

MINUTES
PLANNING & ZONING BOARD MEETING
July 18, 2022
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Chairman John Schmitz, Member James Lilly, Member Rose Ann Tornatore, Member Rick Delange, Member Jeni Groot. **Member excused:** Chuck Horion, **Member not excused:** Anthony Rembiszewski. **Staff:** City Clerk Cheri Schwab, City Attorney John Cary, Community Services Director Stewart Cruz.

2. MINUTES

A. PLanning & Zoning Minutes June 6, 2022

Chairman Schmitz wanted the roll call updated to reflect that Alternate Member Jeni Groot Begnaud was excused from the June meeting.

MEMBER RICK DELANGE moved, seconded by MEMBER ROSE ANN TORNATORE to approve the PLanning & Zoning Minutes of June 6, 2022 as amended.

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

Yes: Member Rick Delange, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Jeni Groot-Begnaud

3. QUASI-JUDICIAL HEARING

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

Chairman Schmitz inquired if there had been any ex-parte communication. The board members responded there was none. All participants who were going to testify were sworn in for the record.

Community Services Director Stewart Cruz provided the location details for the property. During a property inspection, it was determined that the fencing around the property adjacent to the pool area was 7.5 feet high. The maximum height per the city's code is 6 feet high. Since the fence was already installed, the property owner has requested a variance. All due public notice requirements have been met. Slides were shown of the rear pool area that included the fence. It was noted that there is a grade change in the south-eastern corner of the property. The seven criteria for allowing a variance were briefly discussed. The applicant felt that the first criteria, which is that a special condition or circumstance exist, was created from the grade change on the property. Staff concurred on one portion of the fence but not the entire structure. Overall, staff felt the criteria had been met for the southern property line

fence, but not for the pool equipment area. Mr. Lilly inquired if the grade could be changed along the southern property line but Director Cruz advised that was not feasible. It would impact the stormwater drain off and potentially cause an issue with the Department of Environmental Protection. Attorney Joey Posey spoke on behalf of the applicant. He explained that the taller fence was installed to assist in deterring the public from trying to gain access to the beach. There was no public input for or against the project.

MEMBER RICK DELANGE moved, seconded by JENI GROOT-BEGNAUD to follow staff's recommendation and approve one portion and deny one portion of Variance ZV12022016.

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

Yes: Member Rick Delange, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Jeni Groot-Begnaud

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

Director Cruz presented his staff report for the board. There were no ex-parte communication for this item. For the record, the property is the same as agenda item 3A. The property owner would like to paint a mural in the pool deck area that would only be visible by hotel guests. Both a sign permit and special exception application were submitted. All due public notice has been met. Staff has reviewed the request and recommends approval. Chairman Schmitz was concerned about the maintenance schedule on the mural. He felt every two years was not often enough due to the weather conditions on the beachside. Director Cruz advised that the board could recommend a more formal maintenance plan be included. Attorney Posey spoke for the applicant. He was in agreement to include a maintenance plan for the mural. There was no public input either for or against the project.

JENI GROOT-BEGNAUD moved, seconded by MEMBER RICK DELANGE to approve Special Exception SPEX12022013 with the condition that the property owner enters into a maintenance agreement for the mural.

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

Yes: Member Rick Delange, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Jeni Groot-Begnaud

4. ACTION ITEMS

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

Community Services Director Stewart Cruz provided a brief staff report to the board. The property is vacant and the project would place four townhomes on the site. Each unit will be three stories with two bedrooms, 2.5 bathrooms and a garage. All criteria for the site plan have been met by the developer. The project is consistent with both the city's Land Development Code and the Comprehensive Plan. Staff recommended approval. The property owner, Ursula Amon was present to answer questions. She stated that construction

is hoped to begin by end of the year. There were no other questions from the board.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER JAMES LILLY to recommend approval of Regular Site Plan RSP121021034 to the City Council.

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

Yes: Member Rick Delange, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Jeni Groot-Begnaud

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 9:19 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman