

MINUTES
PLANNING & ZONING BOARD MEETING
October 14, 2024
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Rose Ann Tornatore, Member Guy Desai

Staff: City Clerk Cheri Schwab, City Attorney Paul Waters , Community Services Director Stewart Cruz, and City Planner Gwyn Herstein.

2. MINUTES

A. Planning & Zoning Minutes August 12, 2024

MEMBER CHUCK HORION moved, seconded by MEMBER JAMES LILLY to Approve the Planning & Zoning Minutes of August 12, 2024.

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

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Rose Ann Tornatore, Member Guy Desai

3. QUASI-JUDICIAL HEARING

A. Special Exception SPEX12024017: Off-Site Construction Parking for LIV Condominium, two adjacent vacant lots on Dahlia Avenue (Volusia County Parcel ID #s: 6302 05 09 0010 and 6302 05 09 0020)

It was noted that this was a quasi-judicial proceeding, so Attorney Paul Waters swore in all the witnesses. City Planner Gwyn Herstein gave a brief staff presentation. If approved, the site would be used for temporary construction parking for the LIV Condominium project. The LIV Condominium will be located on S. Atlantic Avenue and this temporary parking will be across the street and head west down a side street. The project met all 20 required criteria for the special exception. Two of the criteria are met with conditions, but there are actually four conditions that staff requested with the recommended approval: 1) sand fencing shall be required to conform with LDC; 2) all components added to the site shall be removed upon completion of the use of the site; 3) all signage shall require a sign permit; 4) no staging, storage or stockpiling of construction material shall be allowed on the site. It was noted that the site plan for the project had been previously approved but no applications to begin the work have been received. It is anticipated that the project would take no more than three years. Attorney Rob Merrell, with Cobb & Cole, spoke on behalf of the applicant. Per the city's code, the special exception is something that once you meet the required criteria, it should be presumed approved. He stated that the workers would arrive in the morning, park their trucks and return at the end of the day. There should not be trucks coming and going all day from this area.

The Chair opened up the hearing for public comments. There were no comments in favor of the applicant.

The following spoke against the project:

Gabriel Dillon-Bowman inquired who made the final decision on the project. He was not happy with the temporary parking in his neighborhood. Gary Lupinsky explained that he never received personal notice for the hearing and felt he should have. He stated that other condominiums had been built nearby without needing extra temporary parking in the neighborhood. Chris Evans felt that this

would be a nuisance in the neighborhood and did not want large trucks driving through.

Attorney Merrell spoke again reiterating that it was only construction workers' personal vehicles that would be parked on the site. They would not be coming and going throughout the day. Once the building was completed, the site would be seeded and palms planted.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to recommend approval to the City Commission for Special Exception SPEX12024017 with the four conditions as presented.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 1).

Yes: Member Rick Delange, Member Chuck Horion, Member Rose Ann Tornatore, Member Guy Desai

No: Member James Lilly

4. ACTION ITEMS

A. Regular Site Plan RSP12024020: LUX Condominium, 3159 S. Atlantic Ave.

City Planner Gwyn Herstein provided a brief presentation for the project. It will be a seven-story, 30-unit condominium. The property is currently a vacant lot and is zoned appropriately for a multi-family residence. The proposed site plan is consistent with the city's comprehensive plan and all due public notice had been met. There are three conditions that need to be addressed before final approval can be given by staff. They are: 1) additional safety measures for cars entering the lower level garage are needed; 2) required confirmation from the City of Port Orange for adequate water supply to the project has not been provided; 3) required confirmation that sufficient water pressure will be achieved by the project has not been provided. Staff recommended approval with the three conditions stated.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to recommend approval with the three conditions presented, to the City Commission for the Regular Site Plan RSP12024020: LUX Condominium.

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

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Rose Ann Tornatore, Member Guy Desai

5. OTHER

A. Reminder of next Planning & Zoning Board meeting - Thursday, November 7th at 8:30 a.m.

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 9:47 am.

Cheri Schwab, Recording Secretary

Rick DeLange, Chairman

