



A G E N D A

SOUTH DAYTONA PLANNING AND APPEALS BOARD Regular Meeting

November 17, 2021

6:00 P.M.

**Piggotte Community Center
504 Big Tree Road
South Daytona, FL**

PURSUANT TO SECTION 286.0105 FLORIDA STATUTES, if an individual decides to appeal any decisions made with respect to any matter considered at a meeting or hearing, that individual will need a record of the proceeding and will need to ensure that a verbatim record of the proceeding is made. The City does not prepare or provide a verbatim record of the proceedings. In accordance with the American Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in the proceedings should contact the City of South Daytona's Deputy City Clerk at (386) 322-3011 for assistance at least 48 hours before the date of the meeting.

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF THE MEETING MINUTES:**
October 20, 2021
- V. DISCLOSURE OF EXPARTE COMMUNICATION**
- VI. PUBLIC HEARINGS**

**A. LDC 2021-24: Administrative Land Development Code Amendment
adding prohibited use of storage within the CRA**

This is an administrative request to amend the City's Land Development Code, Article V, Zoning Regulations, Section 5.6, Supplementary Regulations, and Section 5.5, Schedule of Zoning District Regulations, S. Community redevelopment district overlay, Subsection 3. Permitted uses, adding o. Storage facilities.

B. RZ 2021-25: Rezoning 2900 South Ridgewood Avenue (CEMEX) from Light Industrial to Planned Unit Development

This is a request to rezone 2900 S. Ridgewood Avenue (CEMEX), parcels 5333-11-00-0070 and 5333-11-00-0100, from Light Industrial to Planned Unit Development (PUD). The Future Land Use designation for the parcels is Mixed Use 2.

- VII. OTHER BUSINESS AND DISCUSSION ITEMS**
- VIII. MEMBER COMMENTS**
- IX. ADJOURNMENT**

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I. CALL TO ORDER

Members Present

Abe Agront, Chairman
David Beery
Marian (Sam) Buckman
Ari Morse
Jerry Masters
Phil Trimarchi, Vice-Chairman

Staff Present

Stephanie Velo, Vose Law Firm
S. Laureen Kornel, Comm. Dev. Director
Amber Kraft, Recording Secretary

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF THE MINUTES: August 18th, 2021

Ms. Buckman made a motion to approve the August 18th, 2021, meeting minutes. Mr. Trimarchi seconded the motion. Hearing no objections, the minutes were unanimously approved. (6-0).

V. DISCLOSURE OF EXPARTE COMMUNICATION

None disclosed.

VI. PUBLIC HEARINGS

A. SU 2021-22: 2355 South Ridgewood Ave, Special Use for Child Care Center (Pre-School)

Ms. Kornel presented case number SU 2021-22: 2355 South Ridgewood Ave, Special Use for Child Care Center (Pre-School) by Luvernia Lock, 5 Stars Preschool Academy LLC to allow a Child Care Center (Preschool) at property 2355 South Ridgewood Ave within the Community Development Area. The subject property is zoned BGC (Business General Commercial) which provides for a Preschool as a Special Use under certain conditions.

The proposed special use would be conducted in a fully enclosed building and no additional building or site construction is proposed as part of the Special Use application request.

Discussion ensued between Board Members and Business Owners. Luvernia Lock, 533 Chickadee Ct, Port Orange, FL 32127.

Mr. Trimarchi made a motion to approve SU 2021-22: 2355 South Ridgewood Ave, Special Use for Child Care Center (Preschool). Mr. Masters seconded the motion. Hearing no objections, the minutes were unanimously approved. (6-0).

B. ESR 2021-19: Comprehensive Plan Amendment – Property Rights Element

Ms. Kornel presented case number ESR 2021-19: Comprehensive Plan Amendment – Property Rights Element. This is an administrative request to approve a Comprehensive Plan Amendment through the Expedited State Review (ESR) process, creating the Property Rights Element, adding a Goal, Objective, and Policies to ensure that private property rights are considered in legal decision-making in accordance with Florida Statutes Section 163.3177(6)(i).

No further discussion from the Board.

Mr. Trimarchi made a motion to approve ESR 2021-19: Comprehensive Plan Amendment – Property Rights Element. Mr. Masters seconded the motion. Hearing no objections, the minutes were unanimously approved. (6-0).

VII. OTHER BUSINESS AND DISCUSSION ITEMS

None at this time.

VIII. MEMBER COMMENTS

None at this time.

IX. ADJOURNMENT

The meeting was adjourned at 6:12 PM.

Respectfully submitted,

Amber Kraft, Recording Secretary.

ATTEST:

Abe Agront, Chairman

Minutes transcribed by Amber Kraft

STAFF REPORT

City of South Daytona Community Development Department

DATE: November 10, 2021

SUBJECT: Administrative Land Development Code Amendment:
adding prohibited use of storage within the CRA

APPLICANT: Administrative (City initiated)

NUMBER: LDC 2021-24 CRA Overlay Adding Prohibited Use of
Storage Facilities in the CRA

PROJECT PLANNER: Patty Rippey, AICP, Redevelopment Director

INTRODUCTION: This is an administrative request to amend the City's Land Development Code, Article V, Zoning Regulations, Section 5.6, Supplementary Regulations, and Section 5.5, Schedule of Zoning District Regulations, S. Community redevelopment district overlay, Subsection 3. Permitted uses, adding o. Storage facilities.

BACKGROUND: The City council adopted a redevelopment plan in 1997 creating a Community Redevelopment Area (CRA) and programs for selected areas of the City that have been designated as needing redevelopment. The City Council continues to direct City staff to improve the appearance and quality of commercial properties through the CRA.

In 2008, the CRA Overlay was established to provide for the application of specific regulations modifying the underlying zoning district regulations within the CRA. While the underlying zoning classification remains the same, prohibited uses have been added to assist in continued improvements and to foster quality and sustainable development in accordance with the vision of the CRA. To further promote these efforts, storage in the CRA is being proposed as an additional prohibited use in the CRA overlay zoning district.

ANALYSIS: The purpose of this amendment is to prohibit storage facilities, including mini warehouses, in the CRA. This is an effort to reduce unsightly property conditions that threaten to depreciate the value of surrounding property. Prohibiting storage promotes the vision of the City Council, the City's Comprehensive Plan, and the CRA Master Redevelopment Plan to prohibit heavy industrial uses and other uses that contribute to blight and limit redevelopment efforts. The desire of the City Council is to encourage and incentivize targeted businesses to locate in the CRA along the U.S.1 corridor. Targeted businesses include professional offices, sit-down restaurants, and quality high-end residential development with amenities to highlight our riverfront location.

The amendment is proposed as follows:

ARTICLE V. – ZONING REGULATIONS

Sec. 5.5. Schedule of zoning district regulations

S. Community redevelopment district overlay.

3. *Permitted uses:* Permitted uses within the community redevelopment district overlay shall be the same as the underlying zoning classification except the following uses shall be prohibited within the overlay district. Any prohibited uses currently established within the community redevelopment district overlay shall be subject to the nonconforming use provisions 3.13. C. of this Code.

o. Storage facilities. Storage facilities include all commercial storage structures, constructed for the purpose of storage for personal or commercial goods and equipment for rent to the general public or to commercial businesses, including mini warehouses.

CONCLUSION: In accordance with *Section 3.2(J)(1)* of the LDC, there are certain criteria that must be evaluated before adoption of a LDC amendment. The Planning & Appeals Board must consider the following criteria when making their recommendation to amend the LDC:

1. Identifies any provision of the LDC, Comprehensive Plan or other law relating to the proposed change and describes how the proposal relates to them.

Objective 2: Locate commercial and industrial land where transportation access is adequate and conflicts with other land uses can be minimized.

Policy 2-2: Focus commercial development on small retail, professional, and business service activity.

Objective 7: The City shall work toward elimination, or reduction, of land uses inconsistent with the community's predominantly residential character and future land uses.

Policy 7-3: New development shall be required to be compatible with adjacent existing development by the layout of land uses and/or the provision of adequate buffering.

Land Use Commentary, Mixed-Use: The two mixed-use land use categories are applied within the redevelopment area to encourage redevelopment. Uses will need to be compatible with integrated residential activity.

These policies from the Future Land Use Element of the Comprehensive Plan supports reviewing and updating the LDC as proposed.

2. States factual and policy considerations pertaining to the recommendation.

The purpose of the amendments is to add the prohibited use of storage facilities, including mini warehouses, to the CRA Overlay. There are no other policy considerations pertaining to the recommendations other than what has been stated in the background and analysis of this report.

3. Includes the written comments, if any, received from the Development Review Committee.

Not applicable.

It is expected that the amendment will be reviewed by the City Council on December 14, 2021 (1st reading) and January 11, 2022 (2nd reading).

RECOMMENDATION: It is recommended that the Planning and Appeals Board recommend **APPROVAL** of LDC 2021-24, to amend Article V, Zoning Regulations, Section 5.6, Supplementary Regulations, and Section 5.5, Schedule of Zoning District Regulations, as specified in strikethrough and underline in the analysis of this report.

STAFF REPORT

City of South Daytona Community Development Department

DATE: November 10, 2021

SUBJECT: Rezoning 2900 South Ridgewood Avenue (**CEMEX**) from Light Industrial to Planned Unit Development

APPLICANT: MSP RE Development, LLC (**CEMEX**)

NUMBER: RZ 2021-25

PROJECT PLANNER: Patty Rippey, AICP, Redevelopment Director

INTRODUCTION: This is a request to rezone 2900 S. Ridgewood Avenue (CEMEX), parcels 5333-11-00-0070 and 5333-11-00-0100, from Light Industrial to Planned Unit Development (PUD). The Future Land Use designation for these two parcels is Mixed Use 2.

BACKGROUND: In the 1950's, this site was developed as a concrete manufacturing facility. During that time, there were few other commercial uses along U.S.1 in South Daytona. With an increase in commercial and residential growth, the Rinker (now CEMEX) concrete plant thrived, providing concrete to many local construction projects. By the early 2000's the concrete facility was no longer in active operation and became a blighted property. Most recently, the facility has been used by CEMEX as truck storage only.

The vision for this property does not support industrial uses. Since the inception of the Growth Management Act of 1990 and the City's first Comprehensive Plan adopted soon after, this commercial corridor has been designated for higher density residential development with commercial components functioning as general commercial where office and a wide range of general commercial and specialty commercial was deemed appropriate and desirable. Future growth of industrial sites is directed to areas such as the South Nova Road commercial district where zoning includes Business Heavy Commercial and Light Industrial use zoning.

In 1996, the City was successful in obtaining a Community Redevelopment Area (CRA) designation for the U.S.1 corridor, spanning from the F.E.C. railroad tracks to the Halifax River, from the north city limits to south city limits. In 1997, the CRA Master Redevelopment plan was established to address blighted properties and to redevelop the U.S.1 corridor. The CRA Master Development Plan also supports the Future Land Use Element of the City's Comprehensive Plan goals and objectives. The Plan prohibits heavy industrial, and other intensive uses more appropriately located outside of the CRA. The vision for the CRA includes demolition of properties that are no longer sustainable and replacing them with professional offices, sit-down restaurants,

corporate headquarters, marine or sport related businesses, and high-end, quality residential development to highlight our riverfront location.

While the CEMEX site consists of three (3) parcels, only the front two (2) parcels are being rezoned at this time. Staff believes rezoning the parcels fronting U.S.1 is paramount to realizing the vision for the CRA.

The applicant is assembling a larger “parent parcel” to include a third parcel. Once the parent parcel is assembled, the underlying land use designation of the additional parcel will be amended from Light Industrial to Mixed Use 2 to ensure consistency between land use and zoning. At the time the land use is amended, the larger parent parcel will be rezoned to PUD in its entirety to include a Master Development Agreement that will include uses, dimensional standards, architectural elevations, and any matters associated with concurrency. The project attributes shall be reviewed by the Planning and Appeals Board and approved by the City Council at such time the parent parcel is assembled into a larger tract of land and rezoned to PUD.

The site of the proposed rezoning consists of two parcels as shown within the red outlined property in Figure 1. The third parcel is shown as the property outlined in grey in Figure 1.

Figure 1. Location: 2900 S. Ridgewood Avenue (CEMEX), Parcels 5333-11-00-0070 and 5333-11-00-0100



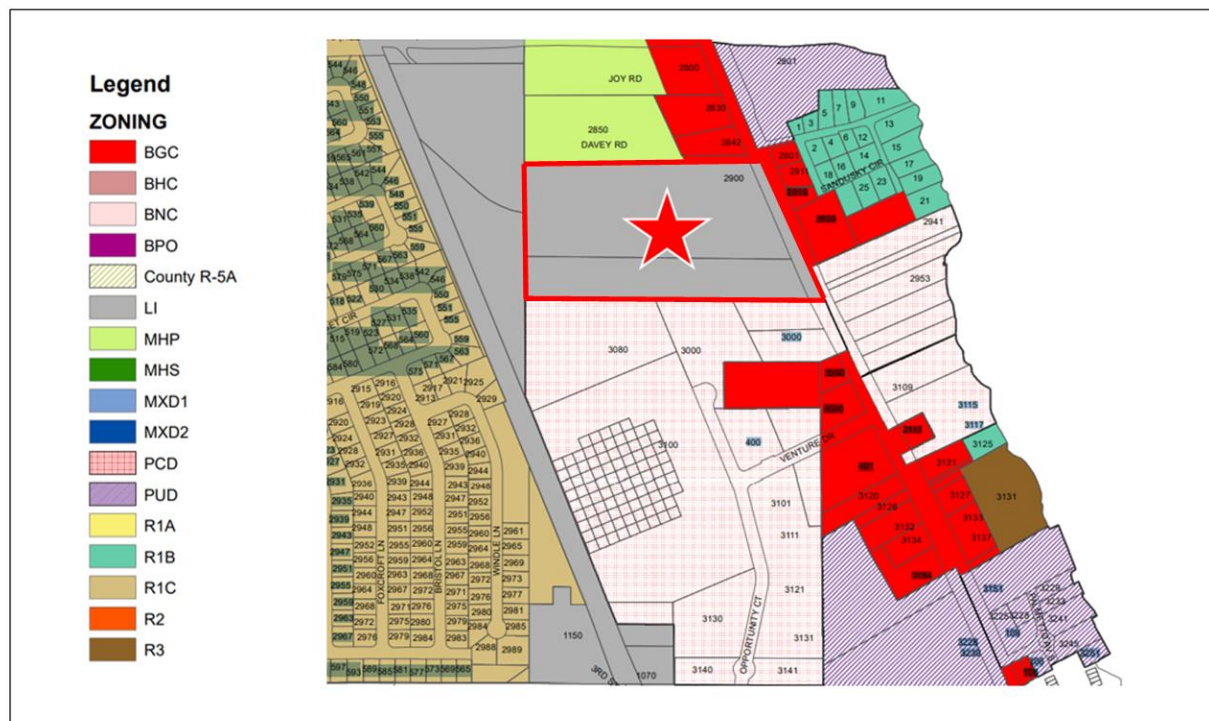
A summary of the existing uses, Future Land Use designations and zoning categories of the surrounding properties is provided in Table 1: Land Use, Future Land Use, and

Zoning of Surrounding Properties and Figure 2: City of South Daytona Zoning Map of Proposed Rezoning Site and Surrounding Properties.

Table 1: Land Use, Future Land Use, and Zoning of Surrounding Properties

	Business/Use	Future Land Use	Zoning
North	Iron Axe Bar and Grill Waters Edge Mobile Home Park	Mixed Use 2	Business General Commercial (BGC) Mobile Home Park (MHP)
South	South Daytona Business Park SD Tractor & Mower John Deere	Mixed Use 2	Planned Commercial Development (PCD)
East	ERGA Storage Halifax Landing Condominium	Mixed Use 1	Business General Commercial (BGC) Planned Unit Development (PUD)
West	FEC Railroad City owned Reed Canal Stormwater Site	Public	Light Industrial (LI)

Figure 2. City of South Daytona Zoning Map of Proposed Rezoning Site and Surrounding Properties



ANALYSIS: The purpose of this proposed amendment is to **rezone 2900 S. Ridgewood Avenue (CEMEX), parcels 5333-11-00-0070 and 5333-11-00-0100 from Light Industrial to Planned Unit Development (PUD)**. The rezoning of these parcels supports future development that will be consistent with the guiding policies of the CRA Redevelopment Master Plan and the City's Comprehensive Plan. The PUD zoning

classification will promote a safe and attractive environment for residents and visitors that will be compatible with existing and planned development in the CRA.

CONCLUSION: In accordance with *Section 3.2 K* of the LDC, there are certain criteria that must be evaluated before adoption of a LDC amendment. The Planning & Appeals Board must consider the following criteria when making their recommendation to amend the LDC:

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

Land Development Code:

Section 5.5 Schedule of zoning district regulations

O. PUD - planned unit development district. The purpose and intent of the PUD district is to promote efficient land use, a range of housing types and housing costs, useable open space areas, the preservation of natural resources and ecologically important areas from destruction, innovative site planning concepts, and orderly economic development. Specific permitted uses shall be defined in the master development agreement but generally permitted uses include apartments, multi-family dwellings, townhomes, garden apartments, parks, playgrounds, and other recreational facilities to serve the residents of the project.

R. Mixed Use Development (MXD) District 2. The purpose and intent of the Mixed-Use Development District – 2 is to provide greater site-design and land use flexibility by removing some conventional zoning restrictions so that land under unified control can be planned and developed for a compatible mix of office, commercial, light industrial, and multi-family residential uses, along with limited single-family uses as an adjunct to business use.

As noted above, the PUD zoning is consistent with the guiding principles of the CRA Master Redevelopment Plan, and the general concept plan discussed with the applicant, i.e., a market rate, luxury, multi-family residential project, is consistent with the Land Development Code. The permitted uses of the PUD will be specified in the master development agreement during the land use amendment process.

Future Land Use element:

- Objective 2: Locate commercial and industrial land where transportation access is adequate and conflicts with other land uses can be minimized.
 - Policy 2-2: Focus commercial development on small retail, professional, and business service activity.
- Objective 7: The City shall work toward elimination, or reduction, of land uses inconsistent with the community's predominantly residential character and future land uses.

- Policy 7-3: New development shall be required to be compatible with adjacent existing development by the layout of land uses and/or the provision of adequate buffering.
- Land Use Commentary, Mixed-Use: The two mixed-use land use categories are applied within the redevelopment area to encourage redevelopment. Uses will need to be compatible with integrated with residential activity.

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

The uses permitted under PUD zoning are compatible with adjacent existing and planned use that include both residential and commercial uses.

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

The PUD zoning will require adequate ingress/egress, parking, open space, and other amenities for the benefit of the uses. Those will be identified in a master development agreement that will be defined upon rezoning of the property.

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

The PUD zoning will not impair rights of other properties to light, air, sunlight, or other natural phenomena. The rezoning will provide for a less intense use that will be sustainable for the environment and compatible with surrounding residential and commercial uses.

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

The PUD zoning will ensure that the any forthcoming project will meet or exceed the tests for concurrency management. Any master development agreement will be brought to the PAB and the City Council with all necessary information to document concurrency management. It is expected that the amendment will be reviewed by the City Council on December 14, 2021 (first reading) and January 11, 2022 (second reading).

RECOMMENDATION: It is recommended that the Planning and Appeals Board recommend **APPROVAL** of Rezoning of 2900 S. Ridgewood Avenue (CEMEX), parcels 5333-11-00-0070 and 5333-11-00-0100.

ATTACHMENTS:

Appendix 1

Applicant Provided Documents (*Rezoning Application, Owner Authorization Letter*)
Legal Description of Parcels

APPENDIX I
APPLICANT PROVIDED DOCUMENTS

PLANNING & APPEALS BOARD APPLICATION FOR REZONING



CITY OF SOUTH DAYTONA

Community Development Department

1672 S Ridgewood Avenue, South Daytona, FL 32119

(386) 322-3020

P.O. Box 214960, South Daytona, FL 32121-4920

PUBLIC HEARING- APPLICATION

For Planning Department Use

Application Number

Date Submitted

10/21/2021

APPLICATION TYPE AND FEES

- ☐ Annexation
- ☐ Annexation Agreement
- ☐ Land Development Code (LDC) Amendment
- ☐ Large-Scale Comprehensive Plan Amendment (Map)
- ☐ Official Zoning Map Amendment, 10.01 acres or more
- ☐ Official Zoning Map Amendment, 10 acres or less
- ☒ Planned Development, 10.01 acres or more
- ☐ Planned Development, 10 acres or less
- ☐ Planned Development Amendment - Major
- ☐ Small-Scale Comprehensive Plan Amendment (Map)
- ☐ Special Exception - New Construction/Redevelopment
- ☐ Special Exception - Downtown CRA Redevelopment
- ☐ Street Vacation
- ☐ Other

* The Land Development Code requires the applicant to pay the full costs of public advertising. The deposit is the average of past applications. Applicants shall receive a refund where costs paid are greater than advertising costs and will be if advertising costs are greater than the deposit paid.

APPLICANT INFORMATION

This application is being submitted by ☐ Property Owner ☒ Agent, on behalf of Property Owner**

Name MSP RE Development, LLC

Full Address 146 WILLIMAN STREET, CHARLESTON, SC 29403

Telephone 407-620-1330

Email msand@middlestreet.com

** If this application is being submitted by a person other than the property owner, please provide the following Property Owner information as well as a notarized letter designating you as agent.

PROPERTY OWNER INFORMATION***

Name Rinker Materials Corp.

Full Address 1501 Belvedere Road, West Palm Beach, FL 33406

Telephone

Email

***If the property owner does not reside on the property for which the application refers, please provide the following Property Details.

PROPERTY DETAILS

Full Address 2900 S. Ridgewood Avenue
 Legal Description See attached property appraiser legal description

PROJECT COORDINATOR

Name Matt Sand, Middle Street Partners, LLC
 Full Address 300 S. Orange Avenue, Suite 1000, Orlando, FL 32801
 Telephone 407-620-1330 Email msand@middlestreet.com

PROJECT INFORMATION

Name Cemex Rezoning
 Description
 Rezone:
 5333-11-00-0070 (2900 S. Ridgewood Ave.) appx. 10.08 acres
 5333-11-00-0100 (no address) appx. 4.02 acres
 For a total of appx. 21.96 acres to be rezoned from Light Industrial to Planned Unit Development.

CERTIFICATION

By submitting this application, I hereby certify that the information provided above is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and review process for this application. I hereby authorize City of South Daytona Staff to place legal notice on my property and to take pictures pertaining to my request. I am aware of the required pre-application meeting and am aware that if all the required information is not provided, my application will be continued to the next regularly scheduled hearing.

STATE OF FLORIDA
 COUNTY OF Fulton

Signature: 

The foregoing instrument was acknowledged before me this 21 day of Oct, 2021, by John D. Bazzel
 as VP (title*) for MSP & Development, LLC (name of corporation*),
 who ☐ provided GA Drivers License as identification, or ☐ who is personally known to me.

Notary Public, State of Florida
 My Commission Expires: 06-20-2023

* If you are executing this document on behalf of a corporation please complete the spaces with your title and the name of your company as indicated.



OWNER AUTHORIZATION LETTER

CITY OF SOUTH DAYTONA OWNER AUTHORIZATION FORM

Parcel ID #: 5333-00-00-0100

5333-11-00-0070

5333-11-00-0100

CEMEX Construction Materials Florida, LLC is the Owner of Record of the real property designated by the above-referenced Parcel ID Numbers (the "Property"). The Owner of Record hereby designates and authorizes MSP RE Development, LLC to act as Owner of Record's authorized agent to make application to the City of South Daytona, consent to administrative applications and changes in entitlements, and make binding statements, commitments, and representations, with respect to the Property, concerning applications and other actions relating to rezonings, changes in future land use designation, planned unit developments and master development agreements, and any other ordinance or change in entitlements concerning the Property.


Owner of Record Signature

Ryan Mahoney
Name of Individual Signing (Print)

10/22/21
Date

If Owner of Record is a corporate entity, complete the following:

CEMEX Construction Materials Florida, LLC
Corporate Name of Owner of Record (Print)

Vice President
Corporate Title of Individual Signing (Print)

(SEAL)

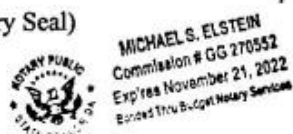
STATE OF FLORIDA

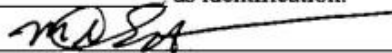
COUNTY OF PALM BEACH

SWORN TO AND SUBSCRIBED before me by Ryan Mahoney

(Owner of Record or officer thereof) by means of ☐ physical presence or ☐ online notarization, this 22 day of OCTOBER, 20 21, who is personally known to me, or who produced _____ as identification.

(Notary Seal)




Notary Public

Michael S. Elstein
Name typed, printed or stamped
My Commission Expires: _____