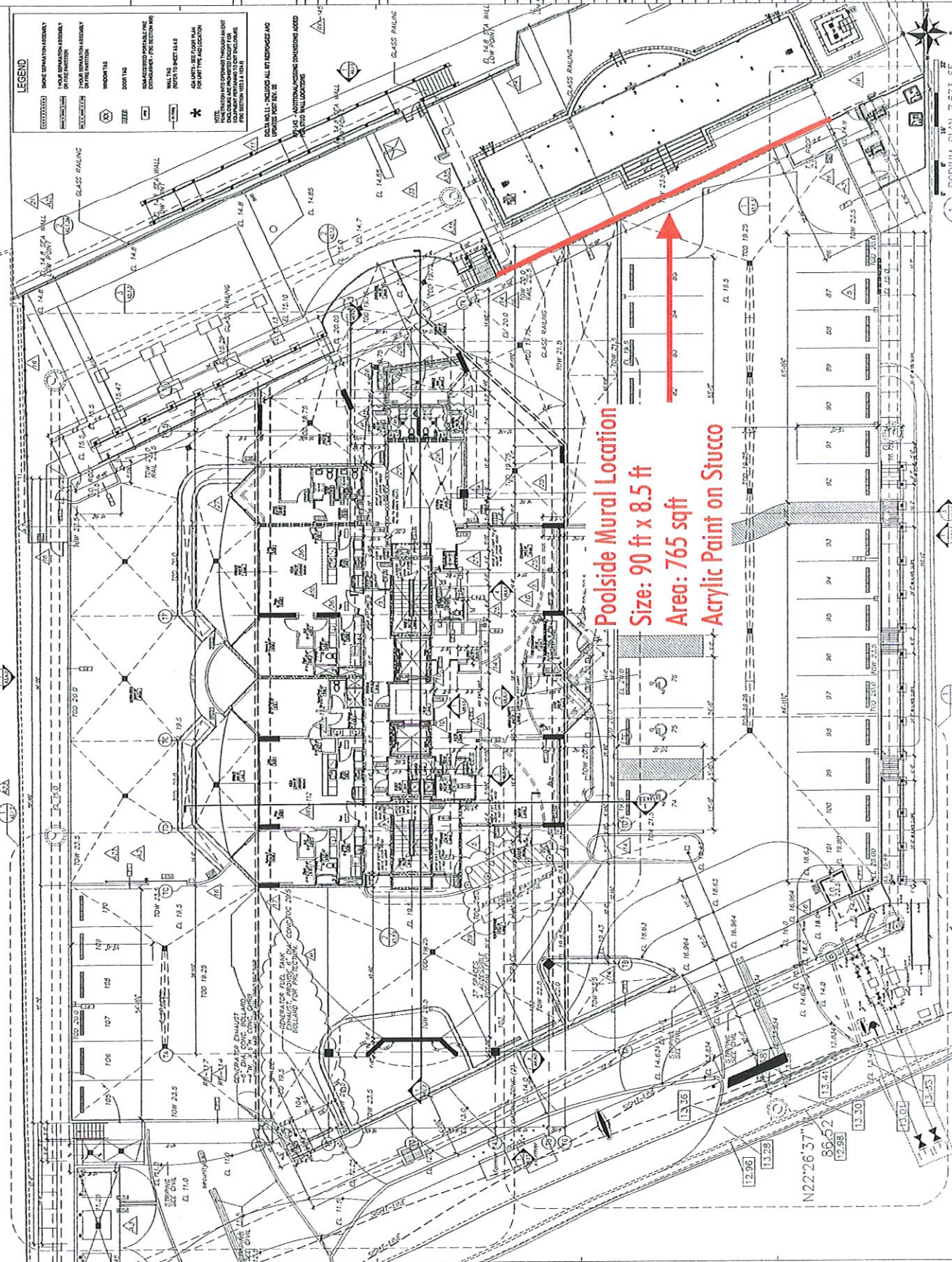
S. ATLANTIC BLVD.

399 Bay Street,
Suite 200
Daytona, Florida 32114

Project No.

1901-1903

S. ATLANTIC BLVD.



Poolside Mural Location
Size: 90 ft x 8.5 ft
Area: 765 sqft
Acrylic Paint on Stucco

1. PODIUM PLAN 7.673 SF

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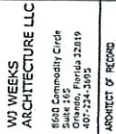
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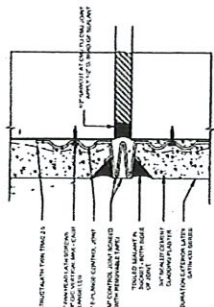
MAX
DAYTONA

901-1903
South Atlantic Avenue
Daytona Beach Shores
Florida 32169
Product Name

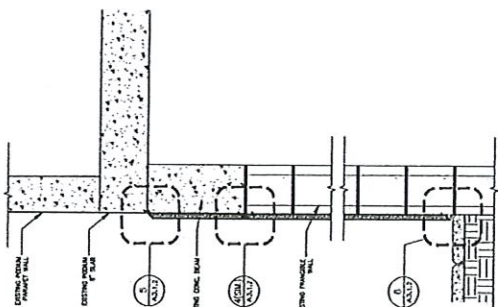
9016-002
Product Description

901-1903
99 Day Street,
Suite 2500
Toronto, Ontario M5L 1G4

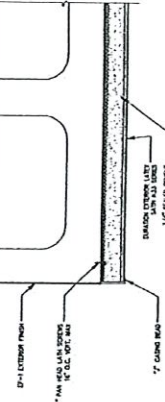
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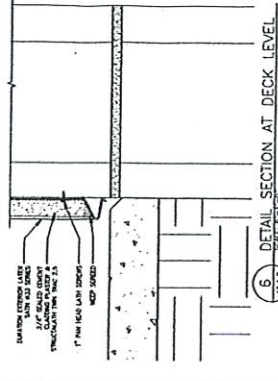
SECTION 05 01 E-FLUOR PANEL (CONTROL) JOINT INSTALLATION
4 DETAIL SECTION AT C.J.



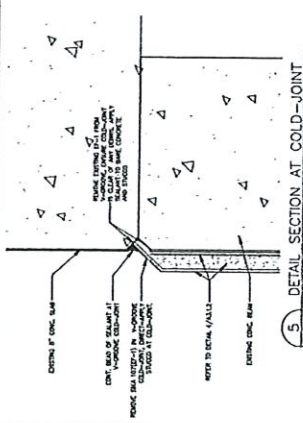
3 PARTIAL WALL SECTION



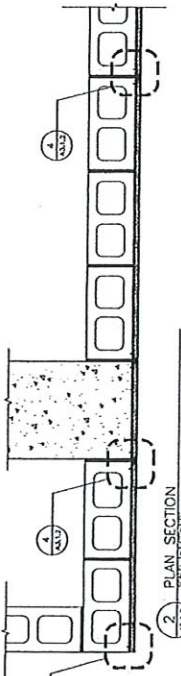
7 DETAIL SECTION AT END-WALL



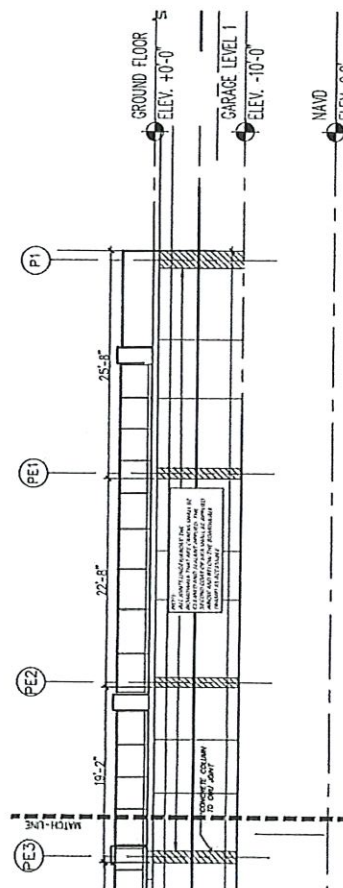
6 DETAIL SECTION AT DECK LEVEL



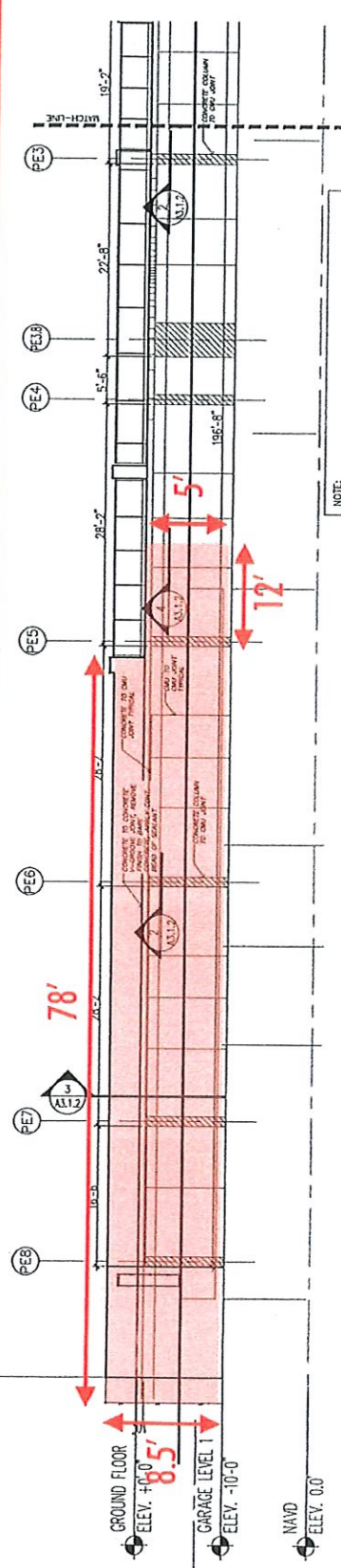
5 DETAIL SECTION AT COLD-JOINT



2 PLAN SECTION



1A PARTIAL EAST ELEVATION (CONT.)



1 PARTIAL EAST ELEVATION
SCALE 3/16"=1'-0"

NOTE:
REFER TO SHEET A3.1.3 - GUIDE SPECIFICATIONS FOR PORTLAND
CEMENT PLASTER ON CONCRETE / MASCHURY WALLS

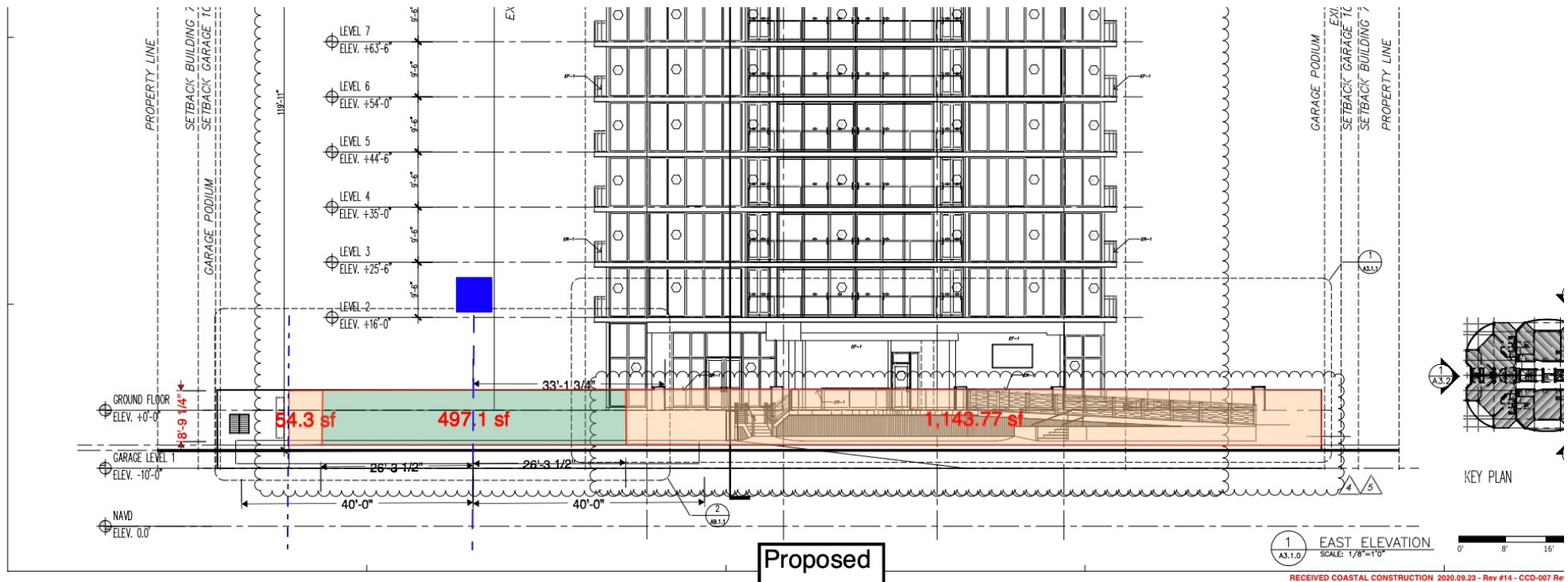
3	6/15/2018	PERMIT SUBMITTAL
42	2/22/2022	UPDATES

EAST ELEVATION.

A3.1.2

Max Beach Resort - Revised Mural Size

	ORIGINAL MURAL SIZE	REVISED 30% SIZE
Total Wall Area	1709 sqft (8'9" x 192 ft)	1709 sqft (8'9" x 192 ft)
Mural Size	745 sqft	512
Percentage of Wall	43%	30%



Max Beach Resort - Revised Mural Size



PLANNING ANALYSIS

1901-1903 S. Atlantic LP (dba Max Beach Resort) Mural

A. BACKGROUND

On May 2, 2022, the applicant, 1901-1903 S. Atlantic LP (dba MAX Beach Resort), submitted a special exception application, which, if approved, would allow the owner to apply an original art mural on a portion of the eastern wall adjacent to the pool and spa area of the resort. The application was completed on May 6, 2022. Section 14-63 of the Daytona Beach Shores Land Development Code (“LDC”) entitled “Planning and zoning board functions, powers and duties” authorizes the Planning and Zoning Board to *“hear and decide such special exceptions as specifically authorized under the terms of the zoning regulations; to decide such questions as are involved in the determination of when special exceptions should be granted; and to grant special exceptions with appropriate condition and safeguards or to deny special exceptions when not in harmony with the purpose and intent of this ordinance or any regulation enacted under the authority of the Land Development Code.”*

B. ZONING AND LAND USE

In general, murals are only permitted in the T “Hotel/Motel” and GC-1 and GC-2 commercial districts by means of a special exception pursuant to Sec.14-58.1.2.E.1 of the LDC, provided certain standards are met (see Sec. D of this report).

Subject Property: T-RMF-1, Hotel/Motel - Multifamily Residential (High Density) District:
Max Beach Resort

Surrounding Property:

North:	Daytona Beach Tourism District: Sierra Suites Motel
South:	T-RMF-1 District: Oceanside Inn
East:	Beach/Ocean
West:	GC-RD District, General Commercial – Redevelopment District: Max Beach Resort Offices

As seen above, the proposed mural site is located in one of the three zoning districts where murals are permitted.

C. PROJECT DESCRIPTION

As seen in the application (**Exhibit A**), the mural would cover an area of 78' x 8.5' plus an area of 12' x 5' or a total of 723 square feet, which equates to 38 percent of the eastern wall area. If approved, the mural would only be visible to guests and beach goers in the vicinity. The mural will be painted and maintained by a professional mural artist (**Exhibit A**). **Figure 1** below illustrates the proposed mural.

Figure 1: Max Beach Resort Mural Mock Up



D. STAFF REVIEW AND COMMENTS

There are two sets of criteria that are evaluated when considering the grant of a special exception for murals in the City of Daytona Beach Shores. These criteria are outlined under Sec. 14-63.7 and Sec. 14-58.1.2(E) of the LDC. Parts I and II below provide analyses of the former and latter, respectively. The full application and responses by the applicant can be seen in **Exhibit A** of the Planning and Zoning Board Staff Memo to which this planning analysis is attached. Staff analysis and comments are noted in underline format.

PART I [Sec. 14-63.7, LDC]

When considering a special exception request, the following criteria under Section 14-63.7 of the Land Development Code shall be considered.

- a. In granting any special exceptions the Board shall find that such grant will not authority [adversely] affect the public interest.

The proposed mural does not appear to adversely affect the public interest, providing said mural is professionally maintained in good standing pursuant to Sec. 14-58.1.2(E) and other applicable city regulations.

- b. In granting any special exception, appropriate conditions and safeguards may be imposed which are consistent with the protection of the public health, safety, morals or general welfare. Violation of such conditions and safeguards when made a part of the development order under which a special exception is granted shall be deemed a violation of the Land Development Code.

The applicant agrees to the aforementioned.

- c. The board may prescribe a reasonable time limit within which the action for which the special exception is required shall be begun or completed or both.

The applicant agrees to the aforementioned.

- d. The following standards shall be applicable in determining whether the board shall grant or deny a special exception:

- i. The grant of a special exception shall be in harmony with the purpose and intent of the Land Development Code, particularly those applicable to the zoning classification in which the special exception is located.

The grant of this special exception does not appear to contravene Sec. 14-58.1.2(E) of the LDC, the City's zoning regulations or the City's Adopted Comprehensive Plan and is therefore in harmony with the purpose and intent of the LDC and the "T" District regulations.

- ii. The board may not grant a special exception unless the applicant has demonstrated his compliance, or ability to comply with, the conditions imposed.

Notwithstanding Sec. 14-58.1.2(E) of the LDC, there are no additional zoning regulations that concern mural development. Therefore, if approved, this special exception shall be consistent with the aforementioned section of the LDC. If conditions are imposed by the board, the applicant will attest to its ability to comply.

- iii. The board must find that the applicant has submitted sufficient evidence to assure that he that he, she, they or it is or will be able to comply with all requirements of the city or state agencies having jurisdiction over the particular use, and the board may require appropriate guarantees to assure compliance.

The applicant has agreed to comply with all applicable city requirements and has already filed for a sign permit with the city to paint the mural. There are no other regulations relating to murals imposed by external agencies regarding this proposal.

- iv. The board shall find that the proposed use will not generate an undue amount of traffic congestion which would tend to create a hazard or danger to the public or to persons in the vicinity from such use or create a public nuisance.

Traffic generation is generally a function of land use. The proposed land use is a beach resort, for which traffic generation has already been accounted for during the site plan review process. In addition, the location of the mural on the east side of the building will not create traffic distractions along SR A1A since the mural will only be visible to the resort guests and beach goers. Therefore, from a transportation standpoint, the mural is not expected to create a hazard or danger to the public or to persons in the vicinity from such use or create a public nuisance.

- v. The board shall find that the special exception will not materially alter the character of the surrounding neighborhood or adversely affect the value of surrounding lands, buildings or natural resources.

The City has not received any written or oral objection to the proposal subsequent to due public notice. Due to the scale, location and conservative nature of the artwork relative to the overall size of the building and the surrounding neighborhood, there is no expectation that the character of the surrounding neighborhood would be adversely affected. In addition, the artist has proposed a maintenance plan to address upkeep and possible degradation over time.

- vi. The board shall find that the special exception will not adversely affect the natural environment, natural resources or scenic beauty, or give rise of any pollution of the air, land or water, or cause unnecessarily injurious heat, noise or odor.

The proposed mural is painted on the wall of an existing building. therefore, the artwork will not adversely affect the natural environment, natural environment [resources] or scenic beauty, or give rise of any pollution of the air, land, or water, or cause unnecessarily injurious heat, noise, or odor. The proposed use is on a developed site and said use is not hazardous or industrial in nature or application. Further, the application method and materials use are standard in the industry.

PART II [Sec. 14-58.1.2(E)1, LDC]

Sec. 14-58.1.2(E)1 of the LDC also lists specific criteria for mural special exceptions, which should be considered. Staff analysis seen below is in underline format

Sec. 14-58.1.2 Special Exceptions permitted in all Districts.

E.

The following uses are permitted as special exceptions in the GC-1, GC-2 and T-zoning districts as follows:

1. *Murals.* Murals are artistic representations that could enhance the community's aesthetic value, sense of place and wellbeing. If located strategically, murals can also serve to introduce and welcome visitors to the city while illustrating the city's past, present and vision for the future. Permitting colors not listed on the city's official color palette in commercial and hotel districts by means of special exception would regulate murals so as to enhance aesthetics within the city, limit potential adverse impacts, foster community identity and maintain public safety. Murals qualifying under the terms of this section may only be permitted in the GC-1, GC-2 and T districts subject to the following conditions:

a. *Location:* Murals qualifying under the terms of this section may only be placed on commercial and hotel properties located in a commercial or hotel/motel zoning district, respectively. The mural is proposed 1903 S. Atlantic Avenue, which is a hotel/motel (resort) property with a "T" District zoning classification. **Criterion Met.**

b. *Size:* Murals shall be limited to thirty (30) percent of any single wall surface area of the primary building. The proposed mural is 30% of the east facing wall. **Criterion Met.**

c. *Public Safety:* Murals must not impede or have an adverse effect on the safe and efficient movement of vehicular or pedestrian traffic. The mural is adequately scaled, not visible from S.R. A1A right-of-way and conservative in nature such that it should not impede or have an adverse effect on the safe and efficient movement of vehicular or pedestrian traffic. **Criterion Met.**

d. *Design and Application Standards:*

(1) A mural must exhibit exceptional design, material, and application standards, while incorporating high-quality materials that will enhance the overall development and appearance of the site. The mural is an original art work developed by and to be maintained by a professional mural artist. The mural is intended to display common Florida features highlighting Florida beach lifestyle. **Criterion Met.**

(2) The materials used in developing a mural may consist of, but are not limited to, paint and other artistic mediums such as tile or mosaic, original digital images and low-relief sculpture. All materials must be appropriate for outdoor location and climate, with special considerations for longevity. The mural will be painted and maintained by a professional mural artist. **Criterion Met.**

(3) A mural's color scheme shall be complementary and harmonious with the exterior colors of the building or structure, and consistent with the chosen theme. The design, location and scale of the mural shall be in keeping with and enhance the building as well as the local environment. The proposed mural design, location and scale is not inconsistent with the building façade and is compatible with the colors of the building structure. **Criterion Met.**

(4) A mural shall not obscure or detract from the significant architectural features of the structure on which it is located or have an adverse effect on adjacent properties or facing properties. The mural does not appear to detract from the architectural features of the Max Beach Resort or have an adverse effect on nearby properties. **Criterion Met.**

(5) A mural's overall features shall be designed to enhance the city's gateways and contribute to the unique character and quality of life in the city. Although the site is located at the City's S. Atlantic Avenue gateway, the mural will not be visible to typical vehicular traffic. Therefore, it is expected the artwork reflected in the mural will not adversely affect the character or quality of life in the City or its gateway. **Criterion Met.**

(6) There shall be no exterior lighting directed upon the mural. Proposal meets this requirement. **Criterion Met.**

(7) Murals shall not cover doors or windows or other architectural elements such as cornices and pilasters. Proposal meets this requirement, it will be on wall area adjacent to the pool and spa. **Criterion Met.**

(8) Murals may only be permitted on flat planes of walls. Proposal meets this requirement. **Criterion Met.**

(9) Each mural shall be an original work of art. The mural was designed by a professional mural artist. **Criterion Met.**

(10) A mural shall be designed, applied and/or constructed under the supervision of a qualified artist/muralist or other qualified professional who has sufficient knowledge and experience in the design and execution of such projects, as well as with the application of the selected medium. The mural was designed by and will be painted and maintained by a professional mural artist. **Criterion Met.**

e. *Alterations:* A mural shall remain in place without alterations for a minimum period of one (1) year. Any future alteration is subject to approval by the city council after receiving a recommendation from the beautification advisory board. Applicant has acknowledged this requirement. **Criterion Met.**

f. *Maintenance Plan Required:* Murals may only be approved when submitted for review with an adequate and professionally prepared maintenance plan. Applicant has acknowledged this requirement and provided a maintenance plan by the mural artist. **Criterion Met.**

g. Written consent from the property owner of the property on which a mural is to be developed is required. Applicant is the owner of the property. **Criterion Met.**

h. The special exception relating to a mural may be approved for a limited period of time and such condition of use shall be incorporated into the development order relating to the approval. Applicant is aware of this potential condition. **Criterion Met.**

i. Pursuant to Section 2-2 of this Code, due public notice shall be provided by the applicant. Applicant has provided this evidence. **Criterion Met.**

j. The property owner shall be responsible for compliance with the terms of this section and the special exception development order issued. Applicant has acknowledged this requirement.

Criterion Met.

CRITERIA SUMMARY:

Based on staff's interpretation of the facts and evidence provided, the following table was derived to assist the Board's decision-making process. Both evaluation criteria are required by the City's LDC.

Table 1: Evaluation Criteria

Criteria 14-63.7	1	2	3	4a	4b	4c	4d	4e	4f	Total
Criteria Met	X	X	X	X	X	X	X	X	X	9
Criteria Not Met										0
Criteria Partially Met										0
Criteria 14-58.1.2(E)1	a	b	c	d1	d2	d3	d4	d5	d6	d7
Criteria Met	X	X	X	X	X	X	X	X	X	X
Criteria Not Met										
Criteria Partially Met										
Criteria 14-58.1.2(E)1	d8	d9	d10	e	f	g	h	i	j	Total
Criteria Met	X	X	X	X	X	X	X	X	X	19
Criteria Not Met										0
Criteria Partially Met										0

As seen in **Table 1** above, all criteria are met.

FIGURE 1
1903 S. Atlantic Avenue: Aerial Photographs



Source: Volusia County Property Appraiser, 2021



Source: Max Beach Resort



PLANNING & ZONING BOARD AGENDA MEMORANDUM

JULY 18, 2022 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, Community Services Director

PREPARED BY: Stewart Cruz, Community Services Director

SUBJECT: Regular Site Plan RSP121021034: Villa Cardinal Townhomes, 3723 Cardinal Boulevard

SYNOPSIS:

On November 4, 2021, owner/applicant, KLDBS, LLC, submitted Regular Site Plan application RSP121021034 (**Exhibit A**), which, if approved, would permit the development of a 4-unit multifamily residential townhome complex located at 3723 Cardinal Boulevard, which is currently vacant.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. Background

Owner/applicant, KLDBS, LLC, is proposing to develop a 4-unit multifamily residential townhome complex located at 3723 Cardinal Boulevard, which is currently vacant. The units would be sold fee simple.

B. Staff Review

The proposed establishment would be located 3723 Cardinal Boulevard, which is in the RMF-2 Multifamily Residential (Medium Density) District on a 0.238 acre parcel. As seen in **Exhibit B** and **Exhibit C**, the proposed site plan meets all the city's Land Development Code zoning and landscaping requirements, respectively.

The City Engineer, Fire Division and Community Services Department have all reviewed and approved the proposed site plan. Therefore, the proposed development meets all the city's city engineering, public safety and public facilities concurrency requirements, including traffic, water, sewer and stormwater.

Finally, the development is consistent with the Daytona Beach Shores Comprehensive Plan.

C. Public Notice

Due public notice pursuant to Sec. 2-2 LDC has been provided by the applicant, evidence of such has been provided to the city.

LEGAL REVIEW:

Approve if site development criteria are met.

RECOMMENDATION:

Planning Staff recommends approval of RSP121021034 as presented.

SUGGESTED MOTION:

A Planning and Zoning Board Member may recommend as follows:

1. "I move to recommend approval of RSP121021034 as presented."

OR

2. "I move to recommend approval of RSP121021034 with the following conditions..."

OR

3. "I move to recommend denial of RSP121021034 on the basis of..."

- ATTACHMENT:**
1. Exhibit A-Villa Cardinal-Site Plan Application
 2. Exhibit B-SITE DEVELOPMENT REVIEW-Villa Cardinal
 3. Exhibit C-LANDSCAPE AND IRRIGATION REVIEW-Villa Cardinal



City of Daytona Beach Shores

Building & Codes Division
Department of Community Services
Telephone: (386) 763-5377
Fax (386) 763-5370

SPR#: _____
FEE _____
Amt: _____
Reviewed By: _____
Date: _____

SITE PLAN REVIEW APPLICATION

12021034

RECEIVED

NOV 04 2021

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

Project Name: CARDINAL TOWNHOMES

Project Location (Address): 3723 CARDINAL BLVD.

Parcel #/ #'s: 630205080110

236853

Property Owner's Name: KLDBS LLC
(If Applicant is not owner, attach authorization affidavit)

Applicant/Developer Name: KLDBS LLC

Mailing Address: 4017 ORIOLE AVENUE; PORT ORANGE, FL 32127

Phone: 386-527-5089

Fax: _____

Project Coordinator: NOEL BARNETT, PE

Mailing Address: 5048 POINTE EMERALD LANE; BOCA RATON, FL 33486

Phone: 561-465-5949

Fax: _____

APPLICATION TYPE:

- ☐ Conceptual Plan Review
☐ Administrative Site Plan Review (Projects must be 5000 sq. ft. GFA or Less)
☒ Regular Site Plan Review (Projects must be greater than 5000 sq. ft. GFA)
☐ Follow up review of previously submitted site plan/ and or amendments to site plan
☐ Site Plan Extension

Proposed Use: MULTI-FAMILY RESIDENTIAL (4 TOWNHOUSE UNITS)

Property Size (Acres & Square Footage): 10,362 SF (0.238 AC)

Proposed GFA (Gross Floor Area) of project: 10,434 SF

Submitted By: NOEL BARNETT, PE Date: 11/04/2021

No applications, drawings, etc. will be accepted until all application fees are paid.

THE CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH THE NOTES AND SPECIFICATIONS CONTAINED HEREIN.

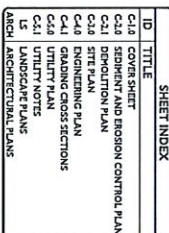
- ### PROJECT CLOSEOUT NOTES

1. DURING CONSTRUCTION, THE DESIGNER SHALL ALLOW ALL DESIGNER-APPROVED MATERIALS AND METHODS TO BE USED BY THE CONTRACTOR. THE CONTRACTOR SHALL NOT BE REQUIRED TO SUBMIT ANY MATERIALS OR METHODS FOR THE DESIGNER'S REVIEW UNLESS THE CONTRACTOR HAS BEEN ADVISED BY THE DESIGNER TO DO SO.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SELECTION OF MATERIALS AND METHODS TO BE USED IN THE CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SELECTION OF MATERIALS AND METHODS TO BE USED IN THE CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SELECTION OF MATERIALS AND METHODS TO BE USED IN THE CONSTRUCTION OF THE PROJECT.
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SITE DEVELOPMENT DRAWINGS

An aerial photograph of a residential area in Mount Waverley, Victoria. The image shows several streets, including Waverley Road and Waverley Avenue. A large, rectangular, undeveloped lot is highlighted in the center-right of the image, with the word 'SITE' written in red capital letters above it. A red arrow points from the bottom right towards this site. The surrounding area consists of residential houses with blue roofs and green lawns. A scale bar at the bottom left indicates a distance of 150 meters.

DOCUMENT# BOUNDARY AND TOPOGRAPHIC SURVEY
DATE: 07-26-2001
PREPARED BY: HYPER LAND SURVEYING, INC.
316 HICKWOOD AVENUE
HOLLY HILL, FLORIDA 32117
TEL. (386) 335-4304

[illegible]

REVISIONS	
DATE	DESCRIPTION

- MANDATORY WATER/SEWER SEPARATION NOTE:

[illegible][illegible]

VILLA CARDINA
ADDRESS: 3723 CARDINAL BOULEYARD
DAYTONA BEACH SHORES
PARCEL ID NUMBER: 630205080110
PREPARED FOR: KLDBS, LLC

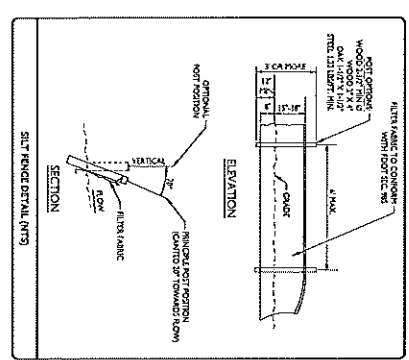
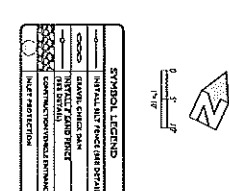


PROFESSIONAL ENGINEER
P.L. LICENSE NO. 72006
P.L. BUSINESS C.A. NO. 32223

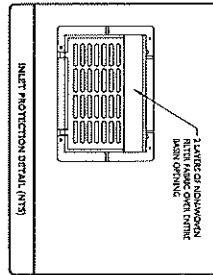
SHEET TITLE

SHEET ID
C-1.0

(0) 561-465-5949 | (e) nbarnett@bardezco.com

[illegible]

REVISIONS		
REV	DATE	DESCRIPTION
1	-	-
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5	-	-
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8	-	-
9	-	-
10	-	-

[illegible]

C-2.0

DATE: 04-11-2007
NOEL BARNETT
PROFESSIONAL ENGINEER
FL LICENSE NO. 77866
FL BUSINESS C.A. NO. 37223
SHEET TITLE
SEDIMENT AND
EROSION
CONTROL PLAN
SHEET ID

CERTIFICATION

Digitally
signed by Noor
Barnett PE
Date:
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+04'00'

PROJECT DESCRIPTION

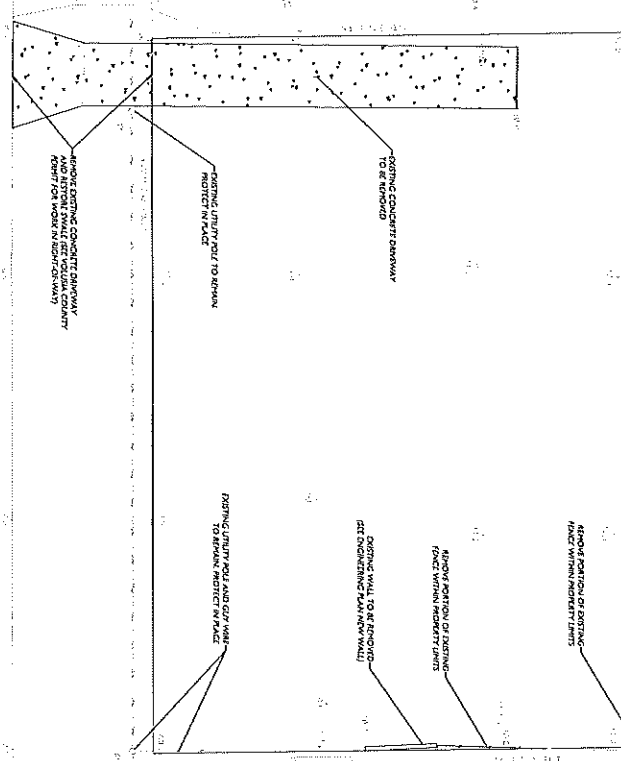
VILLA CARDINAL

ADDRESS: 3723 CARDINAL BOULEVARD
DATTOKA BEACH SHORES

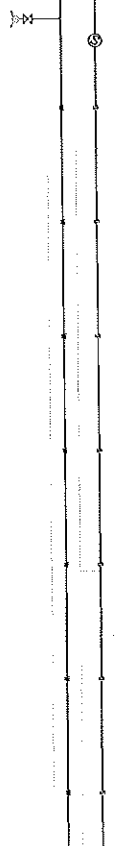
PARCEL ID NUMBER: 630205000110

PREPARED FOR: KLD05, LLC

BARDEZ
5048 POINTE EMERALD LANE; BOCA RATON, FL 3348
(t) 561-465-5949 | (e) nbarnett@bardezo.com



CARDINAL BOULEVARD



REVISIONS		
REV	DATE	DESCRIPTION
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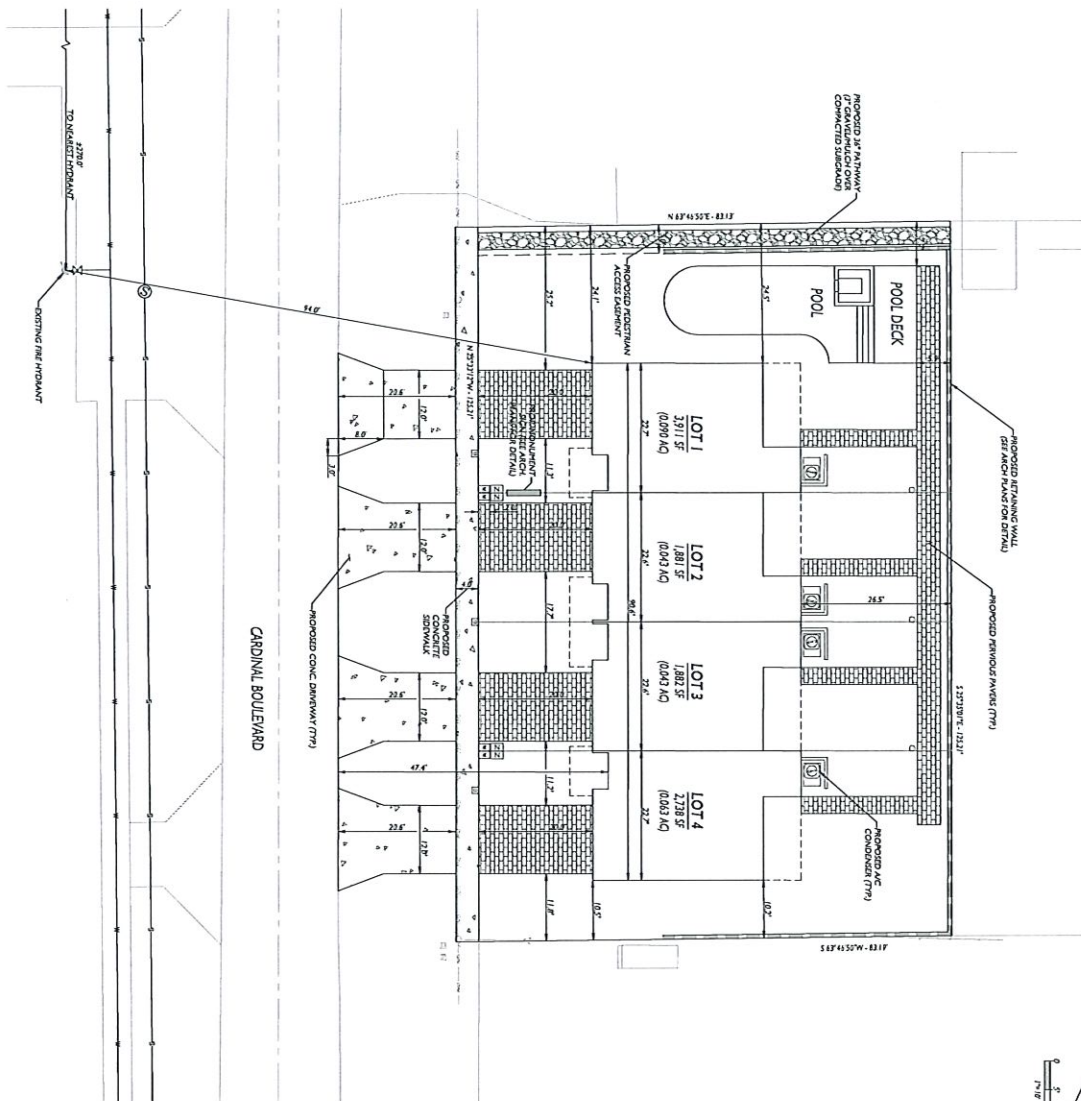
BARDEZ
 5048 POINTE EMERALD LANE; BOCA RATON, FL 33486
 (0) 561-465-5949 | (e) nbarnett@bardezco.com

PROJECT DESCRIPTION
VILLA CARDINAL
 ADDRESS: 3723 CARDINAL BOULEVARD
 DAYTONA BEACH SHORES
 PARCEL ID NUMBER: 619205080110
 PREPARED FOR: KLDOS, LLC

CERTIFICATION
 I, the undersigned, being a duly Licensed Professional Engineer in the State of Florida, do hereby certify that I am the author of the foregoing and that I am a duly Licensed Professional Engineer in the State of Florida.
 NOEL BARNETT
 PROFESSIONAL ENGINEER
 FL LICENSE NO. 7888
 130635-0407

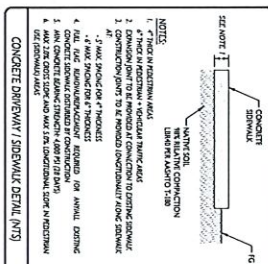
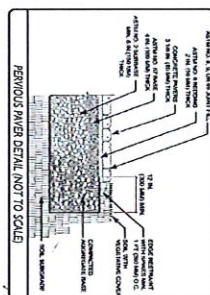
SHEET TITLE
DEMOLITION
PLAN

SHEET ID
C-2.1



PROPERTY INFORMATION	
1. IDENTIFIC.	
OWNER	WILL ROGUE PARTNERS
PROPERTY ADDRESS	1711 CAROLINA BOULEVARD
MAILING ADDRESS	DAYTON, OHIO 45424, U.S.A.
PARCEL ID	4308080010
DESCRIPTION	CITY OF DAYTON MAJOR IMPROV.
APPLICATION NO.	147781834
CURRENT USE	VACANT
PROPOSED USE	RESIDENTIAL (1 TOWNHOUSE UNIT)
OWNER'S COMMENTS	WILL ROGUE PARTNERS, 1711 CAROLINA BOULEVARD, DAYTON, OHIO 45424, U.S.A.
PROPERTY AREA	0.411 (0.137 AC)
PROPOSED AREA	0.411 (0.137 AC)
ADJACENT ZONE	U-1 (URBAN URBAN USE)
ADJACENT ZONE CODE	U-1 (URBAN URBAN USE)

RMF-2: DEVELOPMENT REGULATIONS		
TABLED	RECEIVED	REVISED
RMF-01: AREA (TOWN/SHIPPING)	2-20-1981	3-13-1981
RMF-02: COASTAL	3-13-1981	3-13-1981
RMF-03: LAND USE	3-13-1981	3-13-1981
RMF-04: BUILDING (THICK THIN/1)	3-13-1981	3-13-1981
RMF-05: BUILDING (THICK THIN/2)	3-13-1981	3-13-1981
RMF-06: BUILDING (THICK THIN/3)	3-13-1981	3-13-1981
RMF-07: BUILDING (THICK THIN/4)	3-13-1981	3-13-1981
RMF-08: BUILDING (THICK THIN/5)	3-13-1981	3-13-1981
RMF-09: BUILDING (THICK THIN/6)	3-13-1981	3-13-1981
RMF-10: BUILDING (THICK THIN/7)	3-13-1981	3-13-1981
RMF-11: BUILDING (THICK THIN/8)	3-13-1981	3-13-1981
RMF-12: BUILDING (THICK THIN/9)	3-13-1981	3-13-1981
RMF-13: BUILDING (THICK THIN/10)	3-13-1981	3-13-1981
RMF-14: BUILDING (THICK THIN/11)	3-13-1981	3-13-1981
RMF-15: BUILDING (THICK THIN/12)	3-13-1981	3-13-1981
RMF-16: BUILDING (THICK THIN/13)	3-13-1981	3-13-1981
RMF-17: BUILDING (THICK THIN/14)	3-13-1981	3-13-1981
RMF-18: BUILDING (THICK THIN/15)	3-13-1981	3-13-1981
RMF-19: BUILDING (THICK THIN/16)	3-13-1981	3-13-1981
RMF-20: BUILDING (THICK THIN/17)	3-13-1981	3-13-1981
RMF-21: BUILDING (THICK THIN/18)	3-13-1981	3-13-1981
RMF-22: BUILDING (THICK THIN/19)	3-13-1981	3-13-1981
RMF-23: BUILDING (THICK THIN/20)	3-13-1981	3-13-1981
RMF-24: BUILDING (THICK THIN/21)	3-13-1981	3-13-1981
RMF-25: BUILDING (THICK THIN/22)	3-13-1981	3-13-1981
RMF-26: BUILDING (THICK THIN/23)	3-13-1981	3-13-1981
RMF-27: BUILDING (THICK THIN/24)	3-13-1981	3-13-1981
RMF-28: BUILDING (THICK THIN/25)	3-13-1981	3-13-1981
RMF-29: BUILDING (THICK THIN/26)	3-13-1981	3-13-1981
RMF-30: BUILDING (THICK THIN/27)	3-13-1981	3-13-1981
RMF-31: BUILDING (THICK THIN/28)	3-13-1981	3-13-1981
RMF-32: BUILDING (THICK THIN/29)	3-13-1981	3-13-1981
RMF-33: BUILDING (THICK THIN/30)	3-13-1981	3-13-1981
RMF-34: BUILDING (THICK THIN/31)	3-13-1981	3-13-1981
RMF-35: BUILDING (THICK THIN/32)	3-13-1981	3-13-1981
RMF-36: BUILDING (THICK THIN/33)	3-13-1981	3-13-1981
RMF-37: BUILDING (THICK THIN/34)	3-13-1981	3-13-1981
RMF-38: BUILDING (THICK THIN/35)	3-13-1981	3-13-1981
RMF-39: BUILDING (THICK THIN/36)	3-13-1981	3-13-1981
RMF-40: BUILDING (THICK THIN/37)	3-13-1981	3-13-1981
RMF-41: BUILDING (THICK THIN/38)	3-13-1981	3-13-1981
RMF-42: BUILDING (THICK THIN/39)	3-13-1981	3-13-1981
RMF-43: BUILDING (THICK THIN/40)	3-13-1981	3-13-1981
RMF-44: BUILDING (THICK THIN/41)	3-13-1981	3-13-1981
RMF-45: BUILDING (THICK THIN/42)	3-13-1981	3-13-1981
RMF-46: BUILDING (THICK THIN/43)	3-13-1981	3-13-1981
RMF-47: BUILDING (THICK THIN/44)	3-13-1981	3-13-1981
RMF-48: BUILDING (THICK THIN/45)	3-13-1981	3-13-1981
RMF-49: BUILDING (THICK THIN/46)	3-13-1981	3-13-1981
RMF-50: BUILDING (THICK THIN/47)	3-13-1981	3-13-1981
RMF-51: BUILDING (THICK THIN/48)	3-13-1981	3-13-1981
RMF-52: BUILDING (THICK THIN/49)	3-13-1981	3-13-1981
RMF-53: BUILDING (THICK THIN/50)	3-13-1981	3-13-1981
RMF-54: BUILDING (THICK THIN/51)	3-13-1981	3-13-1981
RMF-55: BUILDING (THICK THIN/52)	3-13-1981	3-13-1981
RMF-56: BUILDING (THICK THIN/53)	3-13-1981	3-13-1981
RMF-57: BUILDING (THICK THIN/54)	3-13-1981	3-13-1981
RMF-58: BUILDING (THICK THIN/55)	3-13-1981	3-13-1981
RMF-59: BUILDING (THICK THIN/56)	3-13-1981	3-13-1981
RMF-60: BUILDING (THICK THIN/57)	3-13-1981	3-13-1981
RMF-61: BUILDING (THICK THIN/58)	3-13-1981	3-13-1981
RMF-62: BUILDING (THICK THIN/59)	3-13-1981	3-13-1981
RMF-63: BUILDING (THICK THIN/60)	3-13-1981	3-13-1981
RMF-64: BUILDING (THICK THIN/61)	3-13-1981	3-13-1981
RMF-65: BUILDING (THICK THIN/62)	3-13-1981	3-13-1981
RMF-66: BUILDING (THICK THIN/63)	3-13-1981	3-13-1981
RMF-67: BUILDING (THICK THIN/64)	3-13-1981	3-13-1981
RMF-68: BUILDING (THICK THIN/65)	3-13-1981	3-13-1981
RMF-69: BUILDING (THICK THIN/66)	3-13-1981	3-13-1981
RMF-70: BUILDING (THICK THIN/67)	3-13-1981	3-13-1981
RMF-71: BUILDING (THICK THIN/68)	3-13-1981	3-13-1981
RMF-72: BUILDING (THICK THIN/69)	3-13-1981	3-13-1981
RMF-73: BUILDING (THICK THIN/70)	3-13-1981	3-13-1981
RMF-74: BUILDING (THICK THIN/71)	3-13-1981	3-13-1981
RMF-75: BUILDING (THICK THIN/72)	3-13-1981	3-13-1981
RMF-76: BUILDING (THICK THIN/73)	3-13-1981	3-13-1981
RMF-77: BUILDING (THICK THIN/74)	3-13-1981	3-13-1981
RMF-78: BUILDING (THICK THIN/75)	3-13-1981	3-13-1981
RMF-79: BUILDING (THICK THIN/76)	3-13-1981	3-13-1981
RMF-80: BUILDING (THICK THIN/77)	3-13-1981	3-13-1981
RMF-81: BUILDING (THICK THIN/78)	3-13-1981	3-13-1981
RMF-82: BUILDING (THICK THIN/79)	3-13-1981	3-13-1981
RMF-83: BUILDING (THICK THIN/80)	3-13-1981	3-13-1981
RMF-84: BUILDING (THICK THIN/81)	3-13-1981	3-13-1981
RMF-85: BUILDING (THICK THIN/82)	3-13-1981	3-13-1981
RMF-86: BUILDING (THICK THIN/83)	3-13-1981	3-13-1981
RMF-87: BUILDING (THICK THIN/84)	3-13-1981	3-13-1981
RMF-88: BUILDING (THICK THIN/85)	3-13-1981	3-13-1981
RMF-89: BUILDING (THICK THIN/86)	3-13-1981	3-13-1981
RMF-90: BUILDING (THICK THIN/87)	3-13-1981	3-13-1981
RMF-91: BUILDING (THICK THIN/88)	3-13-1981	3-13-1981
RMF-92: BUILDING (THICK THIN/89)	3-13-1981	3-13-1981
RMF-93: BUILDING (THICK THIN/90)	3-13-1981	3-13-1981
RMF-94: BUILDING (THICK THIN/91)	3-13-1981	3-13-1981
RMF-95: BUILDING (THICK THIN/92)	3-13-1981	3-13-1981
RMF-96: BUILDING (THICK THIN/93)	3-13-1981	3-13-1981
RMF-97: BUILDING (THICK THIN/94)	3-13-1981	3-13-1981
RMF-98: BUILDING (THICK THIN/95)	3-13-1981	3-13-1981
RMF-99: BUILDING (THICK THIN/96)	3-13-1981	3-13-1981
RMF-100: BUILDING (THICK THIN/97)	3-13-1981	3-13-1981
RMF-101: BUILDING (THICK THIN/98)	3-13-1981	3-13-1981
RMF-102: BUILDING (THICK THIN/99)	3-13-1981	3-13-1981
RMF-103: BUILDING (THICK THIN/100)	3-13-1981	3-13-1981



REVISIONS		
REV	DATE	DESCRIPTION
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-
6	-	-
7	-	-
8	-	-
9	-	-
10	-	-

BARDEZ

5048 POINTE EMERALD LANE; BOCA RATON, FL 33486
(0) 561-465-5949 | (e) nbarnett@bardezco.com

PROJECT DESCRIPTION

VILLA CARDINAL

ADDRESS: 3723 CARDINAL BOULEYARD
DAYTONA BEACH SHORES
PARCEL ID NUMBER: 630205080110
PREPARED FOR: KLDOS, LLC

E-CERTIFICATION

Digitally signed by No Barnett, PE
Date: 2022.05.13 13:06:43 -0400

CERTIFICATION

DATE: 05/13/20

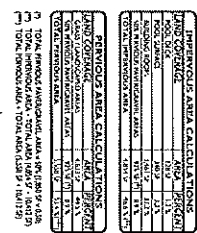
NOEL BARNETT
PROFESSIONAL ENGINEER
FL LICENSE NO. 72006
FL BUSINESS C.A. NO. 37222

SHEET TITLE

SITE PLAN

SHEET ID

C-3.0



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CERTIFICATION

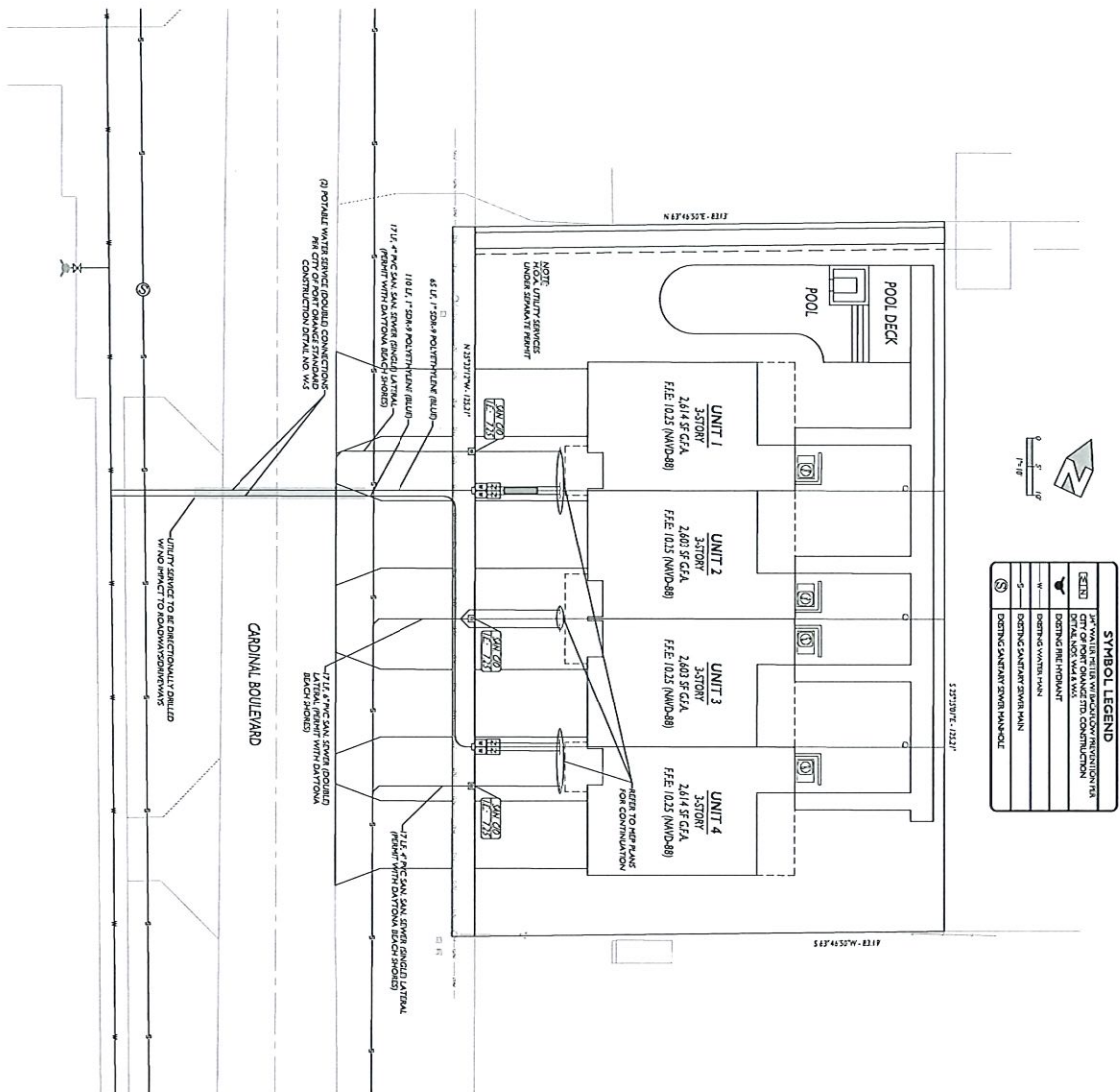
Digitally signed
by Noel
Barnett, RC
DN: cn=Noel Barnett, o=NOEL BARNETT LLC,
c=US, email=nbarnett@noelbarnett.com,
1.2007.12.04-09:07

CERTIFICATION

NOEL BARNETT LLC
10000 W. 10th Avenue, Suite 100
P.O. Box 10000
Albuquerque, NM 87110
U.S. BUSINESS CARD NO. 22233

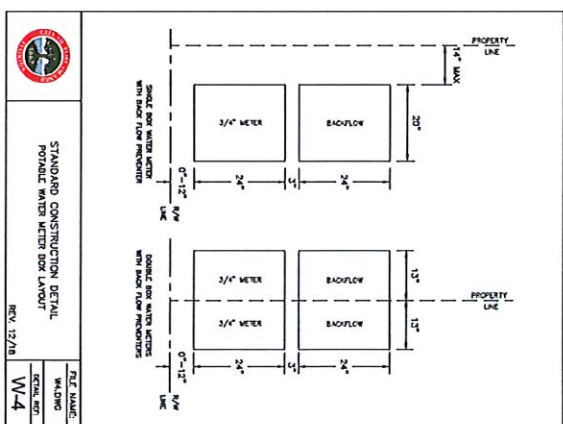
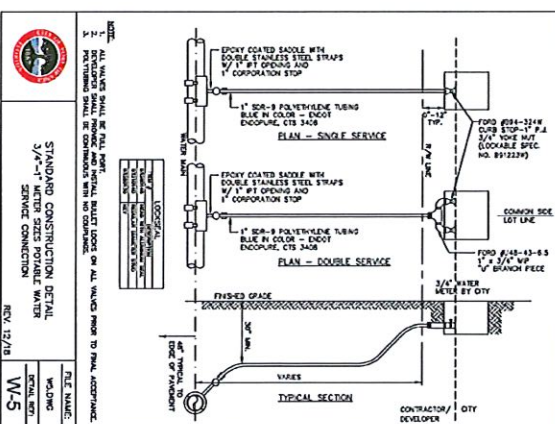
SHEET TITLE
ENGINEERING
PLAN

SHEET ID
C-4.0



SYMBOL LEGEND

UNIT	UNIT 1, 2, 3, 4
POOL DECK	POOL DECK
DOCKING WATER MAIN	DOCKING WATER MAIN
DOCKING WATER MAIN	DOCKING WATER MAIN
DOCKING WATER MAIN	DOCKING WATER MAIN



PROJECT DESCRIPTION

VILLA CARDINAL

ADDRESS: 3723 CARDINAL BOULEVARD
DAYTONA BEACH SHORES
PARCEL ID NUMBER: 630205080110
PREPARED FOR: KLOBS, LLC

BARDEZ

5048 POINTE EMERALD LANE; BOCA RATON, FL 33486
(561) 465-5949 | (e) nbarnett@bardezco.com

REVISIONS

REV	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

CERTIFICATION

Digitally signed by Noel Barnett
Date: 2020.07.13
DN: cn=Noel Barnett, o=Bardez, c=US

UTILITY PLAN

SHEET TITLE

C-5.0

NOEL BARNETT
PROFESSIONAL ENGINEER
FL LICENSE NO. 7884
FL BUSINESS C.A. NO. 2233



SITE DEVELOPMENT PLAN REVIEW

Review Date: 07/11/2022 Planning & Zoning Board Hearing Date: July 18, 2022

Name Of Project Villa Cardinal (Townhomes)
 Address & Parcel # 3723 Cardinal Boulevard, Daytona Beach Shores, FL
 PID: 6302-05-08-0110
 Owner: KLDBS, LLC
 Applicant: KLDBS, LLC
 Project Coordinator: Bardez, LLC – Noel Barnett, PE

	Status	Date
Statement of Ownership & Control	<u>OK</u>	<u>07/11/2022</u>
Proposed Address: <u>3723 Cardinal Boulevard</u>	<u>OK</u>	<u>07/11/2022</u>
Zoning Classification: <u>RMF-2</u>	<u>OK</u>	<u>07/11/2022</u>
FLU Classification: <u>Multifamily Residential (Medium Density)</u>	<u>OK</u>	<u>07/11/2022</u>
Use – Existing: <u>Vacant</u>	<u>OK</u>	<u>07/11/2022</u>
Proposed: <u>Multifamily Townhomes</u>	<u>OK</u>	<u>07/11/2022</u>
Subject to Development Agreement & Waivers (DA)	<u>NA</u>	<u>07/11/2022</u>
Subject to Variances/Special Exceptions	<u>NA</u>	<u>07/11/2022</u>
Lot Size and Area – appx. <u>83'*125' / 0.239 acres</u>	<u>OK</u>	<u>07/11/2022</u>
Min. Width <u>NA</u> , Shown <u>83' feet</u>	<u>NA</u>	<u>07/11/2022</u>
Min. Sq. Ft. <u>9,696</u> , Shown <u>10,412</u>	<u>OK</u>	<u>07/11/2022</u>
Density – Based on Usable Land		
Units Per Acre Allowed <u>35</u> ,	<u>OK</u>	<u>07/11/2022</u>
Max # Units <u>4</u> , # Units Shown <u>4</u>	<u>OK</u>	<u>07/11/2022</u>
Building Setbacks – Direction		
Front: <u>West</u> Required <u>20 ft.</u> , Shown <u>20 ft.</u>	<u>OK</u>	<u>07/11/2022</u>
Side: <u>North</u> Required <u>10 ft.</u> , Shown <u>24.1 ft.</u>	<u>OK</u>	<u>07/11/2022</u>
Side: <u>South</u> Required <u>10 ft.</u> , Shown <u>10.2 ft.</u>	<u>OK</u>	<u>07/11/2022</u>
Rear: <u>East</u> Required <u>20 ft.</u> , Shown <u>20 ft.</u>	<u>OK</u>	<u>07/11/2022</u>
Underground Garage Setbacks – Direction		
Front: <u>East</u> Required <u>ft.</u> , Shown <u>ft.</u>	<u>NA</u>	<u>07/11/2022</u>
Side: <u>North</u> Required <u>ft.</u> , Shown <u>ft.</u>	<u>NA</u>	<u>07/11/2022</u>
Front: <u>West</u> Required <u>ft.</u> , Shown <u>ft.</u>	<u>NA</u>	<u>07/11/2022</u>
Side: <u>South</u> Required <u>ft.</u> , Shown <u>ft.</u>	<u>NA</u>	<u>07/11/2022</u>
Lot Coverage – Max <u>35%</u> , Shown <u>33.2%</u>	<u>OK</u>	<u>07/11/2022</u>
Landscape/Green Area – Min <u>NA%</u> , Shown <u>44.5%</u>	<u>OK</u>	<u>07/11/2022</u>
Open Space (PUDs only) – Min <u>__%</u> , Shown <u>__%</u>	<u>NA</u>	<u>07/11/2022</u>
Common Open Space (PUDs only)	<u>NA</u>	<u>07/11/2022</u>
Retail/Commercial (MXDs only) – Max <u>%</u> , Shown <u>%</u>	<u>NA</u>	<u>07/11/2022</u>

Building Height (Building El. ____ - Road El. ____')	OK	07/11/2022
Max <u>35</u> ft., Shown <u>34.6</u> ft.	NA	07/11/2022
Building Width – Max <u>ft.</u> , Shown <u>ft.</u>	NA	07/11/2022
Building Separation	NA	07/11/2022
Breezeway – Min <u>%</u> , Shown <u>%</u>	NA	07/11/2022
Landscaping Plan	OK	07/11/2022
Irrigation Plan	OK	07/11/2022
Sidewalks Provided	OK	07/11/2022
Public Beach Access Provided	NA	07/11/2022
Balcony Overhangs	NA	07/11/2022
Parking Spaces – Required <u>6</u> , Shown <u>8</u>	OK	07/11/2022
Parking Stalls – meet minimum dimensions?	OK	07/11/2022
Handicap Parking / Site Accessibility Access	OK	07/11/2022
Curb Cuts – Allowed <u>4</u> , Shown <u>4</u>	OK	07/11/2022
Visual Obstructions (corner lots only)	NA	07/11/2022
Profile of Garage Ramp with Degree of Slope Shown	NA	07/11/2022
Off Street Loading Spaces – Required <u>NA</u> , Shown <u>0</u>	NA	07/11/2022
Off Street Dumpster Loading	OK	07/11/2022
Elevations	OK	07/11/2022
Color Renderings Provided	NA	07/11/2022
Fences, Walls and Hedges	OK	07/11/2022
Accessory Structures	OK	07/11/2022
Location of Utilities	OK	07/11/2022
Location of Proposed Signs	OK	07/11/2022
Property Boundary Changes	NA	07/11/2022
Joint Driveway/Cross Access Agreements	NA	07/11/2022
Nonconformities formed on adjacent properties	NA	07/11/2022
Sea Turtle Lighting Requirement Letter Received	NA	07/11/2022
Location of Construction Parking for Duration of Project	OK	07/11/2022
Proposed Utility Easements Identified On Plan	NA	07/11/2022
Proposed Utility Easement Documents Received	NA	07/11/2022
Notice of Requisite Permit Applications Received	OK	07/11/2022
Reviewed and Approved by Fire Division	OK	07/11/2022
Potable Water Availability Letter Received	OK	07/11/2022
Sewer Treatment Capacity	OK	07/11/2022
Sewer Availability Confirmed by Concurrency Manager	OK	07/11/2022
Notice of Stormwater Maintenance Agreement	OK	07/11/2022
Beach and Dune Assessment Report Received	NA	07/11/2022
Stormwater Drawings Approved	OK	07/11/2022
School Concurrency	OK	07/11/2022
Transportation Impact Analysis/Study Submitted	OK	07/11/2022
De Minimis Impacts Recorded	OK	07/11/2022
Transportation Improvements Needed (PFShare)?	NA	07/11/2022
Concurrency Certification Received	OK	07/11/2022
Reviewed and Approved by Planning and Zoning Board	<u>Pending</u>	

COMMENTS:

SITE DEVELOPMENT PLAN REVIEWED BY:

Stewart Cruz

Stewart Cruz, AICP 191244
Community Services Director

SITE DEVELOPMENT PLAN ACTION BY PLANNING & ZONING BOARD

Check One Only.

Denial: ☐
Approval: ☐
Approval with conditions: ☐ _____
Other: ☐

Planning & Zoning Board Chair

Date

21LANDSCAPING AND IRRIGATION REVIEW

Date 7/11/2022

Planning and Zoning Board: July 18, 2022

Name Of Project Villa Cardinal (Townhomes)
Address & Parcel # 3723 Cardinal Boulevard, Daytona Beach Shores, FL
PID: 6302-05-08-0110
Owner: KLDBS, LLC
Applicant: KLDBS, LLC
Project Coordinator: Bardez, LLC – Noel Barnett, PE

	Status	Date
Drawings Show Site Location & North Arrow	<u>OK</u>	<u>07/11/2022</u>
Lot Size <u>appx. 83'*125'</u>	<u>OK</u>	<u>07/11/2022</u>
Land Area <u>10,412 s.f. or 0.239 acres</u>	<u>OK</u>	<u>07/11/2022</u>
Green Area – Min Req <u>0</u> %, Shown <u>44.5</u> %	<u>OK</u>	<u>07/11/2022</u>
Trees – Min Req <u>4</u> , # Shown <u>13</u>	<u>OK</u>	<u>07/11/2022</u>
Tree breakdown <u>8 palms, 11 non palms</u>		
Tree Mixture – Min Req <u>1</u> # Shown <u>3</u>	<u>OK</u>	<u>07/11/2022</u>
Specimen Trees – No <u>X</u> Yes <u> </u> Protected <u> </u>	<u>OK</u>	<u>07/11/2022</u>
Drawings Meet/Exceed City's Tree Ordinance	<u>OK</u>	<u>07/11/2022</u>
Parking Area Landscaping		
Alternative Landscaping: <u>NA</u>	<u>NA</u>	<u>07/11/2022</u>
Min Interior Req <u>NA</u> sf, Shown <u>NA</u>	<u>NA</u>	<u>07/11/2022</u>
Terminal/Interior Islands	<u>NA</u>	<u>07/11/2022</u>
Lot Perimeter Landscaping	<u>OK</u>	<u>07/11/2022</u>
Plants – Salt Tolerance Rating		
High <u>X</u> Moderate <u>X</u> Slight <u> </u>	<u>OK</u>	<u>07/11/2022</u>
Provisions For Irrigation	<u>OK</u>	<u>07/11/2022</u>

COMMENTS

LANDSCAPING/IRRIGATION PLAN REVIEWER

Stewart Cruz

Stewart Cruz, AICP 191244
Community Services Director

LANDSCAPING/IRRIGATION PLAN APPROVED BY PLANING & ZONING BOARD

With Modifications Indicated Without Modifications

Planning and Zoning Board Chair

Date