



PLANNING AND ZONING BOARD
Council Chambers
3048 S. Atlantic Avenue
Daytona Beach Shores, Florida
Monday, May 11, 2015
8:30 a.m.
AGENDA

CALL TO ORDER

AUDIENCE REMARKS:

Time for citizens and members of the audience to be heard with regard to items not on the agenda. The audience will be given the opportunity to speak regarding agenda topics prior to each vote before the Planning and Zoning Board.

APPROVAL OF MINUTES: Minutes of Planning and Zoning Board Meeting of
October 13, 2014

PUBLIC HEARING: Sun Viking Lodge Overflow Parking Special Exemption
2406 S. Atlantic Avenue

ACTION/DISCUSSION:

REMARKS OF STAFF

REMARKS OF BOARD MEMBERS

ADJOURNMENT

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

**PLANNING AND ZONING BOARD
MINUTES
3048 S. Atlantic Avenue Daytona Beach Shores, Florida
October 13, 2014**

Present: James Lilly, Pat Carpenter, Rose Ann Tornatore, John Schmitz, and Marianne Bachstein. **Excused:** Harold Needham. **Staff present:** Board Attorney Lonnie Groot, City Planner Stewart Cruz and Community Services Director Fred Hiatt.

The Chair called the meeting to order at 8:30 am.

AUDIENCE REMARKS: None.

APPROVAL OF MINUTES: Minutes of Planning and Zoning Board Meeting of February 11, 2014

Mr. Schmitz moved, seconded by Ms. Carpenter to approve the minutes of February 11, 2014. The motion passed unanimously by a voice vote.

PUBLIC HEARING: 1. Ordinance 2014-AV: Administrative Variances

City Planner Stewart Cruz informed the board that the proposed Ordinance would create a new section of the Land Development Code. If adopted, the Building Official could grant minor variances without the property owner having to appear before the Board of Adjustments. The proposed variance(s) requested could only be for no more than 10% of the required standard. The request would still need to meet justification criteria almost identical to the board's criteria. This process could save both the property owner and staff time and money. Staff recommended approval of the Ordinance.

Ms. Carpenter moved, seconded by Ms. Bachstein to recommend approval to the City Council for Ordinance 2014-AV. The motion passed 4-1 with Mr. Lilly voting against.

2. Ordinance 2014-TC: CRA and Town Center

City Planner Stewart Cruz stated that the proposed Ordinance would eliminate and update obsolete sections of the Land Development Code due to the cancellation of the Town Center area. He explained that when the Community Redevelopment Area was created in 2005, it created a special district (Town Center) with standards that had to be followed. With the downturn in the economy, the City Council decided to cancel the CRA in 2013. There has been no interest from businesses and properties in the district to redevelop under the guidelines. Staff has proposed to have all the properties follow the same guidelines and not have more restrictive rules for some.

Mr. Schmitz moved, seconded by Ms. Carpenter to recommend approval to the City Council for Ordinance 2014-TC. The motion passed unanimously by a roll call vote.

ACTION/DISCUSSION: None.

REMARKS OF STAFF: None.

REMARKS OF BOARD MEMBERS: None.

ADJOURNMENT : The meeting ended at **8:49 am.**

ATTEST:

CITY OF DAYTONA BEACH SHORES

Cheri Schwab, City Clerk

Rose Ann Tornatore, Chairman



**STAFF REPORT FOR THE
PLANNING AND ZONING BOARD
MAY 11, 2015**

APPLICATION NO:	SPEX 12015008
PROJECT NAME:	Sun Viking Lodge Overflow Parking
PROJECT ADDRESS:	2406 S. Atlantic Avenue
APPLICANT/OWNER:	Gary Brown/Gary & Barbara Brown
REPRESENTATIVE:	Pete Zahn, PE
REQUEST:	<i>Pursuant to Section 14-58.1.2.A(8) and Section 14-31.1.3.(C) of the Land Development Code, the applicant is requesting a special exception to allow overflow parking for the Sun Viking Lodge on the subject property.</i>

A. BACKGROUND

The subject application was submitted to the City on March 5, 2015. The applicant/owner recently purchased the property in question in August of 2014 and they are now requesting the City approves a special exception to permit overflow parking for the Sun Viking Lodge, which is situated across S. Atlantic Avenue. Section 14-31.1.3.(C) of the Daytona Beach Shores Land Development Code (LDC) permits parking in the GC-RD District, which the property is zoned, but only by means of a special exception, hence the subject application.

B. ZONING AND LAND USE

Subject Property: GC-RD (General Commercial-Redevelopment District): Vacant Lot

Surrounding Property:

North: GC-RD & Daytona Beach Residential Zoning: Abandoned commercial building & Single-family residence

South: GC-RD & Daytona Beach Residential Zoning: Apollo Plaza & Single-family residence

East: T/RMF-1: St. Maarten Multifamily Residential Condominium

West: Daytona Beach Residential Zoning: Daytona Beach Single-family residence

C. PROJECT DESCRIPTION

The subject property is located at 2406 S. Atlantic Avenue and is approximately 0.43 of an acre. (**Figure 1** below) The plan proposes a total of 35 overflow (offsite) parking spaces for the Sun Viking Lodge, 11 of which would be grassed stalls while the remaining 24 will be paved. Vehicular access is available from Harrison Road to the north and S. Atlantic Avenue to the west. However,

ingress will be solely from Harrison Road while egress will be at S. Atlantic Avenue. The parking lot will contain landscape buffers around the entire property (see attached Site Plan). The proposed plan meets all the parking (Sec. 14-48) and landscaping design (Sec. 14-46) requirements of the City's LDC. If approved, stormwater management design will be provided during the regular site plan review process. Lastly, the City has requested and the applicant is considering to provide a bus bench easement on the northeastern portion of the property along the S. Atlantic Avenue sidewalk.

Figure 1: Aerial View & Location of 2406 S. Atlantic Avenue



Source: Volusia PALMS 2015

D. STAFF REVIEW AND COMMENTS

Sections 14-69.1 and 14-58.1.2.A(8) of the City's LDC gives the Planning & Zoning Board the authority to make recommendations on special exception requests for parking, with final approval by the City Council, however, certain criteria must be met.

Notwithstanding the parking and landscaping design requirements, there are two sets of criteria that need to be met when considering the grant of a special exception for parking in the City of Daytona Beach Shores. These criteria are outlined under sections 14-69.1 and 14-58.1.2.A(8) of the Land Development Code. Parts I and II below provide analyses of the former and later, respectively. Both

analyses are summarized in the criteria evaluation table below. The applicant's responses can be seen in **Exhibit A** attached.

PART I

When considering a special exception request, the following criteria under Section 14-69.1 of the Land Development Code shall be considered.

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

The parking lot does not appear to adversely affect the public interest as it will function primarily as overflow parking fort the Sun Viking Lodge and not as a full time commercial parking lot. In addition, the site will be adequately landscaped and screened while any potential stormwater/siltation impact would be managed onsite by means of a stormwater management system.

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

The applicant agrees to the aforementioned.

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

The applicant agrees to the aforementioned.

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

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

The grant of this special exception does not appear to contravene this ordinance, the zoning regulations or the City's Adopted Comprehensive Plan as the conceptual review has demonstrated complete compliance with the City's requisite development standards. Further, temporary and permanent parking on the subject property are permitted pursuant to Section 14-58.1.2A(8) of the LDC by means of a special exception.

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

The parking lot layout meets the requirements of Section 14-48 of the LDC, which regulates parking. In addition, the landscaping required by Section 14-46 of the LDC are all met.

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

The applicant has demonstrated sufficient evidence to assure compliance with all requirements as professional engineering services have been retained to provide the conceptual site plans attached and undergo this special exception process. Further said professional services will be utilized as part of the applicant's site plan review process, which may require input from state agencies.

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

The traffic generated by the parking facility already exists as the parking lot will be used for overflow parking for the pre-existing Sun Viking Lodge. Said traffic is already being accommodated for by existing transportation road network at the adopted Level of Service Standards. Further, the proposed layout meets the dimensional requirements of the LDC to ensure adequate onsite circulation. Lastly, adequate opaque landscape screening and buffers will be provided around the property. Therefore, the proposal sought should not create a public nuisance, create any hazard or danger to the public or persons in the vicinity of such use.

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

The special exception is for overflow parking associated with the Sun Viking Lodge and it should not materially alter the character of the surrounding neighborhood or adversely affect the value of surrounding lands, etc. The site is currently vacant and, according to the applicant, once functioned as a parking lot.

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

The property is an unimproved vacant site with grass. When developed, the site will have a LDC and state of Florida compliant stormwater management system. In addition, the site will be adequately landscape consistent with the City's landscape design requirements. Therefore the proposed development should not be injurious to the natural or built environment.

PART II

Section 14-58.1.2.A(8) of the Land Development Code also lists specific criteria for special exceptions for parking, which should be considered:

- a. Screening and/or landscaping will be required as a buffer on all non-street property lines.

Section 14-58.1.2.A.8(a) of the LDC concerning parking permitted as a special exception states that “screening and/or landscaping will be required as a buffer on all non-street property lines.” The applicant has elected to provide opaque screening via continuous hedging along all non-street property lines.

- b. The hours of operation and noise caused by the parking shall not be inconsistent with the character of the neighborhood.

The neighborhood is a mixture of vacant commercial, commercial, multifamily and single-family residential development. The proposed parking should not generate more traffic or traffic noise beyond the normal operational time frame than what currently exist and is associated with the Sun Viking Lodge. Hence, the operation and noise caused should not be inconsistent with the character of the neighborhood.

- c. The purpose for the parking shall be within a reasonable distance of said parking.

The proposed site is well within walking distance (approximately 170 feet) to the Sun Viking Lodge, which it will serve.

- d. This special exception may be approved for a limited period of time. In this event the city may waive certain requirements that would ordinarily be required for a permanent improvement.

The applicant has not requested a time limit regarding the subject application.

CRITERIA SUMMARY:

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

Table 1: Evaluation Criteria

Criteria 14-69-1	1	2	3	4a	4b	4c	4d	4e	4f	Total
Criteria Met	X	X	X	X	X	X	X	X	X	9
Criteria Not Met										0
Criteria Partially Met										0
Criteria 14-58.1.2A(8)	a	b	c	d						
Criteria Met	X	X	X	X						4
Criteria Not Met										0
Criteria Partially Met										0

E. STAFF RECOMMENDATION

Pursuant to Section 14-58.1.2.A(8) and Section 14-31.1.3.(C) of the Daytona Beach Shores Land Development Code, staff recommends approval of the requested special exception as proposed.