



# City of New Smyrna Beach

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June 27, 2016

MEMBERS OF THE LOCAL PLANNING AGENCY  
PLANNING AND ZONING BOARD  
New Smyrna Beach, Florida

THIS SHALL SERVE AS YOUR OFFICIAL NOTIFICATION of the Regular Meeting of the LOCAL PLANNING AGENCY AND THE PLANNING AND ZONING BOARD on MONDAY, June 27, 2016 at 6:30 PM., in the Commission Chambers, 210 Sams Ave, New Smyrna Beach, FL 32168, for consideration of the following:

## ROLL CALL

- A. Roll Call

## APPROVAL OF MINUTES

- B. Consider approval of minutes for the regular meeting held May 2, 2016.

## PUBLIC PARTICIPATION

## OLD BUSINESS

## NEW BUSINESS

- C. SP-5-16: Messina By The Lake/Ven. Bay Multi-Family (Class III)
- D. V-9-16: 650 Middlebury Loop / Doleva
- E. V-10-1-6: Verizon - SR 44 & Timberlane
- F. A-11-16 Small Scale Annexation, Rezoning, and Comprehensive Plan amendment
- G. SE-1-16: 864 Old Mission Road / Special Exception Use "Garden Wedding Venue"
- H. SE-2-16: 177 N CAUSEWAY / B&L PROPERTIES OF NSB INC
- I. A-12-16 Small Scale Annexation, Rezoning, and Comprehensive Plan amendment
- J. V-8-16: 2275 Captain Butler Trail / Zimmerman

## COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

- K. INTER OFFICE MEMORANDUM REVIEW OF I-1 Zoning Uses
- L. June 2016 Development Activity Report

M. Matrix on pool locations in front yards

REPORTS AND COMMUNICATIONS BY THE STAFF

ADJOURNMENT

cc: Mayor and City Commissioners  
City Manager  
City Clerk  
City Attorney  
Planning Manager  
Planners  
Members of the Press

Pursuant to Florida Statutes 286.01015, if an individual decides to appeal any decision made by the Planning & Zoning Board with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the Board Secretary listed below prior to the meeting:

Ursula Moccia, Planning and Zoning Secretary  
City of New Smyrna Beach  
2650 N. Dixie Freeway  
New Smyrna Beach, FL 32168  
(386) 410-2830

**THE CITY OF NEW SMYRNA BEACH – PLANNING AND ZONING**

**ROLL CALL**

**JUNE 27, 2016**

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**Recommendation**

THE CITY OF NEW SMYRNA BEACH – PLANNING AND ZONING

**CONSIDER APPROVAL OF MINUTES FOR  
THE REGULAR MEETING HELD MAY 2,  
2016.**

JUNE 27, 2016

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**Background**

The Planning and Zoning Board held a regular meeting April 4, 2016. Attached are the official minutes for approval according to Florida Statutes.

**Findings**

LPA / PLANNING AND ZONING BOARD  
MINUTES  
MAY 2, 2016

The Local Planning Agency / Planning and Zoning Board held a regular meeting on Monday, May 2, 2016 in the City Commission Chambers, 210 Sams Avenue, New Smyrna Beach, Florida. Chairperson Steven Casserly called the meeting to order at 6:30p.m.

ROLL CALL

The following members were present:

Steven Casserly  
Ian Ratliff  
Kelly Azzinaro  
Jamie Calkins  
Pat Arvidson  
Stephen Sather  
Travous Dever

Also present were Planning and Zoning Director Amye King; Chief Planner Jeff Gove; Planner Steven Bapp; Planner Robert Mathen; Assistant City Attorney Greg McDole; Board Secretary Tammy Dickerson and members of the public.

## APPROVAL OF MINUTES

**Motion by Ms. Arvidson, seconded by Mr. Ratliff, to approve the minutes of the regular meeting on April 4, 2016. Motion passed on a roll call vote, 5-0 with Ms. Azzinaro abstaining due to she was absent for the meeting.**

## NO PUBLIC PARTICIPATION

## OLD BUSINESS

### A. V-13-15: SOUTH ATLANTIC AVENUE/OVERCHUCK

John and Natacha Overchuck, 641 Manor Road, Maitland, Florida 32751, applicants and property owners, requests approval of a variance to reduce the required front yard setback on a corner lot from 10' to 5'. The subject property consists of approximately 0.4 acres, is currently zoned R-6, Multi-Family Residential, and is located southeast of the intersection of East 16th Avenue and Hill Street. (VCPA PID # 7422-01-17-0010) (This case was posted on previously scheduled meetings of October 5, 2015; November 11, 2015; December 7, 2015; and January 4, 2016, and again posted after being withdrawn).

Mr. Gove reviewed staffs' findings and stated that staff recommends the Board deny the requests because the variance requests do not strictly meet the five required criteria. However, should the Board determine that the required criteria have been satisfied, and subsequently vote for approval of the requested variances, staff would recommend the following conditions be attached to that approval:

1. If the 16<sup>th</sup> Avenue right-of-way is ever redeveloped and improved with an actual two-lane public roadway as it previously contained, and if the currently proposed building is then after destroyed by more than 50% of its appraised value, this variance shall be null and void for any future construction, which must then adhere to the minimum setback requirement or require a second/subsequent variance application and approval.
2. The variance applies only to the proposed building location shown on Exhibit D, and all future site construction must comply with code requirements in place at the time of construction.

Ms. Azzinaro asked what the plans were the county's plans for the road.

Mr. Gove stated that the city wasn't aware of any plans the county had for the road that is was chained down.

Mr. Sather stated that about a year and half ago the county looked in to making 16<sup>th</sup> Avenue another beach approach.

Mr. Gove stated that he had heard that also but the county is having problem coming up with funding for the lots they have already purchased and they would have to get approval for beach driving in that area and wasn't sure the neighbors would be in favor of that either.

Ms. Arvidson asked what would happen to their house if the road was developed.

Mr. Gove stated that was one of the recommended conditions of approval if the Board chose to approve the variance.

Mr. Dever stated that the road is already there if they built the house they would be just closer to the road. He asked if a hurricane destroyed the house will they be able to rebuild in the same footprint.

Mr. Gove stated that if the road had been developed at that time then staff would want to go back to the 10 foot setback.

Mr. Ratliff stated that would be due to the visibility triangle.

Mr. Dever stated that he didn't feel the house affected the corner it is set back from the corner.

John Overchuck, 641 Manor Road, Maitland, was sworn in to testify then addressed the Board.

Mr. Gove was sworn in to testify.

Mr. Ratliff asked the applicant how he met the criteria of not getting something everyone else has.

Mr. Overchuck stated that they were told by the county that they didn't need a variance and to design the house which they paid \$35,000 for and they would just give the county a non-drivable easement. He stated that they were lied to and now if the variance doesn't go through they will have to redesign the house and won't be able to afford to build the house.

Mr. Calkins asked Mr. Gove to speak about what the county told the Overchuck's about a non-drivable easement.

Mr. Gove stated that he spoke to the Planning department with the county about the non-drivable easement and they were opposed to it and were disturbed that anyone in the Public Works department would disseminate that information. He stated that he then

discussed with the Overchuck's that the variance request that was withdrawn would have to go through the process again.

Ms. Arvidson asked if they do improve 16<sup>th</sup> Avenue will the property owner be able to put a fence up.

Mr. Gove stated that they would be able to put a 4 foot fence up.

**Motion by Mr. Dever, seconded by Mr. Calkins, to approve the requested variance with the following conditions:**

- 1. If the 16<sup>th</sup> Avenue right-of-way is ever redeveloped and improved with an actual two-lane public roadway as it previously contained, and if the currently proposed building is then after destroyed by more than 50% of its appraised value, this variance shall be null and void for any future construction, which must then adhere to the minimum setback requirement or require a second/subsequent variance application and approval.**
- 2. The variance applies only to the proposed building location shown on Exhibit D, and all future site construction must comply with code requirements in place at the time of construction.**

**Motion passed on roll call vote, 4-3 with Mr. Casserly, Mr. Ratliff and Ms. Arvidson dissenting.**

Mr. Gove left at 6:55pm.

**B. V-6-16: 313 JESSAMINE AVE / FERNANDEZ**

David Fernandez, 317 Flagler Ave, New Smyrna Beach, FL 32169, requests approval of a variance to increase the maximum permitted driveway width from 30 feet to 69 feet. The subject property is zoned R-3A Single-Family and Two-Family (Zero Lot Line) Residential. The subject property consists of approximately 0.17 acres, and is generally located south of Jessamine Avenue and East of Pine Street, and is addressed as 313 Jessamine Ave. (VCPA # 7409-06-02-0130)

Mr. Bapp stated his name and was sworn in to testify. He reviewed staffs' findings and stated that staff recommends the Board deny the request due to the request doesn't meet any of the 5 criteria for this variance.

Mr. Ratliff asked if they needed the license agreement because the pavers were in the city right of way.

Mr. Bapp stated that was correct the pavers are 8 foot in to the city right of way and the applicant would be also taking on a liability for that reason.

Mr. Dever asked if the driveway was 30 foot and the rest of the area was picnic area would there still need to be a variance request. He asked if all the pavers were being considered as driveway.

Mr. Bapp stated that was correct it was all be considered driveway and there would be a setback requirement of 5 foot for a patio.

Mr. Sather asked if they were two separate lots would they each be allowed a 30 foot driveway.

Mr. Bapp stated that the lot would be too narrow but they would each be allowed a 30 foot driveway if they were separate lots.

Adam Barringer, 4658 Saxon Drive and David Fernandez, 317 Flagler Avenue, stated their name and were sworn in to testify.

Mr. Barringer stated that Mr. Fernandez paid a paver company to get permit and install the pavers. He stated that the paver permit was denied but he was never told that by the paver contractor. He stated that they met with former Planning Director Gail Henrikson and she stated that they would need a license agreement from the city to keep pavers in the right of way, a variance and also to meet with the City Engineer Kyle Fegley to see if they had to remove any of the pavers for drainage. He stated that they then met with Mr. Fegley and he suggested they remove 3 foot of pavers on both sides and another 3 foot by 7 foot section in the middle by the palm tree on the property for stormwater runoff.

Mr. Sather asked if any of the other properties in the area that have paved up to the street had license agreements with the city.

Mr. Mathen stated his name and was sworn in to testify. He stated that Mr. Fernandez is the first of probably 3 to 4 properties that will have to come before the Planning and Zoning Board for a variance and the City Commission for a license agreement. He stated that staff was waiting to see the results of this case before Code Enforcement took any further action on the other properties.

Mr. Calkins asked if there were other unpermitted jobs on the road.

Mr. Mathen stated that was correct.

Mr. Barringer stated that the city doesn't need to create less parking in this area.

Mr. Ratliff stated that it is going to be more of a public detriment to stick the cars in the road then in this driveway.

Debra Dugas, 200 North Pine Street, stated her name and was sworn in to testify. She stated that the staff report states that the applicant doesn't meet the 5 criteria and the Board continues to go against staff's recommendations for denial of variance requests.

Sue Perry, 1729 Running Creek Way, stated her name and was sworn in to testify. She stated that the city needs to consider changing some of the rules that the parking issue is a problem in this area on the beachside.

The Board felt that most of the criteria for the variance could be met.

**Motion by Mr. Ratliff, seconded by Mr. Calkins, to approve the requested variance. Motion passed unanimously on roll call vote, 7-0.**

### NEW BUSINESS

#### C. A-10-16: 1059 TURNBULL CREEK ROAD / 2072 BURMA ROAD / 2569 SELLECK AVENUE

- Robert Werner, 1059 Turnbull Creek Road, New Smyrna Beach, Florida 32168, applicant and property owner, request voluntary annexation, Comprehensive Plan amendment from Volusia County Rural and ESC, Environmental System Corridor, to City Rural and Conservation, and rezoning from Volusia County MH-8, Rural Mobile Home Estate and RC, Resource Corridor to City RA, Rural Agriculture and Conservation. The subject property consists of approximately 1.5 acres, and is generally located north of Pioneer Trail, west of Williams Road addressed as 1059 Turnbull Creek Road, (VCPA# 7311-00-00-144)
- Joseph Teehan, 2072 Burma Road, New Smyrna Beach, Florida 32168, applicant and property owner, request voluntary annexation, Comprehensive Plan amendment from Volusia County UMI, Urban Medium Intensity, to City Medium Density Residential, and rezoning from Volusia County R-4, Urban Single-Family to City R-2, Single-Family Residential. The subject property consists of approximately 0.26 acres, and is generally located south of SR 44, west of South Walker Drive addressed as 2072 Burma Road, (VCPA# 7343-06-00-0764)
- Walter E. Vogt, 2569 Selleck Avenue, New Smyrna Beach, Florida 32168, applicant and property owner, request voluntary annexation, Comprehensive Plan amendment from Volusia County ULI, Urban Low Intensity, to City LDR, Low Density Residential, and rezoning from Volusia County R-4, Urban Single-Family to City R-2, Single-Family Residential. The subject property

consists of approximately 1 acre, and is generally located north of SR 44, west of North Glencoe Road addressed as 2569 Selleck Avenue, (VCPA# 7323-01-00-0166)

Mr. Mathen reviewed staffs' findings and stated that staff recommended approval of the requested annexations, Comprehensive Plan amendments and rezonings.

**Motion by Mr. Ratliff, seconded by Ms. Azzinaro, to recommend the City Commission approve the requested annexations, *Comprehensive Plan* amendments, and rezonings. Motion passed unanimously on a roll call vote, 7-0.**

D. CPA-2-16: FUTURE LAND USE ELEMENT AMENDMENT

The City of New Smyrna Beach, applicant, requests approval of Future Land Use Element amendments to City of New Smyrna Beach Comprehensive Plan, to change the Floor Area Ration (FAR) for the Hospitality Land Use designation on the beachside to a 2.0.

Mr. Bapp reviewed staffs' findings and stated that staff recommended approval of the Comprehensive Plan amendment. He presented a power point presentation to the Board.

Linda Mays, 836 Evergreen Street, stated her name then addressed the Board. She stated that she was in support of this request for the following reasons: traffic, safety and parking. She stated that she encourages the Board to approve the request.

Steve Provost, 1805 Beacon Street, stated his name then addressed the Board. He stated that he was in favor of the request and staff did a really good job on this report and it doesn't make any sense to not approve this request.

Sally Gillespie, 610 North Peninsula Avenue, stated her name then addressed the Board. She stated that she urges the Board to approve the request it just makes common sense.

**Motion by Mr. Calkins, seconded by Mr. Ratliff, to recommend the City Commission approve the requested *Comprehensive Plan* amendment. Motion passed unanimously on a roll call vote, 7-0.**

E. PUD-2-16: VENETIAN BAY VILLIAGE 1<sup>ST</sup> AMENDMENT

James Stowers, Esquire, 424 Luna Bella Lane, New Smyrna Beach, Florida 32168, legal representative of the property owner, Geosam Capital US LP, 424 Luna Bella Lane, New Smyrna Beach, Florida 32168, requests a first amendment to the Venetian Bay Village, Village Planned Development - Planned Unit Development (VDP-PUD) Amended and Restated Master Development Agreement (MDA) with the City of New Smyrna Beach, Florida to delete (indicated by strikethrough) and add (indicated by underline) as follows: **Lots 55' or Wider:** May have garages located to the front

of the house under the following conditions:

- ~~—The garage has a side entry court (oriented toward the side yard) and covers not more than 48 percent of the front façade providing the architectural treatment of the garage is at the same level of detail and quality as the primary façade.~~
- ~~—The garage, may face the front, provided it is set back fifteen (15) feet from the front façade, not including porches and bays. Provided that the architectural treatment of the garage is at the same level of detail and quality as the primary façade and one of the following two conditions is met: (1) front facing garages are set back the lesser of ten (10') feet from the porch's front edge, or fifteen (15') feet from the front façade; or (2) the garage has a side entry court (oriented toward the side yard) and covers not more than 48 percent of the front façade.~~

The subject property consists of approximately 1410 acres and is generally located north of State Road 44, south of Pioneer Trail, west of Interstate 95, and on both east and west sides of Airport Road.

Ms. King reviewed staffs' findings and stated that staff recommended approval of the Plan Unit Development.

**Motion by Mr. Dever, seconded by Mr. Sather, to recommend the City Commission approve the requested *Planned Unit Development*. Motion passed unanimously on a roll call vote, 7-0.**

#### COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

Mr. Dever stated that I-1 zoning doesn't have recreational vehicle parking but all the other I-2 thru I-4 include recreational vehicle parking. He stated that he didn't understand why that was the only one that did not.

Ms. King stated that I-2 thru I-4 zoning were applicant driven changes to the LDR and did not include I-1.

Mr. Dever stated that he thought it should be looked in to by staff.

Ms. King stated that staff would be happy to look at it with the Board's consensus.

The Board consensus was to look at the I-1 zoning for recreational vehicle parking.

Mr. Sather stated that he would like to city be more proactive when we see is going to affect other property owners such as on Jessamine Avenue.

REPORTS AND COMMUNICATIONS BY THE STAFF

- May 2016 Development Activity Report

No discussion

ADJOURNMENT

With there being no further business, the meeting was adjourned at 7:52pm.

**Recommendation**

Staff recommends approval of minutes as submitted.

THE CITY OF NEW SMYRNA BEACH – PLANNING AND ZONING

**SP-5-16: MESSINA BY THE LAKE/VEN.  
BAY MULTI-FAMILY (CLASS III)**

JUNE 27, 2016

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**Background**

1. Applicant and Property Owner: James Stowers, Esquire, 424 Luna Bella Lane, New Smyrna Beach, Florida 32168, legal representative of the property owner, Geosam Capital US LP, 424 Luna Bella Lane, New Smyrna Beach, Florida 32168
2. Request: Class III Site Plan approval for a 262 unit multi-family development, with associated infrastructure, parking and landscaping, within a 8.48 acre undeveloped existing Tract of the previously platted Venetian Bay Phase 1B Unit 2 subdivision.
3. Site Data: The 8.4 acre site is zoned PUD, Planned Unit Development, and is located within platted Tract H, north and west of the intersection of Luna Bella Lane and Medici Boulevard. A location map is attached as Exhibit A, along with an aerial photo of the site attached as Exhibit B.
4. TAX ID #: 7307-09-00-0010

**Findings**

- A. The proposed 8.4 acre subject site is within an area that was the site of previous sod fields and/or pasture, and is now proposed for a multi-family residential development, adjacent to portions of existing surrounding single and multi-family residential and commercial areas that were previously platted within the Venetian Bay community. Another multi-family development, also named Messina, is now under construction to the east of the site.
- B. The applicant originally submitted a Site Plan application for a 282 unit multi-family development on March 4, 2016, for review by staff at the April 1 Plan Review Committee (PRC) meeting, including 75 page plan sets for those 282 proposed units. Review comments were then provided to the applicant at that meeting, and the applicant resubmitted revised plan documents on April 28 to address those comments, and to meet the resubmittal deadline for final plan approval at this June 6 Planning and Zoning Board meeting. A copy of the most recent resubmitted Site Plan sheet is included as **Exhibit C**, with a few typical Building Elevations attached as **Exhibit D**.

- C. Just prior to this report being prepared, the applicant indicated and provided revised plan sheets to reduce the total number of units within the proposed development, to now be 262 units instead of the 282 units that were originally submitted and reviewed during prior months. As explained by the applicant, this unit reduction was due to some previous one-bedroom units now being changed to three bedroom units. The applicant also stressed that the building footprints shown on the original 282 unit submittal and previously reviewed would not change in any way, nor would any other previously shown site plan improvements.
- D. Due to this very recent plan revision (and any uncertain consequences from its possible effects) having not yet been reviewed by PRC members, the applicant was offered the option for this site plan revision to be reviewed prior to being set for Planning & Zoning Board action, and the applicant has chosen to proceed on the previously planned June meeting agenda posting. As a result, previous and/or new review comments that have not yet been satisfied as part of the typical PRC staff review process may remain to be addressed, and possibly modified due to this recent revision.
- E. In addition, other associated reviews that were required prior to this recently revised plan being approved may also need to be reviewed again and/or amended, with those known including:
- Revision and review of the Transportation Impact Analysis (TIA) by the City's traffic engineering consultant, and if needed by County of Volusia Traffic Engineering staff,
  - Revision and review of the existing documentation from the Volusia County School District that adequate school capacity exists to serve this project, and
  - Revision and review of Utilities Commission of New Smyrna Beach (UCNSB) documents and applications for various utility services, easements, fees, etc.
- These items were previously in various stages of ongoing and/or pending review and approval, with certain items pending and/or remaining to be finalized at the time of this report, and possibly also by this recently proposed unit revision. Staff can apprise the Board of the various status of each at the meeting as known and/or needed.
- F. As of the date this report is being written, not all PRC members have signed off on this Site Plan application and/or revision. At this time, approval signatures of those PRC members that still remain outstanding are those of the City Engineer, Building Official, City Horticulturist, City Planner, Utilities Commission, and Police & Public Works Departments.

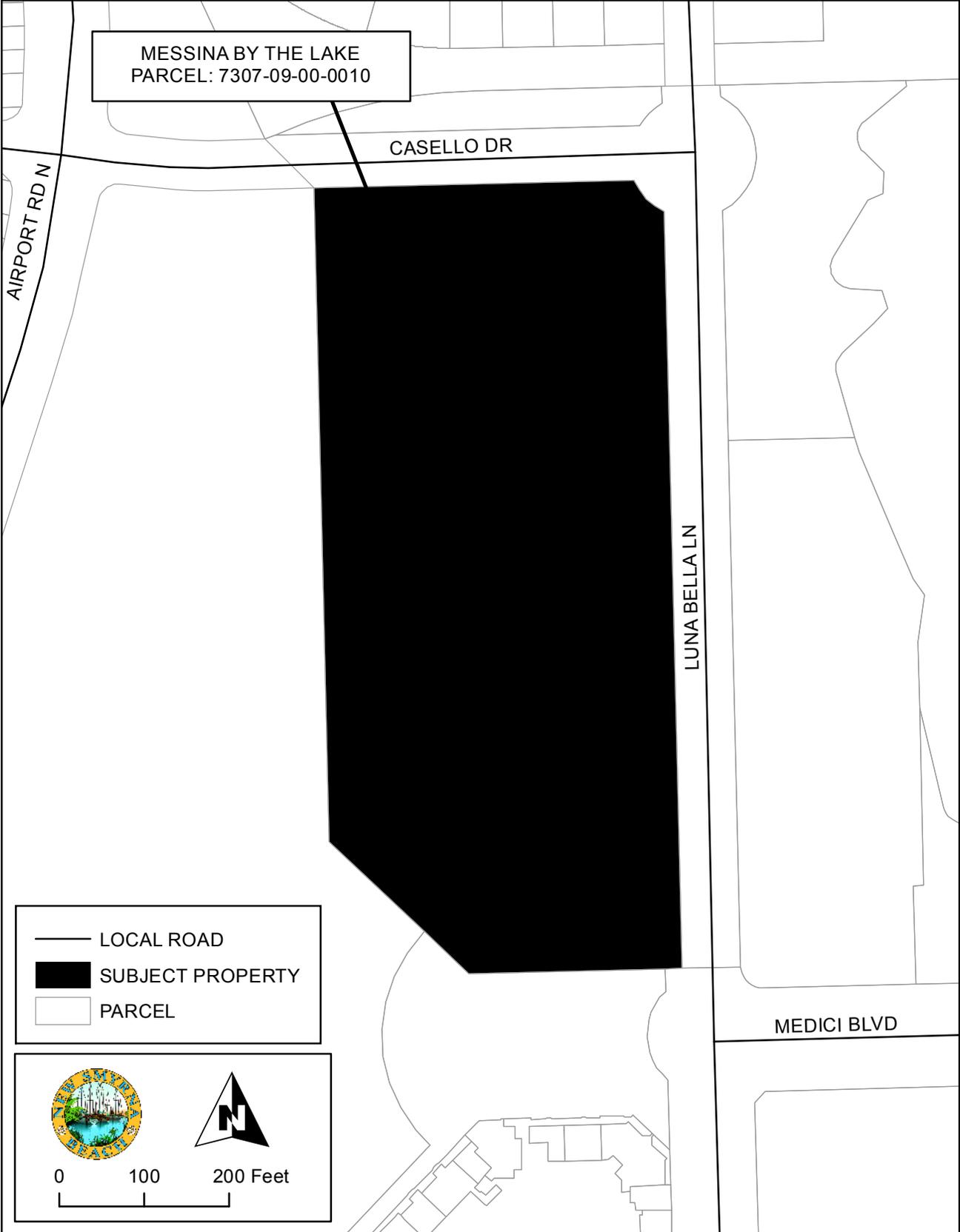
### **Recommendation**

Staff cannot recommend **approval** of this Site Plan application until all outstanding items are addressed by the applicant, with the recently revised plan approved by all PRC members, including any site plan and/or application document revisions needed and/or caused by the applicants' recent reduction in the total number of units; and until all other reviews for this revised plan and applications be completed by those other reviewing parties mentioned above.

Should the Board feel this plan meets the standard to be approved by the City Commission, staff strongly believes the following conditions should be incorporated into any such vote of site plan approval:

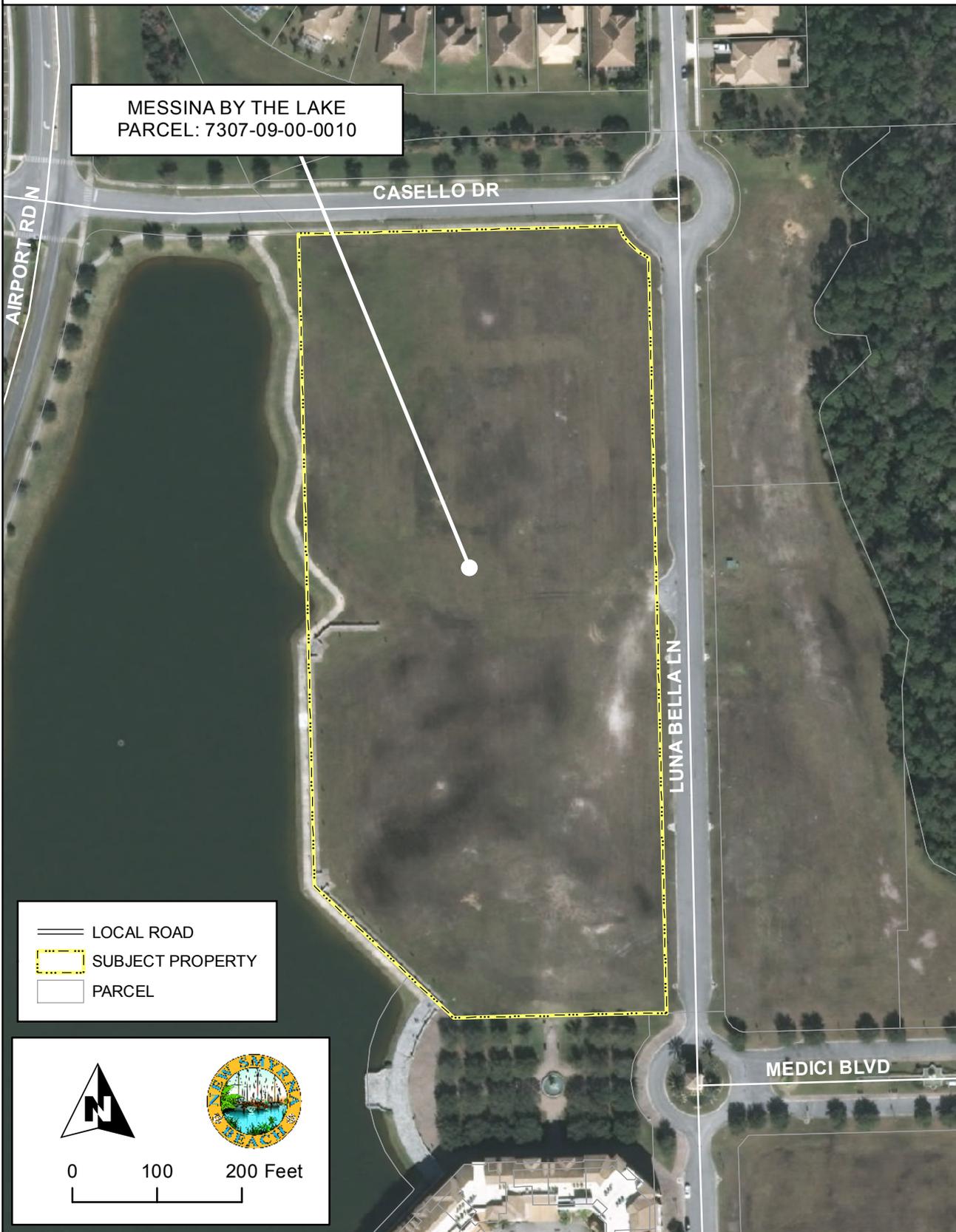
- 1) All outstanding items be addressed by the applicant and the Site Plan be signed as approved by all PRC members, and
- 2) All other accompanying documents and applications (VCSB Concurrency report, UCNSB Development Agreement, TIA report and review, etc.) be revised as needed and approved by all other reviewing bodies.

### SP-5-16: MESSINA BY THE LAKE PARCEL: 7307-09-00-0010 LOCATION MAP



Attachment: SP-5-16 Exhibit A Location Map (1219 : SP-5-16: Messina By The Lake)

# SP-5-16: MESSINA BY THE LAKE PARCEL: 7307-09-00-0010 AERIAL MAP



Attachment: SP-5-16 Exhibit B Aerial Map (1219 : SP-5-16: Messina By The Lake)

① SITE CONSTRUCTION KEYNOTES

- C1. 6" HEAD CURB, TYPICAL.
- C2. F.D.O.T. TYPE "B" MEDIAN CURB PER INDEX No. 303, TYPICAL.
- C3. F.D.O.T. TYPE "F" CURB & GUTTER PER INDEX No. 300, TYPICAL.
- C4. F.D.O.T. 3" VALLEY GUTTER PER INDEX No. 300, TYPICAL.
- C5. ASPHALT PAVEMENT HEAVY-DUTY IN DRIVE AISLES.
- C6. ASPHALT PAVEMENT LIGHT-DUTY IN PARKING SPACES.
- C7. CONCRETE SIDEWALK, TYPICAL.
- C8. MONOLITHIC CURB & SIDEWALK, TYPICAL.
- C9. F.D.O.T. CURB CUT RAMPS PER INDEX No. 304, FOR HANDICAP ACCESS, ROADWAY
- ALL SIDEWALK CROSSINGS NOT TO EXCEED 2% CROSS SLOPE, TYPICAL.
- C10. HANDICAP ACCESS RAMP WITH A MAXIMUM 1:2.1 SLOPE, TYPICAL.
- C11. DETECTABLE WARNING SURFACE PER FLORIDA BUILDING CODE 2004.
- C12. TRASH COMPACTOR ENCLOSURE, REFER TO ARCHITECTURAL PLANS.
- C13. WHEELSTOP PER F.D.O.T. INDEX No. 300, TYPICAL.
- C14. FIRE HYDRANT ASSEMBLY, TYPICAL. CONTRACTOR TO INSTALL TYPICAL FIRE HYDRANT ASSEMBLY PER CITY OF NEW SMYRNA WATER DETAIL SHEET.
- C15. MONUMENT SIGN REFER TO HARDSCAPE PLANS.
- C16. TRANSFORMER PAD. SEE PLANS FOR DIMENSIONS.
- C17. DECORATIVE WALL, REFER TO HARDSCAPE PLANS.
- C18. RIBBON CURB.
- C19. 3" TRANSITION CURB.
- C20. DECORATIVE RETAINING WALL (BY OTHERS).
- C21. PAVEMENT OPEN CUT.
- C22. 6" WIDE PEDESTRIAN SAFE DECK DRAIN WITH FILTER FABRIC OR OTHER PERMEABLE COVER ON LANDSCAPE SIDE - COLOR AND FINISH TO BE COORDINATED WITH OWNER PRIOR TO BIDDING.

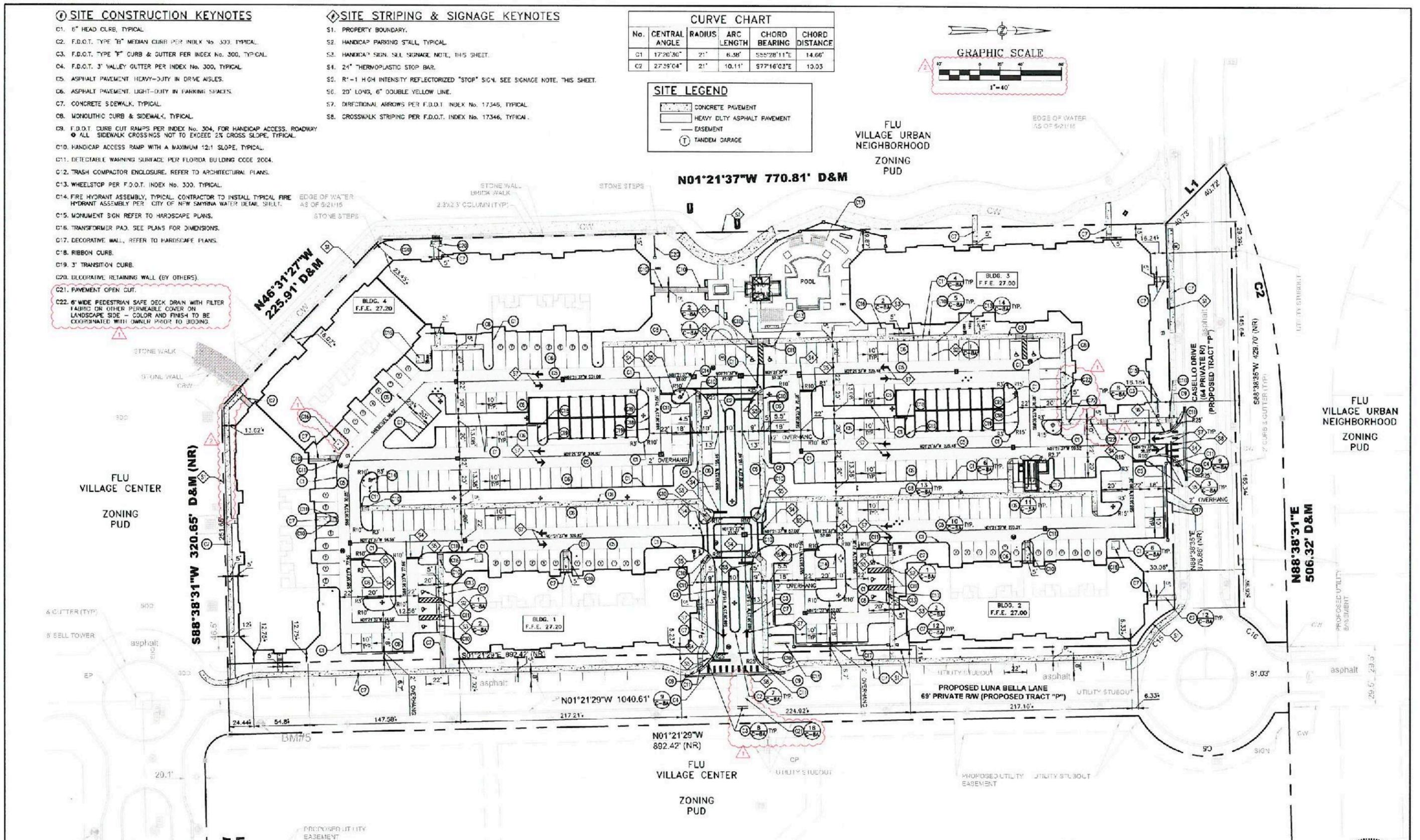
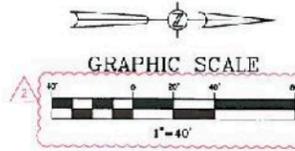
② SITE STRIPING & SIGNAGE KEYNOTES

- S1. PROPERTY BOUNDARY.
- S2. HANDICAP PARKING STALL, TYPICAL.
- S3. HANDICAP SIGN. SEE SIGNAGE NOTE, THIS SHEET.
- S4. 24" THERMOPLASTIC STOP BAR.
- S5. R-1 HIGH INTENSITY REFLECTORIZED "STOP" SIGN. SEE SIGNAGE NOTE, THIS SHEET.
- S6. 20" LONG, 6" DOUBLE YELLOW LINE.
- S7. DIRECTIONAL ARROWS PER F.D.O.T. INDEX No. 17346, TYPICAL.
- S8. CROSSWALK STRIPING PER F.D.O.T. INDEX No. 17346, TYPICAL.

CURVE CHART					
No.	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	17°20'30"	21'	6.38'	S55°28'11"E	14.66'
C2	27°39'04"	21'	10.11'	S77°16'03"E	10.03'

**SITE LEGEND**

- CONCRETE PAVEMENT
- HEAVY DUTY ASPHALT PAVEMENT
- EASEMENT
- TANDEM GARAGE



NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BLOCK	04/25/2016	COORDINATION REVISION #1	JMH	SJS	<p align="center"><b>FINAL SITE PLANS</b> MESSINA BY THE LAKE NEW SMYRNA BEACH, FLORIDA</p> <p>FLORIDA ENGINEERING GROUP Engineering the Future</p>	<p>5127 S. Orange Avenue, Suite 200 Orlando, FL 32809 Phone: 407-895-0324 Fax: 407-895-0325 www.feginc.us</p>	<p align="center"><b>SITE GEOMETRY PLAN</b></p>				PROJECT NO.	15-081	
	04/29/2016	REVISION PER CITY AND LCNBS COMMENTS DATED 04/01/2016	JT	SJS							SCALE	1"=40'	

Attachment: SP-5-16 Exhibit C Sheet 5A - site plan-page-001 (1219 : SP-5-16: Messina By The Lake)

REVISIONS	
1	SITE PLAN APP. 03-02-16



1 CONCEPT ELEVATION - FRONT  
SCALE: 3/32" = 1'-0"



2 CONCEPT ELEVATION - LEFT SIDE  
SCALE: 3/32" = 1'-0"

SELECTIVE CONDOC NOTES	
05	DIVISION 05 - METALS
05103.A	SIMULATED STONE VENEER. INSTALL ACCORDING TO MANUFACTURER SPECIFICATIONS.
05510.M	1-1/2" ALUMINUM DECORATIVE RAILING
06	DIVISION 06 - WOOD AND PLASTICS
06100.D	2X8 WOOD FASCIA
07	DIVISION 07 - THERMAL AND MOISTURE PROTECTION
07530.E	240 LBS CLASS A MILDEW RESISTANT ARCHITECTURAL SHINGLE ROOFING W/SELF SEALING TABS W/30 YEAR WARRANTY
07600.A	FIBER CEMENT SIDING
07600.H	FIBER CEMENT BOARD
07600.I	FIBER CEMENT TRIM
09	DIVISION 09 - FINISHES
09100.B	CUSTOM EPS FOAM CORBEL

**SLOCUM PLATTS ARCHITECTS, P.A.**  
 RANDALL J. SLOCUM ARCHITECT WILLIAM P. PLATTS ARCHITECT  
 670 NORTH ORLANDO AVENUE, SUITE 1000, ORLANDO, FL 32816  
 TEL: 407.241.1000 FAX: 407.241.1001  
 WWW.SLOCUMPLATTS.COM

CONCEPT ELEVATION - BLDG TYPE III  
**MESSINA BY THE LAKE**  
 NEW SMYRNA BEACH, FLORIDA

DRAWN	
CHECKED	
DATE	03-02-16
SCALE	AS NOTED
JOB NO.	15-021
SHEET	

**A6.3a**

REVISIONS  
SITE PLAN APP.  
03-02-16



1 CONCEPT ELEVATION - REAR  
SCALE: 3/32" = 1'-0"



2 CONCEPT ELEVATION - RIGHT SIDE  
SCALE: 3/32" = 1'-0"

SELECTIVE CONDOC NOTES	
05	DIVISION 05 - METALS
05103.A	SIMULATED STONE VENEER. INSTALL ACCORDING TO MANUFACTURER SPECIFICATIONS.
05510M	1-1/2" ALUMINUM DECORATIVE RAILING
06	DIVISION 06 - WOOD AND PLASTICS
06100D	2X8 WOOD FASCIA
07	DIVISION 07 - THERMAL AND MOISTURE PROTECTION
07530E	240 LBS CLASS A MILDEW RESISTANT ARCHITECTURAL SHINGLE ROOFING W/SELF SEALING TABS W/30 YEAR WARRANTY
07600A	FIBER CEMENT SIDING
07600H	FIBER CEMENT BOARD
07600J	FIBER CEMENT TRIM
09	DIVISION 09 - FINISHES
09100B	CUSTOM EPS FOAM CORBEL

**SLOCUM PLATTS ARCHITECTS, P.A.**  
 RANDALL J. SLOCUM ARE 12038 WILLIAM F. PLATTS AVE. #200  
 410 NORTH ORLANDO AVENUE SUITE 100 WELLSVILLE, FL 32781  
 TEL: (904) 937-7771 WWW.SLOCUMPLATTS.COM

CONCEPT ELEVATION - BLDG TYPE II  
**MESSINA BY THE LAKE**  
 NEW SMYRNA BEACH  
 FLORIDA

DRAWN: CAD  
 CHECKED: JEP  
 DATE: 03-02-16  
 SCALE: AS NOTED  
 JOB NO: 15-021  
 SHEET: **A6.3b**

THE CITY OF NEW SMYRNA BEACH – PLANNING AND ZONING

**V-9-16: 650 MIDDLEBURY LOOP /  
DOLEVA**

JUNE 27, 2016

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**Background**

**Applicant:** Mark Davis, 101 Riverview Place, New Smyrna Beach, Florida 32169.

**Property Owner:** James and Nancy Doleva, 650 Middlebury Loop, New Smyrna Beach, Florida 32168.

**Request:** Variance to allow:

- 15-foot front yard setback variance from the minimum required 20-foot front yard setback, to allow a house addition to be 15 feet from the front property line.

**Site Information:** The subject property is zoned R-3A, Single-Family and two family Residential, contains approximately 0.31 acres. (See Location Map attached as **Exhibit A** and an aerial map attached as **Exhibit B**).

**Tax I.D. Number:** 7313-21-00-1490

**Findings**

The applicant is requesting a variance that will allow for the construction of a house addition to the side of the existing single-family house with a reduced front yard setback from the required 20 feet to be reduced to 15 feet. A copy of the site plan showing the addition is attached as **Exhibit C**.

The property addressed as 650 Middlebury Loop Drive is a pie shaped lot with a front yard and two (2) side yards and no rear yard. The front yard property line is curved and the ends of the radius connects to the two (2) side yards thus creating no back yard.

The zoning district assigned to this property is R-3A, Single-Family and two Family Residential. As such the required front yard is 20 feet and the required side yards are 5 feet.

The variance request is for a small section of the proposed addition to be located with-in 15 feet of the front property line. The applicant has submitted photos to demonstrate with wood stakes in the ground, a line of sight from oncoming vehicles and those photos are attached as **Exhibit D**. The applicant's letter of response to the variance criteria is attached as **Exhibit E**. Letter of support from neighbor at 656 Middlebury loop attached as **Exhibit F**.

The LDR requires variance requests to meet all of the following criteria. Staff's responses to the criteria are listed below in **bold**.

- (i) Special circumstances exist which are peculiar to the subject property owner's land, structure, or building, and do not generally apply to the neighboring lands, structures, or buildings, in the same district or vicinity.

**This property, which was platted in 1989, as part of the Tymber Trace Phase I sub-division, was designed as a reversed pie shaped lot. This lot was platted at front yard radius of 115 feet and a length of 183 feet. There are only two lots on Middlebury loop that have only three sides with a long curved front property line.**

**This criterion has been met.**

- (ii) Strict application of the provisions of this LDR would deprive the subject property owner of reasonable rights commonly applicable to other properties in the same district or may preclude a benefit to the community in general.

**The subject property has an existing single-family house. With the shape of this lot strict application of the provisions of this LDR would deprive the subject property owner of reasonable rights commonly applicable to other properties in the same district.**

**This criterion has been met.**

- (iii) The special circumstances and conditions that exist do not result from the direct or indirect actions of the present property owner(s) or past property owner(s). This criterion shall not be satisfied if the present or past property owner created, to any degree, the hardship that is the subject of the variance request.

**Originally this property was developed as a residential parcel with a reversed pie shaped lot. Due to the shape of this lot, staff would consider this a special circumstance that was not created by the**

**current property owner.**

**This criterion has been met.**

- (iv) That granting of the variance will not cause substantial detriment to the public welfare or impair the purposes and intent of this Ordinance.

**The reduction of the front yard setbacks would cause little to no harm to the public welfare, since only a small section of the addition would be in the front yard setback.**

**This criterion has been met.**

- (v) That granting of the variance will not constitute a grant of special privilege that is denied by this Ordinance to other lands, structures, or buildings, in the same district.

**The reduction of the front yard setback would not constitute a special privilege as other properties zoned R-3A on this street have traditional lots with four (4) sides. Staff would consider this lot having a hardship.**

**This criterion has been met.**

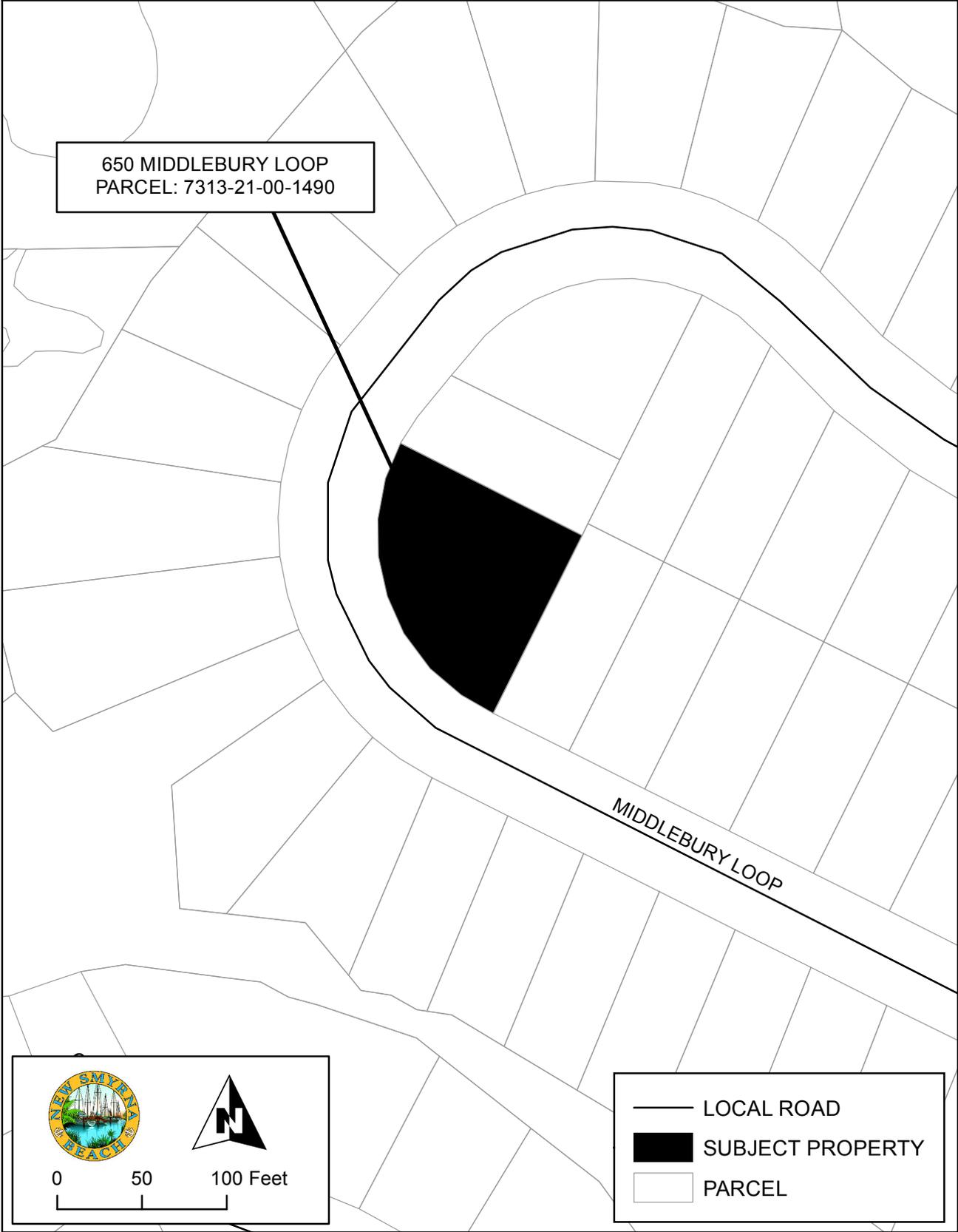
### **Recommendation**

Staff recommends **APPROVAL** of the reduced front yard setback from the required 20 feet to 15 feet with the following condition.

- 1) This approval for the front yard setback reduction from 20 feet to 15 feet applies only for the proposed addition.

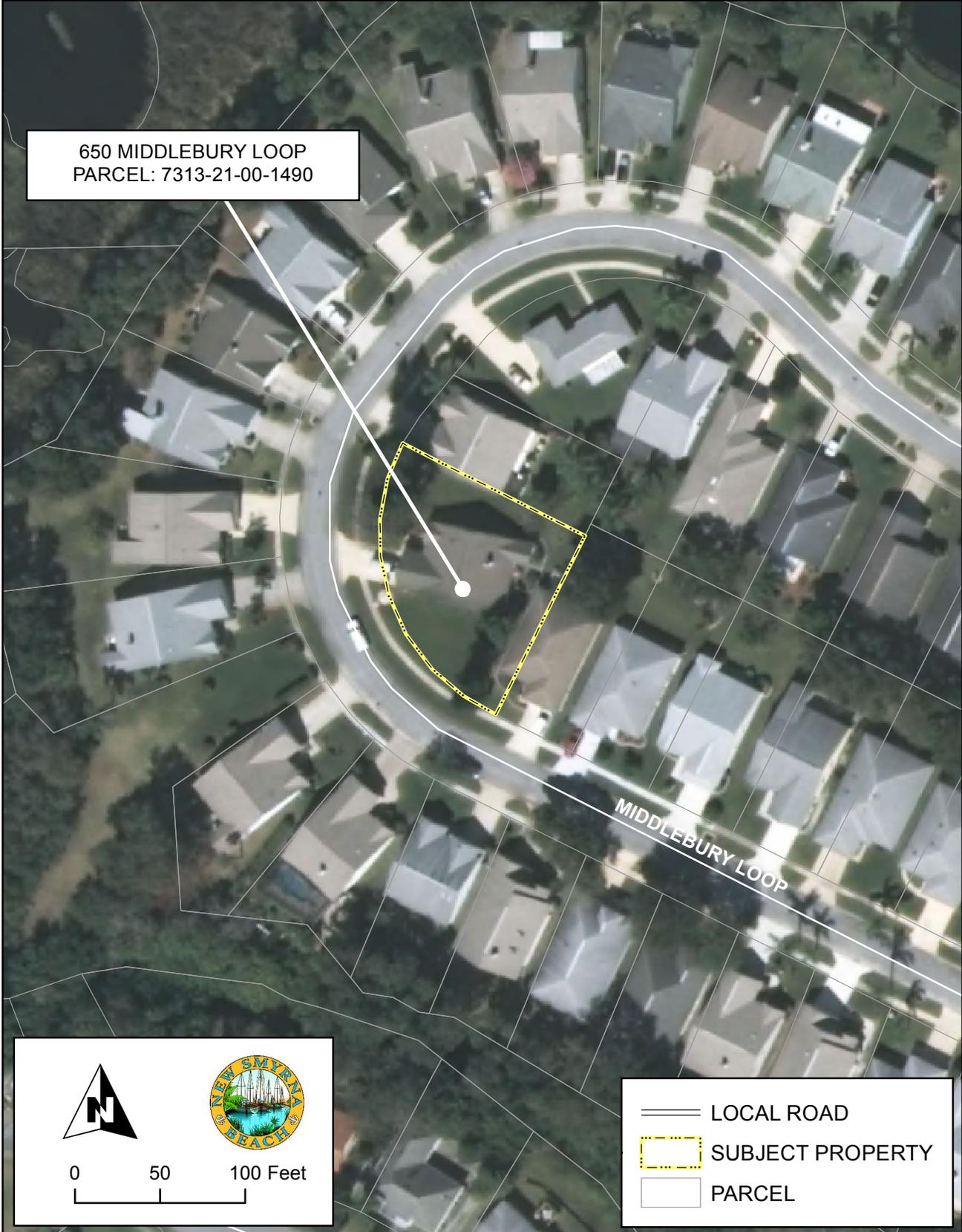
### V-9-16: 650 MIDDLEBURY LOOP PARCEL: 7313-21-00-1490 LOCATION MAP

650 MIDDLEBURY LOOP  
PARCEL: 7313-21-00-1490

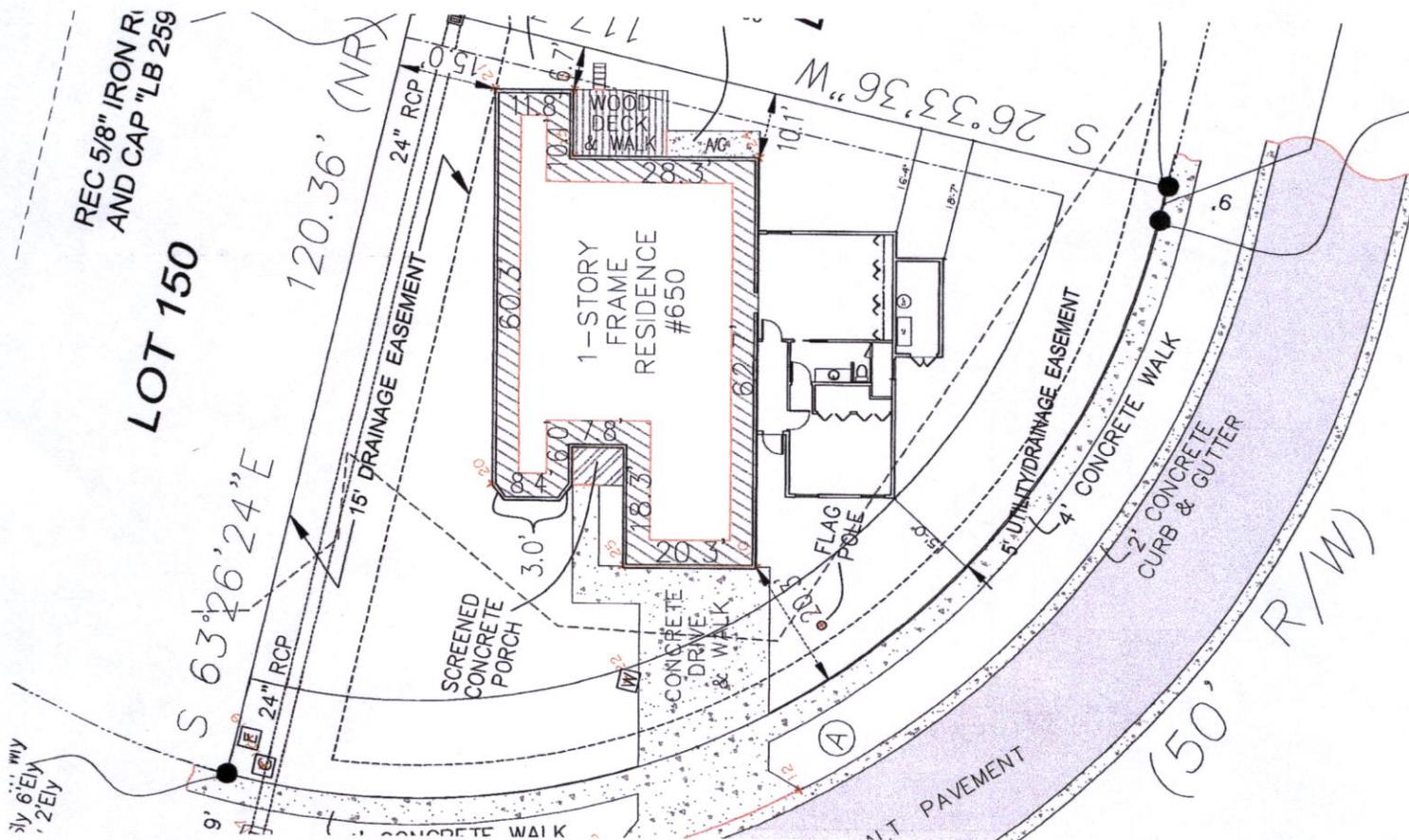


Attachment: V-9-16 Exhibit A Location Map (1210 : V-9-16: 650 Middlebury Loop / Doleva)

**V-9-16: 650 MIDDLEBURY LOOP  
PARCEL: 7313-21-00-1490 AERIAL MAP**



Attachment: V-9-16 Exhibit B Aerial Map (1210 : V-9-16: 650 Middlebury Loop / Doleva)



Attachment: V-9-16 Exhibit C Site Plan (1210 : V-9-16: 650 Middlebury Loop / Doleva)



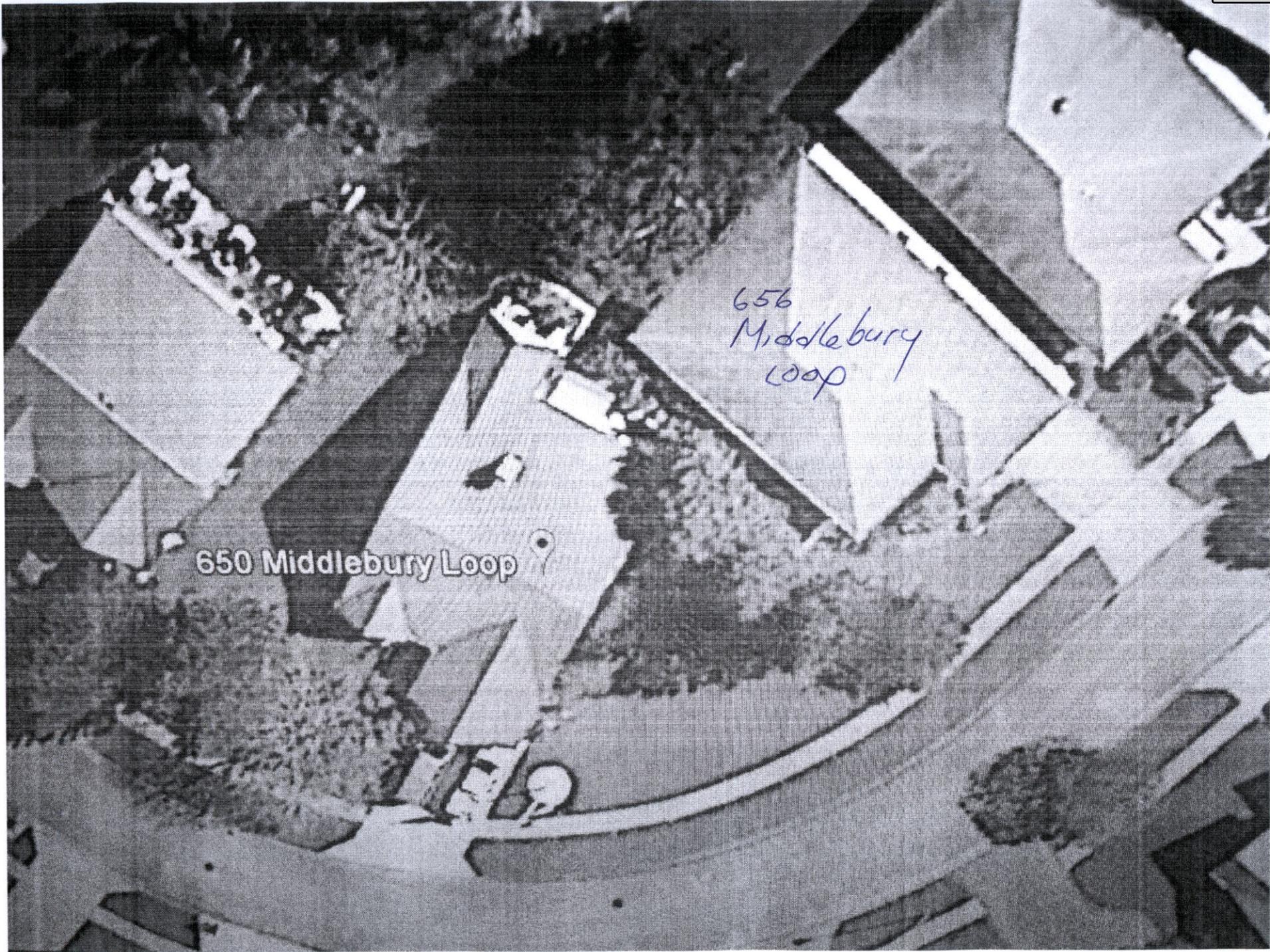
Attachment: V-9-16 Exhibit D Photos (1210 : V-9-16: 650 Middlebury Loop / Doleva)



Attachment: V-9-16 Exhibit D Photos (1210 : V-9-16: 650 Middlebury Loop / Doleva)



Attachment: V-9-16 Exhibit D Photos (1210 : V-9-16: 650 Middlebury Loop / Doleva)



Attachment: V-9-16 Exhibit D Photos (1210 : V-9-16: 650 Middlebury Loop / Doleva)

April 22, 2016

City of New Smyrna Beach

Re: Variance Application for  
650 Middlebury Loop

Dear Board:

We submit this application for a variance to the above referenced property within the strictest definition of a "hardship to the land" as the lot is not rectangular but rather curved on the west side. We are asking for a modification of the set back from the required twenty feet (20') to fifteen feet (15'). This request, if granted, will allow the proposed addition to the house to maximize separation from the adjoining neighbor to the south. As is noted by the impacted neighbor, Mr. Kucinski, he prefers that the new addition be moved westward as much as possible so that his views and light is minimally impacted.

Enclosed, please find:

- 1) Variance Application and check for ~~\$512.10~~ <sup>700.00</sup>.
- 2) Letter of Authorization.
- 3) Site plan with proposed addition.
- 4) Letter from adjoining neighbor.
- 5) Photos depicting proposed 15' set back and traffic visibility.

Respectfully submitted,

Mark Davis  
M. R. Davis, Corp.

Attachment: V-9-16 Exhibit E Applicant Letter (1210 : V-9-16: 650 Middlebury Loop / Doleva)

To: Variance Board

Regarding: Variance request for 650 Middlebury Loop

From: Paul Kucinski, 656 Middlebury Loop

As an abutting neighbor to Mr. James Doleva, I am writing in support of his request for a variance at his 650 Middlebury Loop property.

Mr. Doleva has a uniquely shaped lot at 650 Middlebury which, by virtue of its shape and size, allows him the opportunity to add on to his existing structure. Jim has expressed his desire in the past to build an addition which would serve his changing needs and lifestyle.

As the closest neighbor, most directly impacted by the construction of this addition, I recognize that Jim has every right to put an addition in this location. I have, however, expressed my concerns to him regarding the significance of this impact. The side of the new building facing me will be 21 feet long and will block views I presently have from my living room. It will also darken my living areas on that side of the house. Further, as his home presently extends beyond mine in the rear by approximately 25 feet, and is very close to the minimum setbacks to our shared boundary, it might create the appearance of overwhelming my home.

Jim has been very sensitive to my concerns, reassuring me that he and his builder, Mark, will do everything they can to create a structure that will

be tasteful and complimentary to the neighborhood.

Bearing this in mind, Jim and Mark feel that moving the addition forward and away from the minimum setback of 10 feet bordering my property would address my concerns: a stepped design that will not overwhelm my home by it's size and close proximity to my structure but will offer a slightly wider, brighter area that could be further softened with landscaping.

Moving the addition forward would also allow for a more pleasing, symmetrical design that would compliment the existing structure and blend seamlessly into the neighborhood.

Please give serious consideration to my concerns when making your decision.

Sincerely,

A handwritten signature in cursive script that reads "Paul Kusmick".

THE CITY OF NEW SMYRNA BEACH – PLANNING AND ZONING

**V-10-1-6: VERIZON - SR 44 &  
TIMBERLANE**

JUNE 27, 2016

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**Background**

- A. **Applicant:** Shannon Stewart, Rogers Engineering, LLC, 1105 SE 3<sup>rd</sup> Ave., Ocala, FL 34471, authorized representative of owner
- B. **Property Owner:** Platinum Bank, 802 W. Lumsden Rd., Brandon, FL 33511
- C. **Request:** Variance to Section 604.041 of the City LDR regarding Tree Replacement requirements, in association with a pending and concurrent Class II site plan (SP-4-16) for a proposed 2,500 sq. ft. retail store and associated infrastructure, within a 1.5 acre portion of an approximately 4.5 acre parent parcel
- D. **Site Information:** The subject property is zoned PUD and is in the SR 44 Corridor Overlay Zone (COZ), contains approximately 1.5 acres of a proposed parcel within the pending Minor Subdivision (MS-9-16) of an approximately 4.5 acre parent parcel, and is located on the southwest corner of State Road (SR) 44 and Timberlane Drive. A location map is found in **Exhibit A** and an aerial photo is found in **Exhibit B**.
- E. **Tax I.D. Number:** 7343-06-00-0282 (east portion only).

**Findings**

- A. The subject property is zoned PUD, with a Master Development Agreement (MDA) recently approved for its development, as PUD-8-15. In addition, the property is located within the SR-44 COZ and subject to those regulations. Part of that approved PUD MDA allowed for a method of evaluation of existing trees for preservation and replacement requirements based on a generally accepted method used by arborists.
- B. The subject property is currently undeveloped and heavily wooded, with all existing trees illustrated on a survey attached as **Exhibit C**. The applicant wishes to develop the proposed eastern area proposed to be subdivided, for a new 2,500 sq. ft. commercial building (Verizon) with associated parking, stormwater retention, landscaping, and other required site improvements. The proposed site plan and building footprint is illustrated in **Exhibit D**.

- C. The applicant is seeking a variance to reduce the required tree replacement requirements, based on specific examination of each existing tree within the site, and a rating of each. The applicant's response letter for that request is attached as **Exhibit F** of this staff report. In addition, a report prepared for the applicant by a certified arborist is attached as **Exhibit G**, and that documents the onsite evaluation and grading of each tree within the subject property according to generally accepted methods. That method of specific tree evaluation and grading is permitted for the site by a specific text section within the recently approved PUD MDA. That tree grading system alternative had been initiated with an original PUD MDA proposed for the site some years ago, and was continued as part of the current PUD, due to the large number and density of trees within the site which do not allow for maximum light, exposure, etc., and has resulted in many of the existing trees within the site being considered substandard.
- D. The applicant and landscape architect/arborist have made a conscious effort to preserve as many of the better quality trees within the site, and have documented that in their Exhibit F & G application submittals. Staff has visited the site to review the specific tree evaluation and grading findings for each tree within the subject property and is agreement with the proposed method, and the proposed landscape plan, which will add 53 trees (all non-palms) within the site in place of the 48 trees noted to be removed (21 of which are palms). In addition, the currently submitted materials provide for a number of trees (approximately ten) to be removed from the proposed 10' wide utility easement area along the east perimeter of the site. Staff of the UCNSB, to which this easement area would be granted, has indicated that they are not currently requiring any existing trees to be removed from that easement area at this time, but rather are simply requesting that no new trees be planted within that area. Accordingly, staff is recommending those trees within the east easement area be retained in place and not removed at this time.
- E. Staff has examined the applicant application and LDR criteria response documents, along with the applicant's criteria response letter attached as **Exhibit F** of this staff report. The LDR requires variance requests to meet all of the following criteria, with **staff's responses are in bold.**
- (i) Special circumstances exist which are peculiar to the subject property owner's land, structure, or building, and do not generally apply to the neighboring lands, structures, or buildings, in the same district or vicinity.

**Staff has determined that special circumstances exist that are peculiar to the subject property that do not generally apply to other lots in the same district or vicinity. The lot is very heavily wooded, and as a result of that tree density and lack of exposure and growth area available, the existing**

**trees within the site are not of optimum quality. The applicant has gone to extraordinary measures by doing an individual tree specific evaluation and grading within the site, which are in accordance with the provisions of the current MDA which applies to the site.**

**The criterion has been met.**

- (ii) Strict application of the provisions of this LDR would deprive the subject property owner of reasonable rights commonly applicable to other properties in the same district or may preclude a benefit to the community in general.

**Strict applications of the provisions of the LDR would seem to deprive the subject property owner of reasonable rights commonly applicable to other properties in the same district. As the applicant states in the Exhibit F response letter, several other surrounding properties have been granted similar variances to tree replacement requirements, along with other variances for perimeter buffers and interior landscaping, which this application instead fully provides for. In addition, the applicant has also designed a less intensive commercial site suitable to the current lot size, and using the COZ overlay requirements.**

**The criterion has been met.**

- (iii) The special circumstances and conditions that exist do not result from the direct or indirect actions of the present property owner(s) or past property owner(s). This criterion shall not be satisfied if the present or past property owner created, to any degree, the hardship that is the subject of the variance request.

**The attached Exhibit G specific tree evaluation and grading report provides the condition of each tree within the subject property prior to the applicant and current owner taking control of the site. Thus, special circumstances and conditions do appear to exist.**

**This criterion has been met.**

- (iv) That granting of the variance will not cause substantial detriment to the public welfare or impair the purposes and intent of this Ordinance.

**Granting the variance would not appear to cause substantial detriment to the public and/or impair purposes of the Land Development Regulations. The submitted plans do show replacement and/or existing tree preservation in many areas of the site upon development, with efforts being made by the applicant for this purpose.**

**This criterion has been met.**

- (v) That granting of the variance will not constitute a grant of special privilege that is denied by this Ordinance to other lands, structures, or buildings, in the same district.

**Granting the variance would not appear to constitute a grant of special privilege denied by other properties in the same district. As the applicant indicates, surrounding property owners have applied for and been granted variances for the same request as the applicant, along with requests even more extensive reductions in required landscaping, and without the efforts of the applicant in this case to document existing tree conditions and replant/preserve to the extend proposed.**

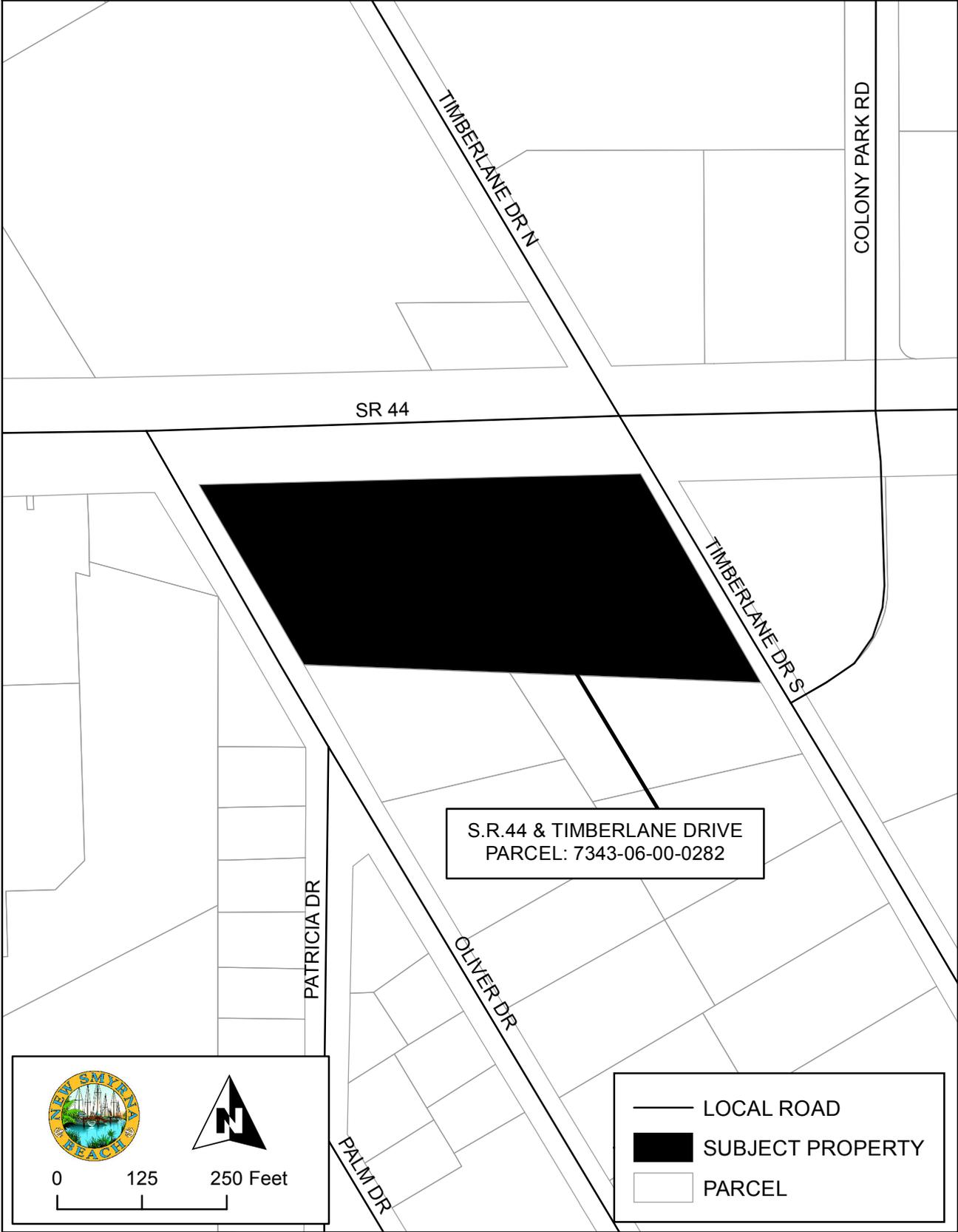
**This criterion has been met.**

### **Recommendation**

Staff finds this application meets the evaluation criteria, and as a result recommends **approval** of the variance request, with the following conditions recommended to be applied to any vote of approval by the Board:

- 1) This variance should be tied only to the applicant's specific request and submitted application materials and plans, for this proposed 1.5 acre eastern portion/future parcel only, and
- 2) Any existing trees within the proposed 10' wide eastern utility easement should be preserved, in accordance with comments of the UCNSB, with any trees proposed to be planted located outside of that easement area.

### V-10-16: S.R. 44 & TIMBERLANE DRIVE PARCEL: 7343-06-00-0282 LOCATION MAP



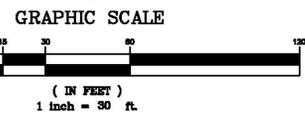
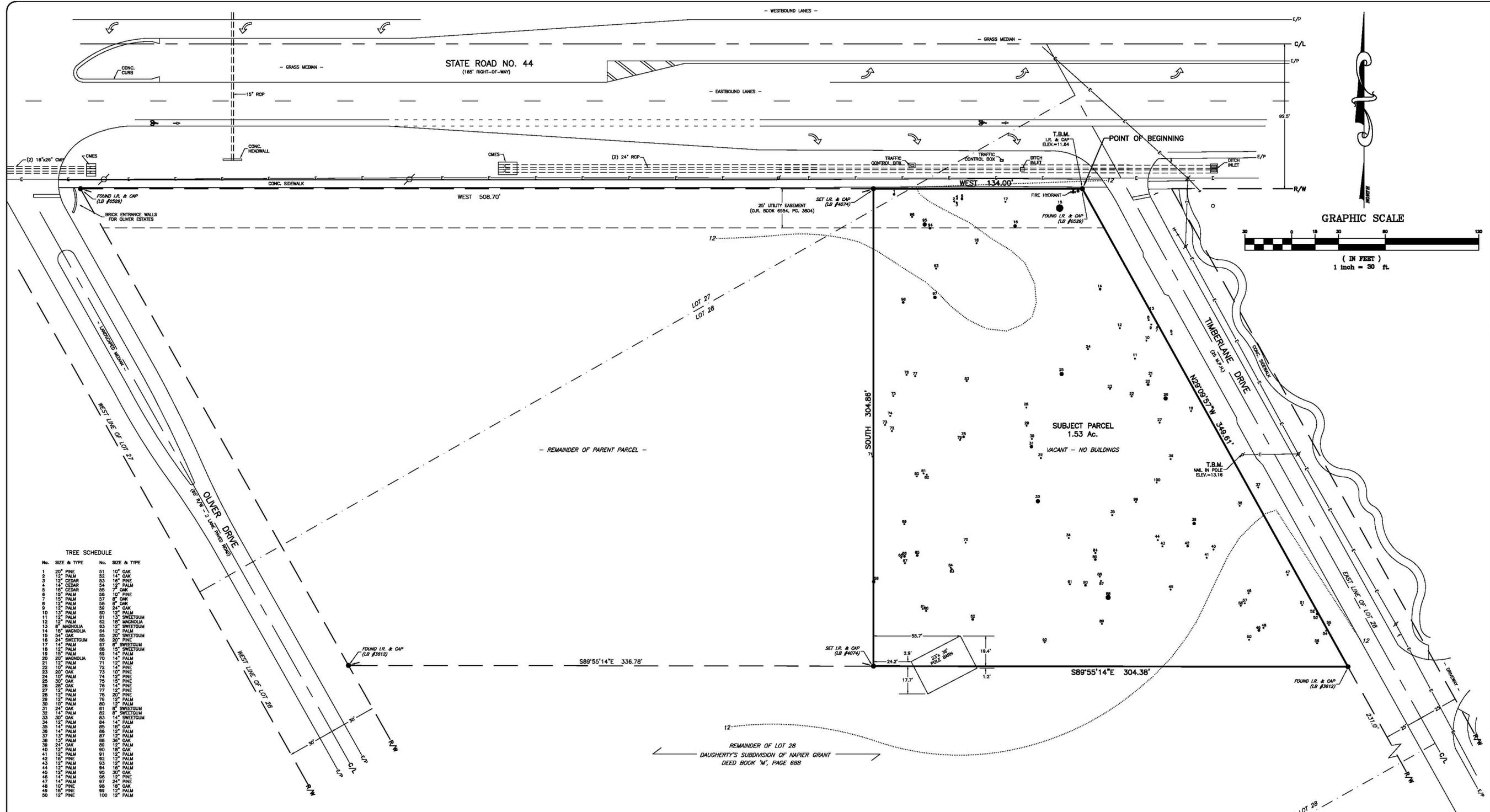
S.R.44 & TIMBERLANE DRIVE  
PARCEL: 7343-06-00-0282

Attachment: V-10-16 Exhibit A Location Map (1220 : V-10-16: Verizon)

# V-10-16: S.R. 44 & TIMBERLANE DRIVE PARCEL: 7343-06-00-0282 AERIAL MAP



Attachment: V-10-16 Exhibit B Aerial Map (1220 : V-10-16: Verizon)



**TREE SCHEDULE**

No.	SIZE & TYPE	No.	SIZE & TYPE
1	20" PINE	51	10" OAK
2	12" PALM	52	14" OAK
3	12" CEDAR	53	15" PINE
4	14" CEDAR	54	12" PALM
5	15" PALM	55	10" PINE
6	15" PALM	56	8" OAK
7	12" PALM	57	8" OAK
8	12" PALM	58	8" OAK
9	12" PALM	59	24" OAK
10	13" PALM	60	12" PALM
11	12" PALM	61	12" SWEETGUM
12	12" PALM	62	18" MAGNOLIA
13	13" PALM	63	12" SWEETGUM
14	18" MAGNOLIA	64	12" PALM
15	18" OAK	65	20" SWEETGUM
16	24" SWEETGUM	66	20" PINE
17	14" PALM	67	8" SWEETGUM
18	12" PALM	68	15" SWEETGUM
19	15" PALM	69	14" PALM
20	20" MAGNOLIA	70	14" PALM
21	12" PALM	71	12" PALM
22	10" PALM	72	14" PINE
23	20" OAK	73	10" PINE
24	10" PALM	74	12" PINE
25	20" OAK	75	15" PINE
26	20" OAK	76	14" PINE
27	12" PALM	77	10" PINE
28	12" PALM	78	20" OAK
29	12" PALM	79	12" PALM
30	10" PALM	80	12" PALM
31	24" OAK	81	8" SWEETGUM
32	14" PALM	82	8" SWEETGUM
33	30" OAK	83	14" SWEETGUM
34	12" PALM	84	14" PALM
35	14" PALM	85	18" OAK
36	14" PALM	86	12" PALM
37	13" PALM	87	12" PALM
38	13" PALM	88	12" OAK
39	24" OAK	89	12" PALM
40	12" PALM	90	12" PALM
41	12" PALM	91	12" PALM
42	18" PINE	92	12" PALM
43	12" PALM	93	12" PALM
44	12" PALM	94	15" PALM
45	12" PALM	95	30" OAK
46	14" PALM	96	12" PINE
47	14" PALM	97	24" PINE
48	10" PALM	98	18" OAK
49	18" PINE	99	12" PALM
50	12" PINE	100	12" PALM

**LEGEND**

C.M.	CONCRETE MONUMENT
I.R.	IRON ROD
R/W	RIGHT OF WAY
E/P	EDGE OF PAVEMENT
C/L	CENTERLINE
D or Δ	CENTRAL ANGLE
R	RADIUS
LC	ARC LENGTH
L	LENGTH OF CHORD
CB	CHORD BEARING
SEC.	SECTION
TWP.	TOWNSHIP
RGE.	RANGE
(D)	DESCRIPTION CALL
(F)	FIELD MEASUREMENT
U	UTILITY POLE AND GUY ANCHOR
W	OVERHEAD WIRES
F	FENCE
CONC.	CONCRETE
TREE	TREE (SEE TREE SCHEDULE)
GROUND	GROUND CONTOUR
T.B.M.	TEMPORARY BENCHMARK
F.F.	FINISH FLOOR
ELEV.	ELEVATION
INV.	INVERT
C.M.E.S.	CONCRETE MITERED END SECTION

**LEGAL DESCRIPTION**

A PORTION OF THAT PART OF LOTS 27 AND 28, DAUGHERTY'S SUBDIVISION OF THE NAPIER GRANT AND PART OF THE HULL GRANT, AS THE PLAT THEREOF RECORDED IN DEED BOOK 'M', PAGE 688 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 44 (185 FEET WIDE) WITH THE WESTERLY RIGHT-OF-WAY LINE OF TIMBERLANE DRIVE (50 FEET WIDE); THENCE WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 44, A DISTANCE OF 134.00 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, PROCEED SOUTH, A DISTANCE OF 304.86; THENCE S89°55'14"E, A DISTANCE OF 304.38 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF TIMBERLANE DRIVE; THENCE N29°09'57"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 348.61 FEET TO THE POINT OF BEGINNING.

**SURVEY REPORT:**

- BEARINGS ARE BASED ON ASSUMED DATUM; MORE PARTICULARLY THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 44 AS BEING WEST.
- VERTICAL DATA SHOWN HEREON IS BASED ON SITE BENCHMARKS NAVD-88 DATUM.
- FIELD SURVEY DATE : 12-17-2015.
- NO TITLE INFORMATION REFLECTING OWNERSHIP, RIGHTS-OF-WAY, OR EASEMENTS OF RECORD, WERE FURNISHED TO THIS SURVEYOR UNLESS SHOWN OR NOTED HEREON.
- THE LEGAL DESCRIPTION FOR THE PARENT PARCEL WAS FURNISHED BY THE CLIENT AND THE LEGAL DESCRIPTIONS FOR PARCELS 'A' AND 'B' WERE WRITTEN BY THE SURVEYOR BASED ON LANDS SURVEYED.
- UNDERGROUND IMPROVEMENTS OR UTILITIES WERE NOT LOCATED.
- ALL RIGHTS OF WAY SHOWN HEREON ARE PHYSICALLY OPEN UNLESS OTHERWISE STATED.
- THIS PROPERTY IS LOCATED IN A ZONE 'X' (AREA OUTSIDE THE 1-PERCENT ANNUAL CHANCE FLOODPLAIN) ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 125132 PANEL 0540 SUFFIX 'H', EFFECTIVE DATE FEBRUARY 19, 2014.
- THIS SURVEY MEETS ALL APPLICABLE REQUIREMENTS CONTAINED IN CHAPTER 5J-17.050 THROUGH .052, FLORIDA ADMINISTRATIVE CODE AND THE ACCURACY OBTAINED BY MEASUREMENT AND CALCULATION OF A CLOSED GEOMETRIC FIGURE WAS FOUND TO EXCEED THE MINIMUM RELATIVE DISTANCE ACCURACY FOR COMMERCIAL/HIGH RISK LAND USE.
- UNLESS IT BEARS THE SIGNATURE AND SEAL OF THE LICENSED SURVEYOR AND MAPPER, THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

RODNEY K. ROGERS DATE  
PROFESSIONAL SURVEYOR & MAPPER  
REGISTRATION NO. 5274  
STATE OF FLORIDA

DATE	REVISION

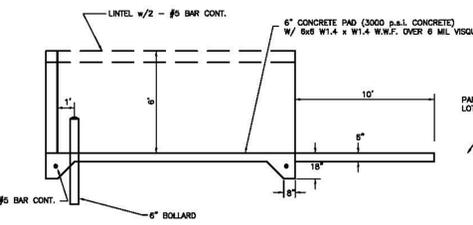
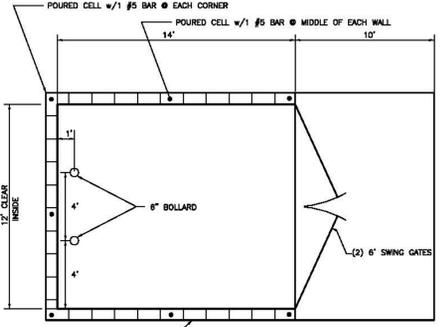
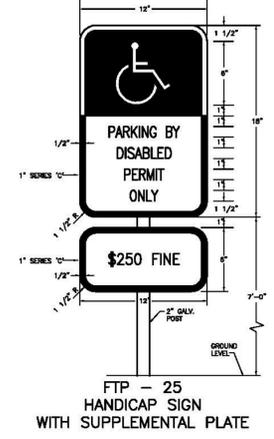
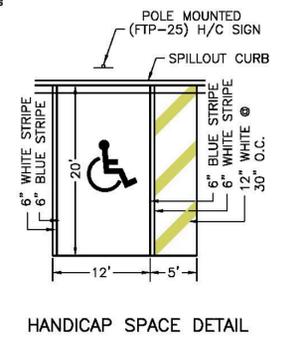
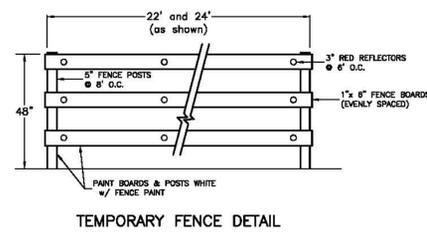
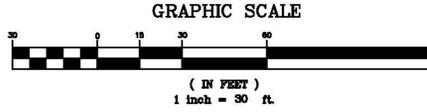
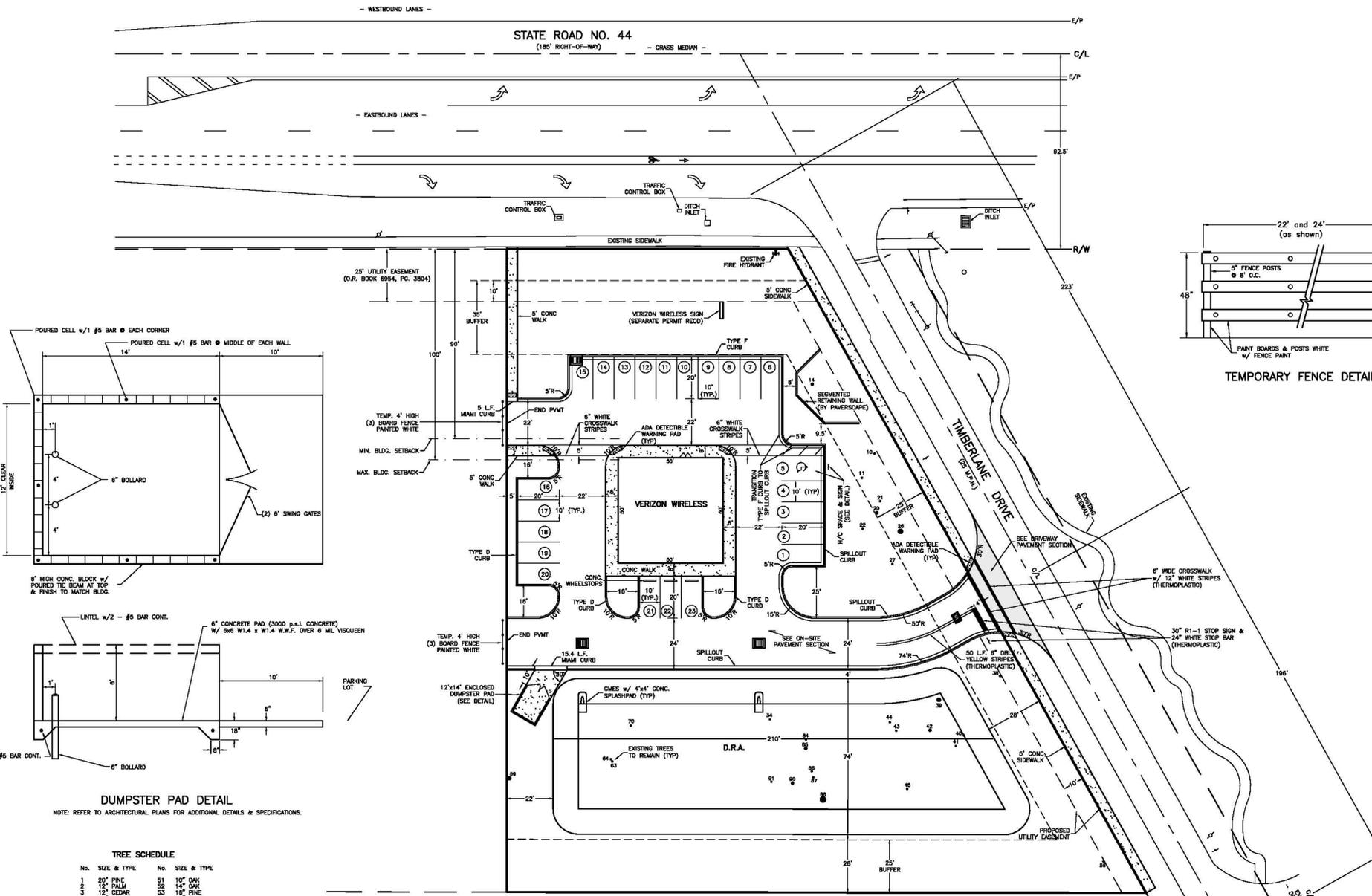
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nrogers@rogerseng.com

**ROGERS ENGINEERING, LLC**  
Civil Engineering & Land Surveying

1105 S.E. 3rd Avenue • Ocala, Florida 34471 • Ph. (352) 622-9214 • Lic. Bus. #4074

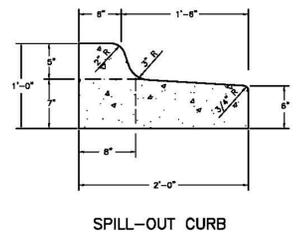
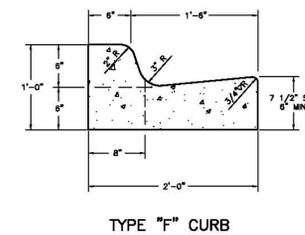
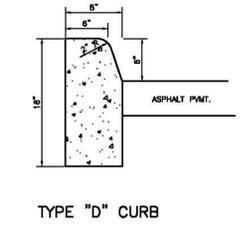
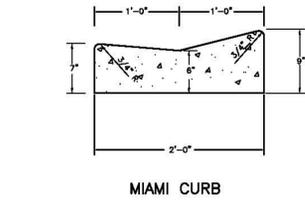
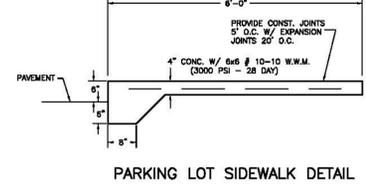
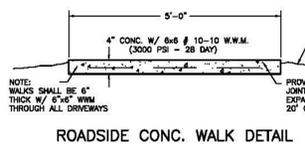
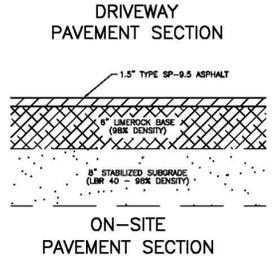
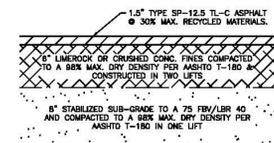
A SITE PLAN FOR  
VERIZON WIRELESS  
S.R. 44 & TIMBERLANE DRIVE  
Boundary & Topographic Survey

JOB No. 15_7343-08-00-0282
DATE 3-17-2016
SCALE 1" = 30'
SHEET 2 OF 8



**TREE SCHEDULE**

No.	SIZE & TYPE	No.	SIZE & TYPE
1	20" PINE	51	10" OAK
2	12" PALM	52	14" OAK
3	12" CEDAR	53	18" PINE
4	14" CEDAR	54	12" PALM
5	18" CEDAR	55	8" OAK
6	10" PALM	56	10" PINE
7	10" PALM	57	8" OAK
8	12" PALM	58	8" OAK
9	12" PALM	59	24" PALM
10	13" PALM	60	12" PALM
11	12" PALM	61	SWEETGUM
12	12" PALM	62	18" MAGNOLIA
13	MAGNOLIA	63	MAGNOLIA TO A BSK MAX. DRY DENSITY PER ASHTO T-180 & CONSTRUCTED IN TWO LIFTS
14	18" MAGNOLIA	64	12" PALM
15	24" PALM	65	20" PINE
16	24" SWEETGUM	66	20" PINE
17	14" PALM	67	SWEETGUM
18	12" PALM	68	15" SWEETGUM
19	10" PALM	69	14" PALM
20	20" MAGNOLIA	70	14" PALM
21	12" PALM	71	14" PALM
22	10" PALM	72	14" PINE
23	20" OAK	73	10" PINE
24	10" PALM	74	12" PINE
25	10" PALM	75	14" PINE
26	28" OAK	76	14" PINE
27	10" PALM	77	12" PINE
28	12" PALM	78	20" PINE
29	10" PALM	79	12" PALM
30	10" PALM	80	10" PALM
31	24" OAK	81	8" SWEETGUM
32	12" PALM	82	8" SWEETGUM
33	30" OAK	83	14" SWEETGUM
34	12" PALM	84	14" PALM
35	14" PALM	85	18" OAK
36	14" PALM	86	12" PALM
37	13" PALM	87	12" PALM
38	13" PALM	88	20" OAK
39	24" OAK	89	12" PALM
40	12" PALM	90	18" OAK
41	12" PALM	91	12" PALM
42	18" PINE	92	12" PALM
43	12" PALM	93	12" PALM
44	12" PALM	94	12" PALM
45	12" PALM	95	30" OAK
46	14" PALM	96	12" PALM
47	14" PALM	97	24" PINE
48	10" PINE	98	12" OAK
48	18" PINE	99	12" PALM
50	12" PINE	100	12" PALM



NOTE: WHERE CURBING TERMINATES AT A CONCRETE WALK THERE SHALL BE A 24" TAPER FROM TOP OF CURB TO THE CONCRETE WALK

NO.	DATE	REVISION

Robert L. Rogers, PE  
 Fl. Reg. No. 10027  
 rrogers@rogerseng.com  
 Rodney K. Rogers, PSM  
 Fl. Reg. No. 9274  
 rkrogers@rogerseng.com

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*Civil Engineering & Land Surveying*  
 1105 S.E. 3rd Avenue • Ocala, Florida 34471 • Ph. (352) 622-9214 • Lic. Bus. #4074

A SITE PLAN FOR  
**VERIZON WIRELESS**  
 S.R. 44 & TIMBERLANE DRIVE  
 Site Layout Plan

JOB No. 15_7343-08-00-0282
DATE 3-17-2016
SCALE 1" = 30'
SHEET 4 OF 8

ROBERT L. ROGERS DATE  
 PROFESSIONAL ENGINEER  
 FLORIDA REGISTRATION NO. 10027



# ROGERS ENGINEERING

Civil Engineering & Land Surveying 

1105 S.E. 3<sup>rd</sup> AVENUE OCALA, FLORIDA 34471  
(352) 622-9214 www.rogersengocala.com

Robert L. Rogers, P.E., P.S.M.

Rodney K. Rogers, P.S.M.

April 15, 2016

City of New Smyrna Beach  
City Commission  
210 Sams Avenue  
New Smyrna Beach, FL 32168

Re: Verizon Retail Project – New Smyrna Beach  
Variance Application Letter of Response

This letter supports a Variance Request from the Tree Replacement Requirement contained in Section 604.051.A(2) of the Land Development Code. The subject property is heavily treed, yet there are few Very Good or Excellent trees simply because there are so many trees located close together. Per code requirements the applicant would be responsible for planting 197 trees and 21 palm trees as part of their site plan approval.

The applicant's proposed landscape plan calls for the following:

- 31 new shade trees
- 32 new ornamental trees
- 28 existing trees preserved (11 shade trees & 17 palm trees)

Resulting in a total of 91 trees being proposed on this 1.53 ac site

We are requesting a variance to reduce the Tree Replacement Requirement to 74 trees and 17 palms.

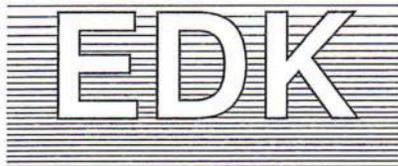
This will not impact surrounding properties since the new installation will meet or exceed other minimal landscape requirements. This variance will not constitute a special privilege as several other commercial properties in the area have already been granted a reduction on the Tree Replacement Requirement.

Sincerely;



Shannon L. Stewart

Office Manager



Landscape Architecture, Site Planning,  
Green Design, Commercial & Residential

Mr. Bob Gierke  
Retail Development Properties  
Rock Ventures LLC  
145 Lincoln Avenue , Suite C  
Winter Park , Florida 32789

March 2, 2016

Re: Verizon – New Smyrna Beach  
Tree preservation and grading

Bob

I have examined the current plan and have prepared the replacement chart based on the grading that we included in the developer's agreement. The grading of the trees were based upon my review of the site as a certified arborist and the current standards of the ISA. I have attached a chart of the individual tree grades for your information.

The city tree preservation code divides existing trees into two main categories: non-palm types and palms. In my review of the site I evaluated the trees to be removed as follows:

Non-Palm trees

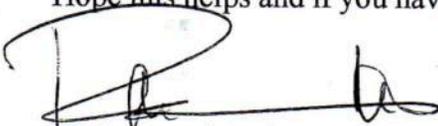
Grade 1	5	replacement at 5% of cross-section inches
Grade 2	5	replacement at 5% of cross-section inches
Grade 3	17	replacement at 10% of cross-section inches
(there are no Grade 4 or 5 trees that will be removed)		

Palm trees

Grade 1	-	
Grade 2	11	replacement at 50% of cross-section inches
Grade 3	10	replacement at 100% of cross-section inches
(there are no Grade 4 or 5 palms that will be removed)		

Based on the above we would need 35" of replacement trees for the non-palm trees, and 190" of replacement for the palms. We are preserving 255" of non-palm trees and 256" of palm trees. It is unclear of how the city interprets how replacement is to be done, but I would hope that we receive credit for the trees we are preserving. Please remember that these numbers do not include any of the trees removed located in the utility easements along the north and east property lines. When we receive comments on our current submittal, we'll have a been idea of how to proceed.

Hope this helps and if you have any questions, please let me know

  
Andy Kesselring, PLA, ASLA, ISA  
Landscape Architect

**Verizon Wireless Project – New Smyrna Beach  
Tree Evaluation and Grading**

**Trees to be preserved**

10	13" Palm	very tall	2
11	12" Palm	average for type	3
14	18" Magnolia	good, top is broken	3
19	15" Palm	tall, leaning	2
20	20" Magnolia	good	3
21	12" Palm	average for type	3
22	10" Palm	canopy, location	2
26	26" Oak	fair, no leader, uneven canopy	2
27	20" Palm	average for type	3
34	12" Palm	stunted growth	2
39	24" Oak	fair, poor canopy	2
40	12" Palm	average for type	3
41	12" Palm	location	2
42	16" Pine	good, tall, high canopy	3
43	12" Palm	average for type	3
44	12" Palm	location	2
45	12" Palm	average for type	3
47	14" Palm	location	2
51	10" Pine	fair	2
52	14" Oak	poor, very leaning	1
53	16" Pine	good shape for type	3
54	12" Palm	average for type	3
56	10" Pine	good shape for type	3
59	24" Oak	average	3
63	12" Sweetgum	poor canopy, location	2
64	12" Palm	location	2
70	14" Palm	average for type	3
84	14" Palm	location	2
85	18" Oak	poor canopy and branching	2
86	12" Palm	average for type	3
87	12" Palm	location	2
88	36" Oak	average for type and age	3
90	18" Oak	poor canopy	2
91	12" Palm	average for type	3

**Verizon Wireless Project – New Smyrna Beach  
Tree Evaluation and Grading**

**Trees to be removed**

Trees 1, 2, 3, 4, 5, 15, 16, 17, 95, 96 – no mitigation because located in north utility easement  
 Trees 6, 7, 8, 9, 13, 37, 38 – no mitigation because located in east utility easement

12	12" Palm	tall, leaning	2
18	12" Palm	average for type	3
23	20" Oak	poor canopy and structure	1
24	10" Palm	tall, poor canopy	2
25	30" Oak	good for type	3
28	12" Palm	average for type	3
29	12" Palm	location	2
30	10" Palm	average for type	3
31	24" Oak	poor canopy and structure	1
32	14" Palm	tall, poor canopy	2
33	30" Oak	fair, poor canopy	2
35	14" Palm	average for type	3
36	14" Palm	tall, poor canopy	2
46	14" Palm	average for type	3
48	10" Pine	good	3
49	18" Pine	good	3
50	12" Pine	good	3
57	8" Oak	good, small	3
58	8" Oak	good, small	3
60	12" Palm	location	2
61	13" Sweetgum	poor canopy	2
62	18" Magnolia	good for type	3
65	20" Sweetgum	fair, location under oak	1
66	20" Pine	good	3
67	8" Sweetgum	fair, location under oak	1
68	15" Sweetgum	fair, poor canopy	1
69	14" Palm	average for type	3
71	12" Palm	location	2
72	14" Pine	good	3
73	10" Pine	good	3
74	12" Pine	good	3
75	15" Pine	good	3
76	14" Pine	good	3
77	12" Pine	good	3
78	20" Pine	good	3
79	12" Palm	average for type	3
80	12" Palm	location	2

81	8" Sweetgum	fair, location under oak	2
82	8" Sweetgum	fair, location under oak	2
83	14" Sweetgum	fair, poor canopy	2
89	12" Palm	average for type	3
92	12" Palm	location	2
93	12" Palm	average for type	3
97	24" Pine	good	3
98	18" Oak	good for type	3
99	12" Palm	average for type	2
100	12" Palm	location	3

THE CITY OF NEW SMYRNA BEACH – PLANNING AND ZONING

**A-11-16 SMALL SCALE ANNEXATION,  
REZONING, AND COMPREHENSIVE  
PLAN AMENDMENT**

JUNE 27, 2016

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**Background**

**A-11-16: 864 OLD MISSION ROAD / 938 BAY DRIVE**

- Kyle Mariacher, 864 Old Mission Road, New Smyrna Beach, Florida 32168 applicant and property owner, request voluntary annexation, *Comprehensive Plan* amendment from Volusia County UMI, Urban Medium Intensity, to City Medium Density Residential, and rezoning from Volusia County R-4, Urban Single-Family to City RE, Residential Estate. The subject property consists of approximately 3.6 acres, and is generally located south of SR 44, on the west side of Old Mission Road addressed as 864 Old Mission Road, (VCPA# 7419-23-00-0392)
  
- Charles B. Collins, 938 Bay Drive, New Smyrna Beach, Florida 32168 applicant and property owner, request voluntary annexation, *Comprehensive Plan* amendment from Volusia County Rural, to City Rural, and rezoning from Volusia County MH-8, Mobile Home Estate to City RA, Residential Agriculture Estate. The subject property consists of approximately 5 acres, and is generally located north of Pioneer Trail, on the west side of Bay Drive addressed as 938 Bay Drive, (VCPA# 7312-00-00-0187)

**Findings**

- A. On April 23, 2013, the City Commission adopted an Interlocal Service Boundary Agreement (ISBA). The ISBA, which is permitted under Chapter 171, Part II, Florida Statutes, allows the City to annex any parcels that are within the designated annexation area, even if they are not contiguous to the current municipal boundaries. The agreement, which is between the County of Volusia and the City, was also approved by the County on May 2, 2013.
  
- B. Subject properties are within the annexation area designated in the ISBA. The subject property at 864 Old Mission Road is developed with a single-

family house and accessory structures and the subject property at 938 Bay Drive is developed with two (2) mobile homes and accessory structures. An aerial view/map of the subject properties and surrounding area is attached as **Exhibit B**.

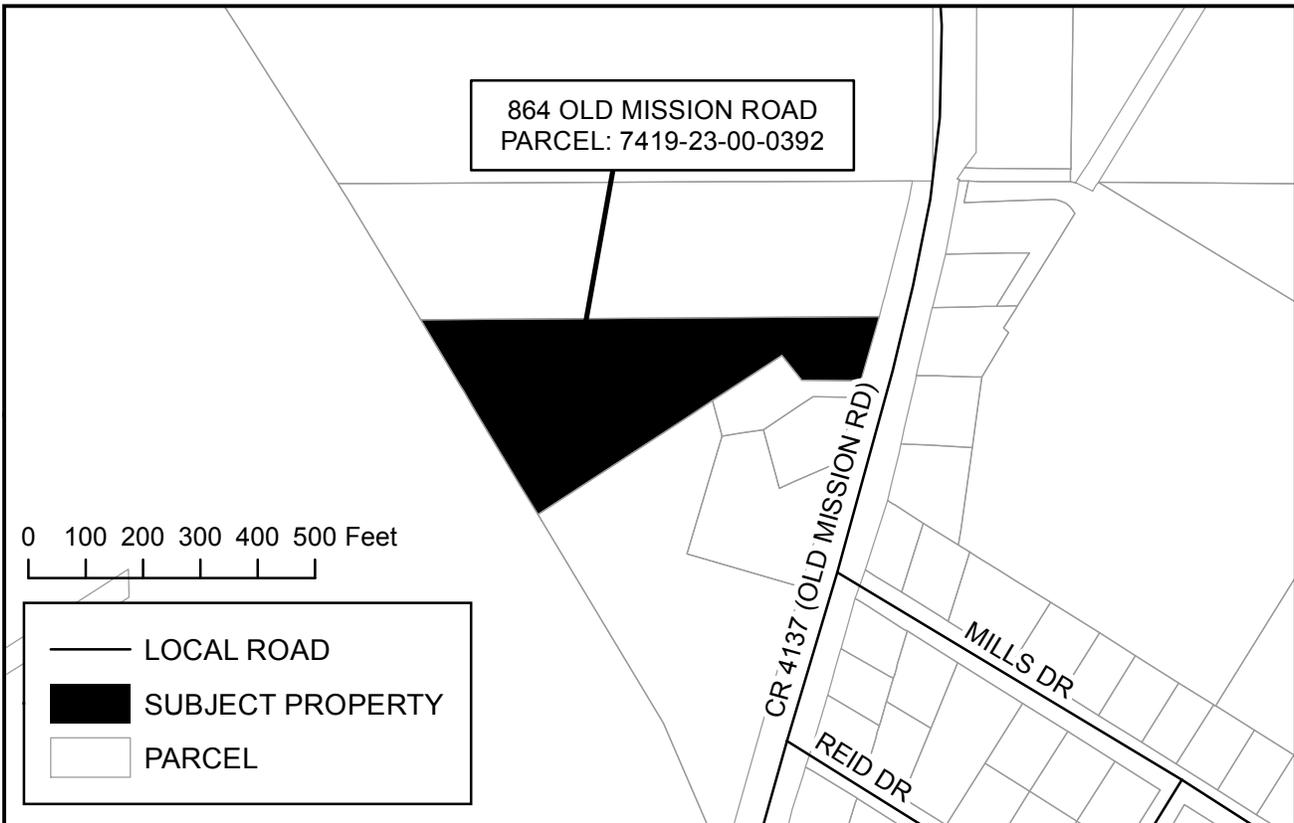
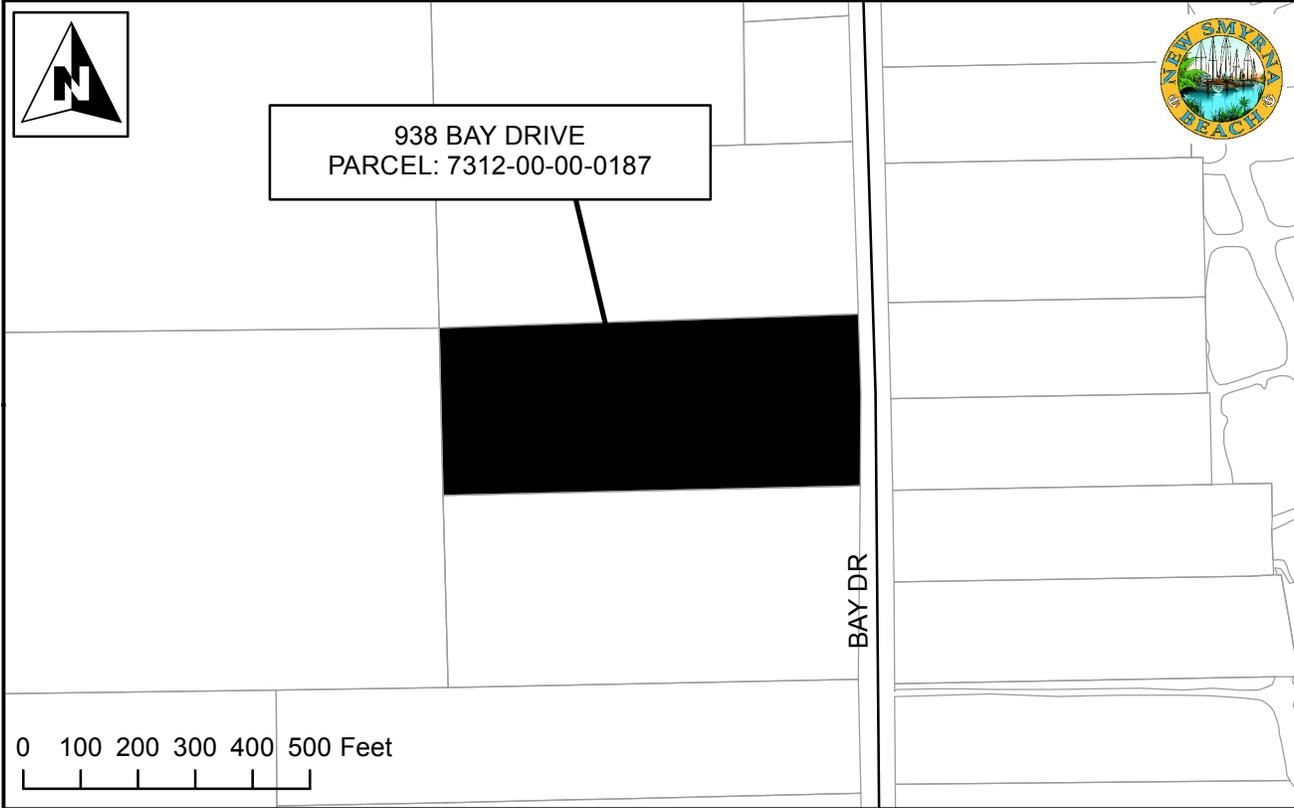
- C. The existing Volusia County Future Land Use (FLU) and zoning designations of the subject properties are shown on the following table. Maps showing the surrounding Future Land Use and Zoning designations are attached (as **Exhibits C and D** respectively). The text description of the existing Future Land Use designation for the subject properties are attached as **Exhibit E**. The associated current zoning text descriptions for the subject properties are attached as **Exhibit F**.
- D. Existing land uses are shown on the map attached as **Exhibit G**.
- E. The established City Commission policy is that when properties are annexed into the City, the City will assign future land use and zoning designations that would be as similar as possible to existing County designations. As discussed above, the existing County FLU designation is UMI, Urban Medium Intensity and Rural. The existing County zoning designations are R-4, Urban Single-Family and MH-8, Mobile Home Estate. The proposed City FLU designations are MDR, Medium Density Residential and Rural. The proposed City zoning designations are RE, Residential Estate and RA, Rural Agriculture Estate. A text description of the proposed City MDR, Medium Density Residential and Rural FLU designations are attached as **Exhibit H**, with a map of these proposed changes also attached as **Exhibit I**. A text description of the proposed City RE, Residential Estate and RA, Rural Agriculture Estate zoning designations, and a map of the proposed changes, are similarly attached as **Exhibits J and K** respectively.
- F. This annexation request is within the City's annexation area and within the City's water and sewer service area (**Exhibit L**). A map of the soil limitations for septic systems is attached as **Exhibit M**.
- G. The *Land Development Regulations* requires any proposed development to conform to the Concurrency Management System. That system includes traffic, parks and recreation, potable water, wastewater treatment, solid waste collection, storm-water management, and public school facilities. Since both properties are developed with a single-family house or mobile homes and accessory structures, and no increased density is proposed for the property, staff did not prepare a concurrency analysis table for this case.

- H. There are numerous *Comprehensive Plan* maps that must be amended to incorporate the subject property into the *Comprehensive Plan* (see **Exhibits N through Z**). A map showing the subject properties incorporated into Commission Zones 3 and 4 is attached as **Exhibit AA**.
- I. The *Comprehensive Plan* provides guidance on annexations, future land use amendments, and re-zonings. The following is a list of objectives in the *Comprehensive Plan* that support this proposal:
- Future Land Use Element Goal 2, Objective 3
  - Future Land Use Element Goal 2, Objective 4
  - Future Land Use Element Goal 2, Objective 7
  - Future Land Use Element Goal 5, Objective 3

**Recommendation**

Staff recommends that the Planning and Zoning Board recommend the City Commission **approve** the requested annexations, *Comprehensive Plan* amendment to City MDR, Medium Density Residential and Rural, and rezoning to City RE, Residential Estate and RA, Rural Agriculture Estate.

# A-11-16: BAY DRIVE, OLD MISSION ROAD LOCATION MAP



Attachment: A-11-16 Location Map (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

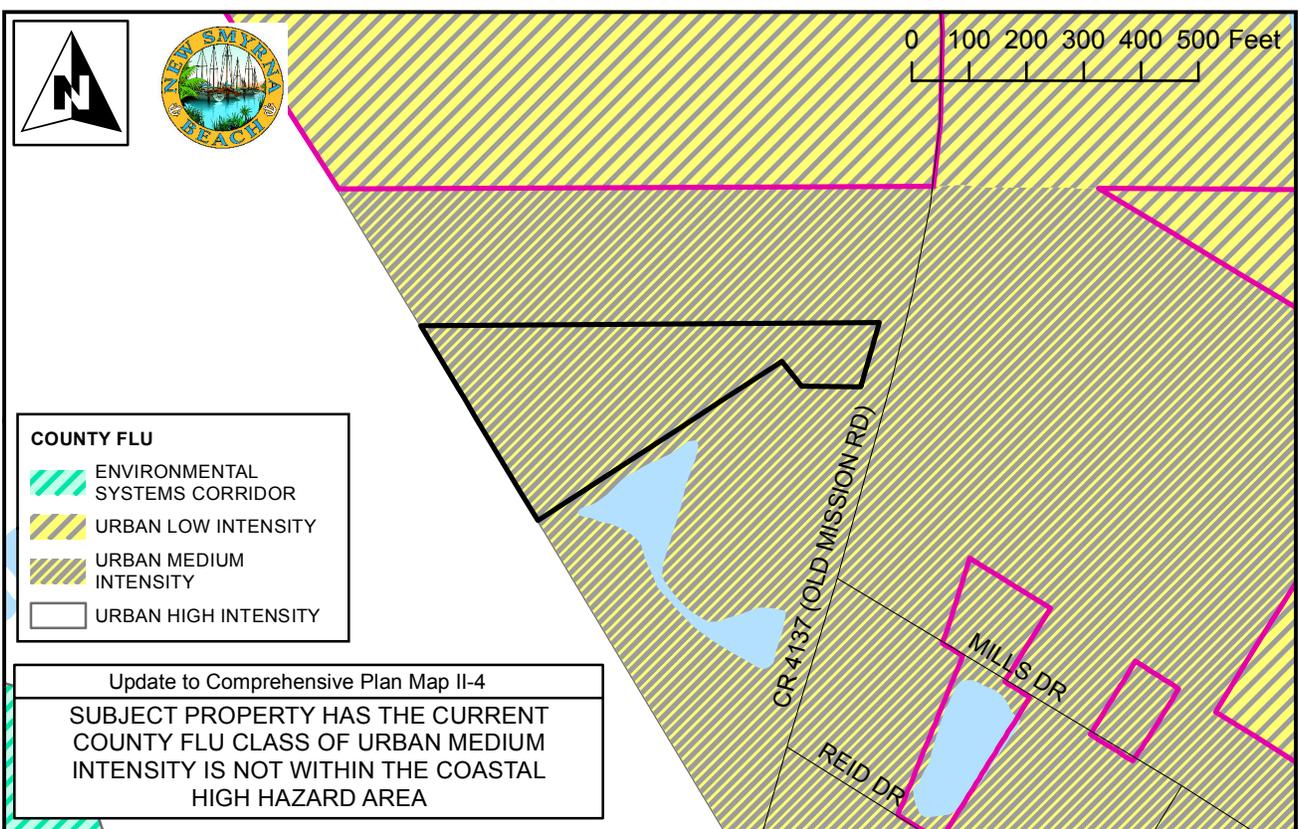
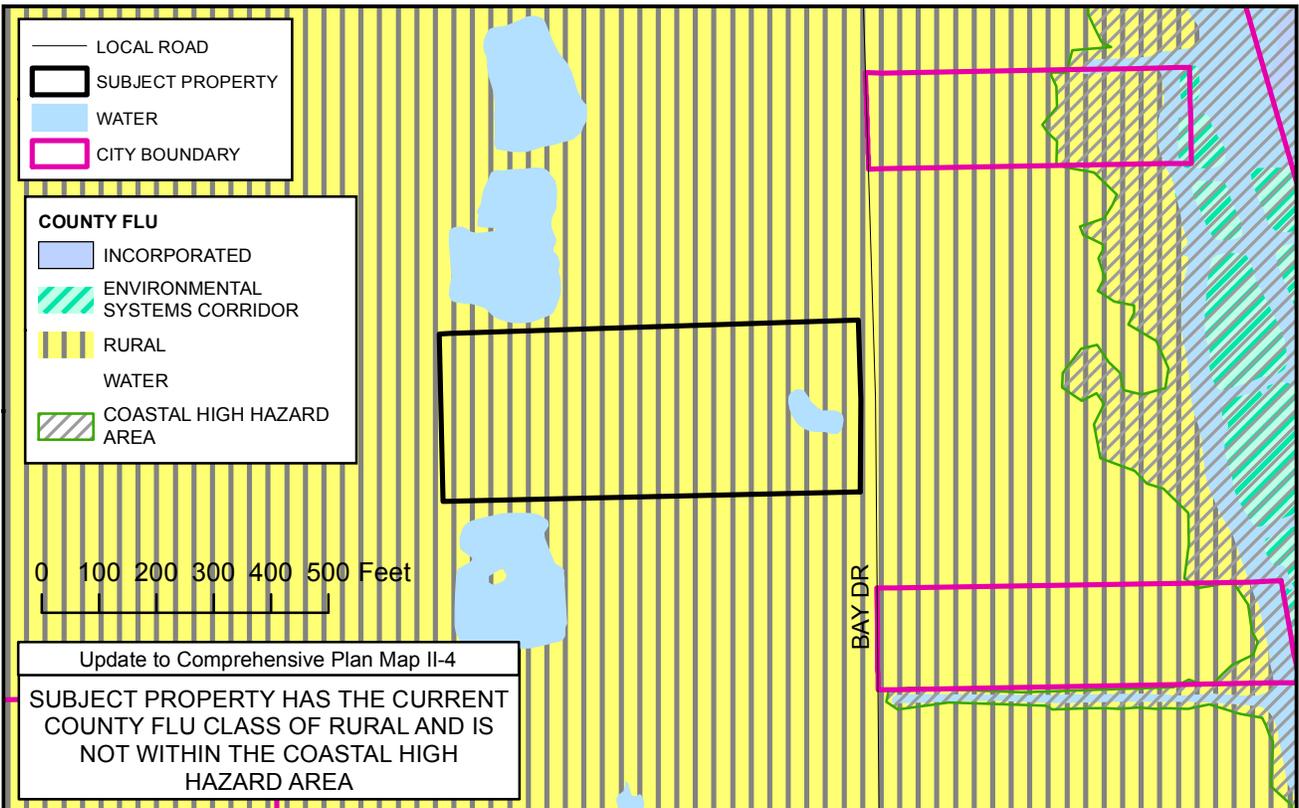
# A-11-16: BAY DRIVE, OLD MISSION ROAD AERIAL MAP



Attachment: A-11-16 Aerial Map (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# EXISTING FUTURE LAND USE DESIGNATIONS

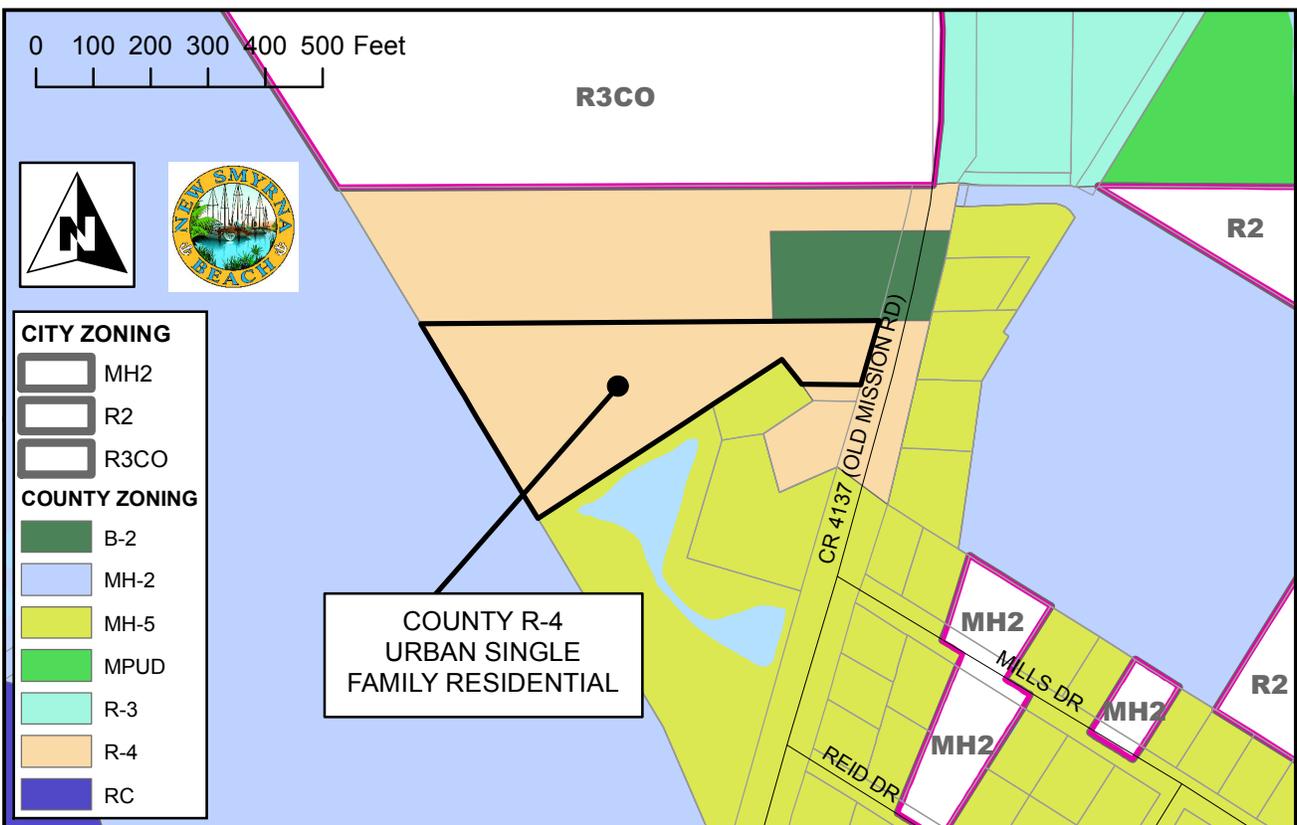
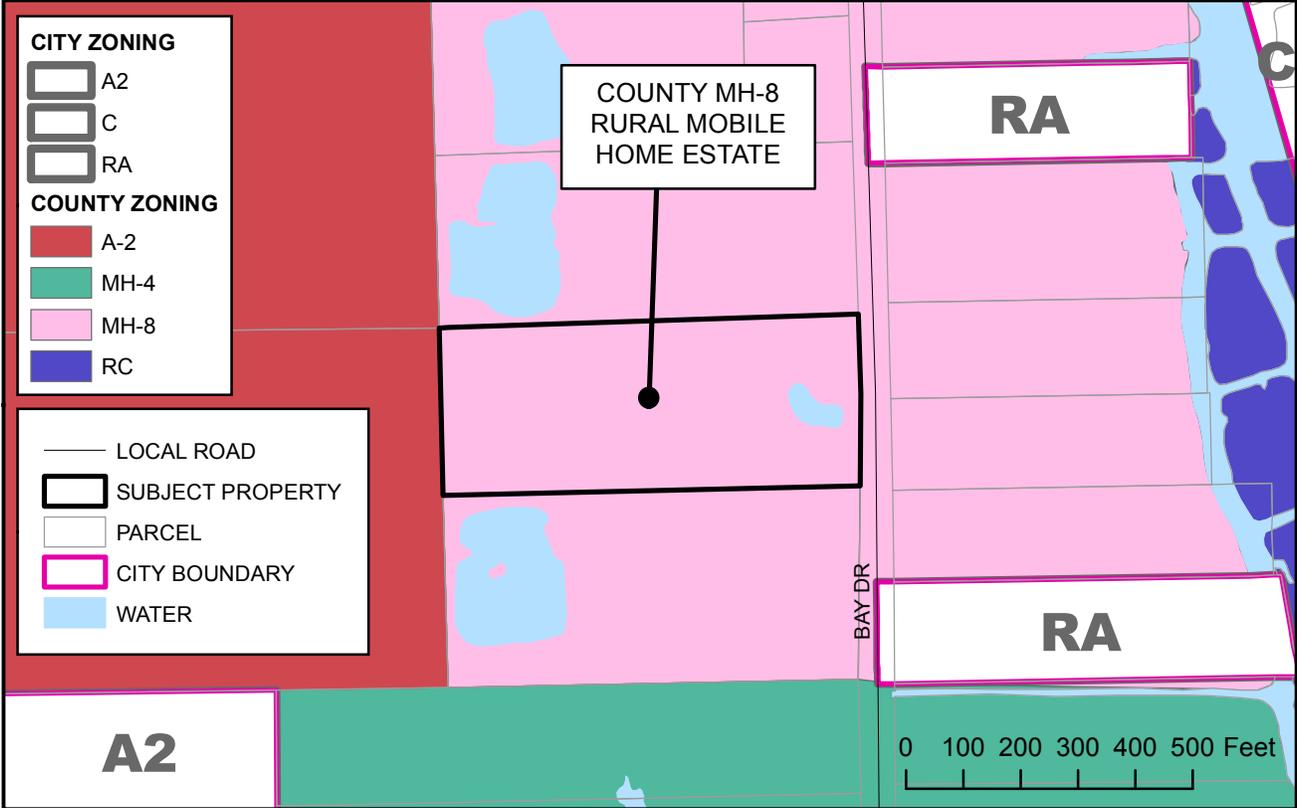
A-11-16



Attachment: A-11-16 Existing FLU Map (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# EXISTING ZONING

A-11-16



Attachment: A-11-16 Existing Zoning (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

## Urban Medium Intensity (UMI) –

Areas that contain residential development at a range of greater than four (4) to eight (8) dwelling units per acre. The types of housing typically found in areas designated urban medium intensity include single family homes, townhouses and low-rise apartments.

The UMI designation is primarily a residential designation but may allow neighborhood business areas (see Shopping Center definition in Chapter 20) and office development that meet the Comprehensive Plan's location criteria. The commercial intensity shall be no more than a fifty percent Floor Area Ratio (0.50 FAR) and shall be limited in a manner to be compatible with the allowable residential density. In order to be considered compatible, the commercial development should reflect similar traffic patterns, traffic generation, building scale, landscaping and open space, and buffers. More intensive commercial use, other than neighborhood business areas, shall be reserved to areas designated for Commercial.

All requests for nonresidential uses within one- quarter ( $\frac{1}{4}$ ) mile of another jurisdiction shall require notification to that jurisdiction.

## Rural (R)

This designation consists of areas which are a mixture of agriculture and low density residential development. Rural areas provide two functions, the first being a transitional use between the agricultural and urban uses and the second would be a rural community which serves as the economic focal point of a small region. Rural areas should be developed in a manner consistent with the retention of agriculture and the protection of environmentally sensitive areas. Strict limitation of development in rural areas contributes to the efficient growth and operation of public services and facilities, thus ensuring the most effective use of public resources. The natural features and constraints will be the primary determinants in deciding whether or not an area is suitable for rural type development.

- (1) Lands designated as rural shall be developed at a density of one (1) dwelling unit per five (5) acres. This density allowance may be increased under specific conditions as follows:

(a) The subject parcel is within six-hundred-and-sixty feet (660') of an existing subdivision with a density less than one (1) dwelling unit per five (5) acres. In this case the rural land may be developed at a similar density not to exceed one (1) dwelling unit per one (1) acre and with lot sizes similar and compatible with said qualifying subdivision.

(b) The subject parcel is adjacent to an urban land use. In this case the rural land may develop at a similar density not to exceed one (1) dwelling unit per one (1) acre, or intensity not to exceed a maximum Floor Area Ratio of twenty-five percent (0.25 FAR).

(c) In addition to the above conditions, the appropriateness of allowing densities less than one (1) dwelling unit per five (5) acres will also be subject to the following:

- i. Compatibility of the proposed development in the context of existing uses, including the proximity of agricultural uses;
- ii. Public facility capacity in the area, including the availability of paved public roads;
- iii. Suitability for wells and septic tank usage (i.e. existence of hydric soils);
- iv. The natural features of the subject parcel such as soils, vegetation, wildlife habitat and flood plain; and,
- v. If applicable, consistency with Local Plans associated with this Element.

- (2) There are two subcategories of the rural designation that address past development decisions. These subcategories are Rural Community and Rural Recreation. They are identified on the Special Rural Areas Map Series, presented in Appendix 1. These areas of intense or potentially intense development provide the mixed use concept to the rural areas. They help limit urban sprawl by providing services not necessarily found in remote rural areas thus reducing the number of trips out of these rural areas. Also allowing some limited urban type of development may help promote economic growth in the

rural areas as well. In designated Rural Communities and Rural Recreation areas where densities are greater than one (1) unit per acre, existing platted lots, undeveloped subdivisions, or other pre-existing developments shall be permitted subject to zoning requirements. However, any new development or subdivision of land shall have to comply with current County regulations.

- (a) Rural Community - A rural community is characterized by a concentration of a permanent population, sometimes reaching over one-thousand (1,000) persons. These communities serve as the focal point for a specific neighborhood and generally contain existing lots less than one (1) acre in size. There may be commercial uses at a level to serve the immediate population. Commercial, retail and personal services may be allowed within the lower end of the range of what is can commonly be referred to as a neighborhood business (30,000 to 50,000 sq. ft. of gross leasable area) and shall not exceed a thirty-five percent Floor Area Ratio (0.35 FAR). The community commonly extends between one-half (½) to one (1) mile from the focal point which is usually the intersection of two rural roads. A rural community may retain the zoning classifications that exist at the time of adoption of the Comprehensive Plan. A change in zoning must be consistent with the overlying land use designation, however, if existing zoning is more intense than the land use designation, a change to a similar intensity zoning classification may be permitted (e.g., small lot single family residential to small lot mobile home). Existing agricultural operations shall be allowed even if currently zoned for nonagricultural uses.

The following areas are considered Rural Communities:

- i Seville
- ii Barberville
- iii Volusia
- iv Cassadaga
- v DeLeon Springs
- vi Emporia

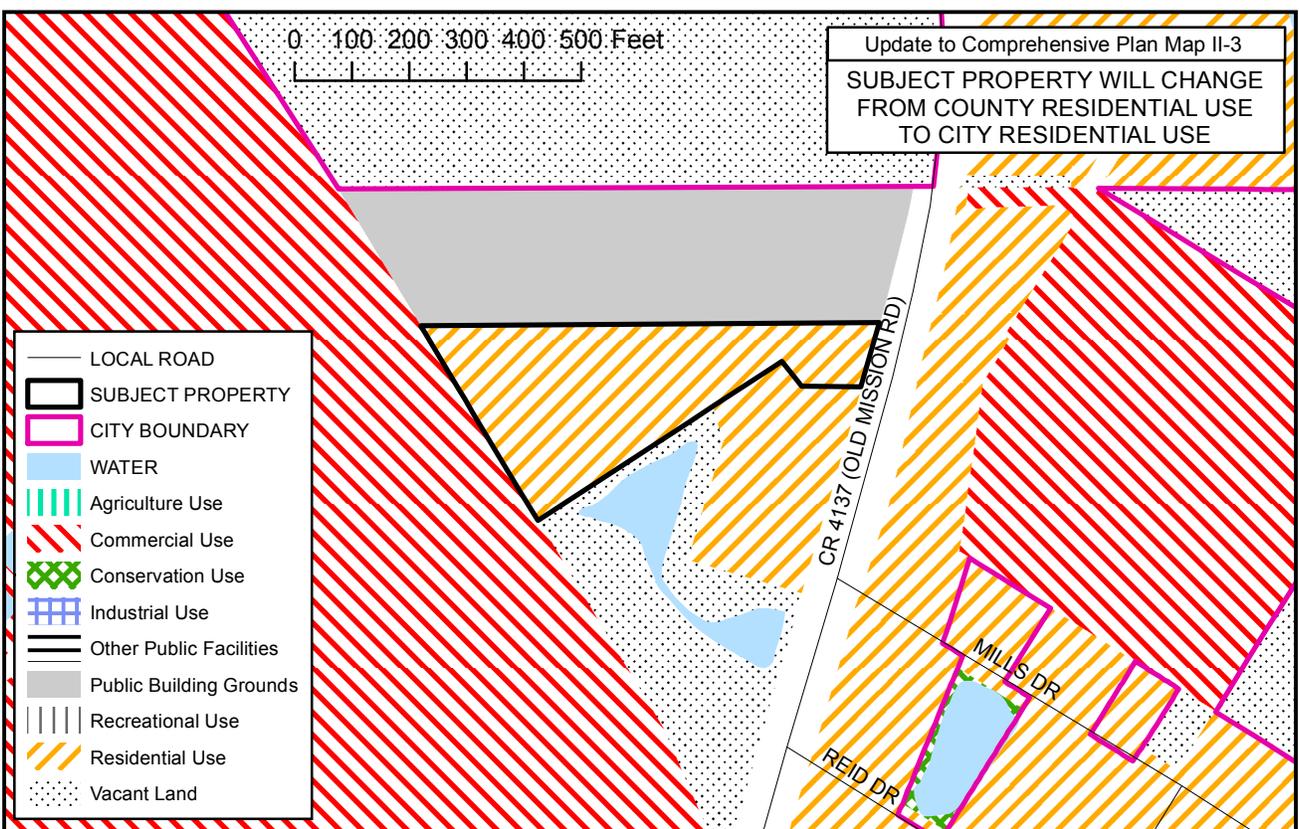
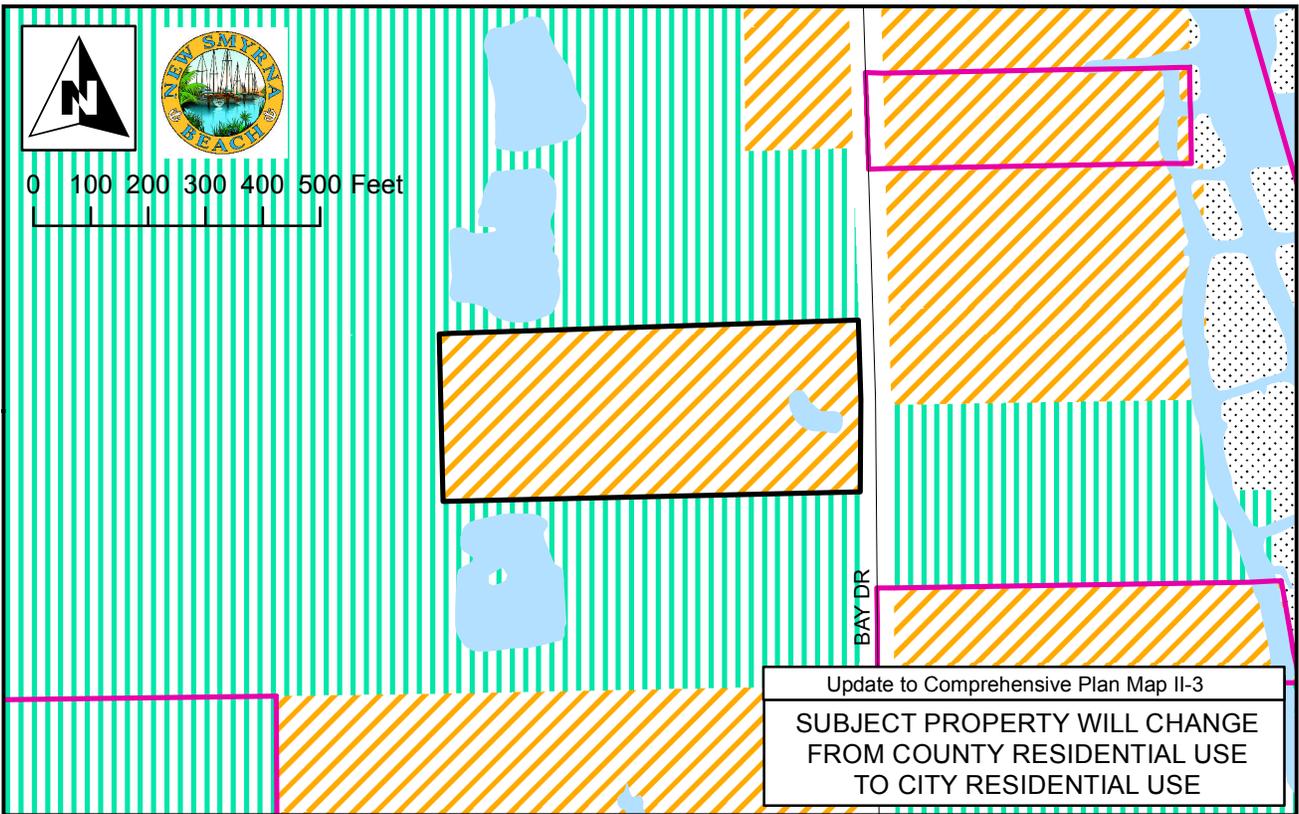
- (b) Rural Recreation - Limited areas of intense use located in remote rural areas along the St. Johns River. These areas are used for launching and/or storing boats with areas available for camping (RV sites are included). These areas may also contain single and multi-family dwelling units, hotels, bait shops, restaurants, and gas stations. Many of them are commonly referred to as fish camps. This designation is intended to be treated in a similar manner as the Rural Community in that the existing zoning (at the time of the effective date of the Comprehensive Plan) may remain and be developed consistent with current land development regulations. New requests for zoning changes must be consistent with the Comprehensive Plan, as stated under Rural Community.

The following areas are considered Rural Recreation areas:

- i Pine Island
- ii Shell Harbor Estates
- iii Volusia Bar
- iv South Moon
- v Paramore
- vi Highland Park
- vii Daisy Lake
- viii Crows Bluff
- ix St. Johns River Acres
- x Lemon Bluff
- xi Baxter Point
- xii Lakeview
- xiii St. Johns Gardens

# EXISTING LAND USE DESIGNATIONS

A-11-16



Attachment: A-11-16 Existing Land Use (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

## MEDIUM-DENSITY RESIDENTIAL

Maximum allowed density: 5.01 to eight [8] dwelling units per acre

Intent: This use is intended to provide a buffer between low-density residential uses and more intense uses, such as a high-density residential or commercial. It is also suitable at major intersections when adequate buffering from highway can be provided.

## RURAL

(Up to one [1] dwelling unit per five [5] acres or up to one [1] dwelling unit per acre)  
 This category includes areas that may consist of agriculture land, undeveloped rural land, and large parcels of developed residential land. Areas designated with a Rural FLU category should be developed in a manner consistent with the retention of agriculture and rural lands, low-density residential and the protection of environmentally sensitive areas. Strict limitation of development in rural areas contributes to the efficient growth and operation of public services and facilities, thus ensuring the most effective use of Future Land Use Element public resources. The natural features and constraints will be the primary determinants in deciding whether or not an area is suitable for rural type development.

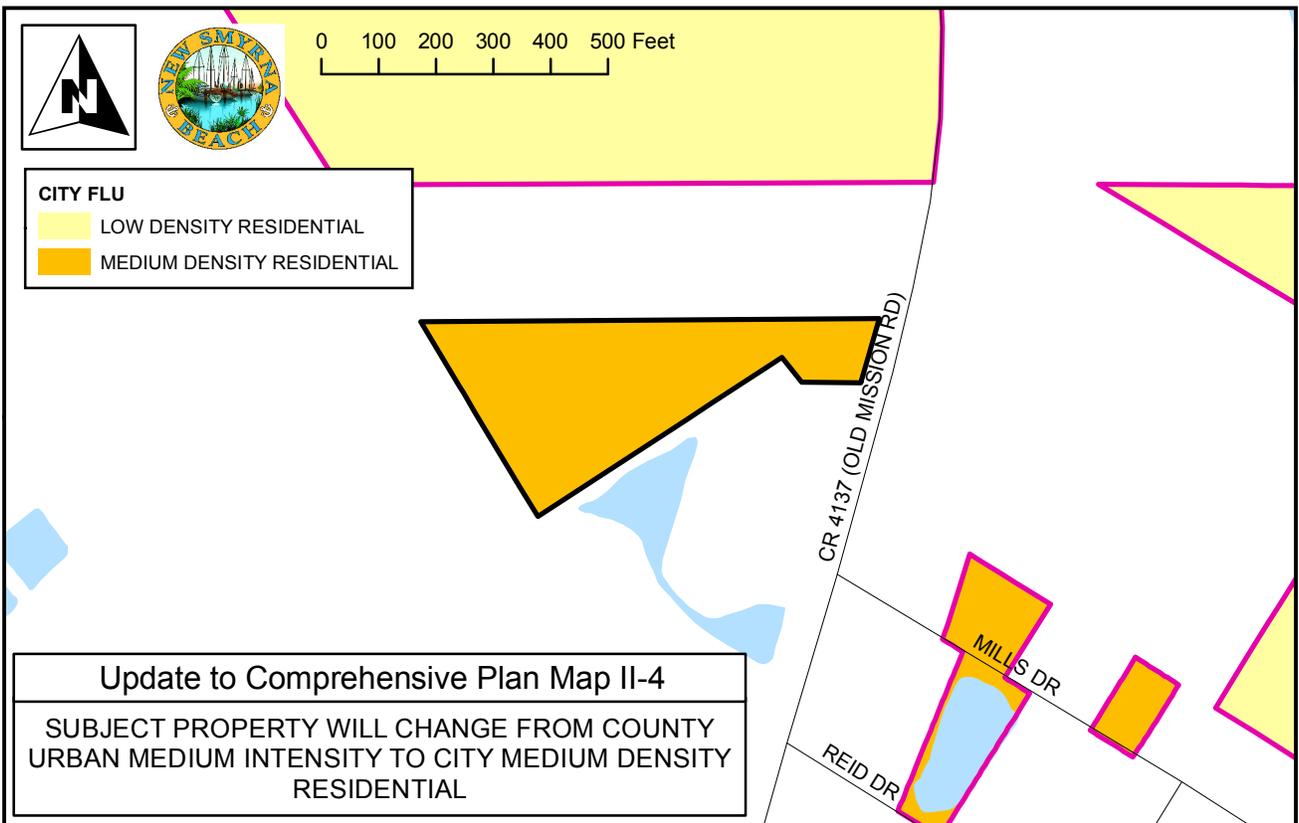
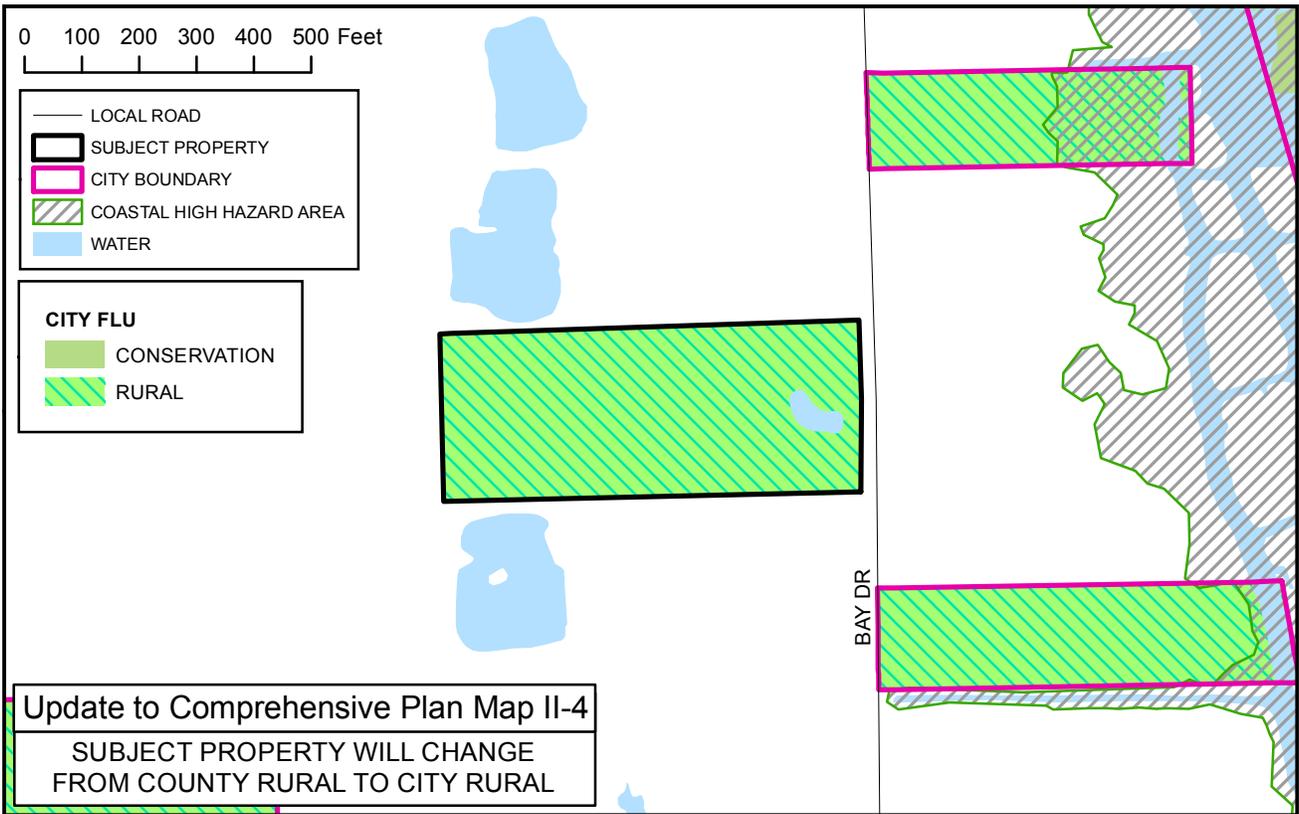
The Rural FLU designation may allow smaller lot sizes in clusters to protect environmentally sensitive land and upland buffers but shall not allow increase in density. Smaller cluster lots shall be allowed provided the clusters have large perimeter buffers to give the appearance of rural land from adjacent parcels and there is legal assurance that the property not included in the fee simple cluster lots are owned in common by the fee simple lot owners and will not be subsequently developed.

The density shall be determined as follows: Vacant parcels of land in the vicinity of existing exempt or approved platted subdivisions on or before April 3, 1990, with lot sizes from 1 unit per acre to 1 unit per 5 acres or vacant parcels of land immediately adjacent to an urban FLU category may be developed with similar density or lot sizes but not less than one (1) unit per acre. Only that portion of a parcel(s) that is within 660 feet from the above described existing exempt or approved subdivision or urban FLU category boundary, as of the adoption date of the Rural FLU category, is considered "in the vicinity." Note: If a parcel that is "in the vicinity" is covered by more than fifty percent (50%) of the 660 feet extension, then the remaining portion of that parcel which is 10 acres or less is eligible for increased density.

Although the adjacency to the conditions described above allows for the potential of subdivisions with lots less than 5 acres in size, the actual lot size will be dependent upon the following: Compatibility of the proposed development will be viewed within the context of existing uses, public facility capacity in the area, suitability for wells and septic tank usage, and the natural features of the parcel in question, such as soils, vegetation, and floodplain. Vacant parcels or tracts of land that do not meet the preceding criteria or are in areas which have not been previously platted with lots less than 5 acres in size shall only be developed with lot sizes that are 5 acres or greater or in cluster developments at a density of no greater than one (1) unit per five (5) acres.

# PROPOSED FUTURE LAND USE DESIGNATIONS

A-11-16



Attachment: A-11-16 Proposed FLU Map (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

## RE, RESIDENTIAL ESTATE

*Intent.* The RE, Residential Estate District is intended to be a single-family residential district for low population densities and relatively large homes.

*Permitted principal uses.*

Single-family dwelling units

Recreation buildings and complexes for exclusive use by residents and guests of a residential development.

*Permitted accessory uses.*

Gazebos

Garages

Incidental uses

Permitted home occupations

Storage sheds

Swimming pools, private, provided a principal structure exists and the pool is located behind the front plane of the principal structure. Corner lots will be considered to have two front planes, one on each street. If a structure is not constructed squarely on a parcel, the swimming pool must be located at or behind the most restrictive front plane of the principal structure.

Uses customarily associated with the permitted uses

*Prohibited uses.*

Businesses (except home occupations)

Manufacturing facility

Offices (except home occupations)

Restaurants

Retail activity

*Special exceptions.*

Country clubs and golf courses

Schools and churches provided all structures are located at least 45 feet from all property lines and off-street parking areas abutting residential property are screened by a buffer meeting the requirements of this LDR except that the buffer shall be a minimum of 15 feet in width

*Dimensional requirements.**Minimum lot size.*

Area: 40,000 square feet\*

Width: 100 feet

Depth: 150 feet

\*Minimum lot depth multiplied by minimum lot width does not equal the minimum required lot area.

*Minimum yard size.*

Front: 45 feet or as required per [sub]section 504.01M. of this LDR

Rear: 40 feet

Side: 15 feet

*Maximum building coverage.* The total area covered with buildings on any lot shall not exceed 20 percent of the total lot area.

*Screen enclosures.* As an exception to the maximum building coverage provision any parcel may be allowed an additional ten percent building coverage for only a screen pool enclosure if the following conditions are met:

1.

A screen pool enclosure shall only cover the swimming pool and surrounding pool deck and shall have a roof and walls consisting entirely of screening; and

2.

There shall be no variances granted to exceed the maximum building coverage or additional coverage allowed for screen enclosures.

*Maximum impervious coverage.* The total area covered with impervious ground cover shall not exceed 40 percent of the total lot area.

*Maximum principal building height.* 35 feet; three stories.

*Minimum floor area requirements.* 1,700 square feet of livable area per dwelling unit.

*Off-street parking.* Parking shall be required entirely on the lot for a minimum of two automobiles. There is no required backup area.

*Corner lots.*

(1)

Parcels which front on two streets shall provide a 45-foot front yard on street frontage with driveway access and a 22.5-foot front yard on the other street, or as required per [sub]section 504.01M. of this LDR.

(2)

Parcels fronting on three streets shall provide two 45-foot front yards including one with driveway access and a 22.5-foot front yard on the remaining street, or as required per [sub]section 504.01M. in this LDR.

*Through lots.* Shall provide a 45-foot front yard on each street, or as required per [sub]section 504.01M. of this LDR.

*Atypical lot.* Visibility triangles shall be established at the rear corners of an atypical lot. The visibility triangles shall be those areas formed by a line connecting the points 30 feet from the intersection of the side and rear lot line along the side lot line and 30 feet from the intersection of the side and rear lot line along the rear lot line; no principal or accessory structure having a height over four feet, except for incidental uses, shall protrude into the area of a visibility triangle.

*Building projections.* Except for eaves with a maximum projection of 36 inches, there shall be no building projections into any required yard.

*Visibility at intersections.* Visibility at intersections shall be provided as required in this LDR.

*Site plan approval for special exceptions.* Site plans approval for special exceptions is required.

## RA, RURAL AGRICULTURE ESTATE

*Intent.* The intent of the RA, Rural Agriculture Estate District is to provide for low density development, personal agricultural production consistent with the comprehensive plan in rural areas of the city.

*Permitted principal uses and structures.* In the RA, Rural Agriculture Estate district no premises shall be used except for the following uses and their customary accessory uses or structures:

Communication towers not exceeding 70 feet in height above ground level

Excavations (refer to subsection 801.15 of this LDR)

Exempt landfills (refer to subsection 801.20 of this LDR)

Essential utility services

Fire stations

Hobby breeder

Home occupations

Houses of worship

Parks and recreation areas accessory to residential developments

Public schools

Publicly owned parks and recreational areas

Publicly owned or regulated water supply wells

Raising of crops and keeping of animals, including aviaries, pisciculture, apiaries and worm raising for personal use (not for resale), accessory to a single-family dwelling. The personal use restriction is not intended to apply to 4-H, FFA or similar educational projects

Single-family standard or manufactured modular dwelling

*Permitted special exceptions.* Additional regulations/requirements governing permitted special exceptions are located in subsections 801.21 through 801.27 of this LDR.

Animal shelters

Bed and Breakfast (refer to subsection 801.21)

Cemeteries (refer to subsection 801.22)

Communication towers exceeding 70 feet in height above ground level

Day care center (refer to subsection 801.23)

Excavations only for stormwater retention ponds for which a permit is required by this LDR

Garage apartments

Group home (refer to subsection 801.24)

Kennels

Off-street parking areas (refer to subsection 801.25)

Public uses not listed as a permitted principal use

Public utility uses and structures (refer to subsection 801.26)

Recreational areas (refer to subsection 801.27)

Schools, parochial or private (refer to subsection 801.22)

*Dimensional requirements.*

Minimum lot size:

Area: Two and one-half acres

Width: 150 feet

Minimum yard size:

Front yard: 45 feet

Rear yard: 45 feet

Side yard: 25 feet

Waterfront yard: 45 feet

Maximum building height: 35 feet

Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.

Minimum floor area: 1,000 square feet.

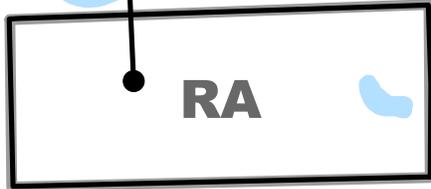
*Off-street parking and loading requirements:* Off-street parking and loading areas meeting the requirements of subsection 604.09 of this LDR shall be constructed.

# PROPOSED ZONING

A-11-16



CITY RA  
RURAL  
AGRICULTURE  
ESTATE

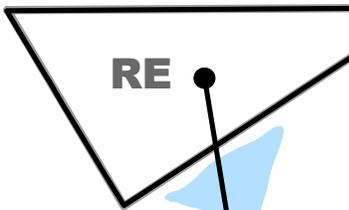
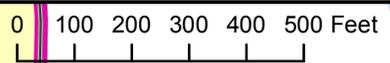


- CITY ZONING CODE, CLASS**
- RA, RURAL AGRICULTURE ESTATE
  - A2, AGRICULTURE
  - C, CONSERVATION

SUBJECT PROPERTY WILL CHANGE FROM COUNTY MH-8 RURAL MOBILE HOME ESTATE TO CITY RA RURAL AGRICULTURE ESTATE

BAY DR

- CITY ZONING CODE, CLASS**
- MH2, MANUFACTURED HOUSING SUBDIVISION
  - R2, SINGLE FAMILY RESIDENTIAL
  - R3CO, URBAN SINGLE FAMILY RESIDENTIAL



CITY RE  
RESIDENTIAL  
ESTATE

- LOCAL ROAD
- SUBJECT PROPERTY
- CITY BOUNDARY
- WATER

SUBJECT PROPERTY WILL CHANGE FROM COUNTY R-4 URBAN SINGLE FAMILY RESIDENTIAL TO CITY RE RESIDENTIAL ESTATE

CR 4137 (OLD MISSION RD)

MILLS DR

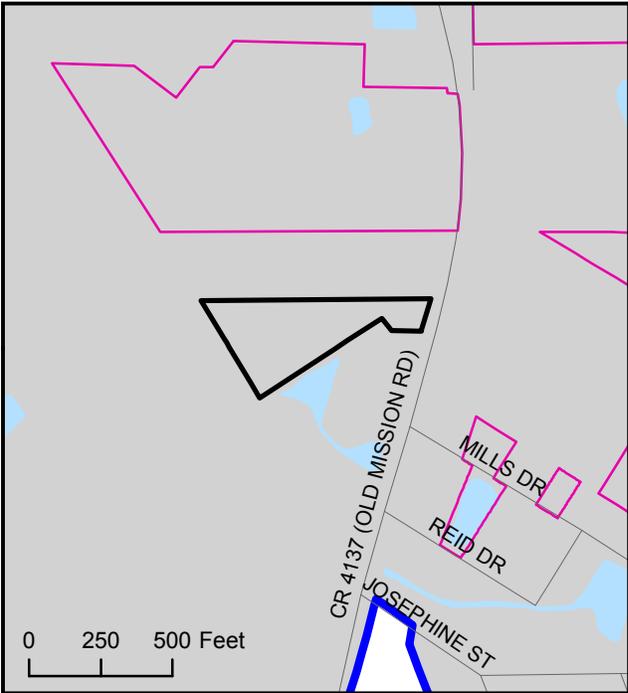
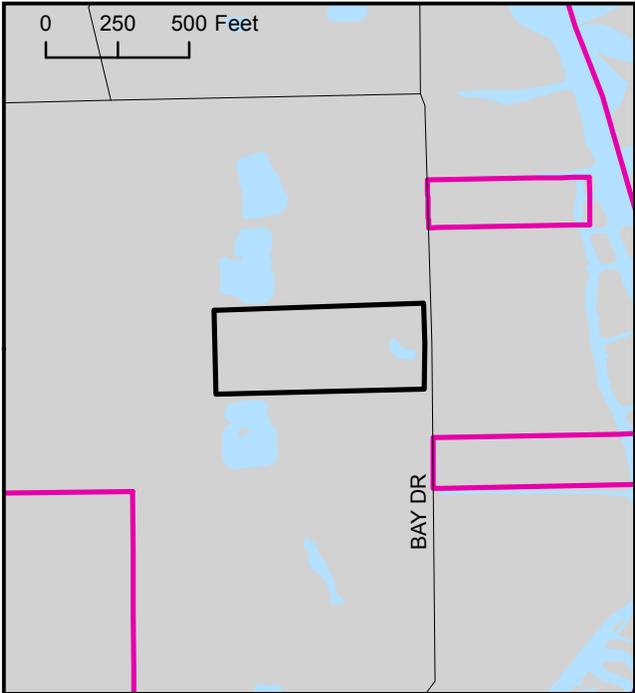
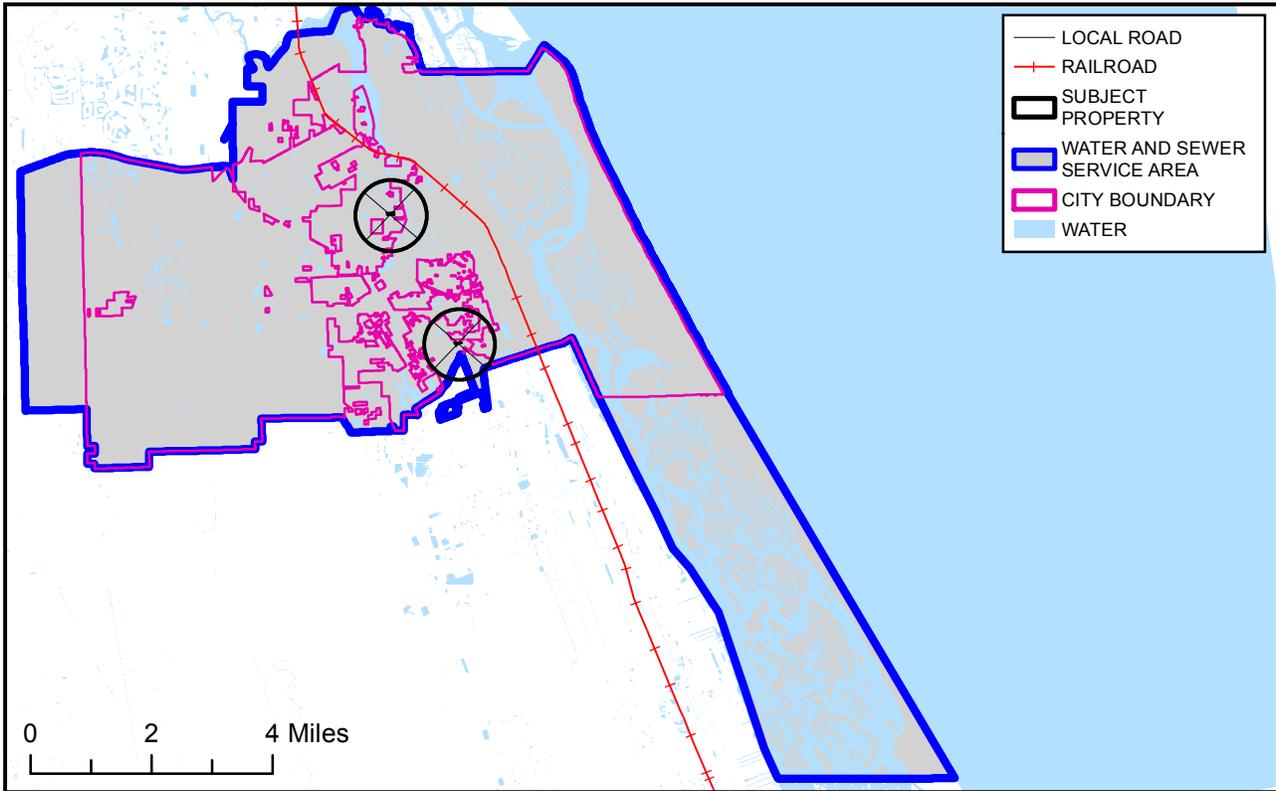
REID DR



Attachment: A-11-16 Proposed Zoning (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# WATER AND SEWER SERVICE AREA

A-11-16



Update to Comprehensive Plan Map VII-1

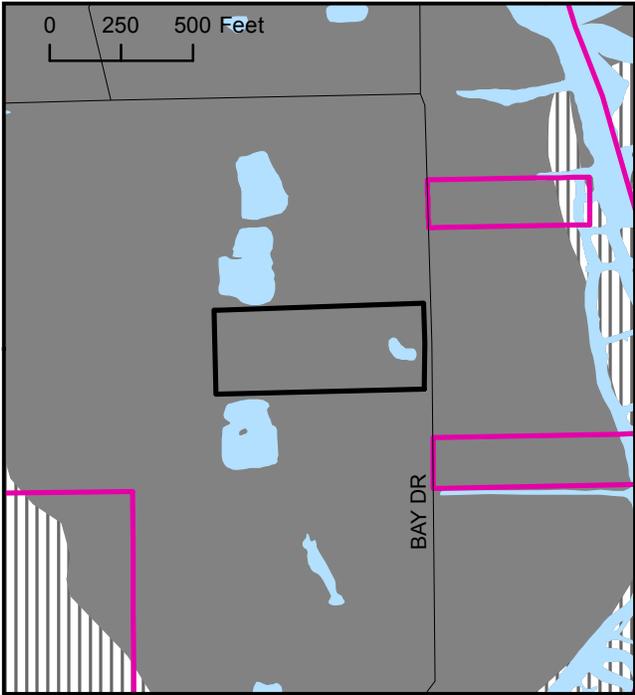
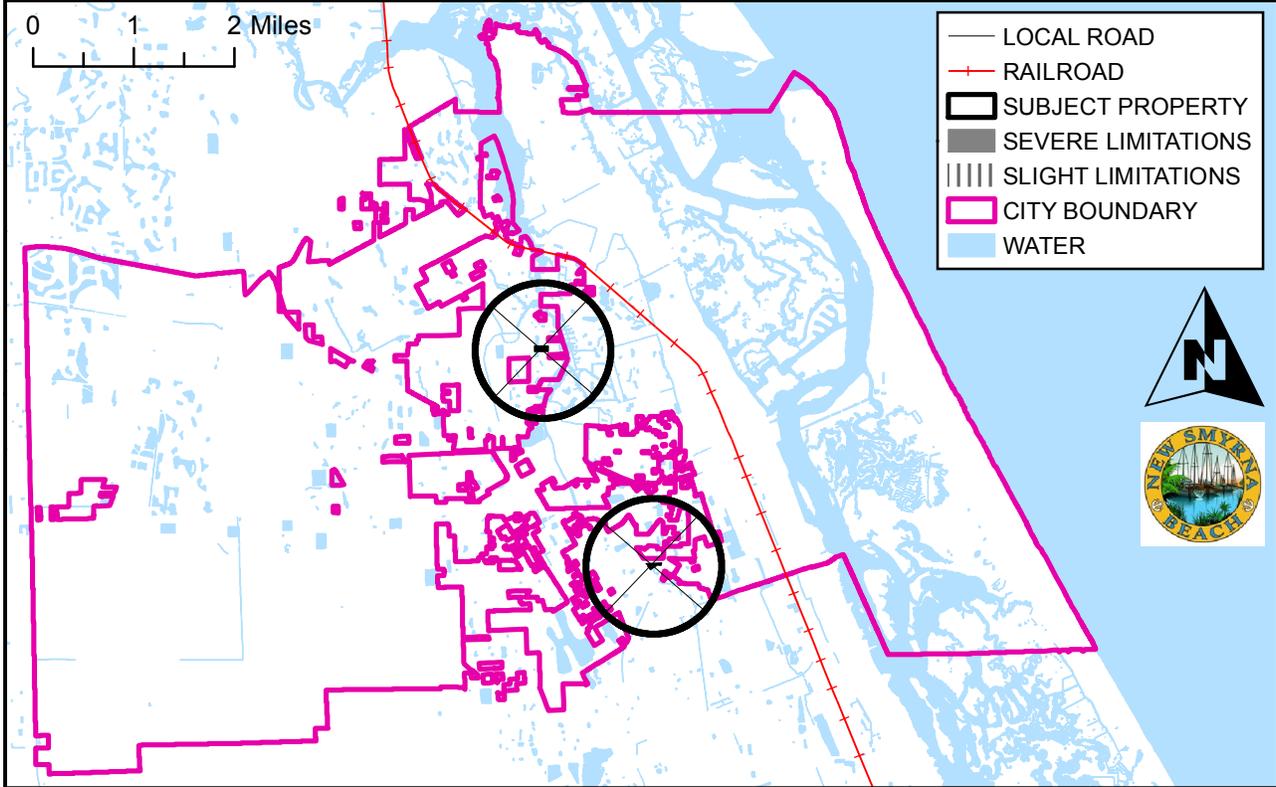
SUBJECT PROPERTIES ARE WITHIN THE CITY AND INSIDE THE NSB WATER AND SEWER SERVICE AREA



Attachment: A-11-16 Water and Sewer Service Area (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

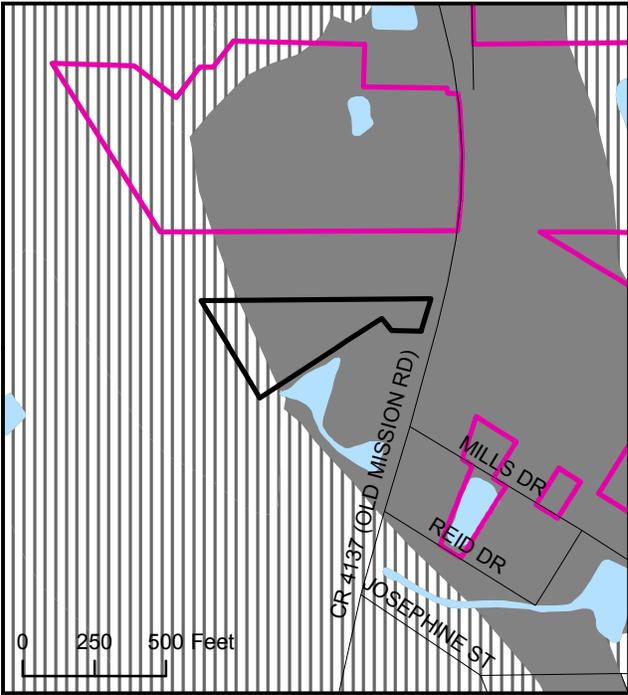
# SOIL LIMITATION FOR SEPTIC SYSTEMS

A-11-16



Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SEVERE LIMITATIONS



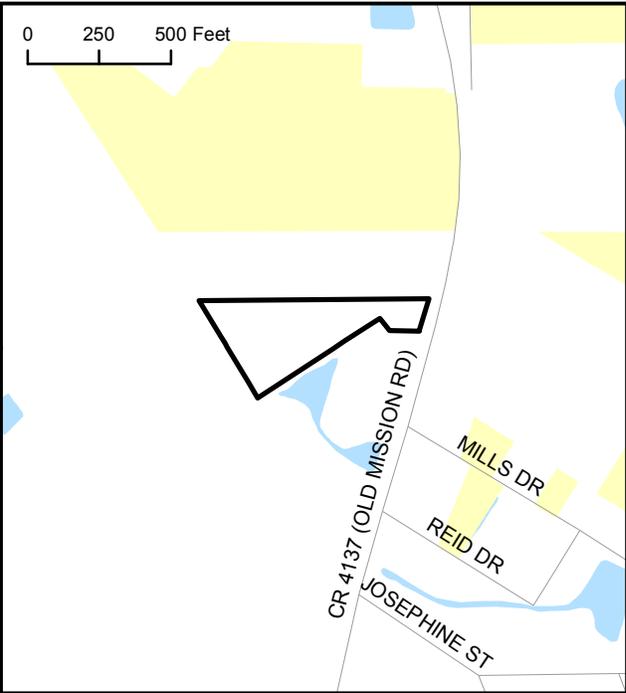
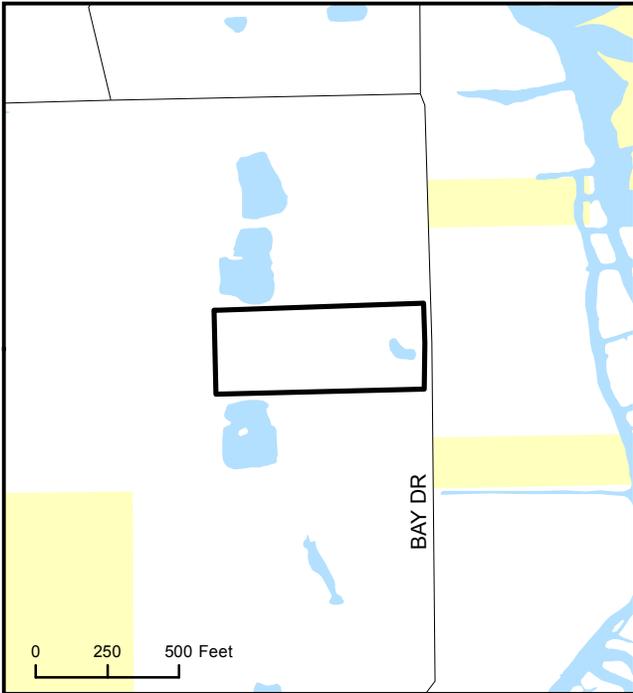
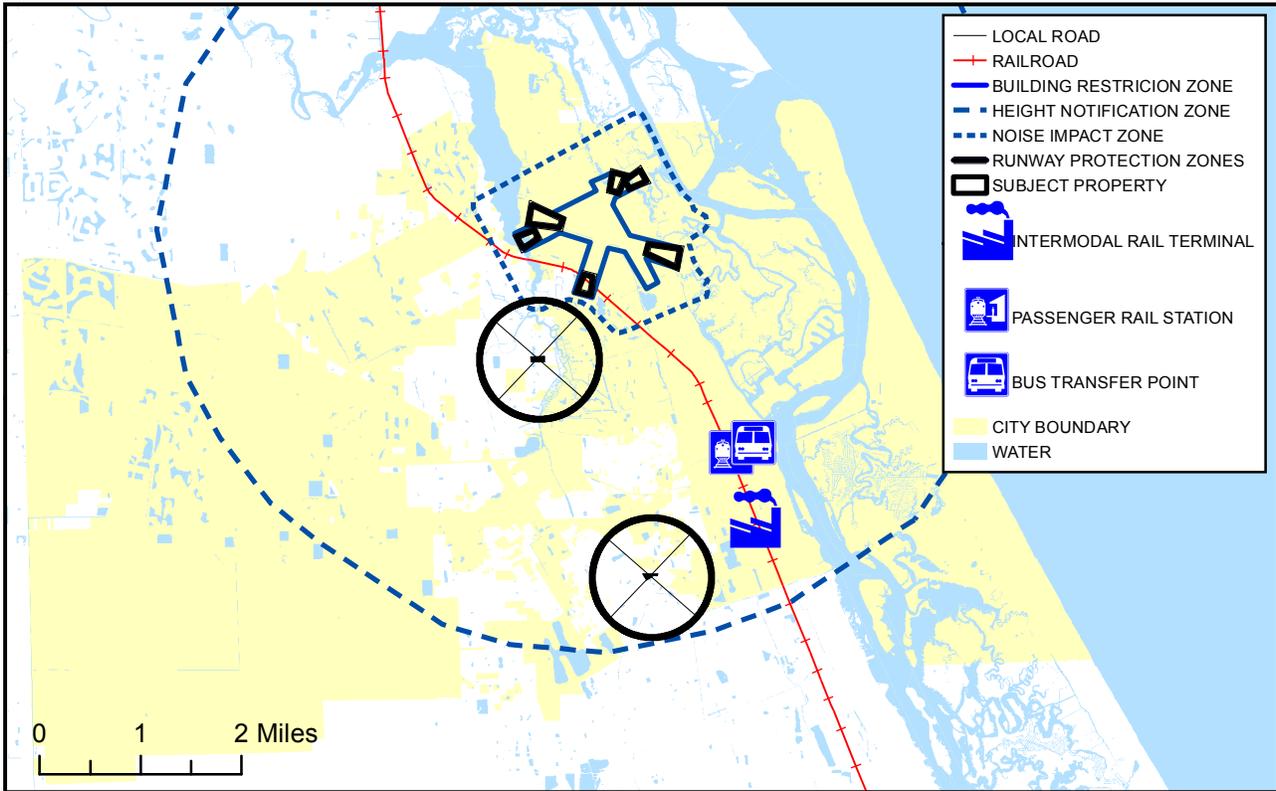
Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SEVERE AND SLIGHT LIMITATIONS

Attachment: A-11-16 Soil Limitation for Septic Systems (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# AIRPORT RUNWAY PROTECTION ZONES

A-11-16



Update to Comprehensive Plan Map III-5



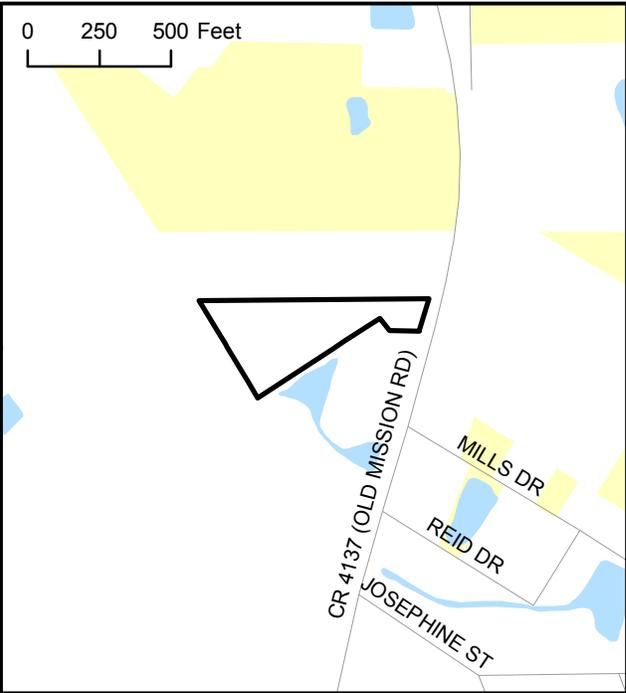
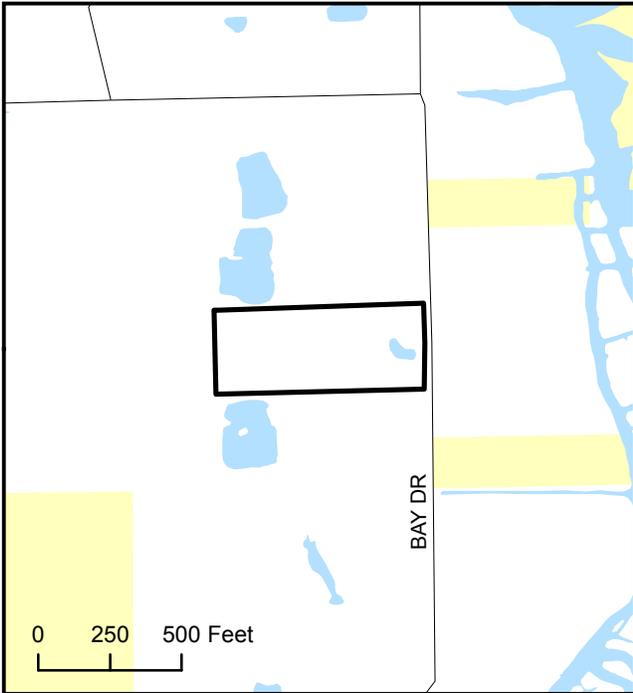
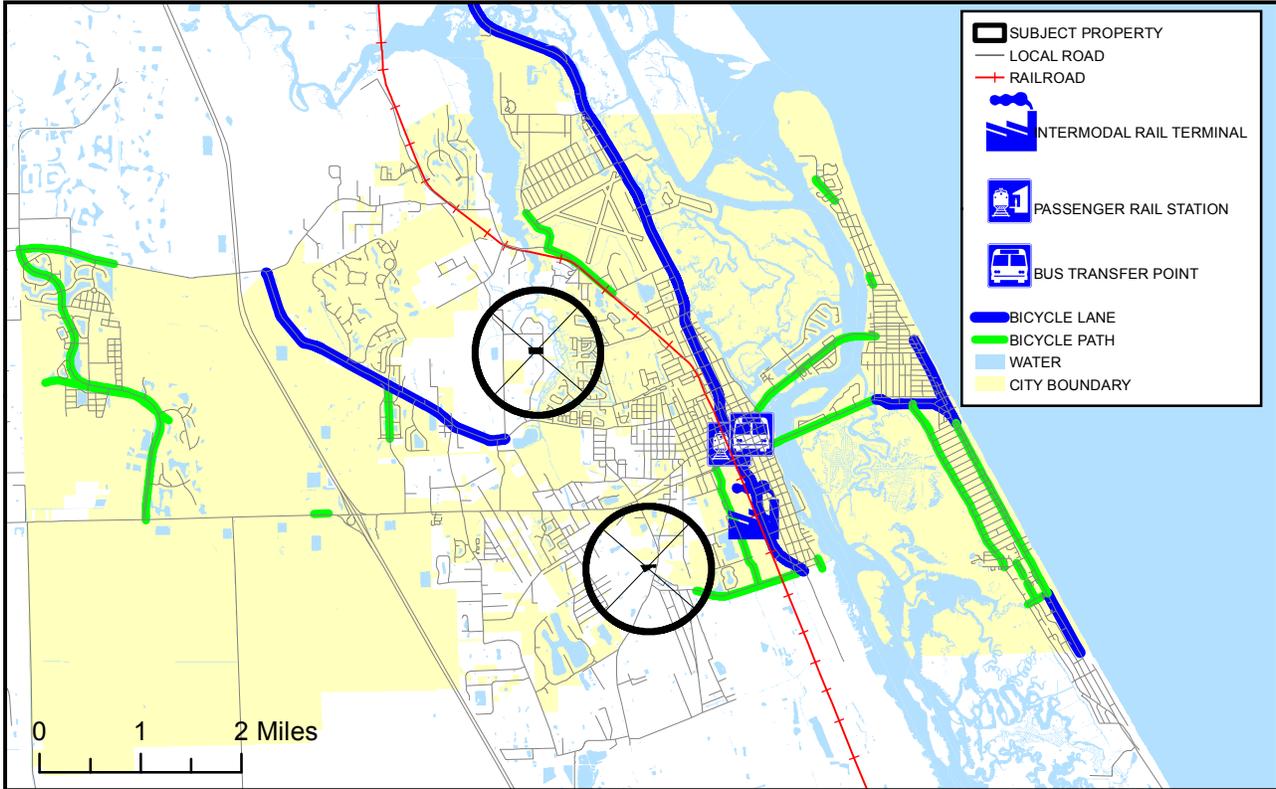
SUBJECT PROPERTIES ARE WITHIN THE HEIGHT NOTIFICATION ZONE. THEY ARE NOT WITHIN THE NOISE IMPACT ZONE, THE BUILDING RESTRICTION ZONE, OR THE RUNMWAY PROTECTION ZONES.



Attachment: A-11-16 Airport Runway Protection Zones (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# BICYCLE AND PEDESTRIAN FACILITIES

A-11-16



Update to Comprehensive Plan Map III-4



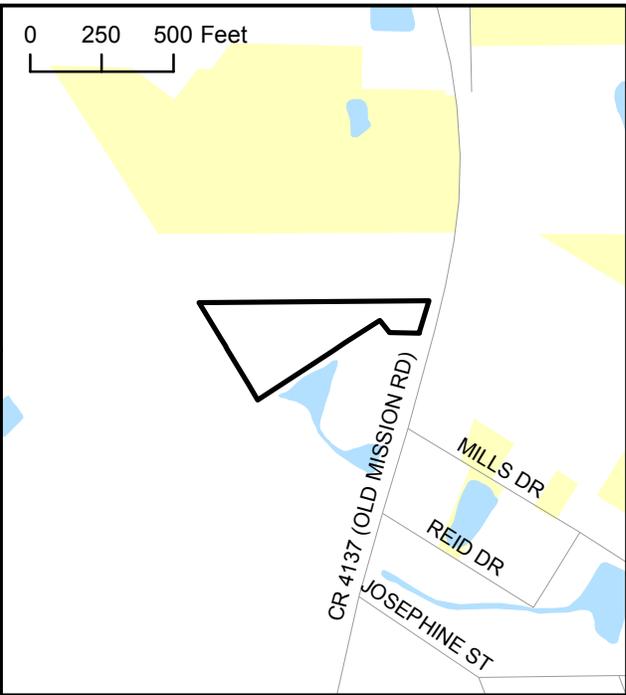
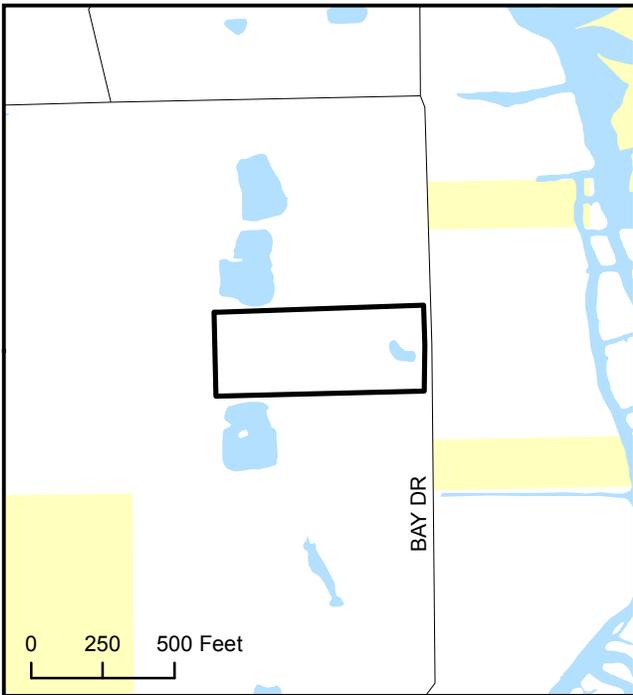
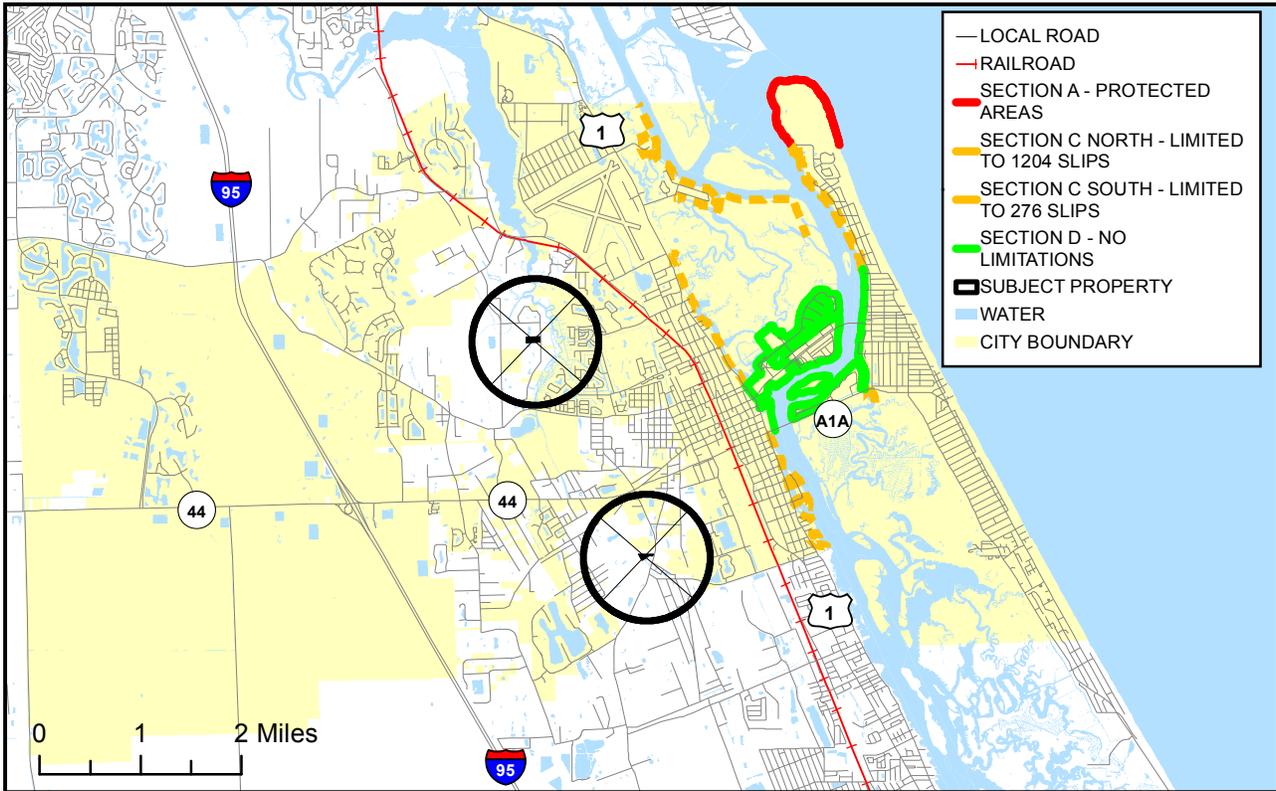
SUBJECT PROPERTIES ARE SERVED BY BICYCLE AND PEDESTRIAN FACILITIES LOCATED THROUGHOUT THE CITY



Attachment: A-11-16 Bicycle and Pedestrian Facilities (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# BOAT SLIP SITING

A-11-16



Update to Comprehensive Plan Map VIII-2

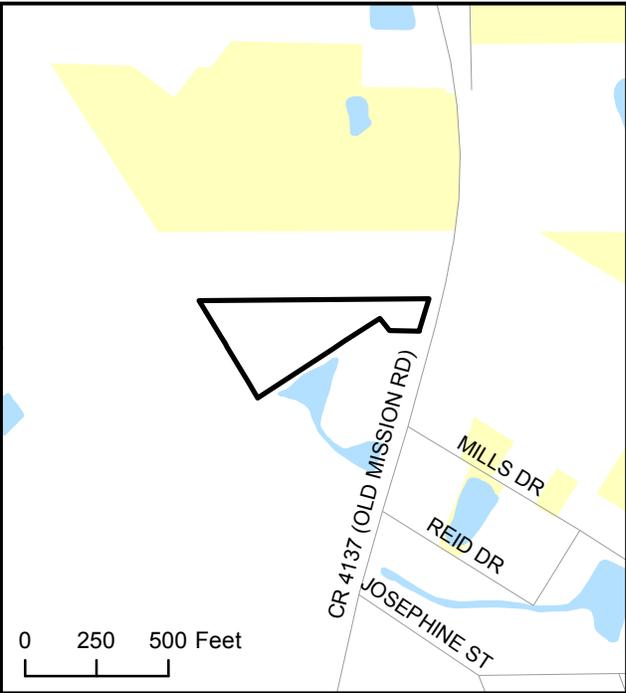
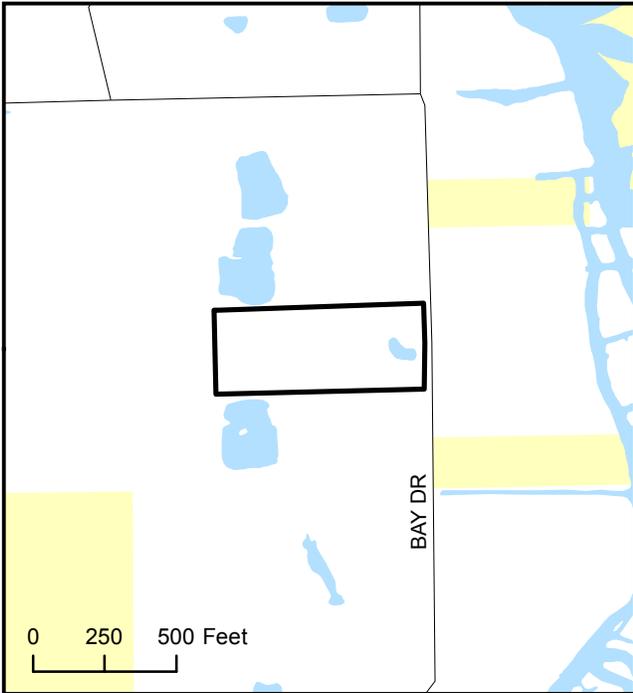
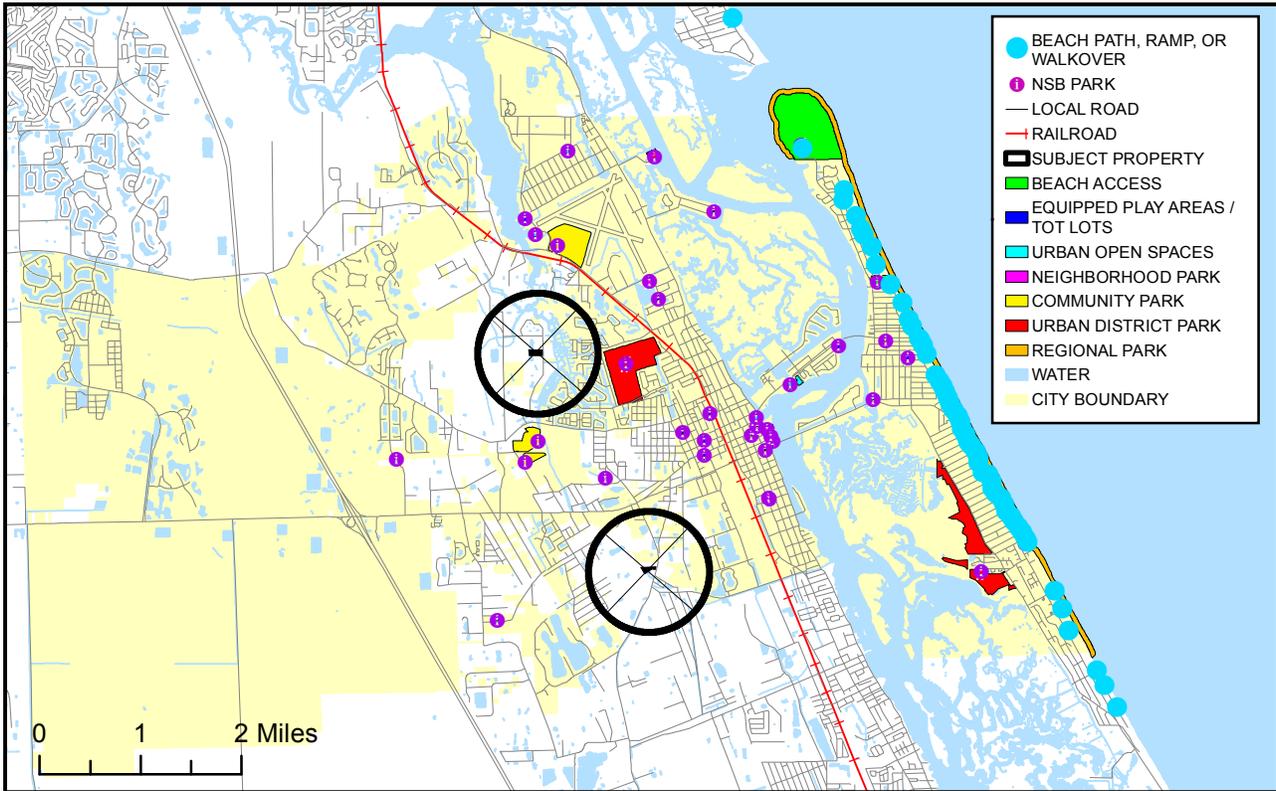
SUBJECT PROPERTIES ARE NOT LOCATED WITHIN A BOAT SLIP SITING RESTRICTED ZONE



Attachment: A-11-16 Boat Slip Siting (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# CITY PARKS

A-11-16



Update to Comprehensive Plan Map X-1

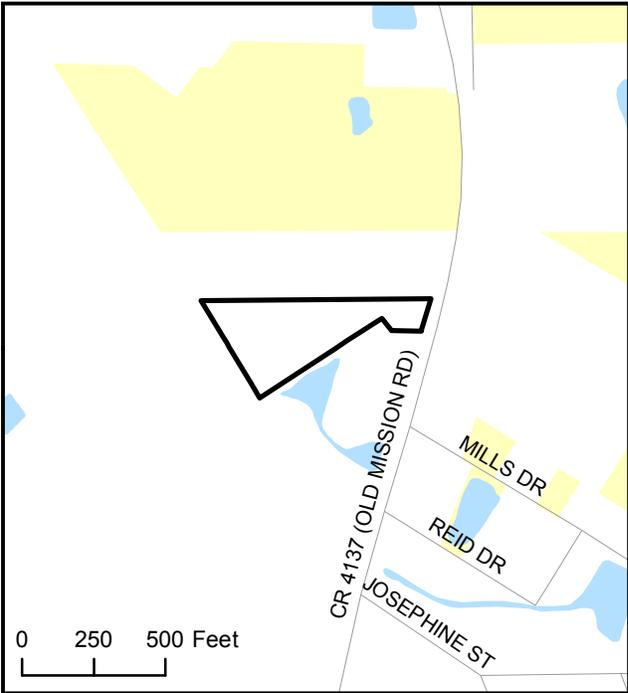
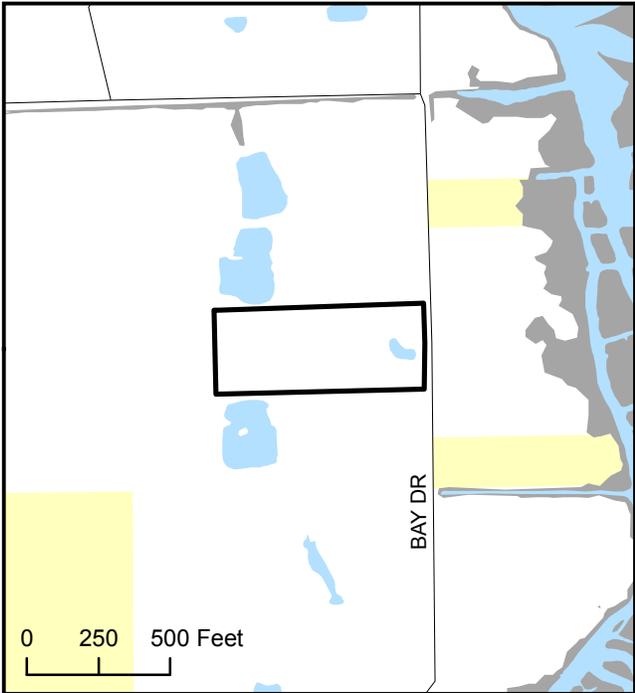
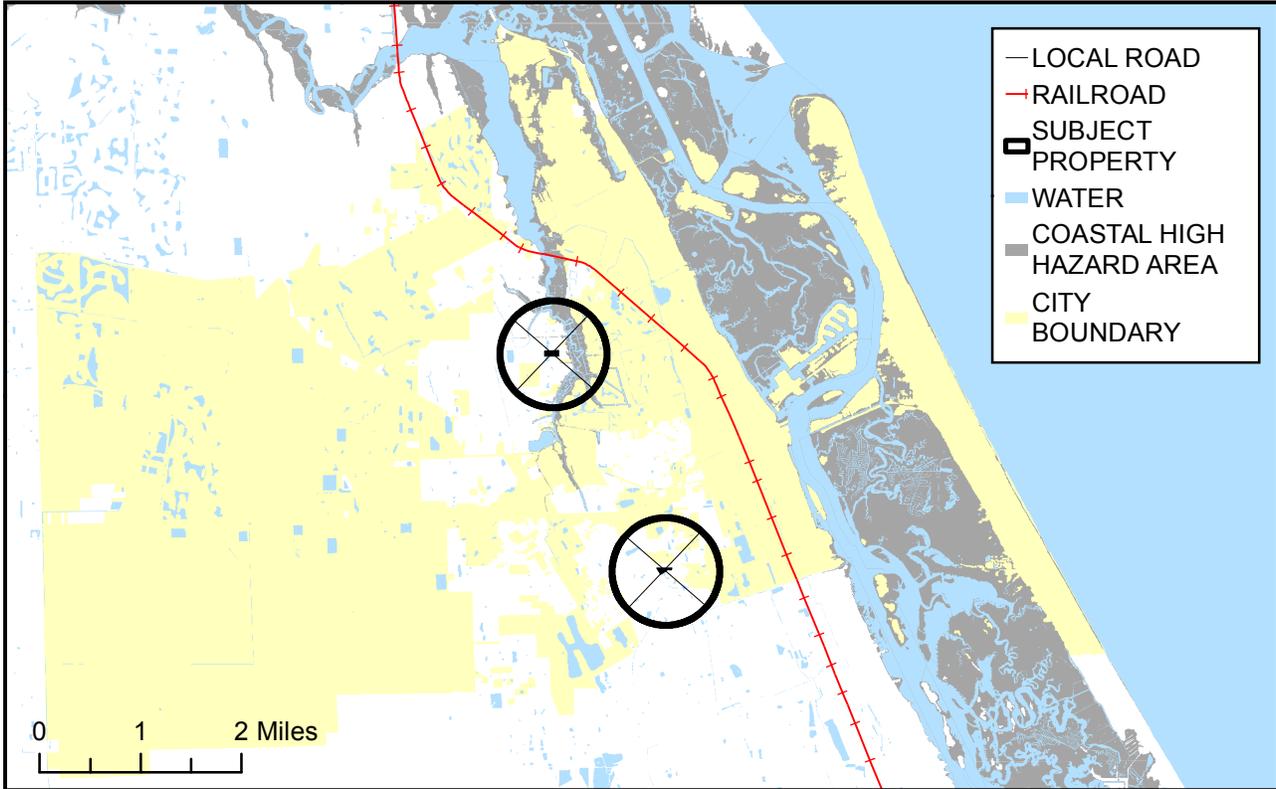
SUBJECT PROPERTIES ARE WITHIN THE CITY AND SERVED BY NEIGHBORHOOD AND COMMUNITY PARKS



Attachment: A-11-16 City Parks (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# COASTAL HIGH HAZARD AREAS

A-11-16



Update to Comprehensive Plan Map VII-4

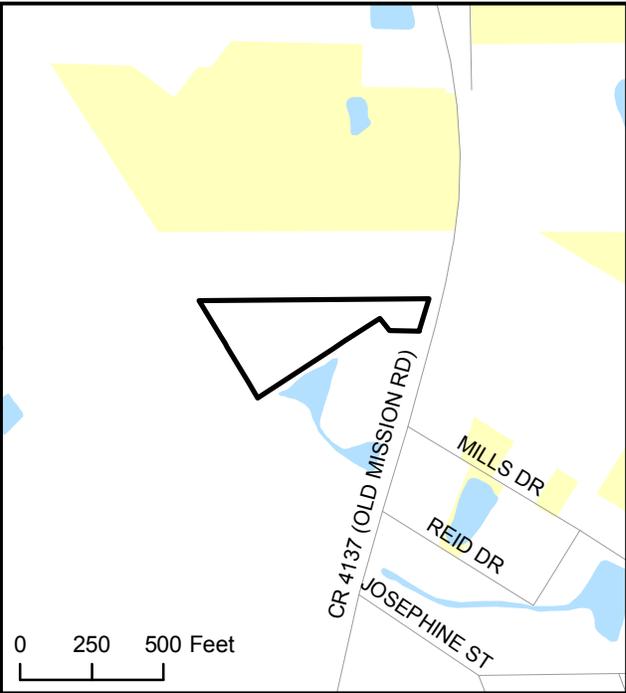
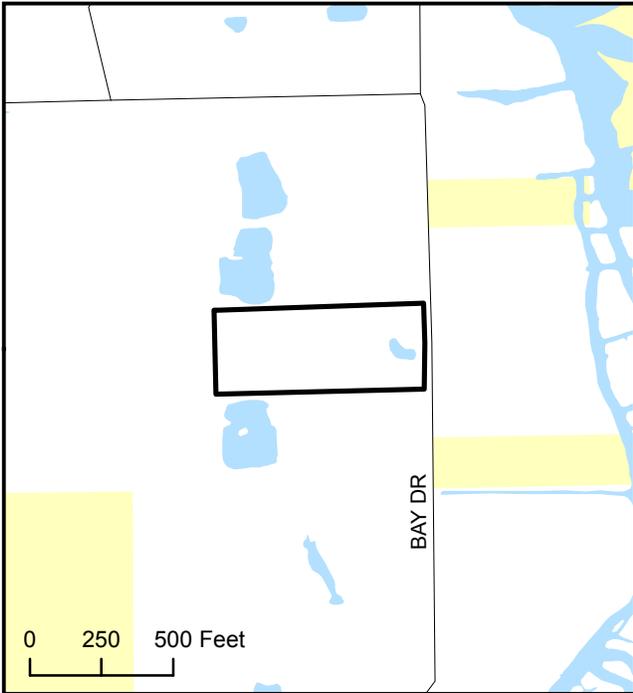
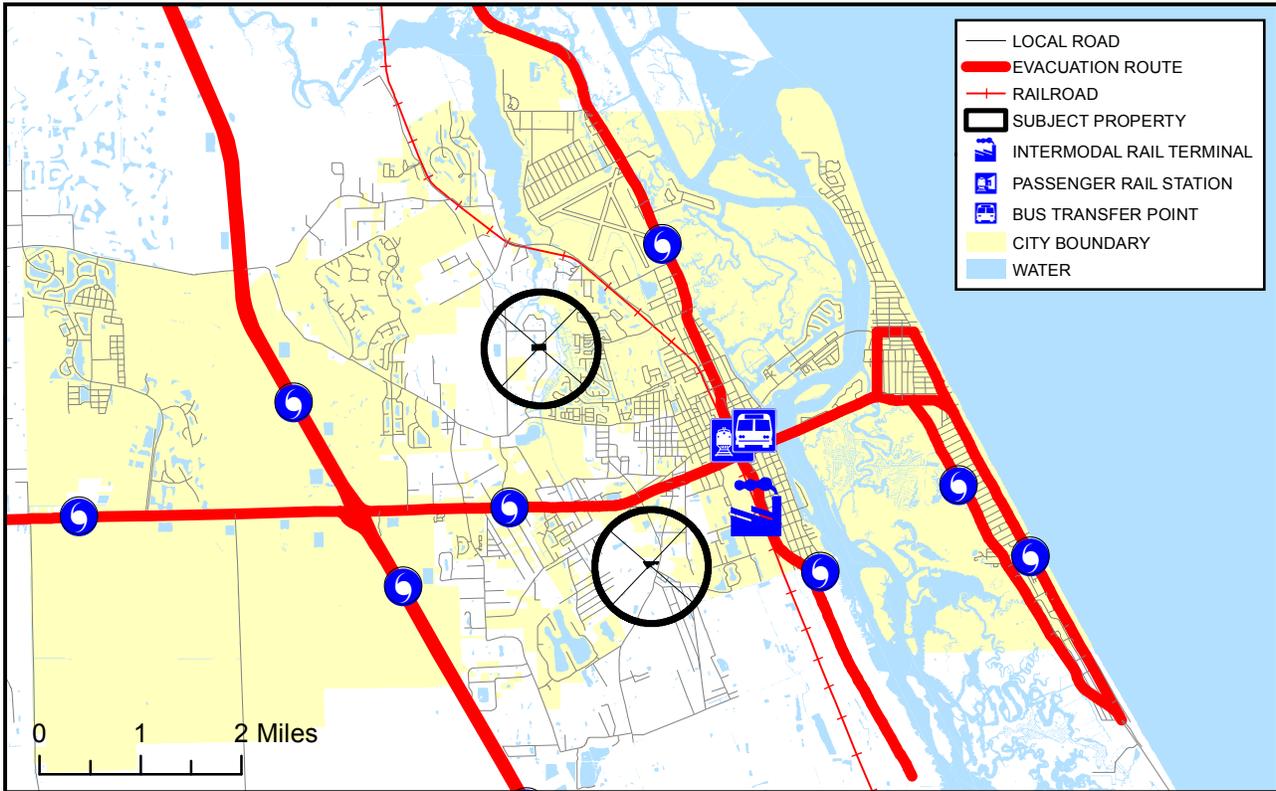
THE SUBJECT PROPERTIES ARE NOT WITHIN THE COASTAL HIGH HAZARD AREA.



Attachment: A-11-16 Coastal High Hazard Areas (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# EVACUATION ROUTES

A-11-16



Update to Comprehensive Plan Map III-6

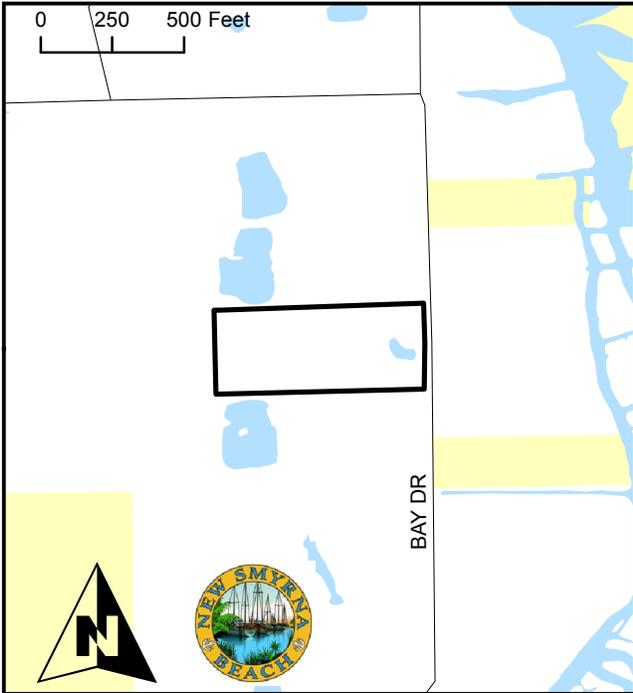
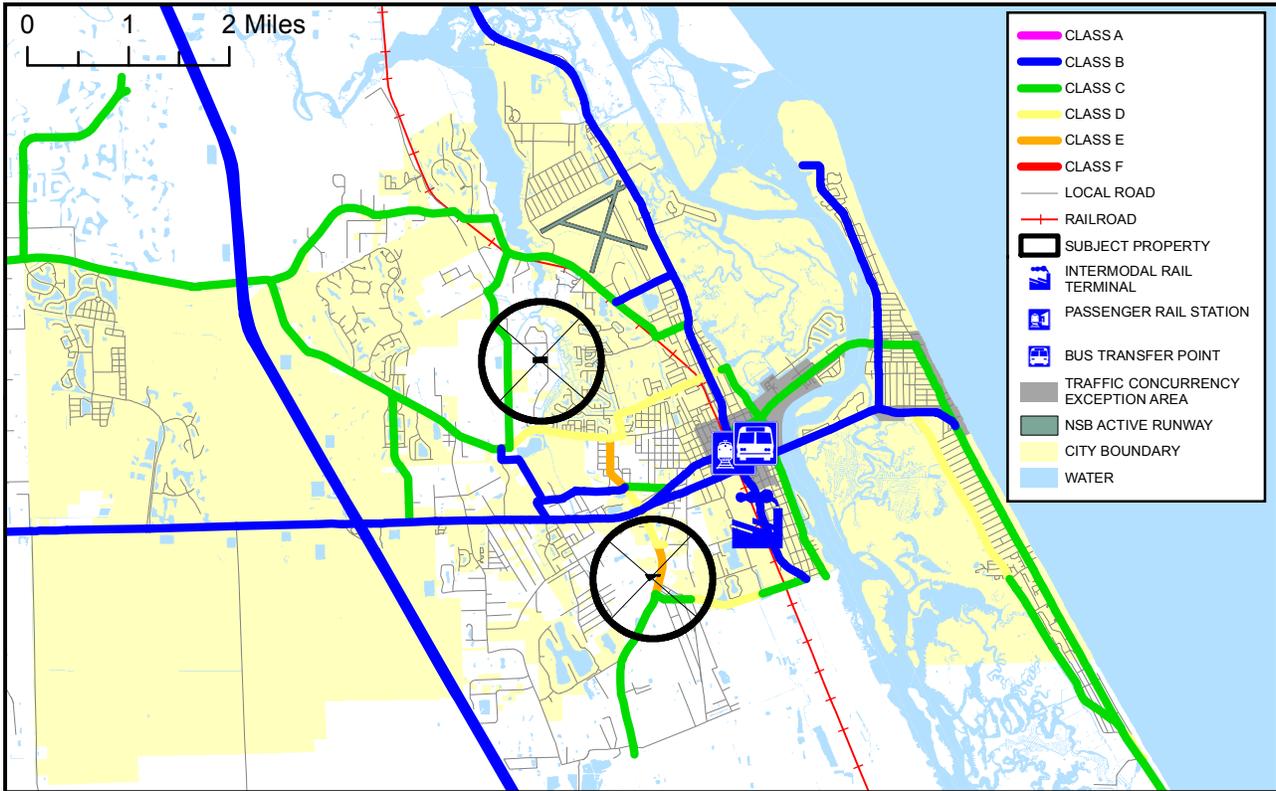
SUBJECT PROPERTIES ARE SERVED BY EVACUATION ROUTES LOCATED THROUGHOUT THE CITY



Attachment: A-11-16 Evacuation Routes (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

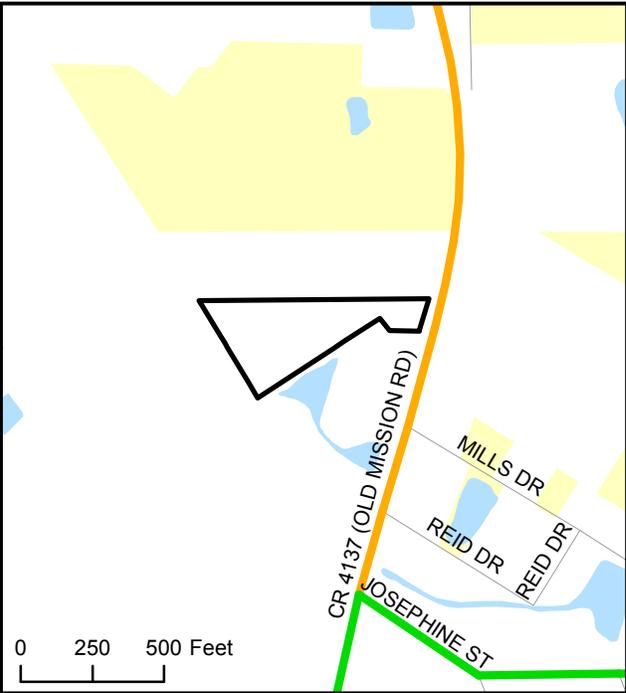
# EXISTING LEVEL OF SERVICE - 2009

A-11-16



Update to Comprehensive Plan Map III-1

SUBJECT PROPERTY IS SERVED BY A CLASS "D" LEVEL OF SERVICE ROADWAY ON THE SOUTH AND A LOCAL ROAD ON THE EAST



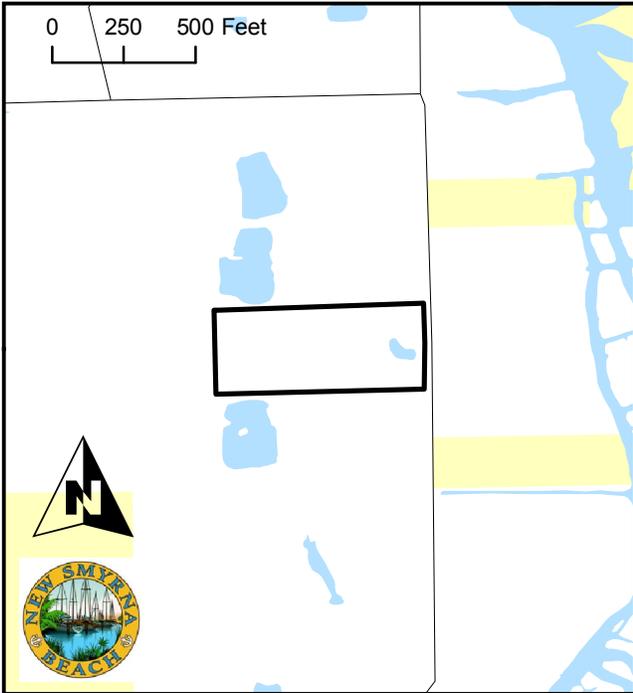
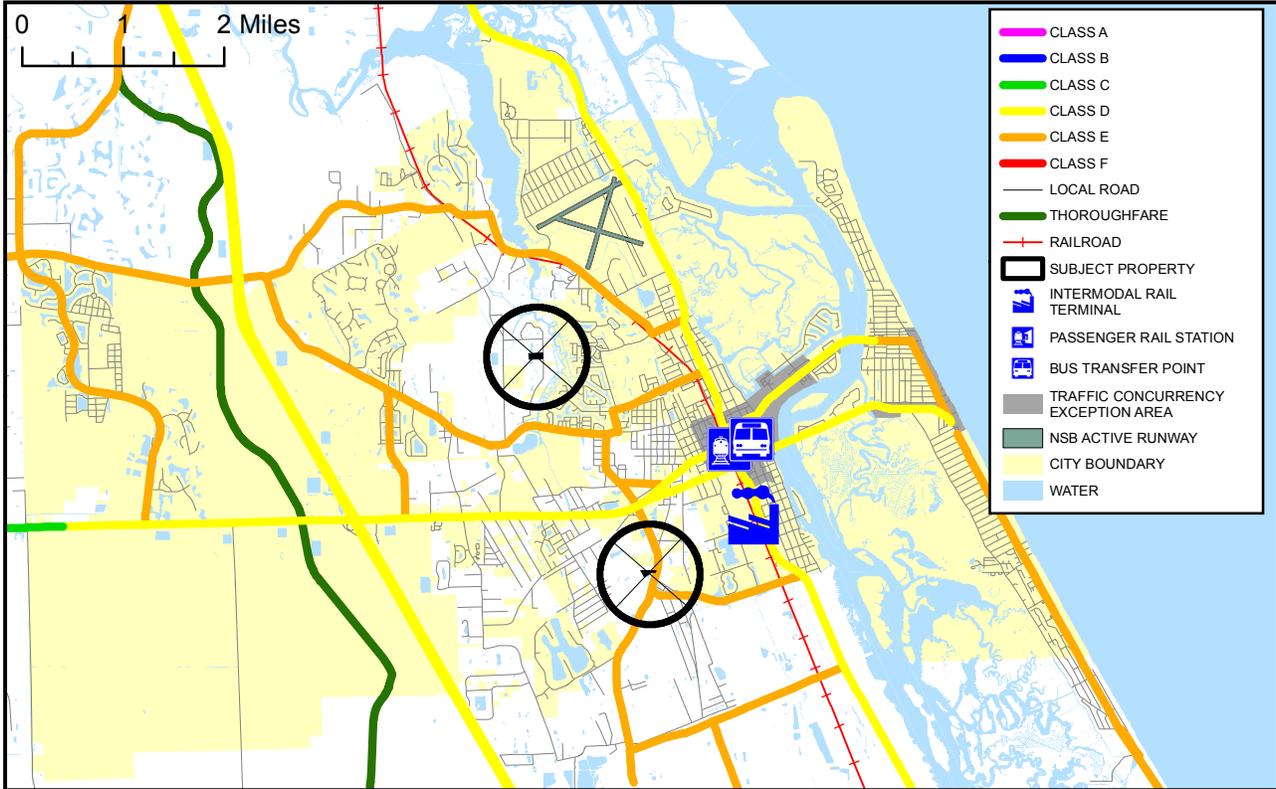
Update to Comprehensive Plan Map III-1

SUBJECT PROPERTY IS SERVED BY A CLASS "E" LEVEL OF SERVICE ROADWAY ON THE EAST

Attachment: A-11-16 Existing Level of Service - 2009 (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

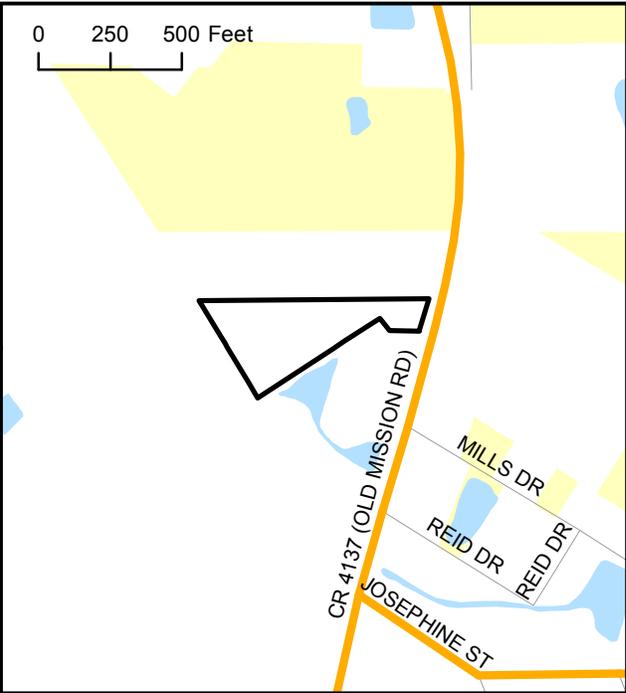
# LEVEL OF SERVICE - 2025

A-11-16



Update to Comprehensive Plan Map III-7

SUBJECT PROPERTY IS SERVED BY A CLASS "E" LEVEL OF SERVICE ROADWAY ON THE SOUTH AND A LOCAL ROAD ON THE EAST



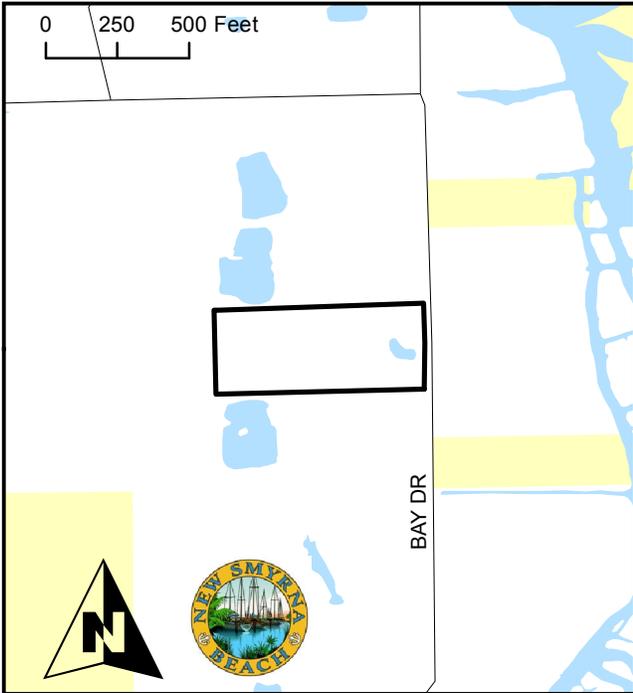
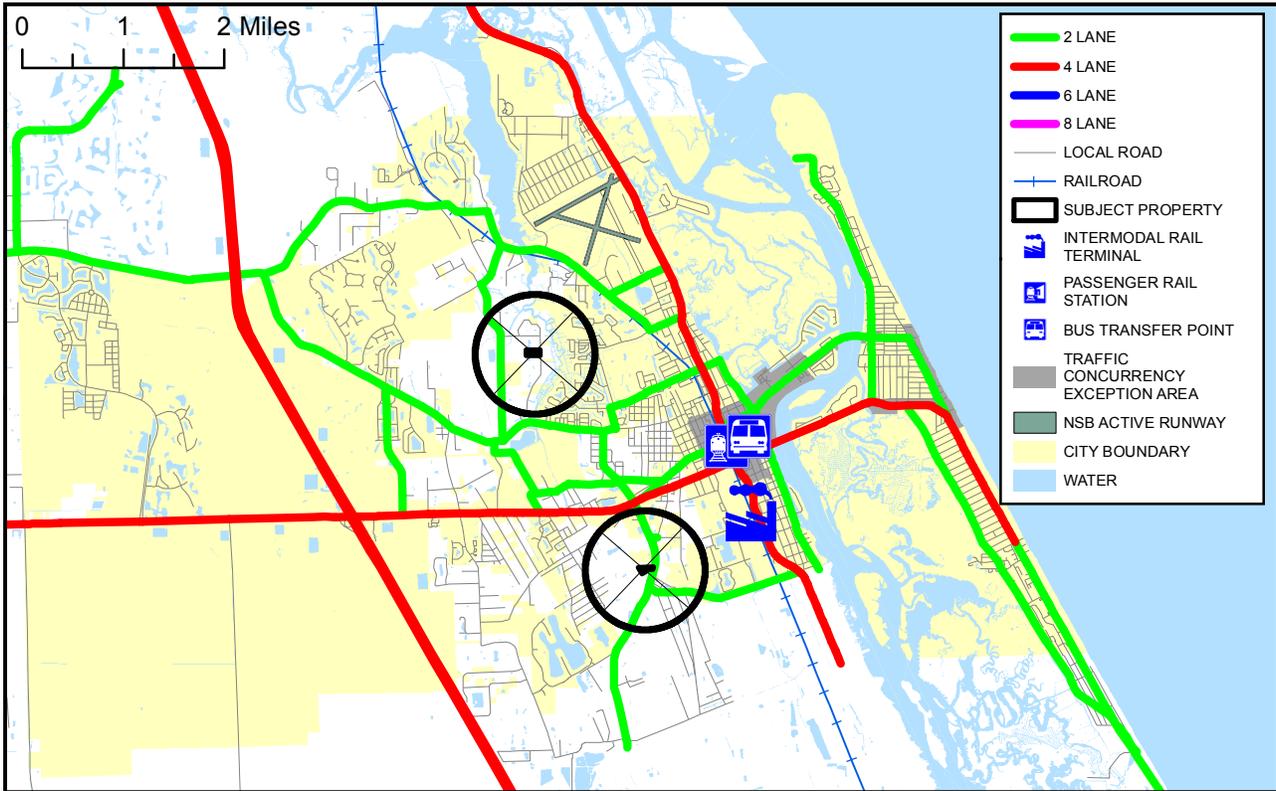
Update to Comprehensive Plan Map III-7

SUBJECT PROPERTY IS SERVED BY A CLASS "E" LEVEL OF SERVICE ROADWAY ON THE EAST

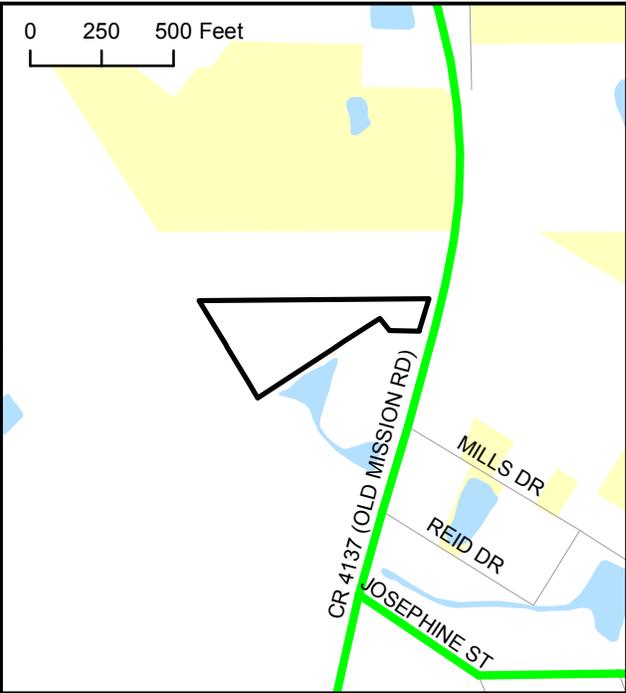
Attachment: A-11-16 Level of Service - 2025 (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# EXISTING TRAFFIC LANES - 2009

A-11-16



Update to Comprehensive Plan Map III-2  
 SUBJECT PROPERTY IS SERVED BY A 2  
 LANE ROADWAY ON THE SOUTH AND A  
 LOCAL ROAD ON THE EAST

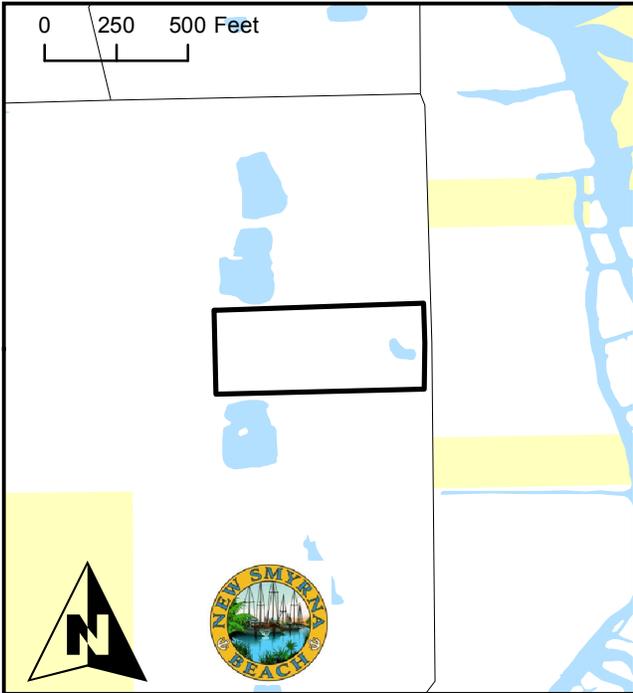
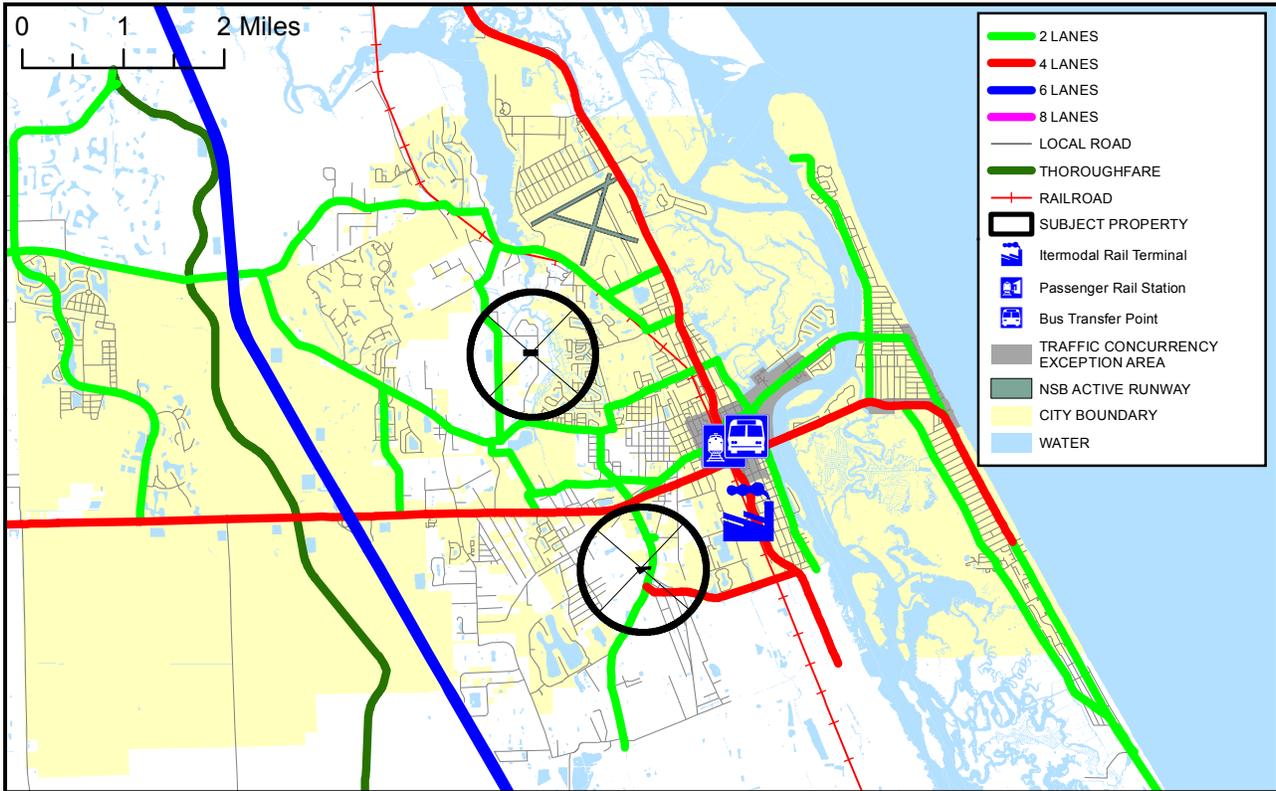


Update to Comprehensive Plan Map III-2  
 SUBJECT PROPERTY IS SERVED BY A  
 2 LANE ROADWAY ON THE EAST

Attachment: A-11-16 Existing Traffic Lanes - 2009 (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

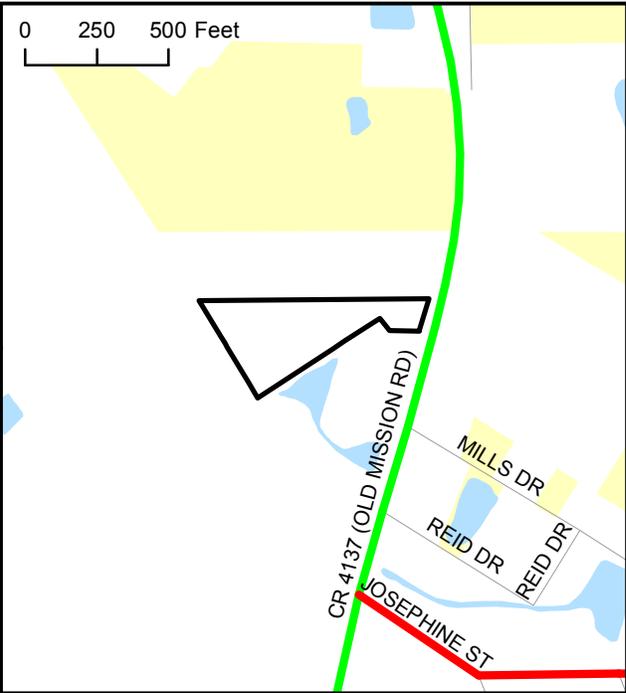
# NUMBER OF TRAFFIC LANES - 2025

A-11-16



Update to Comprehensive Plan Map III-8

SUBJECT PROPERTY IS SERVED BY A 2 LANE ROADWAY ON THE SOUTH AND A LOCAL ROAD ON THE EAST



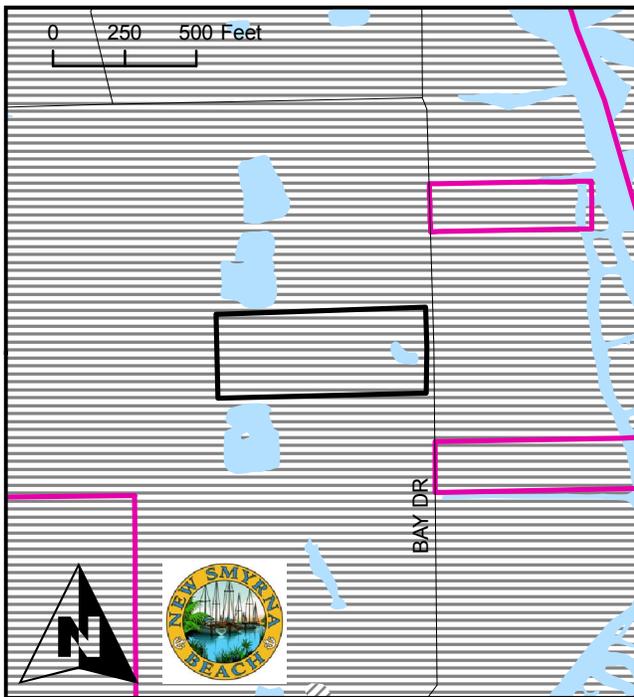
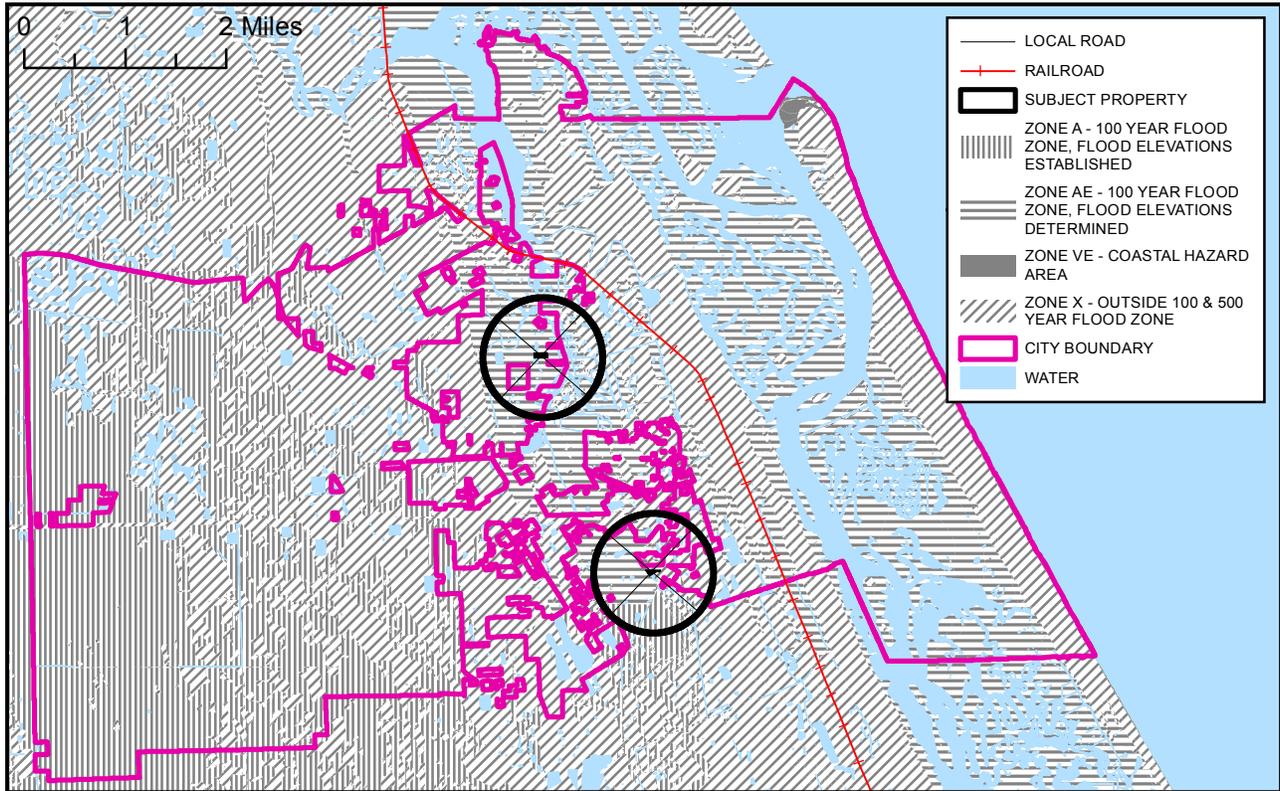
Update to Comprehensive Plan Map III-8

SUBJECT PROPERTY IS SERVED BY A 2 LANE ROADWAY ON THE EAST

Attachment: A-11-16 Number of Traffic Lanes - 2025 (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

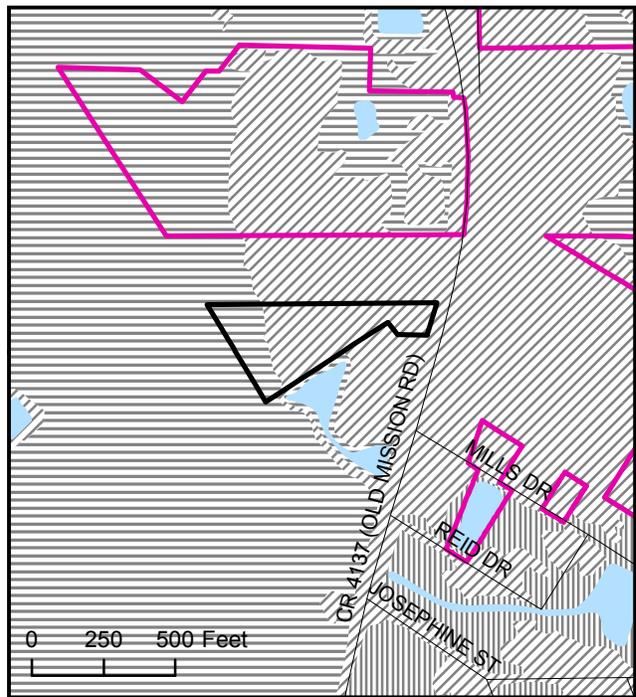
# FLOOD PRONE AREAS

A-11-16



Update to Comprehensive Plan Map II-2

SUBJECT PROPERTY IS WITHIN THE FEMA FLOOD ZONE AE



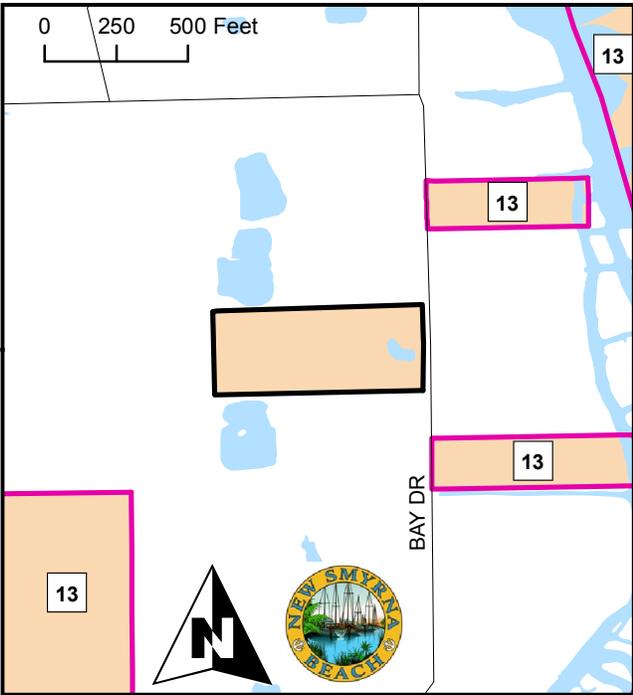
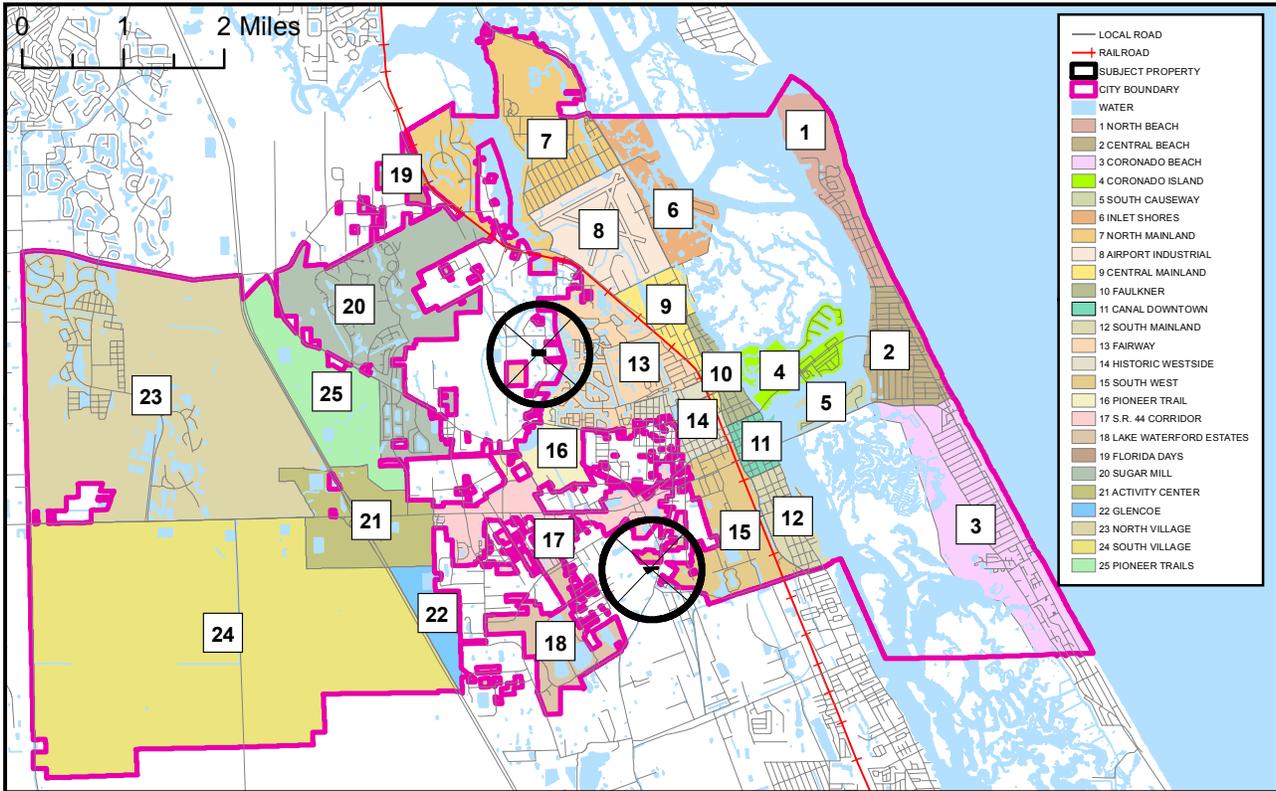
Update to Comprehensive Plan Map II-2

SUBJECT PROPERTY IS WITHIN THE FEMA FLOOD ZONES AE & X.

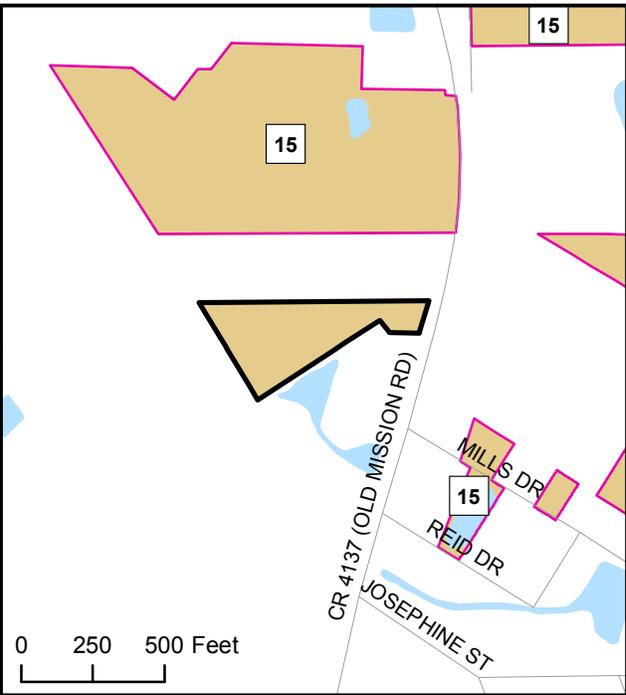
Attachment: A-11-16 Flood Prone Areas (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# NEIGHBORHOODS

A-11-16



Update to Comprehensive Map II-1  
SUBJECT PROPERTY IS LOCATED  
WITHIN THE FAIRWAY  
NEIGHBORHOOD

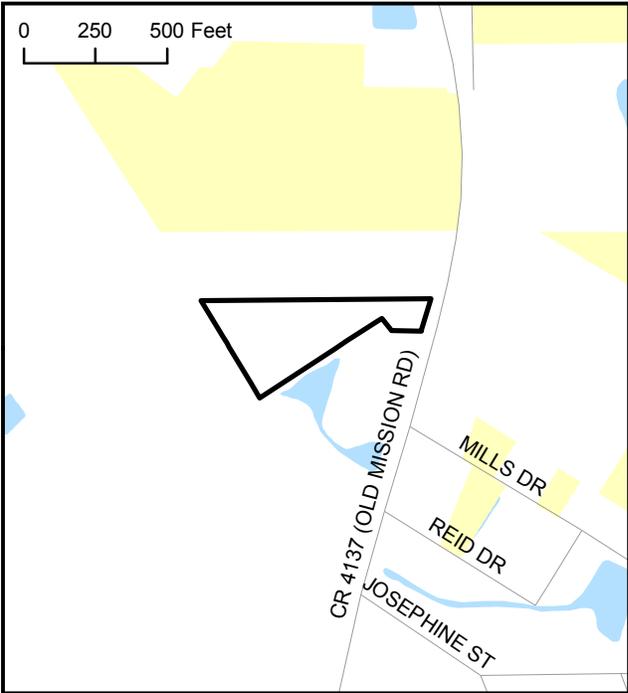
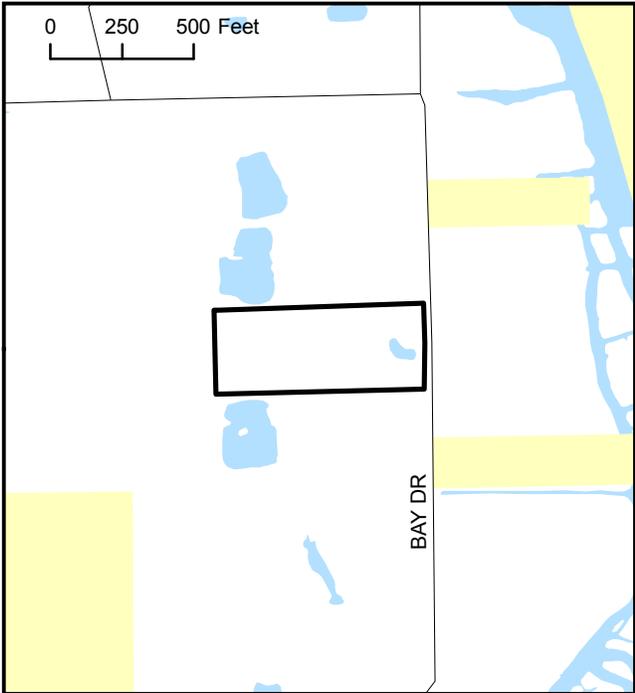
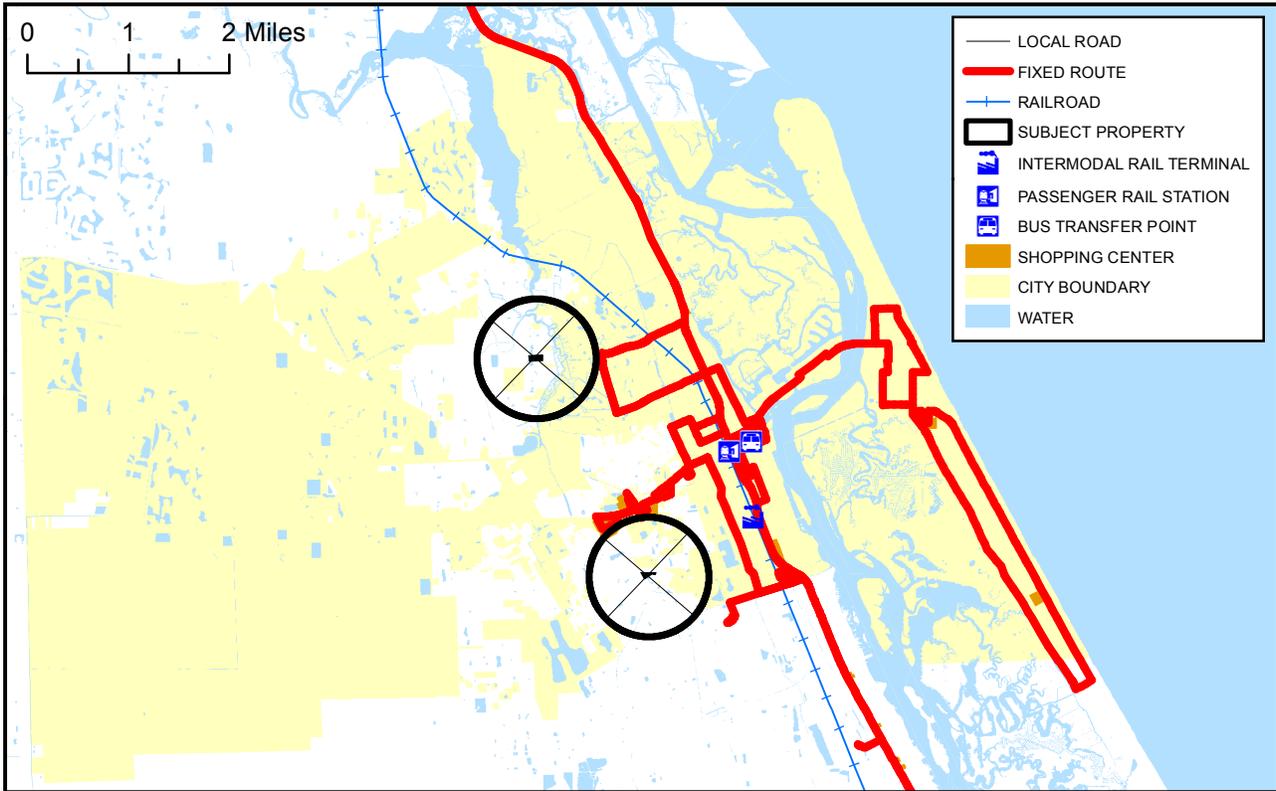


Update to Comprehensive Map II-1  
SUBJECT PROPERTY IS LOCATED  
WITHIN THE SOUTH WEST  
NEIGHBORHOOD

Attachment: A-11-16 Neighborhoods (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# PUBLIC TRANSIT ROUTES

A-11-16



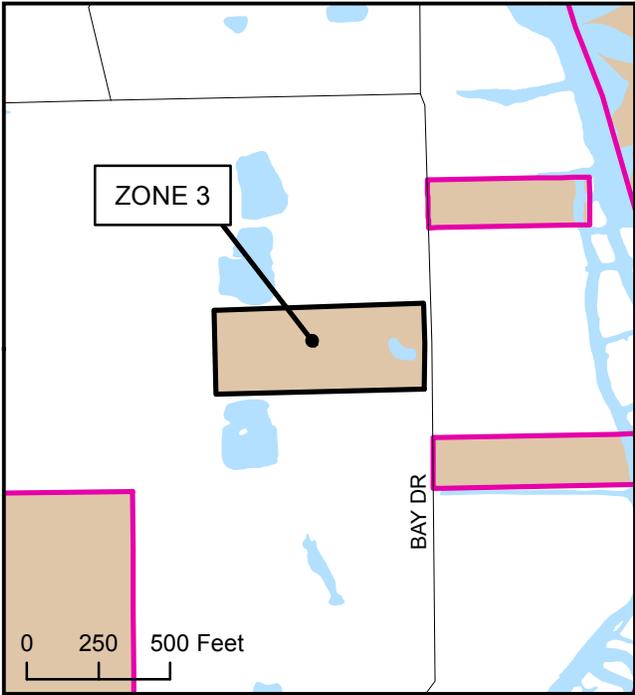
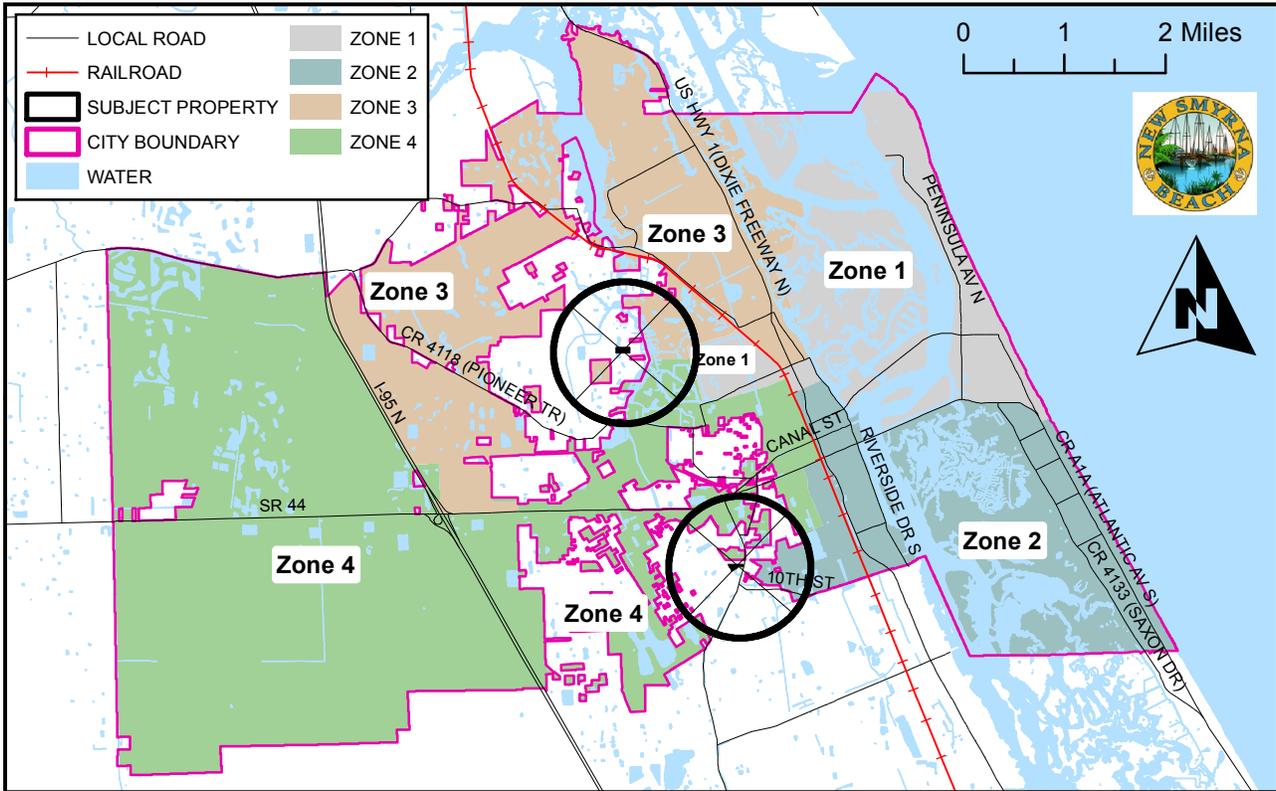
Update to Comprehensive Plan Map III-3  
 SUBJECT PROPERTIES ARE SERVED  
 BY PUBLIC TRANSIT ROUTES  
 LOCATED THROUGHOUT THE CITY



Attachment: A-11-16 Public Transit Routes (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

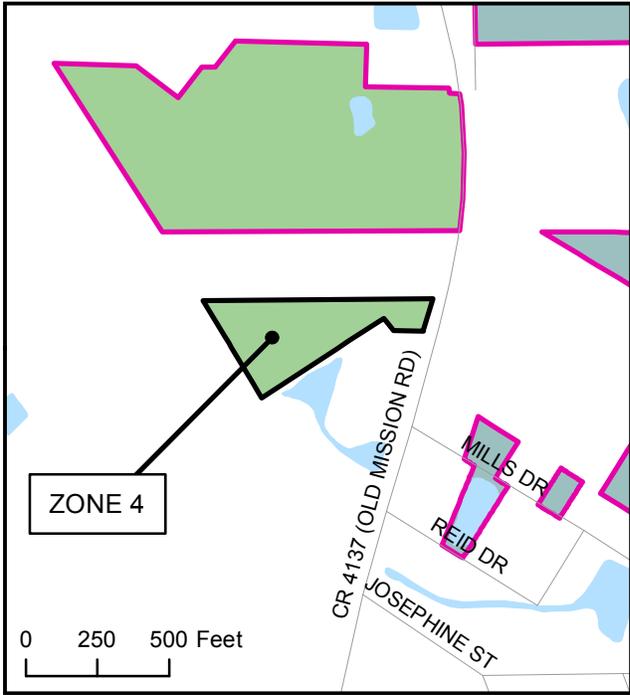
# COMMISSION ZONES

A-11-16



Update to Comprehensive Plan Map Z-1

SUBJECT PROPERTY IS LOCATED WITHIN CITY COMMISSION ZONE 3



Update to Comprehensive Plan Map Z-1

SUBJECT PROPERTY IS LOCATED WITHIN CITY COMMISSION ZONE 4

Attachment: A-11-16 Commission Zones (1206 : A-11-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

## A-11-16 LEGAL DESCRIPTIONS

### **864 Old Mission Road**

LOT 39 W OF KV RR EXC E 50 FT FOR RD & EXC N 210 FT & EXC TRI IN SE COR BEING S 245 FT ON W/L & EXC S 35 FT OF N 90 FT MEAS ON E/L OF LOT 40 & EXC NEW R/W FOR MISSION RD MODEL LAND CO ADD NEW SMYRNA PER OR 5098 PG 586 PER OR 6914 PG 4352 PER OR 7188 PG 23 02 PER OR 7228 PG 0630 PER OR 7228 PG 0632

### **938 Bay Drive**

12 17 33 W 743.28 FT OF S 295 FT OF N 1005.3 FT OF SW 1/4 OF SW 1/4 PER OR 4387 PG 1278

THE CITY OF NEW SMYRNA BEACH – PLANNING AND ZONING

**SE-1-16: 864 OLD MISSION ROAD /  
SPECIAL EXCEPTION USE "GARDEN  
WEDDING VENUE"**

JUNE 27, 2016

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**Background**

**Applicant and Property Owner:** Kyle Mariacher, 864 Old Mission Road, New Smyrna Beach, Florida, 32168

**Request:** Special Exception use approval to operate a Garden Wedding Venue in the RE, Residential Estate zoning district

**Subject Area:** The subject property consists of approximately 3.6 acres and is located generally located on the west side of Old Mission Road, south of State Road 44, at 864 Old Mission Road (see location map attached as **Exhibit A**).

**Tax ID #:** 7419-23-00-0392

**Findings**

- A. The subject property is an approximately 3.6 acre parcel. According to information on the Volusia County Property Appraiser's website, the property has been improved with a single-family residence, which was constructed in 1950. An aerial photo of the site is attached as **Exhibit B**. Current photos of the site are attached as **Exhibit C**.
- B. The applicant is requesting approval to operate a garden wedding venue on the property. "Garden Wedding Venue" is currently listed as a special exception use in the RE, Residential Estate zoning district, the applicant has concurrently submitted an application to annex into the City and has also requested the current County zoning of R-4, Urban Single-Family to be changed to City RE, Residential Estate. The LDR has specific criteria that must be met by each proposed Garden Wedding Venue. A copy of the response letter submitted by the applicant is attached as **Exhibit D**. A copy of the survey for the subject property is attached as **Exhibit E**. A copy of the proposed site plan is attached as **Exhibit F**, with a copy of the

elevations and floor plan attached as **Exhibit G**. The concept elevation and floor plan seems to exceed the maximum size for a garden wedding venue but the applicant has agreed in their letter that was submitted as Exhibit D, that the garden wedding venue would not exceed 60 percent of the primary residential structure.

- C. This special exception application has therefore been reviewed against the general criteria with which all special exception requests must comply. These criteria are discussed in further detail, below.
- D. Per Section 305.04(C)(3) of the City's *Land Development Regulations* (LDR), all special exception uses must meet a general set of criteria that examines whether the proposed use would negatively impact surrounding properties and verifies that adequate infrastructure would be available to serve the site. These criteria are discussed in further detail below (staff's response follows in **bold**):

- The requested use is listed among the special exceptions in the district for which application is made

**“Garden Wedding Venue” as a special exception use in the RE, Residential Estate zoning district is a use listed by Special Exception.**

**This criterion is met.**

- The requested use will not impair the character of the surrounding or adjoining districts, nor be detrimental to the public health, morals, or welfare.

**The requested use, a Garden Wedding Venue, will not be detrimental to the public health, morals, or welfare.**

**With regard to the character of the surrounding or adjoining districts, the property is bounded on the north is zoned Volusia County R-4, Urban Single Family and Volusia County B-2, Neighborhood Commercial, and east that is zoned Volusia County R-4, Urban Single-Family Residential and MH-5, Urban Mobile Home, and west that is zoned Volusia County MH-2, Mobile Home Park and Recreation Vehicle Park, and to the south that is zoned Volusia County MH-5, Urban Mobile Home. The property to the east is the Sugar Mill Ruin Campgrounds. To the north this**

property borders a radio station, and to the south this property borders a mobile home and mostly a Volusia County Retention pond, and to the east this property borders a single-family home and other mobile homes and a campground, Gold Rock RV Park, which is located behind these homes. The proposed parking for the Garden Wedding Venue would be primarily on the east side of the subject property. Per the applicant's supporting documents, the proposed Garden Wedding Venue would only be open during the following hours:

- **Thursday: 12:00 p.m. - 10:00 p.m.**
- **Friday and Saturday: 4:00 p.m. - 10:00 p.m.**
- **Sunday: 2:00 p.m. - 8:00 p.m.**

The primary intent of the RE, Residential Estate zoning district is to be a "single-family residential district for low population densities and relatively large homes". Therefore, in working with the applicant, staff endeavored to ensure that commercial parking lot standards were not required. Instead, the applicant is required to provide a parking plan, which will be reviewed by Planning and Engineering staff, the Planning and Zoning Board, and, ultimately, approved by the City Commission. The parking plan must provide information on the materials proposed to be used for the parking spaces and show whether any additional landscaping is required. On-street parking is prohibited. The parking plan proposed for the subject property is attached as Exhibit F. The property owners are proposing a total of 20 parking spaces, primarily on the east area of the parcel.

The proposed use would not impair the character of the surrounding neighborhood or adjoining districts.

**This criterion is met.**

- Adequate utilities, access roads, drainage, sanitation, and/or other necessary services and facilities are, or will be, available or provided for the proposed use.

The subject property is within the Utilities Commission service area. However, the property has access to an 8" water line that

runs along the Old Mission Road Right-of-Way. Sanitary sewer and reclaimed water services are not available to the site.

Access to the site will be provided via Old Mission Road on the east, which is a four-lane paved County road. There is adequate capacity on the adjacent roadway network to support the proposed use.

**This criterion is met.**

E. In addition to the three general criteria discussed above, the proposed LDR amendment contains specific criteria that must also be met in order for the special exception use to be approved. Therefore, the criteria discussed below are the ones recommended by staff (staff's response in **bold**).

- a. Applicants for the special exception shall be limited to homesteaded resident(s) living on the premises

**Per information on the property appraiser's website, the property owners have a homestead exemption on the property and do reside there.**

**This criterion has been met.**

- b. The property shall be at least 1.5 acres in size.

**The subject property is 3.6 acres.**

**This criterion has been met.**

- c. Overnight stays or camping activities associated with the special exception use shall be prohibited.

**The applicant's response letter states that the property owners agree to this condition.**

**This criterion has been met.**

- d. The hours of operation will be limited to the following periods:
- i. Thursday from 12:00 p.m. to 10:00 p.m.
  - ii. Friday and Saturday from 4:00 p.m. to 10:00 p.m.
  - iii. Sunday from 2:00 p.m. to 8:00 p.m.

**The applicant's response letter states that the property owners agree to this condition.**

**This criterion has been met.**

- e. All artificial lights shall be directed away from adjoining properties.

**The applicant's response letter states that the property owners agree to this condition.**

**This criterion has been met.**

- F. A plan detailing how off-street parking areas will be provided must be included with the special exception application. The parking plan shall show the location of all off-street parking spaces, and shall include information regarding the materials used for the parking spaces and whether any additional landscaping will be installed. The parking plan shall be reviewed by Planning and Engineering staff, as well as the Planning and Zoning Board. The parking plan must be approved by the City Commission. On-street parking shall be prohibited.

**The applicant is proposing 20 shell parking spaces, staff would prefer a grass parking area, which abuts a commercial zoned property. Parking will not back directly out onto Old Mission Road.**

**Given the limited number of functions that are likely to occur at this location, and the low volume of clients, staff does not foresee traffic or safety conflicts arising from this proposed parking configuration.**

**This criterion appears to be met.**

- a. Venues that provide 25 or fewer parking spaces, shall require Major Class I site plan approval. If the number of proposed parking spaces exceeds 25, Class II site plan approval shall be required.

**Major Class I site plan approval will be required, if the City Commission approves special exception request.**

- b. Covered outdoor patios and decks, gazebos, and other covered areas shall be permitted. However, fully enclosed buildings that have air

conditioning and/or heat shall not be permitted as part of the garden wedding venue. Accessory buildings constructed to support the wedding/event venue shall not exceed 60% of the building footprint area of the primary structure.

**As discussed above, the subject property is already developed with an approximately 2,925-square foot residence. The barn structure, which is proposed to be used in conjunction with any events held on-site, will not be over 60% of building footprint area of the residence as noted by the applicant's response letter. The barn is not heated or air-conditioned.**

**This criterion appears to have been met.**

- G. The City's *Comprehensive Plan* provides guidance on allowing commercial development within residential neighborhoods. The applicable objective is shown below, with the response from staff in **bold**.
- a. **Future Land Use Element, Goal 5, Objective 3:** To protect existing desirable neighborhoods from encroaching new development which is incompatible and inconsistent with the established character of the neighborhood.

**As discussed above, the property is surrounded on the north by a radio station and east by residential uses. To the south by a single-family and mobile homes and west by a campgrounds. It is anticipated that a minimal number of events would be held on the subject property. Parking will be provided entirely on-site and parking will be prohibited within the Old Mission Road right-of-way**

### **Recommendation**

Staff recommends that the Planning and Zoning Board recommend the City Commission **approve** the special exception request to allow a garden wedding venue in the RE, Residential Estate zoning district, on property located at 864 Old Mission Road with the condition that all criterions agreed to by the applicant are met.

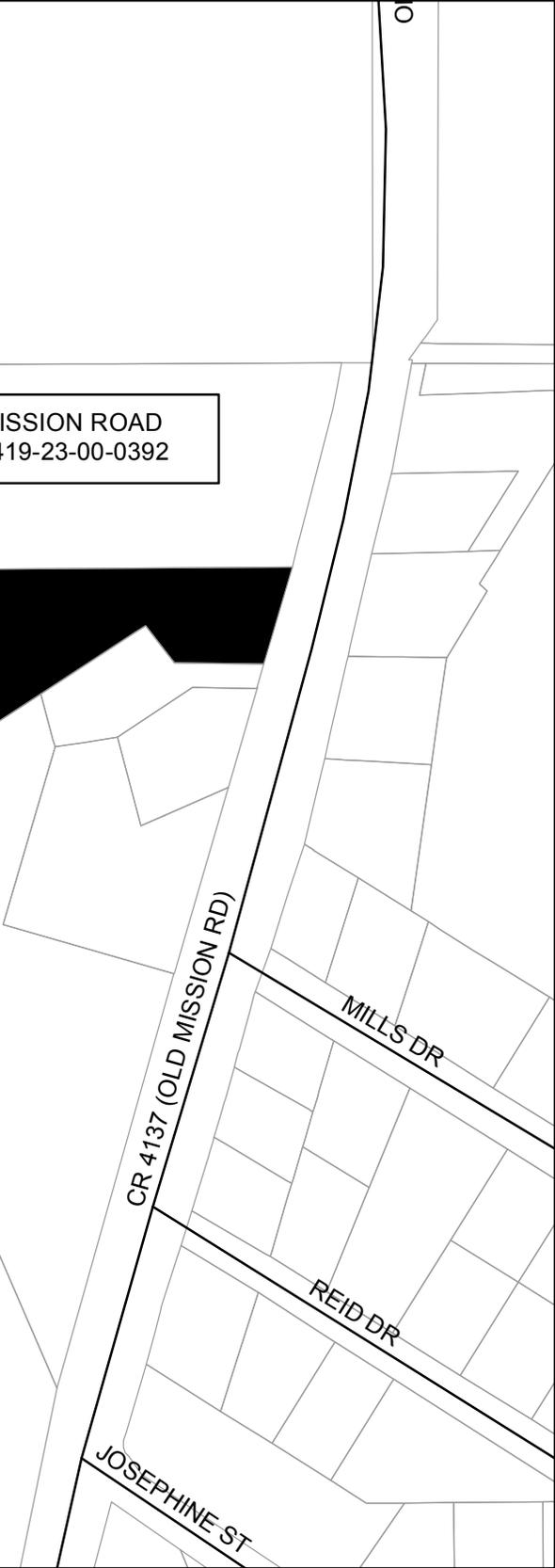
### SE-1-16: 864 OLD MISSION ROAD PARCEL: 7419-23-00-0392 LOCATION MAP

— LOCAL ROAD  
■ SUBJECT PROPERTY  
□ PARCEL

864 OLD MISSION ROAD  
PARCEL: 7419-23-00-0392



0 125 250 Feet



Attachment: SE-1-16 Exhibit A Location Map (1211 : SE-1-16: 864 Old Mission Road)

**SE-1-16: 864 OLD MISSION ROAD  
PARCEL: 7419-23-00-0392 AERIAL MAP**

== LOCAL ROAD  
[Yellow dashed line] SUBJECT PROPERTY  
[White outline] PARCEL

864 OLD MISSION ROAD  
PARCEL: 7419-23-00-0392



0 125 250 Feet

The logo for New Smyrna Beach, Florida, is circular with a yellow border and contains a scene of sailboats on water. Below the logo is a scale bar with markings at 0, 125, and 250 feet.

Attachment: SE-1-16 Exhibit B Aerial Map (1211 : SE-1-16: 864 Old Mission Road)



This picture is taken from mission rd



A little further up the driveway to show the open field in the back, where the barn will go

Attachment: SE-1-16 Exhibit C Pictures (1211 : SE-1-16: 864 Old Mission Road)



This picture is taken from the house showing more detail of the back field



This is taken from the field looking back at the house

Attachment: SE-1-16 Exhibit C Pictures (1211 : SE-1-16: 864 Old Mission Road)

## Authorization of Owner

864 Old Mission Road  
New Smyrna Beach, FL 32168

### **801.28 Garden wedding and/or similar event venues**

*Garden wedding and/or similar event venue uses are permitted provided:*

1. *Applicants for the special exception shall be limited to homesteaded resident(s) living on the premises,*
  - Kyle Mariacher will be homesteading and residing at 864 Old Mission Rd.
2. *The property shall be at least 1.5 acres in size*
  - The property at 864 Old Mission Rd is 3.6 acres.
3. *Overnight stays or camping activities associated with the special exception use shall be prohibited.*
  - Noted and agreed.
4. *The hours of operation will be limited to the following periods:*
  - a) *Thursday from 12 pm to 10pm*
  - b) *Friday and Saturday from 4p.m. to 10p.m.*
  - c) *Sunday from 2p.m. to 8 p.m.*
  - Noted and agreed.
5. *All artificial lights shall be directed away from adjoining properties.*
  - Noted and agreed.
6. *A plan detailing how off-street parking areas will be provided must be included with the special exception application. The parking plan shall show the location of all off-street parking spaces, and shall include information regarding the materials used for the parking spaces and whether any additional landscaping will be installed. The parking plan shall be reviewed by planning and engineering staff, as well as the planning and zoning board. The parking plan must be approved by the city commission. On street parking shall be prohibited.*
  - Kyle Mariacher requests the City Commission approve the proposed site layout plan in place of a formal off-street parking arrangement. The property is going to remain a single family residential lot and the special exception use only to allow for wedding events to utilize the property's country/farmhouse feel for their special day . Landscaping will be added on the

entrance side off of Old Mission Rd towards the front the property line, parking will be shell.

*7. Venues that provide 25 or fewer parking spaces shall require Major Class 1 Site plan approval. If the number of proposed parking spaces exceeds 25, Class II site plan approval shall be required.*

- Noted and agreed.

*8. Covered outdoor patios and decks, gazebos, and other covered areas shall be permitted. However, fully enclosed buildings that have air conditioning and or heat shall not be permitted as part of the garden wedding venue. Accessory buildings constructed to support the wedding event shall not exceed 60% of the building footprint area of the primary structure.*

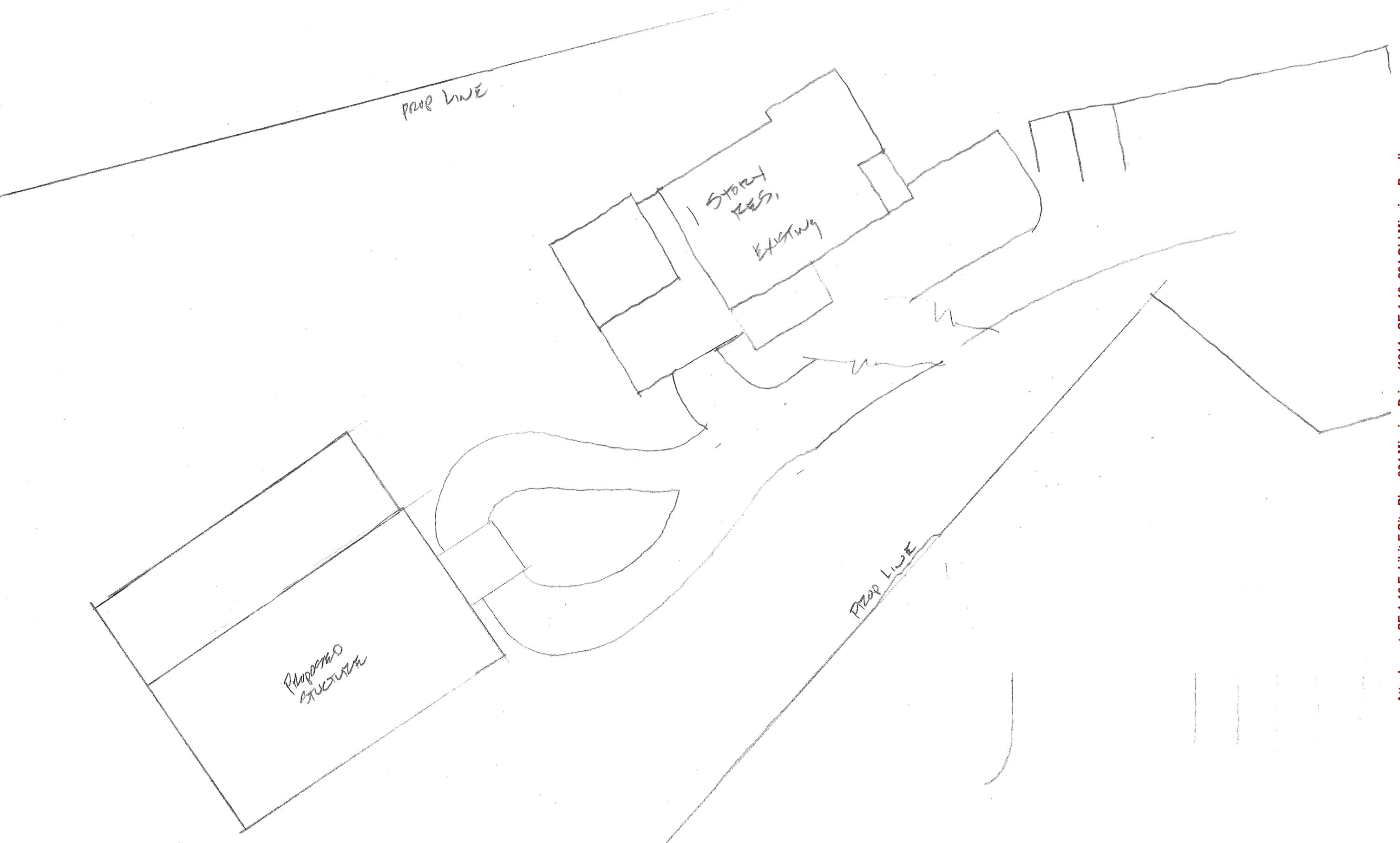
- Noted and agreed.

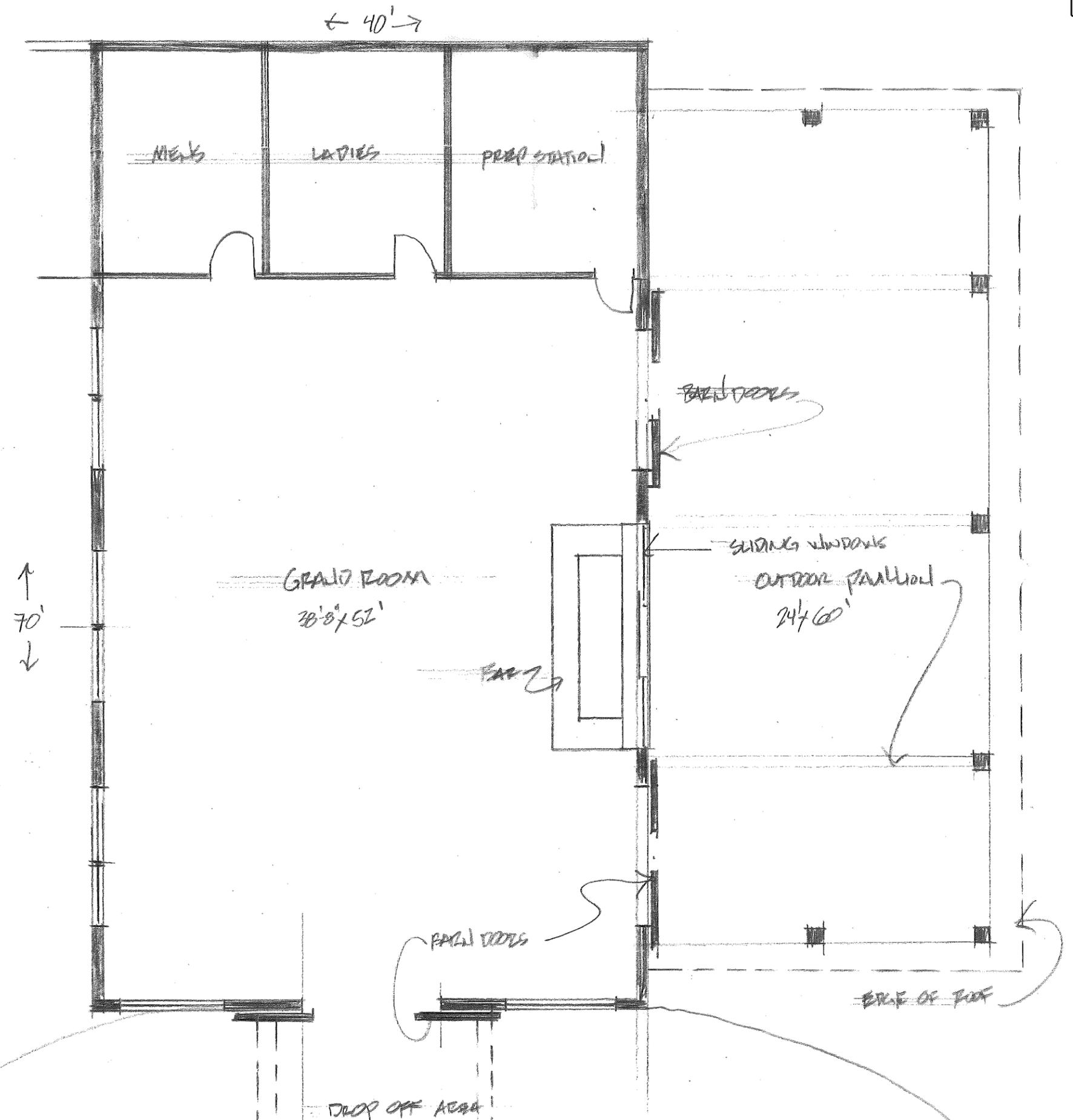
*6. Due to the accessory nature of the use, a site layout plan shall be acceptable in lieu of site plan. In the event the seating capacity for a proposed venue exceeds 250 people, a site plan shall be required.*

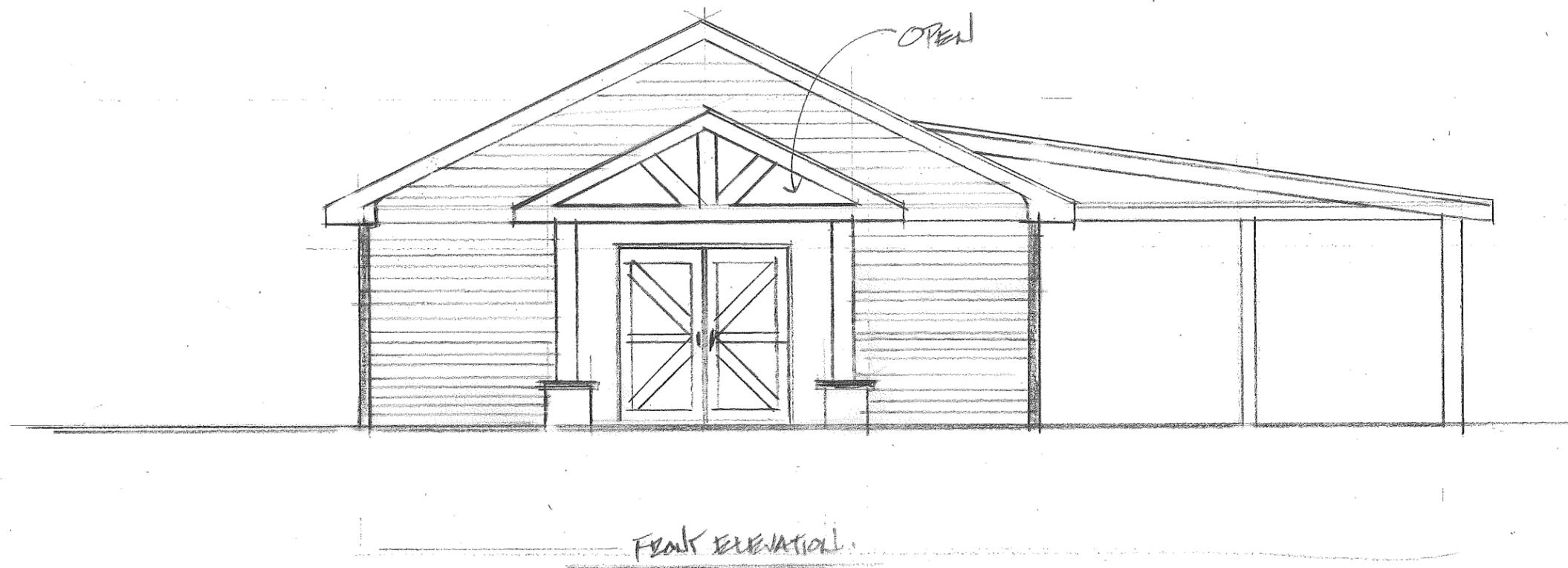
- Noted and agreed, venue will not exceed 250 people.











THE CITY OF NEW SMYRNA BEACH – PLANNING AND ZONING

**SE-2-16: 177 N CAUSEWAY / B&L  
PROPERTIES OF NSB INC**

JUNE 27, 2016

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**I. BACKGROUND**

- A. Applicant:** Erik Lumbert, 177 N. Causeway, New Smyrna Beach FL, 32169.
- B. Property Owner:** B & L Properties of NSB, INC, 177 N. Causeway, New Smyrna Beach FL, 32169.
- C. Request:** Erik Lumbert, 177 N. Causeway, New Smyrna Beach FL, 32169, representing B & L Properties of NSB, INC, requests special exception approval to allow docking and unloading of commercial fishing boats and the sale of their products.
- D. Subject Area:** The subject property is 1.0 acres, is zoned CM - Commercial Marina, is generally located north of N Causeway BLVD, east of Quay Assisi and West of Barracuda Blvd on the waterfront. The property is addressed 177 N Causeway.
- E. Exhibits.** The following exhibits are used for this case:  
Exhibit A - Location Map.  
Exhibit B - Aerial Site Photo  
Exhibit C - Concept Plan  
Exhibit D - Site Photos  
Exhibit E - Letter from New Smyrna Beach Harbor Master  
Exhibit F - Property Owner's Verification Letter
- F. Tax ID #:** 7417-01-01-0110.

**II. FINDINGS**

A. Per Section 305.04(C)(3) of the City's Land Development Regulations (LDR), all special exception uses must meet a general set of criteria that examines whether the proposed use would negatively impact surrounding properties and verifies that adequate infrastructure would be available to serve the site. These criteria are discussed in further detail below (**staff's response follows in bold**):

- a. The requested use is listed among the special exceptions in the district for which

application is made.

**Docking and unloading of commercial fishing boats and the sale of their products is a special exception use in the Commercial Marina zoning district. This criterion has been met.**

**b. The requested use will not impair the character of the surrounding or adjoining districts, nor be detrimental to the public health, morals, or welfare.**

**i. Unloading areas - Small boats will only be able to gain access to the rear lagoon due to low and narrow bridge clearance to the south and northeast access points. The western half of the rear dock has been designated for the unloading of these small vessels (estimated size 16' - 18' in size). (Exhibit C)**

**ii. Docks - The rear dock (north side) provides adequate boat access to the site and supports the operation.**

**iii. Refuse and service areas -The refuse area will remain in its current location situated at the Northwest corner of the existing commercial building under the concreted floor area under the Aluminum cover. Service areas will be northeast of the existing commercial building toward the water opposite to neighboring commercial marine properties. (Exhibit C)**

**iv. Screening and buffering with reference to dimension and character - there are natural and manmade screens and buffers surrounding the entire perimeter of property that will be used for the requested exception. The southern perimeter is screened and buffered by the existing commercial building and existing 6' chain link fencing west and north of said building. The Western boundary is screened and buffered by a 6' wood privacy fence. The North and Eastern boundary are screened and buffered by natural Mangroves along indigenous and nonindigenous plant species that average 8' in height. (Exhibit C)**

**v. In the opinion of the marina manager for New Smyrna Beach City Marina, the docking and unloading of commercial fish boats will not generate an undue amount of waterway congestion which would tend to create a hazard or danger to other water craft docked or moored in the vicinity or create a public nuisance. (Exhibit E).**

**vi. Staff has examined the site plan, harbor master concurrence, property owner's verification (Exhibit F) and conducted a field site review. Staff determines this activity will not materially alter the character of the surrounding development or adversely affect the value of surrounding lands, buildings or natural resources.**

**vii. This criterion has been met.**

**c. Adequate utilities, access roads, drainage, sanitation, and/or other necessary services and facilities are, or will be, available or provided for the proposed use.**

**i. The subject property is a developed property with electric, water, and sanitary sewer service. The property is serviced by and a major street called North Causeway. Dock**

**facilities exist on site which support this maritime operation. This criterion has been met.**

B. The City's Comprehensive Plan provides objectives and policies related to future development, and certain applicable objectives within that document support this proposal. Following each listed objective is a response **from staff in bold**.

a. Future Land Use Element Goal 2: General Land Use Pattern. To promote, protect and improve the public health, safety, and general welfare by ensuring consistency, economic viability, and stewardship of the natural environment, through appropriate land uses and land development regulations.

**i. The existing future land use and zoning designations for the subject property are consistent with proposed adjacent uses, natural limitations, and the availability of facilities and services. Therefore, the request is consistent with the Comprehensive Plan. This criterion has been met.**

b. Future Land Use Element Goal 4: Commercial/Industrial Development. Provide for high-quality commercial and industrial development so as to maintain the economic health of the City, and to increase the job opportunities, per capita income and convenience for its residents.

**i. The requested special exception supports commercial activities associated with a commercial marina. This criterion has been met.**

c. Future Land Use Element Goal 5: Residential Development and Neighborhoods. Provide for residential development that creates neighborhoods of enduring quality, livability and character that support an attractive and functional mix of living, working, shopping, and recreational activities, and maintain a living environment for citizens of all ages.

**i. The New Smyrna Beach Marina has existed in the Coronado Island neighborhood for over 50 years. This accessory use provides a commonly available accessory service associated with a commercial marina. This would thus not be an encroachment which is incompatible and inconsistent with the established character of the neighborhood. This criterion has been met.**

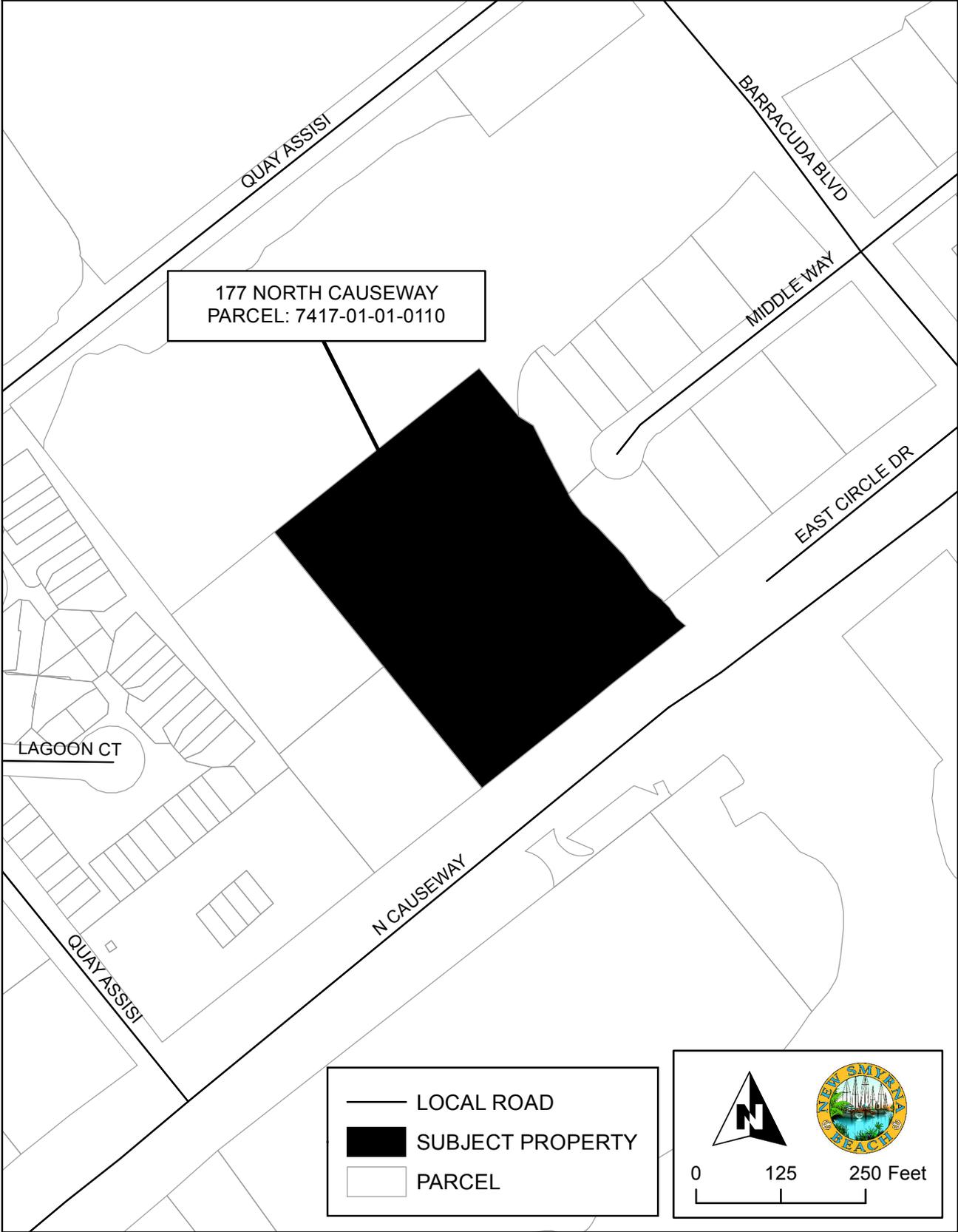
### **Recommendation**

Staff recommends **approval** of the request for Special Exception Approval to allow docking and unloading of commercial fishing boats and the sale of their products with the following condition:

1. The docking and unloading of commercial fishing boats will not generate an undue amount of waterway congestion which would tend to create a hazard or danger to other craft docked or moored in the vicinity or create a public nuisance.

2. This use will not give rise to any pollution of the air, land, or water, or cause unnecessarily injurious heat, noise, or odor.
3. No seafood canning, packaging, processing, smoking or airing will be allowed.

### SE-2-16: 177 NORTH CAUSEWAY PARCEL: 7417-01-01-0110 LOCATION MAP

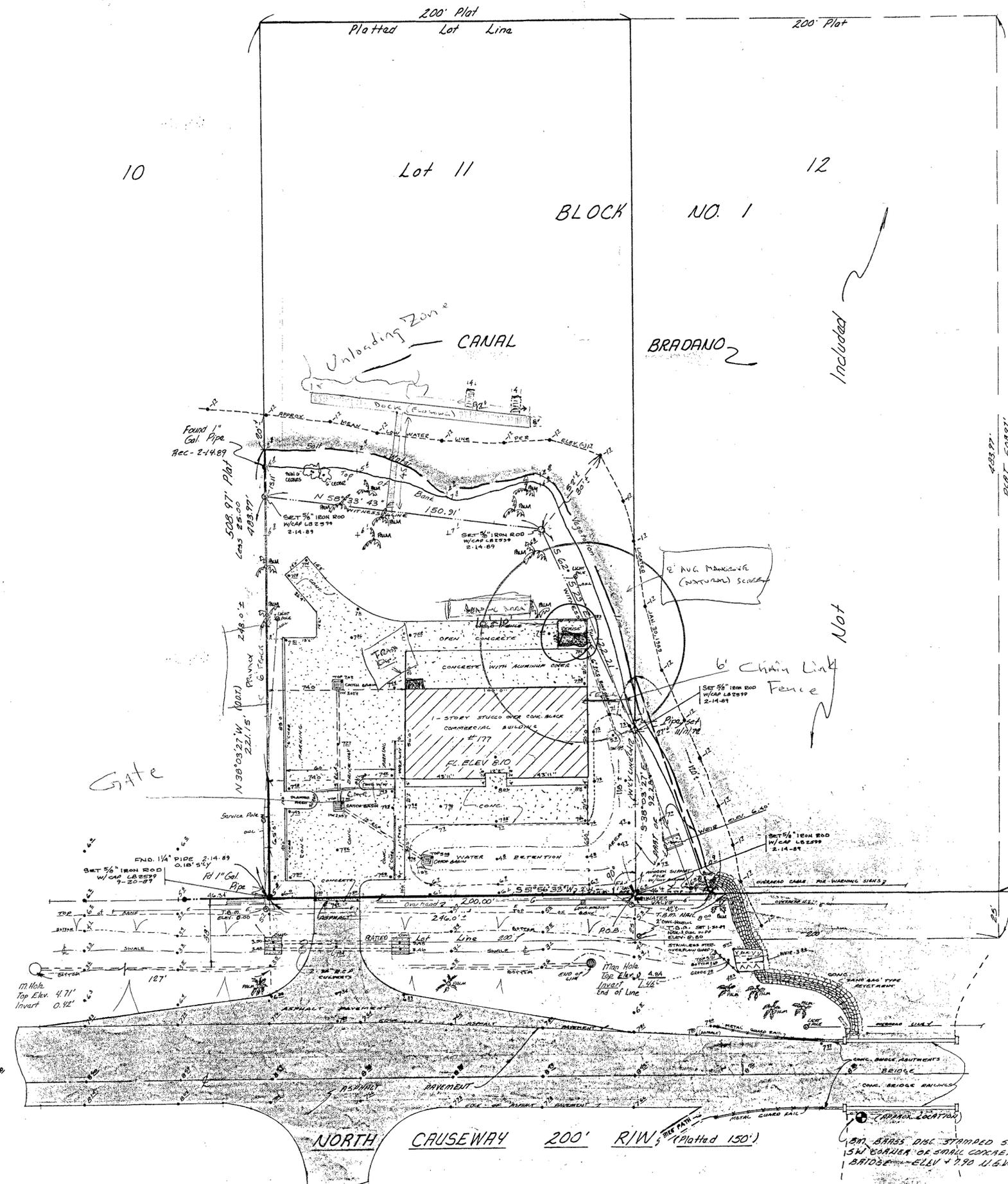


Attachment: Exhibit A - SE-2-16 Location Map (1213 : Special Exception 2-16 177 N Causeway - B&L Prop.)

# SE-2-16: 177 NORTH CAUSEWAY PARCEL: 7417-01-01-0110 AERIAL MAP



Attachment: Exhibit B - SE-2-16 Aerial Map (1213 : Special Exception 2-16 177 N Causeway - B&L Prop.)



PLAT OF BOUNDARY SURVEY OF  
AND

PLAT OF TOPOGRAPHIC SURVEY OF  
Lot 11 and that portion of Lot 12, lying West of the Waterway, Block 1, North Causeway Subdivision, as per plat thereof recorded in Map Book 11, page 209, Public Records of Volusia County, Florida, together with any and all accretions and riparian rights appertaining thereto.

SURVEYOR'S NOTES:

1. Legal description per OR 2297, page 1628.
2. Angles per plat of record.
3. This plat prepared without the benefit of an abstract.
4. Elevations refer to NGVD and based on US&GS Monuments.
5. Utilities shown are from actual field location and City of New Smyrna Beach Utilities drawings and South Florida Natural Gas Co. Contractor to verify all utilities prior to construction.
6. Subject to restrictions, reservations, limitations, easements and right of ways, if any, appearing of record.
7. Underground improvements not located.
8. Legal description per OR 2297, page 1628 does not indicate that the Southerly 25 feet of said Lots 11 and 12 were taken for additional road R/W per DOT R/W map #198 section 7917-102. Owner to seek legal advice.

January 30, 1989 -- Mean low water line elevation of -1.70 feet located as shown and established from Corp of Engineers Sheet 12 of 16, Drawing No. 8A-17,899.

February 9, 1989 -- Additional topographic information added as shown.

February 14, 1989 -- The above described property recertified.

NOTE: Mean low water line per Florida Statutes not determined at the time of this survey.

FEBRUARY 22, 1989 -- Added to plat tree locations together with additional elevations along the centerline of North Causeway.

June 19, 1989 -- Building staked and T.B.M. established as shown.

August 15, 1989 -- Building under construction located as shown together with staking catch basins. Lowest floor elevation of 8.10 feet established. Elevations refer to NGVD and based on SRD Monument NO. 2 elevation 7.90 feet.

QUARRY BRENTA 80' R/W  
Now Called BRADANO ISLAND

September 20, 1989 -- As built location together with elevations and re staking westerly line as shown.

April 21, 1989 -- Added to plat the following described property as described and shown hereon:

A portion of Lot 12, Block 1, North Causeway Subdivision as shown on map in Map Book 11, page 209 of the Public Records of Volusia County, Florida and being described as follows: Beginning at the intersection of the Northerly R/W of North Causeway (State Road No. 44) a 200 foot R/W as now laid out and the Westerly line of said Lot 12, thence Easterly along said northerly Right of way line, a distance of 42 feet more or less to the normal water line of an arm of the Indian River North; thence Northwesterly along the said normal water line a distance of 120 feet more or less to the Westerly line of said Lot 12; thence Southerly along the said westerly line of Lot 12 a distance of 118 feet more or less to the Point of Beginning. Containing 2478 square feet more or less.

VALID ONLY WITH EMBOSSED SEAL

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SURVEYED, And Complies With The Minimum Standards Adopted By The Florida Board of Land Surveyors.		DANIEL W. CORY SURVEYOR, INC. 300 CANAL STREET NEW SMYRNA BEACH, FLA. 32069 PHONE: 904-427-9575	
DRF. Made	CALC.	PREPARED FOR	AARTHUR POOL
SURV. DWG.	P.C. M/M	COURTESY COPY FOR INFORMATION PURPOSE ONLY	
DATE	5-10-83	DANIEL W. CORY FLA. REG. SURVEYOR #2027	W.O. # 04-059-83 FILE # 123
SCALE 1" = 30'		Packet Pg. 111	

EXHIBIT D – Site Photos  
SE-2-16: 177 N Causeway –B&L Properties of NSB LLC  
JUNE 6, 2016



Subject property viewed from Southeast from N Causeway

Attachment: Exhibit D - Site Photographs SE-2-16 177 N. Causeway -- B&L Properties of NSB INC (1213 : Special Exception 2-16 177 N

EXHIBIT D – Site Photos  
SE-2-16: 177 N Causeway –B&L Properties of NSB LLC  
JUNE 6, 2016



**Subject Property as Viewed from North from Quay Assisi**

Attachment: Exhibit D - Site Photographs SE-2-16 177 N. Causeway -- B&L Properties of NSB INC (1213 : Special Exception 2-16 177 N

EXHIBIT D – Site Photos  
SE-2-16: 177 N Causeway –B&L Properties of NSB LLC  
JUNE 6, 2016



View of the boat dock

Attachment: Exhibit D - Site Photographs SE-2-16 177 N. Causeway -- B&L Properties of NSB INC (1213 : Special Exception 2-16 177 N

EXHIBIT D – Site Photos  
SE-2-16: 177 N Causeway –B&L Properties of NSB LLC  
JUNE 6, 2016



View of commercial storage area – Yellow indicates cooler area

Attachment: Exhibit D - Site Photographs SE-2-16 177 N. Causeway -- B&L Properties of NSB INC (1213 : Special Exception 2-16 177 N

EXHIBIT D – Site Photos  
SE-2-16: 177 N Causeway –B&L Properties of NSB LLC  
JUNE 6, 2016



View of the commercial loading area

Attachment: Exhibit D - Site Photographs SE-2-16 177 N. Causeway -- B&L Properties of NSB INC (1213 : Special Exception 2-16 177 N

EXHIBIT D – Site Photos  
SE-2-16: 177 N Causeway –B&L Properties of NSB LLC  
JUNE 6, 2016



View of parking areas

Attachment: Exhibit D - Site Photographs SE-2-16 177 N. Causeway -- B&L Properties of NSB INC (1213 : Special Exception 2-16 177 N



May 12, 2016

Re: Paddle Board New Smyrna Beach  
Erik Lumbert  
177 North Causeway  
New Smyrna Beach, FL 32168

Steven Bapp, Planner  
Planning and Zoning City of New Smyrna Beach

In the opinion of the marina manager for New Smyrna Beach City Marina, the docking and unloading of commercial fish boats will not generate an undue amount of waterway congestion which would tend to create a hazard or danger to other water craft docked or moored in the vicinity or create a public nuisance.

Pam Payton

Marina Manager  
Office 386-409-2042  
Fax 386-409-4706  
201 N Riverside Drive  
New Smyrna Beach, FL 32168

May 13<sup>th</sup>, 2016

To: Steven Bapp, City Planner New Smyrna Beach

Re: Special Zoning Exception Request 177 North Causeway, New Smyrna Beach, FL 32169

- The docking and unloading of commercial fishing boats will not materially alter the character of the surrounding development or adversely affect the value of surrounding lands, buildings or natural resources, or give rise to any pollution of the air, land, or water, or cause unnecessarily injurious heat, noise, or odor.
  
- No seafood canning, packaging, processing, smoking or airing is in operation.

Please contact me should you need any additional information.

Sincerely,



Lawrence Gross

Managing Member B & L Properties of NSB Inc

THE CITY OF NEW SMYRNA BEACH – PLANNING AND ZONING

A-12-16 SMALL SCALE ANNEXATION,  
REZONING, AND COMPREHENSIVE  
PLAN AMENDMENT

JUNE 27, 2016

**Background**

**Applicants and Property Owners:**

- Chase Smith, 535 Aeolian Drive, New Smyrna Beach, Florida 32168
- Richard D. Jackson, 303 Hickory Street, New Smyrna Beach, Florida 32168

**Request:** Voluntary annexation, *Comprehensive Plan* amendment, and rezoning:

**From:** Volusia County Future Land Use (FLU) designations of ULI, Urban Low Intensity and UMI, Urban Medium Intensity, and Volusia County zoning designation of R-4, Urban Single-Family Residential.

**To:** City FLU designations of LDR, Low Density Residential and MDR, Medium Density Residential, and City zoning designation of R-2, Single-Family Residential.

**Site Information:**

**Size:** 0.62 acres

**Location:** North of State Road 44, off North Glencoe Road located on the north side of Selleck Avenue and north of Canal Street, addressed as 303 Hickory Street (see **Exhibit A** for a location map).

**Tax I.D. Number:** 7323-01-00-0165 (0.33 acres), 7418-08-14-0060 (0.29 acres)

**Findings**

- A. On April 23, 2013, the City Commission adopted an Interlocal Service Boundary Agreement (ISBA). The ISBA, which is permitted under Chapter 171, Part II, Florida Statutes, allows the City to annex any parcels that are within the designated annexation area, even if they are not contiguous to the current municipal boundaries. The agreement, which is between the County of Volusia and the City, was also approved by the County on May 2, 2013.
- B. Subject properties are within the annexation area designated in the ISBA.

The subject property on Selleck Avenue is undeveloped, the subject property at 303 Hickory Street is developed with a single-family house and accessory structures. An aerial view/map of the subject properties and surrounding area is attached as **Exhibit B**.

- C. The existing Volusia County Future Land Use (FLU) and zoning designations of the subject properties are shown on the following maps. Maps showing the surrounding Future Land Use and Zoning designations are attached (as **Exhibits C and D** respectively). The text description of the existing Future Land Use designation for the subject properties are attached as **Exhibit E**. The associated current zoning text description for the subject properties are attached as **Exhibit F**. Existing land uses are shown on the map attached as **Exhibit G**.
- D. The established City Commission policy is that when properties are annexed into the City, the City will assign future land use and zoning designations that would be as similar as possible to existing County designations. As discussed above, the existing County FLU designations are ULI, Urban Low Intensity and UMI, Urban Medium Intensity. The existing County zoning designations are R-4, Urban Single-Family. The proposed City FLU designations are LDR, Low Density Residential and MDR, Medium Density Residential. The proposed City zoning designations are R-2, Single-Family Residential. A text description of the proposed City LDR, Low Density Residential and MDR, Medium Density Residential FLU designations are attached as **Exhibit H**, with a map of these proposed changes also attached as **Exhibit I**. A text description of the proposed City R-2, Single-Family Residential zoning designation, and a map of the proposed changes, are similarly attached as **Exhibits J and K** respectively.
- E. These annexation requests are within the City's annexation area and within the City's water and sewer service area (**Exhibit L**). A map of the soil limitations for septic systems is attached as **Exhibit M**.
- F. The *Land Development Regulations* requires any proposed development to conform to the Concurrency Management System. That system includes traffic, parks and recreation, potable water, wastewater treatment, solid waste collection, storm-water management, and public school facilities. Although the property on Selleck Avenue is undeveloped and the property at 303 Hickory Street is developed with a single-family house and accessory structures, no increased density is proposed for the property. Therefore, staff did not prepare a concurrency analysis table for this case.

- G. There are numerous *Comprehensive Plan* maps that must be amended to incorporate the subject property into the *Comprehensive Plan* (see **Exhibits N through Z**). A map showing the subject properties incorporated into Commission Zone 4 is attached as **Exhibit AA**.
- H. The *Comprehensive Plan* provides guidance on annexations, future land use amendments, and re-zonings. The following is a list of objectives in the *Comprehensive Plan* that support this proposal:
- Future Land Use Element Goal 2, Objective 3
  - Future Land Use Element Goal 2, Objective 4
  - Future Land Use Element Goal 2, Objective 7
  - Future Land Use Element Goal 5, Objective 3

**Recommendation**

Staff recommends that the Planning and Zoning Board recommend the City Commission **approve** the requested annexations, *Comprehensive Plan* amendment to City LDR, Low Density Residential and MDR, Medium density Residential, and rezoning to City R-2, Single-Family Residential.

## LEGAL DESCRIPTIONS

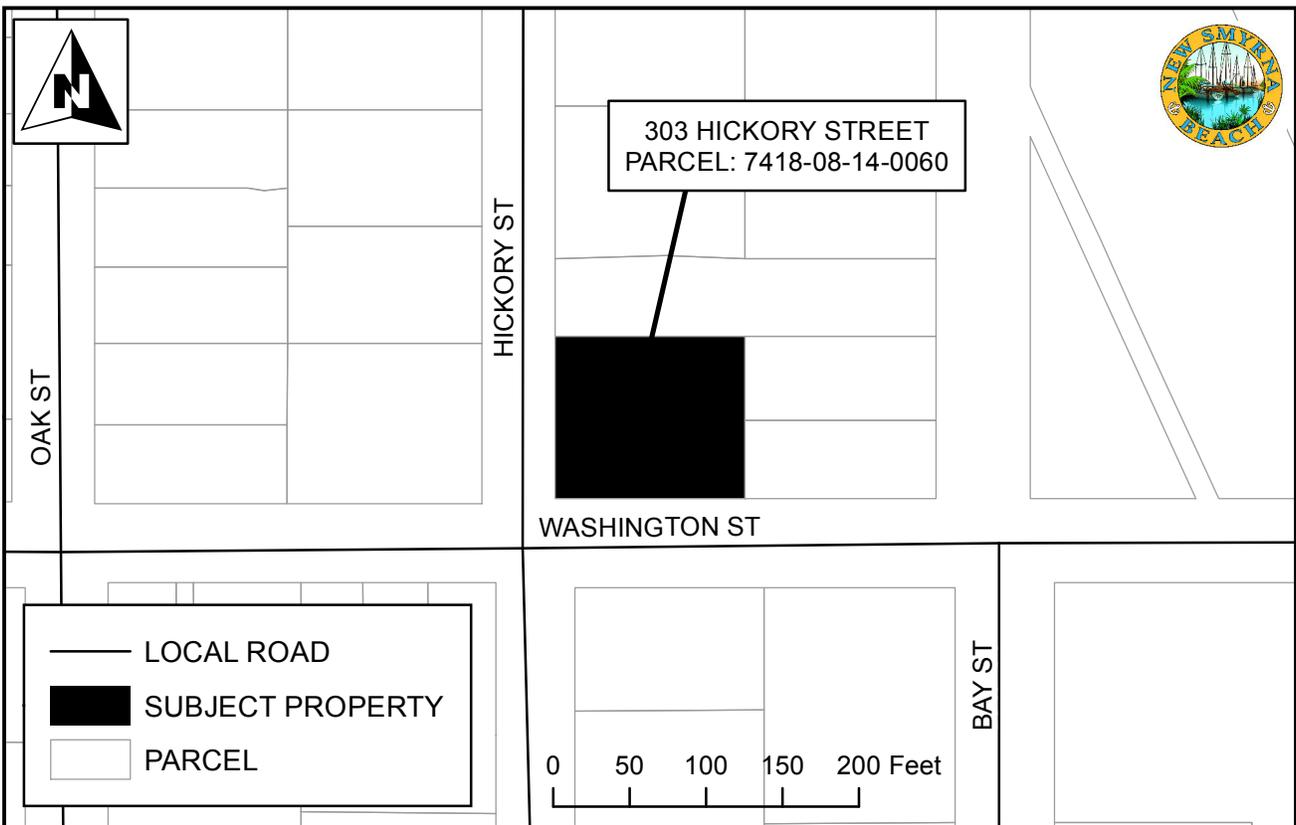
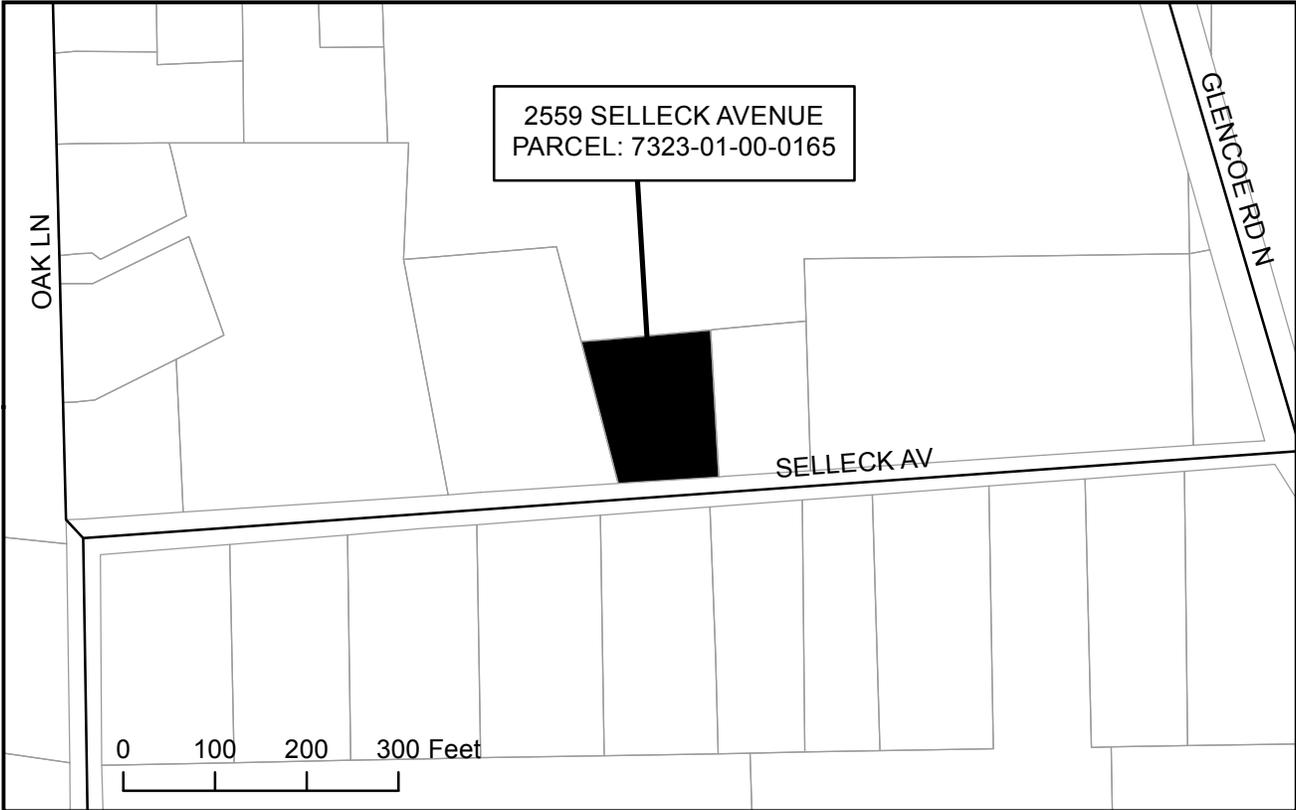
### VACANT PARCEL ON SELLECK AVENUE

23 17 33 S 150 FT OF W 97 FT OF E 197 FT OF LOT 16 ASSESSORS GLENCOE MB  
3 PG 71 PER OR 3153 PG 1667 PER OR 6322 PGS 3823-3829 INC PER OR 6333 PG  
1340 PER OR 7182 PG 1541 PER OR 7182 PG 1542 PER OR 7202 PG 0896

### 303 HICKORY STREET

LOTS 6 & 7 BLK 14 INWOOD NEW SMYRNA PER OR 6534 PG 3042 PER OR 6541  
PG 3829

### A-12-16: SELLECK AVENUE, HICKORY STREET LOCATION MAP



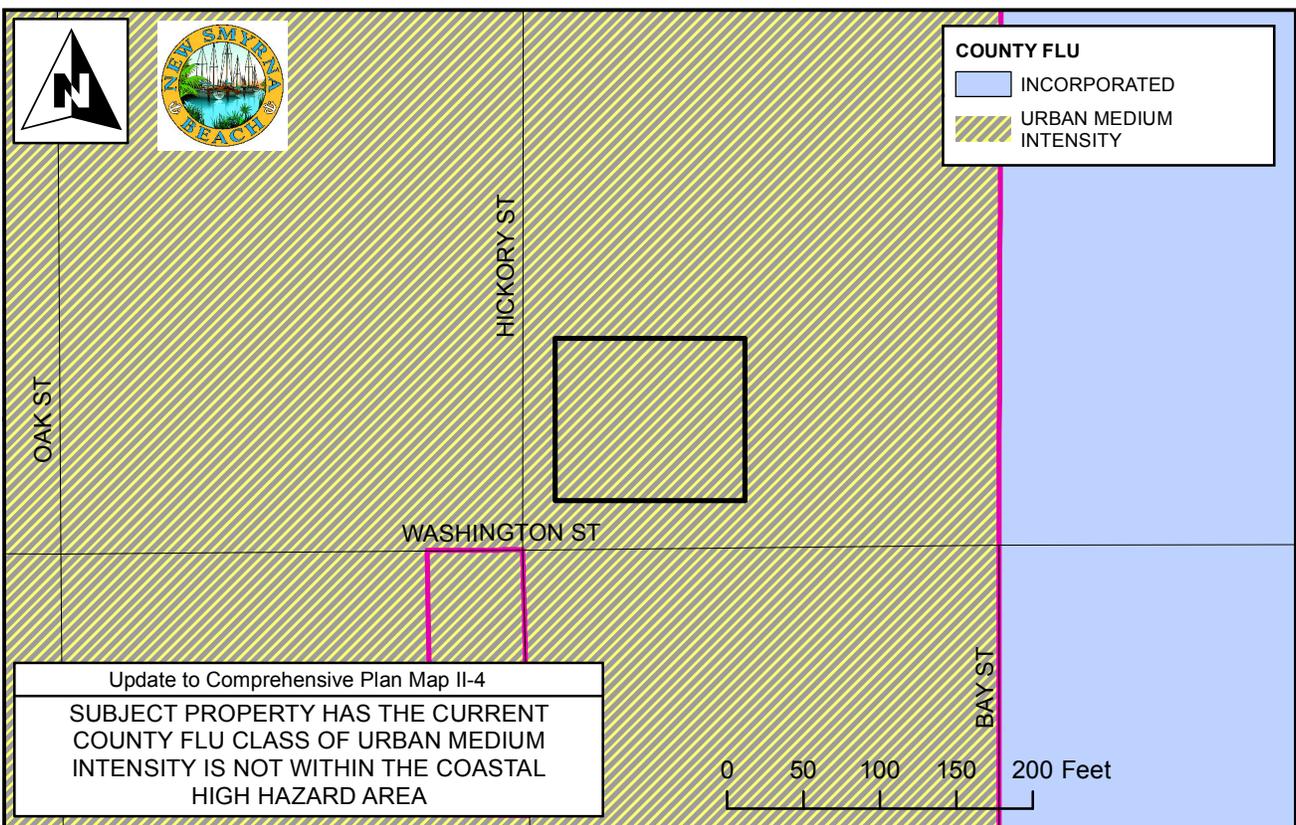
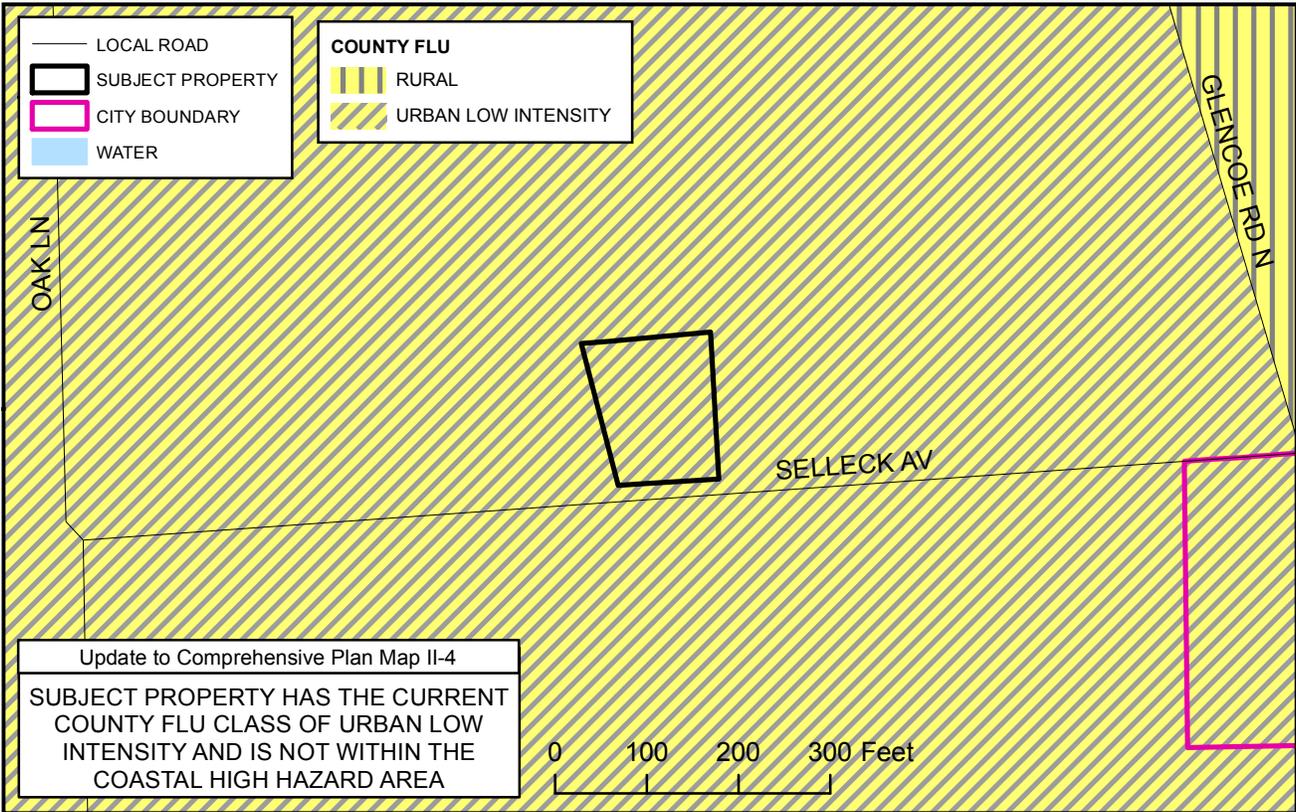
Attachment: A-12-16 Exhibit A Location Map (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# A-12-16: SELLECK AVENUE, HICKORY STREET AERIAL MAP



Attachment: A-12-16 Exhibit B Aerial Map (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

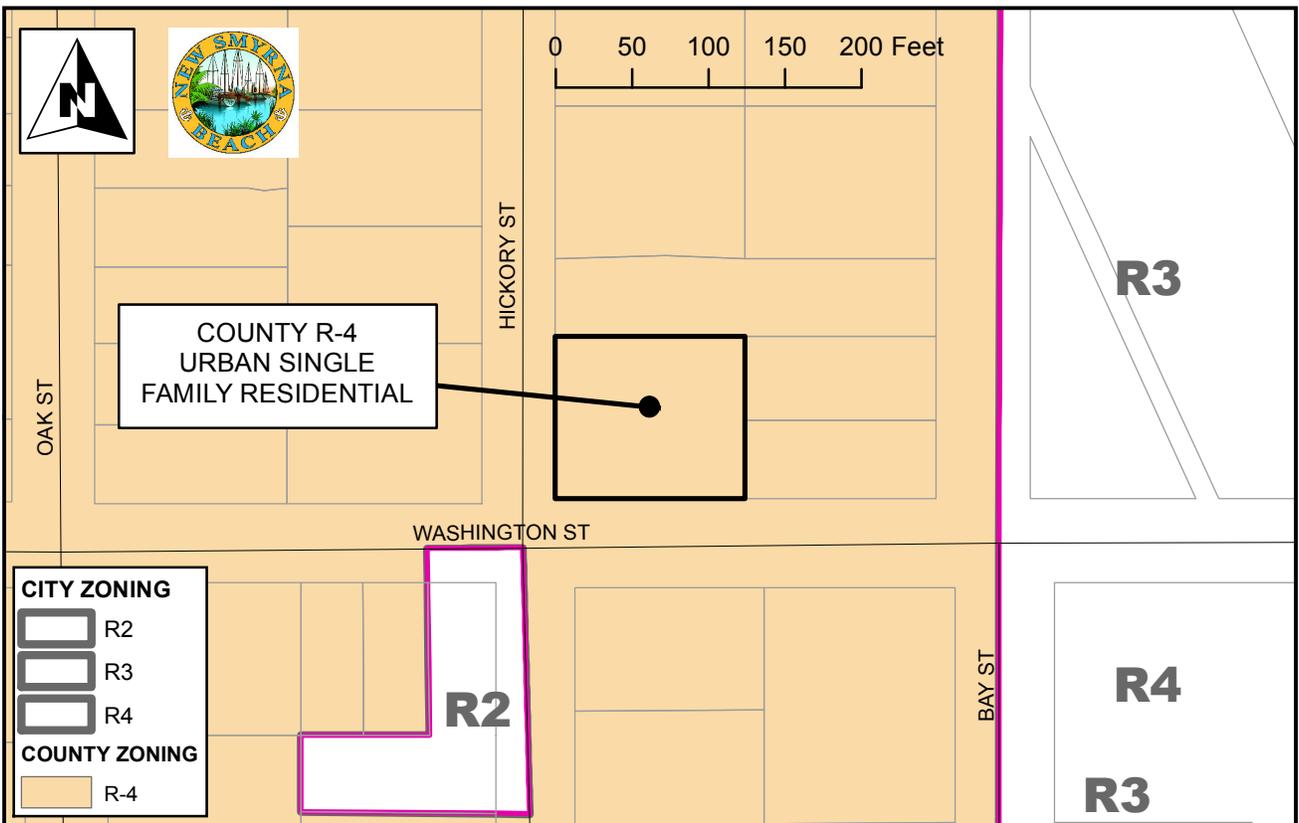
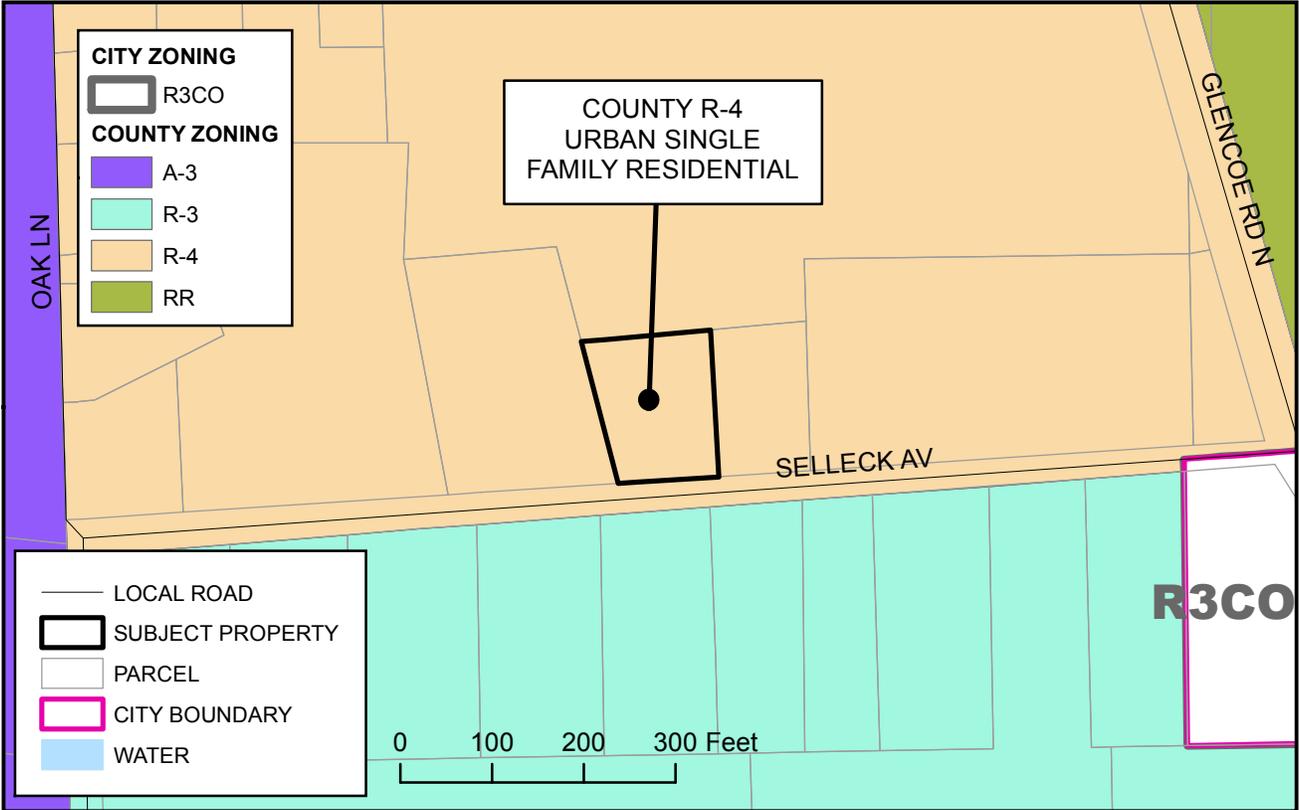
# EXISTING FUTURE LAND USE DESIGNATIONS A-12-16



Attachment: A-12-16 Exhibit C Existing FLU Map (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# EXISTING ZONING

A-12-16



Attachment: A-12-16 Exhibit D Existing Zoning (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

**Urban Low Intensity (ULI)** – Areas for low density residential dwelling units with a range of two-tenths (0.2) to four (4) dwelling units per acre. In reviewing rezoning requests, the specific density will depend on locational factors, particularly compatibility with adjacent uses and availability of public facilities. This residential designation is generally characterized by single family type housing, e.g., single family detached and attached, cluster and zero lot line. This designation will allow existing agricultural zoning and uses to continue.

The ULI designation is primarily a residential designation but may also allow neighborhood convenience uses (see Shopping Center definition in Chapter 20) and individual office buildings as transitional uses that meet the Comprehensive Plan's location criteria. The commercial intensity shall be limited to no more than a fifty percent Floor Area Ratio (0.50 FAR) and in a manner to be compatible with the allowable residential density. In order to be considered compatible, the commercial development should be oriented to serve adjacent neighborhoods, reflect comparable traffic generation, similar traffic patterns, building scale, landscaping and open space and buffers. Due to the nature of some of the commercial uses, additional landscaping and visual screening shall be provided through the BPUD process when adjacent to low density residential in order to preserve the character of the neighborhood. More intensive neighborhood commercial use shall be reserved to areas designated for Commercial.

All requests for nonresidential uses within one-quarter ( $\frac{1}{4}$ ) mile of another jurisdiction shall require notification to that jurisdiction.

## Urban Medium Intensity (UMI) –

Areas that contain residential development at a range of greater than four (4) to eight (8) dwelling units per acre. The types of housing typically found in areas designated urban medium intensity include single family homes, townhouses and low-rise apartments.

The UMI designation is primarily a residential designation but may allow neighborhood business areas (see Shopping Center definition in Chapter 20) and office development that meet the Comprehensive Plan's location criteria. The commercial intensity shall be no more than a fifty percent Floor Area Ratio (0.50 FAR) and shall be limited in a manner to be compatible with the allowable residential density. In order to be considered compatible, the commercial development should reflect similar traffic patterns, traffic generation, building scale, landscaping and open space, and buffers. More intensive commercial use, other than neighborhood business areas, shall be reserved to areas designated for Commercial.

All requests for nonresidential uses within one- quarter ( $\frac{1}{4}$ ) mile of another jurisdiction shall require notification to that jurisdiction.

## R-4 URBAN SINGLE-FAMILY RESIDENTIAL CLASSIFICATION

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

*Permitted principal uses and structures:* 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 (refer to subsection 72-304).
- 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 (refer to subsection 72-293(16)).
- Fire stations.
- Home occupations, class A (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.

*Permitted special exceptions:* Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

- Bed and breakfast (refer to subsection 72-293(19)).
- Cemeteries (refer to subsection 72-293(4)).
- Communication towers exceeding 70 feet in height above ground level.
- Day care centers (refer to subsection 72-293(6)).
- Dogs and cats boarded as personal pets exceeding the number permitted in subsection 72-306(a).
- Excavations only for stormwater retention ponds for which a permit is required by this article.
- Garage apartments.
- Off-street parking areas (refer to subsection 72-293(14)).
- Public uses not listed as a permitted principal use.
- Public utility uses and structures (refer to subsection 72-293(1)).
- Recreational areas (refer to subsection 72-293(3)).
- Schools, parochial or private (refer to subsection 72-293(4)).

*Dimensional requirements:*

*Minimum lot size:*

Area: 7,500 square feet.

Width: 75 feet.

*Minimum yard size:*

Front yard: 25 feet.

Rear yard: 20 feet.

Side yard: 20 feet combined, minimum of eight feet on any one side.

Waterfront yard: 25 feet.

*Maximum building height:* 35 feet.

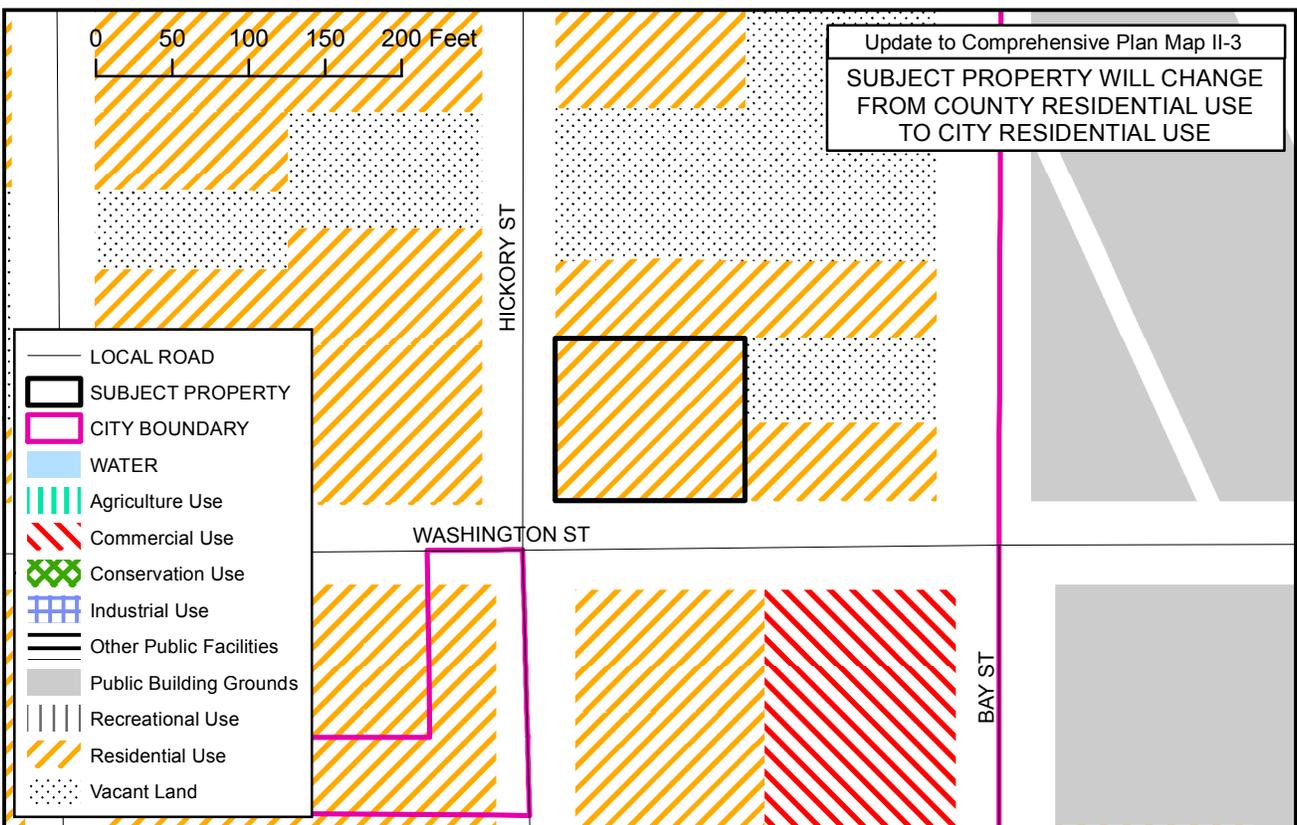
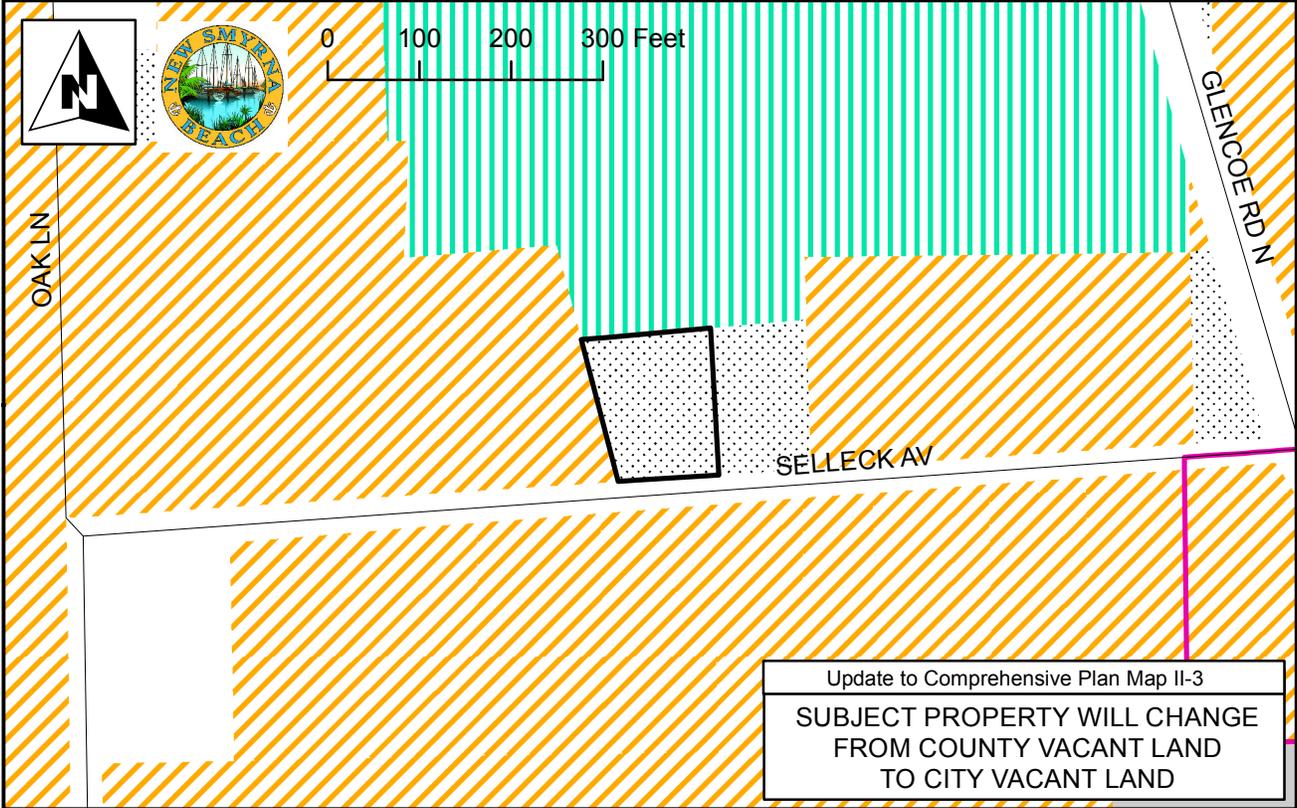
*Maximum lot coverage:* The total lot area covered with principal and accessory buildings shall not exceed 35 percent.

*Minimum floor area:* 850 square feet.

*Off-street parking and loading requirements:* Off-street parking and loading areas meeting the requirements of sections 72-286 and 72-287 shall be constructed.

# EXISTING LAND USE DESIGNATIONS

A-12-16



- LOCAL ROAD
- ▭ SUBJECT PROPERTY
- ▭ CITY BOUNDARY
- WATER
- ▨ Agriculture Use
- ▨ Commercial Use
- ▨ Conservation Use
- ▨ Industrial Use
- ▨ Other Public Facilities
- ▨ Public Building Grounds
- ▨ Recreational Use
- ▨ Residential Use
- ▨ Vacant Land

Attachment: A-12-16 Exhibit G Existing Land Use (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

## LOW-DENSITY RESIDENTIAL

Maximum allowed density:  
Up to five [5] dwelling units per acre

Intent:

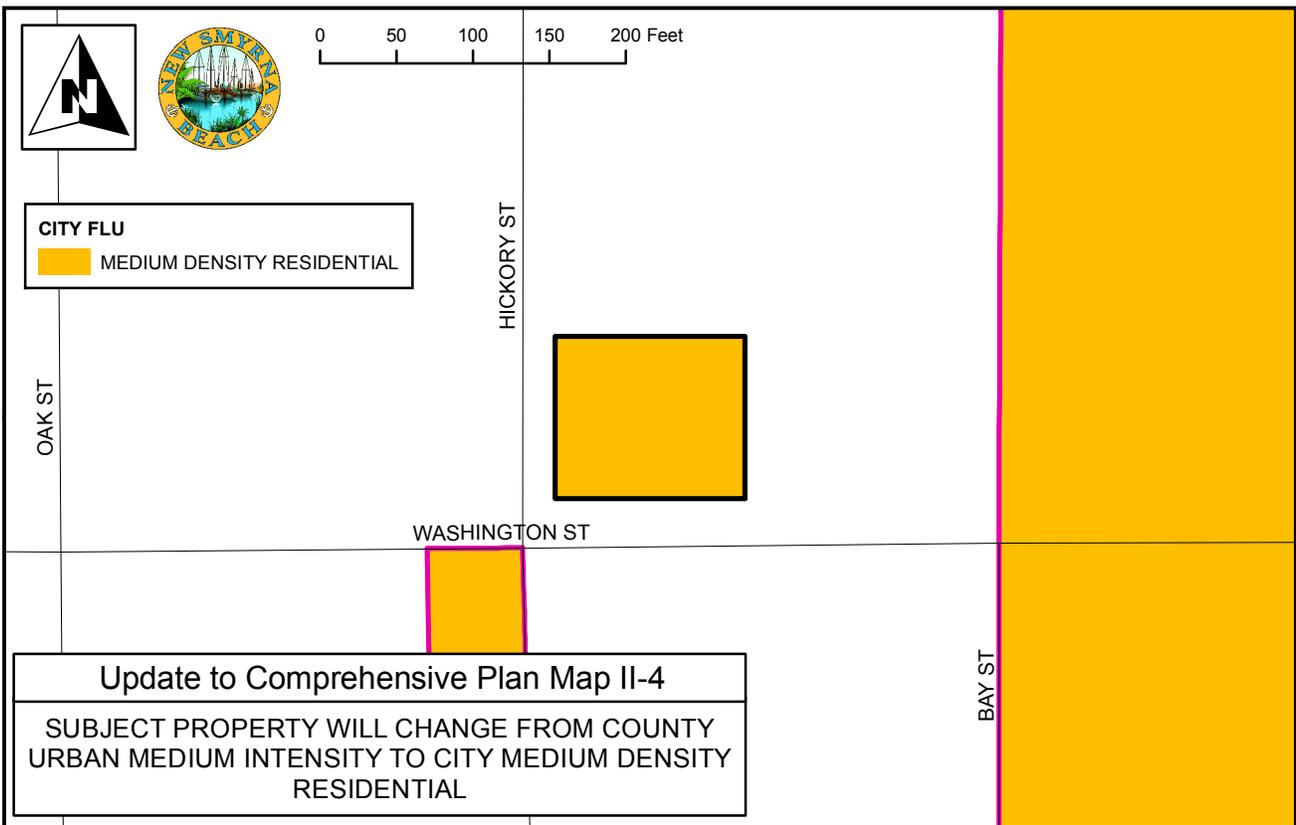
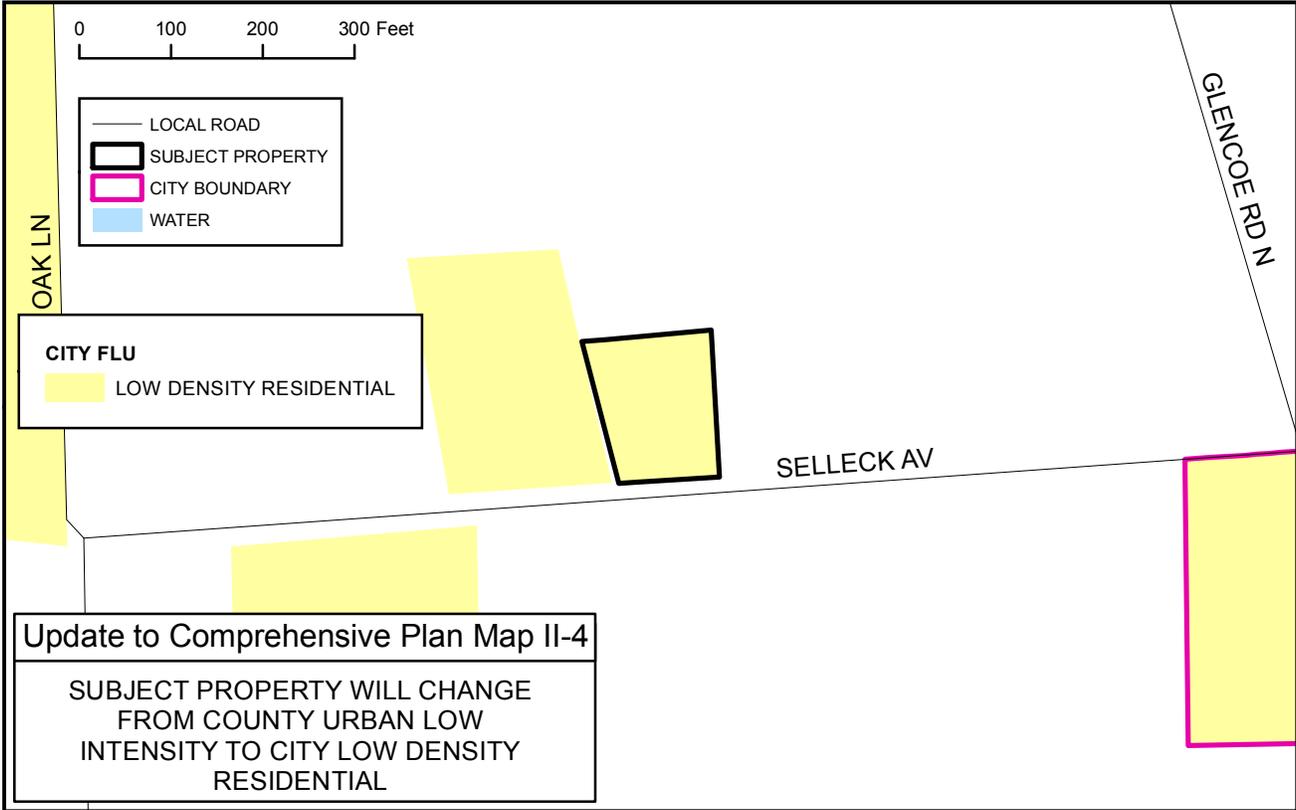
This use is appropriate where a more suburban development pattern exists or is desired and where urban services are to be kept to a minimum.

## MEDIUM-DENSITY RESIDENTIAL

Maximum allowed density: 5.01 to eight [8] dwelling units per acre

Intent: This use is intended to provide a buffer between low-density residential uses and more intense uses, such as a high-density residential or commercial. It is also suitable at major intersections when adequate buffering from highway can be provided.

# PROPOSED FUTURE LAND USE DESIGNATIONS A-12-16



Attachment: A-12-16 Exhibit I Proposed FLU Map (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

## R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT

**Intent.** The R-2, Single-Family Residential District is intended to be a single-family residential district for low population densities. Existing development and usage has resulted which is being preserved in order to stabilize the neighborhood. The nature of the residential use of the property throughout the district will enhance the prospects for orderly future residential development.

### ***Permitted uses.***

Playfields

Playgrounds

Public parks

Recreation buildings and complexes for exclusive use by residents and guests in a residential development

Single-family dwelling units

### ***Permitted accessory uses.***

Garages

Gazebos

Incidental uses

Permitted home occupations

Storage sheds

Swimming pools, private, provided a principal structure exists and the pool is located behind the front plane of the principal structure. Corner lots will be considered to have two front planes, one on each street. If a structure is not constructed squarely on a parcel, the swimming pool must be located at or behind the most restrictive front plane of the principal structure.

Uses customarily associated with the permitted principal uses

### ***Special exceptions.***

Facilities owned and/or operated by federal, state, county or municipal government except country clubs and golf courses

Schools and churches provided all structures are located at least 35 feet from all side or rear property lines and off-street parking areas abutting residential property are screened by a buffer meeting the requirements of this LDR.

Child day care on church property, subject to the following additional conditions:

- (1) The church property shall be located on and be accessible by an arterial or collector roadway.
- (2) Play areas shall be fenced and landscaped. The landscaping shall have a vegetative hedge that will reach six feet in height within two years that is planted a minimum of three feet on center.
- (3) Play areas shall be located within all applicable setback dimensions.
- (4) The church property shall have a vehicular drop off and pickup area with a minimum [of] 100 feet of drive lane outside of the public right-of-way, or sufficient parking area to provide enough space to fit the required parking and provided space for drop off and pick up.

***Dimensional requirements.***

***Minimum lot size.***

Area: 8,625 square feet

Depth: 115 feet

Width: 75 feet

***Minimum yard size.***

Front yard: 30 feet or as required per [sub] section 504.01M. of this LDR

Rear yard: 7.5 feet

Side yard: 7.5 feet

**Maximum building coverage.** The total area covered with buildings on any lot shall not exceed 40 percent of the total lot area.

**Screen enclosures.** As an exception to the maximum building coverage provision any parcel may be allowed an additional ten percent building coverage for only a screen pool enclosure if the following conditions are met:

1. A screen pool enclosure shall only cover the swimming pool and surrounding pool deck and shall have a roof and walls consisting entirely of screening; and
2. There shall be no variances granted to exceed the maximum building coverage or additional coverage allowed for screen enclosures.

**Maximum impervious lot coverage.** The total area of the lot that may be covered with impervious material is 60 percent.

**Maximum principal building height.** 35 feet; three stories.

**Minimum floor area requirements.** 750 square feet of livable area for one and two-bedroom dwelling units; 1,200 square feet of livable area for a three-bedroom dwelling unit; and 1,300 square feet of livable area for a four-bedroom dwelling unit.

**Corner lots.**

- (1) Parcels which front on two streets shall provide a 30-foot front yard on one street frontage and a 15-foot half depth front yard on the other street, or as required per [sub]section 504.01M. of this LDR.
- (2) Parcels fronting on three streets shall provide two 30-foot front yards and a 15-foot half depth front yard on the remaining street or as required per [sub]section 504.01M. of this LDR.

**Driveway access.** The minimum driveway length shall be 20 feet (excluding [that] portion of a driveway within the public right-of-way).

**Through lots.** Through lots shall provide a 30-foot front yard on each street, or as required per [sub] section 504.01M. of this LDR.

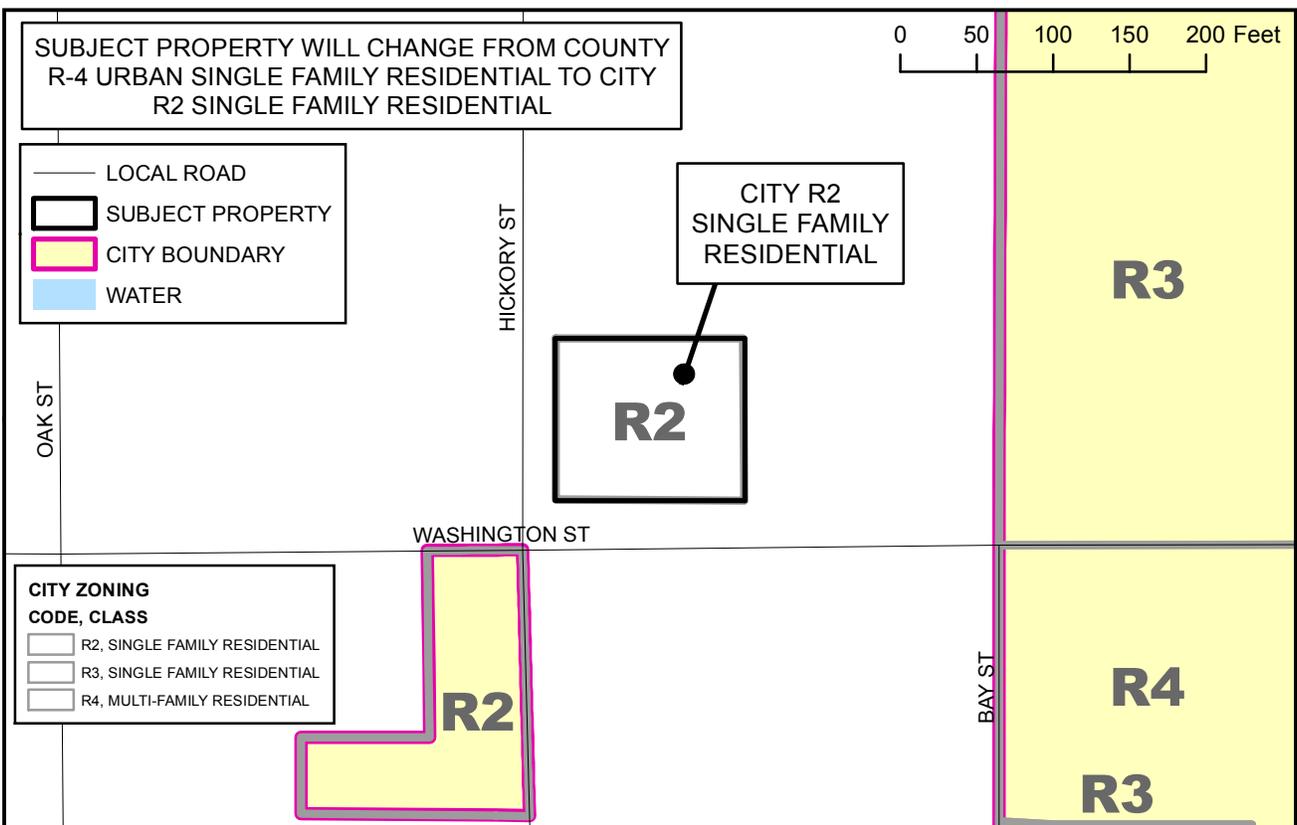
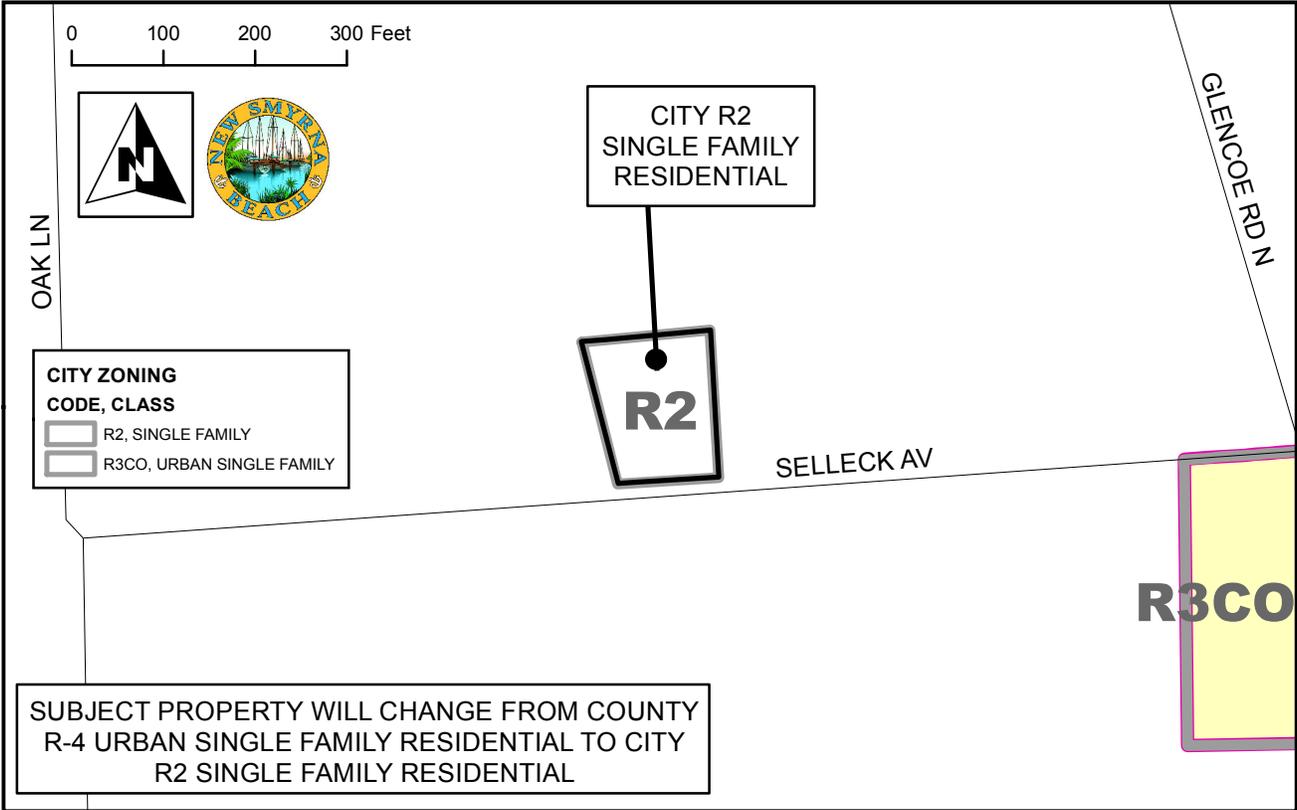
**Atypical lots.** Visibility triangles shall be established at the rear corners of an atypical lot. The visibility triangles shall be those areas formed by a line connecting the points 30 feet from the intersection of the side and rear lot line along the side lot line and 30 feet from the intersection of the side and rear lot line along the rear lot line; no principal or accessory structure having a height over four feet, except for incidental uses, shall protrude into the area of a visibility triangle.

**Building projections.** There shall be no building projections into any required yard except for eaves with a maximum projection of 42 inches, but no closer than five feet to a property line; and those structures allowed in [sub] section 804.03.

**Visibility at intersections.** Visibility at intersections shall be provided as required in this LDR.

# PROPOSED ZONING

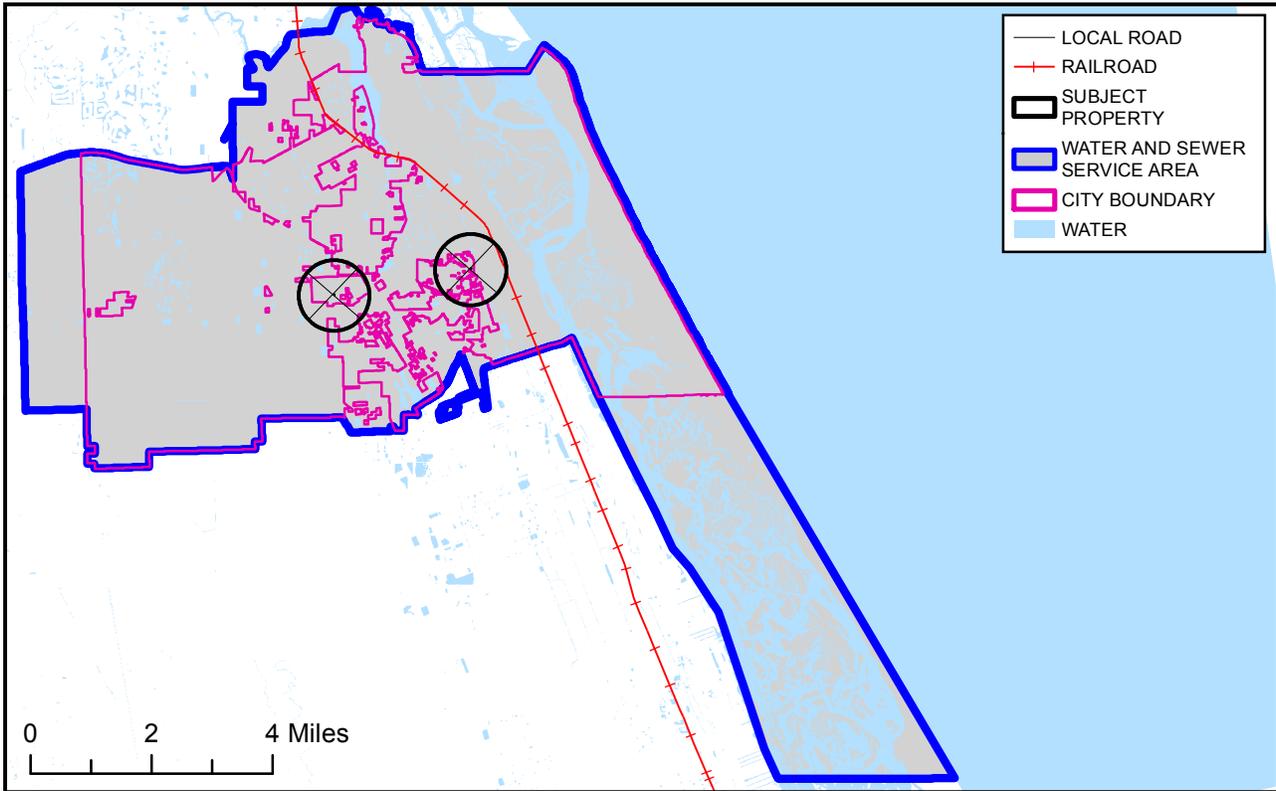
A-12-16



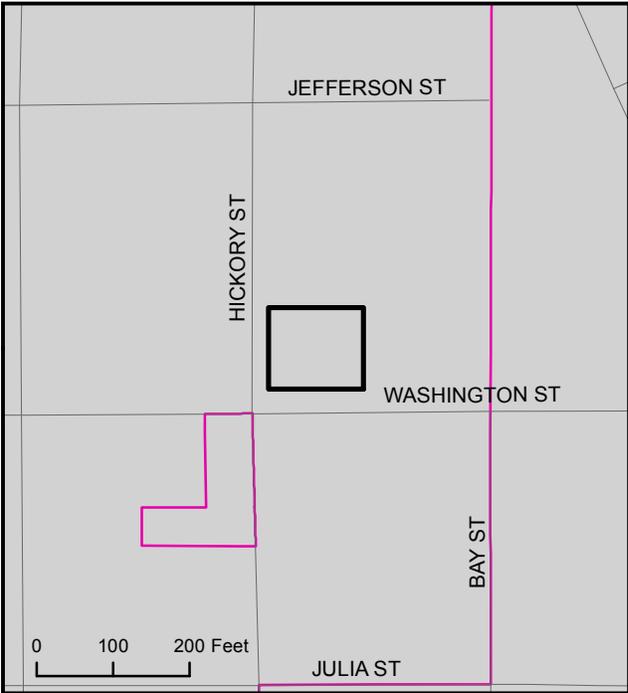
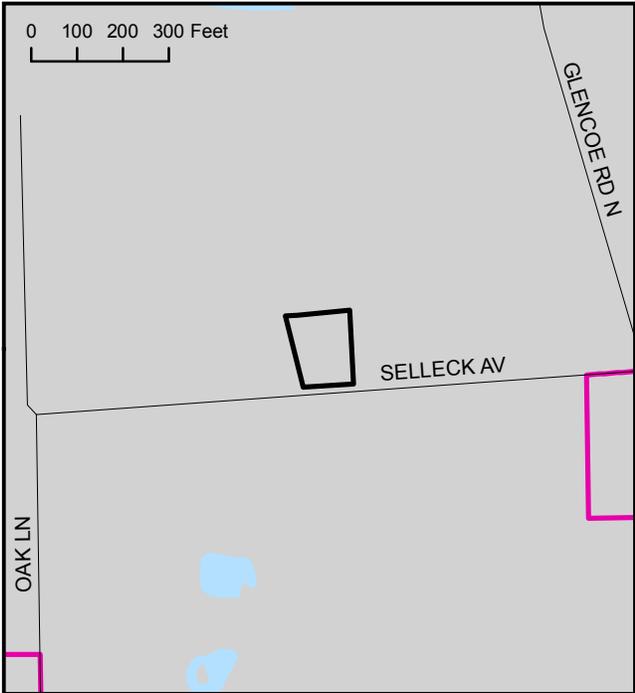
Attachment: A-12-16 Exhibit K Proposed Zoning (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# WATER AND SEWER SERVICE AREA

A-12-16



- LOCAL ROAD
- + RAILROAD
- ◻ SUBJECT PROPERTY
- WATER AND SEWER SERVICE AREA
- CITY BOUNDARY
- WATER



Update to Comprehensive Plan Map VII-1

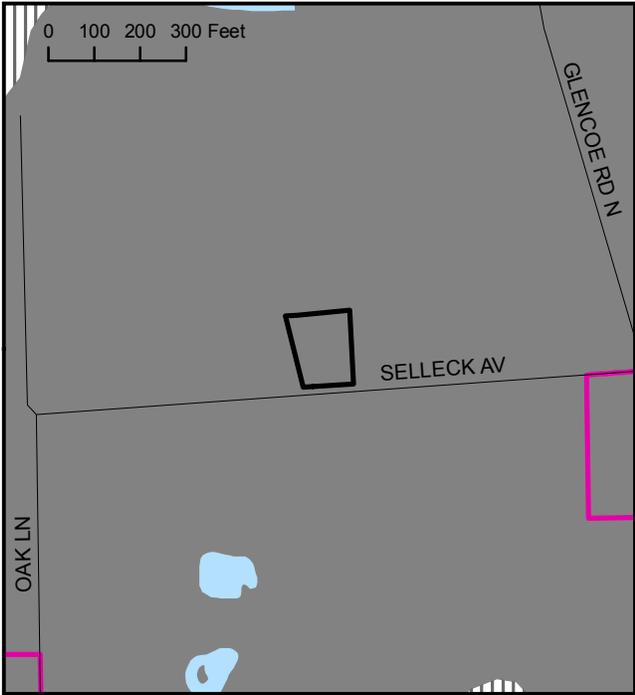
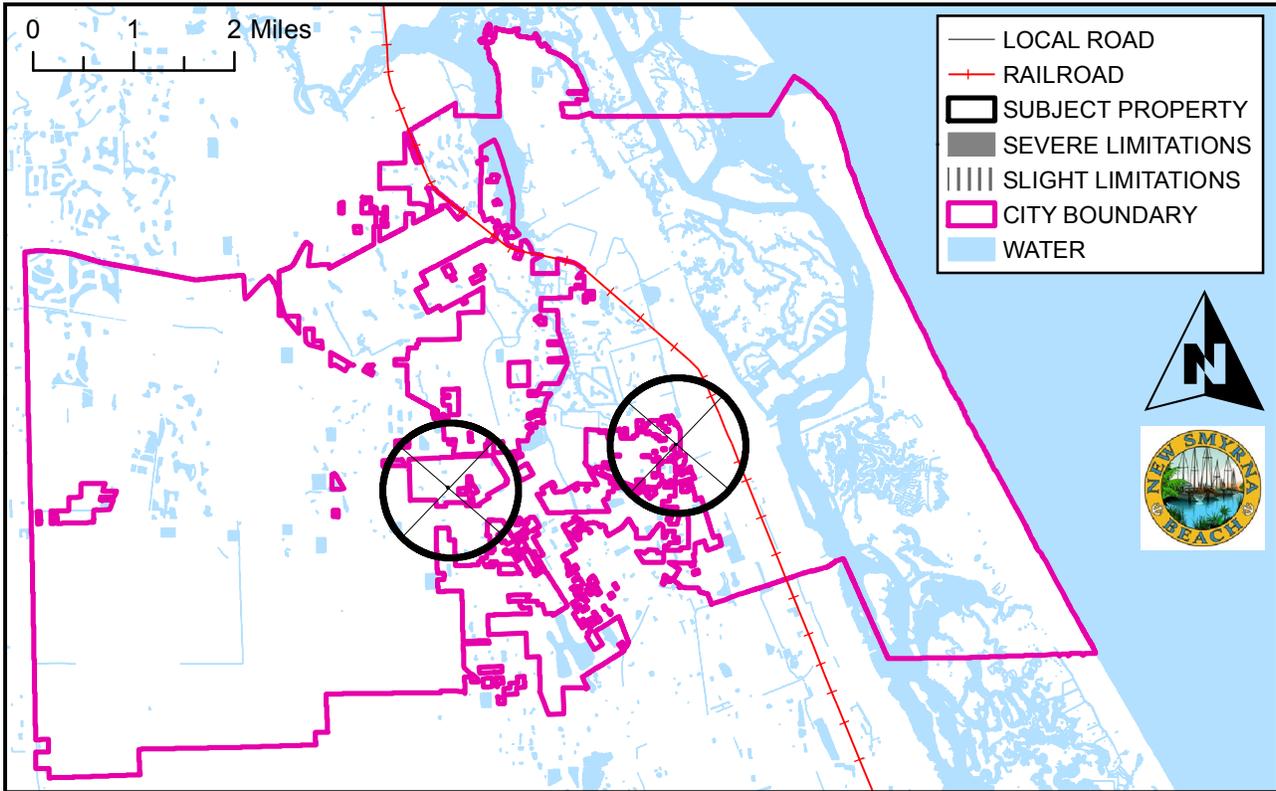
SUBJECT PROPERTIES ARE WITHIN THE CITY AND INSIDE THE NSB WATER AND SEWER SERVICE AREA



Attachment: A-12-16 Exhibit L Water and Sewer Service Area (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

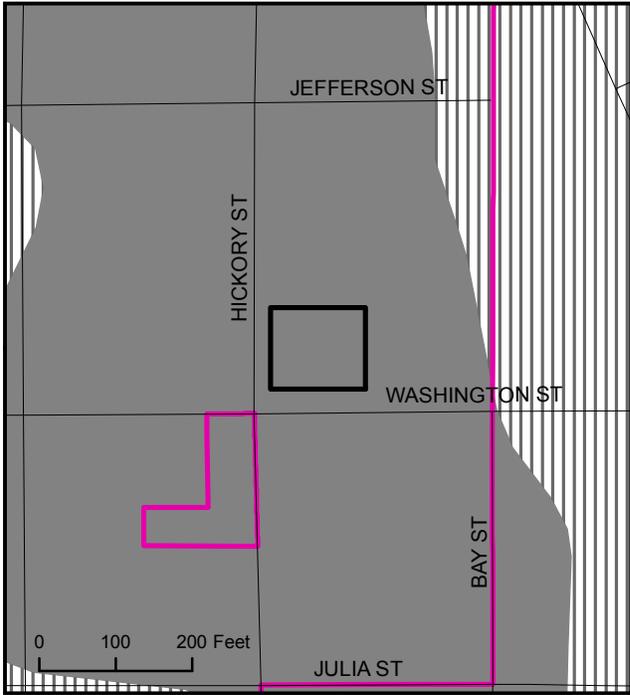
# SOIL LIMITATION FOR SEPTIC SYSTEMS

A-12-16



Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SEVERE LIMITATIONS

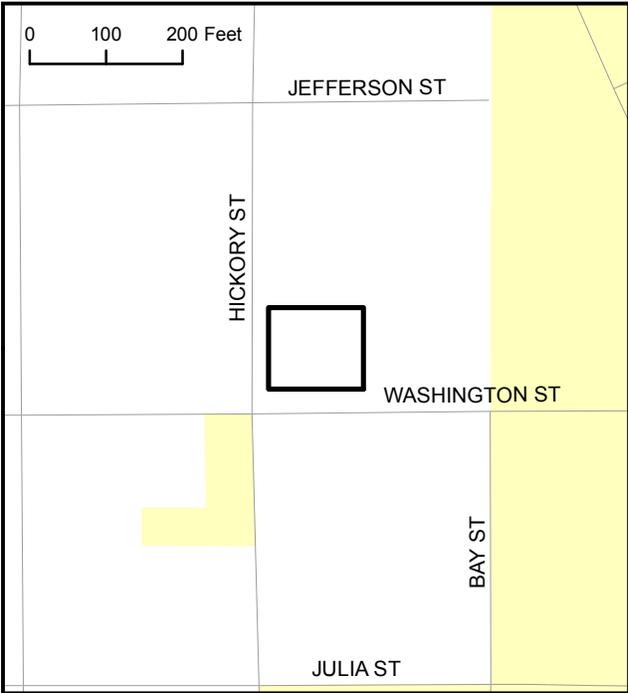
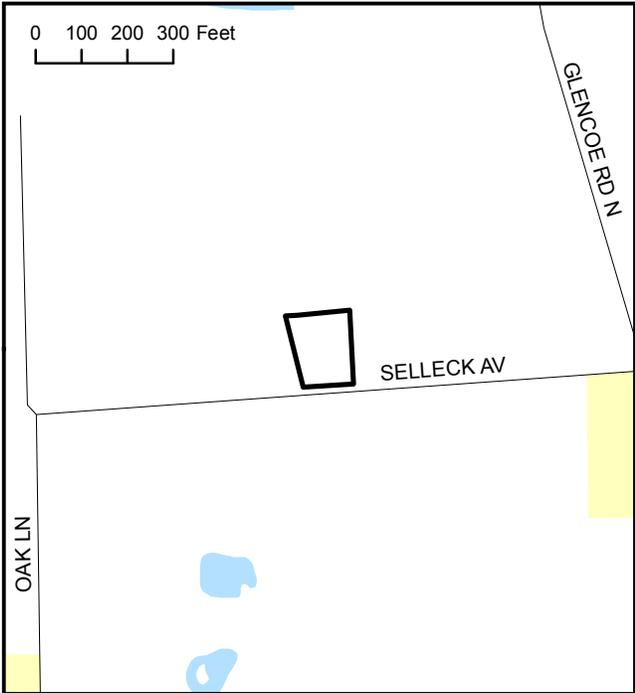
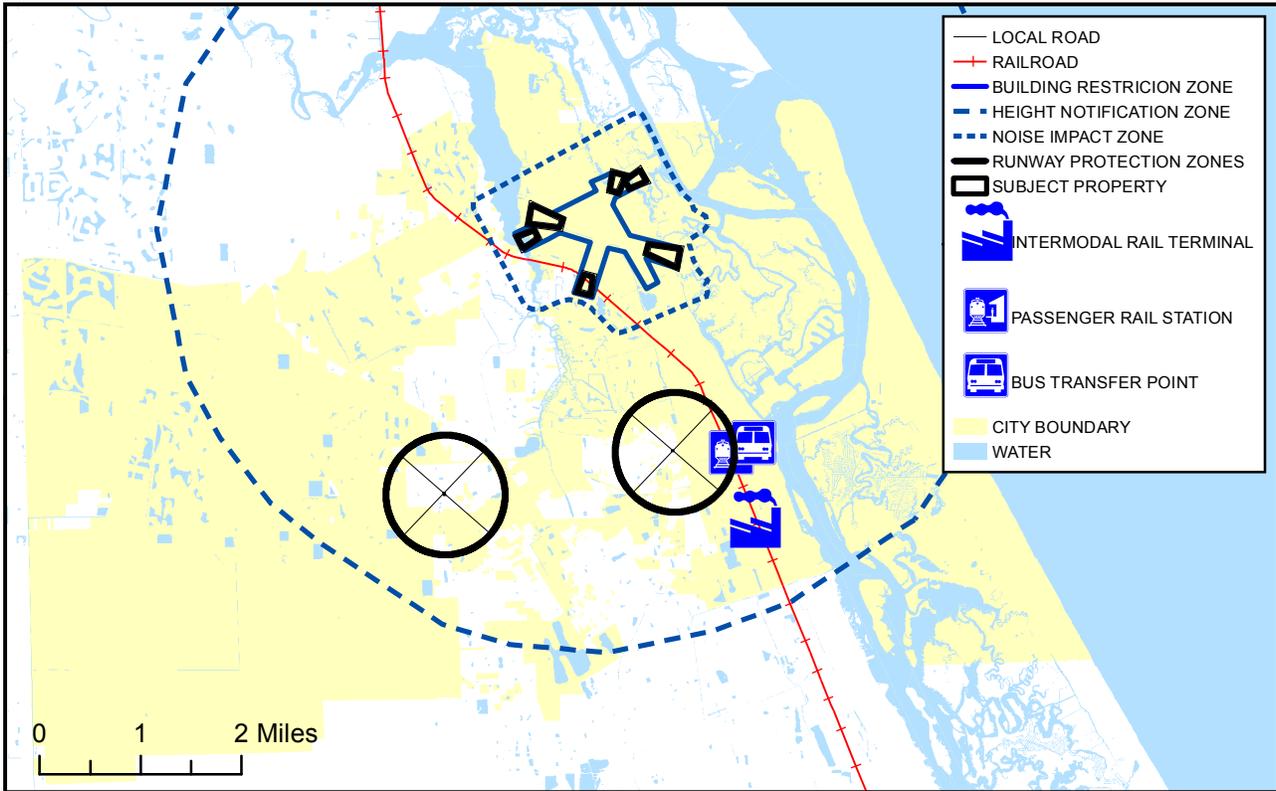


Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SEVERE LIMITATIONS

# AIRPORT RUNWAY PROTECTION ZONES

A-12-16



Update to Comprehensive Plan Map III-5

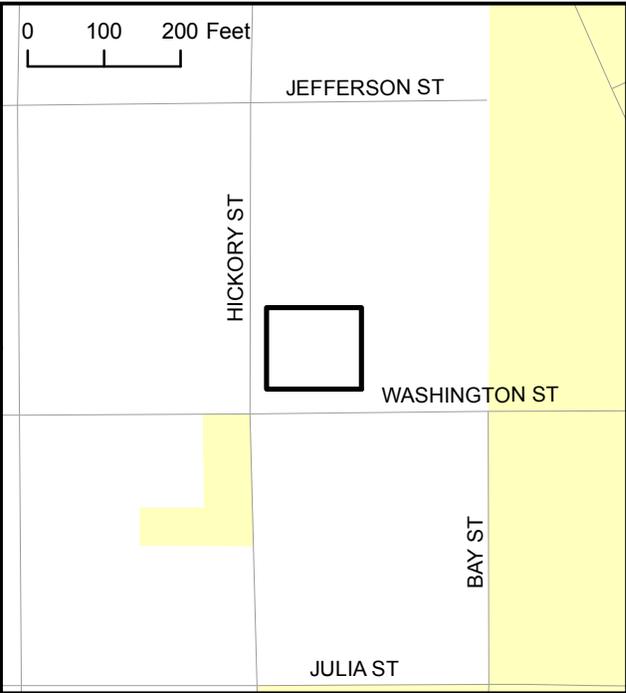
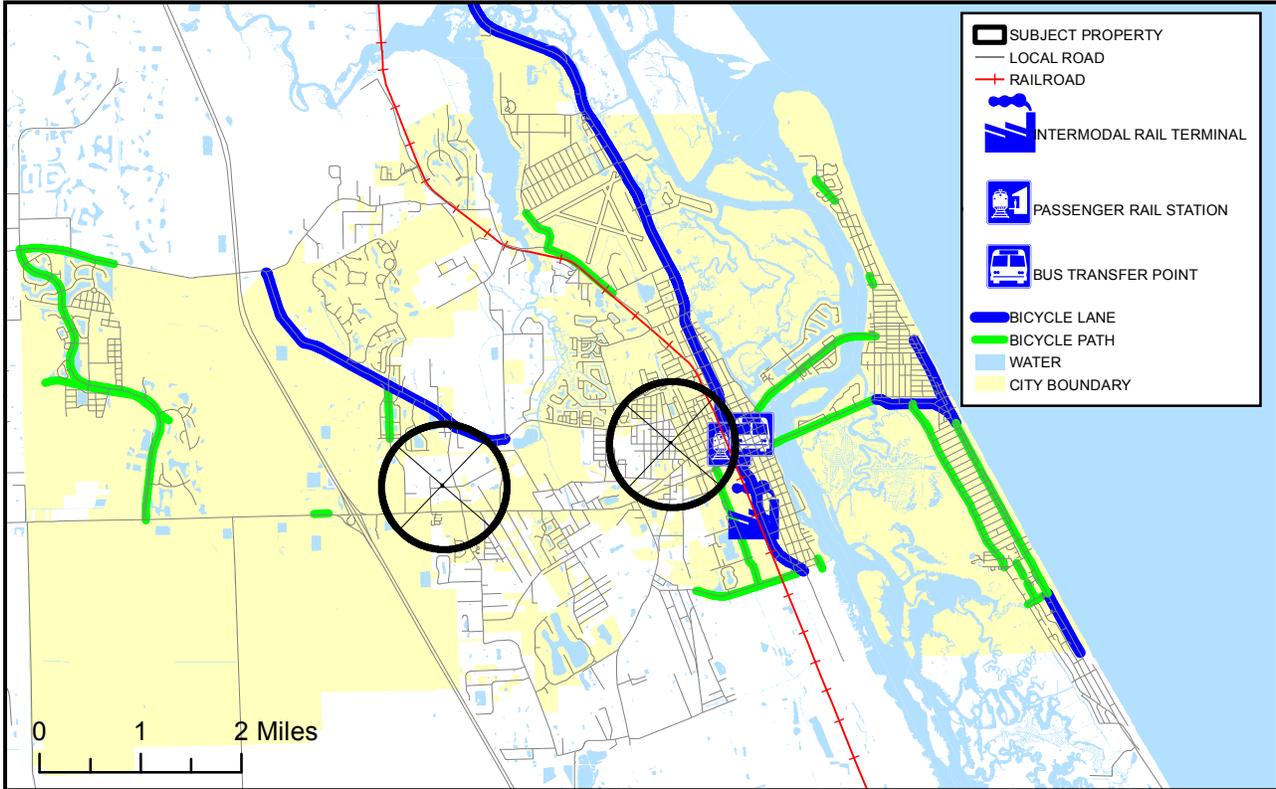


SUBJECT PROPERTIES ARE WITHIN THE HEIGHT NOTIFICATION ZONE. THEY ARE NOT WITHIN THE NOISE IMPACT ZONE, THE BUILDING RESTRICTION ZONE, OR THE RUNWAY PROTECTION ZONE.



# BICYCLE AND PEDESTRIAN FACILITIES

A-12-16



Update to Comprehensive Plan Map III-4



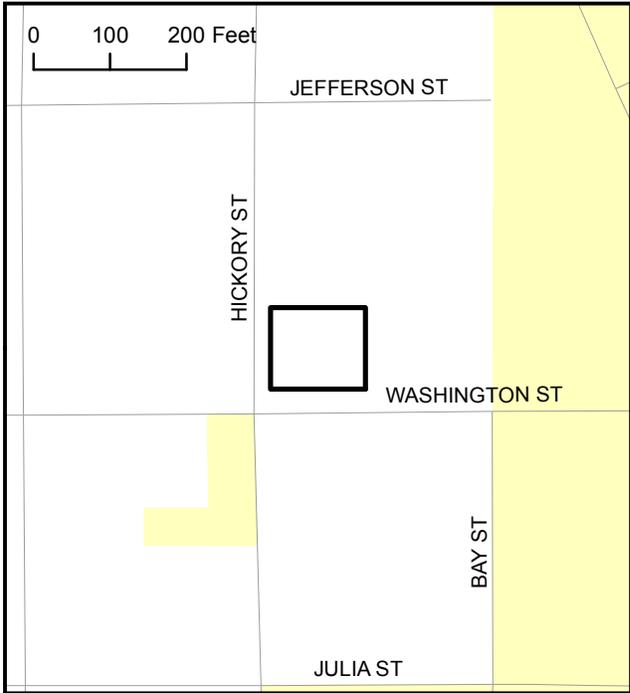
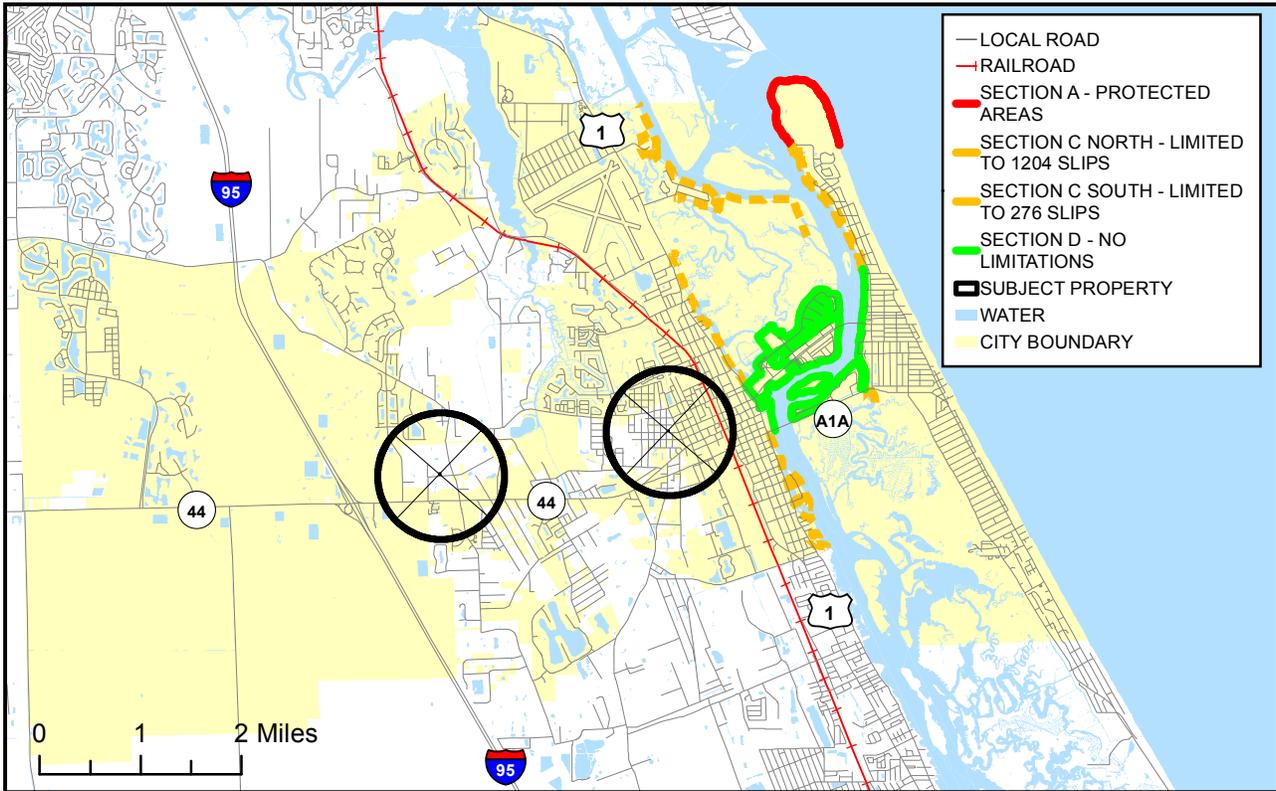
SUBJECT PROPERTIES ARE SERVED BY BICYCLE AND PEDESTRIAN FACILITIES LOCATED THROUGHOUT THE CITY



Attachment: A-12-16 Exhibit O Bicycle and Pedestrian Facilities (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# BOAT SLIP SITING

A-12-16



Update to Comprehensive Plan Map VIII-2

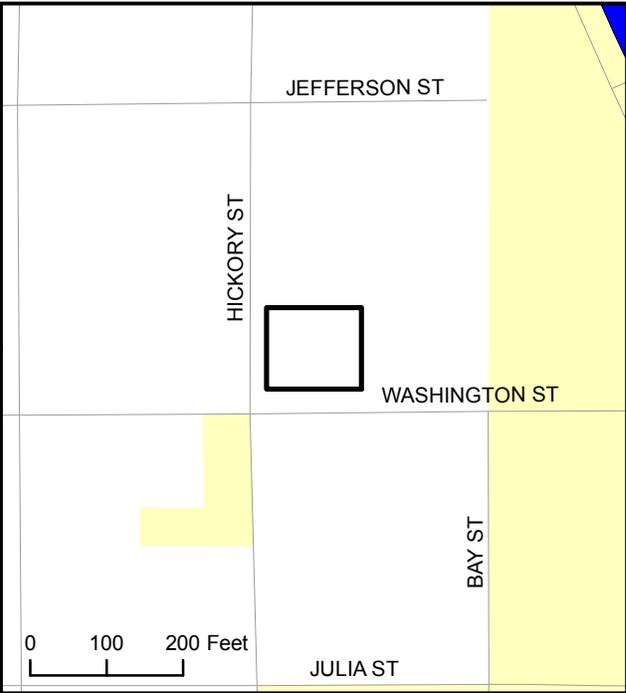
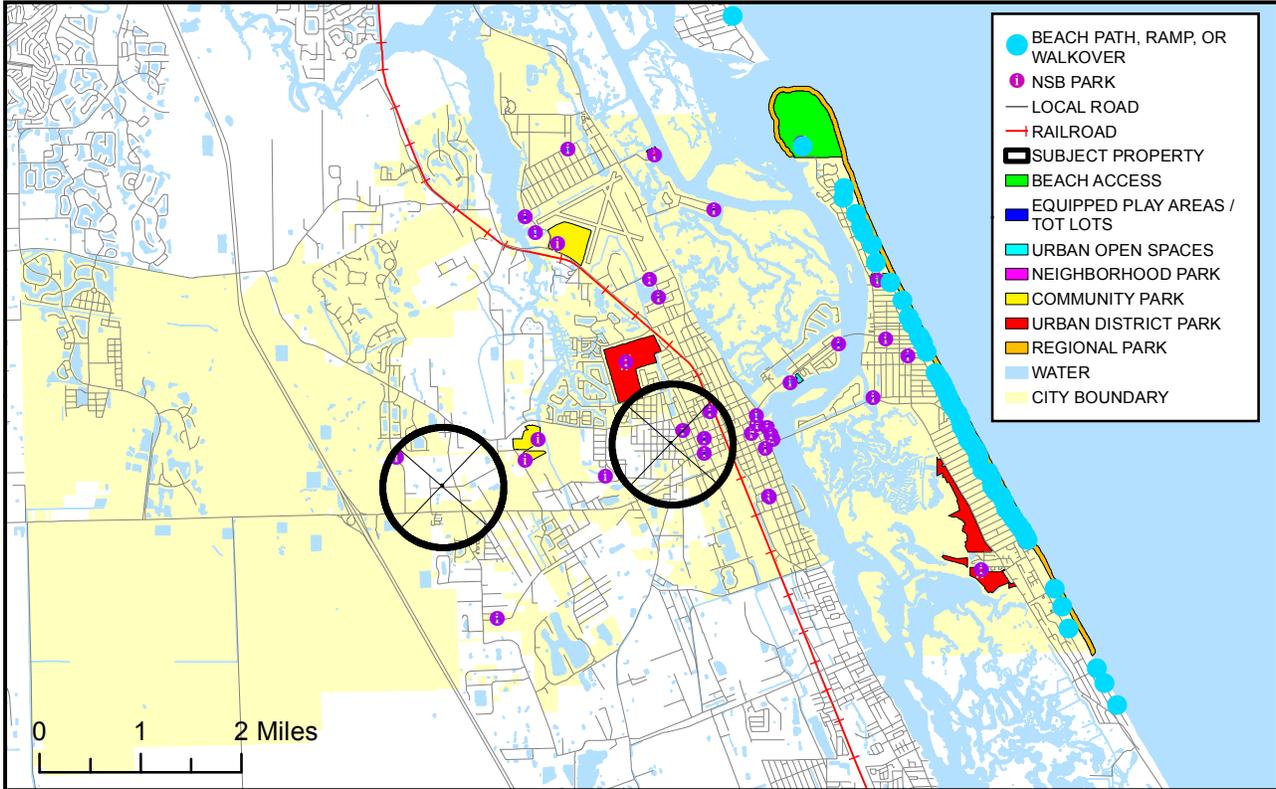
SUBJECT PROPERTIES ARE NOT LOCATED WITHIN A BOAT SLIP SITING RESTRICTED ZONE



Attachment: A-12-16 Exhibit P Boat Slip Siting (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# CITY PARKS

A-12-16



Update to Comprehensive Plan Map X-1

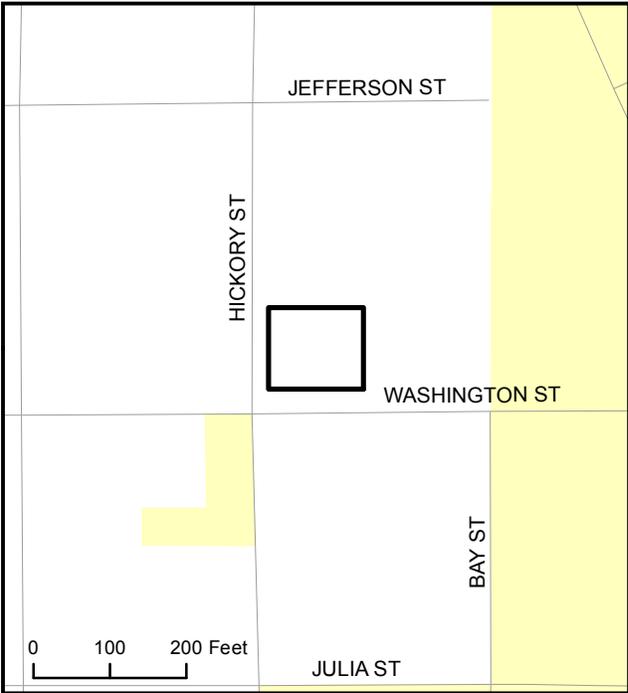
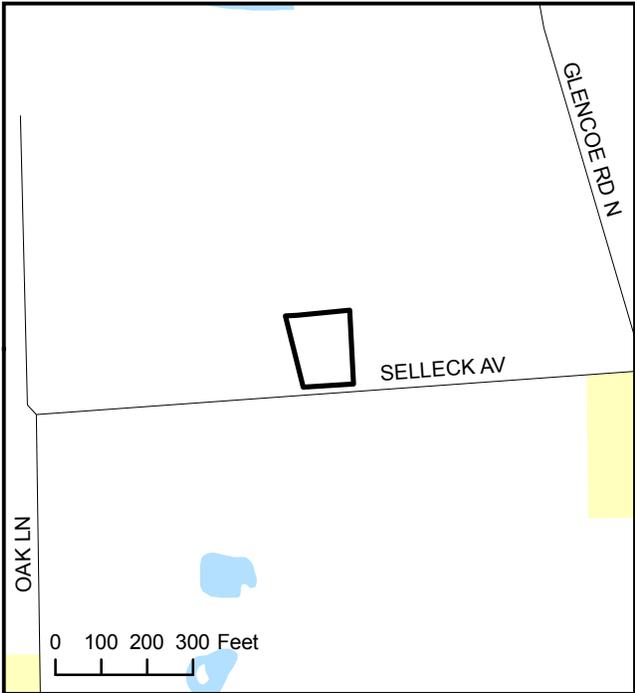
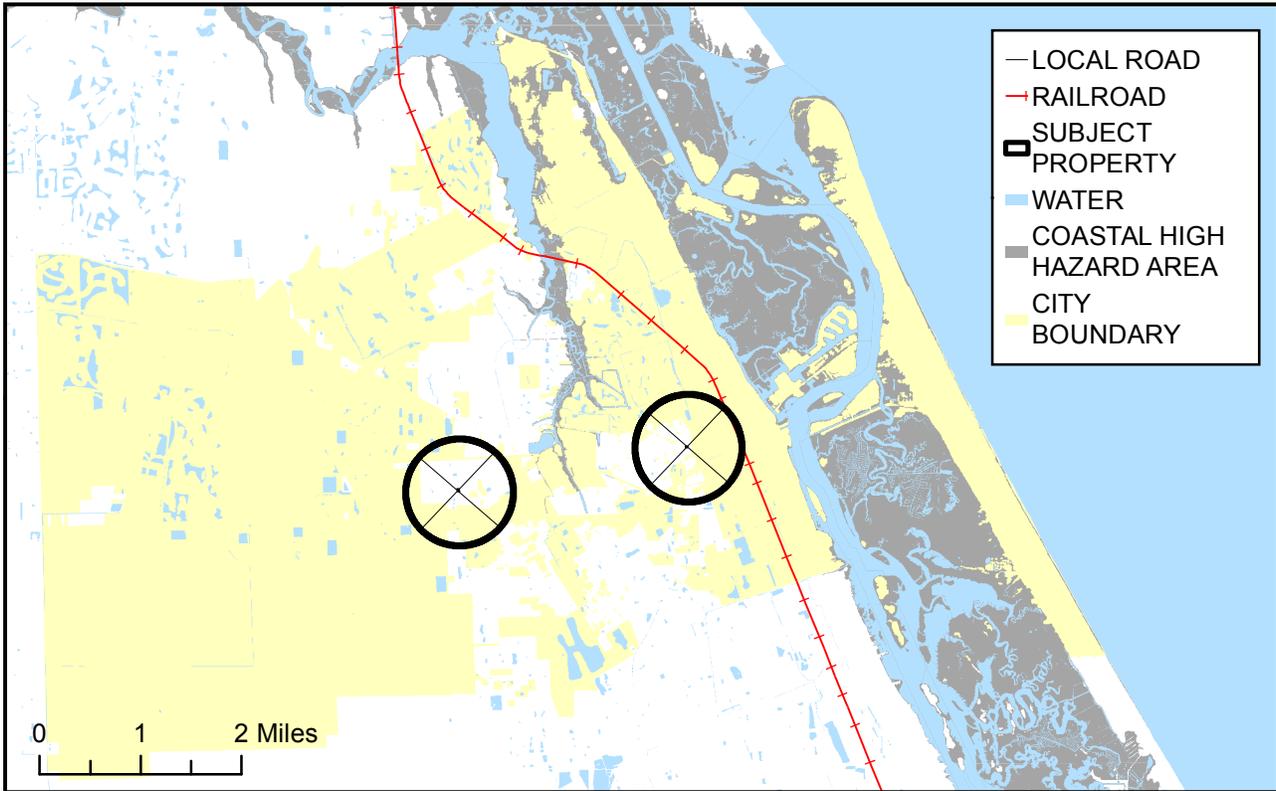
SUBJECT PROPERTIES ARE WITHIN THE CITY AND SERVED BY NEIGHBORHOOD AND COMMUNITY PARKS



Attachment: A-12-16 Exhibit Q City Parks (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# COASTAL HIGH HAZARD AREAS

A-12-16



Update to Comprehensive Plan Map VII-4

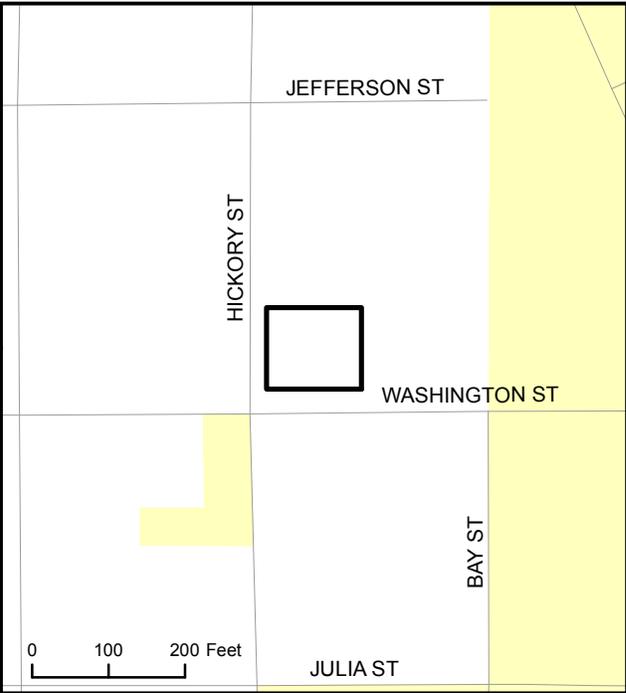
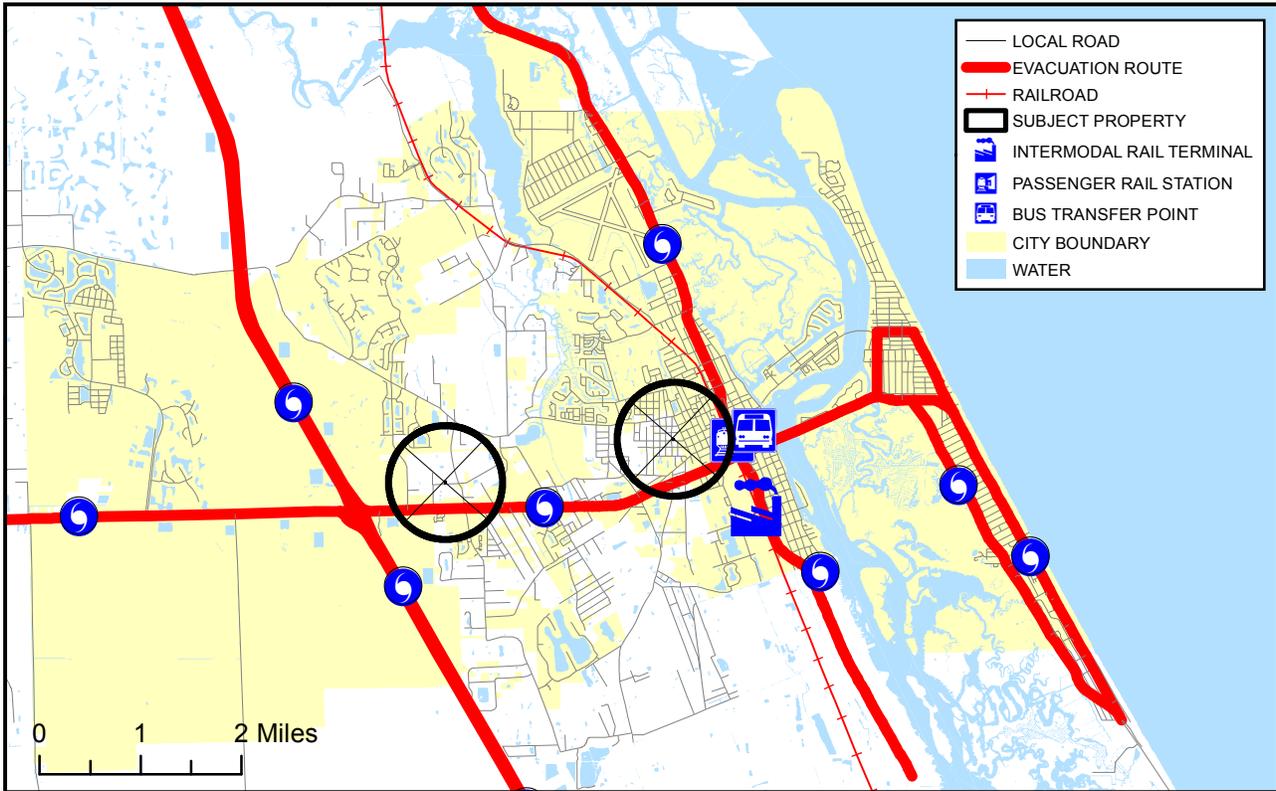
THE SUBJECT PROPERTIES ARE NOT WITHIN THE COASTAL HIGH HAZARD AREA.



Attachment: A-12-16 Exhibit R Coastal High Hazard Areas (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# EVACUATION ROUTES

A-12-16



Update to Comprehensive Plan Map III-6

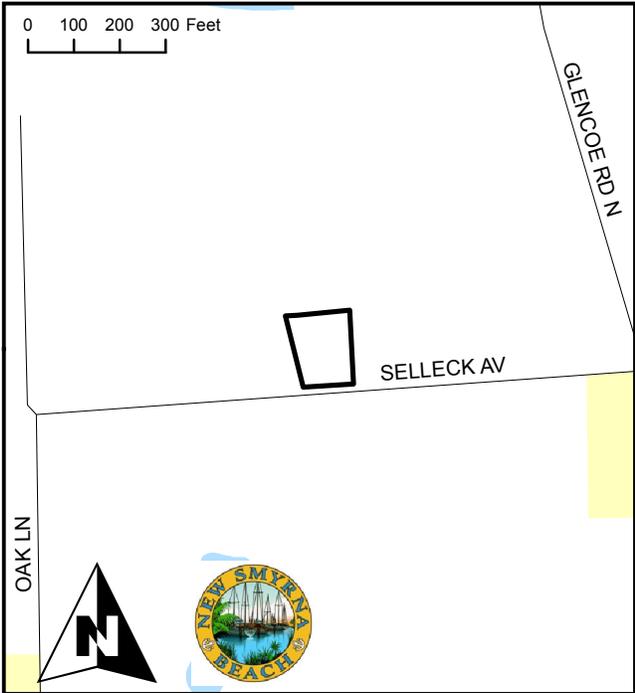
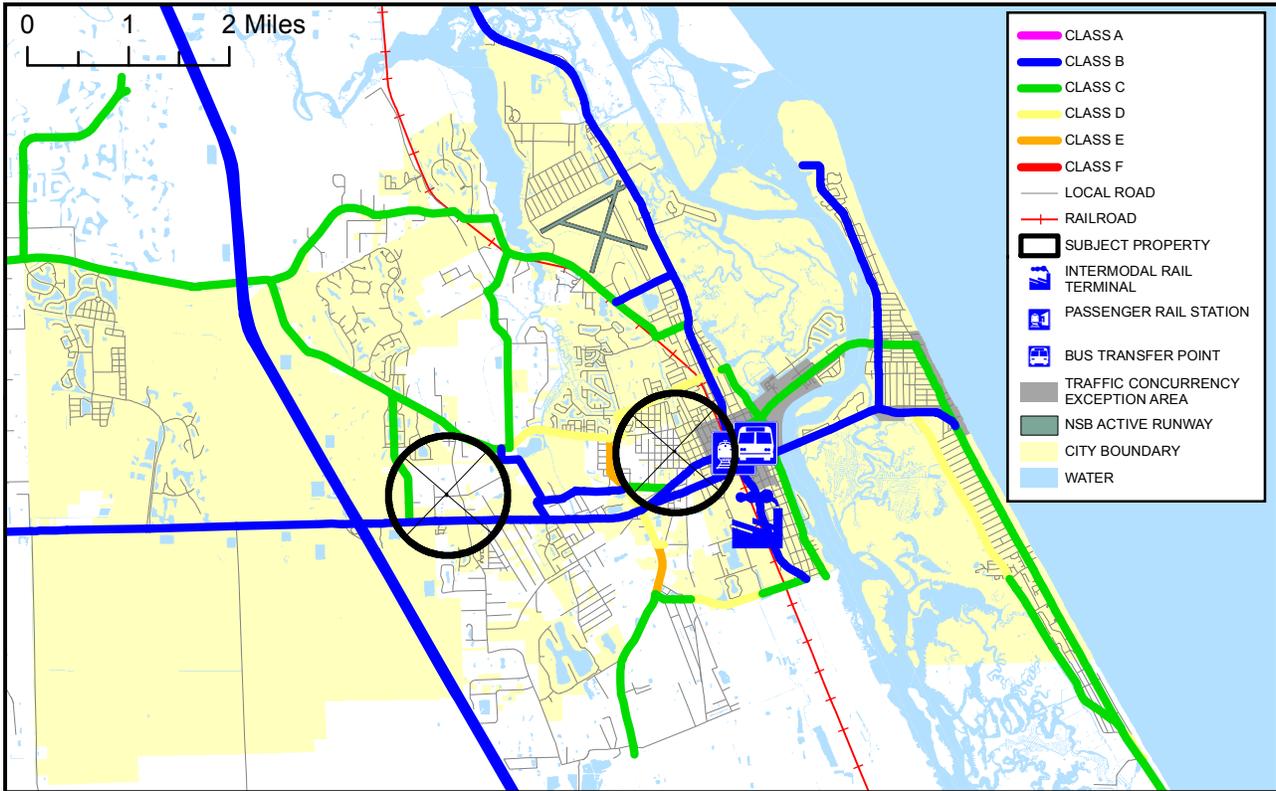
SUBJECT PROPERTIES ARE SERVED BY EVACUATION ROUTES LOCATED THROUGHOUT THE CITY



Attachment: A-12-16 Exhibit S Evacuation Routes (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

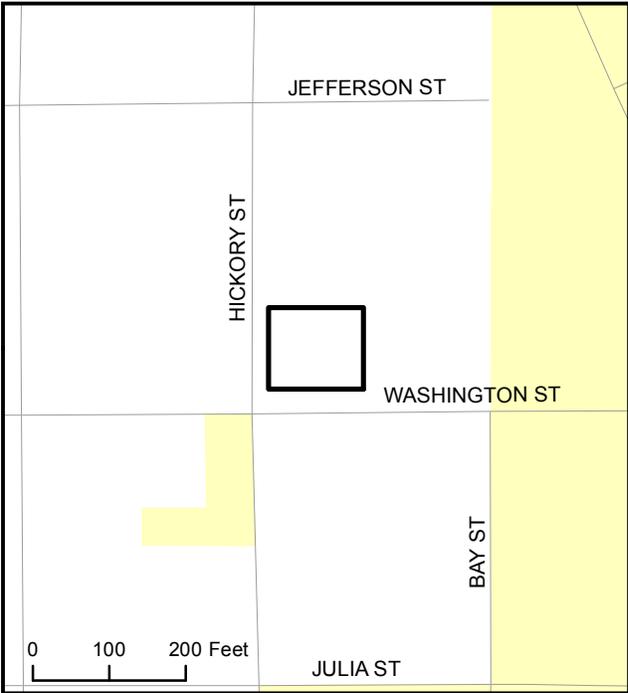
# EXISTING LEVEL OF SERVICE - 2009

A-12-16



Update to Comprehensive Plan Map III-1

SUBJECT PROPERTY IS SERVED BY A CLASS "B" LEVEL OF SERVICE ROADWAY ON THE SOUTH AND A LOCAL ROAD ON THE SOUTH



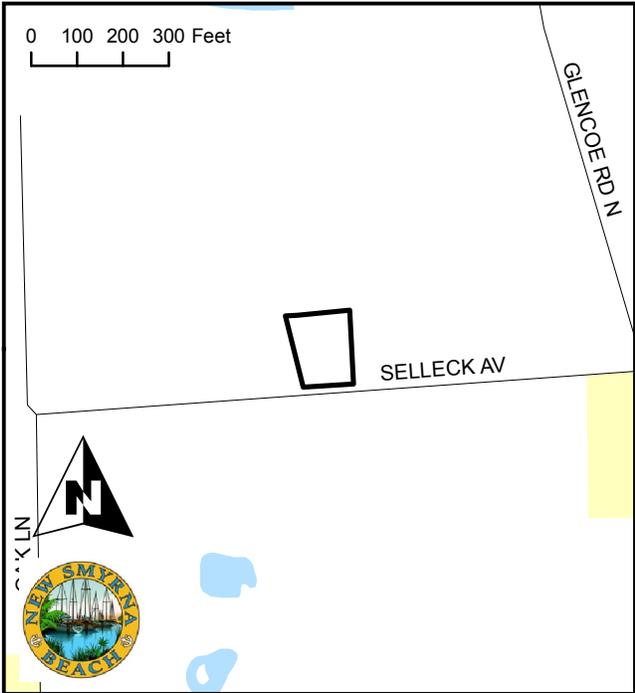
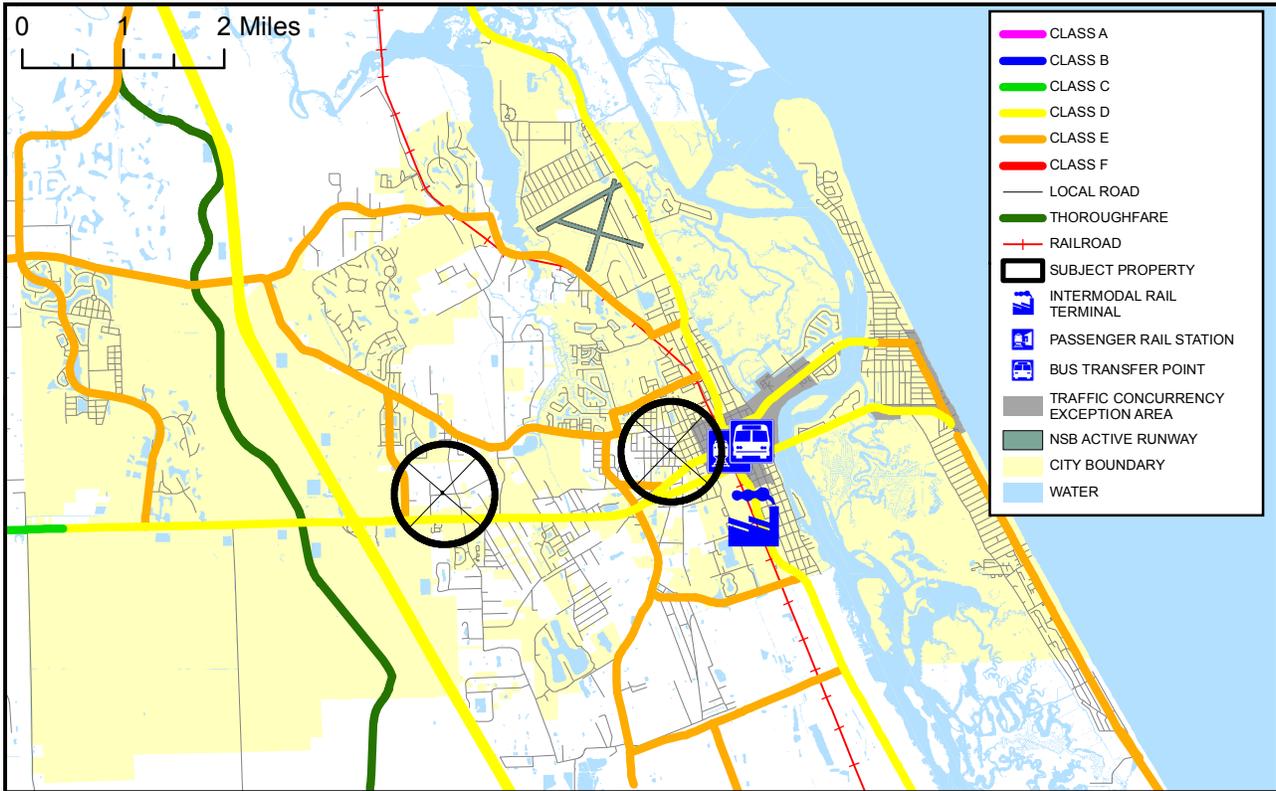
Update to Comprehensive Plan Map III-1

SUBJECT PROPERTY IS SERVED BY A CLASS "B" LEVEL OF SERVICE ROADWAY ON THE SOUTH AND A LOCAL ROAD ON THE WEST

Attachment: A-12-16 Exhibit T Existing Level of Service - 2009 (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

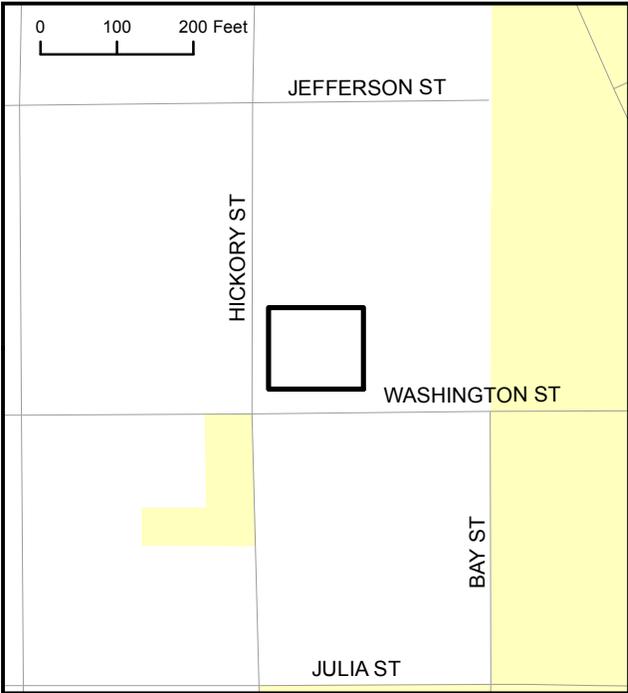
# LEVEL OF SERVICE - 2025

A-12-16



Update to Comprehensive Plan Map III-7

SUBJECT PROPERTY IS SERVED BY A CLASS "D" LEVEL OF SERVICE ROADWAY ON THE SOUTH AND A LOCAL ROAD ON THE SOUTH



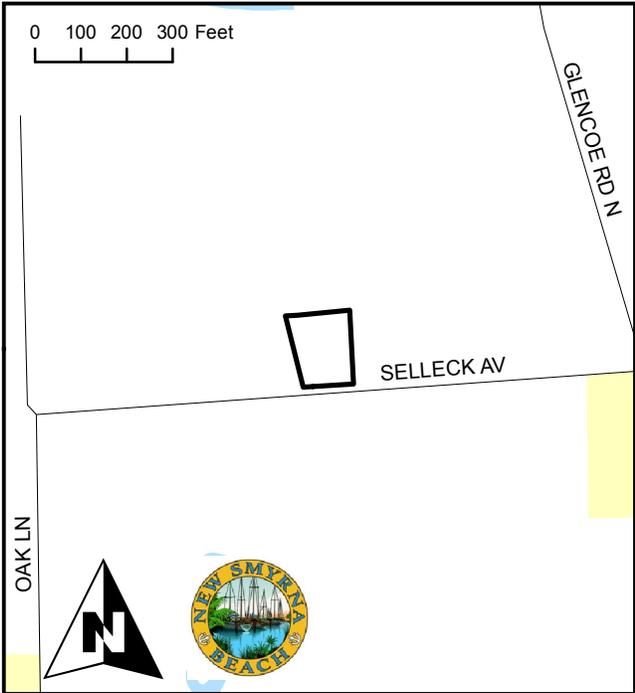
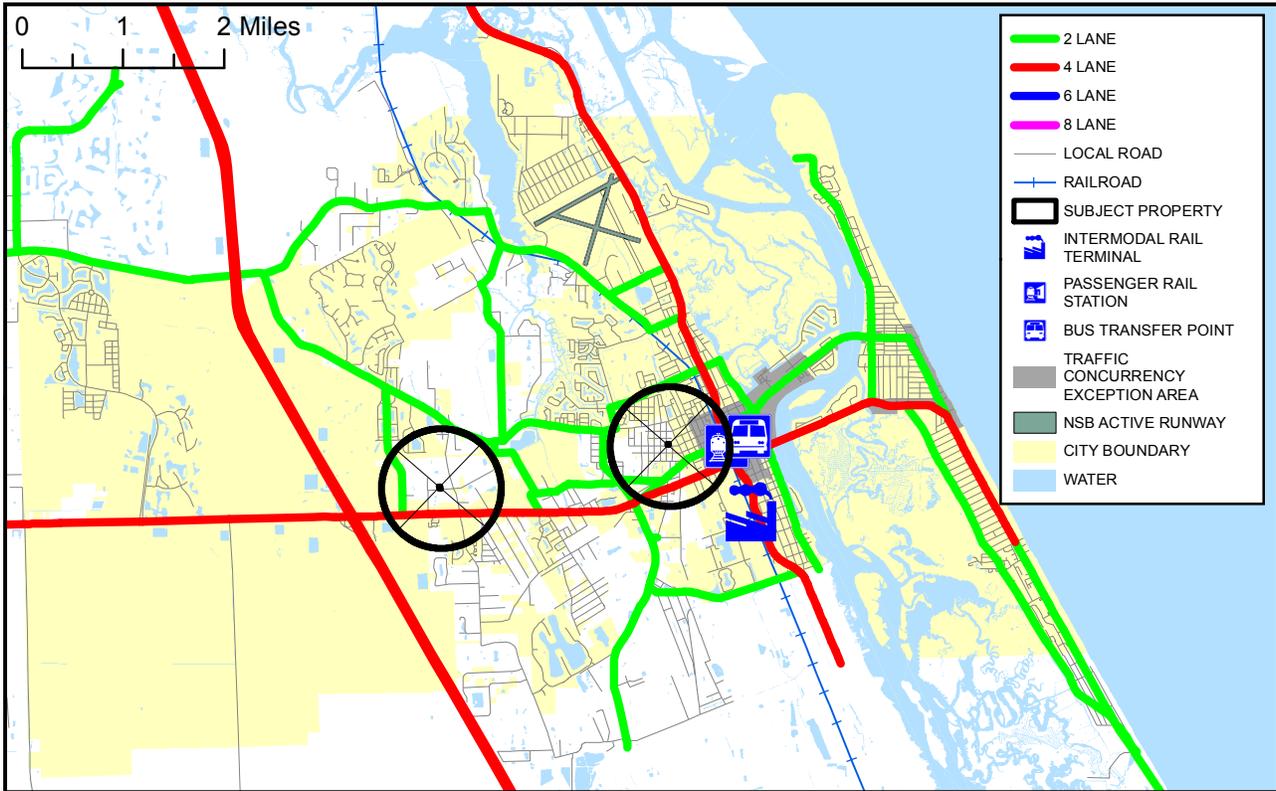
Update to Comprehensive Plan Map III-7

SUBJECT PROPERTY IS SERVED BY A CLASS "D" LEVEL OF SERVICE ROADWAY ON THE SOUTH AND A LOCAL ROAD ON THE WEST

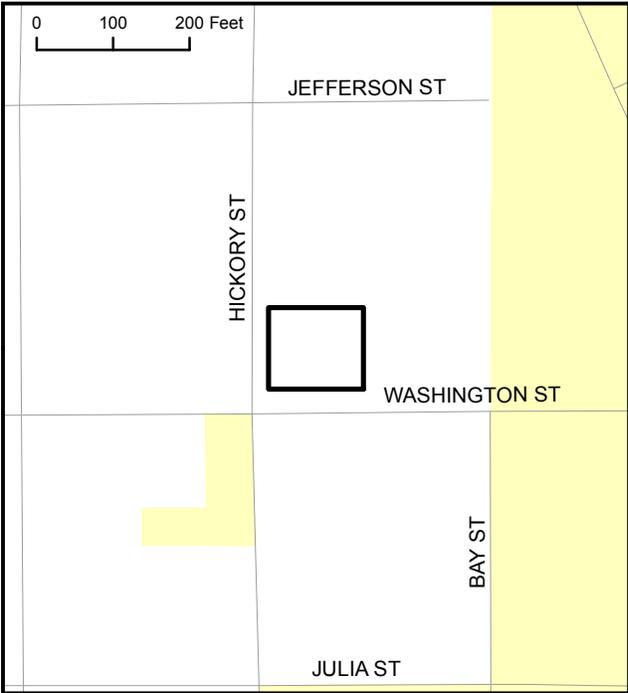
Attachment: A-12-16 Exhibit U Level of Service - 2025 (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# EXISTING TRAFFIC LANES - 2009

A-12-16



Update to Comprehensive Plan Map III-2  
 SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY ON THE SOUTH AND A LOCAL ROAD ON THE SOUTH

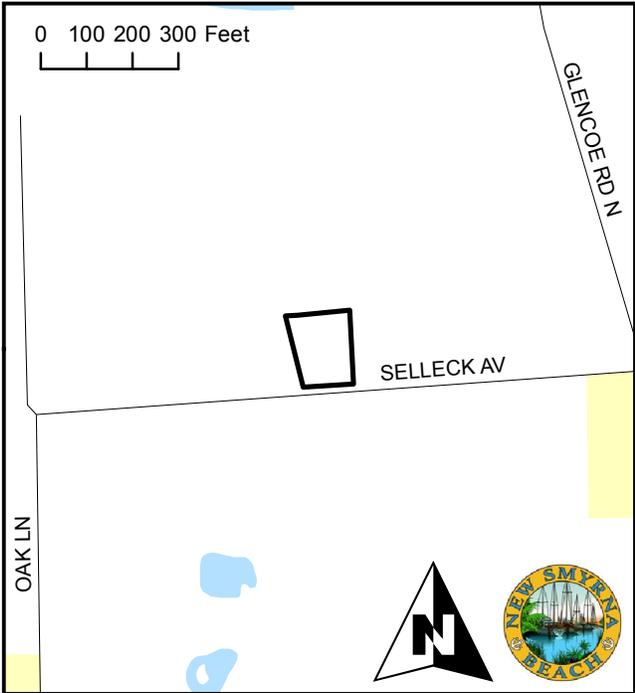
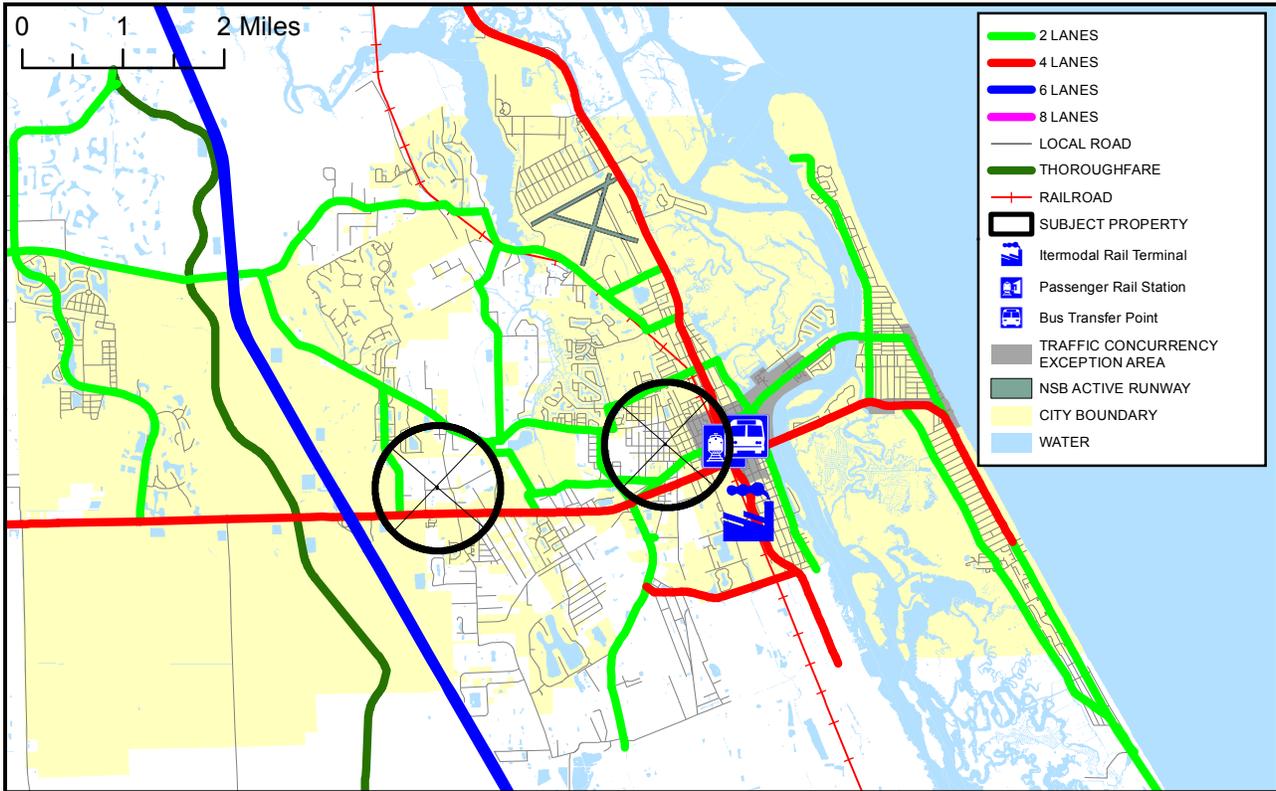


Update to Comprehensive Plan Map III-2  
 SUBJECT PROPERTY IS SERVED BY A 2 LANE ROADWAY ON THE SOUTH AND A LOCAL ROAD ON THE WEST

Attachment: A-12-16 Exhibit V Existing Traffic Lanes - 2009 (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

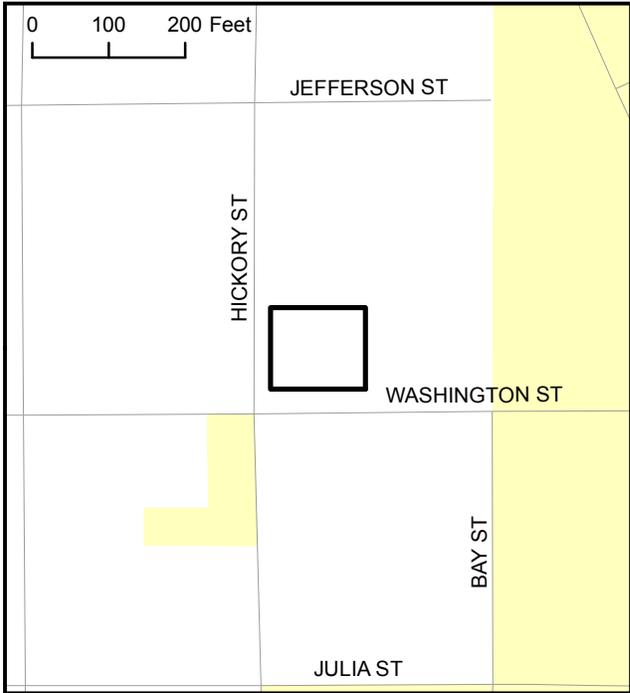
# NUMBER OF TRAFFIC LANES - 2025

A-12-16



Update to Comprehensive Plan Map III-8

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY ON THE SOUTH AND A LOCAL ROAD ON THE SOUTH

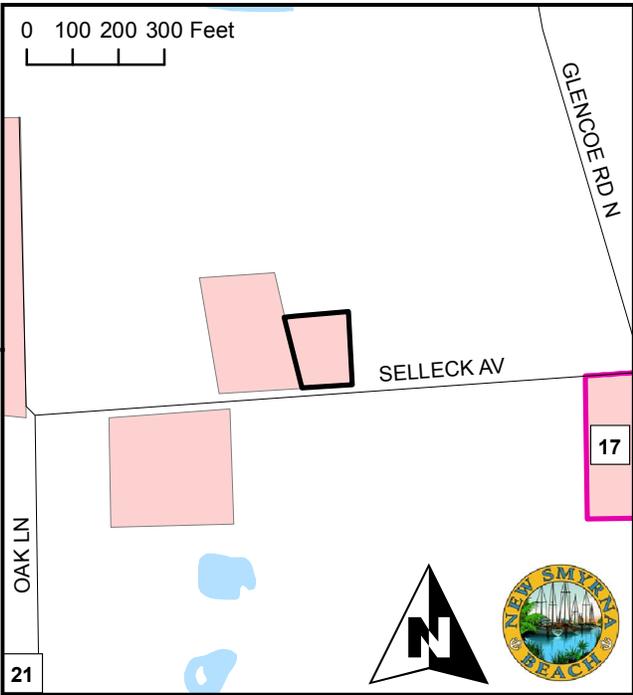
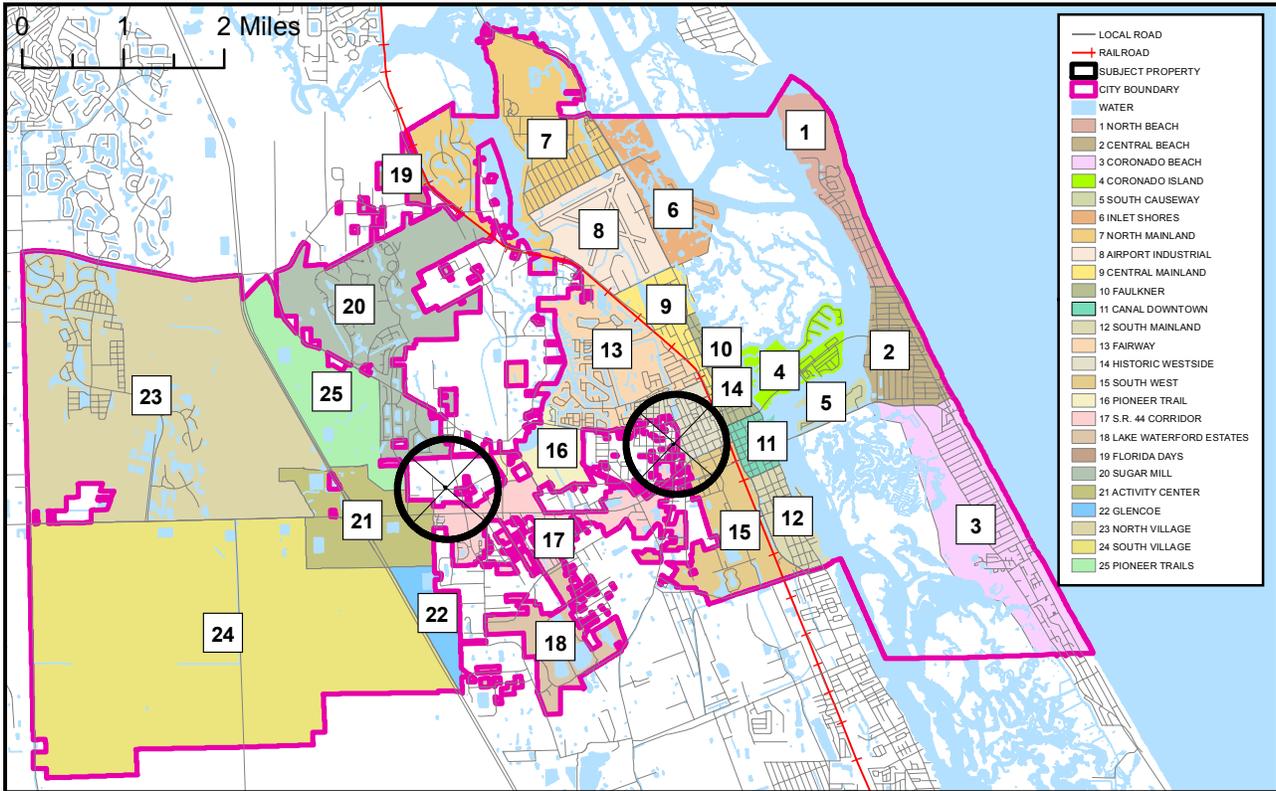


Update to Comprehensive Plan Map III-8

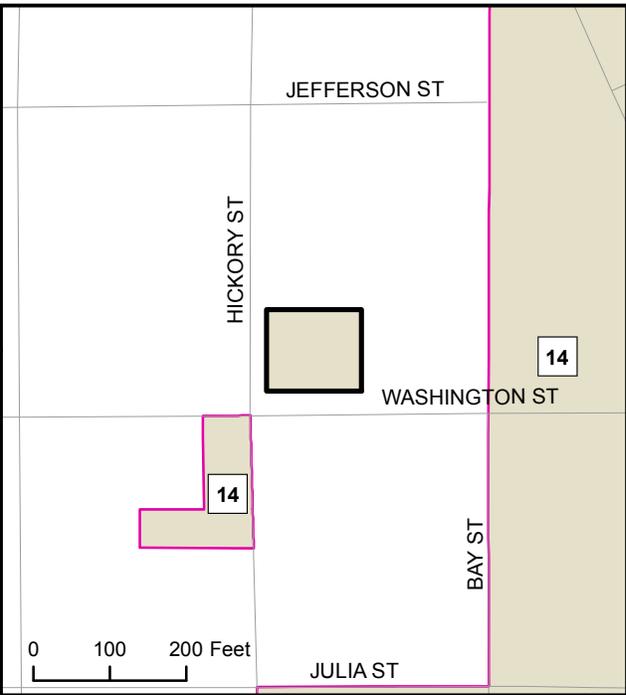
SUBJECT PROPERTY IS SERVED BY A 2 LANE ROADWAY ON THE SOUTH AND A LOCAL ROAD ON THE WEST

# NEIGHBORHOODS

A-12-16



Update to Comprehensive Map II-1  
SUBJECT PROPERTY IS LOCATED  
WITHIN THE S.R. 44 CORRIDOR  
NEIGHBORHOOD

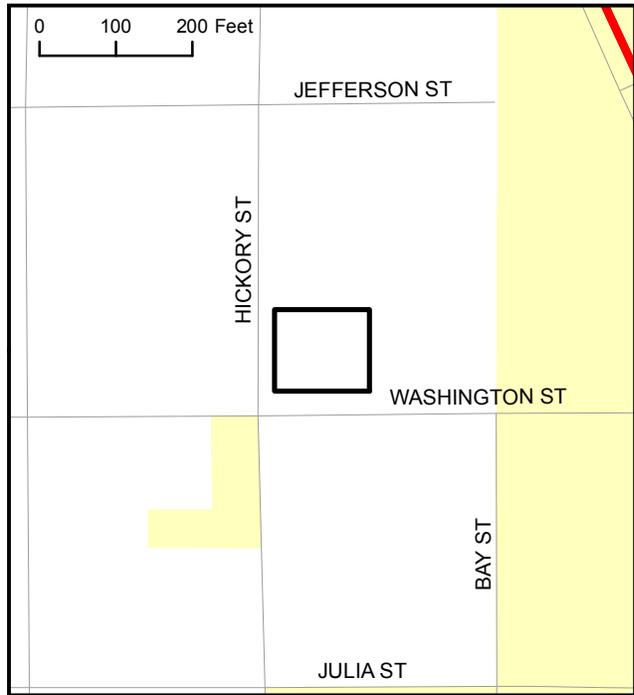
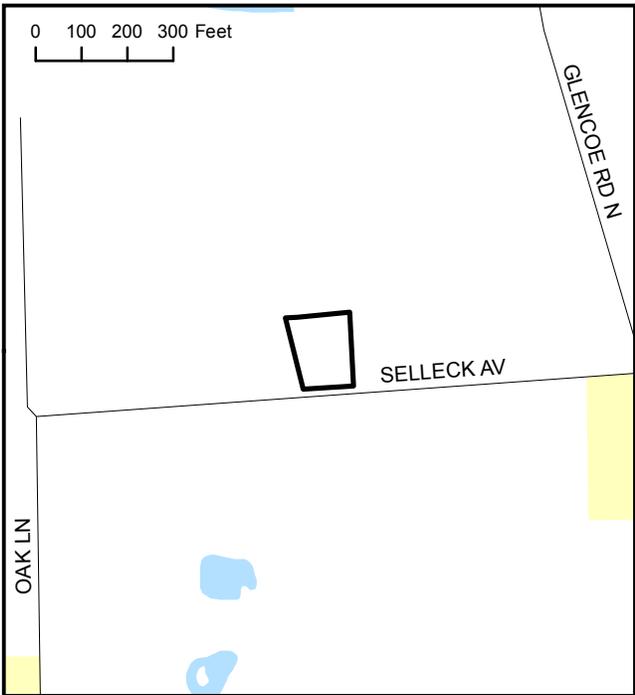
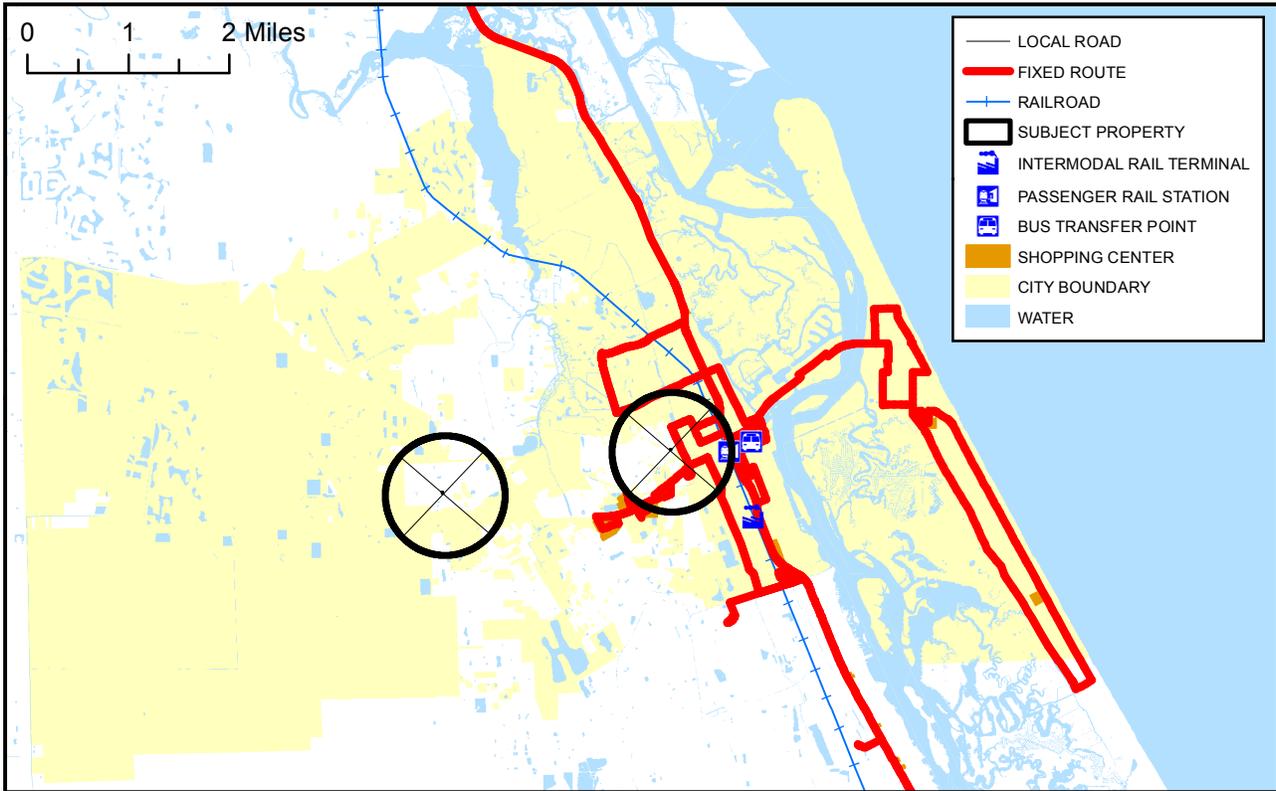


Update to Comprehensive Map II-1  
SUBJECT PROPERTY IS LOCATED  
WITHIN THE HISTORIC WESTSIDE  
NEIGHBORHOOD

Attachment: A-12-16 Exhibit X Neighborhoods (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

# PUBLIC TRANSIT ROUTES

A-12-16



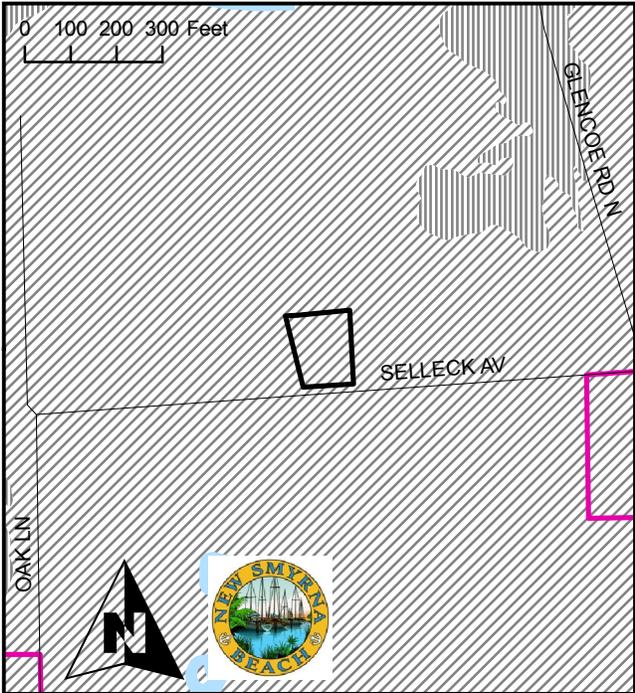
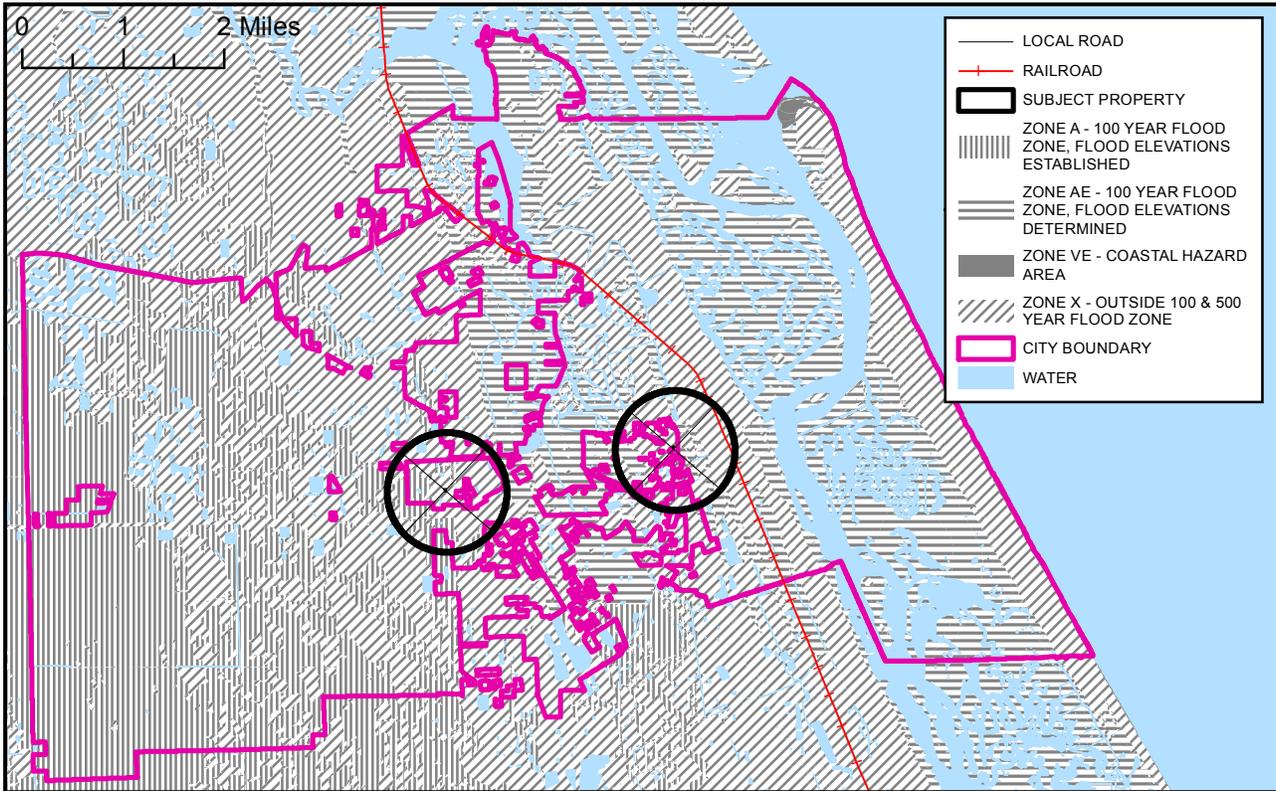
Update to Comprehensive Plan Map III-3  
 SUBJECT PROPERTIES ARE SERVED  
 BY PUBLIC TRANSIT ROUTES  
 LOCATED THROUGHOUT THE CITY



Attachment: A-12-16 Exhibit Y Public Transit Routes (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

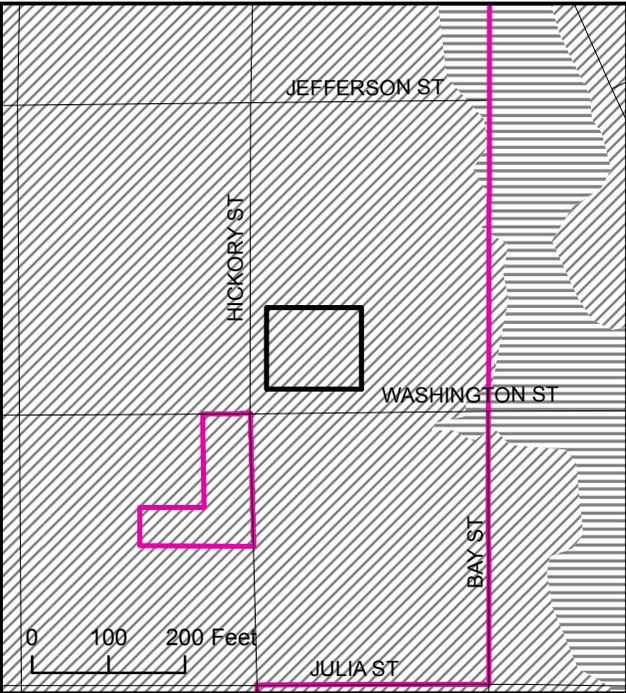
# FLOOD PRONE AREAS

A-12-16



Update to Comprehensive Plan Map II-2

SUBJECT PROPERTY IS WITHIN THE FEMA FLOOD ZONE X



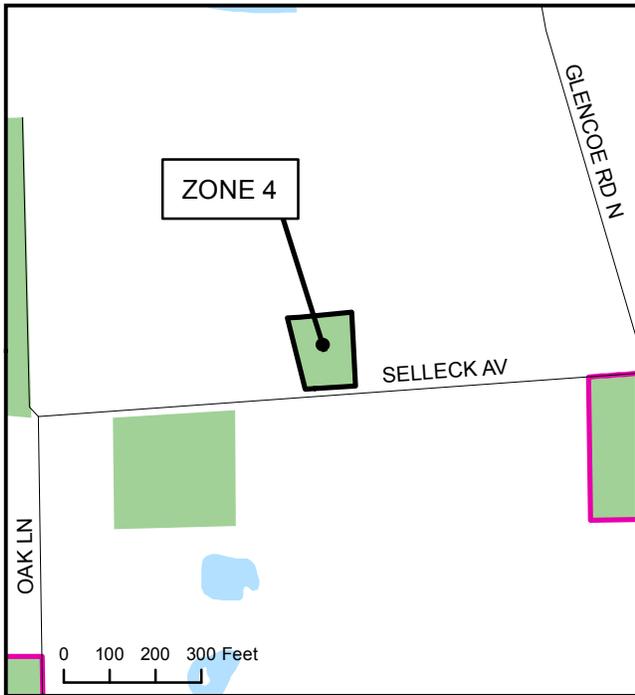
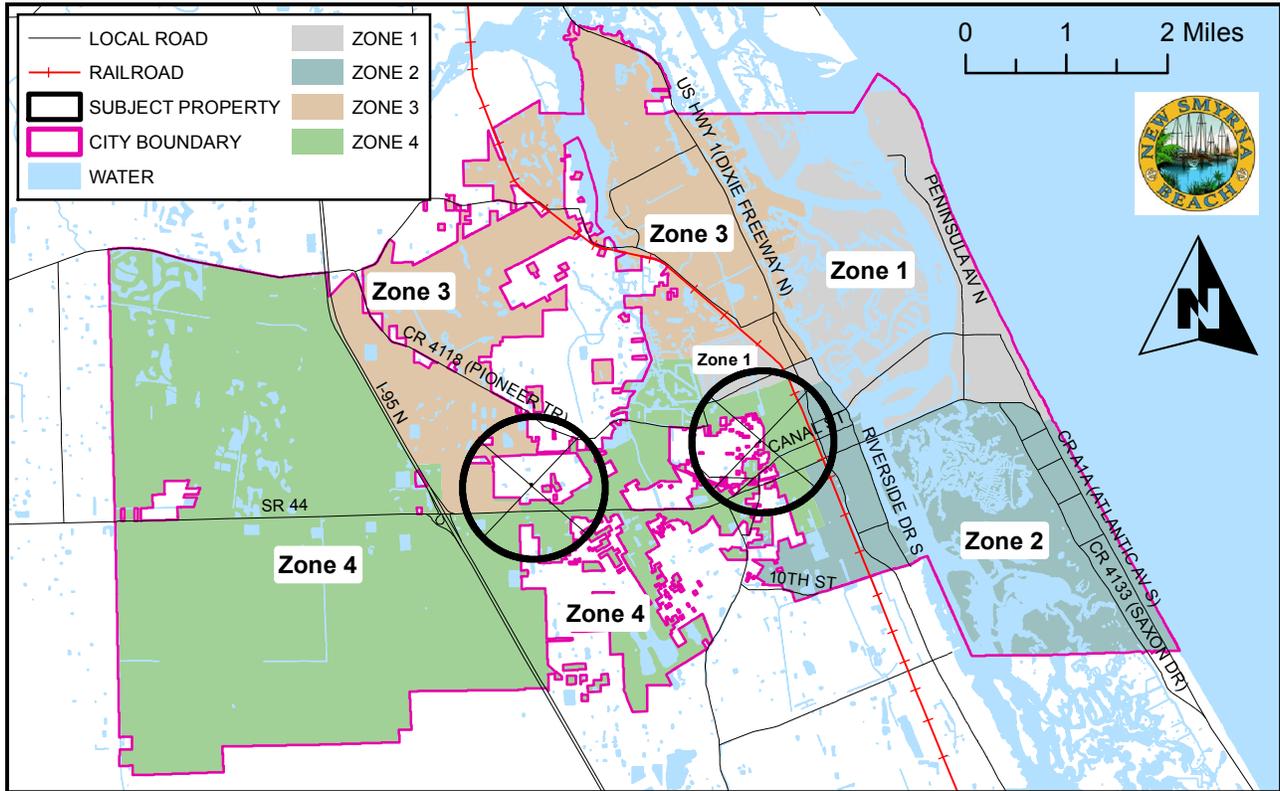
Update to Comprehensive Plan Map II-2

SUBJECT PROPERTY IS WITHIN THE FEMA FLOOD ZONE X

Attachment: A-12-16 Exhibit Z Flood Prone Areas (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

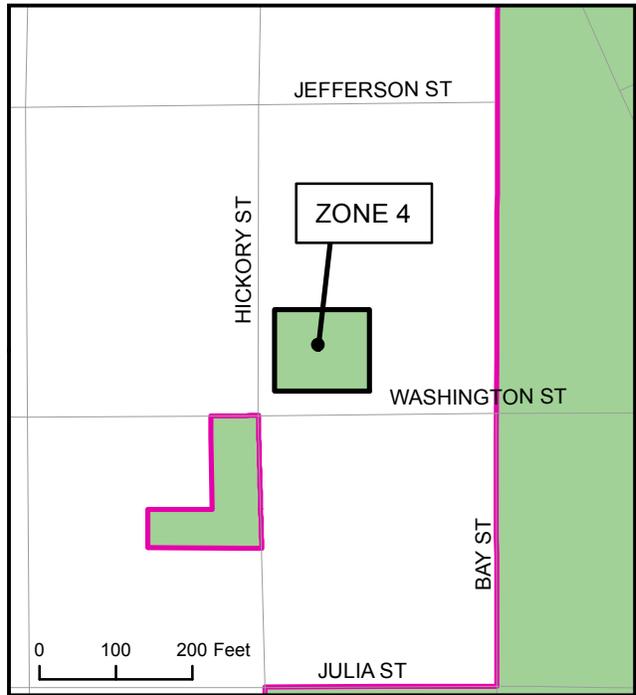
# COMMISSION ZONES

A-12-16



Update to Comprehensive Plan Map Z-1

SUBJECT PROPERTY IS LOCATED WITHIN CITY COMMISSION ZONE 4



Update to Comprehensive Plan Map Z-1

SUBJECT PROPERTY IS LOCATED WITHIN CITY COMMISSION ZONE 4

Attachment: A-12-16 Exhibit AA Commission Zones (1217 : A-12-16 Small Scale Annexation/Rezoning/Comp Plan Amendment)

THE CITY OF NEW SMYRNA BEACH – PLANNING AND ZONING

**V-8-16: 2275 CAPTAIN BUTLER TRAIL /  
ZIMMERMAN**

JUNE 27, 2016

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**Background**

**Applicant:** Bill and Madeleine Zimmerman, property owners, 756 Silver Birch Place, Longwood, Florida 32750.

**Request:** Variances to allow:

- Reduce the required east side yard setback from 25 feet to 15 feet to allow for the construction of a new single-family house.
- To allow for a driveway to cross over a wetland and be located in the 25 foot wetland buffer.
- To allow for a new in-ground pool to be located within the wetland buffer.

**Site Information:** The subject property is zoned Volusia County A-3, Transitional Agriculture, contains approximately 1 acres.

**Findings**

The applicant is requesting a variance that will allow for the construction of a single-family house, driveway, and in-ground pool on a vacant parcel. The applicant is requesting a reduced side yard setback from the required 25 feet to 15 feet to construct a new single-family house. The applicant is also requesting a variance from the 25 foot wetland buffer to allow for a driveway in the wetland buffer and to cross over a wetland area because the only upland located in the front yard will be the location for a septic tank. The applicant is also requesting a variance from the wetland buffer along the rear to allow for an in-ground pool. A copy of the survey is attached as **Exhibit C**. A copy of the site plan is attached as **Exhibit D**.

The property addressed as 2275 Captain Butler Trail and is a one (1) acre parcel that is heavily covered with existing wetlands. The zoning district assigned to this property is Volusia County A-3, Transitional Agriculture, as such the required front and rear yard setback are 40 feet and the required side yards are 25 feet.

The City's Engineering Department has reviewed the case and supports the application for variance and buffer impact, given the following conditions:

1. Silt fence installed prior to any work or site disturbance along the wetland buffer line, and/or proposed line of buffer impact (pool boundary, driveway, etc.).
2. No equipment, no work, or material storage outside of silt fence in the buffer or wetland areas.
3. Building foundation to be outside of buffer area. Stem wall foundation required. No change to existing grade adjacent to non-mitigated buffer areas.
4. Minimum of 12' of buffer from wetlands maintained within impacted area(s).
5. Maximum wetland buffer impact area of 1400 SF.
6. Wetland Buffer mitigation fee calculated at \$45/100 SF impacted and paid prior to issuance of building permit.
7. Contingent upon and compliant with SJRWMD and Volusia County Engineering approval and conditions regarding driveway and culvert.

The variance request will be contingent upon approvals from FDEP. The variance request will steam on approvals from the St Johns River Water Management District. The applicant's letter of response to the variance criteria is attached as **Exhibit E**.

The LDR requires variance requests to meet all of the following criteria. Staff's responses to the criteria are listed below in **bold**.

- (i) Special circumstances exist which are peculiar to the subject property owner's land, structure, or building, and do not generally apply to the neighboring lands, structures, or buildings, in the same district or vicinity.

**This property, which was platted in 1983, as part of the Tara Trail subdivision, and has a large area of wetlands that with the required setbacks could deem that property unbuildable.**

**This criterion has been met.**

- (ii) Strict application of the provisions of this LDR would deprive the subject property owner of reasonable rights commonly applicable to other properties in the same district or may preclude a benefit to the community in general.

**Strict application of the provisions of this LDR would deprive the subject property owner of reasonable rights that are commonly applicable to other properties. The subject property has a large existing wetland area and without variances it would deem this property**

**unbuildable.**

**This criterion has been met.**

- (iii) The special circumstances and conditions that exist do not result from the direct or indirect actions of the present property owner(s) or past property owner(s). This criterion shall not be satisfied if the present or past property owner created, to any degree, the hardship that is the subject of the variance request.

**The special circumstances and conditions that exist are not the result from the direct actions of the present property owner originally. This property was part of a sub-division that was platted with existing wetlands.**

**This criterion has been met.**

- (iv) That granting of the variance will not cause substantial detriment to the public welfare or impair the purposes and intent of this Ordinance.

**The reduction of the wetland buffer and allowing for a driveway to cross over a wetland and buffer area would cause little to no harm to the public welfare, since all the lots in this sub-division are 1 acre or greater.**

**This criterion has been met.**

- (v) That granting of the variance will not constitute a grant of special privilege that is denied by this Ordinance to other lands, structures, or buildings, in the same district.

**Granting the variance will not constitute a grant of special privilege since the parcel was a platted lot from 1983. With the design for the neighborhood it would seem that the developer would be looking to sell and develop each lot.**

**This criterion has been met.**

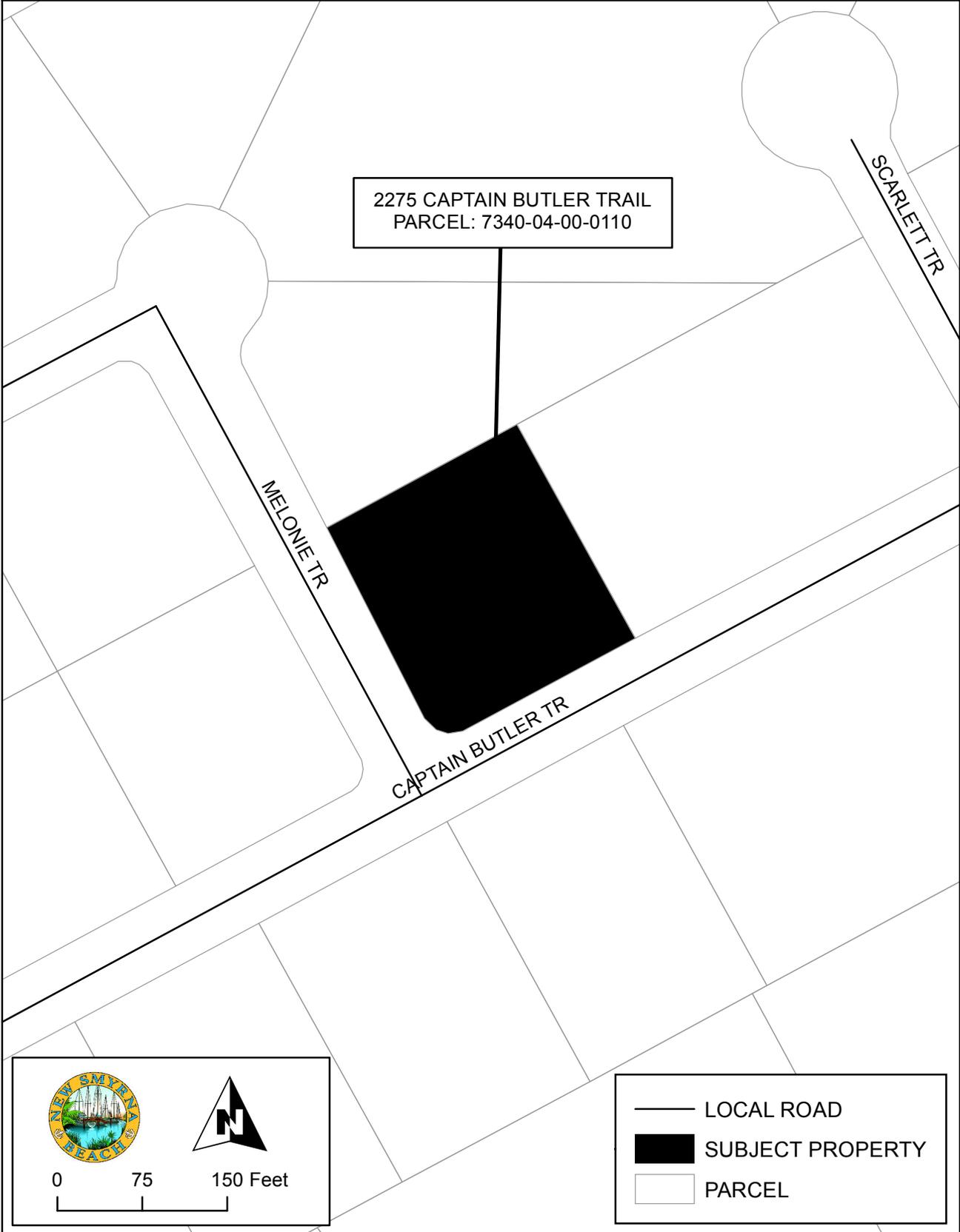
### **Recommendation**

Staff recommends **APPROVAL** of the variance application to reduce the east side yard setback from the required 25 feet to 15 feet, reducing the required wetland buffer to allow for an in-ground pool and pool deck and to allow for a driveway to cross over a wetland and be located in the wetland

buffer as shown in EXHIBIT D with the following 8 conditions:

- 1) This approval for the side yard setback reduction from 25 feet to 15 feet applies only for the proposed single family house.
- 2) Silt fence installed prior to any work or site disturbance along the wetland buffer line, and/or proposed line of buffer impact (pool boundary, driveway, etc.)
- 3) No equipment, no work, or material storage outside of silt fence in the buffer or wetland areas.
- 4) Building foundation to be outside of buffer area. Stem wall foundation required. No change to existing grade adjacent to non-mitigated buffer areas.
- 5) Minimum of 12' of buffer from wetlands maintained in mitigated area(s).
- 6) Maximum buffer mitigation area less than 1400 SF.
- 7) Wetland Buffer mitigation fee calculated at \$45/100 SF impacted and paid prior to issuance of building permit.
- 8) Contingent upon and compliant with SJRWMD and Volusia County Engineering approval and conditions regarding driveway and culvert.

**V-8-16: 2275 CAPTAIN BUTLER TRAIL  
PARCEL: 7340-04-00-0110 LOCATION MAP**



Attachment: V-8-16 Exhibit A Location Map (1209 : V-8-16: 2275 Captain Butler Trail)

**V-8-16: 2275 CAPTAIN BUTLER TRAIL  
PARCEL: 7340-04-00-0110 AERIAL MAP**



Attachment: V-8-16 Exhibit B Aerial Map (1209 : V-8-16: 2275 Captain Butler Trail)





BILL AND MADELEINE ZIMMERMAN  
2275 CAPTAIN BUTLER TRAIL  
NEWE SMYRNA BEACH, FL.

**LEGAL DESCRIPTION OF PROPERTY**

Lot 11, Tara Trails, according to the plat thereof, as recorded in Map Book 5853, Page 3038 of the Public Records of Volusia County, Florida.

**CERTIFICATION FROM LANDOWNER**

Copy of Deed enclosed

**TAX ID NUMBER**        7340-04-00-0110

**LETTER OF RESPONSE**

1. Due to the property's extensive wetland area, which has been designated by Joe Young, Biological Consulting Services, INC, access to the buildable upland area must cross a wetland ditch. Most adjoining properties cross over the ditch with culvert pipes which we will construct.
2. In accordance with the provisions of the Land Development Regulations, a buffer of 25 feet is required. To prevent encroaching on the wetland buffer, we are requesting a side yard variance from 25 feet to 15 feet. This will prevent any impact on the wetland or the wetland buffer.
3. The special circumstances and conditions that are on the property existed at the time of purchase.
4. Granting the variance will not cause substantial detriment because the owner has designed the home for minimal impact to the Land Development Regulations.
5. We submit that granting the variance for the side yard setback from 25 feet to 15 feet is minimal to the Land Development Regulations due to the 25 feet required set back.

Attachment: V-8-16 Exhibit E Applicant response letter (1209 : V-8-16: 2275 Captain Butler Trail)

THE CITY OF NEW SMYRNA BEACH – PLANNING AND ZONING

**INTER OFFICE MEMORANDUM REVIEW  
OF I-1 ZONING USES**

JUNE 27, 2016

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**Background**

On May 2, 2016 Planning and Zoning Board unanimously consented for staff to analyze allowing recreational vehicle and boat storage as a permitted use in the I-1, Light Industrial Zoning District.

**Findings**

The attached report details the staff study.

**Recommendation**

Because of the proximity to less intense uses and in some cases, single family residential, staff recommends allowing recreational vehicle and boat storage in the I-1 District, Light Industrial, as a special exception rather a permitted use.



## Interoffice Memorandum City of New Smyrna Beach

**To:** Planning and Zoning Board Members  
**From:** Amye King, AICP, Planning Director  
**CC:** Pam Brangaccio, City Manager  
**Subject:** **REVIEW OF I-1 Zoning Uses**  
**Date:** May 11, 2016

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On May 2, 2016 Planning and Zoning Board unanimously consented for staff to to analyze allowing recreational vehicle and boat storage as a permitted use in the I-1, Light Industrial Zoning District.

Currently, the Land Development Regulations (LDR) allow recreational vehicle and boat storage as a permitted use in the I-2, Heavy Industrial District and I-3, Industrial Park District. A location map showing the I-1 zoning district is attached as **Exhibit A**, and a second map showing the I-2 and I-3 zoning district is attached as **Exhibit B**. Case study photographs are attached as **Exhibit C**.

### Findings

- A. Article V of the LDR contains various standards for permitted, accessory and special exception uses for the I-1, Light Industrial, the I-2, Heavy Industrial and I-3, Industrial Park zoning districts. The intent of this is to give owners of industrial properties flexible use options, while protecting the character of surrounding properties, and the City as a whole.

- B. The Board is seeking to add to the many uses that are already listed within the I-1, Light Industrial zoning district, specifically to allow recreational vehicle and boat storage in I-1 District zoned areas. As illustrated in exhibits, there are many properties currently available for this use.
- C. The only Comprehensive Plan designation applicable to each of these three zoning districts is the Future Land Use (FLU) designation of Industrial, as specified under this section:

## INDUSTRIAL

Maximum allowed Floor Area Ratio (FAR): 2.0

Intent: This category is designed for activities predominantly connected with manufacturing, assembly, processing, packaging, research, or storage of products.

Additional permitted uses in such areas include warehousing, wholesale activity, machine repair and construction that are not suitable for either residential or commercial districts. Adequate buffering should be provided from adjacent land uses; and transitional uses (such as office or commercial uses) should be provided between industrial and residential areas.

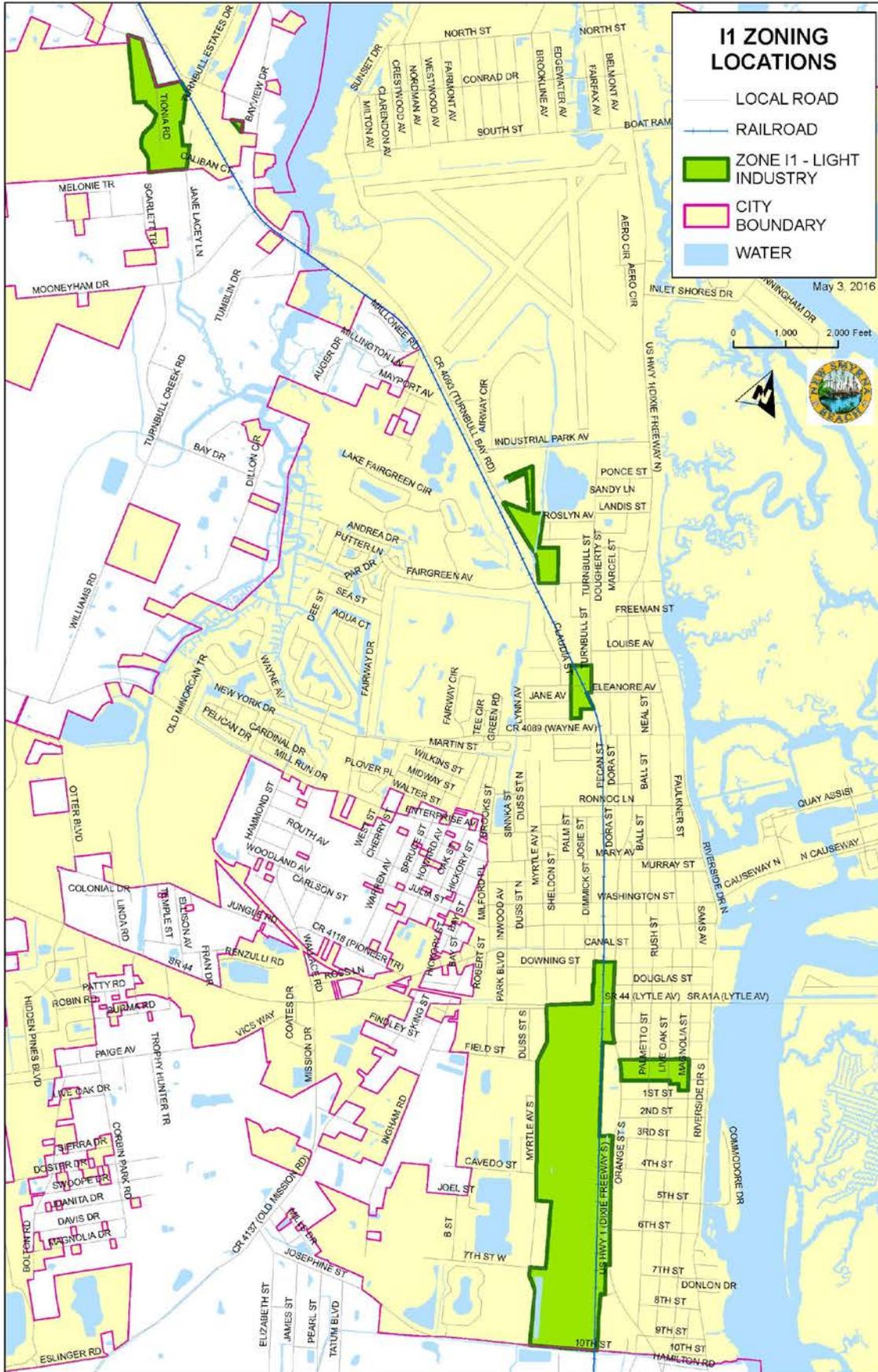
### Analysis

Although there is not a policy distinction between Industrial classifications, I-1, Light Industrial District, is the least intense of the Industrial Zoning Districts. In some cases, the I-1 District is located immediately adjacent to residential districts. Outdoor storage, in any manner, will have a direct visual impact on surrounding neighborhoods.

### Recommendation

Because of the proximity to less intense uses and in some cases, single family residential, staff recommends allowing recreational vehicle and boat storage in the I-1 District, Light Industrial, as a special exception rather a permitted use.

Exhibit A – I-1 Zoning Map



Attachment: I-1 Zoning Memo (1215 : I-1 Zoning Uses Review)



Exhibit C – Study Photographs



Fenced Lot in I-1 District

Attachment: I-1 Zoning Memo (1215 : I-1 Zoning Uses Review)

Exhibit C – Continued



Typical Neighborhood Adjacent to I-1 Fenced Storage Lot

Attachment: I-1 Zoning Memo (1215 : I-1 Zoning Uses Review)

Exhibit C – Continued



Undeveloped FEC I -1 Buffered Area (left) with Adjacent Neighborhood (right)

Attachment: I-1 Zoning Memo (1215 : I-1 Zoning Uses Review)

Exhibit C – Continued



Attachment: I-1 Zoning Memo (1215 : I-1 Zoning Uses Review)

I-2 Boat and Recreational Vehicle Storage Lot in New Smyrna Beach

**THE CITY OF NEW SMYRNA BEACH – PLANNING AND ZONING**

**JUNE 2016 DEVELOPMENT ACTIVITY  
REPORT**

**JUNE 27, 2016**

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**Recommendation**



## Memorandum City of New Smyrna Beach

**To:** Planning and Zoning Board Members  
**From:** Amye King, AICP, Planning Director  
**Subject:** **June Development Report**  
**Date:** June 9, 2016

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Staff is in the process of updating the Development Report to make it more meaningful by using GIS mapping. For this reason, the Development Report will not be available for the make-up meeting on June 27. The July meeting is being cancelled for lack of business; therefore, you will receive the revised Report in August.

THE CITY OF NEW SMYRNA BEACH – PLANNING AND ZONING

**MATRIX ON POOL LOCATIONS IN  
FRONT YARDS**

JUNE 27, 2016

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**Background**

The Planning and Zoning Board request that staff review the Land Development Regulation of other Cities and Volusia County pertaining to pool location in front yards and thru lots. Staff created a small matrix including the neighboring Cities and Volusia County.

**Findings**

After reviewing the Land Development Regulations for the City of Edgewater, City of Port Orange, City of New Smyrna Beach and Volusia County, the City of New Smyrna Beach is consistent with the neighboring municipalities. None of the other municipalities allow for pools to be located in a front yard without a variance. Some currently do not allow for a pool in a side yard.

**Recommendation**

Since all of the neighboring municipalities, including Volusia County, do not allow for a swimming pool in a front yard and some do not allow for a swimming pool in a side yard, Staff recommends **no** Text Amendments for pool locations in a front yard at this time.

Summary of Pool Setbacks and Yard Restrictions		
Municipality	Yard Setbacks	Restrictions
City of New Smyrna Beach	Side Yard 5 feet/Rear Yard 5 feet	No swimming pool shall be allowed between a public or private street and the principal structure on a lot.
City of Edgewater	Side Yard 10 feet/Rear Yard 10 feet	Front yard and side yard swimming pool are prohibited.
City of Port Orange	Side Yard 8 feet/Rear Yard 8 feet	Swimming pool are allowed in rear and side yards only
Volusia County	Side Yard 8 feet/Rear Yard 8 feet	Accessory structure including swimming pool are prohibited in a front yard.

Summary of Pool Yard Restrictions		
Municipality	Allowed in front Yard on a though lot	Allowed in a side yard
City of New Smyrna Beach	No	Yes
City of Edgewater	No	No
City of Port Orange	No	Yes
Volusia County	No	Yes

Since all of the neighboring municipalities, including Volusia County, do not allow for a swimming pool in a front yard and some do not allow for a swimming pool in a side yard, Staff recommends **no** Text Amendments for pool locations in a front yard at this time.