

RESOLUTION NO. 2021-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR AN AUTOMOTIVE PARTS - SERVICE AND INSTALLATION USE AT THE PROPERTY LOCATED AT 2444 SOUTH NOVA ROAD AND RELATED SITE PLAN; ESTABLISHING CONDITIONS AND AN EXPIRATION DATE OF APPROVAL; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Daytona RV, Inc., the property owner, ("Applicant") has applied for the issuance of a Special Exception to allow the property located at 2444 South Nova Road, South Daytona, Florida, bearing Property Tax Identification No. 5344-16-00-1410 (hereinafter "the Property" and more particularly described in Exhibit "A") to be used for the service and installation of automotive parts on "high end" racing automobiles, and

WHEREAS, the property is located within the BGC (Business General Commercial) and the BHC (Business Heavy Commercial) zoning districts; and

WHEREAS, the BGC zoning district allows as a Special Exception automotive parts - service and installation use subject to approval by the City Council based on findings of consistency with the City of South Daytona Comprehensive Plan and compliance with, and satisfaction of, criteria and conditions contained in Article V, Sections 5.7(B)(2) and 5.7(C) of the Consolidated Land Development Regulations for the City of South Daytona ("Land Development Code"); and

WHEREAS, the City of South Daytona Planning and Appeals Board held a public hearing on December 16, 2020, regarding this Special Exception application as required by Article III, Section 3.2(K), and found the Special Exception application: 1) in compliance with Article V, Sections 5.7(B)(2) and 5.7(C) of the Land Development Code and Florida law; and 2) consistent with the City of South Daytona Comprehensive Plan;

WHEREAS, the City of South Daytona Planning and Appeals Board thereafter unanimously recommended approval of the Special Exception application to the City of South Daytona City Council; and

WHEREAS, the City of South Daytona City Council held a public hearing on the Special Exception application on January 12, 2021 and at the public hearing considered testimony from the Applicant and city staff as well as evidence, including but not limited to:

- (1) The recommendation of the City of South Daytona Planning and Appeals Board;
- (2) The report and recommendations of the City of South Daytona Community Development Director, dated December 9, 2020; and
- (3) The comments of governmental agencies, utility corporations and individuals, as

received and present at the public hearing, and

WHEREAS, based upon the foregoing and in consideration thereof, the City Council found that:

- (1) The proposed use of the Property for the service and installation of automotive parts on "high end" racing automobiles is consistent with the standards and requirements of the Code permitted within the BGC (Business General Commercial) zoning district;
- (2) The proposed use is consistent with the City of South Daytona Comprehensive Plan;
- (3) The proposed use is compatible with adjacent existing uses including commercial and multi-family uses;
- (4) The proposed use provides adequate ingress/egress, parking, open space, and other amenities for the benefit of the users;
- (5) The proposed use does not impair rights of other properties to light, air, sunlight, or other natural phenomena;
- (6) The proposed use meets or exceeds tests for concurrency management;
- (7) Traffic generated and its access and flow to the proposed use does not adversely impact adjoining properties and the general public safety;
- (8) Off-street parking, loading, and service areas are provided and located such that there is no additional impact on adjoining properties, beyond that generally experienced in the district;
- (9) Required yards, screening, or buffering, and landscaping are consistent with the district in general and specific needs of the abutting land uses;
- (10) Architectural and signage treatments are sensitive to surrounding land uses;
- (11) Utility service levels to the surrounding area are not reduced below design standards;
- (12) This is the only special exception use in an area and allows for the continuation of the overall character of the district as intended in this Code.
- (13) The proposed use does not require the submission of a redevelopment or site plan since the Property is already developed and the existing buildings will be used. Nevertheless, the Applicant provided a Site Plan, dated February 9, 1998, which is attached as Exhibit "B".

- (14) The proposed redevelopment of the Property as shown on the Site Plan conforms to the technical standards of the Land Development Code.
- (15) The proposed redevelopment of the Property as shown on the Site Plan is consistent with the City of South Daytona Comprehensive Plan.
- (16) There are no existing or pending code violations or liens on the Property.
- (17) All Development Review Committee Comments have been satisfied.
- (18) This Resolution is approval of the Special Exception and attached site plan. No further development order is needed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Conditions. Approval of the Special Exception is subject to the following conditions:

- a) all work must be conducted in a fully enclosed building;
- b) the site must maintain a minimum lot area of 10,000 square feet;
- c) the site shall remain adjacent to an automotive use;
- d) all applicable provisions of the Land Development Code shall be complied with at all times, such provisions being incorporated herein by reference and hereby specifically made a part of this approval;
- e) there shall be no outside storage of automobiles or equipment;
- f) the parking lot shall be re-striped prior to a Business Tax Receipt being issued; and
- g) any missing landscaping shall be replaced to match the existing landscaping in accordance with the approved landscape plan dated February 9, 1998 attached as Exhibit "C" prior to a Business Tax Receipt being issued.

SECTION 3. Administration. In the event a Code Compliance Officer subsequently determines there to be any violation of this Special Exception, the Officer shall promptly present the matter to the Special Master for hearing. If the primary use proposed by the Applicant is not initiated within one (1) year of the approval of this Special Exception or if the activity that is authorized by this Special Exception is abandoned for a period of six (6) months, the authority provided herein shall be deemed to be automatically revoked; and a business tax receipt for a new use shall not be issued without a zoning approval for a new use, subject to Special Exception requirements, and shall not be issued until the Development Review Committee determines that all of the conditions of Article III, Section 3.2(K) and Article V, Sections 5.7(B)(2), and 5.7(C)(2) of the Land Development Code have been satisfied. This Resolution shall be recorded in the public records of Volusia County, Florida, at the expense of the Applicant and shall be binding upon, the property owner, Daytona RV, Inc., and its successors and assigns, and shall run with the Property.

SECTION 4. Conflicts. Any provision of this Resolution in conflict with any City of South Daytona Land Development Code is hereby repealed to the extent of any conflict.

SECTION 5. Severability. In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s) of this Resolution, is contrary to law, or against public policy, or shall for any reason whatsoever held to be invalid, illegal or unconstitutional, by any court of competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s) of this Resolution shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this Resolution, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Resolution, which shall remain in full force and effect. This Resolution shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this Resolution as expressed herein. It will be presumed that the City Council for the City of South Daytona did not intend to enact any invalid or unconstitutional provision. It shall further be presumed that the City Council would have enacted the remainder of this Resolution without any invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED upon first and final reading at the regular public hearing held by the City Council of the City of South Daytona, Florida, on the 12th day of January 2021. SIGNED:

	William C. Hall, Mayor
ATTEST:	
James L. Gillis, Jr., City Manager as Appointed City Clerk	
Approved as to form and sufficiency	

EXHIBIT "A"

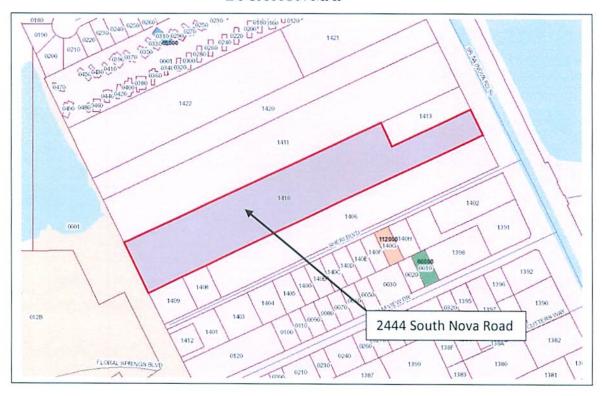
LEGAL DESCRIPTION

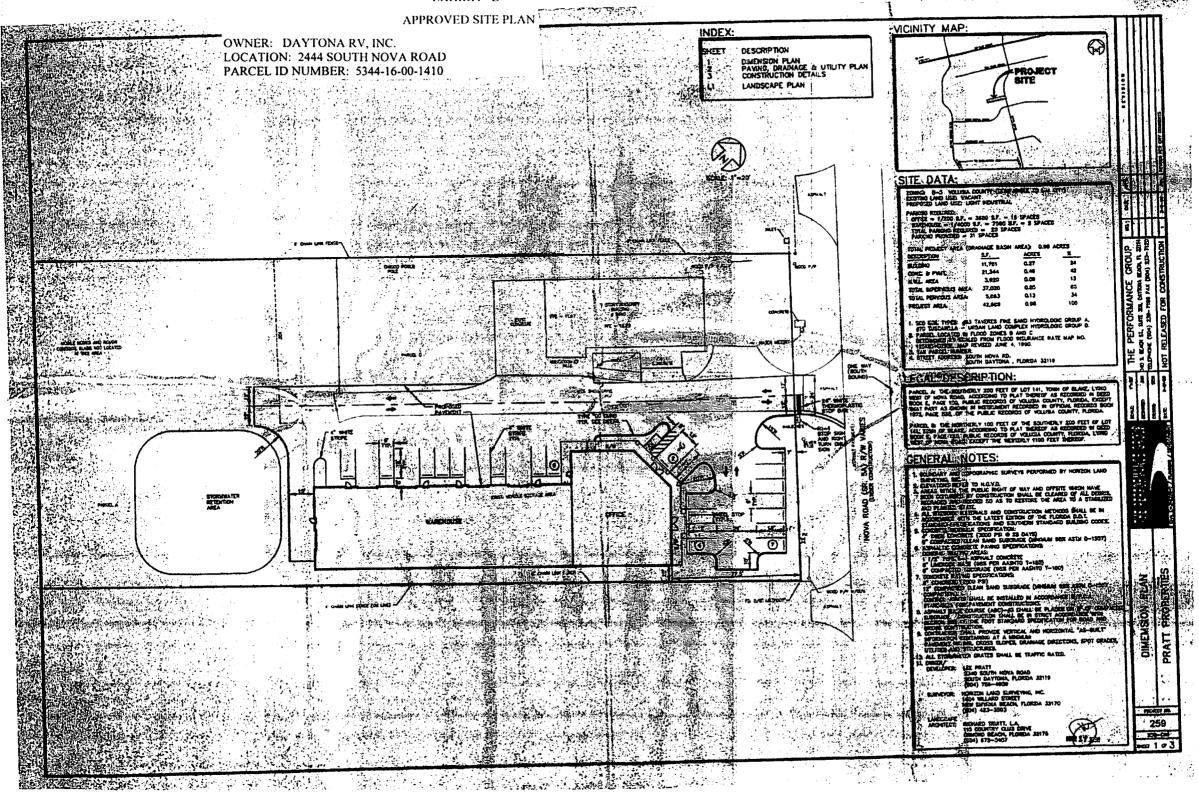
S 200 FT OF LOT 141 W OF CANAL BLAKE EXC PART PER OR 1873 PG 0538 PER OR 4149 PGS 1181-1187 INC PER OR 5895 PGS 3053-3054 INC & OR 6548 PG 3172 PER OR 6698 PG 4557 PER OR 7242 PG 2028 PER OR 7290 PG 2770, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

OWNER: DAYTONA RV, INC.

LOCATION: 2444 SOUTH NOVA ROAD PARCEL ID NUMBER: 5344-16-00-1410

LOCATION MAP





STAFF REPORT

City of South Daytona Community Development Department

DATE: December 9, 2020

SUBJECT: 2444 South Nova Road, Automotive Parts Service and

Installation – Special Exception

APPLICANT: Daytona RV, Inc., property owner and applicant

NUMBER: SE 2020-16

PROJECT PLANNER: S. Laureen Kornel, AICP, Community Development Director

INTRODUCTION: This is a request for a Special Exception by Daytona RV, Inc., property owner and applicant, for a Special Exception to allow automotive parts service and installation at the property located at 2444 South Nova Road. The subject property is zoned BGC (Business General Commercial – east side of subject property) and BHC (Business Heavy Commercial – west side of subject property) which provides for automotive parts service and installation as a Special Exception under certain conditions. The proposed use would be conducted in a fully enclosed building and **no additional building or site construction is proposed** as part of the Special Exception application request.

BACKGROUND: The applicant recently requested a Busines Tax Receipt (BTR). As staff was reviewing the BTR, it was discovered that the requested automotive use is allowed only through a Special Exception Request. The request applies only to the front portion of the subject property which is zoned BGC (Business General Commercial). Under Section 5.7(C)(2) of the Land Development Code, automotive parts service and installation is allowed as a Special Exception under certain conditions within the BGC zoning classification. The building includes an office area along with a warehouse with four large bays to accommodate installation of automotive parts. The applicant has stated they are seeking the Special Exception under the automotive parts service and installation use to cater to high end race customers.

According to the Property Appraiser and City records, the property at 2444 S. Nova Road has been a developed site since 1999 with an 11,761 square foot office warehouse building with four large bay doors suitable for parts service and installation. The site was originally developed with an RV Park likely under Volusia County standards and later annexed into the City of South Daytona. In 1999 the City of South Daytona approved a site plan for an office warehouse and associated site improvements including parking and landscaping and later issued a Certificate of Occupancy on March 4, 1999. As illustrated in the aerial below, the commercial building lies on the west side of South Nova Road with the office portion of the building

fronting the South Nova Road right-of-way and the warehouse portion of the building located behind the office. There is a retention pond separate the commercial use from the RV Park use. The front portion of the property is well screened from view along South Nova Road with landscaping and the warehouse portion is screened with an

opaque gate.



The subject property was most recently used as a tree service business known as Florida Tree Surgeons Inc. The applicant submitted a site plan providing evidence that the subject property has a lot area of 42,689 square feet along with 21 parking spaces including an ADA parking space and is seeking the requested Special Exception to establish the automotive parts service and installation use in accordance with the requirements of the Land Development Code. Below is a summary of the abutting uses along with their respective land use designations and zoning classifications:

Surrounding Uses with Land Use and Zoning Designations and Aerial:

Direction	Existing Use	Future Land Use Designation	Zoning Classification
North	RV Park, automotive, landscape supply, and construction contractor	"Commercial"	BGC (Business General Commercial) and BHC (Business Heavy Commercial)
South	Warehouse Storage	"Commercial" and "Residential Density 3"	BHC (Business Heavy Commercial and MHS (Mobile Home Subdivision)
East	Mobile Home Park (Lakeview Estates)	"Commercial"	MHP (Mobile Home Park)
West	Residential (City of Port Orange)	City of Port Orange	City of Port Orange

There are no site improvements or building expansion with the Special Exception request. The applicant would be required to request permits in accordance with the Land Development Code for any future proposed work. The property has adequate parking and is well landscaped with minor remedial landscaping that will be required as a condition of approval.

ANALYSIS: The automotive parts service and installation use is considered relatively less intensive than other automotive uses such as collision, painting or engine overhauls and the applicant does not propose auto sales with this special exception request. The request seeks only to conduct business for parts service and installation within a totally enclosed warehouse which is a reasonable request given the previous industrial design of the existing building which was approved by the City in 1999. The current property owner seeks the Special Exception in accordance with the provisions of the Land Development Code to maximize the use of the existing developed site.

Special Exception Criteria:

In accordance with Section 5.7(B)(2) of the Land Development Code, *Review criteria* and requirements, when reviewing an application for a Special Exception, the Planning and Appeals Board and City Council shall consider the following requirements and criteria when making their recommendation.

a. Traffic generated and its access and flow to the proposed use shall not adversely impact adjoining properties and the general public safety.

Previous City records show that the site was reviewed for and met the City's traffic standards at the time of development. Currently, the subject property is located within a designated Transportation Concurrency Exception Area. It is anticipated that traffic generated by the site and traffic flow around the business will not adversely impact the area and general public safety. The property has historically been used as a tree service business and an increase in traffic other than what has historically occurred on the site is not expected.

b. Off-Street parking, loading, and service areas shall be provided and located such that there is no additional impact on adjoining properties, beyond that generally experienced in the district.

Previous City records show that the developed site met the City's parking standards with 21 parking spaces including an ADA space. The applicant is not proposing any new development and there will be no additional impact on adjoining properties as a result of the requested use change. As a matter of maintenance, the applicant has agreed to re-strip the parking lot.

c. Required yards, screening, or buffering and landscaping shall be consistent with the district in general and specific needs of the abutting land uses.

No additional development is proposed. The site is adequately screened from view with irrigated landscaping along the front South Nova Road right-of-way. In addition, the warehouse portion of the building is screened with an opaque gate and all work will be conducted in an enclosed building. As a condition of any approval, the

applicant will be required to fill in a small amount of landscaping to match the existing landscaping where a few shrubs had died in accordance with the previously approved landscape plan.

d. Architectural and signage treatments shall be sensitive to surrounding land uses.

No additional development of the site is proposed. A sign permit in accordance with the requirements of the Land Development Code will be required for any change to the existing sign or any newly proposed sign.

e. Utility service levels to the surrounding area shall not be reduced below design standards.

No new development is proposed.

f. Size, location, or number of Special Exception uses in an area shall be limited so as to maintain the overall character of the district as intended by the Code.

The application meets the conditions of the Land Development for a Special Exception. There have been no other recent Special Exceptions in this area.

In accordance with Section 5.7(C), Special requirements and conditions for Special Exception uses, for the requested Special Exception use, the following special requirements shall apply in addition to those of Section 5.7(B)(2). Under Section 5.7(C)(2) Automotive parts service and installation: A Special Exception may be granted under the following conditions:

a. All work is conducted in a fully enclosed building.

Business operations shall be conducted in an existing fully enclosed building with bay doors that make the proposed use suitable for automotive parts service and installation.

b. The site has a minimum lot area of 10,000 square feet.

The applicant provided evidence as attached in the exhibits of this report that the subject property is greater than 10,000 square feet.

c. The site is a corner location or adjacent to an automotive use.

As illustrated below the subject property is located adjacent to automotive uses including Mikes Classic Trucks, Daytona Beach Street Rod, and Aero Porsche Specialists north of the subject property on the west side of South Nova Road at 2430 South Nova Road.



<u>CONCLUSION</u>: In accordance with Section 3.2(K) *Criteria for Review*, the Planning and Appeals Board and City Council, in their deliberations on matters of development orders, shall make findings of fact based upon the following criteria:

1. That the use(s) of the property is (are) consistent with the land development regulations and comprehensive plan.

The proposed use of the property is consistent with the Land Development Code regulations. No new development is proposed. The BGC zoning classification implements the Commercial land use designation. The proposed use is allowed through the Special Exception process under certain required conditions as stated above and is consistent with the Comprehensive Plan.

2. That the use(s) is (are) compatible with the adjacent existing or planned uses.

The proposed use is compatible with adjacent commercial uses and consistent with the pattern of development along the South Nova corridor. As previously stated, there are other automotive uses adjacent to and in the surrounding area along South Nova Road.

3. That the use provides adequate ingress/egress, parking open space, and other amenities for the benefit of the users.

The proposed use provides adequate ingress/egress.

4. That the use does not impair rights of other properties to light, air, sunlight, other natural phenomena.

The proposed automotive parts service use is proposed entirely inside of a fully enclosed building with 4 bays suitable for automotive parts service and installation. The use will not impair rights of other properties to light, air, sunlight, or other natural phenomena.

5. That the subject project meets or exceeds tests for concurrency management.

The site was already reviewed and developed under the standards of the City of South Daytona previously and is not anticipated to generate traffic flow that will adversely impact the area. The property was most recently used as a tree service business and an increase in traffic other than what has historically occurred on the site is not expected.

It is staff's opinion that the application meets the Special Exception criteria of the Land Development Code. It is expected that the proposed Special Exception will be reviewed by the City Council at a final adoption hearing on January 12, 2021.

RECOMMENDATION: It is Staff's recommendation that the Planning and Appeals Board **APPROVE** Case #SE 2020-016, a Special Exception to allow automotive parts service and installation, at property located at 2444 South Nova Road with the following three conditions:

- 1. There will be no outside storage and all work shall be conducted within the fully enclosed building;
- 2. The parking lot shall be re-stripped; and
- 3. Additional landscaping will be added along the front of the property on South Ridgewood Avenue in accordance with the attached landscape plan.

Attachments:

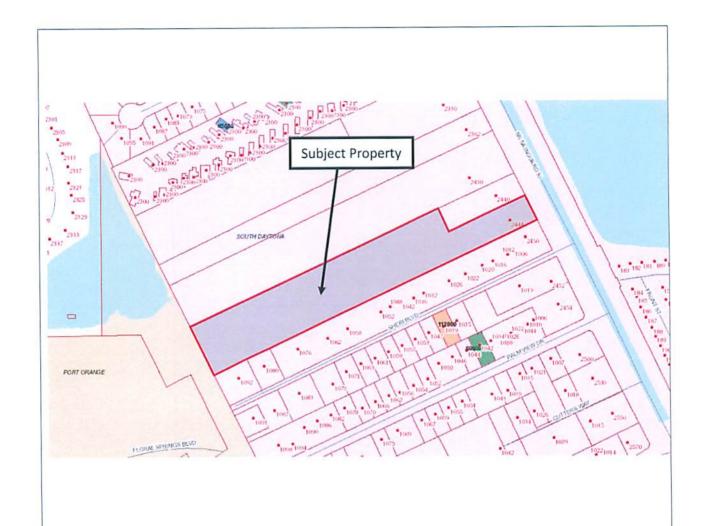
Attachment 1 – Location Map and Site Pictures

Attachment 2 – Applicant Letter

Attachment 3 - Landscape Plan

ATTACHMENT 1

Location Map and Site Photos





Date: 11.19.2020

LOCATION MAP 2444 South Nova Road





2444 South Nova Road Front Elevation 12.07.2020



2444 S. Nova Road North Elevation 12.07.2020



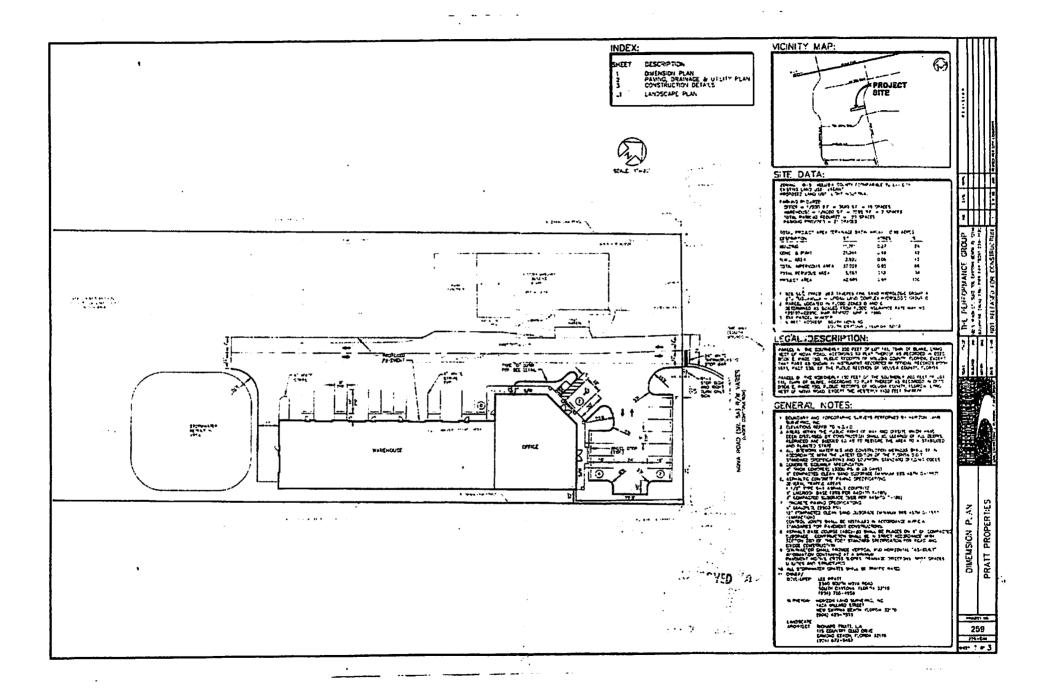
2444 South Nova Road Existing Landscaping 12.07.2020



2444 South Nova Road Existing Landscaping 12.07.2020

ATTACHMENT 2

Applicant Provided Information



447 446 449 5¹ 5¹ 445 443 437 439 437 141 A39 5 T 436 SPIT ZONED 432 434 428427 431 429 431 425 QUINCE 5T QUINCE 423 BONG PROP. 426 425 11/19/2020 333 332331 2440 1022 1020 1028 1055 1076 185 154 156157158 144 186 153 146 145 146 187 3 150149 147 CPC US 5 189 3 151 127128 11.7 191 125 5 118 183182180179177176174 2452 193 123122

465' back for BGC CITY OF SOUTH DAYTONA Mrs. Laureen Kornel South Daytona Fl 32119

ref.: Special exeption for our tenant Redline Tuning at 2444 S Nova Rd , SD

Dear Mrs Kornel, Ladies and Gentlemen.

please allow us to apply for a special exeption in accordance with the City of South Daytona's Land Development Code.

Please grant a SPECIAL EXEPTION on our property at 2444 S Nova rd. The property is zoned BGC in the front, where the building in question is located.

We meet all the special conditions for such exeption:

- 1) all work will strictly performed indoors
- 2) the site is far in excess of 10.000 sq/ft
- 3) the site is directly adjacent to 3! other automotive uses, all located on our

adjacent parcel 2430 S Nova road,

- a) Mikes classic trucks
- b) Daytona beach street rods, Turkey Rod Run
- c) Aero Porsche specialists

These automotive uses are in place since many years and have not created any

problems or disturbances at all.

Redline is NOT a common repair and lube place. Redline is catering strictly to high end

racing customers and will not only create jobs in our city but improve the location as well. There is no additional road traffic created with this use.

Similar uses are in place in Daytona Beach and have been proven successful over the years.

We humbly ask you for your kind consideration and I will be honored to present this application personally to you .

Singekely

Gus Spreng Director

Daytona RV inc.

ATTACHMENT 3

Landscape Plan

