

Planning and Zoning Board Meeting March 7, 2022

[Link to meeting video:](#)

Board members present: Steven Snively, Sandra Smith, Steve Danskine, Thomas Wheeler, Susan Neylon and Kip Hulvershorn.

Z-1-22: S. Orange Street. The owner of vacant lots at 201, 211 and 215 S. Orange St., requested an amendment to the City's Land Development Regulation (LDR) to add "Site of Assembly" as a Special Exception Use. The owner wants to construct a new building and parking lot to be used for events including weddings. Staff investigated the request not just for this location, but also for all Mixed-Use zoning districts in the city.

Staff determined that the following events are allowed for "Sites of Assembly":

- Art shows or exhibits
- Concert and/or theatrical plays and musicals
- Dance studios including instruction and competitions
- Wedding or other public or private events

The following are required:

- One parking space per four attendees
- Recorded or live music shall comply with City Code.
- Site plan to be approved by the City Technical Review Staff per City LDR
- Alcohol shall be provided by a State of Florida alcohol licensed caterer or by a State of Florida special event alcohol permit which would also need to be approved by the City
- Any proposed temporary parking lot must be reviewed by the City Engineer and approved by the City Commission.

Ms. Smith proposed that the definition of "Sites of Assembly" be clarified to specify "as defined herein." The Board was concerned about the potential of alcohol being consumed off site. Staff stated that was prohibited by existing city ordinances.

The size of the venue will be determined by the amount of parking available.

The motion to approve ZT-1-22 was unanimous with the addition of the clarification of the definition of "Sites of Assembly".

SP-7-21: South Atlantic Parking Lot Site Plan/Matthews Avenue (Class III). The owner requested approval for a Class III Site Plan of a proposed a 110-space gated, paved parking lot on 1.43 acres of currently undeveloped property. The property is comprised of outparcels from the Ocean Village Shopping Center, located on the northwest corner of CR A1A/S. Atlantic and Matthews Avenue. It is zoned B-2 Neighborhood Business District

Staff stated that this is a permitted use within the B-2 zone. Buffers and water management are in place. The entrance is from the existing parking lot. If there are no attendants, no restroom is required. However, Board members questioned the transportation impact on South Atlantic as well as why people would pay to park when there is free parking in the adjoining shopping center lot.

A representative of Spruce Creek Engineering spoke on behalf of the owner. Although he stated that he was not fully versed on the intent of the project, the design would alleviate the existing problem of illegal parking on the property. He did not know why the owner had not taken steps to prevent unauthorized use.

Thirteen community members commented. All of them were opposed to the project. Concerns were:

- Adding to the already dangerous intersection at A1A and Mathews,
- increased traffic,
- pedestrian safety crossing A1A
- the lack of a 3-way traffic light,
- the danger of vehicles attempting to make a left turn onto S. Atlantic,
- an increase of vandalism, trespass, and trash at nearby condos,
- increased security cost for condos,
- lack of public restrooms and trash dumpsters,
- the environmental impact: adding to current flooding at the shopping center
- the deteriorating state of Matthews makes it unsuitable for increased traffic.

Community members stated that the property has been roped off for two years and no vehicles have been parking there. They asked if it would be a 24-hour lot and requested that a traffic analysis be conducted.

Board members' comments included an objection to the exceptional risks to pedestrians and traffic and significant safety concerns.

The motion to approve Sp-7-21 failed with a 5-1 vote with Snively, Smith, Neylon, Danskine, and Hulvershorn voting no, and Wheeler voting yes. The applicant can appeal to the City Commission within 30 days.

A-1-2022: 1506 Enterprise Avenue (4.58 acres located on the south side of Enterprise Avenue between Cherry St. and Spruce St.) The owners requested a voluntary annexation, comprehensive plan amendment and rezoning from Volusia FLU designation of medium density, zone R-4 single family residential with an "A" for airport height notification to a City FLU designation of medium residential density and city zone of R-2 single family with an "A" attached.

The motion to approve A-1-2022 was unanimous.

A-2-22: 2476 Pioneer Trail (.288 acres located on the south side of Pioneer Trail between North Glencoe Rd and Bridget St.) The owner requested voluntary annexation, comprehensive plan amendment and rezoning from Volusia FLU designation of urban low density, B-4 zone with an "A" attached to City FLU designation of low density residential. city zone R-2 single family residential with an "A" attached.

The motion to approve A-2-22 was unanimous.

ZT-10-21: Required Minimum Parking Requirements. The proposed amendment to LDR pertains to minimum parking space requirements. The major changes apply to restaurants. Instead of number of spaces per restaurant seat, the new requirement is based upon the square footage of patron area. 1 parking spot per 75 square feet of patron area is proposed by staff. Patron area is defined as inside and outside seating,

standing and bar areas. It does not include kitchen and bathroom areas. Public sidewalk seating is excluded because that is usually limited to minimal seats.

Ms. Smith proposed the following changes:

- Define/clarify the term "multifamily residence"
- Shorten some of the language
- Add two spaces to the golf course parking for retail parking
- Replace "private clubs" with "clubs and lodges".

Mr. Danskine requested that one space for every two employees be inserted for car dealership parking.

The motion to approve ZT-10-21 including suggested changes was approved unanimously.

ZT-5-22: Murals. Staff proposed an ordinance for current and future murals. Ordinances from other local governments were reviewed as part of this process. Murals are defined as "A painting, mosaic, fresco, or other permanent artwork attached to or directly applied to a wall of a structure." No letters, words, trademarks, moving parts or commercial messages are allowed. Applications for murals will be submitted to the Department of Developmental Services. There will be no variances, but applicants can appeal to the Planning and Zoning Board. Preexisting murals will have 5 years to come into compliance. Staff is undecided as to whether the ordinance should go under signs or architectural design.

Board members suggested that it should be placed under architectural design. They also requested that existing murals with words on them be grandfathered in.

The motion to provide a favorable recommendation for approval to the City commission was approved unanimously.

Selection of 2022 Chairperson and Vice Chairperson

Both Chairman Danskine and Vice Chair Smith were nominated and unanimously re-elected to continue to serve in 2022.

Discussion of Site Plan Class III Approval Process

The Board discussed holding workshops as needed to discuss the approval process and asked for this item to be placed on the next agenda.