



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COMMISSION MEETING FEBRUARY 14, 2023

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

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

- 1. CALL TO ORDER BY MAYOR**
- 2. ROLL CALL BY CITY CLERK**
- 3. PRAYER**
- 4. PLEDGE OF ALLEGIANCE**
- 5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:**
 - A. Announcement of Employee of the Year
- 6. APPROVAL OF MINUTES**
 - A. City Commission Minutes January 24, 2023
 - B. City Commission Workshop Minutes January 27, 2023
- 7. CONSENT AGENDA:**

- A. Shared parking agreement between Angel's X LLC at 2006 S. Atlantic Avenue and Kitty X LLC at 2016 S. Atlantic Avenue
- B. Memo Of Understanding with City of Port Orange for License Plate Readers
- C. Contraband Forfeiture Funds
- D. December 2022 Executive Financial Report
- E. Application for Non-Exclusive Franchise - GEL Recycling, LLC
- F. Zev Cohen & Associates, Inc. Engineering Services Contract: Beach Access Initial Assessment and Surveying

8. REPORTS OF THE CITY ATTORNEY:

- A. City Attorney Report February 14, 2023

9. REPORTS OF THE CITY MANAGER:

- A. City Manager Report February 14th, 2023

10. QUASI-JUDICIAL HEARING

- A. Ordinance 2022-24: Rezoning application for recently annexed property located at 2822 S. Atlantic Avenue
- B. Ordinance 2022-26: Rezoning application for recently annexed property located at 3615 Cardinal Boulevard
- C. Ordinance 2022-28: Rezoning application for recently annexed property located at 105 Broad Avenue

11. OLD BUSINESS:

- A. Ordinance 2022-23: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 2822 S. Atlantic Avenue
- B. Ordinance 2022-25: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 3615 Cardinal Boulevard
- C. Ordinance 2022-27: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 105 Broad Avenue

D. Non-conforming Sign Removal Incentive Grant Application: 2100 S. Atlantic Avenue, Congo River Golf

E. Formalization of City Manager Salary Adjustment

12. NEW BUSINESS:

A. Resolution 2023-02 support of Florida League of Cities Legislative Agenda

B. Resolution 2023-03 support Florida Police Chiefs Association and Florida Professional Firefighter legislation

13. COUNCIL COMMENTS:

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

16. ADJOURNMENT:

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

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

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

MINUTES
CITY COMMISSION MEETING
January 24, 2023
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Commissioner Mel Lindauer, Commissioner Chris Conomos, Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Richard Bryan

Staff: City Manager Kurt Swartzlander, City Clerk Cheri Schwab, City Attorney Becky Vose, Community Services Director Stewart Cruz, Finance Director Lory Irwin, Economic Development and Public Affairs Director Nancy Maddox, and Public Safety Director Michael Fowler.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

- A. Employee Service Awards
Officer Sean Rooney - 35 years
Maint. Supervisor Tony Byrd - 5 years

Public Safety Director Michael Fowler presented Officer Sean Rooney with his 35-year service award. Maintenance Supervisor, Tony Byrd was not in attendance to receive his award.

6. APPROVAL OF MINUTES

- A. City Commission Minutes January 10, 2023

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Approve the City Commission Minutes of January 10, 2023.

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

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Vice Mayor Michael Politis, Commissioner Chris Conomos

7. CONSENT AGENDA:

- A. November Public Safety Report
- B. December Public Safety Report
- C. Community Services Department Monthly Report -December 2022
- D. August 2022 Executive Summary Report
- E. September 2022 Executive Summary Report
- F. October 2022 Executive Summary Report
- G. November 2022 Executive Summary Report

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to approve the consent agenda.

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

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Vice Mayor Michael Politis, Commissioner Chris Conomos

8. REPORTS OF THE CITY ATTORNEY:

- A. City Attorney Report January 24, 2023

City Attorney Becky Vose reviewed her report with no additional questions or concerns.

9. REPORTS OF THE CITY MANAGER:

A. CM REPORT January 24, 2023

City Manager Kurt Swartzlander reviewed his report for the commission. He included two Memos of Understanding that were time sensitive for approval. Both of them were for use with the new license plate readers on Public Safety vehicles.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER RICHARD BRYAN to Approve the two Memo of Understandings for Pinellas County and Panama City for the license plate readers.

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

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Vice Mayor Michael Politis, Commissioner Chris Conomos

The City Manager inquired if any commissioner wanted to take a day and meet with each department to get a better understanding of how they operate. Both Vice Mayor Politis and Comm. Conomos agreed. Available dates will be discussed at the next meeting. The agenda for Friday's workshop was also reviewed.

10. OLD BUSINESS:

11. NEW BUSINESS:

A. Resolution 2023-01: Resolution Requesting The Lifting Of Certain Turtle Nesting Season Construction Impediments

The City Attorney read the resolution by title only. Vice Mayor Politis was not in agreement to adopt this, stating it could open the city up for a lawsuit. The beach is federally regulated and owned by the County of Volusia. Comm. Bryan disagreed and felt it would help the citizens who lived oceanside continue their renovations past the start of turtle season. Mayor Miller explained that she has been busy lobbying for work to continue as much as possible. Comm. Conomos agreed with the spirit of the resolution but also sided with the Vice Mayor on the legal authority.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER RICHARD BRYAN to Adopt Resolution 2023-01 on first reading.

Vote: Motion failed (**summary:** Yes = 1 No = 4).

Yes: Commissioner Richard Bryan **No:** Nancy Miller, Mel Lindauer, Michael Politis, Chris Conomos

B. Non-conforming Sign Removal Incentive Grant Application: 3629 S. Atlantic Avenue, Atlantic Terrace

City Planner Noel Eaton explained the details of the grant application. The applicant is Atlantic Terrace timeshare. Two quotes were obtained and the applicant would qualify for \$3000 reimbursement. The complete application meets all the grant criteria. Staff recommended approval in the amount of \$3000 on the condition that no code enforcement violation exists on the property prior to the disbursement of city funds.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER RICHARD BRYAN to Approve Sign Grant Application for Atlantic Terrace in the amount of \$3000.00

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

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Vice Mayor Michael Politis, Commissioner Chris Conomos

- C. Non-conforming Sign Removal Incentive Grant Application: 2100 S. Atlantic Avenue, Congo River Golf

City Planner Noel Eaton explained that the application for Congo River Golf was timely submitted but the business' website does state Daytona Beach and not Daytona Beach Shores. She has advised them to consider changing the wording if they would like the grant funds.

COMMISSIONER CHRIS CONOMOS moved, seconded by COMMISSIONER MEL LINDAUER to Continue the item until the next meeting on February 14, 2023.

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

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Vice Mayor Michael Politis, Commissioner Chris Conomos

- D. Presentation by Director Michael Fowler

Public Safety Director Michael Fowler gave a presentation to the Commission regarding wages for the sworn Public Safety Officers. In April 2021, the council approved a higher starting wage that was implemented and made the department the highest paid in the county. Now the city is ranked 9th in starting wages. The department is currently down six officers, but in the next few months, three more are scheduled to leave. He proposed increasing the starting wage by \$1 hr to remain competitive and to increase the percentage given for obtaining certifications from 6% to 10%. It is his desire to reward employees who remain with the department and are fully cross-trained. A few audience members spoke about their personal experience with having an officer respond quickly to their emergencies. The entire commission fully supported the presentation.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Approve and implement the presentation by Director Michael Fowler .

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

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Vice Mayor Michael Politis, Commissioner Chris Conomos

12. COUNCIL COMMENTS:

Mayor Miller reminded the audience of upcoming events in February. She then passed the gavel to Vice Mayor Politis. She wanted to clarify her motion from the meeting on January 10, 2023, regarding the City Manager's salary. The following motion was made:

MAYOR NANCY MILLER moved, seconded by COMMISSIONER CHRIS CONOMOS that City Manager Swartzlander's base salary be increased to \$165,000 effective so that his

increase in salary will be reflected on the payroll date of January 18, 2023, and subsequent payrolls. City Manager Swartzlander shall also be eligible for regular increases going forward as appropriate in subsequent fiscal years.

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

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Vice Mayor Michael Politis, Commissioner Chris Conomos

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Matt Riley had questions regarding the state funding for beach renourishment. He was informed that at this time, the city had no additional information.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

Mayor Miller would like a resolution on the legislative agenda by the Volusia League of Cities.

15. ADJOURNMENT:

The meeting ended at 7:38 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB

MINUTES
CITY COMMISSION MEETING
January 27, 2023
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Commissioner Mel Lindauer, Mayor Nancy Miller, Commissioner Richard Bryan, Vice Mayor Michael Politis, Commissioner Chris Conomos

Staff: City Manager Kurt Swartzlander, City Clerk Cheri Schwab, City Attorney Becky Vose, Community Services Director Stewart Cruz, Finance Director Lory Irwin, Economic Development and Public Affairs Director Nancy Maddox, and Public Safety Director Michael Fowler.

2. ROLL CALL BY CITY CLERK

3. NEW BUSINESS:

A. Visioning/Goals and Objectives

City Manager Kurt Swartzlander explained that the last visioning session the council held was in 2019. He inquired what process they wanted to proceed with this year. City staff have provided their own department goals and objectives for the coming year. After a brief discussion, the commission felt they didn't need to hire a consultant. Instead, they could hold one or two town hall meetings to obtain citizen input. The mayor would provide a "State of the City" address. Vice Mayor Politis wants to hear from city staff at the meetings. It was decided to plan the meetings in late April or early May to incorporate any ideas into the next budget cycle.

B. City Manager Annual Evaluation

Mayor Miller felt the current ICMA form worked very well last year. She has reviewed evaluation forms from other cities and they are all very similar to ours. She stressed the importance of including comments to go along with the evaluation score. Comm. Lindauer had one concern. Last year, he had some items that he didn't score because he didn't have knowledge of that area. He didn't want the City Manager's score lowered from having a zero or n/a written. It was decided that the commission would continue to use the current format and the final score would be adjusted by the number of responses. The City Manager's contract needs to be checked for the evaluation time period.

C. Make a Difference Award /Gem of the City program / Photo's of Mayors in Chambers

Commissioner Lindauer would like to initiate the "Making a Difference" award. The recipient could be either a business or an individual. The commission would recognize that they are making a difference in the city and receive a proclamation and perhaps a gift certificate. This could be issued many times a year, not annually. As an example, Comm. Lindauer stated

they he observes residents picking up trash on the beach or along the street. The Mayor inquired if the city could purchase gift cards. This will be looked into. Audience member Harry Jennings inquired about a recently deceased resident who gave many hours of service to the city. The City Manager felt that the city website could be utilized to have names submitted to the commission for consideration. The commission was in agreement with moving forward with this award.

The idea of including photos of past mayors in the chambers came from a resident. Mayor Miller stated that she has visited other cities and not all have pictures of past officials. The City Manager explained that past pictures have been handed back to the officials at the end of their term. The Don Large Museum is just outside the chambers, and perhaps a time-line of some sort could be created.

D. Commission Travel Policy

The City Manager explained that there currently exists a CM Policy regarding travel. There is a section relating to elected officials that began roughly ten years ago with the City Council at that time. He does not want to dictate a travel policy for the current, and future, commission. The normal travel of Volusia League of Cities dinners and the Florida League of Cities annual conference are part of the annual budget. Anything other than these items would need to be brought before the commission for consideration. Mayor Miller explained that she has been traveling to the various cities in the county as part of her VLC advocacy committee.

Commissioner Bryan stated that as part of the special strike force from FLC, he was planning to go to Washington DC. It would give him time to lobby for the city. Mayor Miller reminded him that the commission stated just recently that the Mayor would do all the lobbying on behalf of the city. He was tasked with sea wall research. It was decided that Attorney Vose would draft a resolution relating to elected officials travel for their consideration.

E. Beautification of North end of Town

Commissioner Conomos brought this idea up a few months ago. He understands that the city doesn't own any land on the north end to plant palm trees or flowers but wished more businesses would do more landscaping. There currently are quite a few vacant buildings in the northern end of the city. Businesses and condos maintain a nice look in the middle and southern parts of the city. The City Manager explained that a Beautification Committee was created in 2018, but has never officially had members appointed. Comm. Conomos wondered if a program to help incentivize businesses to beautify their property would make a difference. Attorney Vose cautioned the commission that creating any formal committee, even for the short term, would mean they must abide by the Sunshine Law. She suggested having a workshop on beautification and get the residents to provide input. Audience member Harry Jennings suggested a program to cover or paint the FPL utility boxes. Other cities have a colorful vinyl wrap on them. City Manager Swartzlander thought that FPL did indeed have a program to do this and he would follow up on it.

4. ADJOURNMENT:

The workshop ended at 6:04 pm.

MAYOR

CITY MANAGER

NANCY MILLER

KURT D. SWARTZLANDER

ATTEST:

CITY CLERK, CHERI SCHWAB



CITY COMMISSION AGENDA MEMORANDUM FEBRUARY 14, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Shared parking agreement between Angel's X LLC at 2006 S. Atlantic Avenue and Kitty X LLC at 2016 S. Atlantic Avenue

SYNOPSIS:

The Planning Division received an inquiry regarding a proposed Arcade use on the property located at 2016 S. Atlantic Avenue. The parking required for the proposed use is seven (7) total off-street parking spaces. The property currently only has four (4) designated off-street parking spaces. However, Sec. 14-48.2 of the Land Development Code (LDC) permits the use of offsite parking to satisfy the minimum off-street parking requirement if surplus parking exists within 200 feet of the proposed use. The property located at 2006 S. Atlantic Avenue, which is approximately 123+/- feet from the proposed Arcade site, has ten (10) surplus parking spaces. Therefore, pursuant to the aforementioned section of the LDC, the attached written agreement may be executed to provide the total required number of required off-street parking spaces for the proposed use at 2016 S. Atlantic Avenue.

The use will require an application and approval of a Business Tax Receipt and Certificate of Use. The applicant/business owner has already initiated this process. The proposed business is an approved use in the subject zoning district (GC-RD).

FISCAL IMPACT STATEMENT:

At this time there is no impact to the current year budget.

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

Planning staff is recommending approval of the shared parking agreement.

SUGGESTED MOTION:

N/A

- ATTACHMENT:**
1. Shared Parking Agreement-2016 S. Atlantice Avenue and 2006 S. Atlantic Avenue
 2. Location Map
 3. Site Plan of Surplus Parking at 2006 S. Atlantic Avenue

This instrument prepared by
and following recordation return to:

James M. Kosmas, Attorney at Law
JAMES M. KOSMAS, P.A.
111 Live Oak Street
New Smyrna Beach, Florida 32168
Telephone: (386) 428-0055
smyrnakos@bellsouth.net

Tax Parcel Identification Number Parcel 1: 531622000010

Tax Parcel Identification Number Parcel 2: 531621000071

Space Above this Line for Recording Data _____

SHARED PARKING AGREEMENT

THIS SHARED PARKING AGREEMENT (the "Agreement") is entered into on the day and year last set forth, by and between ANGEL'S X, LLC, a Florida limited liability company, whose mailing address is P.O. Box 7198, Daytona Beach, Florida 32116 ("ANGEL'S X"), KITTY X, LLC, a Florida limited liability company, whose mailing address is P.O. Box 7198, Daytona Beach, Florida 32116 ("KITTY X"), and THE CITY OF DAYTONA BEACH SHORES, a municipality of the State of Florida, whose mailing address is 2990 South Atlantic Avenue, Daytona Beach Shores, Florida 32118 (the "City").

WHEREAS, ANGEL'S X owns that certain real property located at 2006 South Atlantic Avenue, Daytona Beach Shores, Florida 32118, as more particularly described on EXHIBIT "A" attached hereto and by reference made a part hereof ("Parcel 1"); and

WHEREAS, KITTY X owns that certain real property located at 2016 South Atlantic Avenue, Daytona Beach Shores, Florida 32118, as more particularly described on EXHIBIT "B" attached hereto and by reference made a part hereof ("Parcel 2"); and

WHEREAS, Parcel 1 and Parcel 2 are located within two hundred (200) feet of each other; and

WHEREAS, to satisfy parking requirements imposed by the City under the land development regulations of the City for the use and development of Parcel 2, ANGEL'S X desires to assign the right to use THREE (03) unspecified parking spaces located on Parcel 1 to KITTY X, and its' respective successors, transferees, assignees and tenants, for the use and benefit of Parcel 2; and

WHEREAS, to ensure the owners, successors, transferees, and assignees of Parcel 1 and Parcel 2 are forever and perpetually benefitted and burdened with the future rights, entitlements, needs and requirements relative to each Parcel, it is necessary and desirable to enter into this Agreement for the purposes set forth herein; and

WHEREAS, ANGEL'S X and KITTY X further desire to enter this Agreement as an inducement for the City to grant current and future development approvals relating to Parcel 1 or Parcel 2; provided,

however, it is recognized that ANGEL'S X is vested with certain rights relative to the existing parking located on Parcel 1.

NOW THEREFORE, the parties hereto agree as follows:

Section 1. Recitals.

The above recitals are true and correct and are material part of this Agreement upon which the parties have relied.

Section 2. Assignment of Parking and Lands Subject To This Agreement.

ANGEL'S X hereby assigns to KITTY X, and its' respective successors, transferees, assignees and tenants, for the use and benefit of Parcel 2, the non-exclusive right to use THREE (03) unspecified parking spaces located on Parcel 1.

Section 3. Burdens Run With The Property.

(a) The benefits and burdens set forth in this Agreement touch and concern the Property and shall be a perpetual burden upon Parcel 1 and a perpetual benefit to Parcel 2 and shall run with the Property until such time as this Agreement is cancelled in writing by ANGEL'S X, KITTY X, and the City. The burdens and benefits shall inure to the benefit and bind the heirs, successors and assigns of the Property.

(b) The City hereby approves, ANGEL'S X hereby agrees to grant, and KITTY X agrees to accept and maintain, the three (03) assigned parking spaces located on Parcel 1.

(c) The City is a perpetual beneficiary to the terms and conditions of this Agreement.

(d) No point of access to Parcel 1 or Parcel 2 shall be closed or opened without approval of the City in accordance with its procedures.

Section 4. Recognition Of Parking Entitlements By City.

By its execution of this Agreement, the City recognizes and affirms that ANGEL'S X is and shall remain vested with all existing parking spaces located on Parcel 1 that are not assigned for the use and benefit of Parcel 2 pursuant to this Agreement and that the current parking on Parcel 1 is acceptable for the current level of development of Parcel 1. ANGEL'S X may be required to modify the parking to conform to any redevelopment of Parcel 1 in accordance with any site development plan approval process that may be instituted in the future.

Further, by its execution of this Agreement, the City recognizes and affirms that as a result of the assignment of three (03) parking spaces located on Parcel 1 for the use and benefit of Parcel 2, the current parking on Parcel 2 is acceptable for the current level of development of Parcel 2. KITTY X may be required to modify the parking to conform to any redevelopment of Parcel 2 in accordance with any site development plan approval process that may be instituted in the future.

Section 5. Integration Clause/Entire Agreement.

No prior or present agreements or representations shall be binding upon any of the parties hereto unless incorporated into this Agreement. No modification or change in this Agreement shall be valid or binding upon the parties unless in writing, executed by the parties. Any consent by the City shall be taken by formal action and in writing by the City Council of the City.

DATED this 23 day of January, 2023.

ANGEL'S X, LLC,
a Florida limited liability company

BY:

Jodi L. Tomlinson
JODI L. TOMLINSON
Manager
P.O. Box 7198
Daytona Beach, Florida 32128

Tyler Grady
Witness - Type and Sign Name

Nikhil Antle
Witness - Type and Sign Name

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 23 day of January, 2023, by JODI L. TOMLINSON, the Manager of ANGEL'S X, LLC, a Florida limited liability company (the "Company"), on behalf of the Company, who is personally known to me or has produced a current Florida Driver's License or State Identification Card, as identification.

Nicole Balduzzi
Notary Public, State of Florida

Print Name: Nicole Balduzzi

Commission Number:

My Commission expires:



NICOLE BALDUZZI
Commission # HH 280374
Expires June 26, 2026

6/26/26

DATED this 23 day of January, 2023.

KITTY X, LLC,
a Florida limited liability company

BY: Jodi L. Tomlinson
JODI L. TOMLINSON
Manager
P.O. Box 7198
Daytona Beach, Florida 32128

Tyler Gandy
Witness – Type and Sign Name

N. Koni Antie
Witness – Type and Sign Name

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 23 day of January, 2023, by JODI L. TOMLINSON, the Manager of KITTY X, LLC, a Florida limited liability company (the “Company”), on behalf of the Company, who is personally known to me or has produced a current Florida Driver’s License or State Identification Card, as identification.

Nicole Balduzzi
Notary Public, State of Florida
Print Name: Nicole Balduzzi
Commission Number:
My Commission expires:



NICOLE BALDUZZI
Commission # HH 280374
Expires June 26, 2026

6/26/26

APPROVAL BY THE CITY OF DAYTONA BEACH SHORES

APPROVED BY the City Council of the City of Daytona Beach Shores, Florida this ____ day of _____, 2023, at its Regular Meeting duly assembled.

CITY OF DAYTONA BEACH SHORES, FLORIDA

BY: _____
_____, City Clerk

BY: _____
_____, Mayor

Approved as to legal form.
and legal correctness:

_____, City Attorney

_____, City Manager

EXHIBIT "A"
Legal Description of Parcel 1
2006 South Atlantic Avenue, Daytona Beach Shores, Florida

Tax Parcel Identification Number Parcel 1: 531622000010

All of Lot 1, McKeachie Subdivision, according to map recorded in Map Book 9, Page 261, of the Public Records of Volusia County, Florida. Also, that portion of Lots 5 and 6, Armstrong Subdivision, as recorded in Map Book 9, Page 280, of the Public Records of Volusia County, Florida, More particularly described as follows:

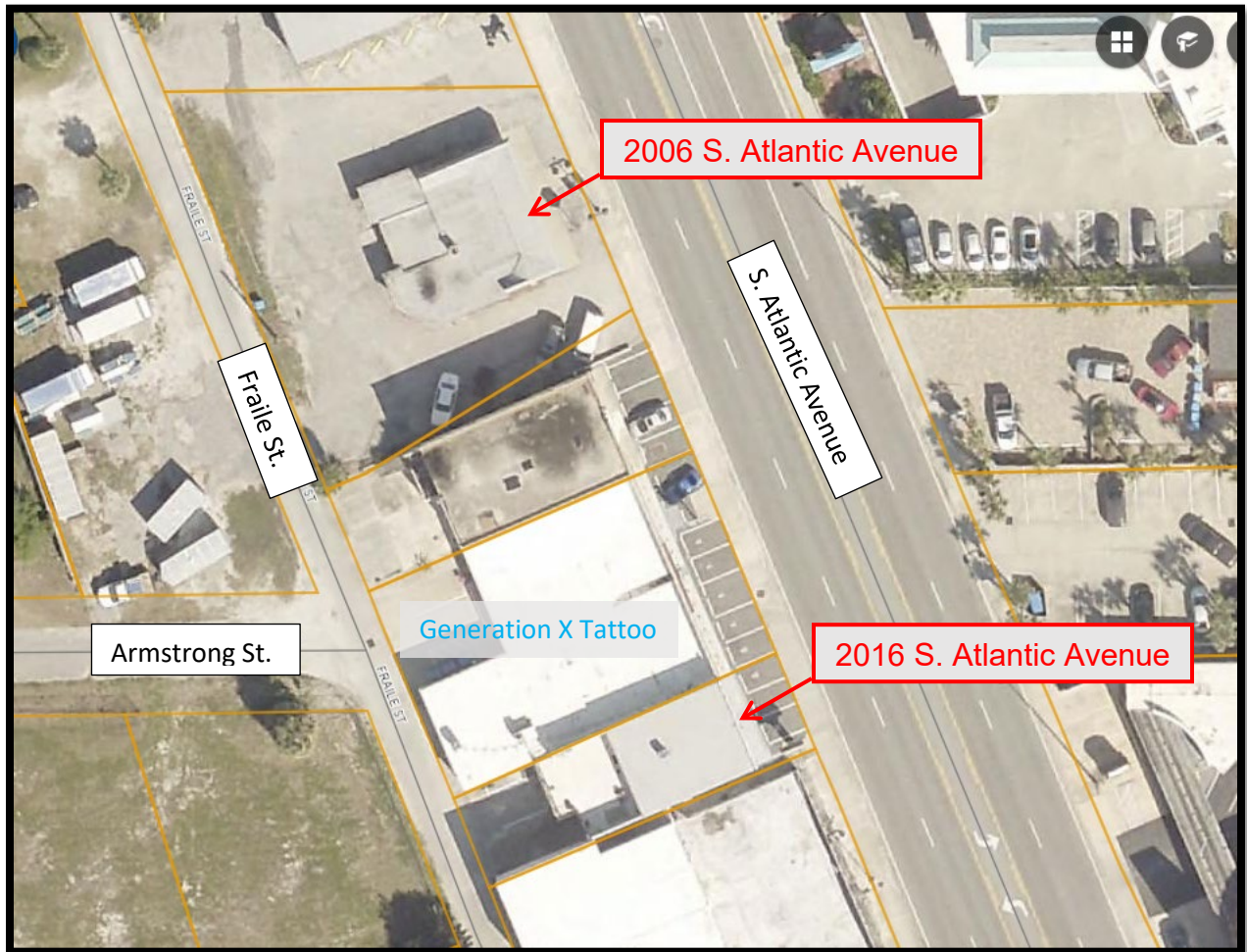
Beginning at the Northeast Corner of Lot 5, Armstrong Subdivision, said corner being 173.25 feet Southerly, as measured along Atlantic Ave, of the South Line of Botefuhr Avenue, Thence Westerly along the North Line of Lot 5, a distance of 155 feet to a point which is the Northwest Corner of Lot 5, thence, Southerly and Parallel to Atlantic Ave., along the West Line of Lots 5 and 6, a distance of 65 feet to a point in the West Line of Lot 6, said Point being a distance of 15 feet Southerly of the Northwest Corner of Lot 6, thence Easterly a distance of 143.93 feet to a Point in the West Line of Atlantic Ave., said point being a distance of 5 feet Southerly, as measured along Atlantic Avenue, of the Northeast Corner of Lot 5, thence Northerly 5 Feet along the West Line of Atlantic Avenue, to the Northeast Corner of Lot 5 and to the place of beginning, less that part taken for Atlantic Avenue.

EXHIBIT "B"
Legal Description of Parcel 2
2016 South Atlantic Avenue, Daytona Beach Shores, Florida

Tax Parcel Identification Number Parcel 2: 531621000071

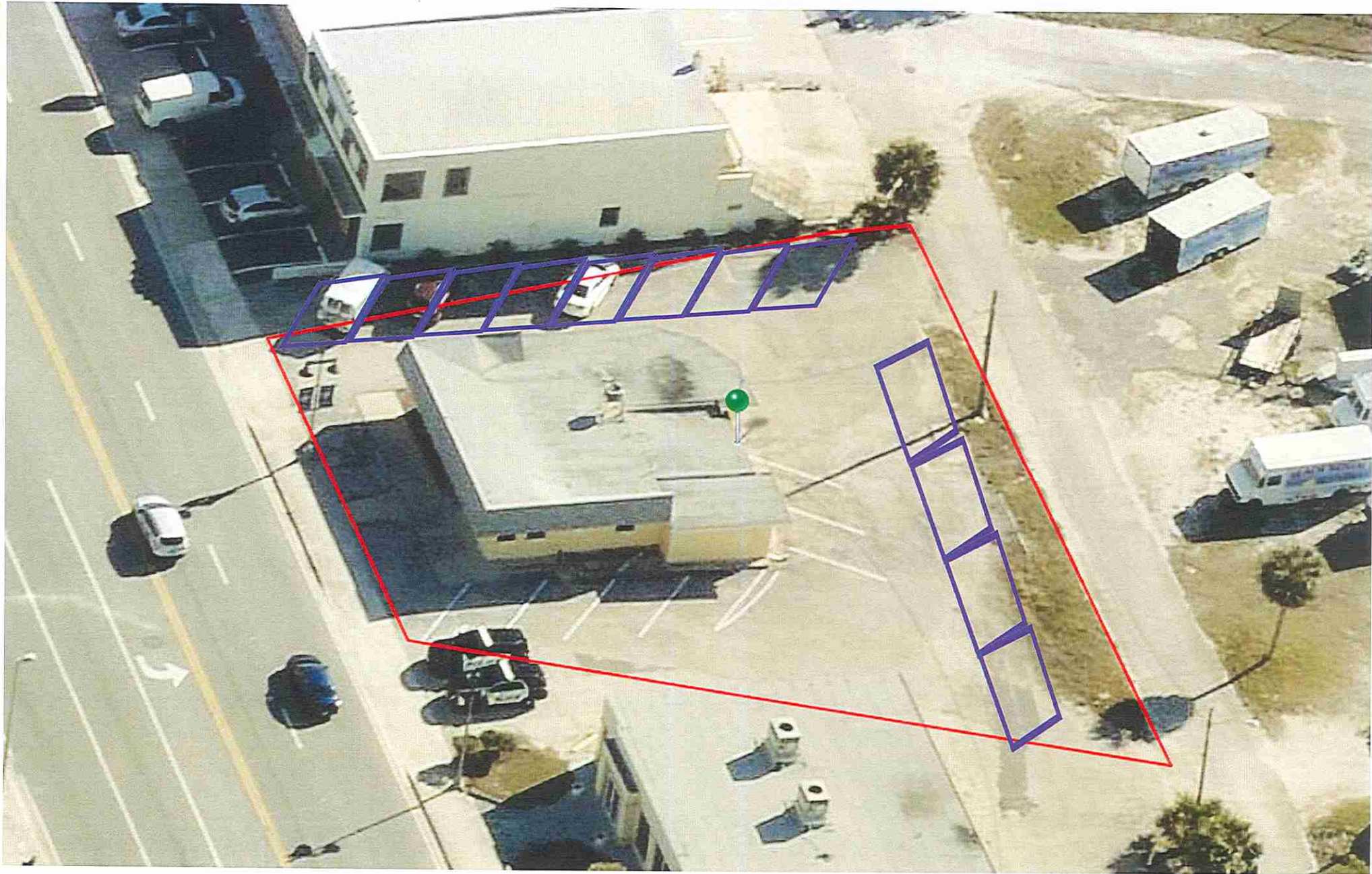
A portion of Lots 6 and 7, Armstrong Subdivision, according to the plat thereof, recorded in Plat Book 9, Page 280, of the Public Records of Volusia County, Florida, being more particularly described as follows: Beginning at a point in the Westerly line of South Atlantic Avenue, a 50 foot street as originally laid out, said point being a distance of 100 feet northerly from the intersection of the Northerly, line of Park Avenue (Schulte Park Subdivision), Map Book 5, Page 138, with the Westerly line of South Atlantic Avenue; thence Westerly and parallel to the Northerly line of said Park Avenue, a distance of 143.93 feet to a point; thence Northerly and parallel with the Westerly line of said South Atlantic Avenue, a distance of 30.9 feet more or less, to a point; thence, Easterly on a line which is determined by the center-line of an 8 foot party wall adjoining the building to the North; a distance of 143.93 feet to the Westerly line of said South Atlantic Avenue; thence Southerly along the Westerly line of said South Atlantic Avenue to the place of beginning. EXCEPTING THEREFROM the 30 feet from the Easterly portion of said tract which has been deeded to Volusia County, Florida, for highway purposes.

Location Map



Source: Volusia County Property Appraisers Website







CITY COMMISSION AGENDA MEMORANDUM FEBRUARY 14, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Mike Fowler, Public Safety Director

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Memo Of Understanding with City of Port Orange for License Plate Readers

SYNOPSIS:

FISCAL IMPACT STATEMENT:

There is no impact to the current budget; the license plate readers were approved in the current budget.

BACKGROUND:

Commission provided for funding for license plate readers (LPR's) in the FY 22/23 budget. Flock was the chosen vendor and has completed a site survey of the city. In order to capture the tags entering and exiting the city, with the fewest number of cameras to control costs, the vendor recommended LPR's be installed on the west side of the Dunlawton Bridge, within the jurisdiction of Port Orange.

Port Orange has agreed to allow our LPR's to be installed in their city upon approval of the proposed memorandum of understanding (MOU). Daytona Beach Shores legal prepared the MOU and collaborated with Port Orange on minor modifications before final approval of the document presented herein.

Installation of the cameras will greatly benefit the city through improved investigative and enforcement technology.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval

SUGGESTED MOTION:

N/A

ATTACHMENT: 1. MOU- Port Orange- LPRs Ready to Sign

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF DAYTONA
BEACH SHORES AND THE CITY OF PORT ORANGE**

THIS MEMORANDUM OF UNDERSTANDING is made and entered into this ___ day of _____, 2023, by and between the CITY OF DAYTONA BEACH SHORES, a Florida municipality, (“DBS”), and the CITY OF PORT ORANGE, also a Florida municipality. DBS and the City of Port Orange are individually referred to as the (the “Party”), and collectively referred to as (the “Parties”).

WITNESSETH:

WHEREAS, The Parties are neighboring municipalities; and,

WHEREAS, The Florida Department of Transportation has approved a request of the Parties to mount two License Plate Readers (“LPRs”) on light poles that are currently located in the City of Port Orange;¹ and,

WHEREAS, The LPRs will be mounted on two light poles located on the north and south sides of Dunlawton Avenue, just west of the Dunlawton Bridge, in the City of Port Orange; and

WHEREAS, The LPRs operate using cellular technology and are also solar powered, so they do not require any connection to the City of Port Orange’s electric infrastructure. Also, the LPRs will be strapped to the light poles, so there should be no damage from mounting the hardware; and

WHEREAS, the City of Port Orange makes no guarantees or warranties as to fitness of the light poles as to the proposed use of the LPRs; and

WHEREAS, DBS will maintain the LPR’s through their vendor, Flock Safety, who maintains LPRs in other areas of Volusia County and Florida; and

WHEREAS, To the extent allowed by Florida law, the Parties desire to hold each other harmless of liabilities that may arise from the installation, use and maintenance of the LPRs.

NOW, THEREFORE, in consideration of the covenants set forth herein, the parties agree to this Memorandum of Understanding as follows:

1. Recitations. The Whereas clauses set forth above are true and correct and they are an integral part of this Memorandum of Understanding.

2. Responsibilities. DBS shall be responsible for the installation, use and maintenance of the LPRs at no cost to the City of Port Orange. DBS shall further be responsible

¹ Reference is made to the approval email sent on January 9, 2023 by Tracy Rosenberg, Contract Coordinator, Florida Department of Transportation to Lynn Stevens, City of Port Orange citing Highway Lighting Agreement AM189.

for any damage caused to the poles or City of Port Orange property during installation of the LPRs and/or resulting from the subsequent removal of the LPRs. The Parties agree to abide by all applicable local, state, and federal laws, ordinances, rules and regulations with regards to the use of the LPRs and the handling of any electronic information gathered by them.

3. Access to LPRs. The City of Port Orange shall upon reasonable notice by DBS, allow access to the LPRs by DBS or its vendor, Flock Safety.

4. Costs. DBS shall not pay any fees to the City of Port Orange for the LPR's.

5. Hold Harmless. To the extent allowed by Florida law, DBS agrees to indemnify and hold harmless the City of Port Orange from any loss, damage, judgments, liens, expenses and costs incurred from any claim, suit, action or proceedings made or brought against the City of Port Orange as a result of the installation, use, maintenance and removal of the LPRs referenced herein. Notwithstanding the foregoing, this section shall not be construed to require DBS to indemnify or hold harmless the City of Port Orange for negligent acts or omissions by its own employees, officers, vendors or agents.

6. Sovereign Immunity. The Parties expressly retain all rights, benefits and immunities of sovereign immunity in accordance with Section 768.28, Florida Statutes. Nothing in this MOU shall inure to the benefit of any third-party claimant.

7. Termination. Any Party may terminate this agreement with or without cause upon thirty (30) days written notice. Upon termination, DBS will cause the timely removal of the LPRs.

8. Entire Agreement and Signing. This Memorandum of Understanding constitutes the entire agreement between the Parties and may not be modified or amended without written agreement executed by the Parties. It may be signed in counterparts and electronic signatures shall be treated as original.

(SIGNATURE PAGE FOLLOWS)

IN WITNESS WHEREOF, the Parties hereto have executed and delivered this instrument on the date first written above and the signatories below agree to bind the parties set forth herein.

CITY OF DAYTONA BEACH SHORES:

Print Name: _____

Title: _____

ATTESTED BY:

CITY OF PORT ORANGE:

Print Name: _____

Title: _____

ATTESTED BY:



**CITY COMMISSION AGENDA MEMORANDUM
FEBRUARY 14, 2023 AGENDA**

TO: Honorable Mayor and Members of the City Commission
FROM:
PREPARED BY: Joanne Sweeney, Admin Asst
SUBJECT: Contraband Forfeiture Funds

SYNOPSIS:

Funds to be used to replace outdated training equipment.

FISCAL IMPACT STATEMENT:

This has no impact on the current budget as the purchase will be from the Contraband fund if approved by Commission. The Contraband fund is not a budgetable fund.

BACKGROUND:

The squad room and training room at DBDDPS are each equipped with overhead projectors and screens. One of the items is in need of immediate replacement and the other has a limited serviceable life. Replacement of these items is over twice the cost of the solution proposed by the IT manager included here. Additionally, this proposal provides for equipment that facilitates remote meetings which have become increasingly common.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval

SUGGESTED MOTION:

N/A

ATTACHMENT: 1. Contraband Forfeiture Expense

**DAYTONA BEACH SHORES PUBLIC
SAFETY DEPARTMENT**

**CONTRABAND FORFEITURE
EXPENDITURE REQUEST**

January 30, 2023
File: PS23-01-09

FUNDING REQUEST

The Daytona Beach Shores Public Safety Department seeks Council approval for the expenditure of state contraband forfeiture monies under the "additional law enforcement training" provision of FSS 932.7055 (5) (b). The Department has determined that the following is a necessity to the Department.

Training

The Department of Public Safety would like to utilize \$5500. from the state contraband forfeiture account to replace outdated and non-working technology equipment in the Public Safety training rooms.

Certification of Compliance:

The undersigned, as Public Safety Director of the City of Daytona Beach Shores, Florida, hereby requests, pursuant to Section 932.704, Florida Statutes, that the City Commission authorize the appropriation to, and expenditure by, the Daytona Beach Shores Public Safety Department of funds held in the City's Special Law Enforcement Trust Fund. The request is made, and the expenditure of appropriated funds shall be in conformity with Section 932.7055 (5) (b).



Michael Fowler
Public Safety Director

01-30-23

Date

2nd Floor training room total estimate: \$3,426

Summary: Remove existing projector, and projector screen. Install 86" TV on center of wall and Remove excess technology equipment from room. Install soundbar above TV with subwoofer place elsewhere in the room. Cable management required for cleanup. Install Owl conferencing unit with extended microphone. Users will use TV's built in Miracast or they can also use the Microsoft product to project presentations to the TV. When users are conducting video conferencing they will plug in to the OWL device and miracast to the TV. Alternatively, IT can provide a permanent laptop for this purpose.

Items needed

86" TV – Similar to the one below - \$1400

https://www.amazon.com/SAMSUNG-85-Inch-Xcelerator-Symphony-UN85AU8000FXZA/dp/B094C627M5/ref=sr_1_5?crid=2206JIM3QQ0S4&keywords=90%22+inch+tv&qid=1674764994&sprefix=90+inch+tv%2Caps%2C104&sr=8-5

TV mount kit - \$73

https://www.amazon.com/SAMSUNG-85-Inch-Xcelerator-Symphony-UN85AU8000FXZA/dp/B094C627M5/ref=sr_1_5?crid=2206JIM3QQ0S4&keywords=90%22+inch+tv&qid=1674764994&sprefix=90+inch+tv%2Caps%2C104&sr=8-5

Sound bar - \$300

[Amazon.com: Polk Audio Signa S2 Ultra-Slim TV Sound Bar | Works with 4K & HD TVs | Wireless Subwoofer | Includes HDMI & Optical Cables | Bluetooth Enabled, Black](#)

Microsoft Miracast device - \$55

[Amazon.com: Microsoft 4k Wireless Display Adapter - Black. Compatible with 4K TVs : Electronics](#)

Owl Conference Camera system (360) – \$1,049

[Amazon.com : Meeting Owl 3 \(Next Gen\) 360-Degree, 1080p HD Smart Video Conference Camera, Microphone, and Speaker \(Automatic Speaker Focus & Smart Zooming\) : Electronics](#)

Owl expansion Mic - \$249

https://www.amazon.com/Owl-Labs-Expansion-Mic-Meeting/dp/B0B194QN7L/ref=pd_bxgy_vft_none_img_sccl_1/142-7431450-1658752?pd_rd_w=7fvVj&content-id=amzn1.sym.7f0cf323-50c6-49e3-b3f9-63546bb79c92&pf_rd_p=7f0cf323-50c6-49e3-b3f9-63546bb79c92&pf_rd_r=992KVR3EY3D8ZEHTD4GR&pd_rd_wg=Il6Qh&pd_rd_r=385b9f25-4d7d-4ca0-b6a9-f5e80aeb65f5&pd_rd_i=B0B194QN7L&psc=1

Misc items - \$300

Conference Room needs Public Safety

1st Floor training room total estimate: \$1,838

Summary: Remove existing “non-smart” TV’s, projector, and projector screen. Install 86” TV on center of wall and relocate white board to the left of the TV. Remove excess technology equipment from room. Install soundbar above TV with subwoofer place elsewhere in the room. Cable management required for cleanup. Users will use TV’s built in Miracast or they can also use the Microsoft product to project presentations to the TV.

Items needed

86” TV – Similar to the one below - \$1400

https://www.amazon.com/SAMSUNG-85-Inch-Xcelerator-Symphony-UN85AU8000FXZA/dp/B094C627M5/ref=sr_1_5?crid=2206JIM3QQ0S4&keywords=90%22+inch+tv&qid=1674764994&srefix=90+inch+tv%2Caps%2C104&sr=8-5

TV mount kit - \$73

https://www.amazon.com/SAMSUNG-85-Inch-Xcelerator-Symphony-UN85AU8000FXZA/dp/B094C627M5/ref=sr_1_5?crid=2206JIM3QQ0S4&keywords=90%22+inch+tv&qid=1674764994&srefix=90+inch+tv%2Caps%2C104&sr=8-5

Sound bar – \$160

[Amazon.com: Polk Audio Signa S2 Ultra-Slim TV Sound Bar | Works with 4K & HD TVs | Wireless Subwoofer | Includes HDMI & Optical Cables | Bluetooth Enabled, Black](#)

Microsoft Miracast device - \$55

[Amazon.com: Microsoft 4k Wireless Display Adapter - Black. Compatible with 4K TVs : Electronics](#)

Misc items - \$150



**CITY COMMISSION AGENDA MEMORANDUM
FEBRUARY 14, 2023 AGENDA**

TO: Honorable Mayor and Members of the City Commission
FROM: Lory Irwin, Finance Director
PREPARED BY: Lory Irwin, Finance Director
SUBJECT: December 2022 Executive Financial Report

SYNOPSIS:

Report of the December 2022 year to date city financials. Year to date financials show where the city is financially in regard to the commission approved budget.

FISCAL IMPACT STATEMENT:

51.7% of budgeted revenue has been received as of the end of December 2022. 22.4% of budgeted expenditures have been made as of December 2022.

BACKGROUND:

Total Commission approved General Fund Budget is \$15,845,300; Sewer Fund Budget is \$3,702,600 for fiscal year 2022-2023

LEGAL REVIEW:

N/A

RECOMMENDATION:

SUGGESTED MOTION:

N/A

ATTACHMENT: 1. Executive Finance Report for December 2022

EXECUTIVE SUMMARY

Fiscal Year-To-Date Financial Report

Month Ending December, 2022

CURRENT YEAR OPERATIONAL PERFORMANCE				
Fund or Fund Segment	YTD Revenue	YTD Expense	Revenue Less Expense	Margin %
General Fund Operations	\$8,195,548	\$3,662,479	\$4,533,069	55%
General Obligation Debt Service	\$172	\$0	\$172	
General Obligation Construction	\$0	\$0	\$0	
General Fund Sub-Total	\$8,195,720	\$3,662,479	\$4,533,241	55%
Sewer Fund Operations	\$757,977	\$630,404	\$127,573	17%
Sewer Fund Restricted Impact Fee	\$4,891	\$0	\$4,891	100%
Sewer Fund Sub-Total	\$762,868	\$630,404	\$132,464	17%
TOTAL ALL FUNDS FISCAL YTD	\$8,958,588	\$4,292,883	\$4,665,705	52%

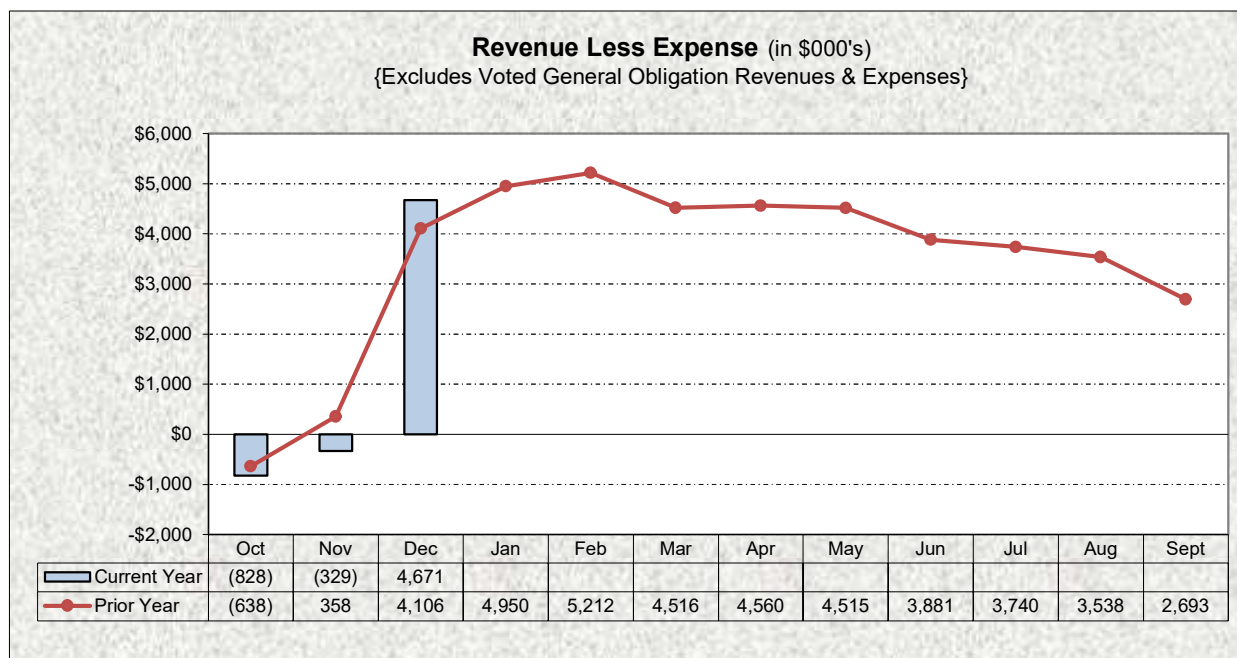
CASH / INVESTMENT POSITIONS PERFORMANCE				
	Current Month Current Year	Current Month Prior Year	12-Month Change	Percent Change
General Fund (excl. G.O. Funds)	\$25,792,206	\$16,592,485	\$9,199,720	55%
Sewer Fund	\$10,025,890	\$9,214,717	\$811,172	9%
Sub-Total Operating Funds	\$35,818,095	\$25,807,203	\$10,010,893	39%
Gen. Obligation [GO] Construction & Debt	\$0	\$0	\$0	0%
TOTAL ALL FUNDS	\$35,818,095	\$25,807,203	\$10,010,893	39%

PROJECTED FISCAL YEAR END (FYE) CASH FLOW FROM NORMAL OPERATIONS**			
	General Fund	Sewer Fund	Total
Current Cash vs. Prior Year Ending Cash	\$4,640,761	\$43,612	
Add Back for Current Year CS Construction Expense	N/A	N/A	
Historical Mean Projected Remaining Cash Flow	(\$5,043,977)	\$238,920	
PROJECTED FYE NORMALIZED CASH FLOW	(\$403,216)	\$282,532	(\$120,684)

All Funds Budget Performance Summary Report (in 000's)

NON-G.O. FUNDS	December, 2022		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Revenues ('000s)					
General Fund	\$15,845	\$8,196	\$7,092	\$1,104	16%
Utility Fund	\$3,703	\$763	\$541	\$222	41%
Total Revenues & Appropriations	\$19,548	\$8,958	\$7,633	\$1,325	17%
Expenses ('000s)					
General Fund Less Capital	\$14,387	\$3,383	\$2,901	(\$482)	-17%
General Fund Capital	\$1,458	\$280	\$0	(\$280)	
Utility Fund	\$3,703	\$630	\$627	(\$3)	-1%
Total Expenses & Appropriations	\$19,548	\$4,293	\$3,528	(\$765)	-22%
Revenue Less Expense ('000s)					
General Fund	\$0	\$4,533	\$4,191	\$342	
Utility Fund	\$0	\$132	(\$86)	\$218	
Revenue Less Expense	\$0	\$4,666	\$4,105	\$561	

VOTED GENERAL OBLIGATION	December, 2022		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favor / (Unfavor)	% vs. Prior Year
General Obligation Revenue	\$0	\$0	\$0	\$0	
General Obligation Expense	\$0	\$0	\$0	\$0	
Voted Gen. Oblig. Rev. Less Exp.	\$0	\$0	\$0	\$0	



General Fund Detail Budget Report

	December, 2022		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Revenues/Sources					
Ad-Valorem Taxes	8,885,200	6,475,788	5,837,543	638,245	10.93%
Business Taxes	101,900	87,297	91,137	(3,840)	-4.21%
Utility Taxes	1,041,200	200,794	164,770	36,024	21.86%
Permits & Franchise Fees	893,200	170,515	105,440	65,075	61.72%
Intergovernmental	747,600	84,437	73,801	10,636	14.41%
Donations	0	0	0	0	
Charges for Services	1,878,000	594,008	555,637	38,371	6.91%
Fines & Forfeitures	97,800	19,312	30,621	(11,309)	-36.93%
Non-G.O Interest	231,300	51,090	3,669	47,421	1292.46%
Unrealized Investment G/(L)	0	0	0	0	
Miscellaneous & Fixed Asset Sales	47,900	267,808	15,993	251,815	1574.53%
Internal Services	978,000	244,500	213,875	30,625	14.32%
Non G.O. Transfer In-Fund Balance	943,200	0	0	0	
Non-G.O. Gen. Fund Revenue	\$15,845,300	\$8,195,548	\$7,092,486	\$1,103,062	15.55%

Operating Expenditures

Excluding CAPITAL Expense					
Legislative	204,500	31,212	65,117	33,905	52.07%
Executive	647,300	179,061	149,683	(29,378)	-19.63%
Finance	561,200	150,994	153,108	2,114	1.38%
Legal Counsel	158,900	32,632	25,793	(6,839)	-26.52%
Comp. Planning	111,200	24,474	29,332	4,858	16.56%
Other Gov't Services	332,300	141,888	111,301	(30,587)	-27.48%
Public Safety-Admin	1,814,400	610,042			
Public Safety-Patrol/Rescue/CID	4,253,500	971,242			
Public Safety-Auto Maint.	171,100	51,633			
Public Safety Operations	6,239,000	1,632,917	1,465,280	(167,637)	-11.44%
Building Dept.	531,100	157,091	156,398	(693)	-0.44%
Phy. Envir. -- Solid Waste/Recycle	1,614,200	312,648	224,028	(88,620)	-39.56%
Public Works-Admin	451,600	140,096			
Public Works-Bldg. Maint.	336,300	74,716			
Public Works-Streets	732,400	181,463			
Public Works Operations	1,520,300	396,275	298,436	(97,839)	-32.78%
Inventory	0	0	0	0	
Benefit Termination Payout	113,300	62,844	0	(62,844)	
Parks & Rec	476,600	128,134	107,668	(20,466)	-19.01%
Community Center	618,000	127,022	114,459	(12,563)	-10.98%
Senior Center	0	0	0	0	
Economic Development Programs	100,000	5,694			
Contingency/Transfers	1,159,000	0	0	0	
Long-Term Debt	0	0	0	0	
Non-G.O. Operations Expense	14,386,900	3,382,888	2,900,603	(476,591)	-16.43%
Non-G.O. CAPITAL Expense	1,458,400	279,591	0	(\$279,591)	
Total Non-G.O. Expense	15,845,300	3,662,479	2,900,603	(756,182)	
Non-G.O. Revenue Less Expense	\$0	\$4,533,069	\$4,191,885	\$346,880	8%

General Obligation (G.O.) Debt Service

Debt Service Ad-Valorem Revenue	0	172	0
Debt Service Interest Revenue	0	0	0
UG Utils- Debt Service Expense	0	0	0
G.O. Revenue Less Expense	\$0	\$172	\$0

Utility Fund Detail Budget Report

	December, 2022		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Fund 401					
Operations Revenues					
Charges for Services	\$3,685,500	\$739,693	\$488,325	\$251,368	51%
Interest	1,000	18,284	1,993	16,291	817%
Sale of Fixed Assets / Misc.	0	0	0	0	
Total Operating Revenues	\$3,686,500	\$757,977	\$490,318	\$267,659	55%
Operations Expenditures					
Sewer Operating Incl. Depreciation	\$3,686,500	\$630,404	\$626,936	(\$3,468)	-1%
- Less Debt Service Principal [a]		0	0		
- Less Not Offset Capital Expense [b]		0	0		
Total Operating Expense	\$3,686,500	\$630,404	\$626,936	(\$3,468)	-1%
Operations Margin	\$0	\$127,573	(\$136,618)		
% Gain/(Loss)		20%	-22%		

Fund 402

Impact Fee Revenues					
Sewer Impact Fees	16,000	4,875	\$50,870	(\$45,995)	-90%
Impact Fee Interest	100	16	3	13	433%
Total IF Revenue	\$16,100	\$4,891	\$50,873	(\$45,982)	-90%
Impact Fee Expense					
Sewer Impact Fee Exp	16,100	0	\$0	\$0	
Total IF Expense	\$16,100	\$0	\$0	\$0	
Impact Fee Margin	\$0	\$4,891	\$50,873	(45,982)	-90%
% Gain/(Loss)		100%			

TOTAL FUND PERFORMANCE

TOTAL FUND Revenue	\$3,702,600	\$762,868	\$541,191	\$221,677	
TOTAL FUND Expense	\$3,702,600	\$630,404	\$626,936	(\$3,468)	
FUND Revenue Less Expense	\$0	\$132,464	(\$85,745)	\$218,209	

[a] In Enterprise Funds, debt service principal payment expenses are credited against the debt liability on the balance sheet, reducing the debt on the Balance Sheet and eliminating the expense from the Income Statement.

[b] In Enterprise Funds, the expense of Capital is allocated to depreciation, which in this report is included in the listed operating expense.

FISCAL YEAR-TO-DATE CAPITAL BUDGET ACCOUNT REPORT
December, 2022

Department	Description	Budgeted*	Paid
51/10-20 Executive/Legislative		175,000	175,000
5130 Finance		0	0
5210 Pub. Safety Admin		0	0
5211 Patrol/Fire/Rescue	Vehicles	417,200	-
5240 Building & Codes		65,000	0
5410 Pub. Works Admin		43,000	0
5412 Pub. Works Bldg. Maint		307,200	0
5413 Pub. Works Streets	Vehicles	150,000	104,591
	Road Improvements Misc.	208,200	0
	Gas Tax Financed		
	Appropriated Road Improvements		0
	Crosswalks	0	0
5720 Parks		92,800	0
5751 Community Center		0	0
5752 Senior Center		0	0
GENERAL FUND TOTAL		1,458,400	279,591
401-5350 Sewer Operating	IMPROVEMENTS		
	Sewer Engineering and Project Cost	2,646,000	0
	EQUIPMENT		
		200,000	0
		0	0
		0	0
		0	0
		0	0
	Capital Offset to Depreciation Exp	(2,846,000)	0
401-5351 Sewer Impact Fee			
UTILITY FUND TOTAL		0	0
Contraband (non-budgeted)			
TOTAL FROM CONTRABAND		0	0
GRAND TOTAL		1,458,400	279,591

INVESTMENT REPORT
December, 2022

Policy Restrictions

Investment	Invest Class	Must	Int.Cap	Policy Class Cap	Current	In Limits
SBA	SBA			None	0.0%	
US Gov't Securities	USGS			100%	69.4%	Yes
Cash & CDs	CASH			None	30.6%	Yes
Money Market Funds	MMF			20%	0.0%	
Fed Instrum. & Agncy	FIA			30%	0.0%	
Collat. Mortg. Obligtns.	CMO			20%	0.0%	
Commercial Paper	CP			10%	0.0%	
FMIT	FMIT			None	0.0%	

Performance @Period Ending: December, 2022

Institution	Account		Asset	Invest Class	Restriction	Account Value	Period Int. Rate	% of Portfolio
SBA: Prime	131031		Investment	SBA	General Fund	\$549	2.26%	0%
SBA: Prime	131032		Investment	SBA	Sewer Fund	\$549	2.26%	0%
TOTAL SBA						\$1,098		0.0%
U.S. Treasury Note	912828U57	11/30/2023	Investment	USGS	General Fund	\$2,622,280	2.79%	7%
U.S. Treasury Note	912828201	08/31/2023	Investment	USGS	General Fund	\$2,633,701	3.10%	7%
U.S. Treasury Note	91282CER8	5/31/2024	Investment	USGS	General Fund	\$2,604,974	3.41%	7%
U.S. Treasury Bill	912796U31	3/23/2023	Investment	USGS	General Fund	\$3,520,921	4.12%	10%
U.S. Treasury Bill	912796W47	5/18/2023	Investment	USGS	General Fund	\$3,514,479	4.49%	10%
U.S. Treasury Bill	912796U49	9/15/2022	Investment	USGS	General Fund	\$1,983,414	4.01%	6%
U.S. Treasury Bill	912796U31	3/23/2023	Investment	USGS	Sewer Fund	\$1,486,039	4.12%	4%
U.S. Treasury Bill	912796X79	12/15/2022	Investment	USGS	Sewer Fund	\$1,469,762	4.46%	4%
U.S. Treasury Bill	912796XQ7	7/13/2023	Investment	USGS	Sewer Fund	\$5,012,960	4.52%	14%
TOTAL US TREASURIES						\$24,848,531		69.4%
Bank of America	004537065882		Cash	CASH	Working Cash	\$8,275,562	0.00%	23%
Bank of America	898013183744		Cash	CASH	UG Util Building	\$0	0.00%	0%
Bank of America	005562564319		Cash	CASH	Sewer Operating	\$2,023,368	0.00%	6%
Bank of America	005562564351		Cash	CASH	Sewer Impact Fee	\$10,601	0.00%	0%
JP Morgan Chase	663652210		Cash	CASH	Working Cash	\$499,374	0.00%	1%
JP Morgan Chase CD	100079555936		Cash	CD	Pool Cash	\$100,152	1.85%	0%
Seacoast Bank	4810004966		Cash	CASH	Sewer Operating	\$22,611	0.15%	0%
Seacoast Bank	4810000706		Cash	CASH	Working Cash	\$36,800	0.15%	0%
Seacoast Bank	4810003566		Cash	CASH	Loan Reserve	\$0	0.00%	0%
TOTAL BANKS						\$10,968,467		30.6%

TOTAL CURRENT VALUE @ PERIOD END	\$35,818,095
WEIGHTED AVERAGE TOTAL RETURN FOR CURRENT MONTH	2.7427%

CHANGE IN CASH & INVESTMENTS (Incl. interfund transfers)	Current Value	Vs. Last Month	Vs. Prior Year To Date	Vs. Prior Fiscal Yr. End
G.O. Construction & Debt Service Funds	\$0	\$0	\$0	\$0
General Fund (excl. G.O. Funds)	\$25,792,206	\$4,251,207	\$9,199,720	\$8,507,189
Sewer Fund	\$10,025,890	\$36,583	\$811,172	\$810,522
TOTAL	\$35,818,095	\$4,287,789	\$10,010,893	\$9,317,711
Percent Change for Current	N/A	13.6%	38.8%	38.6%

Portfolio Report

December, 2022

GENERAL FUND						
Agent	Security Type (Last Digits Account ID)	Cost Basis	Yield to Cost	Market Value	Gain / Loss	Annual Income @ Cur. Int%
SBA	Investment-General (031)	\$549	2.26%	\$549	\$0	\$12
BoA	Cash-Pool Cash Account (5882)	\$7,839,465	0.00%	\$7,839,464.89	\$0	\$367
	Contraband Pool Cash in 5882	\$72,052		\$72,052.05	\$0	\$0
	Pool Cash Due to Sewer Fund			(236,488.32)		\$0
	Economic Development			600,533.08		\$0
	ARPA			-		\$0
BoA	Cash- UG Utility [Bldg] (3744)	\$0	0.00%	\$0	\$0	\$0
Seacoast	Cash-Pool Cash Account (0706)	\$36,800	0.15%	\$36,800	\$0	\$55
Seacoast	Cash-Loan Reserve (3566)	\$0	0.00%	\$0	\$0	\$0
Chase	Cash-Pool Cash (2110)	\$499,374	0.00%	\$499,374	\$0	\$0
Chase	CD (5936)	\$100,152	1.85%	\$100,152	\$0	\$1,853
JP Morgan	US Treasury Securities	\$16,937,884	3.71%	\$16,879,770	-\$58,115	\$627,792
ALL GENERAL FUND			2.21%	\$25,792,206	-\$58,115	\$630,079
PRIOR MONTH				\$21,153,754		

SEWER OPERATING						
SBA	Investment (032)	\$549	2.26%	\$549	\$0	\$12
BoA	Cash (4319)	\$1,786,879	0.00%	\$1,786,879	\$0	\$84
Seacoast	Cash (4966)	\$22,611	0.15%	\$22,611	\$0	\$33
	Cash-Pool Cash Due From Gen. Fund			\$236,488		\$0
JP Morgan	US Treasury Securities	\$7,935,817	4.43%	\$7,968,761	\$32,944	\$351,903
ALL SEWER OPERATING FUND			3.95%	\$10,015,289	\$32,944	\$352,032
PRIOR MONTH				\$9,984,477		

SEWER IMPACT FEES (Restricted)						
BoA	Cash (4351)	\$10,601	0.00%	\$10,601	\$0	\$0
	Cash-Pool Cash Due From Gen. Fund			\$0		\$0
ALL SEWER IMPACT			0.00%	\$10,601	\$0	\$0
PRIOR MONTH				\$10,593		

ALL FUNDS			2.74%	\$35,818,095	(\$25,171)	\$982,112
PRIOR MONTH				\$31,148,824		
MONTHLY CHANGE				\$4,669,271		
MONTHLY CHANGE %				15.0%		

Portfolio Report
December, 2022

GENERAL FUND											
Agent	Security Type (Last Digits Account ID)	Cusip	Maturity Date	Par Value/Face Value	Coupon Rate	Cost Basis	Yield to Maturity	Market Value	Market G/L	Accrued Interest	Income to Maturity
US Treasury Note	US Treasury Note	912828U57	11/30/2023	2,685,000	2.125%	\$2,661,918	2.79%	\$2,622,280	-\$39,638	\$4,702	\$76,017
US Treasury Note	US Treasury Note	9128282D1	8/31/2023	2,694,000	1.375%	\$2,655,380	3.10%	\$2,633,701	-\$21,679	\$12,382	\$63,624
US Treasury Note	US Treasury Note	91282CER8	5/31/2024	2,685,000	2.500%	\$2,662,213	3.41%	\$2,604,974	-\$57,239	\$5,532	\$119,186
US Treasury Bill	US Treasury Bill	912796U31	3/23/2023	3,554,000		\$3,496,983	4.12%	\$3,520,921	\$23,938		\$57,017
US Treasury Bill	US Treasury Bill	912796W47	5/18/2023	3,575,000		\$3,497,841	4.49%	\$3,514,479	\$16,638		\$77,159
US Treasury Bill	US Treasury Bill	912796YL7	3/16/2023	2,000,000		\$1,963,549	4.01%	\$1,983,414	\$19,865		\$36,451
ALL GENERAL FUND				17,193,000		\$16,937,884		\$16,879,770	-\$58,115	\$22,616	\$429,454
PRIOR MONTH								\$16,913,027			2.67%

SEWER OPERATING											
US Treasury Bill	US Treasury Bill	912796U31	3/23/2023	1,500,000		\$1,472,305	4.12%	\$1,486,039	\$13,734		\$27,695
US Treasury Bill	US Treasury Bill	912796X53	6/15/2023	1,500,000		\$1,466,106	4.46%	\$1,469,762	\$3,656		\$33,894
US Treasury Bill	US Treasury Bill	912796XQ7	7/13/2023	5,135,000		\$4,997,405	4.52%	\$5,012,960	\$15,555		\$137,595
ALL SEWER OPERATING FUND				8,135,000		\$7,935,817		\$7,968,761	\$32,944		\$199,183
PRIOR MONTH								\$7,952,137			2.51%

ALL FUNDS				25,328,000		\$24,873,701		\$24,848,531	(\$25,171)		2.62%
PRIOR MONTH								\$24,903,977			
MONTHLY CHANGE								(\$55,446)			
MONTHLY CHANGE %								-0.2%			



CITY COMMISSION AGENDA MEMORANDUM FEBRUARY 14, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Gwyn Herstein, Code Enforcement Coordinator

SUBJECT: Application for Non-Exclusive Franchise - GEL Recycling, LLC

SYNOPSIS:

Complete application submitted to establish a non-exclusive construction & demolition debris and recyclables removal franchise - GEL Recycling, LLC

FISCAL IMPACT STATEMENT:

If the commission approves the non-exclusive franchise application, a fee of \$1,000 will be paid to the City by GEL Recycling LLC.

BACKGROUND:

If approved, this will be GEL Recycling's first year as a Daytona Beach Shores non-exclusive franchisee. They will join Waste Pro, who is our exclusive franchisee, and four current, non-exclusive franchisees in offering collection and hauling services of construction and demolition debris and recyclables to Daytona Beach Shores properties.

Non-exclusive franchises are authorized by the Code of Ordinances of the City of Daytona Beach Shores, Chapter 12, Section 12-5. - *Franchise agreements*.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of this application.

SUGGESTED MOTION:

ATTACHMENT: 1. Gel recycling for consent



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



RECEIVED
FEB 03 2023
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

NON-EXCLUSIVE FRANCHISE APPLICATION
CONSTRUCTION AND DEMOLITION DEBRIS
AND/OR RECYCLABLES COLLECTION

Applicant (Firm): GEL Recycling LLC
Business Address: 1200 S Leavitt Ave Orange City, FL 32763
Business Phone: 386-775-5385
Authorized Rep. Name & Title: Milton E Evans Jr President
Authorized Rep. Contact Phone: 386-775-5385

Items Required for Application Submission:

- ☒ **Application:** completed, signed by applicant, & notarized
- ☒ **Non-Exclusive Franchise Agreement:** completed, signed by franchisee, & attested-to
- ☒ **Proof of Liability Insurance** – All policies must have the City listed as additionally insured. Each franchisee shall secure and maintain a public liability insurance policy with the following minimum coverages:
 - \$1,000,000.00 for one (1) person injured
 - \$3,000,000.00 for more than one (1) person injured
 - \$3,000,000.00 for property damage
- ☒ **Performance Bond** in the amount of \$10,500.00.
- ☒ **Business Tax Receipt:** current, in the company's name
- ☒ **Disposal Plan:** Documentation of plan for disposal of all construction and demolition materials and/or recyclables collected within the City at an approved and licensed disposal site or recycling recovery facility.
- ☒ **Employee Policy:** Written policy addressing the hiring and retention of employees with regard to driving violations and random testing for use of illegal substances.

ME **I agree**, as authorized representative, that I have received a copy of, read, and will comply with all provisions contained in DBS Ordinance Number 2009-07 and any applicable administrative rules.

ME I agree, as authorized representative, that the franchisee will be, and shall be, subject to the schedule of liquidated damages set forth in Exhibit "A."

ME I agree, as authorized representative, that the City Manager, or designee, may conduct an investigation into information contained herein and related to criminal or personal records for myself as an individual or, if a corporation, for itself and its officers and directors.

ME I agree, as authorized representative, that, for the right and privilege of utilizing the streets and roadways of the City of Daytona Beach Shores, Florida, and to compensate the City for the burden of monitoring and regulating the above business, the undersigned applicant agrees to abide by all applicable Federal, State, County and City laws, codes, ordinances, rules and regulations.

ME I agree, as authorized representative, the franchisee and its surety indemnify and save harmless the City, all its officers, officials, representatives, agents and employees from and against any and all claims, liability and damages arising, in any way, from or based on the violation of any such laws, codes, ordinances, rules and regulations and any orders or other decrees, whether by the franchisee, the franchisee's employees, agents or subcontractors as to any claims, liability, or damages which are based, in any way whatsoever, on the franchisee's conduct, misconduct or omissions.

Milton E. Evans Jr.

Signature of Applicant

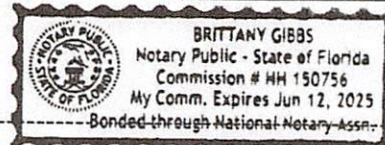
President /owner

Type of Authority for Business Named Above (E.g. Officer, Trustee)

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ✓ physical presence or _____ online notarization this 1st day of Feb., 2023, by Milton E. Evans Jr. (Name of Person) as president/owner. The signer is personally known ✓ or has produced the following identification _____.

Brittany Gibbs
Signature of Notary Public



☐ Documentation reviewed as complete by the Community Services Director:

Stewart Cruz on 2-3-23
Stewart Cruz Date

☐ Approved for City Commission Agenda Inclusion by the City Manager:

Kurt Swartzlander on 2/3/23
Kurt Swartzlander Date

Action Taken by City Commission on _____ - Approved Denied Continued
Date

Page 3 of 7



CITY COMMISSION AGENDA MEMORANDUM FEBRUARY 14, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Stewart Cruz, Community Services Director

SUBJECT: Zev Cohen & Associates, Inc. Engineering Services Contract: Beach Access Initial Assessment and Surveying

SYNOPSIS:

The City incurred damage to all fourteen (14) beach access locations due to the impacts of Hurricane Ian and Nicole in 2022. The damage included partial or complete loss of dune walkovers and seawalls.

Zev Cohen and Associates, Inc., one of the City's consulting civil engineering firm under a continuing services contract, has provided a contract/agreement for engineering services that will enable the reconstruction of the City's beach access infrastructure. This contract/agreement, if approved, will provide for Phase 1 of the beach access recovery process, including but not limited to a rapid structural assessment of each site and surveying services. The aforementioned deliverables will inform the actual design of the dune walkovers and seawalls at the beach access points (Phase 2). Thereafter, the City will be able to bid out the project accordingly (Phase 3).

The contract/agreement total is \$96,217.00.

FISCAL IMPACT STATEMENT:

If approved by commission this contract would have a \$96,217 impact on expenses due to Hurricane Ian and Nicole. This amount would be offset by an approximate 90% reimbursement from FEMA, state and insurance proceeds.

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

Approval.

SUGGESTED MOTION:

ATTACHMENT: 1. 22338c01 REV 2.7.23 Binder

VIA EMAIL
(scruez@cityofdb.org)

January 13, 2023
Revised January 25, 2023
Revised February 1, 2023

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

Hereinafter referred to as Client.

RE: Daytona Beach Shores Dune Walkover
Replacement Project
ZC 22338 F

Dear Mr. Cruz:

Thank you for requesting a Contract/Agreement from Zev Cohen & Associates, Inc., (ZCA also referred to as Consultant) for civil engineering services for the above referenced project. We are submitting this proposal (Task 1) for an initial assessment of the thirteen (13) dune walkover locations referenced below. We look forward to working with you and the City of Daytona Beach Shores.

Project Summary

Daytona Beach Shores incurred significant damage from the recent hurricanes Ian and Nicole in September and November, 2022, respectively. Thirteen (13) of the 14 City owned dune walkovers experienced over 90 percent damage and are in need of replacement. The additional dune walkover, located at 3259 S. Atlantic Avenue, has been determined to be repaired by the City. The dune walkovers were designed and built by the adjacent condo developer and subsequently dedicated over to the City as part of the development process. Their design, linear footage and accessibility varied by location. The dune walkover S. Atlantic Avenue proximate locations are as follows: 1921, 2071, 2403, 2515, 2613, 2853, 2901, 3145, 3245, 3343, 3703, 3737, and 3799.

Scope of Services

I. Civil Engineering

ZCA will coordinate with the City and the Structural Engineer for the Rapid Needs Assessment (RNA). ZCA shall attend an on-site visit of the walkover areas. ZCA shall review the RNA report and preliminary cost estimate. ZCA will contact FDEP during and upon completion of the report to obtain input from FDEP regarding permitting requirements.

II. Structural Engineering Services

- Task 1 – Rapid Needs Assessment (RNA) preliminary report for evaluating the various parameters for the Daytona Beach Shore (DBS) to proceed with a definitive Action Plan for the reconstruction of their beach access crossovers. The RNA preliminary report will provide a structural assessment of each location, a recommended repair, and provide a Rough Order of Magnitude (ROM) construction estimate to rebuild the crossover as (originally constructed – a rapid repair/replacement Scope of Work (SOW)).
 - The Task 1 RNA will also identify the following elements of each location (13 sites):
 - Environmental concerns (by others) – evidence of gopher tortoise habitat and/or other animal habitat within the apparent construction zone vicinity (compliance with the FDEP Dune Walkover guidelines).
 - Identify potential adjacent property concerns (shared seawalls (intact or damaged), potential encroachment) for decisions to be made for property owner mutual use agreements.
 - Structural evaluation of the existing crossover with any adjacent seawall structural evaluation.
 - Approximate dimensions for reconstruction of the existing crossover.
 - Recommendations for crossover upgrades to “harden” them for sustainable/durability/low maintenance.
 - Approximate dimensions for conceptual upgrade to the existing for meeting new criteria (ADA ramp usage, more sustainable/durable structures, material recommendations (composite vs PT lumber), use of preferred fasteners/connectors (i.e., stainless steel (ss) fasteners vs hot dipped galvanized fasteners, use of ss hanger clips, etc.).
 - Task 1 will include an approximate 2-hour post site investigation meeting (per location) with Zev Cohen/DBS representatives to go over the initial RNA finding (Action Plan) in detail.
 - Incorporate the Zev Cohen/DBS feedback into the final RNA Preliminary Report (Action Plan) for the final submittal.
 - Task 1 Deliverable – Electronic RNA Preliminary Report and 3 hard copies for each location.

Cape Design Engineering Scope of Work (SOW):

1. Provide two (2) site visits for each of the thirteen (13) locations.
2. Provide technical Rapid Needs Assessment (RNA) evaluation and analysis report (with photographs) and recommended design solutions to include the following:
 - Coordination with Zev Cohen and DBS for concept (repair/replacement), layout and maintenance.
 - Structural assessment of 13 individual dune crossover structures to include:
 - General notes, details, photographs, and specific conditions at each location
3. Provide 2 hr consultation meeting for each of the thirteen (13) locations to coordinate the needs and Basis of Design (BoD) for any enhancements requested by the DBS stakeholders.
 - Includes Rough Order of Magnitude (ROM) Cost Estimate for each crossover location (based on replace as like kind).

Changes to the scope or design concept from the client after contract award will require a re-submission of cost for the additional services.

Clarifications and Assumptions:

1. Fee includes one (1) site visit per (13) locations.
2. Fee is to provide RNA for a replacement as originally constructed with recommendations for considerations for enhancements.
3. Fee includes one (1) 2-hour coordination visit after DRAFT RNA report has been sent for review to include feedback comments into the analysis report.
4. Fee does not include Design Documents for Construction and/or Construction Administrative (CA) services.
5. A separate Task Order may be considered/issued for Design Documents for Construction and/or Construction Administrative Services.
6. CDE will incorporate all FDEP guidelines and recommendations regarding repair/replacement dune crossovers.
7. Owner to provide record drawing (if available).
8. Site Surveying by others (if required).
9. Permits acquisition by others (if required).

The engineering services do not include the following:

1. Fee does not include architecture, mechanical, electrical surveying, or civil engineering services
2. Any associated items not mentioned in the proposal.

Deliverables:

1. Provide a Rapid Needs Assessment (RNA) Engineering Evaluation and Analysis Report for each of the thirteen (13) dune cross over locations.
2. Provide 2 hour (maximum) in-person consultation with DBS stakeholders for review of RNA findings for each of the thirteen (13) dune cross over locations.

III. Environmental

A. Preliminary Biological Assessment

ZCA shall obtain aerial and soil survey maps for the proposed development area. This information shall be used to conduct a limited site visit to determine the potential for wetlands or protected species habitat. ZCA shall prepare habitat descriptions and will provide recommendations for additional biological services, if necessary. ZCA shall prepare a ground-truthed habitat map and review each habitat on-site for the occurrence or potential for occurrence of protected species. If protected species are present or likely to be present due to habitat, a separate scope can be prepared for a species-specific survey. Items related to obtaining permits from federal, state and local regulatory agencies are not included within this scope of work.

IV. Survey Services

Sliger staff will complete the following:

Task: Prepare topographic surveys of the 13 dune walkover areas shown on the attached Exhibit "A".

- Elevations will be obtained on a minimum 25-foot grid showing 1-foot contours. All above ground improvements, including existing walkover structures, adjoining seawalls, concrete walks, and pavement will be shown.
- The location of the common property line with the adjoining property will be shown according to previous surveys supplied to Sliger & Associates, Inc. Additional research to establish common property lines if required will be billed according to our fee schedule shown on page 2 of this proposal.
- A minimum of two control points will be set and shown at each site.
- The surveys will be prepared in NAD 83 Florida East horizontal coordinate system and NAVD 1988 Elevations.

Fee Schedule

ZCA shall provide the above described professional services for the proposed following fees:

	<u>TASK</u>	<u>FEE</u>
I.	Civil Engineering	\$16,000.00
II.	Structural Engineering Services	\$29,742.00
III.	Environmental	\$3,000.00
IV.	Survey Services	\$47,475.00
	TOTAL FIXED FEE	\$96,217.00

All permit application and resubmittal fees shall be paid by the Client prior to submittal.

Client Initials _____

Services Not Included

The following services are not included in this contract. However, they can be provided as authorized, if determined necessary during the design. Compensation will be based on our Hourly Rates or a negotiated fee. Consultant's services shall be limited to those expressly set forth above, and Consultant shall have no other obligations or responsibilities for the Project except as agreed to in writing or as provided in this Agreement.

1. Coastal Surge or Flow Modeling
2. Species-specific field survey
3. Permit applications for impacts to protected species
4. Color Rendering/Graphic Representations
5. Site lighting, water/sewer design, or parking lot design
6. Construction Specification Manual
7. Biological Services beyond those listed above
8. Landscape Architectural Design
9. FDEP Coastal Permitting
10. Fish and Wildlife Permitting
11. Preparation of Construction Plans

The Client shall be responsible for providing copies of original survey of the Dune Walkovers.

The above fee does not include services not specifically listed. Should additional services be required, they can be furnished with additional compensation.

If this Contract/Agreement for Services meets with your approval, please provide an approved Purchase Order and return an executed copy to us for our files. **Receipt of the signed Purchase Order will be considered our notice to commence work.**

Thank you for requesting this contract from our firm. We look forward to working with you on this project and on many more in the future. If you have any questions, please feel free to contact me.

Sincerely,
ZEV COHEN & ASSOCIATES, INC.



Samuel C. Hamilton, Jr., P.E.
Sr. Vice President

I, as Signatory, warrant and represent that I am authorized on behalf of City of Daytona Beach Shores, to enter into this contract for professional services and I hereby authorize the performance of the above services and agree to pay the fees resulting therefrom.

Accepted on: _____
Date

Accepted by: _____
Signature

Print Name

Print/Type Company Name

SCH/ns

22338c01 F REV 2.1.23

cc: M. Dwight DuRant, P.E.
Robert J. Ball, P.E.
Randy M. Hudak, P.E.
Mark P. Karet, AICP
William D. Lites
Viviana Vargas
Elizabeth Dobelbower
File

**PURSUANT TO THE FLORIDA STATUTES §558.0035, ANY
INDIVIDUAL EMPLOYEE OR AGENT OF ZCA MAY NOT BE
HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.**

ADDENDUM "A"
FEMA REQUIREMENTS

In addition to those provisions agreed to in the agreement for that certain project referred to as the "Daytona Beach Shores Dune Walkover Project" (the "Agreement"), the City of Daytona Beach Shores (the "Applicant") and Zev Cohen & Associates, Inc. (the "Contractor"), hereby agree to the following contract provisions as required by the Federal Emergency Management Agency ("FEMA") and Federal Statutes as cited below:

I. TERMINATION FOR CAUSE AND CONVENIENCE

As required by 2 C.F.R. Part 200, Appendix II, § B., the Applicant reserves the right to terminate the Agreement for convenience or cause as set forth below, subject to the terms and conditions of the Agreement, if any. The Applicant and the Contractor shall have all rights and remedies available under Florida law and equity.

1. Termination for Convenience. Contract is terminated due to reasons know to the Applicant, i.e., program changes, changes in state-of-the art equipment or technology, insufficient funding, etc. Termination is utilized when the Contractor is not in violation of the contract terms and conditions. Termination for Convenience shall be initiated by the Applicant by providing Contractor with 30-days prior written notice, which includes the reasons for said termination.
2. Termination for Cause. Contract is terminated due to actions by the Contractor, i.e., failure to perform, financial difficulty, slipped schedules, etc. Termination for cause shall be initiated by the Applicant by providing Contractor with reasonable prior written notice, which includes the reasons for said termination.

II. EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The Contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicant as a part of such employee's essential job functions discloses the compensation of such other employees or applicant to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the Contractor's legal duty to furnish information.

(4) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Contractor's commitments under this section and shall post copies of the notice in conspicuous places available to employees and Applicants for employment.

(5) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The Contractor will include the portion of the sentence immediately preceding paragraph (1) of this section, and the provisions of paragraphs (1) through (8) of this section, in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

The Applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, That if the Applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The Applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of Contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance. The Applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a Contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon Contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

In addition, the Applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the Applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such Applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

III. CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT

1. The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq.

2. The Contractor agrees to report each violation to the Applicant and understands and agrees that the Applicant will, in turn, report each violation as required to assure notification to the Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office.

3. The Contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided by FEMA. Federal Water Pollution Control Act

1. The Contractor agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.

2. The Contractor agrees to report each violation to the Applicant and understands and agrees that the Applicant will, in turn, report each violation as required to assure

notification to the Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office.

3. The Contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided.

IV. DEBARMENT AND SUSPENSION

(1) This contract is a covered transaction for the purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such, the Contractor is required to verify that none of the Contractor's principals (defined at 2 C.F.R. § 180.995) or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

(2) The Contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, and must include a requirement to comply with these regulations in any lower-tier transaction it enters into.

(3) This certification is a material representation of fact relied upon by Applicant. If it is later determined that the Contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the Applicant, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.

(4) The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

V. BYRD ANTI-LOBBYING AMENDMENT

Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, officer or employee of Congress, or an employee of a Member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient who in turn will forward the certification(s) to the awarding agency. The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. The Contractor, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C.Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any. Signature of Contractor's Authorized Official Name and Title of Contractor's Authorized Official Date

VI. PROCUREMENT OF RECOVERED MATERIALS

1. In the performance of this contract, the Contractor shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired— 1. Competitively within a timeframe providing for compliance with the contract performance schedule; 2. Meeting contract performance requirements; or 3. At a reasonable price.

2. Information about this requirement, along with the list of EPA designated items, is available at EPA's Comprehensive Procurement Guidelines web site, <https://www.epa.gov/smm/comprehensiveprocurement-guideline-cpg-program>.

3. The Contractor also agrees to comply with all other applicable requirements of Section 6002 of the Solid Waste Disposal Act.

VII. ADDITIONAL CONTRACT PROVISIONS

1. ACCESS TO RECORDS. The following access to records requirements apply to this contract:

(1) The Contractor agrees to provide representatives, of state agency or local or Indian tribal government, the Applicant, the FEMA Administrator, the Comptroller General of the United States, or any of their authorized representatives access to any books, documents, papers, and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts, and transcriptions.

(2) The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

(3) The Contractor agrees to provide the FEMA Administrator or his authorized representatives access to construction or other work sites pertaining to the work being completed under the contract.

(4) In compliance with the Disaster Recovery Act of 2018, the Applicant and the Contractor acknowledge and agree that no language in this contract is intended to prohibit audits or internal reviews by the FEMA Administrator or the Comptroller General of the United States.

2. CHANGES. To be eligible for FEMA assistance under the non-Federal entity's FEMA grant or cooperative agreement, the cost of the change, modification, change order, or constructive change must be allowable, allocable, within the scope of its grant or cooperative agreement, and reasonable for the completion of project scope.

3. DHS SEAL, LOGO, AND FLAGS. "The Contractor shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre-approval."

4. COMPLIANCE WITH FEDERAL LAW, REGULATIONS, AND EXECUTIVE ORDERS. "This is an acknowledgement that FEMA financial assistance will be used to fund all or a portion of the contract. The Contractor will comply with all applicable Federal law, regulations, executive orders, FEMA policies, procedures, and directives."

5. NO OBLIGATION BY FEDERAL GOVERNMENT. "The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the non-Federal entity, Contractor, or any other party pertaining to any matter resulting from the contract."

6. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS OR RELATED ACTS. "The Contractor acknowledges that 31 U.S.C. Chap. 38 (Administrative Remedies for False Claims and Statements) applies to the Contractor's actions pertaining to this contract."

For good and valuable consideration, which is hereby acknowledged, the Applicant and Contractor, Zev Cohen & Associates, agree to the terms contained herein, and certify or affirm the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.

(SIGNATURE PAGE FOLLOWS)

FEMA ADDENDUM
SIGNATURE PAGE

ZEV COHEN & ASSOCIATES, INC.:



Print Name: Samuel C. Hamilton

Title: Senior Vice President

Date: _____

CITY OF DAYTONA BEACH SHORES:

ATTESTED BY:

By: Cheri Schwab, City Clerk

Print Name: _____

Title: _____

Date: _____

ADDENDUM "B"

**CITY OF DAYTONA BEACH SHORES, FLORIDA
STANDARD CONTRACT PROVISIONS**

THIS STANDARD CONTRACT ADDENDUM is made and entered into this ____ day of _____, 2023, by and between the CITY OF DAYTONA BEACH SHORES, a Florida municipality, hereinafter referred to as the "City", and ZEV COHEN & ASSOCIATES, INC., hereinafter referred to as "Contractor", concerning that certain Agreement dated the ____ day of _____, 2023 ("Agreement").

WITNESSETH:

WHEREAS, Section 119.0701, Fla. Stat., requires that certain public agency contracts must include certain statutorily required provisions concerning the contractor's compliance for Florida's Public Records Act; and

WHEREAS, Section 768.28, Fla. Stat., sets forth certain mandatory limitations on indemnification and liability for Florida public agencies; and

WHEREAS, Florida law requires that public agency contracts be subject to non-appropriation and thereby contingent upon appropriation during the public agency's statutorily mandated annual budget approval process;

WHEREAS, Section 448.095, Fla. Stat., imposes certain obligations on public agencies with regard to the use of the E-Verify system by their contractors and subcontractors; and

WHEREAS, Section 287.135, Fla. Stat., provides restrictions on local governments contracting with companies that are on certain Scrutinized Companies lists.

NOW, THEREFORE, in consideration of the covenants set forth herein, the parties agree to this addendum as follows:

1. Amendment. This Addendum hereby amends and supplements the terms of the Agreement. In the event of a conflict between the terms of the Agreement and terms of the Addendum, the terms of the Addendum shall prevail.

2. Public Records Compliance. Contractor agrees that, to the extent that it may "act on behalf" of the City within the meaning of Section 119.0701(1)(a), Florida Statutes in providing its services under this Agreement, it shall:

- (a) Keep and maintain public records required by the public agency to perform the service.
- (b) Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be

- inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
- (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the public agency.
 - (d) Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the contractor or keep and maintain public records required by the public agency to perform the service. If the contractor transfers all public records to the public agency upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the City's custodian of public records, in a format that is compatible with the information technology systems of the City.
 - (e) Pursuant to Section 119.0701(2)(a), Fla. Stat., **IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:**

**CHERI SCHWAB, CITY CLERK
(386) 763-5353
CSCHWAB@CITYOFDBS.ORG
2990 SOUTH ATLANTIC AVENUE
DAYTONA BEACH SHORES
FLORIDA 32118.**

3. Public Records Compliance Indemnification. Contractor agrees to indemnify and hold the City harmless against any and all claims, damage awards, and causes of action arising from the contractor's failure to comply with the public records disclosure requirements of Section 119.07(1), Florida Statutes, or by contractor's failure to maintain public records that are exempt or confidential and exempt from the public records disclosure requirements, including, but not limited to, any third party claims or awards for attorneys' fees and costs arising therefrom. Contractor authorizes the public agency to seek declaratory, injunctive, or other appropriate relief against Contractor in Volusia County Circuit Court on an expedited basis to enforce the requirements of this section.

4. Compliance/Consistency with Section 768.28, Fla. Stat. Any indemnification or agreement to defend or hold harmless by City specified in the Agreement shall not be construed as a waiver of City's sovereign immunity, and shall be limited to such indemnification and liability

limits consistent with the requirements of Section 768.28, Fla. Stat. and subject to the procedural requirements set forth therein. Any other purported indemnification by City in the Agreement in derogation hereof shall be void and of no force or effect.

5. Non-appropriation. City's performance and obligation to pay under this Agreement is contingent upon an appropriation during the City's annual budget approval process. If funds are not appropriated for a fiscal year, then the Contractor shall be notified as soon as is practical by memorandum from the City Manager or designee that funds have not been appropriated for continuation of the Agreement, and the Agreement shall expire at the end of the fiscal year for which funding has been appropriated. The termination of the Agreement at fiscal year end shall be without penalty or expense to the City subject to the City paying all invoices for services rendered during the period the Agreement was funded by appropriations.

6. E-Verify Compliance. Contractor affirmatively states, under penalty of perjury, that in accordance with Section 448.095, Fla. Stat., Contractor is registered with and uses the E-Verify system to verify the work authorization status of all newly hired employees, that in accordance with such statute, Contractor requires from each of its subcontractors an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien, and that Contractor is otherwise in compliance with Sections 448.09 and 448.095, Fla. Stat.

7. Compliance/Consistency with Scrutinized Companies Provisions of Florida Statutes. Section 287.135(2)(a), Florida Statutes, prohibits a company from bidding on, submitting a proposal for, or entering into or renewing a contract for goods or services of any amount if, at the time of contracting or renewal, the company is on the Scrutinized Companies that Boycott Israel List, created pursuant to section 215.4725, Florida Statutes, or is engaged in a boycott of Israel. Section 287.135(2)(b), Florida Statutes, further prohibits a company from bidding on, submitting a proposal for, or entering into or renewing a contract for goods or services over one million dollars (\$1,000,000) if, at the time of contracting or renewal, the company is on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, both created pursuant to section 215.473, Florida Statutes, or the company is engaged in business operations in Cuba or Syria. Contractor hereby certifies that Contractor is not listed on any of the following: (i) the Scrutinized Companies that Boycott Israel List, (ii) Scrutinized Companies with Activities in Sudan List, or (iii) the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. Contractor further hereby certifies that Contractor is not engaged in a boycott of Israel or engaged in business operations in Cuba or Syria. Contractor understands that pursuant to section 287.135, Florida Statutes, the submission of a false certification may subject Contractor to civil penalties, attorney's fees, and/or costs. Contractor further understands that any contract with City for goods or services of any amount may be terminated at the option of City if Contractor (i) is found to have submitted a false certification, (ii) has been placed on the Scrutinized Companies that Boycott Israel List, or (iii) is engaged in a boycott of Israel. And, in addition to the foregoing, if the amount of the contract is one million dollars (\$1,000,000) or more, the contract may be terminated at the option of City if the company is found to have submitted a false certification, has been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or has been engaged in business operations in Cuba or Syria.

8. Venue and Jurisdiction. Notwithstanding any of other provision to the contrary, this Agreement and the parties' actions under this Agreement shall be governed by and construed under the laws of the state of Florida, without reference to conflict of law principles. As a material condition of this Agreement, each Party hereby irrevocably and unconditionally: i) consents to submit and does submit to the jurisdiction of the Circuit Court in and for Volusia County, Florida for any actions, suits or proceedings arising out of or relating to this Agreement.

9. Additional Terms. Notwithstanding any of other provision to the contrary, the parties agree as follows:

A. N/A

IN WITNESS WHEREOF, the parties hereto have executed and delivered this instrument on the day and year first written above and the signatories below to bind the parties set forth herein.

ZEV COHEN & ASSOCIATES, INC.:



Print Name: Samuel C. Hamilton

Title: Senior Vice President

CITY OF DAYTONA BEACH SHORES:

ATTESTED BY:

Print Name: _____

By: Cheri Schwab, City Clerk

Title: _____



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

“LIFE IS BETTER HERE.”

**CITY COMMISSION AGENDA MEMORANDUM
FEBRUARY 14, 2023 AGENDA**

TO: Honorable Mayor and Members of the City Commission
COPIES TO: Kurt Swartzlander, City Manager
Cheri Schwab, City Clerk
FROM: Becky Vose, City Attorney
DATE: February 14, 2023
SUBJECT: ***City Attorney Report***

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

(1) *Drafted Proposed Resolution- re: Florida League of Cities*

Drafted resolution in support of the Florida League of Cities’ 2023 Legislative Platform.

(2) *Drafted Proposed Resolution- re: Florida Police Chiefs Association and Florida Professional Firefighters*

Drafted resolution in support of FPCA’s and FPF’s 2023 Legislative Platforms.

(3) *Drafted and Reviewed Memorandums of Understanding- re: License Plate Readers*

- (1) Drafted MOU between City of Daytona Beach Shores and the City of Port Orange for installation of license plate readers;
- (2) Reviewed MOU between City of Daytona Beach Shores and Panama City Beach regarding sharing of license plate reader data;
- (3) Reviewed MOU between City of Daytona Beach Shores and Pinellas County

Sheriff's Office regarding sharing of license plate reader data.

(4) *Advised City Staff – re: Service Animals*

Advised City staff regarding service animal language to include on signs at community center.

(5) *Advised City Staff - re: Elevator Inspection Contract Issue*

Reviewed elevator service contract regarding overcharges. Researched law and advised City staff about, "two-stop elevator inspection exemption."

(6) *Advised City Staff - re: Shared Parking Agreement*

Reviewed and approved shared parking agreement between neighboring property owners.

(7) *Advised City Staff - re: Notice of Rezoning and Future Land Use Map Amendments*

Reviewed and confirmed sufficiency of hearing notice for prior rezoning and future land use map amendments that went before Planning and Zoning Board in late 2022

(8) *Advised City Staff - re: Bankruptcy / Code Enforcement Issue*

Advised city staff on how to proceed after receiving notice of bankruptcy from owner of 2323 S. Atlantic Avenue.

(9) *Researched Fence Issue at Sunset Park*

Reviewed 2021 Coastal Parks Maintenance Agreement, Resolution 99-05 and Property Appraiser's records regarding ownership and responsibility to maintain fence at Sunset Park.

(10) *Dune Walkover Project*

Worked with city staff on determining appropriate method for coordinating due walkover repair/replacement work with adjacent properties

(11) *NFIP/CRS PPI Regarding Flood Insurance*

Worked with city staff concerning volunteer participation in of citizen in mandatory meeting for flooding and floor insurance

(12) *FEMA Requirements as to Language in Agreement for Reimbursement*

Worked with city staff to ensure that FEMA requirements were met as to contract language to ensure that expenditures were eligible for FEMA reimbursement

(13) *Personnel Matter*

Worked with staff of Public Safety Department re: personnel matter and proper way to handle it

(14) *Code Enforcement forms and procedures*

Worked with Code Enforcement Officer/Coordinator to make needed revisions to forms and procedures for handling of code cases

(15) *Software issues – Web-based Permitting*

Worked with city staff regarding agreement issues for web-based permitting software and experience with particular vendor in other jurisdictions

(16) *Advice re: travel expenditures*

Rendered legal advice concerning handling of travel expenditures by public official

(17) *Drafted Amendment to City Manager's Contract*

Drafted amendment to City Manager's Contract to implement determination of change to contract by City Commission

(18) *Reviewed Contract and drafted addendums- Zev Cohen & Associates*

Drafted addendums with required FEMA language and standard contract provisions for Zev Cohen agreement regarding the dune walkover projects.

(19) *Work with staff and Chapter 11 bankruptcy attorney for AD1 Daytona Hotels, LLC, the owner of the Rushhh Tapestry by Hilton located at 2323 S. Atlantic Avenue concerning the severe storm damage at the hotel and the running code enforcement fine*

Respectfully, submitted,

/s/ Becky Vose, City Attorney



CITY OF DAYTONA BEACH SHORES

"Life Is Better Here"

Office of the City Manager

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

MEMORANDUM

DATE: February 7, 2023

TO: City Commission: Mayor Nancy Miller, Vice Mayor Michael Politis, Commission Member Richard Bryan, Commission Member Chris Conomos, and Commission Member Mel Lindauer

FROM: Kurt D. Swartzlander, City Manager

SUBJECT: City Manager's Report – February 14, 2023

- **McElroy Park Carousel:** The carousel equipment in the playground area in McElroy Park has been removed since it broke and is not repairable.
- **Fornari Park:** The park is anticipated to reopen by Monday, February 20.
- **Port Orange/South Daytona Chamber Mayor's Breakfast and Awards Ceremony was held on February 1:** The annual event features the mayors of Port Orange, South Daytona and Daytona Beach Shores and honors one outstanding firefighter, police officer, or public safety officer from each of the three cities. **The Daytona Beach Shores Public Safety Officer of the Year was Anthony McCulley.**
- **Commission Day:** March 17th has been suggested as Commission Day.



CITY COMMISSION AGENDA MEMORANDUM FEBRUARY 14, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-24: Rezoning application for recently annexed property located at 2822 S. Atlantic Avenue

SYNOPSIS:

Ordinance 2022-24, if adopted, would amend the City's Official Zoning Map by assigning the "RSF-2 Urban Single-Family Residential Detached District" to the recently annexed single-family residential property located at 2822 S. Atlantic Ave. (Exhibit A). The application (Exhibit B) was submitted by Krista Goodrich (The Dogg Pound LLC.), owner of the subject property, and is a requirement of Florida Law when a property is annexed. The property is 0.34 acres and is occupied by a 2,638 square foot residential structure. The proposed amendment is compatible with the current Volusia County zoning district (R-4, Urban Single-Family Residential District).

FISCAL IMPACT STATEMENT:

Annexation of this property would generate approximately \$1,319.63 in annual ad valorem tax revenue based on current millage rates.

BACKGROUND:

A. BACKGROUND

The subject property, located at 2822 S. Atlantic Ave., was recently annexed into the corporate limits of the City of Daytona Beach Shores. However, Section 171.062, Florida Statutes limits regulatory and development control over annexed property if the area annexed was subject to a county land use plan and county zoning such that said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment and zoning change that includes the annexed area. The purpose of this application is to realize the latter. The property owner has also submitted an application to amend the future land use classification of the property in question to Residential Low Intensity, consistent with the existing and surrounding land uses and current Volusia County Urban Low Intensity future land use classification. The zoning change will be adopted subsequent to the formal future land use amendment of the subject property.

Due public notice has been met for this application.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis and proof of due public notice.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-24 as presented.

SUGGESTED MOTION:

A City Commissioner may motion as follows:

1. "I move to approve Ordinance 2022-24 as presented."

OR

2. "I move to deny Ordinance 2022-24, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2022-24-Zoning Map Amendment-2822 S Atlantic Avenue-Troung
 2. Exhibit A-Location Map- 2822 S Atlantic Avenue
 3. Exhibit B-Application
 4. Exhibit C-Rezoning Staff Report-2822 S. Atlantic Avenue

ORDINANCE NO. 2022-24

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE RSF-2 URBAN SINGLE-FAMILY RESIDENTIAL DETACHED DISTRICT ZONING CLASSIFICATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 2822 SOUTH ATLANTIC AVENUE, SHORT TAX PARCEL ID 5327-05-00-0980; PROVIDING MODIFICATION OF THE OFFICIAL ZONING MAP; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the property described in Section One herein was annexed into the City of Daytona Beach Shores on October 25, 2022, and an appropriate City zoning classification must be assigned to the real property in accordance with the requirements of controlling law; and

WHEREAS, the City Council of the City of Daytona Beach Shores has received recommendation from staff and the Planning and Zoning Board for the assignment of zoning classification to said property and has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds such rezoning consistent with the *Daytona Beach Shores Land Development Code* and the *Daytona Beach Shores Comprehensive Plan* and deems it in the best interest of the inhabitants of said City to amend the Official Zoning Map as hereinafter set forth,

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

SECTION ONE: REZONING OF REAL PROPERTY. The property described hereinafter is hereby rezoned and assigned the Daytona Beach Shores zoning classification as follows:

Short Tax Parcel ID #5327-05-00-0980, as described in Exhibit “A” as attached, is assigned the RSF-2, Urban Single-Family Residential Detached District Zoning Classification.

SECTION TWO: AMENDMENT OF OFFICIAL ZONING MAP. The Official City Zoning Map is hereby amended to conform with the rezoning assigned herein.

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designee, is authorized to take any and all required administrative actions to

implement the provisions of this Ordinance including, but not limited to, providing notice of this rezoning to the Volusia County Council in accordance with applicable law.

SECTION FOUR. NON-CODIFICATION. This Ordinance shall not be codified in the *City Code of the City of Daytona Beach Shores* or the *Land Development Code of the City of Daytona Beach Shores*; provided, however, that the actions taken herein shall be depicted on the Official Zoning Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

KURT SWARTZLANDER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

GRETCHEN R. H. "BECKY" VOSE, CITY ATTORNEY

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

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

EXHIBIT A

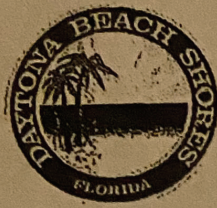
LOT 98 LYING EASTERLY OF RIDGE AVENUE, AND THE NORTH 1/2 OF LOT 99 LYING EASTERLY OF RIDGE AVENUE, TOGETHER WITH THE EASTERLY 1/2 RIDGE AVENUE (PER DB 264, PG 543), LYING NORTH OF THE SOUTH LINE OF THE NORTH 1/2 OF LOT 99 AND SOUTH OF THE NORTH LINE OF LOT 98, ALL IN MAP OF PLAT THREE RIVER RIDGE ESTATES, MAP BOOK 9, PAGE 205, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 98; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT 98 AND THE EAST LINE OF THE NORTH 1/2 OF LOT 99 TO THE SOUTH LINE OF THE NORTH 1/2 OF SAID LOT 99; THENCE WESTERLY ALONG SAID SOUTH LINE TO THE CENTERLINE OF RIDGE AVENUE; THENCE NORTHERLY ALONG SAID CENTERLINE TO THE NORTH LINE OF SAID LOT 98; THENCE EASTERLY ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF LOT 98 AND THE POINT OF BEGINNING.
CONTAINING 0.344 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (2822 S. Atlantic Avenue)



Source: Volusia County Property Appraiser Website, 2022



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

APPLICATION TO AMEND ZONING MAP

The Undersigned Applicant requests the Planning and Zoning Board and City Council to decide upon this application in accordance with Section 14-66 and 14-67 of the Land Development Code.

FEES MUST BE PAID AT THE TIME THE APPLICATION IS SUBMITTED

Date Submitted: 9/14/22

Current Zoning: Volusia County Unincorp

Requested Zoning: Daytona Beach Shores

Applicant's Name: Krista Goodrich

Address: 2800 S. Peninsula Dr DB 32118 Phone #: 3863418557

Representative: Self

Address: _____ Phone #: _____

Property Address & Parcel ID: 2822 S. Atlantic Ave DBS 3426487.0

Property Owner: The Dogg Pound LLC

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

Legal Description of Property:

Lot 98 S 1/2 of lot 99 all E of Co Rd River Ridge
estates per or 7501 pg 3655 per or 7501 pg.
3656 per or 7561 pgs 1980-1981 per or 8032
pg 1552

Krista Goodrich, Manager
Applicant's Signature

9/14/22
Date

THE PLANNING & ZONING BOARD WILL APPLY THE CRITERIA IN SECTION 14-66(4) OF THE LAND DEVELOPMENT CODE WHEN CONSIDERING ZONING MAP AMENDMENTS. PLEASE EXPLAIN HOW YOUR REQUEST MEETS THE FOLLOWING CRITERIA: (YOU MAY ATTACH ADDITIONAL SHEETS)

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

Favorable

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

Favorable

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

We will actually improve efficiency

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

Yes - efficiently use

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

Favorably

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

Yes

7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?

No

8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?

No

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

Encourages positive experiences with
responsible management in Daytona
Beach Shore.

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

No

11. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?

No

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

No

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

No

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

Opposite - increases value

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-24

A. INTRODUCTION

The proposed application/ordinance if approved would change the zoning district classification of the annexed single-family residential property located at 2822 S. Atlantic Avenue from Volusia County *R-4 Urban Single-Family Residential District* to Daytona Beach Shores *RSF-2 Urban Single-Family Residential Detached District*. The subject property contains an acreage of approximately 0.34 and has a single-family residential structure on site.

B. EXISTING ZONING AND CURRENT LAND USE

Table 1 below provides a narrative description of the zoning district classifications and current land uses (i.e., existing development) for the subject property and surrounding area while **Figure 1** provides an aerial view of the subject property and surrounding land uses and **Figure 2** is a zoning map of the same while **Figure 3** provides a street view of the property in question.

Table 1: Zoning and Land Use Area Description

Location	Zoning	Current Land Use
Subject Property	R-4*	Single Family Residence
North	R-4*	Single Family Residence
South	R-4	Single Family Residence
East	DBS RSF-1	Single Family Residence
West	R-4*	Single Family Residence

Notes: *R-4 = Volusia County *Urban Single-Family Residential District*; RSF-1 = DBS *Urban Single Family Residential Detached District*.

Figure 1: Aerial View-2822 S. Atlantic Avenue and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2022

Figure 2: 2822 S. Atlantic Avenue – Zoning Map

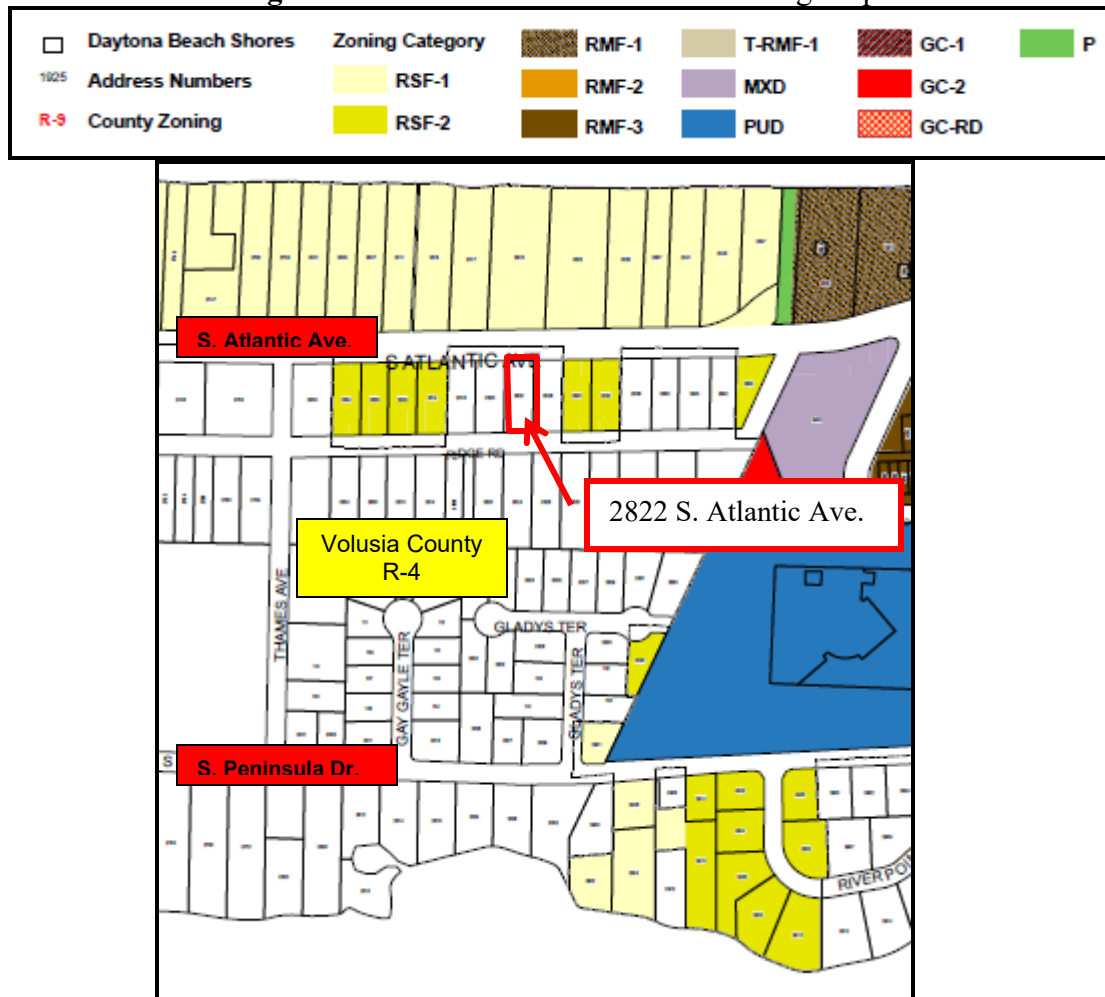


Figure 3: 2822 S Atlantic Avenue



As noted in **Table 1** above, the subject property is currently zoned Volusia County R-4 Urban Single-Family Residential District. According to the Volusia County Land Development Code, the purpose, intent and permitted uses of the existing zoning district is as follows:

“R-4 Urban Single-Family Residential District”:

Purpose and intent: The purpose and intent of the R-4 Urban Single-Family Residential Classification, is to provide medium-low-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structure: In the R-4 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Cluster and zero lot line subdivisions.

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article.

Exempt landfills.

Fire stations.

Home-based business (refer to section 72-283).

Houses of worship.

Parks and recreational areas accessory to residential developments.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

Single-family standard or manufactured modular dwelling.

C. PROPOSED ZONING

The proposed zoning for the subject property is RSF-2 Urban Single-Family Residential Detached District. According to the Daytona Beach Shores Land Development Code, the purpose, intent and permitted uses of the proposed zoning district is as follows:

“RSF-2 Urban Single-Family Residential Detached District”:

Purpose and Intent: The purpose and intent of the RSF-2 Urban Single-Family Residential Detached District is to provide medium residential density for the purpose of preserving the character of existing residential neighborhoods and generally implementing the city's land use plan within, but not necessarily limited to, those areas shown for single-family use.

14-17.2. Permitted Principal Uses and Structures:

Single-family dwelling.

Telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq.

14-17.3. Permitted Accessory Uses and Structures.

Home occupations regulated by section 14-45 and other accessory uses or structures customarily incidental to the permitted principal use or structure.

D. COMPREHENSIVE PLAN

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question. Therefore, the existing acreage and proposed zoning will restrict the use to one (1) single-family residential unit.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The proposed future land use and proposed zoning are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

E. REVIEW AND COMMENTS

The subject application was initiated by the property owner, Krista Goodrich (The Dogg Pound LLC). The subject property is located at 2822 S. Atlantic Avenue and has an acreage of 0.34+/- . The subject property has vehicular transportation access to the abutting Ridge Road, which is a local road connecting to both Thames Avenue and S. Atlantic Avenue (SR A1A). Thames Avenue then connects to both S. Peninsula Drive which is a two laned minor arterial road and S. Atlantic Avenue (SRA1A) which is a five laned principal arterial road.

The proposed zoning change will be consistent with the previous Volusia County zoning and adjacent zoning district classifications. The property is currently occupied with a single-family residential structure. Therefore, the proposed change is density neutral consistent with the zoning.

Since the application in question regards a single-family residential property, it is exempt from the City's Concurrency Review Process as it does not substantially impact any of the City's public facilities or infrastructure. Further, adequate potable water, sewer, solid waste, recreation, public school and transportation facility capacities are currently available and serve the subject property.

F. FINDING OF FACTS

When considering a request to change zoning, the Planning and Zoning Board shall consider the following criteria pursuant to Section 14-66 of the Land Development Code. Below are staff's findings considering each criterion outlined in the aforementioned section of the Code.

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

The proposed zoning change will not provide an unfavorable impact on the environment or natural resources of the area. The property in question is currently developed with a single-family residential structure. If redeveloped, consistency with the City's Land Development Code will be required. Further, the proposed zoning change would not permit hazardous uses such as industry, which could have an unfavorable impact on the environment and natural resources of the area.

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

The proposed zoning will generally have a neutral impact on the economy of the area as the property is currently developed and no redevelopment or change in entitlement is sought. The zoning is also consistent with the Volusia County Zoning District classification and the proposed zoning change is density and use neutral.

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

The subject property is currently developed as a single-family residence. This existing use will not unduly burden public facilities. The subject property is currently being served with or has access to transportation, public schools, water, sewer, and solid waste disposal services. All existing public facilities have adequate capacity and the proposed rezoning will not provide any more impact on said facilities than the current Volusia County Zoning currently permits (see **Table 2** below).

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	1	1	None
Population ¹	1.6	1.6	None
AM / PM Peak Hour Trips ²	0.75/1.01	0.75/1.01	None
Sanitary Sewer (gallons/day) ³	250	250	None
Potable Water (gallons/day) ⁴	176	176	None
Solid Waste (lbs./person) ⁵	16	16	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space	See summary below	See summary below	None
Public School Student(s)	0.396	0.396	None

Notes:

1. Population: 1.6 persons per dwelling unit in DBS
2. Transportation: Rates are for peak hour of adjacent street traffic
Single-family residential unit = 0.75 AM trips, 1.01 PM trips
3. Sanitary Sewer: 250 gallons per dwelling unit per day
4. Potable Water: 110 gallons per capita per day
5. Solid Waste: 10 pounds per capita per day
6. Stormwater Drainage: LOS standard = 25-year, 24-hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code.
7. Public School: Generation rates = 0.396 per single-family unit.

Sources:

2020 US Census
ITE Trip Generation Manual, 8th Edition
Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)

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

The proposed zoning will not unduly burden transportation facilities. There is already adequate vehicular access from the abutting Ridge Road and the existing system of local, collector and arterial road network. The adjacent transportation network currently operates above the adopted level of services.

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

The proposed zoning change involves a single-family residential property being rezoned to a Daytona Beach Shores compatible single-family residential zoning district classification. Hence, the rezoning will not impact the ability of people to find adequate housing since the change will neither create new housing nor eliminate existing housing stock.

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

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The existing single-family residence proposed future land use and proposed zoning are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

- 7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?**

The physical, economic or environmental conditions relative to the property in question and the surrounding area have not changed so as to require a zoning change. However, the subject property was annexed into the City through the voluntary annexation process pursuant to Section 171.044, *Florida Statutes*. However, Section 171.062, *Florida Statutes* limits regulatory and development control over an annexing property if the area annexed was subject to a county land use plan and county zoning and said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area, hence, the purpose of this application to amend the zoning classification of the subject property.

- 8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?**

There was no mistake made in the original zoning of the property. The property was annexed into the City from unincorporated Volusia County; therefore the appropriate City zoning classification must be assigned so that the City may provide developmental and regulatory control.

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

The proposed zoning change is consistent with the existing Volusia County zoning district classification and is density and use neutral. Therefore, the proposed change will maintain a stabilizing effect on the surrounding areas.

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

Spot zoning generally occurs when an individual parcel is assigned a zoning classification that is incompatible with the surrounding area. However, the proposed zoning change is consistent with the existing Volusia County zoning district classification in the area and the amendment is density and use neutral. Further, the proposed zoning classification will provide an existing use that is identical to the City's and County's zoning classification in the neighborhood. Therefore, the proposed change does not constitute spot zoning.

- 11. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?**

The proposed change involves rezoning one individual property which was annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhoods use, future land use and zoning classifications. Therefore, the proposed change

is not the singling out of a small parcel of land allowing a use that is totally different from that of the surrounding area.

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

The proposed change involves rezoning one individual property which was annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhood uses, future land use and zoning classifications. Therefore, the proposed change would not be solely for the benefit of the owner and to the detriment of the community but instead the change would benefit the entire community by maintaining the existing land use of the property and the integrity of the neighborhood.

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

The proposed change is consistent with the neighborhood existing and future land uses and therefore serves the entire community by maintaining the neighborhood's single-family residential characteristics.

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

The rezoning will not materially diminish the value of the surrounding properties or substantially alter the characteristics of the neighborhood since the proposed rezoning will ensure the single-family nature of the community is maintained.



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

October 6, 2022

RE: 2822 S Atlantic Avenue, Short Tax Parcel ID 5327-05-00-0980
Future Land Use Map Amendment and Zoning Map Amendment Hearings

Dear Property Owner:

This letter is to notify you that the City of Daytona Beach Shores has received a voluntary annexation, future land use map amendment, and zoning map amendment application from the owner of the above-subject address, which abuts your property. The City will hold Public Hearings on the rezoning and future land use map amendment applications as follows:

- **Planning and Zoning Board: November 7, 2022 at 8:30am**
- **City Council (1st Reading): November 9, 2022 at 6:00pm**
- **City Council (Adoption): December 13, 2022 at 6:00pm**

The public hearings will be held in the City Council Chambers in the Daytona Beach Shores Community Center located at 3000 Bellemead Drive, Daytona Beach Shores. All interested parties may appear at the public hearings and will be given an opportunity to be heard. If it will be necessary to reschedule or continue any of the public meetings to a later date, it will be your responsibility to obtain the time, date and place of the rescheduled meeting.

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 five days prior to the hearing. If you have any questions, please contact me at (386) 763-5361.

Sincerely,

Noel Eaton
City Planner

Cheri Schwab, City Clerk
Stewart Cruz, Community Services Director

Letters sent to:

Property owner

TRUONG PETER - TE - Tenancy in the Entirety - 50%
TRUONG VANESSA - TE - Tenancy in the Entirety - 50%
DOGG POUND LLC - TIC - Tenancy in Common - 50%
18 KINGS BRIDGE CROSSING
ORMOND BEACH FL 32174

North

JENKINS BELINDA B - FS - Fee Simple - 100%
2820 S ATLANTIC AVE
DAYTONA BEACH FL 32118

South

LITTLE KEITH C & RHONDA LEE - 100%
2826 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118 5802

East

HELMICK MARIA L - TE - Tenancy in the Entirety - 100%
HELMICK ROBERT N - TE - Tenancy in the Entirety - 100%
2823 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118

West

OLSEN CRAIG L & EILEEN M - 100%
2824 RIDGE RD
DAYTONA BEACH FL 32118

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2820 S ATLANTIC AVE
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VANESSA & DOGG POUND LLC
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ORMOND BEACH FL 32174

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ROBERT N
2823 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118

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LITTLE KEITH C & RHONDA LEE
2826 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118 5802

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 Postage \$

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OLSEN CRAIG L & EILEEN M
2824 RIDGE RD
DAYTONA BEACH FL 32118

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

HELMICK MARIA L & HELMICK
ROBERT N
2823 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118



9590 9402 3790 8032 6146 65

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5684

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *RB*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

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☐ Adult Signature Restricted Delivery
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Mail

Mail Restricted Delivery

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Article Addressed to:

JENKINS BELINDA B
2820 S ATLANTIC AVE
DAYTONA BEACH FL 32118



9590 9402 3790 8032 6149 86

(Transfer from service label)

546

PS Form 3811

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Belinda Jenkins*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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3. Service Type

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☐ Adult Signature Restricted Delivery
☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery

Mail

Mail Restricted Delivery

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TRUONG PETER, TRUONG
VANESSA & DOGG POUND LLC
18 KINGS BRIDGE CROSSING
ORMOND BEACH FL 32174



9590 9402 3790 8032 6146 89

2. Article Number (Transfer from service label)

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PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

A. Signature

X *Peter Truong*☐ Agent☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

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- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

OLSEN CRAIG L & EILEEN M
2824 RIDGE RD
DAYTONA BEACH FL 32118



9590 9402 3790 8032 6147 26

2. Article Number (Transfer from *carrier label*)
7018 0680 0000 0863 5745

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
Eileen Olsen ☐ Addressee
B. Received by (Printed Name) *EILEEN OLSEN*
C. Date of Delivery *10/8/22*
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
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 - ☐ Adult Signature Restricted Delivery
 - ☐ Certified Mail®
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery
 - ☐ Collect on Delivery Restricted Delivery
 - ☐ Mail Restricted Delivery
 - ☐ Mail Restricted Delivery (over \$500)
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 - ☐ Registered Mail™
 - ☐ Registered Mail Restricted Delivery
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 - ☐ Signature Confirmation™
 - ☐ Signature Confirmation Restricted Delivery

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City of Daytona Beach Shores
Community Services
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118



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PAID 10/13
RETURNED 10/23

[Handwritten signature]
LITTLE KEITH C & RHONDA LEE
2826 S ATLANTIC AVE
DAYTONA BEACH SHORE

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REQUESTED
10/10/22

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32118-5802

EC: 32118600290 *0374-02572-06-45

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Page 91 of 283

NOTICE OF PUBLIC HEARINGS

THE CITY OF DAYTONA BEACH SHORES WILL HOLD THE
FOLLOWING PUBLIC HEARINGS AT THE DAYTONA
BEACH SHORES COMMUNITY CENTER LOCATED AT
3000 BELLEMEAD DRIVE:

Planning & Zoning Board: November 7th AT 8:30 am
City Council (1st Reading): November 9th AT 7:00 pm
City Council (Adoption): December 13th AT 6:00 pm

THE OWNER OF THIS PROPERTY HAS SUBMITTED THE
FOLLOWING APPLICATIONS:

- Future Land Use Map Amendment
- Zoning Map Amendment
- Annexation

FOR MORE INFORMATION, PLEASE CONTACT THE CITY OF DAYTONA
BEACH SHORES PLANNING DEPARTMENT AT (386) 763-5376

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. If it will be
necessary to reschedule this public meeting to a later date, it will be your responsibility to obtain the time,
date and place of the rescheduled meeting.

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.

OCT/28/2022

THE DAYTONA BEACH
NEWS-JOURNAL

P.O. Box 630476, Cincinnati, OH 45263-0476

PROOF OF PUBLICATION

Cheri Schwab
City Of Daytona Beach Shores - Legal
2990 S Atlantic AVE
Daytona Beach FL 32118-6002

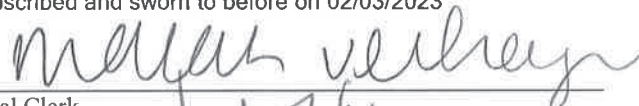
STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, said legal clerk, who, on oath says that he/she is LEGAL COORDINATOR of The News-Journal, a daily and Sunday newspaper, published at Daytona Beach in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Public Notices in the Circuit Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

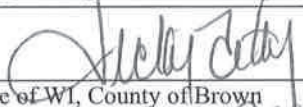
02/03/2023

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Subscribed and sworn to before on 02/03/2023



Legal Clerk



Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$872.84

Order No: 8379828

of Copies:

Customer No: 465027

1

PO #: 2822 S Atlantic Ave-RZ

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

VICKY FELTY
Notary Public
State of Wisconsin

CITY OF DAYTONA BEACH SHORES NOTICE OF ZONING CHANGE

The City of Daytona Beach Shores, Florida, will hold Public Hearings to consider the adoption of the following ordinance:

ORDINANCE NO. 2022-24

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE RSF-2 URBAN SINGLE-FAMILY RESIDENTIAL DETACHED DISTRICT ZONING CLASSIFICATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 2822 SOUTH ATLANTIC AVENUE, SHORT TAX PARCEL ID 5327-05-00-0980; PROVIDING MODIFICATION OF THE OFFICIAL ZONING MAP; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

The public hearings will be held as follows:

- **City Commission (Adoption): February 14, 2023 at 6:00pm**

Please see location map below.



The public hearing will be held in the City Commission Chambers in the Community Center located at 3000 Bellemead Drive, Daytona Beach Shores, Florida. All interested parties are invited to appear at this public hearing and submit oral or written objections or comments with respect to the proposed amendment. The amendment package is available for public inspection at the City of Daytona Beach Shores, Community Services Department, Planning Division, 2990 South Atlantic Avenue, Daytona Beach Shores, Florida.

Anyone who wishes to appeal any decision by the City Commission 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.



City of Daytona Beach Shores
Community Services Department
Planning & Zoning Division
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118
Telephone (386) 763-5376

December 9, 2022

RE: 2822 S Atlantic Avenue, Short Tax Parcel ID 5327-05-00-0980
Future Land Use Map Amendment and Zoning Map Amendment Hearings

Dear Property Owner:

This letter is to notify you that the City of Daytona Beach Shores approved the voluntary annexation application and is now processing a future land use map amendment and zoning map amendment application from the owner of the above-subject address, which abuts your property. The City will hold Public Hearings on the rezoning and future land use map amendment applications.

These hearings have been rescheduled from the November 9th and December 13th agendas as follows:

- **City Council (1st Reading): January 10, 2023 at 6:00pm**
- **City Council (Adoption): February 14, 2023 at 6:00pm**

The public hearings will be held in the City Council Chambers in the Daytona Beach Shores Community Center located at 3000 Bellemead Drive, Daytona Beach Shores. All interested parties may appear at the public hearings and will be given an opportunity to be heard. If it will be necessary to reschedule or continue any of the public meetings to a later date, it will be your responsibility to obtain the time, date and place of the rescheduled meeting.

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. If you have any questions, please contact me at (386) 763-5376.

Sincerely,

Noel Eaton
City Planner

Cheri Schwab, City Clerk
Stewart Cruz, Community Services Director

Letters sent to:

~~Property owner~~

TRUONG PETER - TE - Tenancy in the Entirety - 50%
TRUONG VANESSA - TE - Tenancy in the Entirety - 50%
DOGG POUND LLC - TIC - Tenancy in Common - 50%
18 KINGS BRIDGE CROSSING
ORMOND BEACH FL 32174

North

JENKINS BELINDA B - FS - Fee Simple - 100%
2820 S ATLANTIC AVE
DAYTONA BEACH FL 32118

South

LITTLE KEITH C & RHONDA LEE - 100%
2826 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118 5802

East

HELMICK MARIA L - TE - Tenancy in the Entirety - 100%
HELMICK ROBERT N - TE - Tenancy in the Entirety - 100%
2823 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118

West

OLSEN CRAIG L & EILEEN M - 100%
2824 RIDGE RD
DAYTONA BEACH FL 32118

7020 0090 0000 0207 5040

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 DAYTONA BEACH FL 32118
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12/9/22 JF

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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 HELMICK MARIA L & HELMICK
 ROBERT N
 2823 S ATLANTIC AVE
 DAYTONA BEACH SHORES FL 32118
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Here

12/9/22 JF

PS Form 3800, April 2015 PSN 7530-02-000-9047

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 & DOGG POUND LLC
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 ORMOND BEACH FL 32174
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12/9/22 JF

PS Form 3800, April 2015 PSN 7530-02-000-9047

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 2826 S ATLANTIC AVE
 DAYTONA BEACH SHORES FL 32118
 5802
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☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

Postage

 OLSEN CRAIG L & EILEEN M
 2824 RIDGE RD
 DAYTONA BEACH FL 32118
Postmark
Here

12/9/22 JF

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

HELMICK MARIA L & HELMICK
ROBERT N
2823 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118



9590 9402 7813 2152 5087 65

2. Article Number (Transfer from service label)

7020 0090 0000 0207 5064

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Williams

☒ Agent☐ Addressee

B. Received by (Printed Name)

Williams

C. Date of Delivery

12/2/22

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

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SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JENKINS BELINDA B
2820 S ATLANTIC AVE
DAYTONA BEACH FL 32118



9590 9402 7813 2152 5087 41

2. Article Number (Transfer from service label)

7020 0090 0000 0207 5040

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x David Muench

☐ Agent☐ Addressee

B. Received by (Printed Name)

David Muench

C. Date of Delivery

12/2/22

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TRUONG PETER, TRUONG VANESSA
& DOGG POUND LLC
18 KINGS BRIDGE CROSSING
ORMOND BEACH FL 32174



9590 9402 3790 8032 6147 88

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5806

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Peter Truong

☐ Agent☐ Addressee

B. Received by (Printed Name)

PETER-TRUONG

C. Date of Delivery

12-14-22

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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City of Daytona Beach Shores
Community Services
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118



unc
OLSEN CRAIG L & EILEEN M
2824 RIDGE RD
DAYTONA BEACH FL 32118

00001/05/23
7020 0090 0000 0207 50571
DEC 09 2023
ZIP CODE 32118
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12/12/22

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7020 0090 0000 0207 50571

City of Daytona Beach Shores
Community Services
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118



unc
KEITH C & RHONDA LEE
1826 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118
5802

00001/05/23
7020 0090 0000 0207 50571
DEC 09 2023
ZIP CODE 32118
\$007.829

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12/12/22

NIXIE 339 DE 1 0001/05/23
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UNCLAIMED
UNABLE TO FORWARD
BC: 32118600290 *1301-06102-09-43

321186002 UNCL
321186002

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7020 0090 0000 0207 50571



**NOTICE OF
PUBLIC HEARINGS**

THE CITY OF DAYTONA BEACH ADMINISTRATION WILL HOLD THE
FOLLOWING PUBLIC HEARINGS AT THE DAYTONA
BEACH ADMINISTRATION CENTER LOCATED AT
1000 W. HOLLAND AVE. SUITE 100

Planning & Zoning Board: Feb 6 AT 10:00 AM
City Council (1st Reading): Feb 6 AT 6:00 PM
City Council (Adoptive): Feb 6 AT 6:00 PM

THE OWNER OF THIS PROPERTY HAS SUBMITTED THE
FOLLOWING APPLICATION:
* Final Land Use Plan Amendment

Public Hearing

ADDITIONAL INFO:
The applicant has been notified by the City of the hearing date and time.
If you have any questions, please call the Planning & Zoning Department at 386-259-1234.

FEB/ 6/2023



NOTICE OF PUBLIC HEARINGS

THE CITY OF DAYTONA BEACH SHORES WILL HOLD THE
FOLLOWING PUBLIC HEARINGS AT THE DAYTONA
BEACH SHORES COMMUNITY CENTER LOCATED AT
3000 BELLEMEAD DRIVE:

Planning & Zoning Board: _____ AT _____
City Council (1st Reading): JAN 10 AT 6:00 pm
City Council (Adoption): FEB 14 AT 6:00 pm

THE OWNER OF THIS PROPERTY HAS SUBMITTED THE
FOLLOWING APPLICATIONS:

- FUTURE LAND USE MAP AMENDMENT
- ZONING MAP AMENDMENT
- ANNEXATION

FOR MORE INFORMATION, PLEASE CONTACT THE CITY OF DAYTONA
BEACH SHORES PLANNING DEPARTMENT AT (386) 763-5376

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. If it will be
necessary to reschedule this public meeting to a later date, it will be your responsibility to obtain the time,
date and place of the rescheduled meeting.

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.

FEB/ 6/2023



CITY COMMISSION AGENDA MEMORANDUM FEBRUARY 14, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-26: Rezoning application for recently annexed property located at 3615 Cardinal Boulevard

SYNOPSIS:

Ordinance 2022-26, if adopted, would amend the City's Official Zoning Map by assigning the "RSF-2 Urban Single-Family Residential Detached District" to the recently annexed single-family residential property located at 3615 Cardinal Blvd. (Exhibit A). The application (Exhibit B) was submitted by Theresa Durkin, owner of the subject property, and is a requirement of Florida Law when a property is annexed. The property is 0.15 acres and is occupied by a 1,278 square foot residential structure. The proposed amendment is compatible with the current Volusia County zoning district (R-6, Urban Two-Family Residential District).

Due public notice has not been met for the Future Land Use amendment component of this application. Planning staff is recommending to continue this item until a time certain at the next City Commission meeting on February 28th, 2023.

FISCAL IMPACT STATEMENT:

Annexation of 3615 Cardinal Boulevard would generate approximately \$821.62 in ad valorem tax revenue based on the current millage.

BACKGROUND:

A. BACKGROUND

The subject property, located at 3615 Cardinal Blvd, was recently annexed into the corporate limits of the City of Daytona Beach Shores. However, Section 171.062, Florida Statutes limits regulatory and development control over annexed property if the area annexed was subject to a county land use plan and county zoning such that said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment and zoning change that includes the annexed area. The purpose of this application is to realize the latter. The property owner has also submitted an application to amend the future land use classification of the property in question to Residential Low Intensity, consistent with the existing and surrounding land uses and current Volusia County Urban Low Intensity future land use classification. The zoning change will be adopted subsequent to the

formal future land use amendment of the subject property.

All public notice requirements have been met for this application.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis and proof of public notice.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends continuing this item until a time certain at the next City Commission meeting on February 28th, 2023.

SUGGESTED MOTION:

A City Commissioner may motion as follows:

1. I move to continue this item until a time certain at the next City Commission meeting on February 28th, 2023.

- ATTACHMENT:**
1. ORD 2022-26-Zoning Map Amendment-3615 Cardinal Blvd-Durkin
 2. Exhibit A-Location Map-3615 Cardinal Blvd
 3. Exhibit B-Application
 4. Exhibit C-Rezoning Staff Report-3615 Cardinal Blvd

ORDINANCE NO. 2022-26

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE RSF-2 URBAN SINGLE-FAMILY RESIDENTIAL DETACHED DISTRICT ZONING CLASSIFICATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 3615 CARDINAL BOULEVARD, SHORT TAX PARCEL ID 6302-05-10-0111; PROVIDING MODIFICATION OF THE OFFICIAL ZONING MAP; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the property described in Section One herein was annexed into the City of Daytona Beach Shores on October 25, 2022, and an appropriate City zoning classification must be assigned to the real property in accordance with the requirements of controlling law; and

WHEREAS, the City Council of the City of Daytona Beach Shores has received recommendation from staff and the Planning and Zoning Board for the assignment of zoning classification to said property and has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds such rezoning consistent with the *Daytona Beach Shores Land Development Code* and the *Daytona Beach Shores Comprehensive Plan* and deems it in the best interest of the inhabitants of said City to amend the Official Zoning Map as hereinafter set forth,

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

SECTION ONE: REZONING OF REAL PROPERTY. The property described hereinafter is hereby rezoned and assigned the Daytona Beach Shores zoning classification as follows:

Short Tax Parcel ID #6302-05-10-0111, as described in Exhibit “A” as attached, is assigned the RSF-2, Urban Single-Family Residential Detached District Zoning Classification.

SECTION TWO: AMENDMENT OF OFFICIAL ZONING MAP. The Official City Zoning Map is hereby amended to conform with the rezoning assigned herein.

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designee, is authorized to take any and all required administrative actions to

implement the provisions of this Ordinance including, but not limited to, providing notice of this rezoning to the Volusia County Council in accordance with applicable law.

SECTION FOUR. NON-CODIFICATION. This Ordinance shall not be codified in the *City Code of the City of Daytona Beach Shores* or the *Land Development Code of the City of Daytona Beach Shores*; provided, however, that the actions taken herein shall be depicted on the Official Zoning Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

KURT SWARTZLANDER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

GRETCHEN R. H. "BECKY" VOSE, CITY ATTORNEY

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

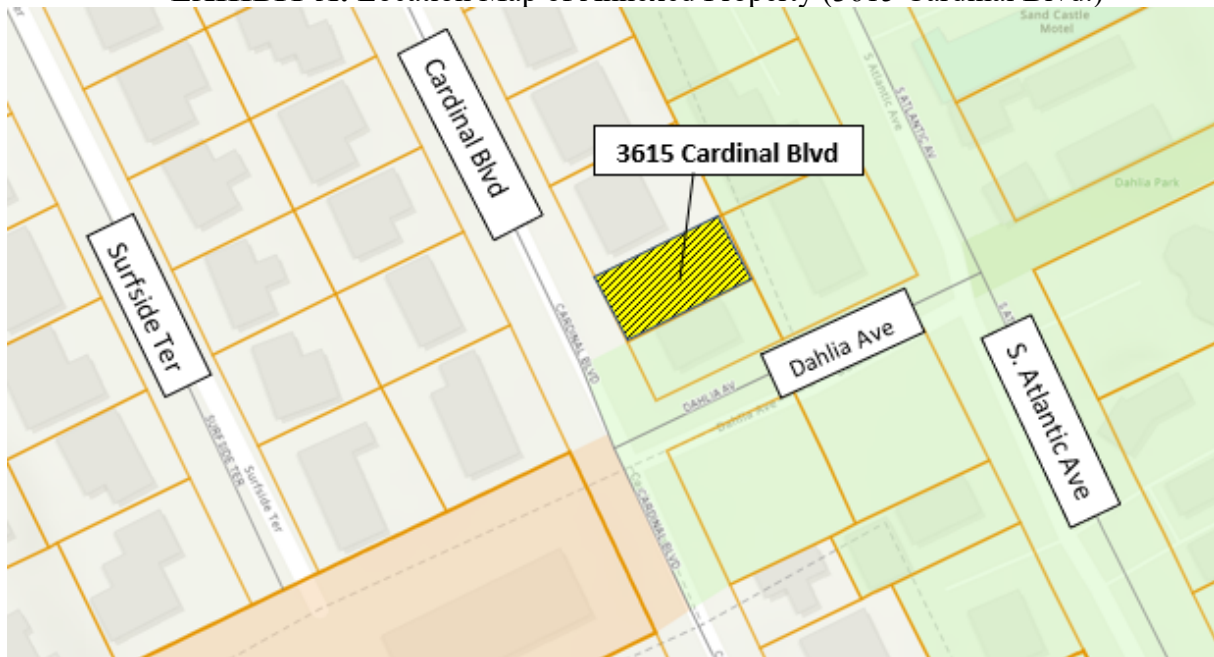
Adopted on second reading this _____ day of _____, 2022.

EXHIBIT A

THE WEST 100 FEET OF LOT 11, BLOCK 10, TOGETHER WITH THE EASTERLY 1/2 OF CARDINAL BOULEVARD (PLATTED PENINSULA BLVD) LYING BETWEEN THE WESTERLY EXTENSION OF THE NORTH AND SOUTH LINES OF SAID LOT 11, ALL IN MAP OF OCEAN VIEW SECTION OF HALIFAX ESTATES, AS RECORDED IN MAP BOOK 11, PAGE 100, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 11; THENCE N60°52'43"E ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 100.00 FEET TO THE EAST LINE OF THE WEST 100 FEET OF SAID LOT 11; THENCE S28°28'17"E ALONG SAID EAST LINE, 50.00 FEET TO THE SOUTH LINE OF SAID LOT 11; THENCE S60°52'43"W ALONG SAID SOUTH LINE AND THE WESTERLY EXTENSION THEREOF, 135.00 FEET TO THE CENTERLINE OF SAID CARDINAL BOULEVARD; THENCE N28°28'17"W ALONG SAID CENTERLINE, 50.00 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 11; THENCE ALONG SAID WESTERLY EXTENSION N60°52'43"E, 35.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.155 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (3615 Cardinal Blvd.)



Source: Volusia County Property Appraiser Website, 2022



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

APPLICATION TO AMEND ZONING MAP

The Undersigned Applicant requests the Planning and Zoning Board and City Council to decide upon this application in accordance with Section 14-66 and 14-67 of the Land Development Code.

FEES MUST BE PAID AT THE TIME THE APPLICATION IS SUBMITTED

Date Submitted: 5/16/2022 Current Zoning: Daytona Beach, FL 32118
Requested Zoning: Annex to Daytona Beach Shores

Applicant's Name: Theresa A. Durkin

Address: 3615 Cardinal Blvd Daytona Beach, FL 32118 Phone #: 386-281-7690

Representative: Theresa A. Durkin

Address: 3615 Cardinal Blvd Phone #: 386-281-7690

Property Address & Parcel ID: 3615 Cardinal Blvd ID: 630205100111

Property Owner: Theresa A. Durkin

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

Legal Description of Property:

W 100 FT OF LOT 11 BLK 10 OCEAN VIEW SECTION OF HALIFAX ESTATES MB 11 PG 100 PER OR 2106 PG

1467 PER OR 6024 PGS 1257-1258 PER OR 6024 PG 1259 PER OR 6532 OF 0238 PER OR 6719 PG 2776 PER OR 7360

PGS 3859-3861 INC PER OR 7584 PG 4862 PER OR 7585 PG

X Theresa A Durkin
Applicant's Signature

5/13/22
Date

THE PLANNING & ZONING BOARD WILL APPLY THE CRITERIA IN SECTION 14-66(4) OF THE LAND DEVELOPMENT CODE WHEN CONSIDERING ZONING MAP AMENDMENTS. PLEASE EXPLAIN HOW YOUR REQUEST MEETS THE FOLLOWING CRITERIA: (YOU MAY ATTACH ADDITIONAL SHEETS)

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

The impact on the environment and natural resources of the area will not be affected.

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

The proposed zoning will have a favorable impact on the economy of the area affected because the property will
product rental income.

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

Yes

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

Yes

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

The proposed zoning will not change the exiting affect of the ability of people to find adequate housing reasonably
accessible to their places of employment but may assist in them finding housing since property will become a
rental income property

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

This proposed zoning will not change any comprehensive land use plan

7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?

No

8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?

Not that I am aware

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

This proposal will not change any promulgate or encourage any physical benefit.

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

This proposal will not change in surrounding area and will not constitute "spot zoning"

11. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?

No

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

No, it will benefit the owner and the surrounding area of the community

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

No

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

No

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-26

A. INTRODUCTION

The proposed application/ordinance if approved would change the zoning district classification of the annexed single-family residential property located at 3611 Cardinal Blvd. from Volusia County *R-6 Urban Two-Family Residential District* to Daytona Beach Shores *RSF-2 Urban Single-Family Residential Detached District*. The subject property contains an acreage of approximately 0.15 and has a single-family residential structure on site.

B. EXISTING ZONING AND CURRENT LAND USE

Table 1 below provides a narrative description of the zoning district classifications and current land uses (i.e., existing development) for the subject property and surrounding area while **Figure 1** provides an aerial view of the subject property and surrounding land uses and **Figure 2** is a zoning map of the same while **Figure 3** provides a street view of the property in question.

Table 1: Zoning and Land Use Area Description

Location	Zoning	Current Land Use
Subject Property	R-6*	Single Family Residence
North	R-6*	Single Family Residence
South	RSF-2	Single Family Residence
East	GC-2	Single Family Residence
West	R-4*	Single Family Residence

Notes: *R-6= Volusia County Urban Two-Family Residential District, R-4 = Volusia County Urban Single-Family Residential District; RSF-2 = DBS Urban Single Family Residential Detached District, GC-2=Retail Service Commercial

Figure 1: Aerial View-3615 Cardinal Blvd and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2022

Figure 2: 3615 Cardinal Blvd. – Zoning Map

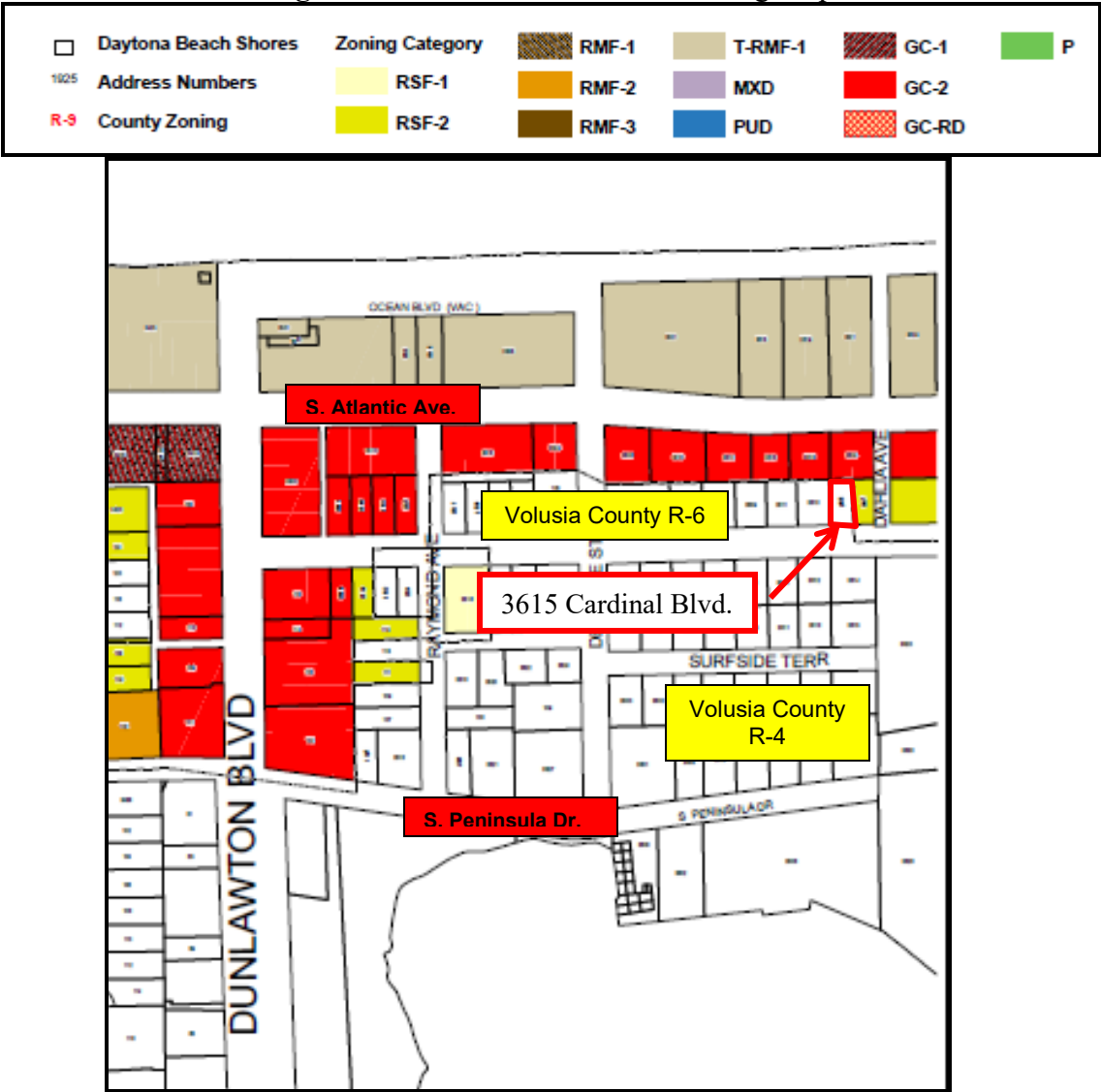


Figure 3: 3615 Cardinal Blvd



As noted in **Table 1** above, the subject property is currently zoned Volusia County *R-6 Urban Two-Family Residential District*. According to the Volusia County Land Development Code, the purpose, intent and permitted uses of the existing zoning district is as follows:

“R-6 Urban Two-Family Residential District”:

Purpose and intent: The purpose and intent of the R-6 Urban Two-Family Residential Classification is to provide for a mixture of one- and two-unit dwellings where that mixture of land use exists or is proposed.

Permitted principal uses and structure: In the R-6 Urban Two-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Cluster and zero lot line subdivisions.

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article.

Exempt landfills.

Fire stations.
Home-based business (refer to section 72-283).
Houses of worship.
Parks and recreational areas accessory to residential developments.
Public schools.
Publicly owned parks and recreational areas.
Publicly owned or regulated water supply wells.
Single-family standard or manufactured modular dwellings.
Two-family dwellings.
Zero lot line residential subdivisions (refer to subsection 72-293(8)).

C. PROPOSED ZONING

The proposed zoning for the subject property is RSF-2 Urban Single-Family Residential Detached District. According to the Daytona Beach Shores Land Development Code, the purpose, intent and permitted uses of the proposed zoning district is as follows:

“RSF-2 Urban Single-Family Residential Detached District”:

Purpose and Intent: The purpose and intent of the RSF-2 Urban Single-Family Residential Detached District is to provide medium residential density for the purpose of preserving the character of existing residential neighborhoods and generally implementing the city's land use plan within, but not necessarily limited to, those areas shown for single-family use.

14-17.2. Permitted Principal Uses and Structures:

Single-family dwelling.

Telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq.

14-17.3. Permitted Accessory Uses and Structures.

Home occupations regulated by section 14-45 and other accessory uses or structures customarily incidental to the permitted principal use or structure.

D. COMPREHENSIVE PLAN

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question. Therefore, the existing acreage and proposed zoning will restrict the use to one (1) single-family residential unit.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The proposed future land

use and proposed zoning are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

E. REVIEW AND COMMENTS

The subject application was initiated by the property owner, Theresa Durkin. The subject property is located at 3615 Cardinal Blvd. and has an acreage of 0.15+/- . The site has vehicular and pedestrian access to the abutting Cardinal Blvd which directly connects to Dunlawton Blvd.

The proposed zoning change will be consistent with the previous Volusia County zoning and adjacent zoning district classifications. The property is currently occupied with a single-family residential structure. Therefore, the proposed change is density neutral consistent with the zoning.

Since the application in question regards a single-family residential property, it is exempt from the City's Concurrency Review Process as it does not substantially impact any of the City's public facilities or infrastructure. Further, adequate potable water, sewer, solid waste, recreation, public school and transportation facility capacities are currently available and serve the subject property.

F. FINDING OF FACTS

When considering a request to change zoning, the Planning and Zoning Board shall consider the following criteria pursuant to Section 14-66 of the Land Development Code. Below are staff's findings considering each criterion outlined in the aforementioned section of the Code.

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

The proposed zoning change will not provide an unfavorable impact on the environment or natural resources of the area. The property in question is currently developed with a single-family residential structure. If redeveloped, consistency with the City's Land Development Code will be required. Further, the proposed zoning change would not permit hazardous uses such as industry, which could have an unfavorable impact on the environment and natural resources of the area.

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

The proposed zoning will generally have a neutral impact on the economy of the area as the property is currently developed and no redevelopment or change in entitlement is sought. The zoning is also consistent with the Volusia County Zoning District classification and the proposed zoning change is density and use neutral.

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

The subject property is currently developed as a single-family residence. This existing use will not unduly burden public facilities. The subject property is currently being served with or has access to transportation, public schools, water, sewer, and solid waste disposal services. All existing public facilities have adequate capacity and the proposed rezoning will not provide any more impact on said facilities than the current Volusia County Zoning currently permits (see **Table 2** below).

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	1	1	None
Population ¹	1.6	1.6	None
AM / PM Peak Hour Trips ²	0.75/1.01	0.75/1.01	None
Sanitary Sewer (gallons/day) ³	250	250	None
Potable Water (gallons/day) ⁴	176	176	None
Solid Waste (lbs./person) ⁵	16	16	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space	See summary below	See summary below	None
Public School Student(s)	0.396	0.396	None

Notes:

1. Population: 1.6 persons per dwelling unit in DBS
2. Transportation: Rates are for peak hour of adjacent street traffic
Single-family residential unit = 0.75 AM trips, 1.01 PM trips
3. Sanitary Sewer: 250 gallons per dwelling unit per day
4. Potable Water: 110 gallons per capita per day
5. Solid Waste: 10 pounds per capita per day
6. Stormwater Drainage: LOS standard = 25-year, 24-hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code.
7. Public School: Generation rates = 0.396 per single-family unit.

Sources:

- 2020 US Census
- ITE Trip Generation Manual, 8th Edition
- Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)

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

The proposed zoning will not unduly burden transportation facilities. There is already adequate vehicular access from the abutting Cardinal Blvd and the existing system of local, collector and arterial road network. The adjacent transportation network currently operates above the adopted level of services.

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

The proposed zoning change involves a single-family residential property being rezoned to a Daytona Beach Shores compatible single-family residential zoning district classification. Hence, the rezoning will not impact the ability of people to find adequate housing since the change will neither create new housing nor eliminate existing housing stock.

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

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The existing single-family residence proposed future land use and proposed zoning are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?

The physical, economic or environmental conditions relative to the property in question and the surrounding area have not changed so as to require a zoning change. However, the subject property was annexed into the City through the voluntary annexation process pursuant to Section 171.044, *Florida Statutes*. However, Section 171.062, *Florida Statutes* limits regulatory and development control over an annexing property if the area annexed was subject to a county land use plan and county zoning and said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area, hence, the purpose of this application to amend the zoning classification of the subject property.

8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?

There was no mistake made in the original zoning of the property. The property was annexed into the City from unincorporated Volusia County; therefore the appropriate City zoning classification must be assigned so that the City may provide developmental and regulatory control.

9.

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

The proposed zoning change is consistent with the existing Volusia County zoning district classification and is density and use neutral. Therefore, the proposed change will maintain a stabilizing effect on the surrounding areas.

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

Spot zoning generally occurs when an individual parcel is assigned a zoning classification that is incompatible with the surrounding area. However, the proposed zoning change is consistent with the existing Volusia County zoning district classification in the area and the amendment is density and use neutral. Further, the proposed zoning classification will provide an existing use that is identical to the City's and County's zoning classification in the neighborhood. Therefore, the proposed change does not constitute spot zoning.

12. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?

The proposed change involves rezoning one individual property which was annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhoods use, future land use and zoning classifications. Therefore, the proposed change is not the singling out of a small parcel of land allowing a use that is totally different from that of the surrounding area.

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

The proposed change involves rezoning one individual property which was annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhood uses, future land use and zoning classifications. Therefore, the proposed change would not be solely for the benefit of the owner and to the detriment of the community but instead the change would benefit the entire community by maintaining the existing land use of the property and the integrity of the neighborhood.

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

The proposed change is consistent with the neighborhood existing and future land uses and therefore serves the entire community by maintaining the neighborhood's single-family residential characteristics.

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

The rezoning will not materially diminish the value of the surrounding properties or substantially alter the characteristics of the neighborhood since the proposed rezoning will ensure the single-family nature of the community is maintained.



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

October 6, 2022

RE: 3615 Cardinal Blvd, Short Tax Parcel ID 6302-05-10-0111
Future Land Use Map Amendment and Zoning Map Amendment Hearings

Dear Property Owner:

This letter is to notify you that the City of Daytona Beach Shores has received a voluntary annexation, future land use map amendment, and zoning map amendment application from the owner of the above-subject address, which abuts your property. The City will hold Public Hearings on the rezoning and future land use map amendment applications as follows:

- **Planning and Zoning Board: November 7, 2022 at 8:30am**
- **City Council (1st Reading): November 9, 2022 at 6:00pm**
- **City Council (Adoption): December 13, 2022 at 6:00pm**

The public hearings will be held in the City Council Chambers in the Daytona Beach Shores Community Center located at 3000 Bellemead Drive, Daytona Beach Shores. All interested parties may appear at the public hearings and will be given an opportunity to be heard. If it will be necessary to reschedule or continue any of the public meetings to a later date, it will be your responsibility to obtain the time, date and place of the rescheduled meeting.

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 five days prior to the hearing. If you have any questions, please contact me at (386) 763-5361.

Sincerely,

Noel Eaton
City Planner

Cheri Schwab, City Clerk
Stewart Cruz, Community Services Director

Letters sent to:

Property owner

DURKIN THERESA A - FS - Fee Simple - 100%
7902 SAILBOAT KEY BLVD S APT 503
SOUTH PASADENA FL 33707 6374

North

PSOMAS WENDY A - FS - Fee Simple - 100%
3613 CARDINAL BLVD
DAYTONA BEACH FL 32118

South

DILLON-BOWMAN GABRIEL - FS - Fee Simple - 100%
3617 CARDINAL BLVD
DAYTONA BEACH SHORES FL 32118

East

SUNSHINE PLAZA
RIVERSIDE 3624 LLC - FS - Fee Simple - 100%
3624 S ATLANTIC AVE STE 102
DAYTONA BEACH SHORES FL 32118

West

SPAGNUOLO MARY KAY - LE - Life Estate - 100%
600 HARVEY ST
SHINNSTON WV 26431

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SHINNSTON WV 26431

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 3613 CARDINAL BLVD
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5. Article Number (Transfer from service label)
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 7902 SAILBOAT KEY BLVD S APT 503
 SOUTH PASADENA FL 33707 6374

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 7902 SAILBOAT KEY BLVD S APT 503
 SOUTH PASADENA FL 33707 6374

5. Article Number (Transfer from service label)
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6. PS Form 3811, July 2015 PSN 7530-02-000-9053

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☒ Addressee

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1. Article Addressed to:
 DILLON-BOWMAN GABRIEL
 3617 CARDINAL BLVD
 DAYTONA BEACH SHORES FL 32118

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4. Article Addressed to:
 DILLON-BOWMAN GABRIEL
 3617 CARDINAL BLVD
 DAYTONA BEACH SHORES FL 32118

5. Article Number (Transfer from service label)
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6. PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery
 Gabriel Bowman 10/12/22

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

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SUNSHINE PLAZA
RIVERSIDE 3624 LLC
3624 S ATLANTIC AVE STE 102
DAYTONA BEACH SHORES FL 32118



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PS Form 3811, July 2015 PSN 7530-02-000-9053

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X *Nickey*☐ Agent☐ Addressee

B. Received by (Printed Name)

Jelli Nickey

C. Date of Delivery

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SPAGNUOLO MARY KAY
600 HARVEY ST
SHINNSTON WV 26431



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COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Mary K. Spagnuolo*☐ Agent☒ Addressee

B. Received by (Printed Name)

MARY K. SPAGNUOLO

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NOTICE OF PUBLIC HEARINGS

THE CITY OF DAYTONA BEACH SHORES WILL HOLD THE FOLLOWING PUBLIC HEARINGS AT THE DAYTONA BEACH SHORES COMMUNITY CENTER LOCATED AT 3000 BELLEMEAD DRIVE:

3000 BELLEMEAD DRIVE

Planning & Zoning Board: NOV 7th AT 8:30^{am}

City Council (1st Reading): NOV 9th AT 7:00^{pm}

City Council (Adoption): DEC 13th AT 6:00^{pm}

THE OWNER OF THIS PROPERTY HAS SUBMITTED THE FOLLOWING APPLICATIONS:

- FUTURE LAND USE MAP AMENDMENT
- ZONING MAP AMENDMENT

ANNEXATION

FOR MORE INFORMATION, PLEASE CONTACT THE CITY OF DAYTONA
BEACH SHORES PLANNING DEPARTMENT AT (386) 763-5376

BEACH SHORES PLANNING DEPARTMENT AT (580) 760-5511

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

OCT/28/2022



City of Daytona Beach Shores
Community Services Department
Planning & Zoning Division
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118
Telephone (386) 763-5376

December 9, 2022

RE: 3615 Cardinal Blvd, Short Tax Parcel ID 6302-05-10-0111
Future Land Use Map Amendment and Zoning Map Amendment Hearings

Dear Property Owner:

This letter is to notify you that the City of Daytona Beach Shores approved the voluntary annexation application and is now processing a future land use map amendment and zoning map amendment application from the owner of the above-subject address, which abuts your property. The City will hold Public Hearings on the rezoning and future land use map amendment applications.

These hearings have been rescheduled from the November 9th and December 13th agendas as follows:

- **City Council (1st Reading): January 10, 2023 at 6:00pm**
- **City Council (Adoption): February 14, 2023 at 6:00pm**

The public hearings will be held in the City Council Chambers in the Daytona Beach Shores Community Center located at 3000 Bellemead Drive, Daytona Beach Shores. All interested parties may appear at the public hearings and will be given an opportunity to be heard. If it will be necessary to reschedule or continue any of the public meetings to a later date, it will be your responsibility to obtain the time, date and place of the rescheduled meeting.

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. If you have any questions, please contact me at (386) 763-5376.

Sincerely,

Noel Eaton
City Planner

Cheri Schwab, City Clerk
Stewart Cruz, Community Services Director

Letters sent to:

PROPERTY OWNER

DURKIN THERESA A - FS - Fee Simple - 100%
7902 SAILBOAT KEY BLVD S APT 503
SOUTH PASADENA FL 33707 6374

North

PSOMAS WENDY A - FS - Fee Simple - 100%
3613 CARDINAL BLVD
DAYTONA BEACH FL 32118

South

DILLON-BOWMAN GABRIEL - FS - Fee Simple - 100%
3617 CARDINAL BLVD
DAYTONA BEACH SHORES FL 32118

East

SUNSHINE PLAZA
RIVERSIDE 3624 LLC - FS - Fee Simple - 100%
3624 S ATLANTIC AVE STE 102
DAYTONA BEACH SHORES FL 32118

West

SPAGNUOLO MARY KAY - LE - Life Estate - 100%
600 HARVEY ST
SHINNSTON WV 26431

7020 0090 0000 0207 5095

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OFFICIAL USE

Certified Mail Fee \$ 7.82

Extra Services & Fees (check box, add fee as appropriate)

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☐ Adult Signature Restricted Delivery \$ _____

Postage _____

12/9/22 JF

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PSOMAS WENDY A
3613 CARDINAL BLVD
DAYTONA BEACH FL 32118

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0000 0207 5088

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☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

Postage _____

12/9/22 JF

Postmark Here

DURKIN THERESA A
7902 SAILBOAT KEY BLVD S APT 503
SOUTH PASADENA FL 33707 6374

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0000 0207 5121

U.S. Postal Service™
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☐ Return Receipt (hardcopy) \$ _____

☐ Return Receipt (electronic) \$ _____

☐ Certified Mail Restricted Delivery \$ _____

☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

Postage _____

12/9/22 JF

Postmark Here

SUNSHINE PLAZA RIVERSIDE 3624
LLC
3624 S ATLANTIC AVE STE 102
DAYTONA BEACH SHORES FL 32118

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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OFFICIAL USE

Certified Mail Fee \$ 7.82

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ _____

☐ Return Receipt (electronic) \$ _____

☐ Certified Mail Restricted Delivery \$ _____

☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

Postage _____

12/9/22 JF

Postmark Here

DILLON-BOWMAN GABRIEL
3617 CARDINAL BLVD
DAYTONA BEACH SHORES FL 32118

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0090 0000 0207 5125

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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OFFICIAL USE

Certified Mail Fee \$ 7.82

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ _____

☐ Return Receipt (electronic) \$ _____

☐ Certified Mail Restricted Delivery \$ _____

☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

Postage _____

12/9/22 JF

Postmark Here

SPAGNUOLO MARY KAY
600 HARVEY ST
SHINNSTON WV 26431

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PSOMAS WENDY A
3613 CARDINAL BLVD
DAYTONA BEACH FL 32118



9590 9402 7813 2152 5087 96

2. Article Number (Transfer from service label)

7020 0090 0000 0207 5095

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent
☐ Addressee

B. Received by (Printed Name)

W. PSOMAS

C. Date of Delivery

12-12-22

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail Restricted Delivery

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Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DURKIN THERESA A
7902 SAILBOAT KEY BLVD S APT 503
SOUTH PASADENA FL 33707 6374



9590 9402 7813 2152 5087 89

2. Article Number (Transfer from service label)

7020 0090 0000 0207 5088

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

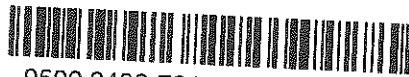
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SPAGNUOLO MARY KAY
600 HARVEY ST
SHINNSTON WV 26431



9590 9402 7813 2152 5088 26

2. Article Number (Transfer from service label)

7020 0090 0000 0207 5125

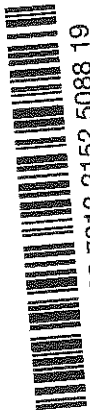
PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
SUNSHINE PLAZA RIVERSIDE 3624
LLC
3624 S ATLANTIC AVE STE 102
DAYTONA BEACH SHORES FL 32118



9590 9402 7813 2152 5088 19

2. Article Number (Transfer from service label)
7020 0090 0000 0207 5118

3811 July 2020 PSN 7530-02-000-9053

City of Daytona Beach Shores
Community Services
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118



MNDT 12-12-22

DILLON-BOWMAN GABRIEL
3617 CARDINAL BLVD
DAYTONA BEACH SHORES FL 32118

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent
X Devin Dickey ☐ Addressee
B. Received by (Printed Name) ☐ Date of Delivery
Devin Dickey *12-12-22*
C. Is delivery address different from item 1? ☐ Yes ☐ No
D. If YES, enter delivery address below:

3. Service Type
- ☐ Adult Signature
 - ☐ Adult Signature Restricted Delivery
 - ☐ Certified Mail®
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery
 - ☐ Collect on Delivery Restricted Delivery
 - ☐ Insured Mail
 - ☐ Insured Mail Restricted Delivery (over \$500)
- Domestic Return Receipt



7020 0090 0000 0207 5101

NIXIE 339 DE 1 0001/03/23
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

22118600290 UNCL
321186002

BC: 32118600290 *1301-06107-09-43



**NOTICE OF
PUBLIC HEARINGS**

THE CITY OF DAYTONA BEACH SHORES WILL HOLD THE
FOLLOWING PUBLIC HEARINGS AT THE DAYTONA
BEACH SHORES COMMUNITY CENTER LOCATED AT
3000 BELLEMEAD DRIVE:

Planning & Zoning Board:		AT
City Council (1 st Reading):	JAN 10	AT 6:00 PM
City Council (Adoption):	FEB 14	AT 6:00 PM

THE OWNER OF THIS PROPERTY HAS SUBMITTED THE
FOLLOWING APPLICATIONS:

- Future Land Use Map Amendment
- Zoning Map Amendment
- Annexation

FOR MORE INFORMATION, PLEASE CONTACT THE CITY OF DAYTONA
BEACH SHORES PLANNING DEPARTMENT AT (386) 763-5376

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. If it will be necessary to reschedule the public meeting to a later date, it will be your responsibility to obtain the time and place of the rescheduled meeting.

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.

FEB/ 6/2023

THE DAYTONA BEACH
NEWS-JOURNAL

P.O. Box 630476, Cincinnati, OH 45263-0476

PROOF OF PUBLICATION

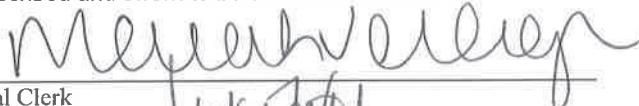
Cheri Schwab
City Of Daytona Beach Shores - Legal
2990 S Atlantic AVE
Daytona Beach FL 32118-6002

STATE OF WISCONSIN, COUNTY OF BROWN

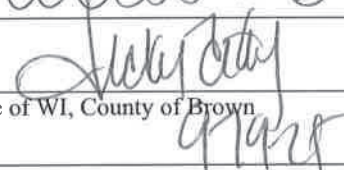
Before the undersigned authority personally appeared, said legal clerk, who, on oath says that he/she is LEGAL COORDINATOR of The News-Journal, a daily and Sunday newspaper, published at Daytona Beach in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Public Notices in the Circuit Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

02/03/2023

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.
Subscribed and sworn to before on 02/03/2023



Legal Clerk



Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$872.84

Order No: 8379713

of Copies:

Customer No: 465027

1

PO #: 3615 Cardinal Blvd-RZ

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

VICKY FELTY
Notary Public
State of Wisconsin

CITY OF DAYTONA BEACH SHORES NOTICE OF ZONING CHANGE

The City of Daytona Beach Shores, Florida, will hold Public Hearings to consider the adoption of the following ordinance:

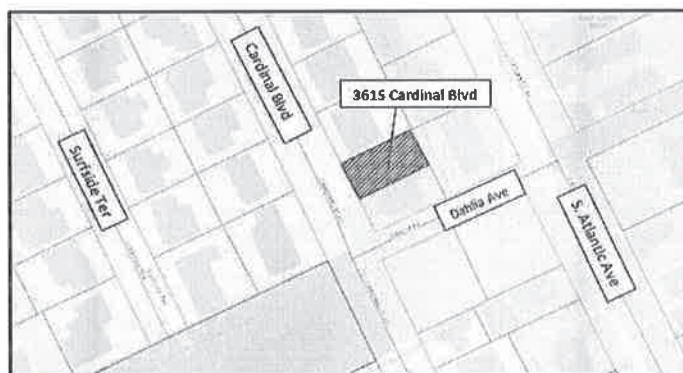
ORDINANCE NO. 2022-26

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE RSF-2 URBAN SINGLE-FAMILY RESIDENTIAL DETACHED DISTRICT ZONING CLASSIFICATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 3615 CARDINAL BOULEVARD, SHORT TAX PARCEL ID 6302-05-10-0111; PROVIDING MODIFICATION OF THE OFFICIAL ZONING MAP; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

The public hearings will be held as follows:

- **City Commission (Adoption): February 14, 2023 at 6:00pm**

Please see location map below.



The public hearing will be held in the City Commission Chambers in the Community Center located at 3000 Bellemead Drive, Daytona Beach Shores, Florida. All interested parties are invited to appear at this public hearing and submit oral or written objections or comments with respect to the proposed amendment. The amendment package is available for public inspection at the City of Daytona Beach Shores, Community Services Department, Planning Division, 2990 South Atlantic Avenue, Daytona Beach Shores, Florida.

Anyone who wishes to appeal any decision by the City Commission 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.



CITY COMMISSION AGENDA MEMORANDUM FEBRUARY 14, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-28: Rezoning application for recently annexed property located at 105 Broad Avenue

SYNOPSIS:

Ordinance 2022-28, if adopted, would amend the City's Official Zoning Map by assigning the "RSF-2 Urban Single-Family Residential Detached District" to the recently annexed single-family residential property located at 105 Broad Avenue (Exhibit A). The application (Exhibit B) was submitted by James Tully, owner of the subject property, and is a requirement of Florida Law when a property is annexed. The property is 0.28 acres and is occupied by a 2,748 square foot residential structure. The proposed amendment is compatible with the current Volusia County zoning district (R-9, Urban Single-Family Residential District).

FISCAL IMPACT STATEMENT:

The annexation of 105 Broad Avenue would generate approximately \$361.60 in ad valorem tax revenue based on current millage rates.

BACKGROUND:

A. BACKGROUND

The subject property, located at 105 Broad Avenue, was recently annexed into the corporate limits of the City of Daytona Beach Shores. However, Section 171.062, Florida Statutes limits regulatory and development control over annexed property if the area annexed was subject to a county land use plan and county zoning such that said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment and zoning change that includes the annexed area. The purpose of this application is to realize the latter. The property owners have also submitted an application to amend the future land use classification of the property in question to Residential Low Intensity, consistent with the existing and surrounding land uses and current Volusia County Urban Low Intensity future land use classification. The zoning change will be adopted subsequent to the formal future land use amendment of the subject property.

All notice requirements have been met.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis and proof of due public notice.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-28 as presented.

SUGGESTED MOTION:

A City Commissioner may motion as follows:

1. "I move to approve Ordinance 2022-28 as presented."

OR

2. "I move to deny Ordinance 2022-28, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2022-28-Zoning Map Amendment-105 Broad Avenue- Tully
 2. Exhibit A-Location Map-105 Broad Avenue
 3. Exhibit B-Application
 4. Exhibit C-Rezoning Planning Analysis-105 Broad Avenue-ORD 2022-28

ORDINANCE NO. 2022-28

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE RSF-2 URBAN SINGLE-FAMILY RESIDENTIAL DETACHED DISTRICT ZONING CLASSIFICATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY LOCATED AT 105 BROAD AVENUE, SHORT TAX PARCEL ID 5335-05-00-0260; PROVIDING MODIFICATION OF THE OFFICIAL ZONING MAP; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the property described in Section One herein was annexed into the City of Daytona Beach Shores on October 25, 2022, and an appropriate City zoning classification must be assigned to the real property in accordance with the requirements of controlling law; and

WHEREAS, the City Council of the City of Daytona Beach Shores has received recommendation from staff and the Planning and Zoning Board for the assignment of zoning classification to said property and has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds such rezoning consistent with the *Daytona Beach Shores Land Development Code* and the *Daytona Beach Shores Comprehensive Plan* and deems it in the best interest of the inhabitants of said City to amend the Official Zoning Map as hereinafter set forth,

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

SECTION ONE: REZONING OF REAL PROPERTY. The property described hereinafter is hereby rezoned and assigned the Daytona Beach Shores zoning classification as follows:

Short Tax Parcel ID #5335-05-00-0260, as described in Exhibit “A” as attached, is assigned the RSF-2, Urban Single-Family Residential Detached District Zoning Classification.

SECTION TWO: AMENDMENT OF OFFICIAL ZONING MAP. The Official City Zoning Map is hereby amended to conform with the rezoning assigned herein.

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designee, is authorized to take any and all required administrative actions to implement the provisions of this Ordinance including, but not limited to, providing notice of this rezoning to the Volusia County Council in accordance with applicable law.

SECTION FOUR. NON-CODIFICATION. This Ordinance shall not be codified in the *City Code of the City of Daytona Beach Shores* or the *Land Development Code of the City of Daytona Beach Shores*; provided, however, that the actions taken herein shall be depicted on the Official Zoning Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

KURT SWARTZLANDER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

GRETCHEN R. H. "BECKY" VOSE, CITY ATTORNEY

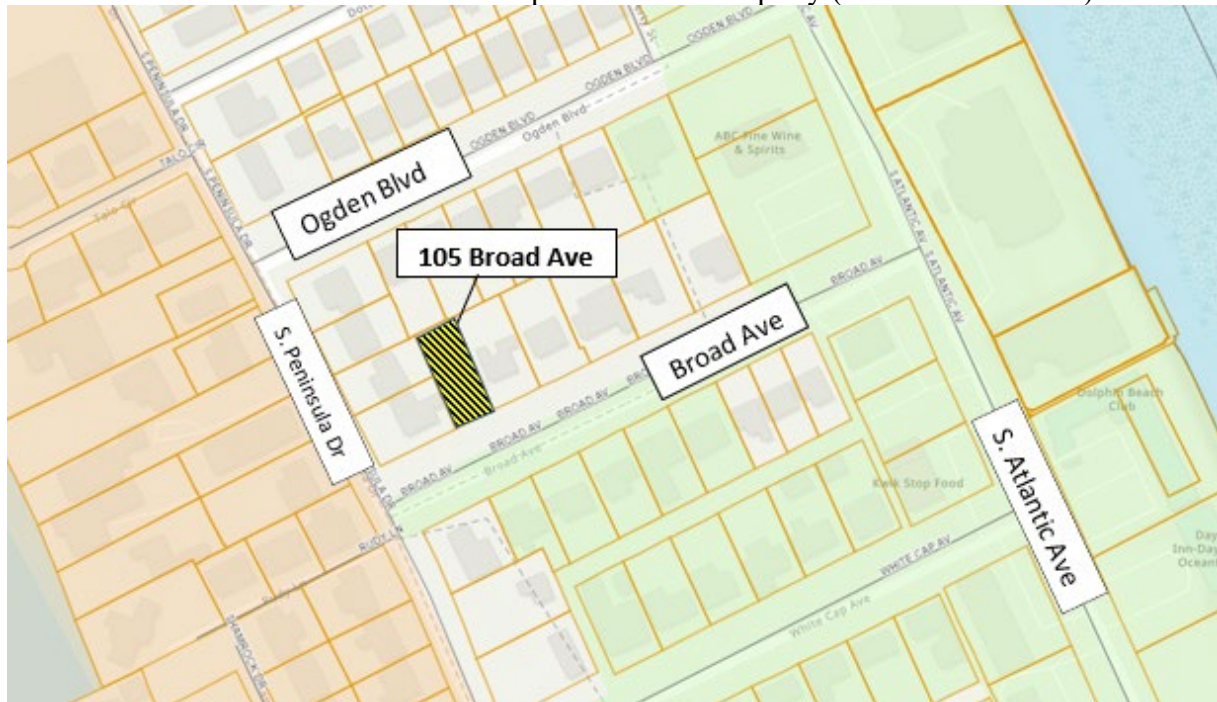
Passed on first reading this _____ day of _____, 2022.

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

EXHIBIT A

THE EASTERLY 60 FEET OF LOTS 26, 27, AND 28, TOGETHER WITH THE NORTHERLY 1/2 OF BROAD AVENUE (PLATTED THIRD AVENUE) LYING BETWEEN THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 28 AND THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28, ALL IN CARTER-NORWOOD REPLAT, AS RECORDED IN MAP BOOK 19, PAGE 16, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF SAID LOT 26; THENCE S25°39'00"E ALONG THE EAST LINE OF SAID LOTS 26, 27, AND 28 AND THE SOUTHERLY EXTENSION THEREOF, 200.04 FEET TO THE CENTERLINE OF BROAD AVENUE; THENCE S64°09'00"W ALONG SAID CENTERLINE, 60.00 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28; THENCE N25°39'00"W ALONG SAID SOUTHERLY EXTENSION AND ALONG THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28, A DISTANCE OF 200.04 FEET TO THE NORTH LINE OF SAID LOT 26; THENCE N64°09'00"E ALONG SAID NORTH LINE, 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.276 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (105 Broad Avenue)



Source: Volusia County Property Appraiser Website, 2022



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

432365
RECEIVED

OCT 06 2022

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

12022048

APPLICATION TO AMEND ZONING MAP

The Undersigned Applicant requests the Planning and Zoning Board and City Council to decide upon this application in accordance with Section 14-66 and 14-67 of the Land Development Code.

FEES MUST BE PAID AT THE TIME THE APPLICATION IS SUBMITTED

Date Submitted: 10/6/22

Current Zoning: County Residential

Requested Zoning: RSF-2

Applicant's Name: James Tully

Address: 105 Broad Ave Phone #: _____

Representative: _____

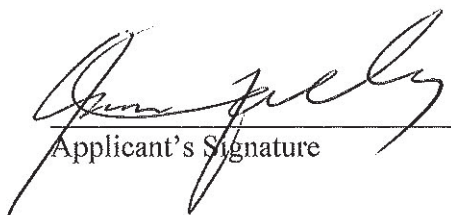
Address: _____ Phone #: _____

Property Address & Parcel ID: 105 Broad Ave

Property Owner: James Tully

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

Legal Description of Property:


Applicant's Signature

10/6/2022
Date

**EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-28**

A. INTRODUCTION

The proposed application/ordinance if approved would change the zoning district classification of the annexed single-family residential property located at 105 Broad Avenue from Volusia County *R-9 Urban Single-Family Residential District* to Daytona Beach Shores *RSF-2 Urban Single-Family Residential Detached District*. The subject property contains an acreage of approximately 0.28 and has a single-family residential structure on site.

B. EXISTING ZONING AND CURRENT LAND USE

Table 1 below provides a narrative description of the zoning district classifications and current land uses (i.e., existing development) for the subject property and surrounding area while **Figure 1** provides an aerial view of the subject property and surrounding land uses and **Figure 2** is a zoning map of the same while **Figure 3** provides a street view of the property in question.

Table 1: Zoning and Land Use Area Description

Location	Zoning	Current Land Use
Subject Property	R-9*	Single Family Residence
North	R-9*	Single Family Residence
South	RSF-2	Single Family Residence
East	R-9*	Single Family Residence
West	R-9*	Single Family Residence

Notes: *R-9 = Volusia County *Urban Single-Family Residential District*; RSF-2 = DBS *Urban Single Family Residential Detached District*.

Figure 1: Aerial View-105 Broad Avenue and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2022

Figure 2: 105 Broad Avenue – Zoning Map

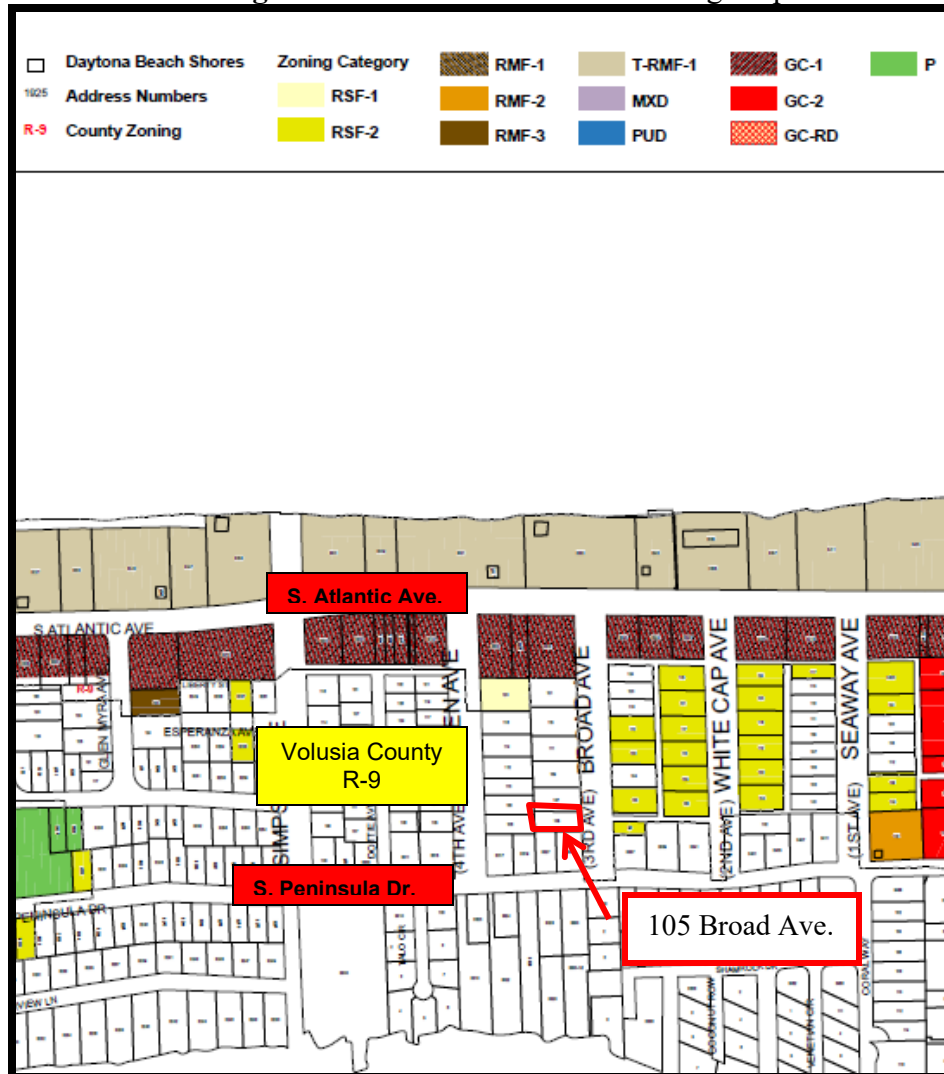


Figure 3: 105 Broad Avenue



As noted in **Table 1** above, the subject property is currently zoned Volusia County R-9 Urban Single-Family Residential District. According to the Volusia County Land Development Code, the purpose, intent and permitted uses of the existing zoning district is as follows:

“R-9 Urban Single-Family Residential District”:

Purpose and intent: The purpose and intent of the R-9 Urban Single-Family Residential Classification, is to provide medium-low-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structure: In the R-3 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Cluster and zero lot line subdivisions.

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article.

Exempt landfills.

Fire stations.

Home occupations, class A.

Houses of worship.
Parks and recreational areas accessory to residential developments.
Public schools.
Publicly owned parks and recreational areas.
Publicly owned or regulated water supply wells.
Single-family standard or manufactured modular dwelling.

C. PROPOSED ZONING

The proposed zoning for the subject property is RSF-2 Urban Single-Family Residential Detached District. According to the Daytona Beach Shores Land Development Code, the purpose, intent and permitted uses of the proposed zoning district is as follows:

“RSF-2 Urban Single-Family Residential Detached District”:

Purpose and Intent: The purpose and intent of the RSF-2 Urban Single-Family Residential Detached District is to provide medium residential density for the purpose of preserving the character of existing residential neighborhoods and generally implementing the city's land use plan within, but not necessarily limited to, those areas shown for single-family use.

14-17.2. Permitted Principal Uses and Structures:

Single-family dwelling.

Telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq.

14-17.3. Permitted Accessory Uses and Structures.

Home occupations regulated by section 14-45 and other accessory uses or structures customarily incidental to the permitted principal use or structure.

D. COMPREHENSIVE PLAN

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question. Therefore, the existing acreage and proposed zoning will restrict the use to one (1) single-family residential unit.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The proposed future land use and proposed zoning are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

E. REVIEW AND COMMENTS

The subject application was initiated by the property owner, James Tully. The subject property is located at 105 Broad Avenue and has an acreage of 0.28+/- . The site has vehicular and pedestrian access to the abutting Broad Avenue which directly connects to S. Peninsula Drive and S. Atlantic Avenue.

The proposed zoning change will be consistent with the previous Volusia County zoning and adjacent zoning district classifications. Per the property owner, the property will be occupied with a single-family residential structure. Therefore, the proposed change is density neutral consistent with the zoning.

Since the application in question regards a single-family residential property, it is exempt from the City's Concurrency Review Process as it does not substantially impact any of the City's public facilities or infrastructure. Further, adequate potable water, sewer, solid waste, recreation, public school and transportation facility capacities are currently available and serve the subject property.

F. FINDING OF FACTS

When considering a request to change zoning, the Planning and Zoning Board shall consider the following criteria pursuant to Section 14-66 of the Land Development Code. Below are staff's findings considering each criterion outlined in the aforementioned section of the Code.

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

The proposed zoning change will not provide an unfavorable impact on the environment or natural resources of the area. The property in question is currently developed with a single-family residential structure. If redeveloped, consistency with the City's Land Development Code will be required. Further, the proposed zoning change would not permit hazardous uses such as industry, which could have an unfavorable impact on the environment and natural resources of the area.

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

The proposed zoning will generally have a neutral impact on the economy of the area as the property is currently developed and no redevelopment or change in entitlement is sought. The zoning is also consistent with the Volusia County Zoning District classification and the proposed zoning change is density and use neutral.

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

The subject property is currently developed as a single-family residence. This existing use will not unduly burden public facilities. The subject property is currently being served with or has access to transportation, public schools, water, sewer, and solid waste disposal services. All existing public facilities have adequate capacity and the proposed rezoning will not provide any more impact on said facilities than the current Volusia County Zoning currently permits (see **Table 2** below).

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	1	1	None
Population ¹	1.6	1.6	None
AM / PM Peak Hour Trips ²	0.75/1.01	0.75/1.01	None
Sanitary Sewer (gallons/day) ³	250	250	None
Potable Water (gallons/day) ⁴	176	176	None
Solid Waste (lbs./person) ⁵	16	16	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space	See summary below	See summary below	None
Public School Student(s)	0.396	0.396	None

Notes:

1. Population: 1.6 persons per dwelling unit in DBS
2. Transportation: Rates are for peak hour of adjacent street traffic
Single-family residential unit = 0.75 AM trips, 1.01 PM trips
3. Sanitary Sewer: 250 gallons per dwelling unit per day
4. Potable Water: 110 gallons per capita per day
5. Solid Waste: 10 pounds per capita per day
6. Stormwater Drainage: LOS standard = 25-year, 24-hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code.
7. Public School: Generation rates = 0.396 per single-family unit.

Sources:

- 2020 US Census
- ITE Trip Generation Manual, 8th Edition
- Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)

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

The proposed zoning will not unduly burden transportation facilities. There is already adequate vehicular access from the abutting Broad Avenue and the existing system of local, collector and arterial road network. The adjacent transportation network currently operates above the adopted level of services.

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

The proposed zoning change involves a single-family residential property being rezoned to a Daytona Beach Shores compatible single-family residential zoning district classification. Hence, the rezoning will not impact the ability of people to find adequate housing since the change will neither create new housing nor eliminate existing housing stock.

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

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The existing single-family residence proposed future land use and proposed zoning are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?

The physical, economic or environmental conditions relative to the property in question and the surrounding area have not changed so as to require a zoning change. However, the subject property was annexed into the City through the voluntary annexation process pursuant to Section 171.044, *Florida Statutes*. However, Section 171.062, *Florida Statutes* limits regulatory and development control over an annexing property if the area annexed was subject to a county land use plan and county zoning and said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area, hence, the purpose of this application to amend the zoning classification of the subject property.

8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?

There was no mistake made in the original zoning of the property. The property was annexed into the City from unincorporated Volusia County; therefore the appropriate City zoning classification must be assigned so that the City may provide developmental and regulatory control.

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

The proposed zoning change is consistent with the existing Volusia County zoning district classification and is density and use neutral. Therefore, the proposed change will maintain a stabilizing effect on the surrounding areas.

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

Spot zoning generally occurs when an individual parcel is assigned a zoning classification that is incompatible with the surrounding area. However, the proposed zoning change is consistent with the existing Volusia County zoning district classification in the area and the amendment is density and use neutral. Further, the proposed zoning classification will provide an existing use that is identical to the City's and County's zoning classification in the neighborhood. Therefore, the proposed change does not constitute spot zoning.

11. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?

The proposed change involves rezoning one individual property which was annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhoods use, future land use and zoning classifications. Therefore, the proposed change is not the singling out of a small parcel of land allowing a use that is totally different from that of the surrounding area.

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

The proposed change involves rezoning one individual property which was annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhood uses, future land use and zoning classifications. Therefore, the proposed change would not be solely for the benefit of the owner and to the detriment of the community but instead the change would benefit the entire community by maintaining the existing land use of the property and the integrity of the neighborhood.

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

The proposed change is consistent with the neighborhood existing and future land uses and therefore serves the entire community by maintaining the neighborhood's single-family residential characteristics.

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

The rezoning will not materially diminish the value of the surrounding properties or substantially alter the characteristics of the neighborhood since the proposed rezoning will ensure the single-family nature of the community is maintained.



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

October 6, 2022

RE: 105 Broad Avenue, Short Tax Parcel ID 5335-05-00-0260
Future Land Use Map Amendment and Zoning Map Amendment Hearings

Dear Property Owner:

This letter is to notify you that the City of Daytona Beach Shores has received a voluntary annexation, future land use map amendment, and zoning map amendment application from the owner of the above-subject address, which abuts your property. The City will hold Public Hearings on the rezoning and future land use map amendment applications as follows:

- **Planning and Zoning Board: November 7, 2022 at 8:30am**
- **City Council (1st Reading): November 9, 2022 at 6:00pm**
- **City Council (Adoption): December 13, 2022 at 6:00pm**

The public hearings will be held in the City Council Chambers in the Daytona Beach Shores Community Center located at 3000 Bellemead Drive, Daytona Beach Shores. All interested parties may appear at the public hearings and will be given an opportunity to be heard. If it will be necessary to reschedule or continue any of the public meetings to a later date, it will be your responsibility to obtain the time, date and place of the rescheduled meeting.

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 five days prior to the hearing. If you have any questions, please contact me at (386) 763-5361.

Sincerely,

Noel Eaton
City Planner

Cheri Schwab, City Clerk
Stewart Cruz, Community Services Director

Letters sent to:

Property owner

TULLY JAMES J - FS - Fee Simple - 100%
105 BROAD AVE
DAYTONA BEACH FL 32118

North

NELAND RICHARD L & KEITH L - 100%
2916 RIVER POINT DR
DAYTONA BEACH FL 32118

WALKER JESSE L - FS - Fee Simple - 100%
77 BROWNING RD
GRISWOLD CT 06351

South

CRISLER BRENDA T - JT - Joint Tenancy with Right of Survivorship - 100%
IRVIN GREGORY SCOTT - JT - Joint Tenancy with Right of Survivorship - 100%
PIERCE STACIE - JT - Joint Tenancy with Right of Survivorship - 100%
2928 CASCADE WAY
GAINESVILLE GA 30504

East

RISEDORF RANDALL - LE - Life Estate - 100%
RISEDORF YAEKO - LE - Life Estate - 100%
107 BROAD AVE
DAYTONA BEACH FL 32118

West

VINCENT MICHAEL E - TE - Tenancy in the Entirety - 100%
VINCENT CLARA R LIPSCOMB - TE - Tenancy in the Entirety - 100%
3333 S PENNINSULA DR
DAYTONA BEACH FL 32118 6342

CARTER JAMES E - FS - Fee Simple - 100%
3327 S PENINSULA DR
DAYTONA BEACH FL 32118

9695 5980 0000 0980 9102

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☐ Adult Signature Restricted Delivery	\$	
Postage	\$	

CRISLER BRENDA T, IRVIN GREGORY
 SCOTT
 & PIERCE STACIE
 2928 CASCADE WAY
 GAINESVILLE GA 30504

for Instructions

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☐ Adult Signature Restricted Delivery	\$	
Postage	\$	

RISEDORF RANDALL
 RISEDORF YAEKO
 107 BROAD AVE
 DAYTONA BEACH FL 32118

for Instructions

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☐ Return Receipt (electronic)	\$	
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☐ Adult Signature Required	\$	
☐ Adult Signature Restricted Delivery	\$	
Postage	\$	

NELAND RICHARD L & KEITH L
 2916 RIVER POINT DR
 DAYTONA BEACH FL 32118

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☐ Return Receipt (electronic)	\$	
☐ Certified Mail Restricted Delivery	\$	
☐ Adult Signature Required	\$	
☐ Adult Signature Restricted Delivery	\$	
Postage	\$	

WALKER JESSE L
 77 BROWNING RD
 GRISWOLD CT 06351

for Instructions

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☐ Return Receipt (electronic)	\$	
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☐ Adult Signature Restricted Delivery	\$	
Postage	\$	

VINCENT MICHAEL E
 VINCENT CLARA R LIPSCOMB
 3333 S PENNINSULA DR
 DAYTONA BEACH FL 32118 6342

for Instructions

5639 5980 0000 0980 9102

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☐ Return Receipt (electronic)	\$	
☐ Certified Mail Restricted Delivery	\$	
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☐ Adult Signature Restricted Delivery	\$	
Postage	\$	

TULLY JAMES J
 105 BROAD AVE
 DAYTONA BEACH FL 32118

for Instructions

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☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

Postmark
Here

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CARTER JAMES E
3327 S PENINSULA DR
DAYTONA BEACH FL 32118

PS Form 3800, April 2015

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WALKER JESSE L
77 BROWNING RD
GRISWOLD CT 06351



9590 9402 3790 8032 6125 17

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5615

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

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A. Signature ☒ Agent
Jesse Walker ☐ Addressee

B. Received by (Printed Name) *Jesse Walker* C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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|--|---|
| 3. Service Type | ☐ Priority Mail Express® |
| ☐ Adult Signature | ☐ Registered Mail™ |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail Restricted Delivery |
| ☒ Certified Mail® | ☐ Return Receipt for Merchandise |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | |
| Mail | |
| Mail Restricted Delivery | |
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OCT 20 2022

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1. Article Addressed to
CRISLER BRENDA T, IRVIN GREGORY
SCOTT
& PIERCE STACIE
2928 CASCADE WAY
GAINESVILLE GA 30504



9590 9402 3790 8032 6125 24

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5608

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
Brenda Crisler ☐ Addressee

B. Received by (Printed Name) *B. Crisler* C. Date of Delivery *10/11/22*

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

- | | |
|--|---|
| 3. Service Type | ☐ Priority Mail Express® |
| ☐ Adult Signature | ☐ Registered Mail™ |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail Restricted Delivery |
| ☒ Certified Mail® | ☐ Return Receipt for Merchandise |
| ☐ Certified Mail Restricted Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Collect on Delivery Restricted Delivery | |
| Mail | |
| Mail Restricted Delivery | |
| (over \$500) | |

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

VINCENT MICHAEL E
VINCENT CLARA R LIPSCOMB
3333 S PENNINSULA DR
DAYTONA BEACH FL 32118 6342



9590 9402 3790 8032 6125 48

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5585

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Barker

C. Date of Delivery

10-8-22

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery

Mail

Mail Restricted Delivery

(30)

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1. Article Addressed to:

RISEDORF RANDALL
RISEDORF YAEKO
107 BROAD AVE
DAYTONA BEACH FL 32118



9590 9402 3790 8032 6125 31

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5592

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

10/7

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

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Mail

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1. Article Addressed to:

TULLY JAMES J
105 BROAD AVE
DAYTONA BEACH FL 32118



9590 9402 3790 8032 6149 93

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5639

PS Form 3811, July 2015 PSN 7530-02-000-9053

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

James J. Tully

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail

Mail Restricted Delivery

(10)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

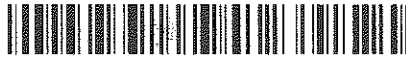
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1. Article Addressed to:

NELAND RICHARD L & KEITH L
2916 RIVER POINT DR
DAYTONA BEACH FL 32118



9590 9402 3790 8032 6150 06

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5622

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

Keith Neland

C. Date of Delivery

10/8/22

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail

Mail Restricted Delivery

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CARTER JAMES E
3327 S PENINSULA DR
DAYTONA BEACH FL 32118



9590 9402 3790 8032 6125 55

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5578

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

J. Carter

C. Date of Delivery

10-8-22

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

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Mail Restricted Delivery

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**NOTICE OF
PUBLIC HEARINGS**

THE CITY OF DAYTONA BEACH SHORES WILL HOLD THE
FOLLOWING PUBLIC HEARINGS AT THE DAYTONA
BEACH SHORES COMMUNITY CENTER LOCATED AT
9999 BULLEHEAD DRIVE.

Planning & Zoning Board: NOV 7th AT 6:30am
City Council (1st Reading): NOV 9th AT 7:00pm
City Council (Adoption): DEC 13th AT 6:00pm

THE OWNER OF THIS PROPERTY HAS SUBMITTED THE
FOLLOWING APPLICATIONS:

- FUTURE LAND USE MAP AMENDMENT
- ZONING MAP AMENDMENT
- ANNEXATION

FOR MORE INFORMATION, PLEASE VISIT THE CITY OF DAYTONA
BEACH SHORES PLANNING DEPARTMENT AT 9999 BULLEHEAD DRIVE.

OCT/28/2022



City of Daytona Beach Shores
Community Services Department
Planning & Zoning Division
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118
Telephone (386) 763-5376

December 9, 2022

RE: 105 Broad Avenue, Short Tax Parcel ID 5335-05-00-0260
Future Land Use Map Amendment and Zoning Map Amendment Hearings

Dear Property Owner:

This letter is to notify you that the City of Daytona Beach Shores approved the voluntary annexation application and is now processing a future land use map amendment and zoning map amendment application from the owner of the above-subject address, which abuts your property. The City will hold Public Hearings on the rezoning and future land use map amendment applications.

These hearings have been rescheduled from the November 9th and December 13th agendas as follows:

- **City Council (1st Reading): January 10, 2023 at 6:00pm**
- **City Council (Adoption): February 14, 2023 at 6:00pm**

The public hearings will be held in the City Council Chambers in the Daytona Beach Shores Community Center located at 3000 Bellemead Drive, Daytona Beach Shores. All interested parties may appear at the public hearings and will be given an opportunity to be heard. If it will be necessary to reschedule or continue any of the public meetings to a later date, it will be your responsibility to obtain the time, date and place of the rescheduled meeting.

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. If you have any questions, please contact me at (386) 763-5376.

Sincerely,

Noel Eaton
City Planner

Cheri Schwab, City Clerk
Stewart Cruz, Community Services Director

Letters sent to:

Property owner

TULLY JAMES J - FS - Fee Simple - 100%
105 BROAD AVE
DAYTONA BEACH FL 32118

North

NELAND RICHARD L & KEITH L - 100%
2916 RIVER POINT DR
DAYTONA BEACH FL 32118

WALKER JESSE L - FS - Fee Simple - 100%
77 BROWNING RD
GRISWOLD CT 06351

South

CRISLER BRENDA T - JT - Joint Tenancy with Right of Survivorship - 100%
IRVIN GREGORY SCOTT - JT - Joint Tenancy with Right of Survivorship - 100%
PIERCE STACIE - JT - Joint Tenancy with Right of Survivorship - 100%
2928 CASCADE WAY
GAINESVILLE GA 30504

East

RISEDORF RANDALL - LE - Life Estate - 100%
RISEDORF YAEKO - LE - Life Estate - 100%
107 BROAD AVE
DAYTONA BEACH FL 32118

West

VINCENT MICHAEL E - TE - Tenancy in the Entirety - 100%
VINCENT CLARA R LIPSCOMB - TE - Tenancy in the Entirety - 100%
3333 S PENNINSULA DR
DAYTONA BEACH FL 32118 6342

CARTER JAMES E - FS - Fee Simple - 100%
3327 S PENINSULA DR
DAYTONA BEACH FL 32118

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 Extra Services & Fees (check box, add fee as appropriate)
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 CARTER JAMES E
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 YAEKO
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 CRISLER BRENDA T, IRVIN GREGORY
 SCOTT & PIERCE STACIE
 2928 CASCADE WAY
 GAINESVILLE GA 30504

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 WALKER JESSE L
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PS Form 3800, April 2015 PSN 7530-02-000-9047

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 VINCENT MICHAEL E & VINCENT
 CLARA R LIPSCOMB
 3333 S PENINSULA DR
 DAYTONA BEACH FL 32118 6342

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
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Postage

 NELAND RICHARD L & KEITH L
 2916 RIVER POINT DR
 DAYTONA BEACH FL 32118

PS Form 3800, April 2015 PSN 7530-02-000-9047

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Certified Mail Fee	\$ 7.82
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$ _____
☐ Return Receipt (electronic)	\$ _____
☐ Certified Mail Restricted Delivery	\$ _____
☐ Adult Signature Required	\$ _____
☐ Adult Signature Restricted Delivery	\$ _____

Postmark
Here
12/9/23
JF

Postage
TULLY JAMES J
105 BROAD AVE
DAYTONA BEACH FL 32118

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TULLY JAMES J
105 BROAD AVE
DAYTONA BEACH FL 32118



90 9402 3790 8032 6148 49

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5813

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
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3. Service Type

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- ☐ Collect on Delivery

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation☐ Collect on Delivery Restricted Delivery Mail

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

VINCENT MICHAEL E & VINCENT
CLARA R LIPSCOMB
3333 S PENNINSULA DR
DAYTONA BEACH FL 32118 6342



9590 9402 3790 8032 6147 95

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5868

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery☐ Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CRISLER BRENDA T, IRVIN GREGORY
SCOTT & PIERCE STACIE
2928 CASCADE WAY
GAINESVILLE GA 30504



9590 9402 3790 8032 6148 18

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5844

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
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- ☒ Certified Mail®
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- ☐ Collect on Delivery Restricted Delivery
- ☐ Registered Mail

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PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

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NELAND RICHARD L & KEITH L
2916 RIVER POINT DR
DAYTONA BEACH FL 32118



9590 9402 3790 8032 6148 32

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5820

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Richard L. Neland*☐ Agent☐ Addressee

B. Received by (Printed Name)

Richard L. Neland

C. Date of Delivery

*12/13/22*D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

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Domestic Return Receipt

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WALKER JESSE L
77 BROWNING RD
GRISWOLD CT 06351



9590 9402 3790 8032 6148 25

2. Article Number (Transfer from service label)

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PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Jesse Walker*☐ Agent☐ Addressee

B. Received by (Printed Name)

Jesse Walker

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

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Domestic Return Receipt



City of Daytona Beach Shores
Community Services
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118

12/10/18
[Signature]

CARTER JAMES E
3327 S PENINSULA DR
DAYTONA BEACH FL 32118

CERTIFIED MAIL®



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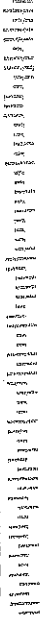
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RETURN TO SENDER
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UNABLE TO FORWARD

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BC: 32118560290

*1301-06100-09-43





**NOTICE OF
PUBLIC HEARINGS**

THE CITY OF DAYTONA BEACH SHORES WILL HOLD THE
FOLLOWING PUBLIC HEARINGS AT THE DAYTONA
BEACH SHORES COMMUNITY CENTER LOCATED AT
3000 BELLEMEAD DRIVE:

Planning & Zoning Board: _____ AT _____
City Council (1st Reading): JAN 10 AT 6:00 PM
City Council (Adoption): FEB 14 AT 6:00 PM

THE OWNER OF THIS PROPERTY HAS SUBMITTED THE
FOLLOWING APPLICATIONS:

- * FUTURE LAND USE MAP AMENDMENT
- * ZONING MAP AMENDMENT
- * ANNEXATION

FOR MORE INFORMATION, PLEASE CONTACT THE CITY OF DAYTONA
BEACH SHORES PLANNING DEPARTMENT AT (386) 763-5376

Persons who wish to appeal any decision by the Planning and Zoning Board or City Council with
respect to any matter considered at said Public Hearing 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. It will be
necessary to reschedule this public hearing to a later date. It will be your responsibility to advise the date,
time and place of the rescheduled hearing.

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

FEB/ 6/2023

THE DAYTONA BEACH
NEWS-JOURNAL

P.O. Box 630476, Cincinnati, OH 45263-0476

PROOF OF PUBLICATION

Cheri Schwab
City Of Daytona Beach Shores - Legal
2990 S Atlantic AVE
Daytona Beach FL 32118-6002

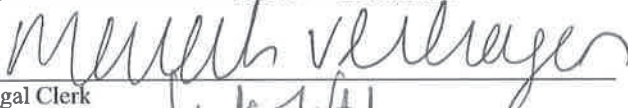
STATE OF WISCONSIN, COUNTY OF BROWN

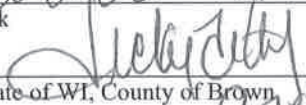
Before the undersigned authority personally appeared, said legal clerk, who, on oath says that he/she is LEGAL COORDINATOR of The News-Journal, a daily and Sunday newspaper, published at Daytona Beach in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Public Notices in the Circuit Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

02/03/2023

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Subscribed and sworn to before on 02/03/2023


Legal Clerk


Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$872.84

Order No: 8379891

of Copies:

Customer No: 465027

1

PO #: 105 Broad Ave-RZ

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Please do not use this form for payment remittance.

VICKY FELTY
Notary Public
State of Wisconsin

CITY OF DAYTONA BEACH SHORES NOTICE OF ZONING CHANGE

The City of Daytona Beach Shores, Florida, will hold Public Hearings to consider the adoption of the following ordinance:

ORDINANCE NO. 2022-28

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE RSF-2 URBAN SINGLE-FAMILY RESIDENTIAL DETACHED DISTRICT ZONING CLASSIFICATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 105 BROAD AVENUE, SHORT TAX PARCEL ID 5335-05-00-0260; PROVIDING MODIFICATION OF THE OFFICIAL ZONING MAP; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

The public hearings will be held as follows:

- **City Commission (Adoption): February 14, 2023 at 6:00pm**

Please see location map below.



The public hearing will be held in the City Commission Chambers in the Community Center located at 3000 Bellemead Drive, Daytona Beach Shores, Florida. All interested parties are invited to appear at this public hearing and submit oral or written objections or comments with respect to the proposed amendment. The amendment package is available for public inspection at the City of Daytona Beach Shores, Community Services Department, Planning Division, 2990 South Atlantic Avenue, Daytona Beach Shores, Florida.

Anyone who wishes to appeal any decision by the City Commission 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.



CITY COMMISSION AGENDA MEMORANDUM FEBRUARY 14, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-23: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 2822 S. Atlantic Avenue

SYNOPSIS:

Ordinance 2022-23, if adopted, would amend the City's Adopted Comprehensive Plan Update (2030) Future Land Use Map by assigning the Residential Low Intensity future land use classification to the recently annexed single-family residential property located at 2822 S. Atlantic Avenue (Exhibit A). The application (Exhibit B) was submitted by Krista Goodrich (The Dogg Pound LLC), owner of the subject property. Applying a City future land use designation is a requirement of Florida Law whenever a property is annexed. The property is 0.34 acres and is occupied by a 2,638 square foot residential structure. The proposed amendment is compatible with the current Volusia County future land use category and as such, the use will remain as single-family residential.

FISCAL IMPACT STATEMENT:

Annexation of this property would generate approximately \$1,319.63 in annual ad valorem tax revenue based on current millage rates.

BACKGROUND:

A. BACKGROUND

The subject property, located at 282 S Atlantic Avenue, was recently annexed into the corporate limits of the City of Daytona Beach Shores pursuant to the voluntary annexation process outlined in Section 171.044, Florida Statutes. However, Section 171.062, Florida Statutes limits regulatory and development control over an annexed property if the area annexed was subject to a county land use plan and county zoning and the municipality does not adopt a comprehensive plan and zoning amendment that includes the annexed area. Therefore, the County land use plan and zoning regulations will remain in full force and effect until the City changes the future land use classification and zoning designation of the subject property. The purpose of this application is to realize the former. Additionally, the property owner has also submitted an application to rezone the property to the City's RSF-2 Urban Single-Family Residential Detached District, consistent with the existing and surrounding land uses and current Volusia County R-4 District zoning classification. The rezoning will occur subsequent to the future land use amendment associated with the subject property.

Notice requirements have been met for this application.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis and proof of due public notice.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-23 as presented.

SUGGESTED MOTION:

A City Commissioner may motion as follows:

1. "I move to approve Ordinance 2022-23 as presented."

OR

2. "I move to approve Ordinance 2022-23, with the following amendments..."

OR

3. "I move to deny Ordinance 2022-23, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2022-23-FLUMA-2822 S Atlantic Avenue
 2. Exhibit A-Location Map- 2822 S Atlantic Avenue
 3. Exhibit B-Application
 4. Exhibit C-ORD 2022-23-Planning Analysis-FLUMA-2822 S. Atlantic Avenue

ORDINANCE NO: 2022-23

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING *THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN*, AMENDING CHAPTER 1, “FUTURE LAND USE ELEMENT”, BY AMENDING MAP L-4 ENTITLED, “GENERALIZED FUTURE LAND USE MAP (2030)” ASSIGNING THE RESIDENTIAL LOW INTENSITY FUTURE LAND USE DESIGNATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 2822 SOUTH ATLANTIC AVENUE, SHORT TAX PARCEL ID 5327-05-00-0980; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the City of Daytona Beach Shores has the authority to amend its Comprehensive Plan pursuant to Part II, Chapter 163, *Florida Statutes*; and

WHEREAS, the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* directly relates to small scale development activities as provided in Section 163.3187(1)(c), *Florida Statutes*; and

WHEREAS, the Volusia County Growth Management Commission has issued a determination of consistency in accordance with Section 202.3 of the *Charter of Volusia County, Florida*, for the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan*; and

WHEREAS, the Planning and Zoning Board, which is the local planning agency of the City, and City Council of the City of Daytona Beach Shores have conducted public hearings and issued notices required by Florida law in the preparation and enactment of this Ordinance; and

WHEREAS, Peter Truong, Vanessa Truong & Dogg Pound LLC., owners of the real property with short tax parcel ID 5327-05-00-0980 and located at 2822 South Atlantic Avenue, submitted an owner initiated future land use map amendment application to the City of Daytona Beach Shores; and

WHEREAS, Peter Truong, Vanessa Truong & Dogg Pound LLC., owners of the subject property, are requesting the City of Daytona Beach Shores amends the future land use classification of the subject real property to Residential Low Intensity; and

WHEREAS, the City Council of the City of Daytona Beach Shores declares that the purpose and intent of the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* is to guide future growth and development; encourage the most appropriate use of the land, water and other resources, consistent with the public interest, promote and protect the public health, safety, comfort, good order, appearance, convenience, aesthetics, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; provide adequate facilities and services; conserve and protect natural resources within the City, while protecting private property rights; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds that this Ordinance serves the best interest of the City of Daytona Beach Shores; and

WHEREAS, underlined words shall constitute additions to the original text of the Comprehensive Plan, *** shall constitute ellipses, and ~~strike through~~ shall constitute deletions to the Comprehensive Plan.

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

SECTION ONE: CHANGE IN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP. Chapter 1, “Future Land Use Element,” containing the Official Future Land Use Map (Map L-4) of the *City of Daytona Beach Shores Comprehensive Plan* is hereby amended to change the Future Land Use Designation of a +/-0.34-acre property from Volusia County Urban Low Intensity to Daytona Beach Shores Residential Low Intensity as to property as described in Exhibit “A” as follows:

Location Address	Short Tax Parcel ID	Daytona Beach Shores Future Land Use Designation
2822 South Atlantic Avenue	5327-05-00-0980	Residential Low Intensity

SECTION TWO: IMPLEMENTING ADMINISTRATIVE ACTIONS. The Community Services Director is hereby authorized to transmit copies of the adopted amendment to the *City of Daytona Beach Shores Comprehensive Plan* to the appropriate agencies and to any other unit of local government who has filed a written request for a copy in accordance with the provisions of Section 163.3187(1)(c)2.b, *Florida Statutes* and *Volusia Growth Management Rules*.

SECTION THREE: CONFLICTS. All ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION FOUR: SEVERABILITY. If any section or portion of a section of this Ordinance, or application of any provision of this Ordinance, proves to be invalid, unlawful, or

unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Ordinance.

SECTION FIVE: NON-CODIFICATION. This Ordinance shall be not be codified in the *City Code of the City of Daytona Beach Shore* or, the *Land Development Code of the City of Daytona Beach Shores*, or the *City of Daytona Beach Shores Comprehensive Plan* provided, however, that the actions taken herein shall be depicted in the *City of Daytona Beach Shores Comprehensive Plan* and on the Future Land Use Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION SIX: EFFECTIVE DATE. This Ordinance shall become effective, in accordance with the provisions of Section 163.3187, *Florida Statutes*, thirty-one (31) days after enactment; provided, however, if this Ordinance is challenged within thirty (30) days after enactment, this Ordinance shall not become effective until the Florida Department of Community Affairs, acting as the State Land Planning Agency, or the Administration Commission, respectively, issues a final order determining that the small scale development amendment to the *City of Daytona Beach Shores Comprehensive Plan* set forth in this Ordinance is in compliance.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

KURT SWARTZLANDER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

GRETCHEN R. H. "BECKY" VOSE, CITY ATTORNEY

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

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

EXHIBIT A

LOT 98 LYING EASTERLY OF RIDGE AVENUE, AND THE NORTH 1/2 OF LOT 99 LYING EASTERLY OF RIDGE AVENUE, TOGETHER WITH THE EASTERLY 1/2 RIDGE AVENUE (PER DB 264, PG 543), LYING NORTH OF THE SOUTH LINE OF THE NORTH 1/2 OF LOT 99 AND SOUTH OF THE NORTH LINE OF LOT 98, ALL IN MAP OF PLAT THREE RIVER RIDGE ESTATES, MAP BOOK 9, PAGE 205, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 98; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT 98 AND THE EAST LINE OF THE NORTH 1/2 OF LOT 99 TO THE SOUTH LINE OF THE NORTH 1/2 OF SAID LOT 99; THENCE WESTERLY ALONG SAID SOUTH LINE TO THE CENTERLINE OF RIDGE AVENUE; THENCE NORTHERLY ALONG SAID CENTERLINE TO THE NORTH LINE OF SAID LOT 98; THENCE EASTERLY ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF LOT 98 AND THE POINT OF BEGINNING.
CONTAINING 0.344 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (2822 S. Atlantic Avenue)



Source: Volusia County Property Appraiser Website, 2022



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

**APPLICATION FOR COMPREHENSIVE PLAN/FUTURE LAND USE MAP
AMENDMENT**

The Undersigned Applicant requests the Planning and Zoning Board AND City Council to hear and decide upon this application in accordance with Sec. 2-2 of the Land Development Code and Florida Law.

Date Submitted: ____/____/____

Applicable Section of the Comprehensive Plan: _____

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

Applicant's Name: Krista Goodrich/The Dogg Pound LLC

Address: 2800 S. Peninsula Dr Phone #: 386 341 8557

Property Address: 2822 S. Atlantic Ave

Existing Property Use: Single Family

Representing Attorney (if any): N/A

Address: _____ Phone #: _____

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 Planning and Zoning hearing date.

Legal description of the property:

Lot 98 & N. 1/2 of lot 99 All E of Co Rd
River Ridge Estates Per Or 7501 Pg 3655 Per Or 750 Pg
3656 Per Or 8032 Pg 1552 Per Or 8111 Pg 2692 Per Or
8128 Pg

Description of your request:

Asking to annex into the Shores

[Signature]
Applicant's Signature

8 / 2 / 22
Date

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-23

A. INTRODUCTION

The proposed amendment seeks to change the future land use designation of a single-family residential property, recently annexed into the City, from Volusia County *Urban Low Intensity* (0.2-4.0 units/acre) to Daytona Beach Shores *Residential Low Intensity* (0-4.0 units/acre). The +/- 0.34-acre property is located at 2822 S. Atlantic Avenue. The subject application, if approved, would result in the fourth 2022 small-scale comprehensive plan amendment for the City of Daytona Beach Shores in accordance with Section 163.3187, *Florida Statutes*.

B. PROPOSED AMENDMENT ITEM(S)

Item 1: Map Amendment - Chapter 1, Future Land Use Element: amending Map L-4 entitled, “Generalized Future Land Use Map (2030),” to change the future land use classification of the annexing property located at 2822 S. Atlantic Avenue from Volusia County *Urban Low Intensity* to Daytona Beach Shores *Residential Low Intensity*:

Overview:

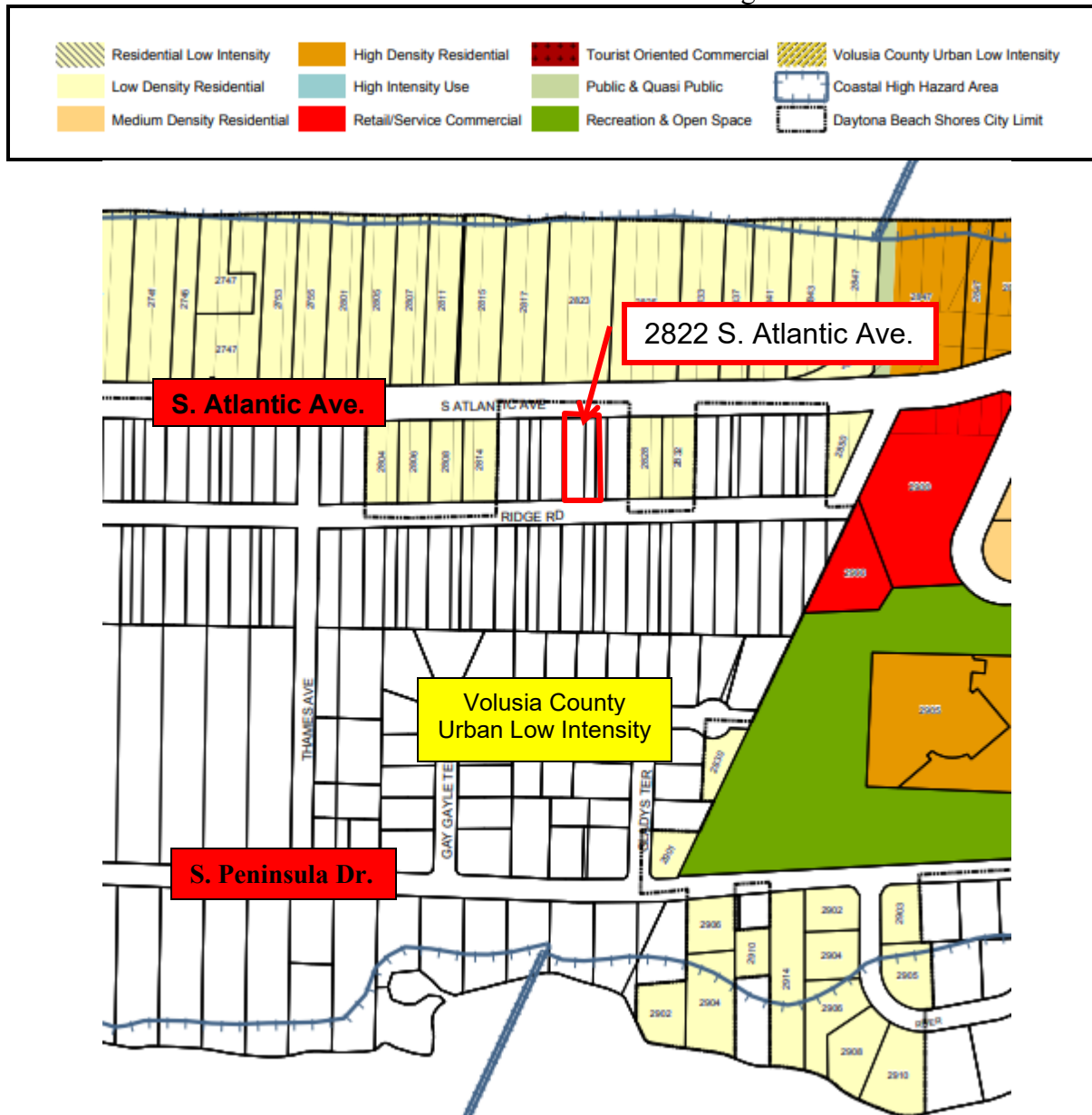
The property is currently vacant. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-4” (Urban Single-Family Residential District), respectively. The surrounding future land use designations and zoning classifications are depicted in **Table 1** below while the future land use is illustrated in **Figure 1**. The subject request is to change the FLU designation to Daytona Beach Shores *Residential Low Intensity* (0-4 units/acre).

Table 1: Abutting Zoning and Future Land Use Classification

Location	Zoning		Future Land Use	
	Existing	Proposed	Existing	Proposed
Subject Property	R-4*	RSF-2	Volusia County Urban Low Intensity	Residential Low Intensity
North	R-4*		Volusia County Urban Low Intensity	
South	R-4*		Volusia County Urban Low Intensity	
East	RSF-1		DBS Low Density Residential	
West	R-4*		Volusia County Urban Low Intensity	

Notes: *R-4 = Volusia County *Urban Single-Family Residential District*; RSF-1 = DBS *Urban Single Family Residential Detached District*

FIGURE 1: 2822 S. Atlantic Avenue - Surrounding Future Land Use



Description, Data and Analysis:

The analysis conducted below demonstrates the amendment's compliance with the City's Comprehensive Plan and the Florida Administrative Code for future land use map amendments. Therefore, the analysis shows that there will not be any significant impacts on the environment, roadways, public schools and utilities as the allowable densities and use will remain the same.

I. IMPACTS OF PROPOSED AMENDMENT

The current Volusia County *Urban Low Intensity* Future Land Use (FLU) classification allows a maximum density of four (4) units per acre. Under the proposed Daytona Beach Shores FLU designation, *Residential Low Intensity*, the maximum density allowed is also four (4) units per acre. Therefore, the proposed land use amendment would not result in any change in residential density permitted. Given the +/-0.34-acre size of the property, the proposed amendment would allow only one (1) residential unit on site, which is the same as currently allowed under the Volusia County FLU classification.

The property is currently occupied by a single-family residential structure. Additionally, the proposed Daytona Beach Shores zoning for this property, RSF-2 Urban Single-Family Residential Detached District, would permit only one residential dwelling unit on site. So, from a practical and planning perspective the proposed future land use change will result in no net change in density and impacts.

In accordance with the Daytona Beach Shores Comprehensive Plan Update (2030) and standard practice from the Florida Department Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the current future land use designation versus the designation proposed (**Table 2** below). The following seven public facilities and services were examined and discussed briefly below: (1) Transportation, (2) Sanitary Sewer, (3) Potable Water, (4) Solid Waste, (5) Stormwater Drainage, (6) Recreation, and (7) Public Schools.

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	1	1	None
Population ¹	1.6	1.6	None
AM / PM Peak Hour Trips ²	0.75/1.01	0.75/1.01	None
Sanitary Sewer (gallons/day) ³	250	250	None
Potable Water (gallons/day) ⁴	176	176	None
Solid Waste (lbs./person) ⁵	16	16	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space	See summary below	See summary below	None
Public School Student(s)	0.396	0.396	None

Notes:

1. Population: 1.6 persons per dwelling unit in DBS
2. Transportation: Rates are for peak hour of adjacent street traffic
Single-family residential unit = 0.75 AM trips, 1.01 PM trips
3. Sanitary Sewer: 250 gallons per dwelling unit per day
4. Potable Water: 110 gallons per capita per day
5. Solid Waste: 10 pounds per capita per day
6. Stormwater Drainage: LOS standard = 25-year, 24-hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code.
7. Public School: Generation rates = 0.396 per single-family unit.

Sources:

2020 US Census
ITE Trip Generation Manual, 8th Edition
Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)

Transportation:

The subject property is a single-family lot with vehicular transportation access to the abutting Ridge Road, which is a local road connecting to both Thames Avenue and S. Atlantic Avenue (SR A1A). Thames Avenue then connects to both S. Peninsula Drive which is a two laned minor arterial road and S. Atlantic Avenue (SRA1A) which is a five laned principal arterial road, pursuant to the City's Comprehensive Plan, respectively. The two roads connect to Dunlawton Boulevard (SR421) and International Speedway Boulevard (US92) which are both principal arterial roads leading to the interstate system. The allowable Level-Of-Service (LOS) standard for S. Peninsula Drive is "D." Both Atlantic Avenue (SR A1A). S. Peninsula Drive are operating at acceptable levels of service. There will be no net change in vehicular trips as demonstrated in **Table 2** above and the allowed LOS standard will continue to be maintained.

Sanitary Sewer:

The City's adopted LOS standard for sanitary sewer is 250 gallons per dwelling unit per day. Using this standard, the proposed land use would theoretically generate a demand of 250 gallons per day consistent with the current future land use. However, since no increase in the number of entitled dwelling units would occur there is no net change in theoretical demand. Regardless, it

should be noted that the City of Port Orange sewer treatment facility is currently operating at an acceptable level of service.

Potable Water:

The City's adopted LOS standard for potable water is 110 gallons per capita per day. Using this standard, the proposed land use would theoretically create a demand of 176 gallons of water per day. No increase in number of theoretical dwelling units or demand will occur. In addition, the current potable water usage is already accounted for in Port Orange's current consumptive use permit (CUP).

Solid Waste Collection:

The proposed land use allows for one (1) residential unit that would be expected to support a population of 1.6 persons, which together would theoretically generate 16 pounds of solid waste per day. Solid waste generated within the City of Daytona Beach Shores is collected by Waste Pro, which delivers it to the Volusia County landfill. The 3,000-acre landfill is a Class I facility with a projected life span to the year 2050.

Stormwater Drainage:

The City's adopted LOS standard for stormwater is the 25-year, 24-hour storm event. More specifically, the stormwater facilities must be capable of treating and conveying the runoff from such a storm without causing flooding of adjacent properties or polluting any receiving water bodies. In addition, the Comprehensive Plan requires that there be no net loss of stormwater retention function as a result of development. Therefore, if the property is developed the parcel must have the same ability to store and discharge water after development as it does before development occurs. The applicants would be required to address stormwater retention on the property in accordance with these City standards.

Recreation and Open Space:

The proposed amendment would theoretically add 1.6 residents to the City. The City's most recent population count was 5,179 (2020 US Census). Policy 7-1.2.1 and Policy 9-1.3.1 in the City's Comprehensive plan establish the LOS standards for recreation facilities within the City. Considering the City's population and the City's recreational LOS standards, it is easy to conclude that Daytona Beach Shores currently has adequate capacity for all recreational facilities as required by the City's Adopted Comprehensive Plan and seen in **Table 3** below.

Table 3: Recreation Facilities Analysis

Type of Park/ Recreational Facility	Unit of Measure/LOS Standard	Current LOS (Facilities)	Deficit
Playgrounds	one per 10,000 people	1	None
Neighborhood Park	one per 10,000 people	5	None
Community Park	one per 25,000 people	1	None
Children's Play Areas	one per 10,000 people	1	None
Baseball/Softball Field	one per 15,000 people	1	None

Tennis Courts	one per 2,000 people	11	None
Community Center	one per 20,000 people	1	None
Exercise Trail	one per 14,000 people	1	None
Nature Study Trail	one per 14,000 people	1	None

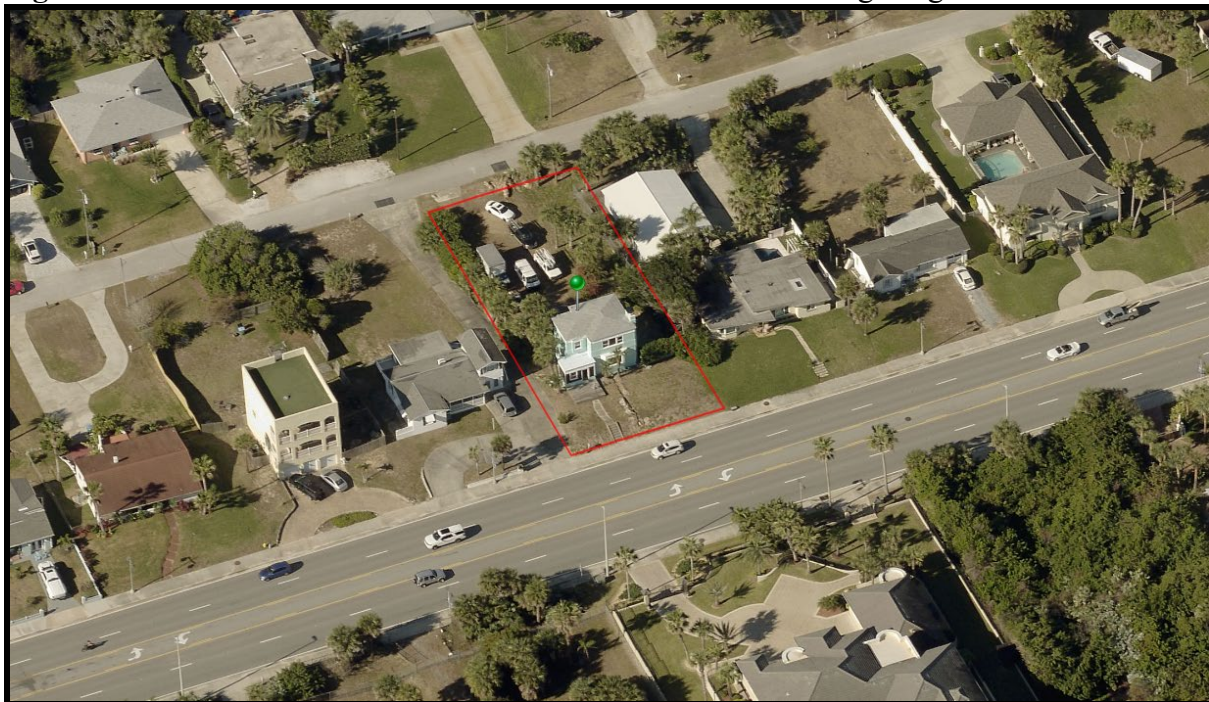
Public Schools:

Based on the Volusia County School District's student generation rate for a single-family dwelling unit, the proposed land use could generate at least one (1) full time student. This is exactly the same that could be generated by the existing Volusia County future land use due to the residential density neutrality of the proposed change. Therefore, no increase impact on existing public school facilities is expected. Further, due to the aforementioned, the FLU amendment is exempt from the School District review.

II. LAND USE COMPATIBILITY

The FLU of the surrounding area is primarily residential low intensity (single-family) in character (**Figure 1**). The subject property is located in a single-family neighborhood **Figure 2**.

Figure 2: Aerial View of 2822 S. Atlantic Avenue and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2022

Considering the above along with **Table 1** contained in the body of this staff report, it is clear that the proposed land use, which is a density neutral land use request, is consistent with the existing and future land use of the surrounding neighborhood.

III. APPLICABLE PLANS, CODES AND REGULATIONS

Future Land Use Element (Daytona Beach Shores Comprehensive Plan):

Policy 1-1.1.5: (a) The City shall maintain at least a Level of Service standard "D" at all times on its roadway network throughout the City. This shall include Dunlawton Boulevard, including the bridge. The maintenance of this Level of Service standard is important to ensure that an efficient flow of traffic can be maintained on these primary roads in the event of a hurricane threat. (b) Maintain the clearance time of the population in the Hurricane Vulnerability Zone at sixteen (16) hours based on a level of service standard "D" during the time of a category 5-storm event as measured on the Saffir-Simpson scale. This policy is consistent with the stated objectives contained in the Coastal Management Element of the Volusia County Comprehensive Plan regarding hurricane evacuation and Section 163.3178 (9) (b), F.S. and based on the most current East Central Florida Regional Planning Council hurricane study.

Policy 1-1.2.2: The City's existing policy of requiring written assurance from any entity providing sewage treatment, potable water, or solid waste disposal shall be maintained throughout the planning period.

Objective 1-1.4: Land uses that are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged. This shall take the form of not allowing any objectionable uses (industrial, warehousing, etc.) in the new Land Development Code that will be adopted subsequent to this Comprehensive Plan.

Capital Improvement Element

Policy 9-1.3: The City shall use the following Level of Service (LOS) standards in reviewing the impacts of new development and redevelopment on public facility provisions:

- (a) **Sanitary Sewers:** 250 gallons per dwelling unit per day
- (b) **Solid Waste:** 10 pounds per capita per day
- (c) **Drainage:** 25-year, 24-hour design storm
- (d) **Potable Water:** 110 gallons/capita/day (gcd) for Port Orange Service Area
150 gcd for Daytona Beach Service Area
- (e) **Roadways:** Arterials: LOS "D" at peak hour
Collectors: LOS "C" at peak hour
- (f) **Recreation:** See Table 3 above

IV. REVIEW CRITERIA AND STAFF FINDINGS

1. The amendment shall not decrease the LOS Standard for hurricane evacuation routes below LOS Standard D and (b) the amendment shall not increase the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above 16 hours.

Staff finding: The proposed land use amendment is density neutral. Consequently, no increase in traffic is anticipated as a result of the proposed change, therefore: (a) there will be no decrease in the adopted LOS Standard for Ridge Road, Thames Avenue, S.R. 441 and S.R. A1A; and (b) considering the aforementioned, the hurricane evacuation clearance time shall remain the same for the subject roads in question.

2. Written assurances from service providers for sewage treatment, potable water, and solid waste shall be provided when there is a future land use map amendment result in an increase in density or intensity.

Staff finding: The proposed land use amendment is density neutral and the site is already developed. Therefore, no increase in demand is anticipated and no written assurances are needed from service providers since services are already being provided for at the accepted LOS standard.

3. The amendment shall not result in objectionable land use designations inconsistent with the character of the overall future land use plan.

Staff finding: The proposed amendment will not result in an incompatible land use designation with adjacent parcels, the neighborhood or overall character of the future land use plan. The proposed *Residential Low Intensity* (0-4 units/acre) designation will provide for a single-family residence and is therefore compatible with the surrounding residential low-density (single-family) space land uses.

4. The amendment shall not decrease the LOS Standards for public facilities adopted in Policy 9-1.3 of the City's Comprehensive Plan.

Staff finding: The proposed land use amendment is density neutral, therefore, no increase demand on public facilities is anticipated.

V. CONCLUSION:

The proposed land use amendment is consistent with overall goals, objectives, and Policies of the Daytona Beach Shores Comprehensive Plan (2030).

THE DAYTONA BEACH
NEWS-JOURNAL

P.O. Box 630476, Cincinnati, OH 45263-0476

PROOF OF PUBLICATION

Cheri Schwab
City Of Daytona Beach Shores - Legal
2990 S Atlantic AVE
Daytona Beach FL 32118-6002

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, said legal clerk, who, on oath says that he/she is LEGAL COORDINATOR of The News-Journal, a daily and Sunday newspaper, published at Daytona Beach in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Classified Legal CLEGL in the Circuit Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

10/28/2022

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Subscribed and sworn to before on 10/28/2022

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$1089.80

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MARIAH VERHAGEN
Notary Public
State of Wisconsin

CITY OF DAYTONA BEACH SHORES NOTICE OF ZONING CHANGE

Pursuant to Section 163.3187(1)(c), Florida Statutes, the City of Daytona Beach Shores, Florida, will hold Public Hearings to consider the following ordinance:

ORDINANCE NO. 2022-23

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN, AMENDING CHAPTER 1, "FUTURE LAND USE ELEMENT", BY AMENDING MAP L-4 ENTITLED, "GENERALIZED FUTURE LAND USE MAP (2030)" ASSIGNING THE RESIDENTIAL LOW INTENSITY FUTURE LAND USE DESIGNATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 2822 SOUTH ATLANTIC AVENUE, SHORT TAX PARCEL ID 5327-05-00-0980; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

The public hearings will be held as follows:

- **Planning and Zoning Board: November 7, 2022 at 8:30am**
- **City Council (1st Reading): November 9, 2022 at 7:00pm**
- **City Council (Adoption): December 13, 2022 at 6:00pm**

Please see location map below.



The public hearing will be held in the City Council Chambers in the Community Center located at 3000 Bellemead Drive, Daytona Beach Shores, Florida. All interested parties are invited to appear at this public hearing and submit oral or written objections or comments with respect to the proposed amendment. The amendment package is available for public inspection at the City of Daytona Beach Shores, Community Services Department, Building & Codes Division, 2990 South Atlantic Avenue, Daytona Beach Shores, Florida.

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.



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

October 6, 2022

RE: 2822 S Atlantic Avenue, Short Tax Parcel ID 5327-05-00-0980
Future Land Use Map Amendment and Zoning Map Amendment Hearings

Dear Property Owner:

This letter is to notify you that the City of Daytona Beach Shores has received a voluntary annexation, future land use map amendment, and zoning map amendment application from the owner of the above-subject address, which abuts your property. The City will hold Public Hearings on the rezoning and future land use map amendment applications as follows:

- **Planning and Zoning Board: November 7, 2022 at 8:30am**
- **City Council (1st Reading): November 9, 2022 at 6:00pm**
- **City Council (Adoption): December 13, 2022 at 6:00pm**

The public hearings will be held in the City Council Chambers in the Daytona Beach Shores Community Center located at 3000 Bellemead Drive, Daytona Beach Shores. All interested parties may appear at the public hearings and will be given an opportunity to be heard. If it will be necessary to reschedule or continue any of the public meetings to a later date, it will be your responsibility to obtain the time, date and place of the rescheduled meeting.

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 five days prior to the hearing. If you have any questions, please contact me at (386) 763-5361.

Sincerely,

Noel Eaton
City Planner

Cheri Schwab, City Clerk
Stewart Cruz, Community Services Director

Letters sent to:

Property owner

TRUONG PETER - TE - Tenancy in the Entirety - 50%
TRUONG VANESSA - TE - Tenancy in the Entirety - 50%
DOGG POUND LLC - TIC - Tenancy in Common - 50%
18 KINGS BRIDGE CROSSING
ORMOND BEACH FL 32174

North

JENKINS BELINDA B - FS - Fee Simple - 100%
2820 S ATLANTIC AVE
DAYTONA BEACH FL 32118

South

LITTLE KEITH C & RHONDA LEE - 100%
2826 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118 5802

East

HELMICK MARIA L - TE - Tenancy in the Entirety - 100%
HELMICK ROBERT N - TE - Tenancy in the Entirety - 100%
2823 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118

West

OLSEN CRAIG L & EILEEN M - 100%
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DAYTONA BEACH SHORES FL 32118 5802

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2824 RIDGE RD
DAYTONA BEACH FL 32118

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Article Addressed to:

HELMICK MARIA L & HELMICK
ROBERT N
2823 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118



9590 9402 3790 8032 6146 65

2. Article Number (Transfer from service label)

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PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

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A. Signature

X *RB*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

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Article Addressed to:

JENKINS BELINDA B
2820 S ATLANTIC AVE
DAYTONA BEACH FL 32118



9590 9402 3790 8032 6149 86

(Transfer from service label)

546

PS Form 3811

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A. Signature

X *Belinda Jenkins*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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TRUONG PETER, TRUONG
VANESSA & DOGG POUND LLC
18 KINGS BRIDGE CROSSING
ORMOND BEACH FL 32174



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X *Peter Truong*☐ Agent☒ Addressee

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Mail Restricted Delivery

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OLSEN CRAIG L & EILEEN M
2824 RIDGE RD
DAYTONA BEACH FL 32118



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A. Signature ☒ Agent
Eileen Olsen ☐ Addressee
B. Received by (Printed Name) *EILEEN OLSEN*
C. Date of Delivery *10/8/22*
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
 - ☐ Adult Signature Restricted Delivery
 - ☐ Certified Mail®
 - ☐ Certified Mail Restricted Delivery
 - ☐ Collect on Delivery
 - ☐ Collect on Delivery Restricted Delivery
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Domestic Return Receipt

City of Daytona Beach Shores
Community Services
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118



7018 0680 0000 0863 5721



PAID 10/13
RETURNED 10/23

[Signature]
LITTLE KEITH C & RHONDA LEE
2826 S ATLANTIC AVE
DAYTONA BEACH SHORE

RETURN RECEIPT
REQUESTED
10/10/22

NIXIE

339 DE 1

0010/29/22

RETURN TO SENDER
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32118-580225
32118-5802

SC: 32118600290 *0374-02572-06-45

**NOTICE OF
PUBLIC HEARINGS**

THE CITY OF DAYTONA BEACH SHORES WILL HOLD THE
FOLLOWING PUBLIC HEARINGS AT THE DAYTONA
BEACH SHORES COMMUNITY CENTER LOCATED AT
3000 BELLEMEAD DRIVE:

Planning & Zoning Board: NOV 7th AT 8:30 am
City Council (1st Reading): NOV 9th AT 7:00 pm
City Council (Adoption): DEC 13th AT 6:00 pm

THE OWNER OF THIS PROPERTY HAS SUBMITTED THE
FOLLOWING APPLICATIONS:

- * FUTURE LAND USE MAP AMENDMENT
- * ZONING MAP AMENDMENT
- * ANNEXATION

FOR MORE INFORMATION, PLEASE CONTACT THE CITY OF DAYTONA
BEACH SHORES PLANNING DEPARTMENT AT (386) 765-5576

Notice: After notice is given and decisions by the Planning and Zoning Board or City Council are
made, the City of Daytona Beach Shores will proceed with the implementation of the proposed
amendment to the Future Land Use Map, Zoning Map, and Annexation Map. It is advised that the holder of a
property in the Future Land Use Map, Zoning Map, and Annexation Map should be aware of the
implications of the City of Daytona Beach Shores. The City of Daytona Beach Shores will not be
responsible for the actions of the City of Daytona Beach Shores. It will be the responsibility of the
holder of the property to be aware of the actions of the City of Daytona Beach Shores. The City
of Daytona Beach Shores will not be responsible for the actions of the City of Daytona Beach Shores.

OCT/28/2022

NOTICE OF PUBLIC HEARINGS

THE CITY OF DAYTONA BEACH SHORES WILL HOLD THE
FOLLOWING PUBLIC HEARINGS AT THE DAYTONA
BEACH SHORES COMMUNITY CENTER LOCATED AT
3000 BELLEMEAD DRIVE:

Planning & Zoning Board: November 7th AT 8:30am

City Council (1st Reading): November 9th AT 7:00pm

City Council (Adoption): December 13th AT 6:00pm

THE OWNER OF THIS PROPERTY HAS SUBMITTED THE
FOLLOWING APPLICATIONS:

• Future Land Use Map Amendment

• zoning Map Amendment

• Annexation

FOR MORE INFORMATION, PLEASE CONTACT THE CITY OF DAYTONA
BEACH SHORES PLANNING DEPARTMENT AT (386) 763-5376

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. If it will be
necessary to reschedule this public meeting to a later date, it will be your responsibility to obtain the time,
date and place of the rescheduled meeting.

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.

OCT/28/2022

THE DAYTONA BEACH
NEWS-JOURNAL

P.O. Box 630476, Cincinnati, OH 45263-0476

PROOF OF PUBLICATION

Cheri Schwab
City Of Daytona Beach Shores - Legal
2990 S Atlantic AVE
Daytona Beach FL 32118-6002

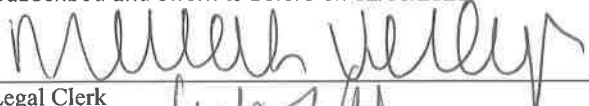
STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, said legal clerk, who, on oath says that he/she is LEGAL COORDINATOR of The News-Journal, a daily and Sunday newspaper, published at Daytona Beach in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Public Notices in the Circuit Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

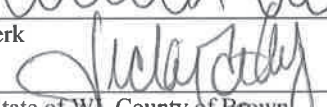
02/03/2023

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Subscribed and sworn to before on 02/03/2023



Legal Clerk



Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$1089.80

Order No: 8379677

of Copies:

Customer No: 465027

1

PO #: 2822 S Atlantic Ave-FLUMA

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

VICKY FELTY
Notary Public
State of Wisconsin



CITY OF DAYTONA BEACH SHORES NOTICE OF LAND USE CHANGE

Pursuant to Section 163.3187(1)(c), *Florida Statutes*, the City of Daytona Beach Shores, Florida, will hold Public Hearings to consider the following ordinance:

ORDINANCE NO: 2022-23

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN, AMENDING CHAPTER 1, "FUTURE LAND USE ELEMENT", BY AMENDING MAP L-4 ENTITLED, "GENERALIZED FUTURE LAND USE MAP (2030)" ASSIGNING THE RESIDENTIAL LOW INTENSITY FUTURE LAND USE DESIGNATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 2822 SOUTH ATLANTIC AVENUE, SHORT TAX PARCEL ID 5327-05-00-0980; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

The public hearings will be held as follows:

- **City Commission (Adoption): February 14, 2023 at 6:00pm**



The public hearing will be held in the City Commission Chambers in the Community Center located at 3000 Bellemead Drive, Daytona Beach Shores, Florida. All interested parties are invited to appear at this public hearing and submit oral or written objections or comments with respect to the proposed amendment. The amendment package is available for public inspection at the City of Daytona Beach Shores, Community Services Department, Planning Division, 2990 South Atlantic Avenue, Daytona Beach Shores, Florida.

Anyone who wishes to appeal any decision by the City Commission 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.



City of Daytona Beach Shores
Community Services Department
Planning & Zoning Division
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118
Telephone (386) 763-5376

December 9, 2022

RE: 2822 S Atlantic Avenue, Short Tax Parcel ID 5327-05-00-0980
Future Land Use Map Amendment and Zoning Map Amendment Hearings

Dear Property Owner:

This letter is to notify you that the City of Daytona Beach Shores approved the voluntary annexation application and is now processing a future land use map amendment and zoning map amendment application from the owner of the above-subject address, which abuts your property. The City will hold Public Hearings on the rezoning and future land use map amendment applications.

These hearings have been rescheduled from the November 9th and December 13th agendas as follows:

- **City Council (1st Reading): January 10, 2023 at 6:00pm**
- **City Council (Adoption): February 14, 2023 at 6:00pm**

The public hearings will be held in the City Council Chambers in the Daytona Beach Shores Community Center located at 3000 Bellemead Drive, Daytona Beach Shores. All interested parties may appear at the public hearings and will be given an opportunity to be heard. If it will be necessary to reschedule or continue any of the public meetings to a later date, it will be your responsibility to obtain the time, date and place of the rescheduled meeting.

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. If you have any questions, please contact me at (386) 763-5376.

Sincerely,

Noel Eaton
City Planner

Cheri Schwab, City Clerk
Stewart Cruz, Community Services Director

Letters sent to:

~~Property owner~~

TRUONG PETER - TE - Tenancy in the Entirety - 50%
TRUONG VANESSA - TE - Tenancy in the Entirety - 50%
DOGG POUND LLC - TIC - Tenancy in Common - 50%
18 KINGS BRIDGE CROSSING
ORMOND BEACH FL 32174

North

JENKINS BELINDA B - FS - Fee Simple - 100%
2820 S ATLANTIC AVE
DAYTONA BEACH FL 32118

South

LITTLE KEITH C & RHONDA LEE - 100%
2826 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118 5802

East

HELMICK MARIA L - TE - Tenancy in the Entirety - 100%
HELMICK ROBERT N - TE - Tenancy in the Entirety - 100%
2823 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118

West

OLSEN CRAIG L & EILEEN M - 100%
2824 RIDGE RD
DAYTONA BEACH FL 32118

7020 0090 0000 0207 5040

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 2820 S ATLANTIC AVE
 DAYTONA BEACH FL 32118

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 HELMICK MARIA L & HELMICK
 ROBERT N
 2823 S ATLANTIC AVE
 DAYTONA BEACH SHORES FL 32118

 12/9/22
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PS Form 3800, April 2015 PSN 7530-02-000-9047

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 & DOGG POUND LLC
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 ORMOND BEACH FL 32174

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Postage

 LITTLE KEITH C & RHONDA LEE
 2826 S ATLANTIC AVE
 DAYTONA BEACH SHORES FL 32118
 5802

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☐ Certified Mail Restricted Delivery \$ _____
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☐ Adult Signature Restricted Delivery \$ _____

Postage

 OLSEN CRAIG L & EILEEN M
 2824 RIDGE RD
 DAYTONA BEACH FL 32118

 12/9/22
 Postmark
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PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

HELMICK MARIA L & HELMICK
ROBERT N
2823 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118



9590 9402 7813 2152 5087 65

2. Article Number (Transfer from service label)

7020 0090 0000 0207 5064

PS Form 3811, July 2020 PSN 7530-02-000-9053

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A. Signature

x Williams

☒ Agent☐ Addressee

B. Received by (Printed Name)

Williams

C. Date of Delivery

12/2/22

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JENKINS BELINDA B
2820 S ATLANTIC AVE
DAYTONA BEACH FL 32118



9590 9402 7813 2152 5087 41

2. Article Number (Transfer from service label)

7020 0090 0000 0207 5040

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x David Muench

☐ Agent☐ Addressee

B. Received by (Printed Name)

David Muench

C. Date of Delivery

12/2/22

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

TRUONG PETER, TRUONG VANESSA
& DOGG POUND LLC
18 KINGS BRIDGE CROSSING
ORMOND BEACH FL 32174



9590 9402 3790 8032 6147 88

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5806

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Peter Truong

☐ Agent☐ Addressee

B. Received by (Printed Name)

PETER-TRUONG

C. Date of Delivery

12-14-22

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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City of Daytona Beach Shores
Community Services
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118



unc
OLSEN CRAIG L & EILEEN M
2824 RIDGE RD
DAYTONA BEACH FL 32118

7020 0090 0000 0207 5071
DEC 09 2023
\$007.829
ZIP CODE 32118



LN/DT
12/12/22

NIXIE 339 DE 1 0001/05/23

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BC: 32118600290 *1301-06104-09-43

32118600290 UNCL

32118600290 UNCL

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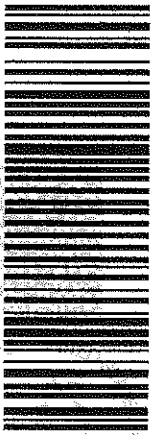
City of Daytona Beach Shores
Community Services
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118



unc
KEITH C & RHONDA LEE
1826 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118
5802

LN/DT
12/12/22

7020 0090 0000 0207 5057
DEC 09 2023
\$007.829
ZIP CODE 32118



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321186002 UNCL

321186002 UNCL



**NOTICE OF
PUBLIC HEARINGS**

THE CITY OF DAYTONA BEACH ADMINISTRATION WILL HOLD THE
FOLLOWING PUBLIC HEARING AT THE DAYTONA
BEACH ADMINISTRATION CENTER LOCATED AT
1000 W. HOLLAND AVE. SUITE 100

Planning & Zoning Board: AT 10:00 AM
City Council (1st Reading): AT 11:00 AM
City Council (Adoptive): AT 11:00 AM

THE OWNER OF THIS PROPERTY HAS SUBMITTED THE
FOLLOWING APPLICATION:
* REZONING FROM RS-10 TO RS-15

APPROXIMATE
THE PROPOSED PROJECT WILL BE LOCATED AT THE CORNER OF
HOLLAND AVE. AND 10TH AVE. SUITE 100

FEB/ 6/2023



NOTICE OF PUBLIC HEARINGS

THE CITY OF DAYTONA BEACH SHORES WILL HOLD THE
FOLLOWING PUBLIC HEARINGS AT THE DAYTONA
BEACH SHORES COMMUNITY CENTER LOCATED AT
3000 BELLEMEAD DRIVE:

Planning & Zoning Board: _____ AT _____
City Council (1st Reading): JAN 10 AT 6:00 pm
City Council (Adoption): FEB 14 AT 6:00 pm

THE OWNER OF THIS PROPERTY HAS SUBMITTED THE
FOLLOWING APPLICATIONS:

- FUTURE LAND USE MAP AMENDMENT
- ZONING MAP AMENDMENT
- ANNEXATION

FOR MORE INFORMATION, PLEASE CONTACT THE CITY OF DAYTONA
BEACH SHORES PLANNING DEPARTMENT AT (386) 763-5376

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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. If it will be
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date and place of the rescheduled meeting.

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.

FEB/ 6/2023



CITY COMMISSION AGENDA MEMORANDUM FEBRUARY 14, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-25: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 3615 Cardinal Boulevard

SYNOPSIS:

Ordinance 2022-25, if adopted, would amend the City's Adopted Comprehensive Plan Update (2030) Future Land Use Map by assigning the residential low intensity future land classification to the recently annexed single-family residential property located at 3615 Cardinal Boulevard (Exhibit A). The application (Exhibit B) was submitted by Theresa Durkin, owner of the subject property. Applying a City future land use designation is a requirement of Florida Law whenever a property is annexed. The property is 0.15 acres and is occupied by a 1,278 square foot residential structure. The proposed amendment is compatible with the current Volusia County future land use category and as such, the use will remain as single-family residential.

Due public notice has not been met for this application due to publishing errors by the publishing company. Planning staff is recommending to continue this item until a time certain at the next City Commission meeting on February 28th, 2023.

FISCAL IMPACT STATEMENT:

Annexation of 3615 Cardinal Boulevard would generate approximately \$821.62 in ad valorem tax revenue based on the current millage.

BACKGROUND:

A. BACKGROUND

The subject property, located at 3615 Cardinal Boulevard, was recently annexed into the corporate limits of the City of Daytona Beach Shores pursuant to the voluntary annexation process outlined in Section 171.044, Florida Statutes . However, Section 171.062, Florida Statutes limits regulatory and development control over an annexed property if the area annexed was subject to a county land use plan and county zoning and the municipality does not adopt a comprehensive plan and zoning amendment that includes the annexed area. Therefore, the County land use plan and zoning regulations will remain in full force and effect until the City changes the future land use classification and zoning designation of the subject property. The purpose of this application is to realize the

former. Additionally, the property owner has also submitted an application to rezone the property to the City's RSF-2 Urban Single-Family Residential Detached District, consistent with the existing and surrounding land uses and current Volusia County R-6 District zoning classification. The rezoning will occur subsequent to the future land use amendment associated with the subject property.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Planning staff is recommending to continue Ordinance 2022-25 until a time certain at the next City Commission meeting on February 28th, 2023.

SUGGESTED MOTION:

A City Commissioner may motion as follows:

1. "I move to continue Ordinance 2022-25 until a time certain at the next City Commission meeting on February 28th, 2023."

ATTACHMENT:	1. ORD 2022-25-FLUMA-3615 Cardinal Blvd-Durkin 2. Exhibit A-Location Map-3615 Cardinal Blvd 3. Exhibit B-Application 4. Exhibit C-ORD 2022-25-Planning Analysis-FLUMA-3615 Cardinal Blvd
--------------------	--

ORDINANCE NO: 2022-25

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING *THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN*, AMENDING CHAPTER 1, “FUTURE LAND USE ELEMENT”, BY AMENDING MAP L-4 ENTITLED, “GENERALIZED FUTURE LAND USE MAP (2030)” ASSIGNING THE RESIDENTIAL LOW INTENSITY FUTURE LAND USE DESIGNATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 3615 CARDINAL BOULEVARD, SHORT TAX PARCEL ID 6302-05-10-0111; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the City of Daytona Beach Shores has the authority to amend its Comprehensive Plan pursuant to Part II, Chapter 163, *Florida Statutes*; and

WHEREAS, the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* directly relates to small scale development activities as provided in Section 163.3187(1)(c), *Florida Statutes*; and

WHEREAS, the Volusia County Growth Management Commission has issued a determination of consistency in accordance with Section 202.3 of the *Charter of Volusia County, Florida*, for the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan*; and

WHEREAS, the Planning and Zoning Board, which is the local planning agency of the City, and City Council of the City of Daytona Beach Shores have conducted public hearings and issued notices required by Florida law in the preparation and enactment of this Ordinance; and

WHEREAS, Theresa Durkin, owner of the real property with short tax parcel ID 6302-05-10-0111 and located at 3615 Cardinal Boulevard, submitted an owner initiated future land use map amendment application to the City of Daytona Beach Shores; and

WHEREAS, Theresa Durkin, owner of the subject property, is requesting the City of Daytona Beach Shores amends the future land use classification of the subject real property to Residential Low Intensity; and

WHEREAS, the City Council of the City of Daytona Beach Shores declares that the purpose and intent of the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* is to guide future growth and development; encourage the most appropriate use of the land, water and other resources, consistent with the public interest, promote and protect the public health, safety, comfort, good order, appearance, convenience, aesthetics, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; provide adequate facilities and services; conserve and protect natural resources within the City, while protecting private property rights; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds that this Ordinance serves the best interest of the City of Daytona Beach Shores; and

WHEREAS, underlined words shall constitute additions to the original text of the Comprehensive Plan, *** shall constitute ellipses, and ~~strike through~~ shall constitute deletions to the Comprehensive Plan.

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

SECTION ONE: CHANGE IN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP. Chapter 1, “Future Land Use Element,” containing the Official Future Land Use Map (Map L-4) of the *City of Daytona Beach Shores Comprehensive Plan* is hereby amended to change the Future Land Use Designation of a +/-0.15-acre property from Volusia County Urban Low Intensity to Daytona Beach Shores Residential Low Intensity as to property as described in Exhibit “A” as follows:

Location Address	Short Tax Parcel ID	Daytona Beach Shores Future Land Use Designation
3615 Cardinal Boulevard	6302-05-10-0111	Residential Low Intensity

SECTION TWO: IMPLEMENTING ADMINISTRATIVE ACTIONS. The Community Services Director is hereby authorized to transmit copies of the adopted amendment to the *City of Daytona Beach Shores Comprehensive Plan* to the appropriate agencies and to any other unit of local government who has filed a written request for a copy in accordance with the provisions of Section 163.3187(1)(c)2.b, *Florida Statutes* and *Volusia Growth Management Rules*.

SECTION THREE: CONFLICTS. All ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION FOUR: SEVERABILITY. If any section or portion of a section of this Ordinance, or application of any provision of this Ordinance, proves to be invalid, unlawful, or

unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Ordinance.

SECTION FIVE: NON-CODIFICATION. This Ordinance shall be not be codified in the *City Code of the City of Daytona Beach Shore* or, the *Land Development Code of the City of Daytona Beach Shores*, or the *City of Daytona Beach Shores Comprehensive Plan* provided, however, that the actions taken herein shall be depicted in the *City of Daytona Beach Shores Comprehensive Plan* and on the Future Land Use Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION SIX: EFFECTIVE DATE. This Ordinance shall become effective, in accordance with the provisions of Section 163.3187, *Florida Statutes*, thirty-one (31) days after enactment; provided, however, if this Ordinance is challenged within thirty (30) days after enactment, this Ordinance shall not become effective until the Florida Department of Community Affairs, acting as the State Land Planning Agency, or the Administration Commission, respectively, issues a final order determining that the small scale development amendment to the *City of Daytona Beach Shores Comprehensive Plan* set forth in this Ordinance is in compliance.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

KURT SWARTZLANDER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

GRETCHEN R. H. "BECKY" VOSE, CITY ATTORNEY

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

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

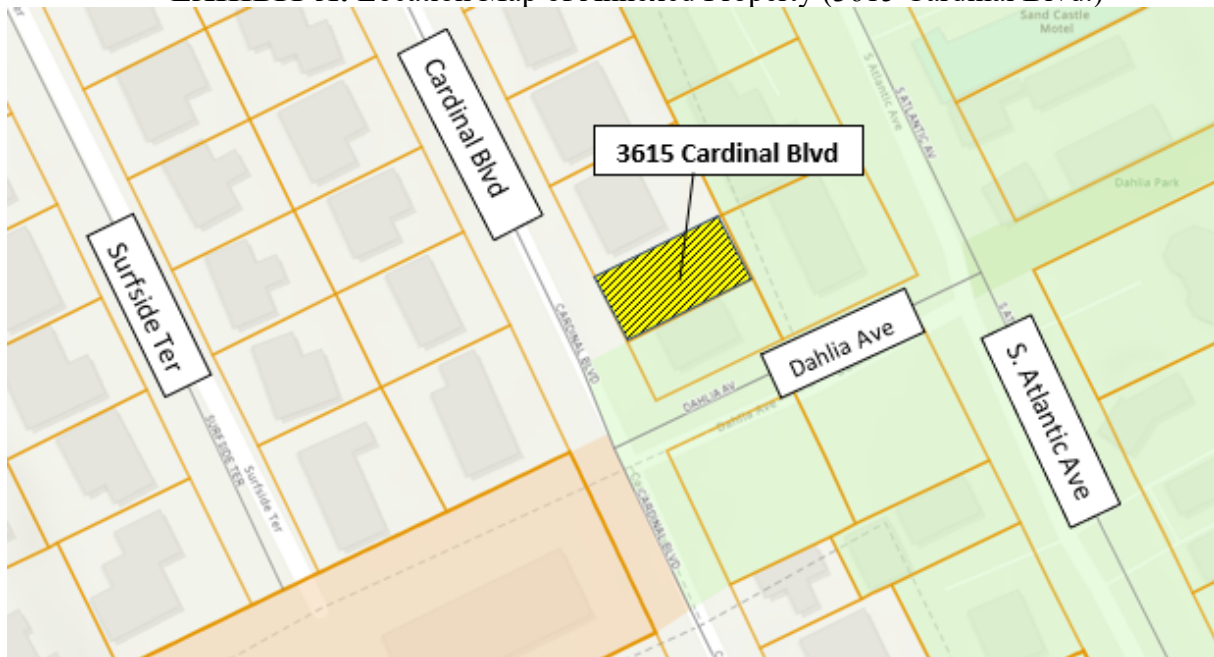
EXHIBIT A

THE WEST 100 FEET OF LOT 11, BLOCK 10, TOGETHER WITH THE EASTERLY 1/2 OF CARDINAL BOULEVARD (PLATTED PENINSULA BLVD) LYING BETWEEN THE WESTERLY EXTENSION OF THE NORTH AND SOUTH LINES OF SAID LOT 11, ALL IN MAP OF OCEAN VIEW SECTION OF HALIFAX ESTATES, AS RECORDED IN MAP BOOK 11, PAGE 100, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 11; THENCE N60°52'43"E ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 100.00 FEET TO THE EAST LINE OF THE WEST 100 FEET OF SAID LOT 11; THENCE S28°28'17"E ALONG SAID EAST LINE, 50.00 FEET TO THE SOUTH LINE OF SAID LOT 11; THENCE S60°52'43"W ALONG SAID SOUTH LINE AND THE WESTERLY EXTENSION THEREOF, 135.00 FEET TO THE CENTERLINE OF SAID CARDINAL BOULEVARD; THENCE N28°28'17"W ALONG SAID CENTERLINE, 50.00 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 11; THENCE ALONG SAID WESTERLY EXTENSION N60°52'43"E, 35.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.155 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (3615 Cardinal Blvd.)



Source: Volusia County Property Appraiser Website, 2022



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

APPLICATION FOR COMPREHENSIVE PLAN/FUTURE LAND USE MAP
AMENDMENT

The Undersigned Applicant requests the Planning and Zoning Board AND City Council
to hear and decide upon this application in accordance with Sec. 2-2 of the Land
Development Code and Florida Law.

Date Submitted: 5.24.22

Applicable Section of the Comprehensive Plan: _____

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

Applicant's Name: Terry Durbin

Address: 3615 Cardinal Blvd Phone #: 386-881-7690

Property Address: Daytona Beach

Existing Property Use: _____

Representing Attorney (if any): _____

Address: _____ Phone #: _____

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 Planning and Zoning hearing date.

Legal description of the property:

Description of your request:

Terry Durbin
Applicant's Signature

5.24.22
Date

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-25

A. INTRODUCTION

The proposed amendment seeks to change the future land use designation of a single-family residential property, recently annexed into the City, from Volusia County *Urban Low Intensity* (0.2-4.0 units/acre) to Daytona Beach Shores *Residential Low Intensity* (0-4.0 units/acre). The +/- 0.15-acre property is located at 3615 Cardinal Boulevard. The subject application, if approved, would result in the fifth 2022 small-scale comprehensive plan amendment for the City of Daytona Beach Shores in accordance with Section 163.3187, *Florida Statutes*.

B. PROPOSED AMENDMENT ITEM(S)

Item 1: Map Amendment - Chapter 1, Future Land Use Element: amending Map L-4 entitled, “Generalized Future Land Use Map (2030),” to change the future land use classification of the annexing property located at 3615 Cardinal Blvd. from Volusia County *Urban Low Intensity* to Daytona Beach Shores *Residential Low Intensity*:

Overview:

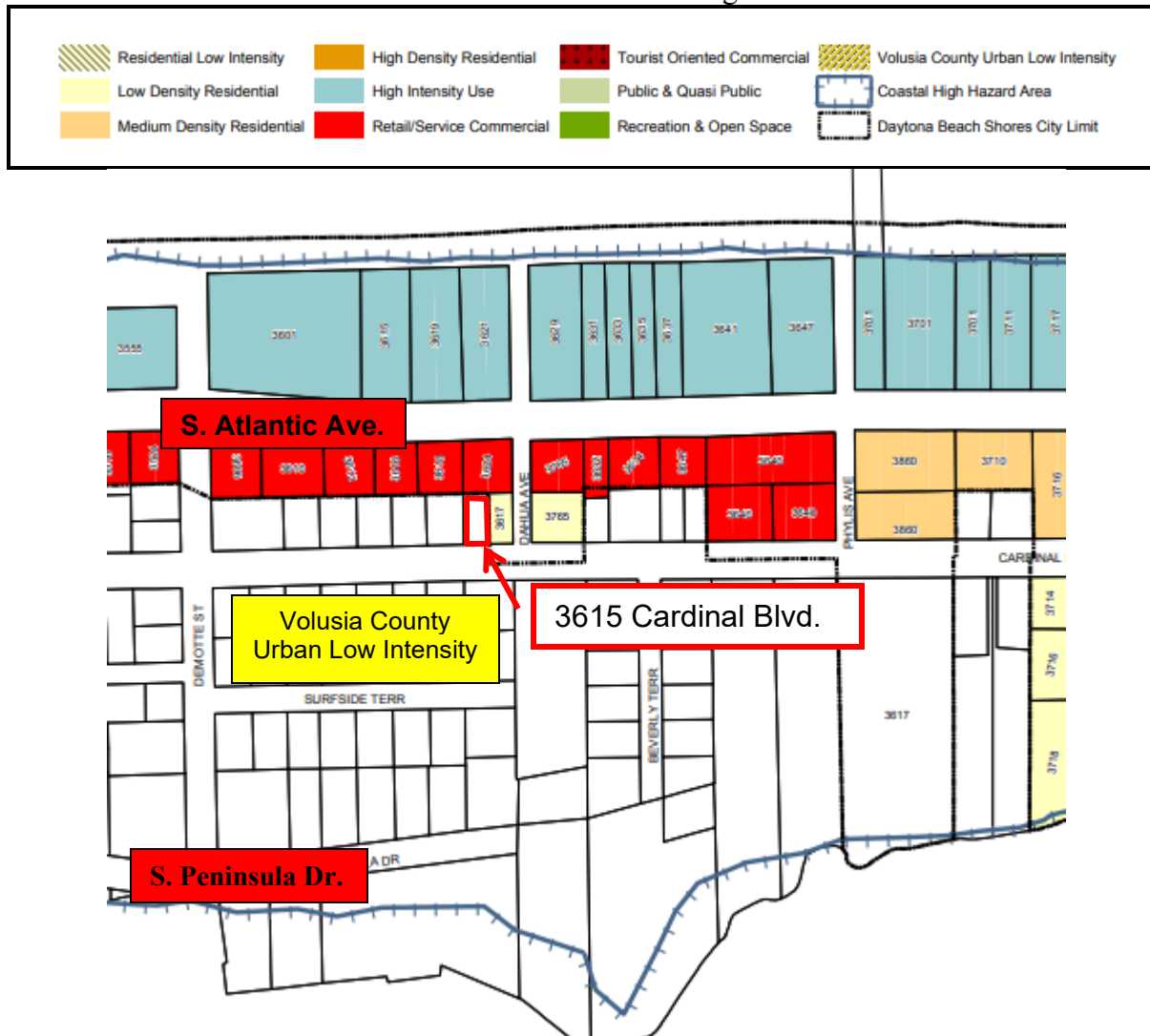
The property is currently vacant. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-6” (Urban Single-Family Residential District), respectively. The surrounding future land use designations and zoning classifications are depicted in **Table 1** below while the future land use is illustrated in **Figure 1**. The subject request is to change the FLU designation to Daytona Beach Shores *Residential Low Intensity* (0-4 units/acre).

Table 1: Abutting Zoning and Future Land Use Classification

Location	Zoning		Future Land Use	
	Existing	Proposed	Existing	Proposed
Subject Property	R-6*	RSF-2	Volusia County Urban Low Intensity	Residential Low Intensity
North	R-6*		Volusia County Urban Low Intensity	
South	RSF-2		DBS Low Density Residential	
East	GC-2		Retail Service Commercial	
West	R-4*		Volusia County Urban Low Intensity	

Notes: *R-4 & R-6 = Volusia County *Urban Single-Family Residential District*.

FIGURE 1 3615 Cardinal Blvd.- Surrounding Future Land Use



Description, Data and Analysis:

The analysis conducted below demonstrates the amendment's compliance with the City's Comprehensive Plan and the Florida Administrative Code for future land use map amendments. Therefore, the analysis shows that there will not be any significant impacts on the environment, roadways, public schools and utilities as the allowable densities and use will remain the same.

I. IMPACTS OF PROPOSED AMENDMENT

The current Volusia County *Urban Low Intensity* Future Land Use (FLU) classification allows a maximum density of four (4) units per acre. Under the proposed Daytona Beach Shores FLU designation, *Residential Low Intensity*, the maximum density allowed is also four (4) units per acre. Therefore, the proposed land use amendment would not result in any change in residential density permitted. Given the +/-0.15-acre size of the property, the proposed amendment would allow only one (1) residential unit on site, which is the same as currently allowed under the Volusia County FLU classification.

The property is currently occupied by a single-family residential structure. Additionally, the proposed Daytona Beach Shores zoning for this property, RSF-2 Urban Single-Family Residential Detached District, would permit only one residential dwelling unit on site. So, from a practical and planning perspective the proposed future land use change will result in no net change in density and impacts.

In accordance with the Daytona Beach Shores Comprehensive Plan Update (2030) and standard practice from the Florida Department Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the current future land use designation versus the designation proposed (**Table 2** below). The following seven public facilities and services were examined and discussed briefly below: (1) Transportation, (2) Sanitary Sewer, (3) Potable Water, (4) Solid Waste, (5) Stormwater Drainage, (6) Recreation, and (7) Public Schools.

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	1	1	None
Population ¹	1.6	1.6	None
AM / PM Peak Hour Trips ²	0.75/1.01	0.75/1.01	None
Sanitary Sewer (gallons/day) ³	250	250	None
Potable Water (gallons/day) ⁴	176	176	None
Solid Waste (lbs./person) ⁵	16	16	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space	See summary below	See summary below	None
Public School Student(s)	0.396	0.396	None

Notes:

1. Population: 1.6 persons per dwelling unit in DBS
2. Transportation: Rates are for peak hour of adjacent street traffic
Single-family residential unit = 0.75 AM trips, 1.01 PM trips
3. Sanitary Sewer: 250 gallons per dwelling unit per day
4. Potable Water: 110 gallons per capita per day
5. Solid Waste: 10 pounds per capita per day
6. Stormwater Drainage: LOS standard = 25-year, 24-hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code.
7. Public School: Generation rates = 0.396 per single-family unit.

Sources:

2020 US Census
ITE Trip Generation Manual, 8th Edition
Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)

Transportation:

The subject property is a single-family lot with vehicular transportation access to the abutting Cardinal Blvd., which is a local road connecting to Dunlawton Boulevard (SR421). The subject property is one property north of Dahlia Avenue which connects to S. Atlantic Avenue (county). The two roads connect to Dunlawton Boulevard (SR421) and International Speedway Boulevard (US92) which are both principal arterial roads leading to the interstate system. The allowable Level-Of-Service (LOS) standard for S. Atlantic Avenue and Dunlawton Blvd is “D” and both are operating at acceptable levels of service. There will be no net change in vehicular trips as demonstrated in **Table 2** above and the allowed LOS standard will continue to be maintained.

Sanitary Sewer:

The City’s adopted LOS standard for sanitary sewer is 250 gallons per dwelling unit per day. Using this standard, the proposed land use would theoretically generate a demand of 250 gallons per day consistent with the current future land use. However, since no increase in the number of entitled dwelling units would occur there is no net change in theoretical demand. Regardless, it should be noted that the City of Port Orange sewer treatment facility is currently operating at an acceptable level of service.

Potable Water:

The City's adopted LOS standard for potable water is 110 gallons per capita per day. Using this standard, the proposed land use would theoretically create a demand of 176 gallons of water per day. No increase in number of theoretical dwelling units or demand will occur. In addition, the current potable water usage is already accounted for in Port Orange's current consumptive use permit (CUP).

Solid Waste Collection:

The proposed land use allows for one (1) residential unit that would be expected to support a population of 1.6 persons, which together would theoretically generate 16 pounds of solid waste per day. Solid waste generated within the City of Daytona Beach Shores is collected by Waste Pro, which delivers it to the Volusia County landfill. The 3,000-acre landfill is a Class I facility with a projected life span to the year 2050.

Stormwater Drainage:

The City's adopted LOS standard for stormwater is the 25-year, 24-hour storm event. More specifically, the stormwater facilities must be capable of treating and conveying the runoff from such a storm without causing flooding of adjacent properties or polluting any receiving water bodies. In addition, the Comprehensive Plan requires that there be no net loss of stormwater retention function as a result of development. Therefore, if the property is developed the parcel must have the same ability to store and discharge water after development as it does before development occurs. The applicants would be required to address stormwater retention on the property in accordance with these City standards.

Recreation and Open Space:

The proposed amendment would theoretically add 1.6 residents to the City of Daytona Beach Shores. The City's most recent population count was 5,179 (2020 US Census). Policy 7-1.2.1 and Policy 9-1.3.1 in the City's Comprehensive plan establish the LOS standards for recreation facilities within the City. Considering the City's population and the City's recreational LOS standards, it is easy to conclude that Daytona Beach Shores currently has adequate capacity for all recreational facilities as required by the City's Adopted Comprehensive Plan and seen in **Table 3** below.

Table 3: Recreation Facilities Analysis

Type of Park/ Recreational Facility	Unit of Measure/LOS Standard	Current LOS (Facilities)	Deficit
Playgrounds	one per 10,000 people	1	None
Neighborhood Park	one per 10,000 people	5	None
Community Park	one per 25,000 people	1	None
Children's Play Areas	one per 10,000 people	1	None
Baseball/Softball Field	one per 15,000 people	1	None
Tennis Courts	one per 2,000 people	11	None
		1	None

Community Center	one per 20,000 people		
Exercise Trail	one per 14,000 people	1	None
Nature Study Trail	one per 14,000 people	1	None

Public Schools:

Based on the Volusia County School District's student generation rate for a single-family dwelling unit, the proposed land use could generate at least one (1) full time student. This is exactly the same that could be generated by the existing Volusia County future land use due to the residential density neutrality of the proposed change. Therefore, no increase impact on existing public school facilities is expected. Further, due to the aforementioned, the FLU amendment is exempt from the School District review.

II. LAND USE COMPATIBILITY

The FLU of the surrounding area is primarily residential low intensity (single-family) in character (**Figure 1**). The subject property is located in a single-family neighborhood **Figure 2**.

Figure 2: Aerial View of 3615 Cardinal Blvd. and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2022

Considering the above along with **Table 1** contained in the body of this staff report, it is clear that the proposed land use, which is a density neutral land use request, is consistent with the existing and future land use of the surrounding neighborhood.

III. APPLICABLE PLANS, CODES AND REGULATIONS

Future Land Use Element (Daytona Beach Shores Comprehensive Plan):

Policy 1-1.1.5: (a) The City shall maintain at least a Level of Service standard "D" at all times on its roadway network throughout the City. This shall include Dunlawton Boulevard, including the bridge. The maintenance of this Level of Service standard is important to ensure that an efficient flow of traffic can be maintained on these primary roads in the event of a hurricane threat. (b) Maintain the clearance time of the population in the Hurricane Vulnerability Zone at sixteen (16) hours based on a level of service standard "D" during the time of a category 5-storm event as measured on the Saffir-Simpson scale. This policy is consistent with the stated objectives contained in the Coastal Management Element of the Volusia County Comprehensive Plan regarding hurricane evacuation and Section 163.3178 (9) (b), F.S. and based on the most current East Central Florida Regional Planning Council hurricane study.

Policy 1-1.2.2: The City's existing policy of requiring written assurance from any entity providing sewage treatment, potable water, or solid waste disposal shall be maintained throughout the planning period.

Objective 1-1.4: Land uses that are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged. This shall take the form of not allowing any objectionable uses (industrial, warehousing, etc.) in the new Land Development Code that will be adopted subsequent to this Comprehensive Plan.

Capital Improvement Element

Policy 9-1.3: The City shall use the following Level of Service (LOS) standards in reviewing the impacts of new development and redevelopment on public facility provisions:

- (a) **Sanitary Sewers:** 250 gallons per dwelling unit per day
- (b) **Solid Waste:** 10 pounds per capita per day
- (c) **Drainage:** 25-year, 24-hour design storm
- (d) **Potable Water:** 110 gallons/capita/day (gcd) for Port Orange Service Area
150 gcd for Daytona Beach Service Area
- (e) **Roadways:** Arterials: LOS "D" at peak hour
Collectors: LOS "C" at peak hour
- (f) **Recreation:** See Table 3 above

IV. REVIEW CRITERIA AND STAFF FINDINGS

1. The amendment shall not decrease the LOS Standard for hurricane evacuation routes below LOS Standard D and (b) the amendment shall not increase the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above 16 hours.

Staff finding: The proposed land use amendment is density neutral. Consequently, no increase in traffic is anticipated as a result of the proposed change, therefore: (a) there will be no decrease in the adopted LOS Standard for Cardinal Blvd, Dunlawton Blvd or S

Atlantic Avenue; and (b) considering the aforementioned, the hurricane evacuation clearance time shall remain the same for the subject roads in question.

2. Written assurances from service providers for sewage treatment, potable water, and solid waste shall be provided when there is a future land use map amendment result in an increase in density or intensity.

Staff finding: The proposed land use amendment is density neutral and the site is already developed. Therefore, no increase in demand is anticipated and no written assurances are needed from service providers since services are already being provided for at the accepted LOS standard.

3. The amendment shall not result in objectionable land use designations inconsistent with the character of the overall future land use plan.

Staff finding: The proposed amendment will not result in an incompatible land use designation with adjacent parcels, the neighborhood or overall character of the future land use plan. The proposed *Residential Low Intensity* (0-4 units/acre) designation will provide for a single-family residence and is therefore compatible with the surrounding residential low-density (single-family) space land uses.

4. The amendment shall not decrease the LOS Standards for public facilities adopted in Policy 9-1.3 of the City's Comprehensive Plan.

Staff finding: The proposed land use amendment is density neutral, therefore, no increase demand on public facilities is anticipated.

V. **CONCLUSION:**

The proposed land use amendment is consistent with overall goals, objectives, and Policies of the Daytona Beach Shores Comprehensive Plan (2030).



CITY COMMISSION AGENDA MEMORANDUM FEBRUARY 14, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-27: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 105 Broad Avenue

SYNOPSIS:

Ordinance 2022-27, if adopted, would amend the City's Adopted Comprehensive Plan Update (2030) Future Land Use Map by assigning the residential low intensity future land classification to the recently annexed single-family residential property located at 105 Broad Avenue (Exhibit A). The application (Exhibit B) was submitted by James Tully, owner of the subject property. Applying a City future land use designation is a requirement of Florida Law whenever a property is annexed. The property is 0.28 acres and is occupied by a 2,748 square foot residential structure. The proposed amendment is compatible with the current Volusia County future land use category and as such, the use will remain as single-family residential.

FISCAL IMPACT STATEMENT:

The annexation of 105 Broad Avenue would generate approximately \$361.60 in ad valorem tax revenue based on current millage rates.

BACKGROUND:

A. BACKGROUND

The subject property, located at 105 Broad Avenue, was recently annexed into the corporate limits of the City of Daytona Beach Shores pursuant to the voluntary annexation process outlined in Section 171.044, Florida Statutes. However, Section 171.062, Florida Statutes limits regulatory and development control over an annexed property if the area annexed was subject to a county land use plan and county zoning and the municipality does not adopt a comprehensive plan and zoning amendment that includes the annexed area. Therefore, the County land use plan and zoning regulations will remain in full force and effect until the City changes the future land use classification and zoning designation of the subject property. The purpose of this application is to realize the former. Additionally, the property owner has also submitted an application to rezone the property to the City's RSF-2 Urban Single-Family Residential Detached District, consistent with the existing and surrounding land uses and current Volusia County R-9 District zoning classification. The rezoning will occur subsequent to the future land use amendment associated with the subject property.

All notice requirements have been met.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis and proof of due public notice.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-27 as presented.

SUGGESTED MOTION:

A City Commissioner may motion as follows:

1. "I move to approve Ordinance 2022-27 as presented."

OR

2. "I move to approve Ordinance 2022-27, with the following amendments..."

OR

3. "I move to deny Ordinance 2022-27, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2022-27-FLUMA-105 Broad Avenue
 2. Exhibit A-Location Map-105 Broad Avenue
 3. Exhibit B- Application
 4. Exhibit C-Planning Analysis-FLUMA-105 Broad Avenue-ORD 2022-27

ORDINANCE NO: 2022-27

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING *THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN*, AMENDING CHAPTER 1, “FUTURE LAND USE ELEMENT”, BY AMENDING MAP L-4 ENTITLED, “GENERALIZED FUTURE LAND USE MAP (2030)” ASSIGNING THE RESIDENTIAL LOW INTENSITY FUTURE LAND USE DESIGNATION TO ANNEXED PROPERTY LOCATED AT 105 BROAD AVENUE, SHORT TAX PARCEL ID 5335-05-00-0260; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the City of Daytona Beach Shores has the authority to amend its Comprehensive Plan pursuant to Part II, Chapter 163, *Florida Statutes*; and

WHEREAS, the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* directly relates to small scale development activities as provided in Section 163.3187(1)(c), *Florida Statutes*; and

WHEREAS, the Volusia County Growth Management Commission has issued a determination of consistency in accordance with Section 202.3 of the *Charter of Volusia County, Florida*, for the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan*; and

WHEREAS, the Planning and Zoning Board, which is the local planning agency of the City, and City Council of the City of Daytona Beach Shores have conducted public hearings and issued notices required by Florida law in the preparation and enactment of this Ordinance; and

WHEREAS, James Tully, owner of the real property with short tax parcel ID 5335-05-00-0260 and located at 105 Broad Avenue, submitted an owner initiated future land use map amendment application to the City of Daytona Beach Shores; and

WHEREAS, James Tully, owner of the subject property, is requesting the City of Daytona Beach Shores amends the future land use classification of the subject real property to Residential Low Intensity; and

WHEREAS, the City Council of the City of Daytona Beach Shores declares that the purpose and intent of the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* is to guide future growth and development; encourage the most appropriate use of the land, water and other resources, consistent with the public interest, promote and protect the public health, safety, comfort, good order, appearance, convenience, aesthetics, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; provide adequate facilities and services; conserve and protect natural resources within the City, while protecting private property rights; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds that this Ordinance serves the best interest of the City of Daytona Beach Shores; and

WHEREAS, underlined words shall constitute additions to the original text of the Comprehensive Plan, *** shall constitute ellipses, and ~~strike through~~ shall constitute deletions to the Comprehensive Plan.

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

SECTION ONE: CHANGE IN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP. Chapter 1, “Future Land Use Element,” containing the Official Future Land Use Map (Map L-4) of the *City of Daytona Beach Shores Comprehensive Plan* is hereby amended to change the Future Land Use Designation of a +/-0.28-acre property from Volusia County Urban Low Intensity to Daytona Beach Shores Residential Low Intensity as to property as described in Exhibit “A” as follows:

Location Address	Short Tax Parcel ID	Daytona Beach Shores Future Land Use Designation
105 Broad Avenue	5335-05-00-0260	Residential Low Intensity

SECTION TWO: IMPLEMENTING ADMINISTRATIVE ACTIONS. The Community Services Director is hereby authorized to transmit copies of the adopted amendment to the *City of Daytona Beach Shores Comprehensive Plan* to the appropriate agencies and to any other unit of local government who has filed a written request for a copy in accordance with the provisions of Section 163.3187(1)(c)2.b, *Florida Statutes* and *Volusia Growth Management Rules*.

SECTION THREE: CONFLICTS. All ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION FOUR: SEVERABILITY. If any section or portion of a section of this Ordinance, or application of any provision of this Ordinance, proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Ordinance.

SECTION FIVE: NON-CODIFICATION. This Ordinance shall be not be codified in the *City Code of the City of Daytona Beach Shore* or, the *Land Development Code of the City of Daytona Beach Shores*, or the *City of Daytona Beach Shores Comprehensive Plan* provided, however, that the actions taken herein shall be depicted in the *City of Daytona Beach Shores Comprehensive Plan* and on the Future Land Use Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION SIX: EFFECTIVE DATE. This Ordinance shall become effective, in accordance with the provisions of Section 163.3187, *Florida Statutes*, thirty-one (31) days after enactment; provided, however, if this Ordinance is challenged within thirty (30) days after enactment, this Ordinance shall not become effective until the Florida Department of Community Affairs, acting as the State Land Planning Agency, or the Administration Commission, respectively, issues a final order determining that the small scale development amendment to the *City of Daytona Beach Shores Comprehensive Plan* set forth in this Ordinance is in compliance.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

KURT SWARTZLANDER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

GRETCHEN R. H. "BECKY" VOSE, CITY ATTORNEY

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

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

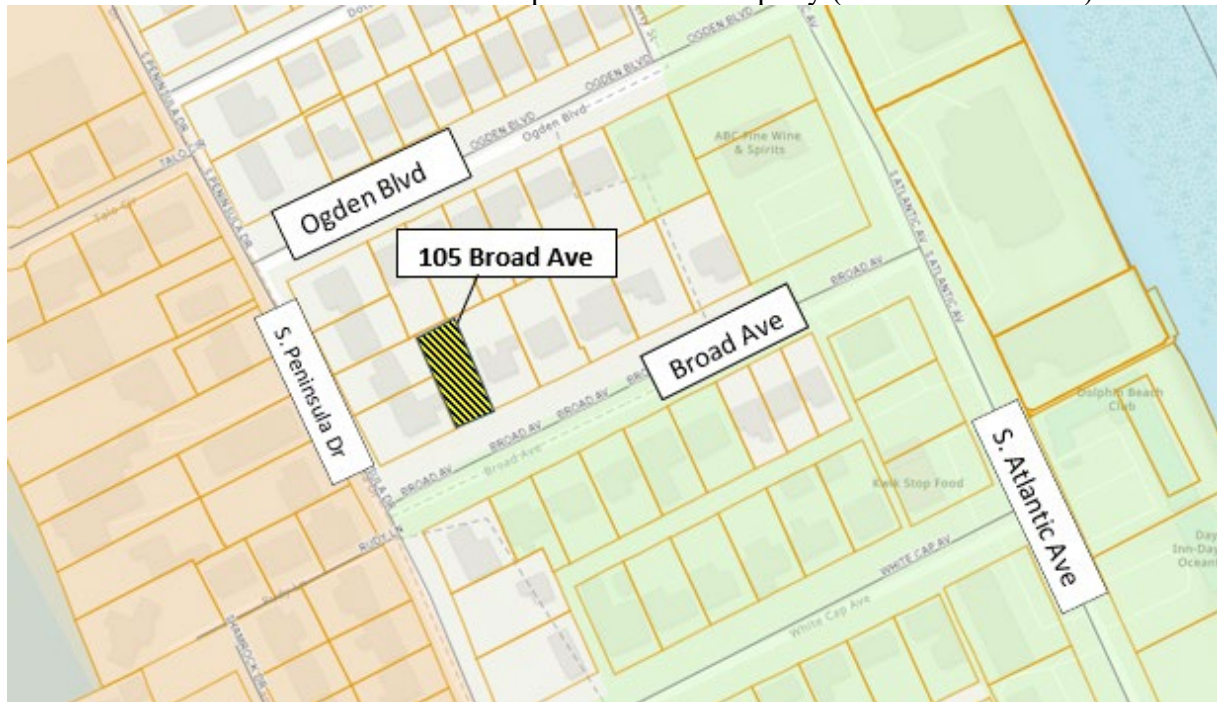
EXHIBIT A

THE EASTERLY 60 FEET OF LOTS 26, 27, AND 28, TOGETHER WITH THE NORTHERLY 1/2 OF BROAD AVENUE (PLATTED THIRD AVENUE) LYING BETWEEN THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 28 AND THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28, ALL IN CARTER-NORWOOD REPLAT, AS RECORDED IN MAP BOOK 19, PAGE 16, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 26; THENCE S25°39'00"E ALONG THE EAST LINE OF SAID LOTS 26, 27, AND 28 AND THE SOUTHERLY EXTENSION THEREOF, 200.04 FEET TO THE CENTERLINE OF BROAD AVENUE; THENCE S64°09'00"W ALONG SAID CENTERLINE, 60.00 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28; THENCE N25°39'00"W ALONG SAID SOUTHERLY EXTENSION AND ALONG THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28, A DISTANCE OF 200.04 FEET TO THE NORTH LINE OF SAID LOT 26; THENCE N64°09'00"E ALONG SAID NORTH LINE, 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.276 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (105 Broad Avenue)



Source: Volusia County Property Appraiser Website, 2022



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

432365

RECEIVED

OCT 06 2022

12022049

BUILDING AND CODES DIVISION
 DAYTONA BEACH SHORES

**APPLICATION FOR COMPREHENSIVE PLAN/FUTURE LAND USE MAP
 AMENDMENT**

The Undersigned Applicant requests the Planning and Zoning Board AND City Council to hear and decide upon this application in accordance with Sec. 2-2 of the Land Development Code and Florida Law.

Date Submitted: 10.6.22

Applicable Section of the Comprehensive Plan: Future Land Use Map

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

Applicant's Name: James Tully

Address: 105 Broad Ave Phone #: _____

Property Address: 105 Broad Ave

Existing Property Use: Single-Family Residential

Representing Attorney (if any): _____

Address: _____ Phone #: _____

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 Planning and Zoning hearing date.

Legal description of the property:

Description of your request:

Change PLM class from county residential to city
residential for annexation.

James Tully
 Applicant's Signature

10.6.22
 Date

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-27

A. INTRODUCTION

The proposed amendment seeks to change the future land use designation of a single-family residential property, recently annexed into the City, from Volusia County *Urban Low Intensity* (0.2-4.0 units/acre) to Daytona Beach Shores *Residential Low Intensity* (0-4.0 units/acre). The +/- 0.28-acre property is located at 105 Broad Avenue. The subject application, if approved, would result in the sixth 2022 small-scale comprehensive plan amendment for the City of Daytona Beach Shores in accordance with Section 163.3187, *Florida Statutes*.

B. PROPOSED AMENDMENT ITEM(S)

Item 1: Map Amendment - Chapter 1, Future Land Use Element: amending Map L-4 entitled, “Generalized Future Land Use Map (2030),” to change the future land use classification of the annexing property located at 105 Broad Avenue from Volusia County *Urban Low Intensity* to Daytona Beach Shores *Residential Low Intensity*:

Overview:

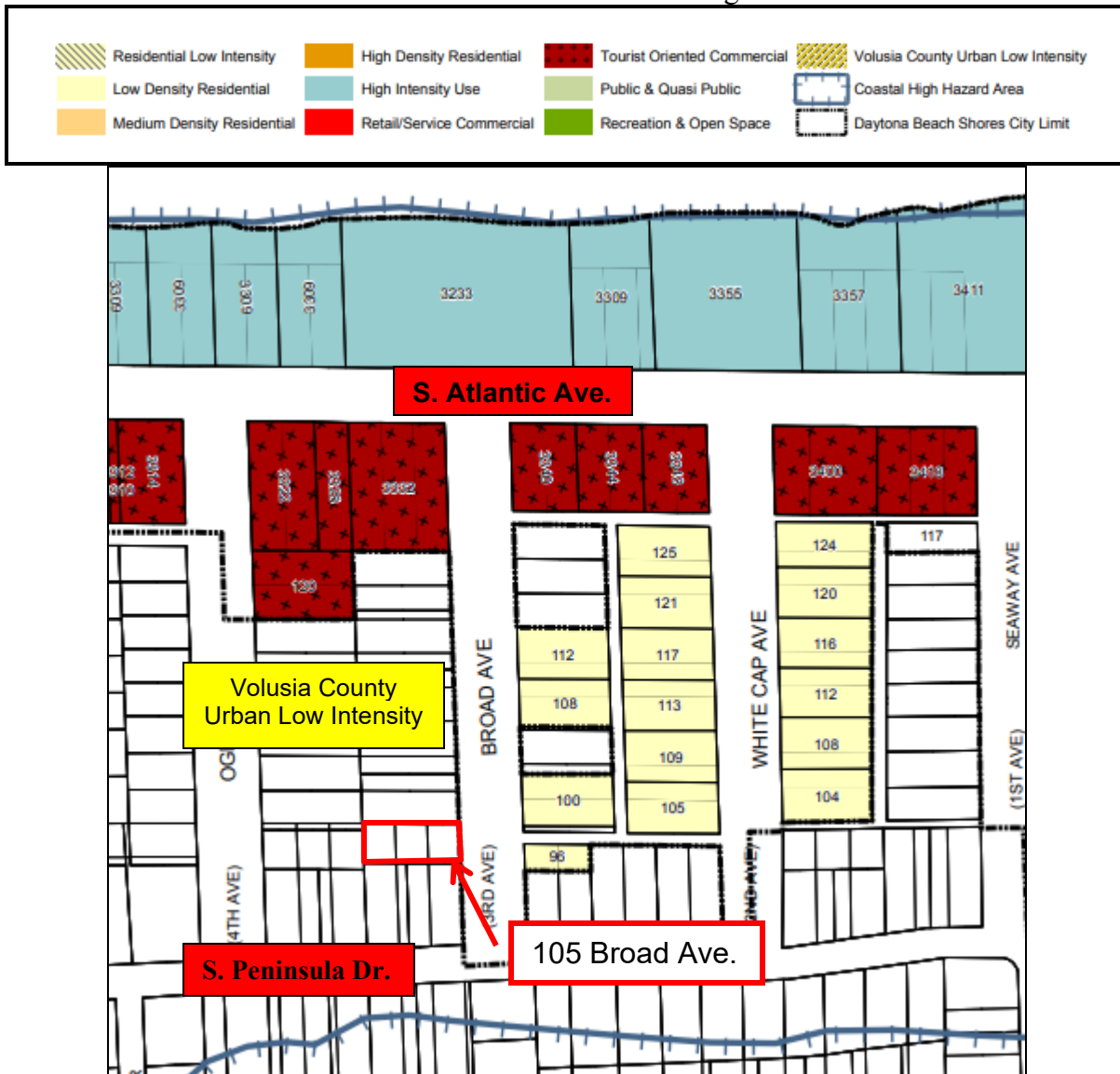
The property is currently vacant. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-9” (Urban Single-Family Residential District), respectively. The surrounding future land use designations and zoning classifications are depicted in **Table 1** below while the future land use is illustrated in **Figure 1**. The subject request is to change the FLU designation to Daytona Beach Shores *Residential Low Intensity* (0-4 units/acre).

Table 1: Abutting Zoning and Future Land Use Classification

Location	Zoning		Future Land Use	
	Existing	Proposed	Existing	Proposed
Subject Property	R-9*	RSF-2	Volusia County Urban Low Intensity	Residential Low Intensity
North	R-9*		Volusia County Urban Low Intensity	
South	RSF-2		DBS Residential Low Intensity	
East	R-9*		Volusia County Urban Low Intensity	
West	R-9*		Volusia County Urban Low Intensity	

Notes: *R-9 = Volusia County *Urban Single-Family Residential District*; RSF-2 = DBS *Urban Single Family Residential Detached District*

FIGURE 1: 105 Broad Avenue - Surrounding Future Land Use



Description, Data and Analysis:

The analysis conducted below demonstrates the amendment's compliance with the City's Comprehensive Plan and the Florida Administrative Code for future land use map amendments. Therefore, the analysis shows that there will not be any significant impacts on the environment, roadways, public schools and utilities as the allowable densities and use will remain the same.

I. IMPACTS OF PROPOSED AMENDMENT

The current Volusia County *Urban Low Intensity* Future Land Use (FLU) classification allows a maximum density of four (4) units per acre. Under the proposed Daytona Beach Shores FLU designation, *Residential Low Intensity*, the maximum density allowed is also four (4) units per acre. Therefore, the proposed land use amendment would not result in any change in residential density permitted. However, given the +/-0.28-acre size of the property, the proposed amendment would allow only one (1) residential unit on site, which is the same as currently allowed under the Volusia County FLU classification.

The property is currently occupied by a single-family residential structure. Additionally, the proposed Daytona Beach Shores zoning for this property, RSF-2 Urban Single-Family Residential Detached District, would permit only one residential dwelling unit on site. So, from a practical and planning perspective the proposed future land use change will result in no net change in density and impacts.

In accordance with the Daytona Beach Shores Comprehensive Plan Update (2030) and standard practice from the Florida Department Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the current future land use designation versus the designation proposed (**Table 2** below). The following seven public facilities and services were examined and discussed briefly below: (1) Transportation, (2) Sanitary Sewer, (3) Potable Water, (4) Solid Waste, (5) Stormwater Drainage, (6) Recreation, and (7) Public Schools.

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	1	1	None
Population ¹	1.6	1.6	None
AM / PM Peak Hour Trips ²	0.75/1.01	0.75/1.01	None
Sanitary Sewer (gallons/day) ³	250	250	None
Potable Water (gallons/day) ⁴	176	176	None
Solid Waste (lbs./person) ⁵	16	16	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space	See summary below	See summary below	None
Public School Student(s)	0.396	0.396	None

Notes:

1. Population: 1.6 persons per dwelling unit in DBS
2. Transportation: Rates are for peak hour of adjacent street traffic
Single-family residential unit = 0.75 AM trips, 1.01 PM trips
3. Sanitary Sewer: 250 gallons per dwelling unit per day
4. Potable Water: 110 gallons per capita per day
5. Solid Waste: 10 pounds per capita per day
6. Stormwater Drainage: LOS standard = 25-year, 24-hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code.
7. Public School: Generation rates = 0.396 per single-family unit.

Sources:

2020 US Census
ITE Trip Generation Manual, 8th Edition
Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)

Transportation:

The subject property is a single-family lot with vehicular transportation access to the abutting Broad Avenue, which is a local road connecting to both S. Peninsula Drive (SR441) and S. Atlantic Avenue (SR A1A). S. Peninsula Drive is a two laned minor arterial road and S. Atlantic Avenue (SRA1A) is a five laned principal arterial road, pursuant to the City's Comprehensive Plan, respectively. The two roads connect to Dunlawton Boulevard (SR421) and International Speedway Boulevard (US92) which are both principal arterial roads leading to the interstate system. The allowable Level-Of-Service (LOS) standard for S. Peninsula Drive is "D." Both Atlantic Avenue (SR A1A). S. Peninsula Drive are operating at acceptable levels of service. There will be no net change in vehicular trips as demonstrated in **Table 2** above and the allowed LOS standard will continue to be maintained.

Sanitary Sewer:

The City's adopted LOS standard for sanitary sewer is 250 gallons per dwelling unit per day. Using this standard, the proposed land use would theoretically generate a demand of 250 gallons per day consistent with the current future land use. However, since no increase in the number of entitled dwellings units would occur there is no net change in theoretical demand. Regardless, it

should be noted that the City of Port Orange sewer treatment facility is currently operating at an acceptable level of service.

Potable Water:

The City's adopted LOS standard for potable water is 110 gallons per capita per day. Using this standard, the proposed land use would theoretically create a demand of 176 gallons of water per day. No increase in number of theoretical dwelling units or demand will occur. In addition, the current potable water usage is already accounted for in Port Orange's current consumptive use permit (CUP).

Solid Waste Collection:

The proposed land use allows for one (1) residential unit that would be expected to support a population of 1.6 persons, which together would theoretically generate 16 pounds of solid waste per day. Solid waste generated within the City of Daytona Beach Shores is collected by Waste Pro, which delivers it to the Volusia County landfill. The 3,000-acre landfill is a Class I facility with a projected life span to the year 2050.

Stormwater Drainage:

The City's adopted LOS standard for stormwater is the 25-year, 24-hour storm event. More specifically, the stormwater facilities must be capable of treating and conveying the runoff from such a storm without causing flooding of adjacent properties or polluting any receiving water bodies. In addition, the Comprehensive Plan requires that there be no net loss of stormwater retention function as a result of development. Therefore, if the property is developed the parcel must have the same ability to store and discharge water after development as it does before development occurs. The applicants would be required to address stormwater retention on the property in accordance with these City standards.

Recreation and Open Space:

The proposed amendment would theoretically add 1.6 residents to the City. The City's most recent population count was 5,179 (2020 US Census). Policy 7-1.2.1 and Policy 9-1.3.1 in the City's Comprehensive plan establish the LOS standards for recreation facilities within the City. Considering the City's population and the City's recreational LOS standards, it is easy to conclude that Daytona Beach Shores currently has adequate capacity for all recreational facilities as required by the City's Adopted Comprehensive Plan and seen in **Table 3** below.

Table 3: Recreation Facilities Analysis

Type of Park/ Recreational Facility	Unit of Measure/LOS Standard	Current LOS (Facilities)	Deficit
Playgrounds	one per 10,000 people	1	None
Neighborhood Park	one per 10,000 people	5	None
Community Park	one per 25,000 people	1	None
Children's Play Areas	one per 10,000 people	1	None
Baseball/Softball Field	one per 15,000 people	1	None

Tennis Courts	one per 2,000 people	11	None
Community Center	one per 20,000 people	1	None
Exercise Trail	one per 14,000 people	1	None
Nature Study Trail	one per 14,000 people	1	None

Public Schools:

Based on the Volusia County School District's student generation rate for a single-family dwelling unit, the proposed land use could generate at least one (1) full time student. This is exactly the same that could be generated by the existing Volusia County future land use due to the residential density neutrality of the proposed change. Therefore, no increase impact on existing public school facilities is expected. Further, due to the aforementioned, the FLU amendment is exempt from the School District review.

II. LAND USE COMPATIBILITY

The FLU of the surrounding area is primarily residential low intensity (single-family) in character (**Figure 1**). The subject property is located in a single-family neighborhood **Figure 2**.

Figure 2: Aerial View of 105 Broad Avenue and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2022

Considering the above along with **Table 1** contained in the body of this staff report, it is clear that the proposed land use, which is a density neutral land use request, is consistent with the existing and future land use of the surrounding neighborhood.

III. APPLICABLE PLANS, CODES AND REGULATIONS

Future Land Use Element (Daytona Beach Shores Comprehensive Plan):

Policy 1-1.1.5: (a) The City shall maintain at least a Level of Service standard "D" at all times on its roadway network throughout the City. This shall include Dunlawton Boulevard, including the bridge. The maintenance of this Level of Service standard is important to ensure that an efficient flow of traffic can be maintained on these primary roads in the event of a hurricane threat. (b) Maintain the clearance time of the population in the Hurricane Vulnerability Zone at sixteen (16) hours based on a level of service standard "D" during the time of a category 5-storm event as measured on the Saffir-Simpson scale. This policy is consistent with the stated objectives contained in the Coastal Management Element of the Volusia County Comprehensive Plan regarding hurricane evacuation and Section 163.3178 (9) (b), F.S. and based on the most current East Central Florida Regional Planning Council hurricane study.

Policy 1-1.2.2: The City's existing policy of requiring written assurance from any entity providing sewage treatment, potable water, or solid waste disposal shall be maintained throughout the planning period.

Objective 1-1.4: Land uses that are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged. This shall take the form of not allowing any objectionable uses (industrial, warehousing, etc.) in the new Land Development Code that will be adopted subsequent to this Comprehensive Plan.

Capital Improvement Element

Policy 9-1.3: The City shall use the following Level of Service (LOS) standards in reviewing the impacts of new development and redevelopment on public facility provisions:

- (a) **Sanitary Sewers:** 250 gallons per dwelling unit per day
- (b) **Solid Waste:** 10 pounds per capita per day
- (c) **Drainage:** 25-year, 24-hour design storm
- (d) **Potable Water:** 110 gallons/capita/day (gcd) for Port Orange Service Area
150 gcd for Daytona Beach Service Area
- (e) **Roadways:** Arterials: LOS "D" at peak hour
Collectors: LOS "C" at peak hour
- (f) **Recreation:** See Table 3 above

IV. REVIEW CRITERIA AND STAFF FINDINGS

1. The amendment shall not decrease the LOS Standard for hurricane evacuation routes below LOS Standard D and (b) the amendment shall not increase the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above 16 hours.

Staff finding: The proposed land use amendment is density neutral. Consequently, no increase in traffic is anticipated as a result of the proposed change, therefore: (a) there will be no decrease in the adopted LOS Standard for Broad Avenue, S.R. 441 and S.R. A1A; and (b) considering the aforementioned, the hurricane evacuation clearance time shall remain the same for the subject roads in question.

2. Written assurances from service providers for sewage treatment, potable water, and solid waste shall be provided when there is a future land use map amendment result in an increase in density or intensity.

Staff finding: The proposed land use amendment is density neutral and the site is already developed. Therefore, no increase in demand is anticipated and no written assurances are needed from service providers since services are already being provided for at the accepted LOS standard.

3. The amendment shall not result in objectionable land use designations inconsistent with the character of the overall future land use plan.

Staff finding: The proposed amendment will not result in an incompatible land use designation with adjacent parcels, the neighborhood or overall character of the future land use plan. The proposed *Residential Low Intensity* (0-4 units/acre) designation will provide for a single-family residence and is therefore compatible with the surrounding residential low-density (single-family) space land uses.

4. The amendment shall not decrease the LOS Standards for public facilities adopted in Policy 9-1.3 of the City's Comprehensive Plan.

Staff finding: The proposed land use amendment is density neutral, therefore, no increase demand on public facilities is anticipated.

V. **CONCLUSION:**

The proposed land use amendment is consistent with overall goals, objectives, and Policies of the Daytona Beach Shores Comprehensive Plan (2030).



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

October 6, 2022

RE: 105 Broad Avenue, Short Tax Parcel ID 5335-05-00-0260
Future Land Use Map Amendment and Zoning Map Amendment Hearings

Dear Property Owner:

This letter is to notify you that the City of Daytona Beach Shores has received a voluntary annexation, future land use map amendment, and zoning map amendment application from the owner of the above-subject address, which abuts your property. The City will hold Public Hearings on the rezoning and future land use map amendment applications as follows:

- **Planning and Zoning Board: November 7, 2022 at 8:30am**
- **City Council (1st Reading): November 9, 2022 at 6:00pm**
- **City Council (Adoption): December 13, 2022 at 6:00pm**

The public hearings will be held in the City Council Chambers in the Daytona Beach Shores Community Center located at 3000 Bellemead Drive, Daytona Beach Shores. All interested parties may appear at the public hearings and will be given an opportunity to be heard. If it will be necessary to reschedule or continue any of the public meetings to a later date, it will be your responsibility to obtain the time, date and place of the rescheduled meeting.

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 five days prior to the hearing. If you have any questions, please contact me at (386) 763-5361.

Sincerely,

Noel Eaton
City Planner

Cheri Schwab, City Clerk
Stewart Cruz, Community Services Director

Letters sent to:

Property owner

TULLY JAMES J - FS - Fee Simple - 100%
105 BROAD AVE
DAYTONA BEACH FL 32118

North

NELAND RICHARD L & KEITH L - 100%
2916 RIVER POINT DR
DAYTONA BEACH FL 32118

WALKER JESSE L - FS - Fee Simple - 100%
77 BROWNING RD
GRISWOLD CT 06351

South

CRISLER BRENDA T - JT - Joint Tenancy with Right of Survivorship - 100%
IRVIN GREGORY SCOTT - JT - Joint Tenancy with Right of Survivorship - 100%
PIERCE STACIE - JT - Joint Tenancy with Right of Survivorship - 100%
2928 CASCADE WAY
GAINESVILLE GA 30504

East

RISEDORF RANDALL - LE - Life Estate - 100%
RISEDORF YAEKO - LE - Life Estate - 100%
107 BROAD AVE
DAYTONA BEACH FL 32118

West

VINCENT MICHAEL E - TE - Tenancy in the Entirety - 100%
VINCENT CLARA R LIPSCOMB - TE - Tenancy in the Entirety - 100%
3333 S PENNINSULA DR
DAYTONA BEACH FL 32118 6342

CARTER JAMES E - FS - Fee Simple - 100%
3327 S PENINSULA DR
DAYTONA BEACH FL 32118

9695 6980 0000 0980 9102

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CRISLER BRENDA T, IRVIN GREGORY
 SCOTT
 & PIERCE STACIE
 2928 CASCADE WAY
 GAINESVILLE GA 30504

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RISEDORF RANDALL
 RISEDORF YAEKO
 107 BROAD AVE
 DAYTONA BEACH FL 32118

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WALKER JESSE L
 77 BROWNING RD
 GRISWOLD CT 06351

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VINCENT MICHAEL E
 VINCENT CLARA R LIPSCOMB
 3333 S PENNINSULA DR
 DAYTONA BEACH FL 32118 6342

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TULLY JAMES J
 105 BROAD AVE
 DAYTONA BEACH FL 32118

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CARTER JAMES E
 3327 S PENINSULA DR
 DAYTONA BEACH FL 32118

PS Form 3800, April 2015

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WALKER JESSE L
 77 BROWNING RD
 GRISWOLD CT 06351



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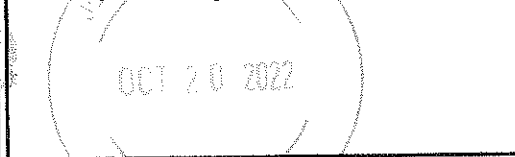
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☒ *Jesse Walker* ☐ Agent
☐ Addressee

B. Received by (Printed Name)
Jesse Walker

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No



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 CRISLER BRENDA T, IRVIN GREGORY
 SCOTT
 & PIERCE STACIE
 2928 CASCADE WAY
 GAINESVILLE GA 30504



9590 9402 3790 8032 6125 24

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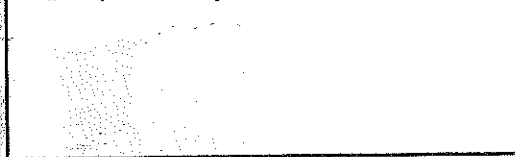
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A. Signature
☒ *Brenda Crisler* ☐ Agent
☐ Addressee

B. Received by (Printed Name)
B. Crisler

C. Date of Delivery
 10/11/22

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No



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|--|--|
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1. Article Addressed to:

VINCENT MICHAEL E
VINCENT CLARA R LIPSCOMB
3333 S PENNINSULA DR
DAYTONA BEACH FL 32118 6342



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☐ Agent☐ Addressee

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C. Barker

C. Date of Delivery

10-8-22

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Mail Restricted Delivery

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1. Article Addressed to:

RISEDORF RANDALL
RISEDORF YAEKO
107 BROAD AVE
DAYTONA BEACH FL 32118



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Mail Restricted Delivery

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1. Article Addressed to:

TULLY JAMES J
105 BROAD AVE
DAYTONA BEACH FL 32118



9590 9402 3790 8032 6149 93

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☐ Agent☐ Addressee

B. Received by (Printed Name)

James J. Tully

C. Date of Delivery

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3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail

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(10)

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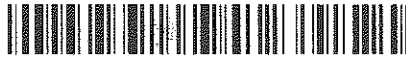
Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NELAND RICHARD L & KEITH L
2916 RIVER POINT DR
DAYTONA BEACH FL 32118



9590 9402 3790 8032 6150 06

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5622

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

Keith Neland

C. Date of Delivery

10/8/22

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail

Mail Restricted Delivery

(00)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

CARTER JAMES E
3327 S PENINSULA DR
DAYTONA BEACH FL 32118



9590 9402 3790 8032 6125 55

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5578

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

J. Carter

C. Date of Delivery

10-8-22

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail

Mail Restricted Delivery

(00)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

PROOF OF PUBLICATION

Cheri Schwab
City Of Daytona Beach Shores - Legal
2990 S Atlantic AVE
Daytona Beach FL 32118-6002

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, said legal clerk, who, on oath says that he/she is LEGAL COORDINATOR of The News-Journal, a daily and Sunday newspaper, published at Daytona Beach in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Classified Legal CLEGL in the Circuit Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

10/28/2022

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Subscribed and sworn to before on 10/28/2022

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$1089.80

Order No: 7964075

Customer No: 465027

PO #:

of Copies:

1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

CITY OF DAYTONA BEACH SHORES NOTICE OF ZONING CHANGE

Pursuant to Section 163.3187(1)(c), Florida Statutes, the City of Daytona Beach Shores, Florida, will hold Public Hearings to consider the following ordinance:

ORDINANCE NO. 2022-27

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN, AMENDING CHAPTER 1, "FUTURE LAND USE ELEMENT", BY AMENDING MAP L-4 ENTITLED, "GENERALIZED FUTURE LAND USE MAP (2030)" ASSIGNING THE RESIDENTIAL LOW INTENSITY FUTURE LAND USE DESIGNATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 105 BROAD AVENUE, SHORT TAX PARCEL ID 5335-05-00-0260; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

The public hearings will be held as follows:

- **Planning and Zoning Board: November 7, 2022 at 8:30am**
- **City Council (1st Reading): November 9, 2022 at 7:00pm**
- **City Council (Adoption): December 13, 2022 at 6:00pm**

Please see location map below.



The public hearing will be held in the City Council Chambers in the Community Center located at 3000 Bellemead Drive, Daytona Beach Shores, Florida. All interested parties are invited to appear at this public hearing and submit oral or written objections or comments with respect to the proposed amendment. The amendment package is available for public inspection at the City of Daytona Beach Shores, Community Services Department, Building & Codes Division, 2990 South Atlantic Avenue, Daytona Beach Shores, Florida.

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.



**NOTICE OF
PUBLIC HEARINGS**

THE CITY OF DAYTONA BEACH SHORES WILL HOLD THE FOLLOWING PUBLIC HEARINGS AT THE DAYTONA BEACH SHORES COMMUNITY CENTER LOCATED AT 9999 BULLEHEAD DRIVE.

Planning & Zoning Board: NOV 7th AT 6:30am
City Council (1st Reading): NOV 9th AT 7:00pm
City Council (Adoption): DEC 13th AT 6:00pm

THE OWNER OF THIS PROPERTY HAS SUBMITTED THE FOLLOWING APPLICATIONS:

- FUTURE LAND USE MAP AMENDMENT
- ZONING MAP AMENDMENT
- ANNEXATION

FOR MORE INFORMATION, PLEASE VISIT THE CITY OF DAYTONA BEACH SHORES PLANNING DEPARTMENT AT 9999 BULLEHEAD DRIVE.

OCT/28/2022



City of Daytona Beach Shores
Community Services Department
Planning & Zoning Division
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118
Telephone (386) 763-5376

December 9, 2022

RE: 105 Broad Avenue, Short Tax Parcel ID 5335-05-00-0260
Future Land Use Map Amendment and Zoning Map Amendment Hearings

Dear Property Owner:

This letter is to notify you that the City of Daytona Beach Shores approved the voluntary annexation application and is now processing a future land use map amendment and zoning map amendment application from the owner of the above-subject address, which abuts your property. The City will hold Public Hearings on the rezoning and future land use map amendment applications.

These hearings have been rescheduled from the November 9th and December 13th agendas as follows:

- **City Council (1st Reading): January 10, 2023 at 6:00pm**
- **City Council (Adoption): February 14, 2023 at 6:00pm**

The public hearings will be held in the City Council Chambers in the Daytona Beach Shores Community Center located at 3000 Bellemead Drive, Daytona Beach Shores. All interested parties may appear at the public hearings and will be given an opportunity to be heard. If it will be necessary to reschedule or continue any of the public meetings to a later date, it will be your responsibility to obtain the time, date and place of the rescheduled meeting.

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. If you have any questions, please contact me at (386) 763-5376.

Sincerely,

Noel Eaton
City Planner

Cheri Schwab, City Clerk
Stewart Cruz, Community Services Director

Letters sent to:

Property owner

TULLY JAMES J - FS - Fee Simple - 100%
105 BROAD AVE
DAYTONA BEACH FL 32118

North

NELAND RICHARD L & KEITH L - 100%
2916 RIVER POINT DR
DAYTONA BEACH FL 32118

WALKER JESSE L - FS - Fee Simple - 100%
77 BROWNING RD
GRISWOLD CT 06351

South

CRISLER BRENDA T - JT - Joint Tenancy with Right of Survivorship - 100%
IRVIN GREGORY SCOTT - JT - Joint Tenancy with Right of Survivorship - 100%
PIERCE STACIE - JT - Joint Tenancy with Right of Survivorship - 100%
2928 CASCADE WAY
GAINESVILLE GA 30504

East

RISEDORF RANDALL - LE - Life Estate - 100%
RISEDORF YAEKO - LE - Life Estate - 100%
107 BROAD AVE
DAYTONA BEACH FL 32118

West

VINCENT MICHAEL E - TE - Tenancy in the Entirety - 100%
VINCENT CLARA R LIPSCOMB - TE - Tenancy in the Entirety - 100%
3333 S PENNINSULA DR
DAYTONA BEACH FL 32118 6342

CARTER JAMES E - FS - Fee Simple - 100%
3327 S PENINSULA DR
DAYTONA BEACH FL 32118

7020 0090 0000 0207 5033

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only
For delivery information, visit our website at www.usps.com®.**OFFICIAL USE**

Certified Mail Fee \$ 7.82

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ _____

☐ Return Receipt (electronic) \$ _____

☐ Certified Mail Restricted Delivery \$ _____

☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

12/9/22 JF

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Postage

CARTER JAMES E
3327 S PENINSULA DR
DAYTONA BEACH FL 32118

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7018 0680 0000 0863 5851

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☐ Return Receipt (electronic) \$ _____

☐ Certified Mail Restricted Delivery \$ _____

☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

12/9/22 JF

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RISEDORF RANDALL & RISEDORF
YAEKO
107 BROAD AVE
DAYTONA BEACH FL 32118

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7018 0680 0000 0863 5844

**U.S. Postal Service™
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Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ _____

☐ Return Receipt (electronic) \$ _____

☐ Certified Mail Restricted Delivery \$ _____

☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

12/9/22 JF

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Postage

CRISLER BRENDA T, IRVIN GREGORY
SCOTT & PIERCE STACIE
2928 CASCADE WAY
GAINESVILLE GA 30504

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7018 0680 0000 0863 5837

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Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ _____

☐ Return Receipt (electronic) \$ _____

☐ Certified Mail Restricted Delivery \$ _____

☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

12/9/22 JF

Postmark
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Postage

WALKER JESSE L
77 BROWNING RD
GRISWOLD CT 06351

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7018 0680 0000 0863 5868

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Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ _____

☐ Return Receipt (electronic) \$ _____

☐ Certified Mail Restricted Delivery \$ _____

☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

12/9/22 JF

Postmark
Here

Postage

VINCENT MICHAEL E & VINCENT
CLARA R LIPSCOMB
3333 S PENINSULA DR
DAYTONA BEACH FL 32118 6342

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7018 0680 0000 0863 5820

**U.S. Postal Service™
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For delivery information, visit our website at www.usps.com®.**OFFICIAL USE**

Certified Mail Fee \$ 7.82

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ _____

☐ Return Receipt (electronic) \$ _____

☐ Certified Mail Restricted Delivery \$ _____

☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

12/9/22 JF

Postmark
Here

Postage

NELAND RICHARD L & KEITH L
2916 RIVER POINT DR
DAYTONA BEACH FL 32118

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7018 0680 0000 0863 5813

U.S. Postal ServiceTM
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For delivery information, visit our website at www.usps.com[®].

OFFICIAL USE

Certified Mail Fee	
\$	7.82
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

Postmark
Here
12/9/23
JF

Postage

TULLY JAMES J
105 BROAD AVE
DAYTONA BEACH FL 32118

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TULLY JAMES J
105 BROAD AVE
DAYTONA BEACH FL 32118



90 9402 3790 8032 6148 49

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5813

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation☐ Collect on Delivery Restricted Delivery Mail

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

VINCENT MICHAEL E & VINCENT
CLARA R LIPSCOMB
3333 S PENNINSULA DR
DAYTONA BEACH FL 32118 6342



9590 9402 3790 8032 6147 95

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5868

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation☐ Signature Confirmation Restricted Delivery☐ Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CRISLER BRENDA T, IRVIN GREGORY
SCOTT & PIERCE STACIE
2928 CASCADE WAY
GAINESVILLE GA 30504



9590 9402 3790 8032 6148 18

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5844

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Registered Mail

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation☐ Signature Confirmation Restricted Delivery☐ Registered Mail Restricted Delivery (over \$500)

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

NELAND RICHARD L & KEITH L
2916 RIVER POINT DR
DAYTONA BEACH FL 32118



9590 9402 3790 8032 6148 32

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5820

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Richard L. Neland*☐ Agent☐ Addressee

B. Received by (Printed Name)

Richard L. Neland

C. Date of Delivery

*12/13/22*D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery (over \$500)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

WALKER JESSE L
77 BROWNING RD
GRISWOLD CT 06351



9590 9402 3790 8032 6148 25

2. Article Number (Transfer from service label)

7018 0680 0000 0863 5837

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Jesse Walker*☐ Agent☐ Addressee

B. Received by (Printed Name)

Jesse Walker

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery (over \$500)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



City of Daytona Beach Shores
Community Services
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118

12/10/18
[Signature]

CARTER JAMES E
3327 S PENINSULA DR
DAYTONA BEACH FL 32118

CERTIFIED MAIL®



7020 0090

0000 0207 5033 OM ZIP CODE 32118

\$ 007.826

DEC 09 2022

NIXIE

339 DE 1

0001/05/23

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

32118560290
UNC
321185602

BC: 32118560290 *1301-06100-09-43
UNCL

CITY OF DAYTONA BEACH SHORES NOTICE OF LAND USE CHANGE

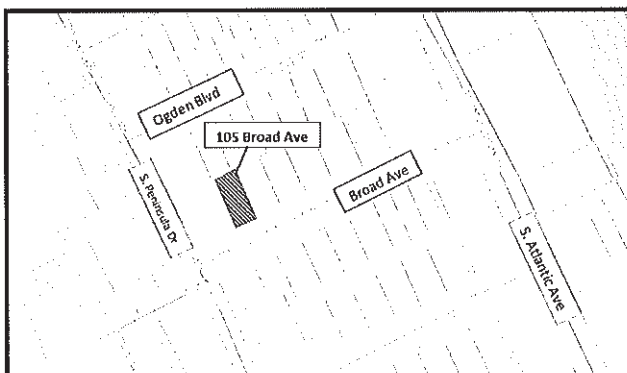
Pursuant to Section 163.3187(1)(c), *Florida Statutes*, the City of Daytona Beach Shores, Florida, will hold Public Hearings to consider the following ordinance:

ORDINANCE NO: 2022-27

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN, AMENDING CHAPTER 1, "FUTURE LAND USE ELEMENT", BY AMENDING MAP L-4 ENTITLED, "GENERALIZED FUTURE LAND USE MAP (2030)" ASSIGNING THE RESIDENTIAL LOW INTENSITY FUTURE LAND USE DESIGNATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 105 BROAD AVENUE, SHORT TAX PARCEL ID 5335-05-00-0260; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

The public hearings will be held as follows:

- **City Commission (1st Reading): January 10, 2023 at 6:00pm**
- **City Commission (Adoption): February 14, 2023 at 6:00pm**



The public hearing will be held in the City Commission Chambers in the Community Center located at 3000 Bellemead Drive, Daytona Beach Shores, Florida. All interested parties are invited to appear at this public hearing and submit oral or written objections or comments with respect to the proposed amendment. The amendment package is available for public inspection at the City of Daytona Beach Shores, Community Services Department, Planning Division, 2990 South Atlantic Avenue, Daytona Beach Shores, Florida.

Anyone who wishes to appeal any decision by the City Commission 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.

THE DAYTONA BEACH
NEWS-JOURNAL

P.O. Box 630476, Cincinnati, OH 45263-0476

PROOF OF PUBLICATION

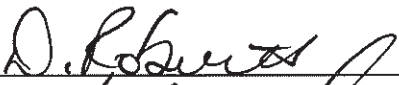
Cheri Schwab
City Of Daytona Beach Shores - Legal
2990 S Atlantic AVE
Daytona Beach FL 32118-6002

STATE OF WISCONSIN, COUNTY OF BROWN

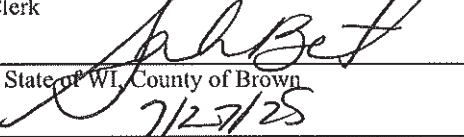
Before the undersigned authority personally appeared, said legal clerk, who, on oath says that he/she is LEGAL COORDINATOR of The News-Journal, a daily and Sunday newspaper, published at Daytona Beach in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Classified Legal CLEGL in the Circuit Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

12/30/2022

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Subscribed and sworn to before on 12/30/2022



Legal Clerk



Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$1089.80

Order No: 8222212

Customer No: 465027

PO #:

of Copies:

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SARAH BERTELSEN
Notary Public
State of Wisconsin



THE DAYTONA BEACH
NEWS-JOURNAL

P.O. Box 630476, Cincinnati, OH 45263-0476

PROOF OF PUBLICATION

Cheri Schwab
City Of Daytona Beach Shores - Legal
2990 S Atlantic AVE
Daytona Beach FL 32118-6002

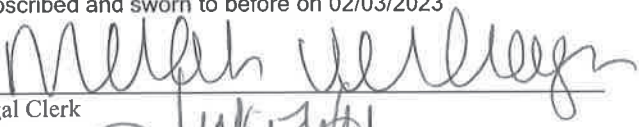
STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, said legal clerk, who, on oath says that he/she is LEGAL COORDINATOR of The News-Journal, a daily and Sunday newspaper, published at Daytona Beach in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Public Notices in the Circuit Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

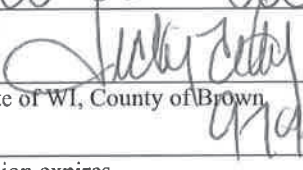
02/03/2023

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Subscribed and sworn to before on 02/03/2023



Legal Clerk



Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$1089.80

Order No: 8379781

of Copies:

Customer No: 465027

1

PO #: 105 Broad Ave-FLUMA

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

VICKY FELTY
Notary Public
State of Wisconsin

CITY OF DAYTONA BEACH SHORES NOTICE OF LAND USE CHANGE

Pursuant to Section 163.3187(1)(c), *Florida Statutes*, the City of Daytona Beach Shores, Florida, will hold Public Hearings to consider the following ordinance:

ORDINANCE NO: 2022-27

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING *THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN*, AMENDING CHAPTER 1, "FUTURE LAND USE ELEMENT", BY AMENDING MAP L-4 ENTITLED, "GENERALIZED FUTURE LAND USE MAP (2030)" ASSIGNING THE RESIDENTIAL LOW INTENSITY FUTURE LAND USE DESIGNATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 105 BROAD AVENUE, SHORT TAX PARCEL ID 5335-05-00-0260; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

The public hearings will be held as follows:

- **City Commission (Adoption): February 14, 2023 at 6:00pm**



The public hearing will be held in the City Commission Chambers in the Community Center located at 3000 Bellemead Drive, Daytona Beach Shores, Florida. All interested parties are invited to appear at this public hearing and submit oral or written objections or comments with respect to the proposed amendment. The amendment package is available for public inspection at the City of Daytona Beach Shores, Community Services Department, Planning Division, 2990 South Atlantic Avenue, Daytona Beach Shores, Florida.

Anyone who wishes to appeal any decision by the City Commission 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.



**NOTICE OF
PUBLIC HEARINGS**

THE CITY OF DAYTONA BEACH SHORES WILL HOLD THE
FOLLOWING PUBLIC HEARINGS AT THE DAYTONA
BEACH SHORES COMMUNITY CENTER LOCATED AT
3000 BELLEMEAD DRIVE:

Planning & Zoning Board: _____ AT _____
City Council (1st Reading): JAN 10 AT 6:00 PM
City Council (Adoption): FEB 14 AT 6:00 PM

THE OWNER OF THIS PROPERTY HAS SUBMITTED THE
FOLLOWING APPLICATIONS:

- * FUTURE LAND USE MAP AMENDMENT
- * ZONING MAP AMENDMENT
- * ANNEXATION

FOR MORE INFORMATION, PLEASE CONTACT THE CITY OF DAYTONA
BEACH SHORES PLANNING DEPARTMENT AT (386) 763-5376

Persons who wish to appeal any decision by the Planning and Zoning Board or City Council with
respect to any matter considered at said Public Hearing 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. It will be
necessary to reschedule this public hearing to a later date. It will be your responsibility to advise the date,
time and place of the rescheduled hearing.

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

FEB/ 6/2023



CITY COMMISSION AGENDA MEMORANDUM FEBRUARY 14, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Non-conforming Sign Removal Incentive Grant Application: 2100 S. Atlantic Avenue, Congo River Golf

SYNOPSIS:

The City received the subject Nonconforming Sign Removal Incentive Grant Application on December 30, 2022 from Tyson Vozza, VP of Development for Congo River Golf located at 2100 S. Atlantic Avenue. The sign grant, if approved, would be used to assist the property with the costs associated with replacing the existing nonconforming sign with a new conforming monument sign. The total cost of the sign is \$22,094. Therefore, the applicant would qualify for the maximum \$3,000 in grant reimbursement subsequent to the construction of the new conforming monument sign.

This item was continued from the January 24, 2023 City Commission agenda due to concerns related to website addressing references to Daytona Beach vs the Daytona Beach Shores. The application has provided an email response, which is attached. The applicant has met all grant criteria.

FISCAL IMPACT STATEMENT:

BACKGROUND:

In conducting an analysis of the application relative to the grant program eligibility requirements and other program parameters, staff has determined that the application qualifies and meets all grant requirements. Two sign quotes were provided and the applicant's preferred sign vendor, Don Bells Signs, provided several quote options for proposed signage. The applicant's chosen sign design has a bid of \$22,094, while Central Signs provided a sign quote of \$25,680.75. The applicant would qualify for the maximum grant amount of \$3,000.

A copy of the grant application and proposed sign rendering can be seen in **Exhibit A. Exhibit B** provides a location map and street view of the existing nonconforming sign, while **Exhibit C** provides an evaluation of the application compared to the grant eligibility requirements and program parameters.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of the sign grant on the condition that the new sign meets all the requirements of the applicable City sign standards, that no code enforcement violation on the property exists prior to the disbursement of the City sign grant funds and City Commission approval.

SUGGESTED MOTION:

A City Commissioner may move as follows:

1. "I move to approve the Non-Conforming Sign Removal Incentive Grant application for 2100 S. Atlantic Avenue, Congo River Golf in the amount of \$3,000 on the condition that the new sign meets all the required City sign standards and that no code enforcement violation on the property exists prior to the disbursement of the City sign grant funds."

or

2. " I move to deny the Non-conforming Sign Removal Grant for 2100 S. Atlantic Avenue, Congo River Golf application on the basis of the following..."

- ATTACHMENT:**
1. Exhibit A-Application and Rendering
 2. Exhibit B-Location Map & Street View-2100 S. Atlantic Avenue
 3. Exhibit C-Evaluation-2100 S. Atlantic Avenue
 4. Email Response



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

Date Received: _____

Time Received: _____

Application Complete: Y/N

RECEIVED

DEC 30 2022

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

413546

City of Daytona Beach Shores
Non-Conforming Sign Removal Incentive Grant Application
NOTE: Grant application submission deadline is January 1, 2023

A. Property Information

Property Address: 2100 S. ATLANTIC AVE Parcel No: 531624000160

Existing Property Use/Business: MINIATURE GOLF

Property Owner's Name: CONGO RIVER GOLF

Property Owner's Address: 2100 S. ATLANTIC AVE, DAYTONA BEACH, FL 32118

Owner's Telephone No: _____ Owner's Fax No: _____

B. Applicant Information (if not owner) GIORGIO

Applicant's Name: TYSON VOZZA (VP of DEVELOPMENT)

Address: 6000 TURKEY LAKE RD, SUITE 206, ORLANDO, FL 32819

Telephone No: 407-247-4411 cell Fax No: _____

*Applicant is: ☐ Contract Purchaser ☒ Property Owner/Developer ☐ Tenant/ Agent for Owner

*If applicant is other than Property Owner, authorization affidavit (Sec. E) must be provided with application.

C. Proposed Signage

At least two (2) quotes shall be provided from two (2) different sign vendors. Quotes shall at a minimum provide textual description and/or graphic representation of the following:

1. Sign Height: ☐; Sign Width: ☐; Sign Face Area: ☐; Illumination: ☐; Materials: ☐; Colors: ☐; Address: ☐; Style: ☐; Reader Board (indicate whether manual or electronic): ☐
2. Site Plan indicating location of proposed landscaping, existing and proposed signs, including setbacks and line of sight: ☐
3. Description of proposed landscaping: ☐
4. Written letter indicating consistency with Chapter Six (6) of the City's LDC: ☐
5. Name, address and contact information of each sign vendor: ☐

6. Picture and dimensional specifications of existing sign: ☐
7. Pictures and location addresses of signs similar in material and design (if available): ☐
8. Material samples of decorative base and cabinet (if available): ☐

D. Budget

Cost of design/engineering	\$ <u>25,680 +</u>
Cost of alteration, manufacture and installation of sign	\$ _____
TOTAL SIGNAGE COST	\$ <u>30,000 +</u>
AMOUNT REQUESTED FROM SIGN GRANT PROGRAM	\$ <u>3,000 +</u>

BY SIGNING BELOW, I HEREBY CERTIFY THAT THIS IS AN APPLICATION FOR NEW OR ALTERED SIGNAGE. THE PROPOSED SIGN HAS NOT BEEN ALTERED, ERECTED OR FABRICATED IN WHOLE OR IN PART. WORK ON THE SIGN WILL NOT COMMENCE PRIOR TO RECEIPT OF WRITTEN APPROVAL FROM THE CITY OF DAYTONA BEACH SHORES. I UNDERSTAND THAT ALTERATION, FABRICATION OR INSTALLATION OF THE SIGN PRIOR TO SUCH APPROVAL IS GROUNDS FOR DENIAL OF MY SIGN GRANT APPLICATION BY THE CITY.

By signing below, I further certify 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 Non Conforming Sign Removal Grant that I am applying for and that I fully understand and agree to the process for the application and disbursements of grant funds, as outlined in the Non Conforming Sign Removal Grant Program. Moreover, I acknowledge and agree that the conditions imposed by the City Council shall apply to my permit, if approved, and that the city may impose further conditions pursuant to the City's Code of Ordinances.

OWNER's SIGNATURE _____

STATE OF Michigan COUNTY OF Grand Traverse

Sworn to and subscribed before me this 29th day of December 20 22, by Giorgio Vozza who is personally known to me or has produced MI Driver's License and who did (did not) take an oath.

Julia M. Nicholas

My Commission Expires: 1-10-2028

APPLICANT's SIGNATURE (if applicant not owner) _____

STATE OF _____ COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____ 20 _____, by _____ who is personally known to me or has produced _____ and who did (did not) take an oath.

Notary Public _____

My Commission Expires: _____

E. Notice and Affirmation of Permit Requirements

By signing below, I hereby acknowledge that the grant application process and approval is only for the disbursement of grant funds and does not constitute a sign permit. By signing below, I further acknowledge that a sign permit is required from the Daytona Beach Shores Building Department and that the approval of a sign grant does not relieve applicant, owner or project from the City's Land Development Code sign regulations or the Florida Building Code.

Signature: *Giorgio Voza* ☒ Owner ☐ Applicant

Date: 12-29-22

STATE OF Michigan COUNTY OF Grand Traverse

Sworn to and subscribed before me this 29th day of December 20 22, by Giorgio Voza who is personally known to me or has produced MI Driver's License and who did (did not) take an oath.

Julia M. Nicholas
Notary Public

My Commission Expires: 1-10-2028

F. Affidavit of Authorization (if applicant not owner)

I, _____, owner of the property described herein, hereby authorize _____, and its agents, to make application for _____ to the City of Daytona Beach Shores for the property described in this application.

PROPERTY OWNER's Signature: *Giorgio Voza*

Date: 12-29-22

STATE OF Michigan COUNTY OF Grand Traverse

Sworn to and subscribed before me this 29th day of December 20 22, by Giorgio Voza who is personally known to me or has produced MI Driver's License and who did (did not) take an oath.

Julia M. Nicholas
Notary Public

My Commission Expires: 1-10-2028

G. Checklist

1. Signed Application: ☐
2. Sec. C, proposed sign specs, site plan and illustration, etc: ☐
3. Sec. D, two (2) written cost estimates (budget) for work (on vendor letterhead): ☐

4. Sec. E, signed authorization affidavit (if applicable): ☐
5. Sec. F, signed authorization affidavit (if applicable): ☐
6. Is the property subject to any code enforcement action and/or delinquent on any accounts payable to the City? Yes ☐ No ☐

**Daytona Beach Shores
Non-conforming Sign Removal Incentive Grant Program 2022**

Goal

To enhance the Daytona Beach Shores South Atlantic Avenue/Dunlawton Boulevard Streetscape.

Purpose

To provide financial assistance to property owners and businesses of non-conforming, freestanding pole/ground signs with costs associated in replacing, eliminating or altering non-conforming, freestanding signs into conformity.

Overview

Considering the economic impact and supply chain issues experienced by local businesses, on April 12, 2022, the Daytona Beach Shores City Council adopted Ordinance 2022-11, which extended the deadline for sign owners to bring their non-conforming freestanding pole/ground signs into conformity with the City's monument sign ordinance. The grant program shall terminate upon the expiration date of the aforementioned extended deadline.

Eligibility Requirements

1. The sign shall not be an abandoned sign.
2. The sign shall be a freestanding pole/ground sign made non-conforming as a result of Ordinance 2012-02.
3. Temporary and exempt signs per Ord. 2012-02 do not qualify for this program.
4. Qualifying non-conforming pole/ground signs shall either be altered into conformity or removed and replaced with a new conforming sign.
5. The subject property shall be located in the GC-1, GC-2, GC-RD or T zoning district.
6. The sign shall be located on a property directly abutting S. Atlantic Avenue/SR A1A or Dunlawton Boulevard.
7. The signs shall serve to advertise an onsite business. For the purposes of this grant, a business shall be defined as a retail/service/office commercial, hotel/motel or any other business approved by the Daytona Beach Shores City Council.
8. There shall be an active/operating bona fide business on the subject qualifying property. The business shall possess a valid Business Tax Receipt and Certificate of Use permit.
9. Any work initiated, or costs incurred, prior to receiving City Council grant approval shall not be grant eligible.
10. Sign design and plan shall conform to all applicable City standards.
11. Property/business owner shall be current on all accounts payable to the City.
12. Properties subject to Code Enforcement action shall not qualify for this grant.

Program Description

Applications shall be reviewed on a first-come-first-served basis from the time a complete submittal is received until all budgeted grant funding is allocated. Incomplete applications will not be considered.

The Non-Conforming Sign Removal Incentive Grant Program is a reimbursable dollar-for-dollar matching grant, capped as follows:

Land Use & Sign Type	Year	Percentage	Minimum Award	Maximum Award
All Types	2022	15% of cost	\$2,000	\$3,000

Program Requirements

The following grant applications will be given priority in the evaluation process: applications with signs that are more egregious in nonconformity; applications with signs that will be altered into conformity; and applications with signs that do not require any variances.

1. **Grant application submission deadline is January 1, 2023.** New grant applications and/or incomplete grant applications submitted after this date shall not be considered.
2. Grant applications shall be reviewed by staff for completeness and presented to the City Council for consideration.
3. The City Council may make binding conditions regarding the application under consideration, including, but not limited to, design and location of sign.
4. Grants shall only pay for sign costs associated with design/engineering, sign making, installation, and/or alteration.
5. Applications shall have at least two (2) quotes from licensed sign contractors.
6. Property owner shall obtain relevant City permits prior to the start of construction.
7. Grant reimbursement will be made upon completion of a project as determined solely by the City and a successful inspection by the City's Building Department, including a demonstration that the constructed sign meets the terms of applicable codes and grant conditions, if any.
8. To qualify for grant reimbursement, on site sign construction shall not commence until after City Council approval.
9. Completion of work and a successful inspection is required no later than 120 days subsequent to City Council approval.
10. Written extensions may be awarded by the City Manager for a period not exceeding 120 days.

Noel Eaton

From: Tyson Vozza <Tyson.Vozza@CongoRiver.com>
Sent: Tuesday, January 17, 2023 2:35 PM
To: Noel Eaton
Subject: Fwd: Revised artwork and pricing

Noel,

It appears that we're going with Don Bell. See below for the additional charge and total sign cost.

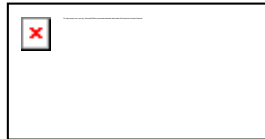
\$19,645 sign
\$1,849 upgraded letters
\$300 engineering
\$300 permitting
\$22,094 TOTAL

If you have any questions, please let me know.

Thank you.

Tyson Vozza | Vice President of Development

Tel: 407-247-4411
Fax: 407-352-6551



Florida Office • 6000 Turkey Lake Road, Ste 206 • Orlando, FL • 32819
www.CongoRiver.com | Award Winning Miniature Golf

This communication (including any attachments) is intended solely for the recipient(s) named above and may contain information that is confidential, privileged or legally protected. Any unauthorized use or dissemination of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by return e-mail message and delete all copies of the original communication. Thank you for your cooperation.

Begin forwarded message:

From: Diana Grunderman <dgrunderman@gmail.com>
Subject: Re: Revised artwork and pricing
Date: January 16, 2023 at 12:12:49 PM EST
To: Tyson Vozza <Tyson.Vozza@congoriver.com>

Tyson, the difference is only \$1849. Let me know what you think.

Diana

On Wed, Jan 11, 2023 at 9:19 AM Tyson Vozza <Tyson.Vozza@congoriver.com> wrote:
Good morning Diana,

That's an interesting look. How does that impact pricing?

Thank you.

Tyson Vozza | Vice President of Development

Tel: 407-247-4411

Fax: 407-352-6551



Florida Office • [6000 Turkey Lake Road, Ste 206 • Orlando, FL • 32819](#)

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On Jan 10, 2023, at 4:47 PM, Diana Grunderman <dgrunderman@gmail.com> wrote:

Tyson, this is an example of what we did for Mellow Mushroom rather than the neon. The effect is similar.

Thanks!
Diana

On Tue, Jan 10, 2023 at 2:45 PM Diana Grunderman <dgrunderman@gmail.com> wrote:

Thanks for the update, Tyson. As before, we cannot build the letters as shown with clear faces and neon because the neon won't fit with 2 lines inside the letters, not even 1 line on the IVER letters. We need at least 2.5" width to fit one stroke in the letters. For that reason, the designer specified a letter face that would appear as neon with the contour cut vinyl on the plexiglas faces. The installation at Landsdowne Street, Disney, is an example of this type of construction. The most recent revision was based on your sketch. The Clearwater sign I would assume is larger, thus allowing for the neon tubing to be used.

I would love to work with you on this project, but there are fabrication challenges that we cannot overcome. If you would like to see a sample of a letter, I can probably get that done for your approval. Please let me know your thoughts.

Thanks,
Diana

On Tue, Jan 10, 2023 at 1:55 PM Tyson Vozza <Tyson.Vozza@congoriver.com> wrote:

Good afternoon Diana,

We still haven't finalized a sign contractor. Can you do the sign in open face neon channel letters? We really like the pop of neon.

The rest of the sign is similar to the attached picture from the Clearwater location, except the CONGO RIVER is more on one line. See attached sketch.

We've had smaller channel letters constructed with double stroke neon in the past. See attached picture at night.

Thank you.

Tyson Vozza | Vice President of Development

Tel: 407-247-4411

Fax: 407-352-6551



Florida Office • [6000 Turkey Lake Road, Ste 206 • Orlando, FL • 32819](#)
[www.CongoRiver.com](#) | Award Winning Miniature Golf

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sage and delete all copies of the original communication. Thank you for your cooperation.

On Dec 8, 2022, at 2:36 PM, Diana Grunderman
<dgrunderman@gmail.com> wrote:

I do not have a local installation that would be similar for the red letters, but we installed a job in Naples that would be similar to what we are proposing. I am sending you that artwork and completion photo as an example. We may have to just do a face as a sample, so you can see the effect that was designed.

Diana

On Mon, Dec 5, 2022 at 4:49 PM Diana Grunderman
<dgrunderman@gmail.com> wrote:

We had some minor revisions to the drawings I sent earlier today, so I have attached that. In addition, I have the following prices for your consideration:

Option 1. with a 25" x 87.50" Dakco 10mm display incorporated into identification display

Add 30.38sqft of 10mm Dakco LED

Electrical parts

Additional assembly, 5 hours

Hardware

Reduce size of "Congo River" illuminated red vinyl / acrylic channel letters by 50" per set = 100"

Additional set of (4) 6" x 1/4" FCO address numerals, 24"

Tech

Net increase = \$14,263

Revised price = \$17,158 + \$14,263= \$31,421

Option 2. with a “Live Gators” channel letterset incorporated into identification display

Add painted black area onto the sign body

Add two sets of (10) 8” white acrylic and opaque white vinyl, 100”

Hardware and Electrical parts

Additional assembly

Reduce size of “Congo River” illuminated red vinyl / acrylic channel letters by 50” per set

Additional set of (4) 6” x ¼” FCO address numerals, 24”

Net increase = \$2,487

Revised price = \$17,158 + \$2,487 = \$19,645

Let me know if you have any questions or comments. I look forward to hearing from you.

Respectfully,

Diana

--

Diana Grunderman | Sales Consultant

[365 Oak Place | Port Orange | 32127](#)

(O) 386-788-8084 | (Ext) 355

(C)(321) 278-3208

www.DonBellSigns.com

--
Diana Grunderman | Sales Consultant

[365 Oak Place | Port Orange | 32127](#)

(O) 386-788-8084 | (Ext) 355

(C)(321) 278-3208

www.DonBellSigns.com

<2200446 R3Shea's at Lansdowne
Street.pdf><20221026_141150_resized.jpg>

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Diana Grunderman | Sales Consultant

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<Push thru acrylic.jpg><IMG_3836.JPG>

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Diana Grunderman | Sales Consultant

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(C)(321) 278-3208

www.DonBellSigns.com

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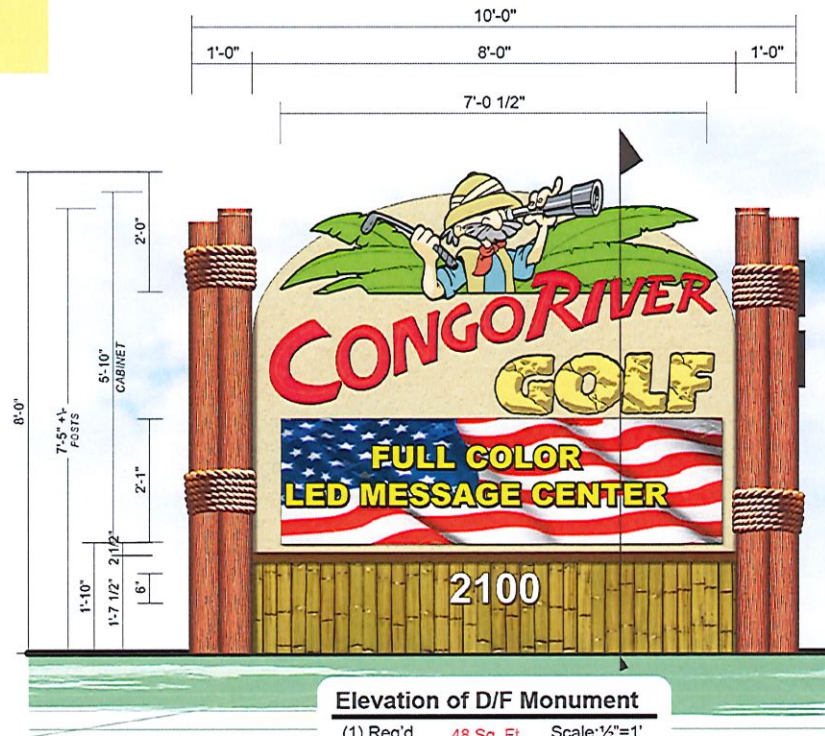
DEC 30 2022

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

Scope of Work: A Option A

Don Bell Signs to fabricate & install:
(1) D/F Monument sign as specified.

NOTE:
Max Sq Ft = 48
Proposed = 48
Max Height = 8'-0"
Proposed = 8'-0"



Elevation of D/F Monument

(1) Req'd 48 Sq. Ft Scale: 1/2"=1'

Shaped Cabinet:
Const.- alum.
Ptd.- Green (PMS 2422)
Faces- flat white acrylic
w/ digitally printed graphic
Illum. w/ intern white LEDs
Mtd. flush to main cabinet

Channel Letters:
Const.- alum.
Ptd.- Red (PMS 186)
Faces- Red acrylic w/
contour cut opaque red vinyl
Illum. w/ intern. LEDs
Mtd. flush to main cabinet

Channel Letters "GOLF":
Const.- alum.
Ptd.- Soft yellow (PMS 602)
Faces- flat white acrylic w/
digitally printed graphic
black jewellite trim
Illum. w/ intern. LEDs
Mtd. flush to main cabinet

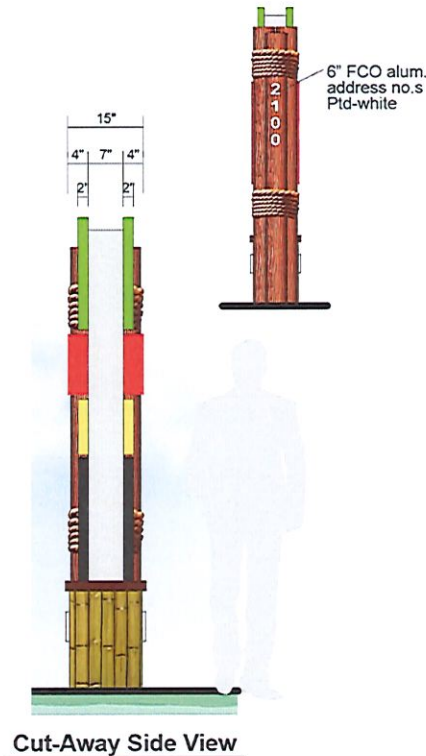
EMC Message Center:
Res.-10mm
Matrix- 64 x 224

Main Cabinet:
Const.- alum.
Ptd.- Tan (PMS 468)
w/ med. sand texture

Decorative Posts:
6" wood posts (3 per side) w/
3/4" dia. natural sealed rope

Address:
Const.- 1/4" alum.
Ptd. White, sat.
Mtd. flush to base

Base:
Const.- alum. w/
vertical "Large Bamboo"
from TexturePlus



Cut-Away Side View

CONGO RIVER

DESIGN #: 2200604 R1

DATE: 10.27.22

DRAWN BY: Andrew

Revisions / Date / Initials

R1-12.05.22-AF

ETL ACCT. #115459
UL 48 Listed Signage
All Sign Components shall be UL
listed and Recognized in the SAA Manual
All Wiring shall be at least 90° C rated

ACCOMMODATE #115459 ☐ 120 Volt
☐ 277 Volt

SHEET 1

Congo River

2100 S. Atlantic Ave.
D.B. Shores FL
Craig Skreiland
As Noted

CorelDRAW

CUSTOMER'S APPROVAL DATE

Note: Primary power & signage lighting control by others. The primary power must be located within 5' of applicable signs installation location.

All penetrations to have bushings
PRIMARY ELECTRIC BY OTHERS

This drawing (except registered or existing trademarks) is the property of DON BELL, which shall not be reproduced or copied in whole or in part without the written permission of the above named owner.



COLOR SCHEDULE



Note: The color on your computer screen or printer output may vary. Please consult the specifications in this drawing and proper color guide for accurate color depiction.

All signage to be installed in compliance with National Electrical Code - NEC 2017.
All signage to be constructed and installed with ETL standards.
Electrical Requirements: () 20 amp circuit(s) @ 120v
PRIMARY ELECTRIC BY OTHERS

RECEIVED

DEC 30 2022

413546

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

Scope of Work: B Option B

Don Bell Signs to fabricate & install:
(1) D/F Monument sign as specified.

NOTE:
Max Sq Ft = 48
Proposed = 48
Max Height = 8'-0"
Proposed = 8'-0"



Elevation of D/F Monument

(1) Req'd 48 Sq. Ft Scale: 1/2"=1'

Shaped Cabinet:
Const.- alum.
Ptd.- Green (PMS 2422)
Faces- flat white acrylic
w/ digitally printed graphic
Illum. w/ intern white LEDs
Mtd. flush to main cabinet

"Neon Style" Channel Letters:
Const.- alum.
Ptd.- Red (PMS 186)
Faces- Red acrylic w/
contour cut opaque red vinyl
Illum. w/ intern. LEDs
Mtd. flush to main cabinet

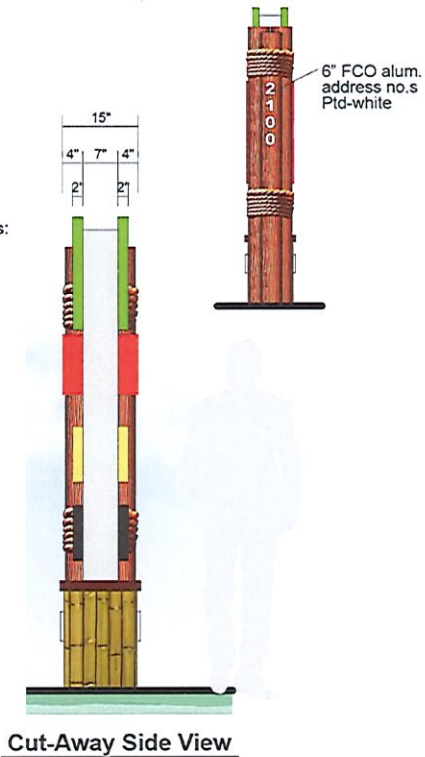
Channel Letters "GOLF":
Const.- alum.
Ptd.- Soft yellow (PMS 602)
Faces- flat white acrylic w/
digitally printed graphic
black jewellite trim
Illum. w/ intern. LEDs
Mtd. flush to main cabinet

Main Cabinet:
Const.- alum.
Ptd.- Tan (PMS 468)
w/ med. sand texture

Decorative Posts:
6" wood posts (3 per side) w/
3/4" dia. natural sealed rope

Address:
Const.- 1/4" alum.
Ptd. White, sat.
Mtd. flush to base

Base:
Const.- alum. w/
vertical "Large Bamboo"
from TexturePlus



Cut-Away Side View

CONGO RIVER

DESIGN #: 2200604 R1

DATE: 10.27.22

DRAWN BY: Andrew

Revisions / Date / Initials

R1-12.05.22-AF

ETL Acct. #115459
UL 48 Listed Signage
All Sign Components shall be UL
listed and Recognized in the SAA Manual
All Wiring shall be at least 90° C rated

ACCOUNT #115459 ☐ 120 Volt
☐ 277 Volt

SHEET 2

Congo River

2100 S. Atlantic Ave.
D.B. Shores FL
Craig Skreiland
As Noted
CorelDRAW

Note: Primary power & signage
lighting control by others. The
primary power must be located
within 5' of applicable signs
installation location.

All penetrations to have bushings
PRIMARY ELECTRIC BY OTHERS

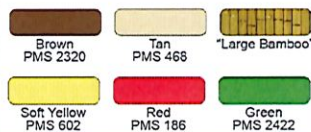
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or copied in whole or in part without the written permission
of the above named owner.



DON BELL SIGNS

365 OAK PLACE
PORT ORANGE, FL 32127
386-78-8034
800-824-0080

COLOR SCHEDULE



Note: The color on your computer screen or printer output
may vary. Please consult the specifications in this drawing
and proper color guide for accurate color depiction.

All signage to be installed in compliance
with National Electrical Code - NEC 2017.
All signage to be constructed and installed
with ETL standards.
Electrical Requirements: () 20 amp circuit(s) @ 120v
PRIMARY ELECTRIC BY OTHERS

413546

RECEIVED

DEC 30 2022

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

SIMULATED NIGHTVIEWS

CONGO RIVER

DESIGN #: 2200604 R1

DATE: 10.27.22

DRAWN BY: Andrew

Revisions / Date / Initials

R1-12.05.22-AF

E.T.L. ACCT. #115459
UL 48 Listed Signage
All Sign Components shall be UL
listed and Recognized in the S&M Manual
All Wiring shall be at least 90° C rated

☐ 120 Volt
☐ 277 Volt

SHEET 3

Congo River

2100 S. Atlantic Ave.
D.B. Shores FL
Craig Skreland
As Noted

CorelDRAW

Note: Primary power & signage
lighting control by others. The
primary power must be located
within 5' of applicable signs
installation location.

All penetrations to have bushings
PRIMARY ELECTRIC BY OTHERS

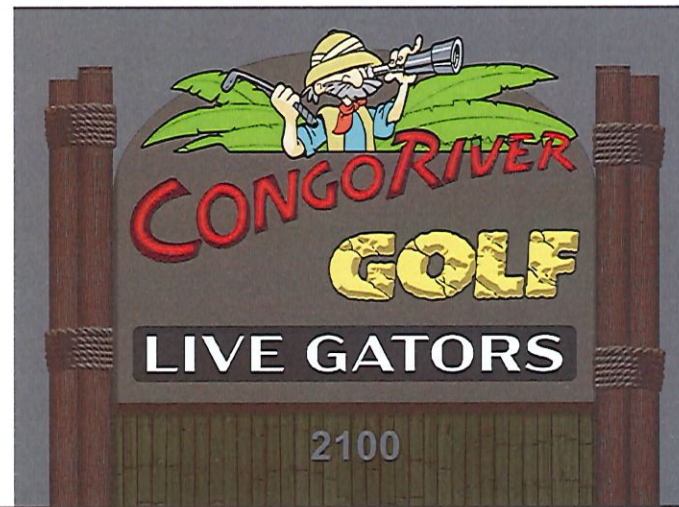
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DON BELL
SIGNAGE

365 OAK PLACE
PORT ORANGE, FL 32127
386-788-8284
800-424-0080



A Option A



B Option B

CENTRAL SIGNS, LLC
517 MASON AVE, UNIT 101
DAYTONA BEACH, FL 32117
(386)322-SIGN

CENTRAL SIGNS

DESIGN
MANUFACTURE
INSTALLATION
SERVICE/REPAIR
CRANE RENTALS

www.central-signs.com

PROPOSAL / SALES CONTRACT

DATE October 4, 2022

CONTACT Tyson Vozza
ADDRESS 600 Turkey Lake Road, Ste 206
CITY/STATE Orlando, FL 32819
PHONE 407-247-4411
EMAIL Tyson.Vozza@CongoRiver.com

SALES ORDER NO. _____ PURCHASE ORDER NO. _____
JOB NAME Congo River Golf
ADDRESS 2100 S Atlantic Ave.
CITY/STATE Daytona Beach, FL 32118

RECEIVED

DEC 30 2022

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

-----CONSTRUCTION SPECIFICATIONS-----

413546

Scope of Work:

One double sided pylon sign @ 8' Height (2' Architectural embellishments) 8' Width (per approved rendering)
Background Panel texture painted aluminum: 8'x8'
"Live Gators" to be raised aluminum panel with flush mounted channel letters, white faces with black trim and black vinyl bits on faces.
Golf Dude: lighted cloud sign with digital print face
Green Leaves: open face neon channel with clear faces
"Congo River Golf" to be open face neon channel letters with clear faces, Red and Gold neon (per approved rendering)
Actual letter sizes and overall dimensions per approved permitted rendering
Customer to supply wooden poles and will mount to our steel

ELECTRIC PERMIT & HOOK UP? YES ☒ NO ☐ (check one) This will be required by the building department to secure permit.
This will be invoiced additionally at the end of the project. Hook up will be \$125.00 per hour plus materials due at time of completion.

Customer must note that the actual color shown on your sign rendering is only intended to provide a concept of the finished sign product and they may differ from the colors of the actual materials used in the production of your signage. The actual colors which will be used in production may be selected from our sample materials or from our sales manual color charts which are available upon request. Central Signs is not responsible for any damages that may occur anytime on site due to existing old age, uv damage or fatigue of existing sign. If Central Signs causes any damage on site, the customer is obligated to place Central Signs on notice to cure the damage. If not given notice from the customer Central Signs is released of all liability for said damage.

This proposal does not include: Changeable copy letters (unless specified above), de-energizing overhead power lines, removal of underground obstructions, alterations of original plans due to underground obstructions, additional reinforcement to walls to support wall mounted products, additional installation time required because of unknown obstructions within wall prolonging drilling of installation or electrical holes, additional installation time or work required because of lack of access to the back side of walls, or primary wiring to sign display from building power source.

Customer is responsible to: Provide Central Signs a certified survey and site plan at Customer's expense. Customer agrees to sign permit applications, letters of authorizations, notice of commencements, UCC Form, art renderings, job plans, work orders, change orders and completion letters as requested by Central Signs staff. Central Signs shall notify Customer of installation date and time and thereafter, Customer shall meet Central Signs installers on site in a timely manner to identify the exact property lines, right of way and to direct the exact product placement on site or on building.

FOR THE SUM OF Twenty Five Thousand Six Hundred Eighty Dollars and 75/100 cents... \$ 25,680.75

Payment to be made as follows:

Sub-Total: \$23,550.00

Tax (6.5%): \$1,530.75

Engineering & Permitting: \$ 600.00

50% deposit (\$12,840.38) upon signed contract, Balance due upon completion (\$12,840.37)

Central Signs warrants the work by this contract against defects in materials and/or workmanship for a period of 30 days from the installation date. Should anyone other than Central Signs personnel work on the products, the warranty shall be voided. The customer agrees that should the product malfunction in any way, the customer shall disconnect the power source and the product has been repaired by Central Signs. Central Signs is not responsible for any damages that result in the products being inoperable for any period of time. Because of the short risk of high voltage lighting sources and the exposure to wind loads the customer shall be responsible for carrying liability, fire & property damage insurance on type products & on any structure to which the products are attached to. The customer shall look only to their own insurance for the cost of repair & damage from fire, wind storms or any other risks. The warranty specifically excludes any problems caused by exposure of water and all wind storm damage of any kind. The warranty does not include maintenance items. On service & all repair work, the warranty only applies to the specific materials supplied & does not cover labor charges.

All work to be completed in a workman like manner according to standard practices. Any additional work required by local Building Officials which was unforeseen or not part of the original construction specifications shall become an extra charge over & above the contract price. On service and/or repair work and on installation of products produced by others, Central Signs shall not assume and liability for the products or for up grading the products to meet current codes unless specified above. All agreements contingent upon strikes, accidents, in climate weather or any other delays beyond the control of Central Signs. Any additional work alterations or deviations requested by the Customer from the above specifications will become an extra charge over & above the contract price & these fees will be due upon completion.

Central Signs shall retain title to all signage, materials & property covered by this contract. If customer refuses to make any payment due or if any payment becomes past due, Central Signs shall have the right to place the job on hold & any completion scheduled shall be set aside & Central Signs shall have the right to retain all payments there to for made as compensation for the use thereof. Customer agrees to pay additional fees for re-installation. A service charge of 1 - 1.5% interest will be charged on the unpaid balance after ten days (18% annual).

If for any reason Central Signs shall institute any suit or action for the enforcement of any of the obligations of the customer or must defend against an action of the customer here unto customer agrees to pay, in addition to the amounts found due from customer, reasonable attorneys fees & court costs. Customer waives his/her right to a trial by jury in regard to this contract. None of any suit, suit or action shall be in any court in the County of Volusia, State of Florida, having jurisdiction over the subject matter. Both parties hereby waive all rights to change the venue of any action or trial there at.

This contract supersedes any written or oral prior agreement not set forth in this contract. Central Signs installers & service personnel are not authorized to negotiate or change the terms of this contract in any way. Only the President of Central Signs shall change the terms of this contract.

PROPOSAL ACCEPTANCE: The above prices, specifications and conditions are satisfactory and are hereby accepted. Central Signs is hereby authorized to do the work as specified. The customer or authorized signer of this contract personally guarantees payment in full of all charges listed above. Payment will be made as outlined above. Upon execution by Customer, this proposal becomes a binding contract on both parties, and is non-cancellable.

Customer Signature: _____

Customer Name: _____

Date: _____ Title: _____

Salesperson: Charles Hutcherson

*Accepted By: _____ Date: _____

*This proposal is subject to acceptance by Central Signs.

This Proposal will remain valid for 30 days from this date.

Exhibit B
Location Map-2100 S. Atlantic Avenue-Congo River Golf



Source: Volusia County Property Appraiser Website (2022)

Street View-2100 S. Atlantic Avenue-Congo River Golf



Source: Google Street View (July 2022)

EXHIBIT C

Eligibility Requirements Analysis Table: 2100 S. Atlantic Avenue-Congo River Golf

ID	Eligibility Criteria	Status	Criteria Met
1	Sign shall not be abandoned	Sign is not abandoned.	Yes
2	Nonconforming freestanding pole/sign pre-existed Ord. 2012-02	Sign pre-existed Ord. 2012-02	Yes
3	Temporary sign and exempt signs do not qualify	Sign is not temporary or exempt	Yes
4	Property shall be located in a commercial/hotel district	Property is located in the GC-RD District	Yes
5	Property shall abut S. Atlantic Avenue or Dunlawton Boulevard	Property abuts S. Atlantic Avenue	Yes
6	Sign shall serve to advertise an onsite business	Sign advertises an onsite business	Yes
7	There shall be an active business on site	The advertised business is active	Yes
8	No prior sign work/cost shall be eligible for grant funding	Sign Contractor and Applicant are aware of this condition	Yes
9	Sign design and plan shall conform to all applicable City standards	Sign Contractor and Applicant are aware of this condition	Yes*
10	No delinquent accounts payable to City	Applicant is aware of this condition	Yes*
11	Properties subject to Code Enforcement action shall not qualify for this grant.	Property is not subject to CE action	Yes

Note: * Staff is recommending this item as a condition if approved.

Application Summary Description Table:

ID	Parameter	Application	Parameter Met
1	Sign Grant Limit	Requested Amount	
	15% of costs w/ min of \$2,000 and max of \$3,000	\$3,000	Yes
2	Sign Work Type Permitted		
	Alteration or Removal	Removal w. New Sign	Yes
3	Work Detail Permitted		
	Design/engineering, sign making, installation, and/or alteration.	Design/engineering, sign making, installation	Yes
4	Variance Required	No	

Noel Eaton

From: Tyson Vozza <Tyson.Vozza@CongoRiver.com>
Sent: Thursday, January 26, 2023 12:26 PM
To: Noel Eaton
Cc: Cruz, Stewart
Subject: Re: Congo River Sign & Grant Incentive Application

Good afternoon Noel,

We are proud to be in Daytona Beach Shores and a part of the community. We believe that Congo River Golf provides a quality entertainment option for the community and visitors.

As discussed yesterday, unfortunately, it very difficult for us to update our website to reflect "Daytona Beach Shores" rather than "Daytona Beach" as our website is highly themed and many of the words are actually graphics rather than text that cannot easily be changed. We have a multi-location website so "Daytona Beach" is listed in many areas. Also, it is not uncommon to shorten longer words or phrases in advertising as there are space constraints with the layout and design and need the sizing, layout, graphics to work cohesively.

We appreciate being considered for the sign grant. It is our understanding that the funds were allocated to assist businesses as they transition from non-conforming signs to new conforming signs. Hopefully, this concern with the website will not hinder our application for the grant.

If you have any additional questions, please let me know.

Thank you.

Tyson Vozza | Vice President of Development

Tel: 407-247-4411

Fax: 407-352-6551



Florida Office • 6000 Turkey Lake Road, Ste 206 • Orlando, FL • 32819

www.CongoRiver.com | Award Winning Miniature Golf

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CITY COMMISSION AGENDA MEMORANDUM FEBRUARY 14, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission
FROM: Becky Vose, City Attorney
PREPARED BY: Cheri Schwab, City Clerk
SUBJECT: Formalization of City Manager Salary Adjustment

SYNOPSIS:

This Amendment merely implements the will of the City Commission as expressed at the meeting of January 10, 2023.

FISCAL IMPACT STATEMENT:

This would have a direct impact on the current year's budget of approximately \$9,787.97. The annual impact would be approximately \$17,066.40.

BACKGROUND:

On January 10, 2023, the City Commission reviewed the salary of the City Manager, evaluated the performance of the City Manager and unanimously voted to increase the base salary of the City Manager to \$165,000 per year. This First Amendment to Employment Agreement of the City Manager implements this action.

LEGAL REVIEW:

Both the method of increase in salary of the City Manager and the Amendment to his Agreement are legally appropriate.

RECOMMENDATION:

Approve

SUGGESTED MOTION:

Move to approve First Amendment to Employment Agreement of City Manager.

ATTACHMENT: 1. 2023 First Amendment to City Manager's Agreement

**FIRST AMENDMENT TO
EMPLOYMENT AGREEMENT**

THIS FIRST AMENDMENT TO EMPLOYMENT AGREEMENT, which is made and entered into this 15th day of February, 2023, amends that certain Employment Agreement by and between the **CITY OF DAYTONA BEACH SHORES**, Florida, a municipal corporation, hereinafter referred to as “Employer” or “City”, and **KURT D. SWARTZLANDER**, hereinafter referred to as “Employee” or “City Manager”, both hereinafter collectively referred to as “the parties”, with an effective date of June 3, 2022 (hereinafter “Original Agreement”).

WITNESSETH:

WHEREAS, by Charter Amendment, the City Council of the City of Daytona Beach Shores is now known as the City Commission of the City of Daytona Beach Shores; and

WHEREAS, Section 3.03 of the Charter of the City of Daytona Beach Shores provides that “[T]he city council shall establish the salary and other benefits of the city manager, and shall at least annually review the salary. On the occasion of the annual salary review the council shall make a systematic evaluation of the performance of the manager which shall be made a matter of public record.” This Section anticipates a potential for a review of the salary of the City Manager more often than once per year, as shown by the reference to “at least annually”; and

WHEREAS, on January 10, 2023, the City Commission reviewed the salary of the City Manager, evaluated the performance of the City Manager at that public meeting, and unanimously voted to increase the salary of the City Manager to \$165,000 per year.

NOW, THEREFORE, In consideration of the mutual covenants herein contained, the parties amend the Original Agreement as follows:

1. All references in the Original Agreement to the City Council of the City of Daytona Beach shall be amended to refer to the City Commission of the City of Daytona Beach Shores.
2. Section 4 of the Original Agreement is amended to read:

Section 4. Salary.

A. Employer agrees to pay the City Manager for his services rendered pursuant hereto as City Manager an annual base salary of \$165,000.00 payable in installments at the same time as other employees of the City of Daytona Beach Shores are paid.

B. Employee's base salary shall be increased in accordance with any increase granted across-the-board to all salaried city employees for any market-based, or cost-of-living wage adjustments (excluding the existing city merit pay increase plan). In addition, the City agrees to increase the base salary and/or benefits of Employee in such amounts and to such extent as the City Commission by majority vote determines desirable on the basis of any salary and/or benefits review of Employee (whether an annual review or otherwise). In the event of an increase of salary or benefits under this paragraph, this Agreement shall be deemed amended to reflect the increased salary and/or benefits.

3. All other terms and conditions of the Original Agreement remain the same.

IN WITNESS THEREOF, the City of Daytona Beach Shores has caused this First Amendment to Employment Agreement to be signed and executed in its behalf by its Mayor and duly attested by its City Clerk, and the Employee has signed and executed this Agreement, both in duplicate.

CITY OF DAYTONA BEACH SHORES

Nancy Miller, Mayor

Date

EMPLOYEE

Kurt D. Swartzlander, Employee

Date

CITY CLERK

Cheri Schwab, City Clerk

Date



**CITY COMMISSION AGENDA MEMORANDUM
FEBRUARY 14, 2023 AGENDA**

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Resolution 2023-02 support of Florida League of Cities Legislative Agenda

SYNOPSIS:

Mayor Miller requested this agenda item to support the FLC legislative agenda.

FISCAL IMPACT STATEMENT:

N/A

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends adoption of the attached Resolution.

SUGGESTED MOTION:

I move to adopt Resolution 2023-02 on first reading.

ATTACHMENT: 1. res 2023-02DBS FLC Leg Resolution

RESOLUTION 2023-02

A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE 2023 FLORIDA LEAGUE OF CITIES' LEGISLATIVE PLATFORM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature will convene the 2023 Legislative Session on March 7, 2023; and

WHEREAS, the membership of the Florida League of Cities (FLC) adopted its 2023 Legislative Platform during the FLC Legislative Conference on December 2, 2022; and

WHEREAS, the City of Daytona Beach Shores supports the 2023 FLC Legislative Platform:

- Supporting the preservation of municipal authority to manage municipal revenue sources and realize a reasonable rate of return on their proprietary assets, investments, and services.
- Supporting legislation that defines and clarifies mobility plans in order to provide a clear and concise regulatory framework for Florida cities to acquire, construct and implement both traditional and alternative modes of transportation.
- Supporting legislation that restores authority to local governments for the regulation of short-term rental properties as necessary for quality of life, public safety and the creation of fair lodging standards. Supporting legislation clarifying that existing, grandfathered municipal short-term rental ordinances can be amended without penalty. Opposing legislation that preempts municipal authority as it relates to the regulation of short-term rental properties.
- Supporting legislation that requires all money from the Sadowski State and Local Housing Trust Fund be used only for Florida's affordable housing programs that are targeted to meet the needs of workforce housing, including home ownership and rental availability.
- Supporting legislation establishing a statewide coordinated planning and prioritization approach for water resource investments that funds Florida's current and projected water needs in an equitable manner and authorizing Comprehensive Watershed Management projects to qualify for funding under the state Water Protection and Sustainability Trust Fund.

WHEREAS, the City of Daytona Beach Shores also supports the FLC policy positions relating to:

- Property Tax Protection
- Residential Zoning

- Transportation Funding
- Water and Wastewater Plant Operator Licensure

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH SHORES, AS FOLLOWS:

SECTION 1. Findings. The above recitals are true and correct and incorporated herein by this reference.

SECTION 2. Support for the Florida League of Cities. The City of Daytona Beach Shores will work with our local legislative delegation in support of these and other issues affecting Florida's cities, towns and villages during the upcoming 2023 Legislative Session.

SECTION 3. Distribution of Resolution. A copy of this resolution shall be provided to members of our local legislative delegation and the Florida League of Cities, Inc.

SECTION 4. Severability. If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Resolution.

SECTION 5. Conflicting Resolutions. All resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. Effective Date. This Resolution shall become effective immediately upon adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

By: _____
Nancy Miller, Mayor

By: _____
Kurt Swartzlander, City Manager

ATTEST:

By: _____
Cheri Schwab, City Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Gretchen R. H. "Becky" Vose, City Attorney

Passed and adopted on this _____ day of _____, 2023.

Posted this _____ day of _____, 2023.



CITY COMMISSION AGENDA MEMORANDUM FEBRUARY 14, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Mike Fowler, Public Safety Director

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Resolution 2023-03 support Florida Police Chiefs Association and Florida Professional Firefighter legislation

SYNOPSIS:

Resolution in support of proposed state legislation to return FRS high risk pension to 25 years of service or 55 years of age.

FISCAL IMPACT STATEMENT:

This would have no impact on the current budget.

BACKGROUND:

In 2011, a number of changes were made to the Florida Retirement System that created disparity between Special Risk Class members (police, fire, corrections, etc.). Among those changes is normal retirement eligibility, which increased dramatically for members hired after July 1, 2011. In 2022, the Florida Legislature funded an actuarial study to understand the potential cost impact to the FRS of restoring the age and years of service for Special Risk members. HB 239 and its companion SB224 would return the required years of service to 25 and normal retirement age to 55. This change would provide a consistent normal retirement age for all Special Risk members, no matter their hire date.

The Special Risk Class of the FRS was created by the Legislature to recognize that because the work our firefighters, EMS, law enforcement, correctional officers do is physically demanding, requires extraordinary agility and mental acuity, there are limits to the length of time you can perform it. Increasing the age and years of service from age 55 to 60 and 25 to 30 years was counter to that purpose. Employees in the higher age/years of service bracket are at risk for higher disability or workers' compensation costs. They are potentially more likely to be injured while protecting you than during any other time in their career.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval.

SUGGESTED MOTION:

I move to adopt the resolution as written.

ATTACHMENT: 1. res 2023-03 support FPCA and FPF Leg Resolution

RESOLUTION 2023-03

A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE 2023 FLORIDA POLICE CHIEFS ASSOCIATIONS' LEGISLATIVE PLATFORM AND THE 2023 FLORIDA PROFESSIONAL FIREFIGHTERS' LEGISLATIVE PLATFORM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature will convene the 2023 Legislative Session on March 7, 2023; and

WHEREAS, the membership of the Florida Police Chiefs Association (FPCA) and the Florida Professional Firefighters (FPF) support House Bill 239 sponsored by Representative Busatta Cabrera and its identical companion Senate Bill 224 supported by Senator Ed Hooper; and

WHEREAS, HB 239 and SB 224 benefit firefighters, EMS, law enforcement, sheriffs, correctional officers and all members of the Special Risk Class.

WHEREAS, HB 239 and SB 224 provide a consistent normal retirement age for all Special Risk members, no matter their hire date

WHEREAS, the City of Daytona Beach Shores supports the 2023 FPCA and FPF Legislative Platform by supporting HB 239 and SB 224 which include:

- Revising the definition of “retirement date”.
- Decreasing the age and years of service needed to reach normal retirement date for certain members.
- Providing a declaration of important State interest:

“Section 4. The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits and that are managed, administered, and funded in an actuarially sound manner as required by s. 14, Art. X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.”

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH SHORES, AS FOLLOWS:

SECTION 1. Findings. The above recitals are true and correct and incorporated herein by this reference.

SECTION 2. Support for the Florida Police Chiefs Association and the Florida Professional Firefighters. The City of Daytona Beach Shores will work with our local legislative delegation in support of these and other issues affecting the FPCA and FPF during the upcoming 2023 Legislative Session.

SECTION 3. Distribution of Resolution. A copy of this resolution shall be provided to the FPCA and FPF.

SECTION 4. Severability. If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Resolution.

SECTION 5. Conflicting Resolutions. All resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. Effective Date. This Resolution shall become effective immediately upon adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

By: _____
Nancy Miller, Mayor

By: _____
Kurt Swartzlander, City Manager

ATTEST:

By: _____
Cheri Schwab, City Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Gretchen R. H. "Becky" Vose, City Attorney

Passed and adopted on this _____ day of _____, 2023.

Posted this _____ day of _____, 2023.