

## Planning and Zoning Board Meeting

February 5, 2024

Meeting Video and agenda can be found [here](#)

**Present:** Messers. Jon Hall, John Frankhauser, Curtis Hodges, Kip Hulvershorn, Steven Yates, Thomas Bein, and Chair Larry Wheatcraft. Approval of January 8th minutes was unanimous.

### New Business:

**A-22-23: Voluntary annexation- May St. (0.199+acres Southwest corner of Pioneer Trail and Main Street with access to May Street.)** A request was made for voluntary annexation, Comprehensive Plan amendment, and rezoning from Volusia County Future Land Use (FLU) designation of Urban Low Intensity, and Volusia County zoning designation of R-4, Urban Single Family Residential with an "A" attached for Airport Height Notification Zone to comparable city entities. **Motion to recommend A-22-23 for approval to City Commission was unanimous.**

**V-1-24 1309 Findley St.** A request was made for a variance of 6'.5" to allow a single-family house to be located 8.5' from the property line to the west, instead of the required 15'. This lot was platted before annexation and will become a standard Habitat for Humanity house. Staff stated it met all five criteria and recommended approval. A neighbor was concerned with flooding since the house would be elevated. Habitat officials explained that there would be onsite drainage, and Staff explained that flooding is a building permit issue and will be addressed at that time. **Motion to recommend V-1-24 for approval to City Commission was unanimous.**

**CPA-5-23: 3298 Pioneer Tr. (0.3+/- acres).** A request was made for an amendment to change property from future Agriculture to future Commercial. The surrounding land is all zoned residential. The applicant owns a golf cart sales business which has been there for many years and wishes to expand the shed used to cover their carts to include new carts. This change would allow expansion of the golf cart business but since the current PUD only allows golf cart sales, any other business use would require rezoning. Staff recommended approval as this was the best way to allow expansion and not allow unwanted commercial uses, e.g. a gas station. **Motion to recommend CPA-5-23 for approval to City Commission was unanimous.**

**ZTA-1-24: 829 24<sup>th</sup> Ave.** A request was made for a text amendment of the LDR to allow single-family residential in B-4 in the Ocean Commercial Zoning. There is a dilapidated single-family house on this property that the applicant wishes to rebuild. Since the zoning is future Agriculture, this is not allowed. Hotels and other similar buildings are allowed, but not single-family homes. **Motion to recommend ZTA-1-24 for approval to City Commission was unanimous.**

**SV-2-23:** The applicant requested the Board reconsider the vacation of the south extension of South Cooper St. right-of way which would divide the parcel between the property owners, Mon Delice and the future Beach House Restaurant and Tiki (formerly Ocean's Seafood), for the City Commission had asked the Board to reconsider its 3-4 December vote based on additional exhibits that had been presented. This would allow for a different access point to 3<sup>rd</sup> Avenue and create additional parking for Mon Delice as well as offer a better exit onto 3<sup>rd</sup> Ave.

The trade-off discussion was long and at times contentious. This property cannot be used by the City for anything but a road as the City does not own it and the vacation to any businesses needs to show what will be done with it is for the “public good” as well as other criteria. If NSB vacates this property, half of it will revert to the businesses on either side due to the rules set by the dedication (the transfer of private property to be developed as an easement for public use). Also, NSB owns 40’ behind this proposed easement and there is concern about who will maintain and insure that area.

The applicant reiterated a plan proposing a public walkway with a small gazebo and driveway access to both buildings. Staff recommended approval of the vacation as all Planning Department conditions are agreed to by the applicant which includes perpetual public access in the easement, stormwater management, placing the property back on the tax rolls, long term maintenance as part of the plan, and if the property is cleared and the restaurant is not built, vegetation must be replanted. The applicant will also work with the owner of the Hyatt property which is currently for sale to create an easement for the walkway trail along the lagoon. The applicant will return to the Board with a Site Plan.

**Public Comments:**

There were six members of the public who spoke, and all were opposed to the vacation. Most were worried about future regrets, traffic, and that there is no evidence that it is for the “public good”.

**Motion to recommend SV-2-23 for approval to City Commission was made with the following conditions:**

- **Follow all conditions found in the Staff Report**
- **lighting in all areas that are conducive to the environment.**
- **Guarantee that the area will return to its natural state if the restaurant is not built**
- **Failure to maintain areas will be considered a code violation.**
- **educational material about native plants will be placed along the walkway.**

**The motion passed by a five to two vote with Hall, Hodges, Wheatcraft, Yates, and Bien, voting YES; Frankhauser and Hulvershorn, voting, NO.**