Planning & Zoning Board
Monday, December 1, 2025 at 5:30 PM

City Commission Chambers
214 Sams Avenue, New Smyrna Beach, Florida 32168

1. CALL TO ORDER

A. Roll Call

2. APPROVAL OF MINUTES

2.A Consider the Approval of the Planning and Zoning Board November 3, 2025 Regular Meeting Minutes.

3. PUBLIC PARTICIPATION

4. OLD BUSINESS

4.A ZT-10-25 Subdivision Plat Process

5. NEW BUSINESS

5.A A-0010-2025: Review and give a recommendation to the City Commission on an overall annexation application for property located on Paige Avenue.

5.B A-0011-2025: Review and give a recommendation to the City Commission on an overall annexation application for property located on Paige Avenue.

5.C Special Exception 2-25: 707 Cheston Street, request to allow an attached

dwelling unit to a principle commercial structure in the I-1, Light Industrial, zoning district NEED TO UPDATE W P&Z results

5.D A-0012-2025: Review and give a recommendation to the City Commission on an overall annexation application for property located on Paige Avenue.

5.E A-0013-2025: Review and give a recommendation to the City Commission on an overall annexation application for property located on Oliver Drive.

5.F Z-0004-2025: Review and give a recommendation to the City Commission on a proposed partial rezoning application for property located at 1701 South Dixie Freeway.

5.G Review and approval of the 2026 Meeting Schedule for Planning and Zoning Board

5.H Nominate and vote on 2026 Planning and Zoning Board Chair

6. COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

7. REPORTS AND COMMUNICATION BY THE STAFF

8. ADJOURNMENT

Pursuant to Florida Statutes 286.0105, if an individual decides to appeal any decision made by the board, agency or commission of the City of New Smyrna Beach 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 City Clerk's office in person or by mail at 210 Sams Avenue, New Smyrna Beach, Florida 32168, (386) 410-2630, prior to the meeting.

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

CONSIDER THE APPROVAL OF THE PLANNING AND ZONING BOARD NOVEMBER 3, 2025 REGULAR MEETING MINUTES.

December 1, 2025

Background:
Florida Statutes require that minutes be prepared and approved for all meetings of the Planning and Zoning Board.

Findings:
Staff recommends the Planning and Zoning Board approve the minutes of the regular Planning and Zoning Board meeting held on November 3, 2025 Regular Meeting Minutes.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Stephanie Ferrara - Development Services Coordinator

Attachments:

FULL MEETING MINUTES.pdf

Planning and Zoning Regular Meeting
Monday, November 3, 2025, at 5:30 PM
MINUTES

1. CALL TO ORDER

Having been duly advertised as required by law, the regular meeting of the Planning and Zoning Board of the City of New Smyrna Beach, Florida, was held on Monday, November 3, 2025, at the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida 32168.

Larry Wheatcraft called the meeting to order at 5:30 PM.

Roll Call

Attendee Name	Title	Status	Arrived
Jesse Thompson	Non-Member	Present	5:30 PM
Deb Denys	Member	Present	5:30 PM
David McKenna	Member	Present	5:30 PM
John Causey	Member	Present	5:30 PM
Thomas Bien	Member	Present	5:30 PM
Jon Hall	Member	Present	5:30 PM
Stephen Yates	Vice-Chair	Absent	--------
Larry Wheatcraft	Chair	Present	5:30 PM

Also present were Shane Corbin, Director of Development Services, Stephanie Doster, Planning Manager, City Assistant Attorney Grant Day, and Board Secretary Stephanie Ferrara.

Chair Wheatcraft asked City Staff if there were any changes to the agenda. Stephanie Doster stated that the Staff would like to continue agenda item 5.C: ZT-10-25: Subdivision Plat Process to the December meeting and move 5.B CPA-07-25: 1300 S. Atlantic Avenue to 5.A. The Planning Board members had no objections to the request.

Stephanie Doster, Planning Manager, welcomed the two new board members, Deb Denys and David McKenna.

DRAFT

2. APPROVAL OF MINUTES

2.A Consider the Approval of the minutes from the Planning and Zoning Board regular meeting held on October 6, 2025.

Chair Wheatcraft asked the Board if they had any additional questions or comments.

Motion:
Member Denys moved to approve the minutes of the Planning and Zoning Board regular meeting held on Monday, October 6, 2025, as submitted. Member Hall seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Denys
SECONDER:	Hall
AYES:	Denys, Mckenna, Causey, Bien, Hall, Wheatcraft

3. PUBLIC PARTICIPATION

None.

4. OLD BUSINESS

None.

5. NEW BUSINESS

5.A CPA-07-25: 1300 S. Atlantic Ave - Review and give recommendation to the City Commission on a proposed Small Scale Comprehensive Plan amendment changing the Future Land Use designation from Commercial to Medium Density Residential on approximately 1.01 acres located at 1300 S. Atlantic Avenue.

Shane Corbin, Director of Development Services, outlined the Applicant's request to amend the City's Comprehensive Plan, changing the Future Land Use designation from commercial to Medium Density Residential.

Chair Wheatcraft asked if the applicant would like to speak.

Michael J. Woods, Esq, Cobb Cole, 231 N. Woodland Boulevard, DeLand, FL. 32720, representing the Applicant, presented a proposal to rezone a one-acre parcel from commercial to single-family residential, emphasizing a significant reduction in density and intensity compared to a prior commercial project that faced strong community opposition. He stated that the property has been vacant for years and sits adjacent to Walgreens and across from single-family homes. His key points included compliance with current stormwater standards, reduced impervious area, unchanged height limits, and a FAR reduction from 2.0 to 0.5, which aligns with practical limitations and neighborhood character. The applicant also proposed buffering solutions for the Walgreens parcel and stressed that the project reflects community feedback, aiming to build a few single-family homes rather than commercial development.

Member Bien asked whether the applicant intends to develop the homes or sell lots, and Mr. Woods stated it could be either, but the focus is on single-family lots consistent with the surrounding area.

Member Mckenna asked if the applicant had reached out to residents who opposed the previous parking garage project, Mr. Woods explained they had not, noting the current proposal is significantly less intense and they expect any major concerns would surface during the process. The primary goal was to present the plan and gather feedback, especially regarding land use interpretation.

Member Denys asked whether the proposed buffer solution would prevent Walgreens from becoming a non-conforming structure. Mr. Woods confirmed that with the planned adjustments, likely to include planting and property dedication, the buffer issue would be resolved, and Walgreens would no longer be non-conforming.

Member Bien asked if the required 25-foot buffer for commercial properties could be reduced by adding more trees, fences, or other alternatives. Ms. Doster clarified that there is no waiver for this requirement when transitioning from commercial to residential. Mr. Woods added that they explored options like variances or additional screening but found New Smyrna Beach’s code uniquely strict, requiring a buffer deeper than typical setbacks, which creates challenges for the project.

Jay Pendergast, Architect for the Applicant, presented a site plan and renderings showing the potential redevelopment with single-family homes. The initial concept includes up to eight houses with garages, parking spaces, rooftop decks, and optional pools or cabanas, though buffer requirements next to Walgreens may reduce the project to six units. He emphasized that landscaping could effectively address buffering concerns and improve aesthetics. The renderings illustrate how the homes would fit the site and take advantage of views, aligning with the applicant's goal of creating a low-intensity, neighborhood-compatible development.

Chair Wheatcraft opened Public Participation. As no citizens wished to speak, Chair Wheatcraft closed Public Participation.

Chair Wheatcraft asked the Board if they had any additional questions or comments.

Member Denys expressed concern that the proposal conflicts with the city's Comprehensive Plan, which aims to maintain non-residential land and promote economic health through commercial development. She noted that New Smyrna Beach is already heavily skewed toward residential uses (approximately 84% residential vs. 9.6% commercial) and argued that converting commercial property to residential undermines these goals. While acknowledging the design quality, she stated he could not support the project based on the plan's objectives and the need to preserve commercial land for tax base and job growth.

Member Bien questioned whether the commercial-versus-residential percentages included future developments like Deering Park or South Village, and staff confirmed the data reflects current tax roll properties only. Bien noted that while preserving commercial land is important, the city must adapt and has already planned for additional business space, which offsets concerns. He also emphasized that the parcel is adjacent to similarly zoned residential and, in his view, does not represent an isolated residential island within a commercial zone.

Member Mckenna highlighted the tension between adhering to the Comprehensive Plan and responding to public opinion. He noted that the previous parking garage proposal aligned with the plan but was withdrawn due

to community opposition, despite efforts to make it visually appealing. The current proposal, while requiring a land use and zoning change, aims to be sensitive to neighbors and create an attractive single-family development. Member Mckenna acknowledged the quality of the design but stated he could not support the project under the existing Comprehensive Plan, even though he views it as a good alternative if policy changes are possible.

Chair Wheatcraft emphasized the importance of preserving commercial land, referencing prior discussions during the Deering Park approval and noting that over 80% of the city's tax base comes from residential properties. He expressed concern that rezoning from commercial to residential rarely reverses and could permanently eliminate commercial opportunities. While acknowledging the property's long vacancy and the need for the city to evolve, he stressed the importance of diversifying the tax base and suggested that a middle-ground solutions such as mixed-use development—might be preferable, though the parcel size may limit that option. He concluded by voicing concern about losing commercial space in a high-traffic area near the county's busiest beach access point.

Member Bien asked whether the site could accommodate 12 townhouse units allowed under B2 zoning and if that option was considered. Mr. Pendergast confirmed that townhouses could be designed but would significantly increase density, explaining that the intent of the current proposal was to reduce density rather than maximize it.

Member Bien noted that under existing B2 zoning, the site could accommodate up to 12 townhouse units, whereas the current proposal suggests six to eight single-family homes, calling it a "middle ground" compared to prior plans. Mr. Woods clarified that while the land use change appears to reduce commercial intensity, the practical effect is minimal because achieving the 2.0 FAR allowed under commercial zoning is unrealistic due to height and impervious area limits. He emphasized that the proposed single-family lots would still provide significant property valuation, especially given their beachside location, and argued these offset concerns about losing commercial tax base. Woods also noted that much of the Comprehensive Plan's commercial preservation policy focuses on areas west of SR 44, making this site less critical for commercial retention.

Member McKenna noted that while the city's tax base is heavily skewed toward residential, the proposed six homes could each be valued at approximately $2.5 million, generating $14–$15 million in taxable property. He suggested this substantial revenue should be considered when evaluating the impact of converting the parcel from commercial to residential use.

Bobby Luther, Property Owner, compared the financial impact of the proposed single-family development to the previously considered parking garage. He stated the garage would cost about $11.5 million to build, while six homes priced between $2.8 and $3 million each would generate roughly $18 million in taxable property value, significantly increasing revenue for the city compared to the garage option.

Member Hall emphasized that the property has been vacant for five years and, due to its lack of visibility off SR 44, may remain undeveloped commercially for years to come. He praised the proposed residential concept as attractive and beneficial for nearby homeowners, noting it would improve property values and eliminate an eyesore. Hall also raised concerns about traffic near the heavily used 3rd Street beach access, suggesting that a high-traffic commercial project could create safety issues. He concluded that the residential plan, with an estimated value of around $27 million, offsets tax concerns and represents a positive investment for the community.

Khalid Rasheidat, representing the applicant, explained that he suggested the switch to single-family homes after the previous parking garage and mixed-use proposal faced strong opposition over traffic, stormwater, and noise concerns. He noted that the new plan addresses these issues by reducing trips from thousands to fewer than ten per day and eliminating restaurant-related noise. Mr. Rasheidat emphasized that rezoning from commercial to residential is rare but argued that no commercial project would succeed without significant neighborhood backlash. He also pointed out that the ownership group is concurrently adding 14 acres of commercial land elsewhere, offsetting this change.

Motion:

Member McKenna moved to recommend approval to City Commission for CPA-07-25: 1300 S. Atlantic Ave, as submitted. Member Hall seconded the motion, and the motion carried unanimously.

RESULT:	**DENIED [VOTE 2-4]**
MOVER:	McKenna
SECONDER:	Bien
AYES:	Bien, Hall
NAYS:	Denys, McKenna, Causey, Wheatcraft

5.B Z-03-25: 1300 S. Atlantic Ave - Review and give a recommendation to the City Commission on the rezoning of commercial property from B-2, Neighborhood Business District to R-3A, Single Family and Two Family (Zero Lot Line) Residential located at 1300 S Atlantic Avenue.

Shane Corbin, Director of Development Services, outlined the Applicant's request to rezone commercial property from B-2, Neighborhood Business District to R-3A, Single Family and Two Family (Zero Lot Line) Residential.

Chair Wheatcraft asked if the applicant would like to speak. The applicant did not wish to speak.

Chair Wheatcraft opened Public Participation.

Gayla Leslie, 1306 Hill Street, stated that neighbors opposed the previous parking garage due to safety, traffic, noise, and community preservation concerns. She noted that the current plan for eight single-family homes seems positive and similar to townhouses, which are already allowed. Ms. Leslie confirmed receiving a certified notice and assumed other neighbors did as well, expressing appreciation for the communication and interest in learning more about the project, which she feels looks good so far.

Richard Flanagan, a local business owner, stated that the area surrounding the proposed site is predominantly residential, despite being near the busiest beach access point. He recalled involvement in earlier efforts to develop a mixed-use parking garage project intended to ease traffic on Flagler Avenue, which faced significant opposition. Mr. Flanagan criticized the city's current zoning as outdated and urged officials to "get it right" this time, expressing doubt that any commercial project would be approved for the site. He concluded that the proposed single-family development is the best use for the property and benefits the surrounding neighborhood.

Sue Trzaskus, 1300 Hill Street, said she opposed the previous commercial proposal but is not against residential development. Her main concerns are maintaining required setbacks, preventing flooding since the area currently does not flood, and ensuring proper drainage for the new homes. She also noted the heavy traffic and emergency vehicle use on the street, urging careful consideration of these impacts. Despite these concerns, she acknowledged that something needs to be built and believes the proposed plan may be the best option overall.

Chair Wheatcraft closed Public Participation.

Chair Wheatcraft asked the Board if they had any additional questions or comments.

Motion:
Member Bien moved to recommend approval to City Commission for Z-03-25: 1300 S. Atlantic Ave, as submitted. Member McKenna seconded the motion, and the motion carried unanimously.

RESULT:	**DENIED [VOTE 3-3]**
MOVER:	Bien
SECONDER:	McKenna
AYES:	Mckenna, Bien, Hall
NAYS:	Denys, Causey, Wheatcraft

5.B ZT-10-25: Subdivision Plat Process

Agenda Item Continued to December 1, 2025, Planning and Zoning meeting, without objections.

6. COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

Chair Wheatcraft thanked former board members Hodges and Hulvershorn for their years of service and reminded attendees that board members serve voluntarily without pay, emphasizing their commitment to helping the community.

7. REPORTS AND COMMUNICATIONS BY THE STAFF

7.A Development Activity Report – Listed on the City's Website

8. ADJOURNMENT

As there was no other business to discuss, Chair Wheatcraft declared the meeting adjourned at 6:43 P.M.

THE CITY OF NEW SMYRNA BEACH - DEVELOPMENTAL SERVICES

ZT-10-25 SUBDIVISION PLAT PROCESS

December 1, 2025

Background:

Under existing law (prior to SB 784), plats and replats were typically submitted to local governing bodies (city commissions/councils or board of county commissioners) for approval, after technical review by staff and other agencies. In the 2025 Legislative Session the Florida Legislature enacted SB 784 (Chapter No. 2025-164) which became effective July 1, 2025. SB 784 amends § 177.071 and § 177.111 of the Florida Statutes to require that:

A plat or replat that complies with § 177.091 must be administratively approved by a designated administrative authority of the local government, and no further action by the governing body is required.

The governing body must, by ordinance or resolution, designate an administrative authority (department/division or an official/employee) to receive, review and process plats/replats.

Within 7 business days of receipt of a plat/replat submittal, the administrative authority must provide written notice to the applicant acknowledging receipt, identifying any missing documents/information required to process the submittal under § 177.091, and outlining the process and applicable timeframe.

Unless the applicant requests an extension of time, the administrative authority must approve, approve with conditions, or deny the plat or replat within the timeframe identified in that initial written notice. The local government may not require the applicant to request a written extension of time.

If the plat/replat lies wholly within the boundaries of a municipality, that municipality has exclusive jurisdiction to approve.

Commonly, plats become controversial as they make their way through the public hearing process regardless of their compliance with existing code. The state decided this process was too cumbersome by creating unnecessary delays and expenses. SB 784 is

intended to streamline platting procedures, reduce delays, and remove unnecessary governing-body hearings for code-compliant plats. Staff has taken our existing requirements and drafted a hybrid amendment that maintains some cohesion of our current process while complying with the new regulations of SB 784.

This proposed Land Development Regulation amendment has a new introductory section establishing the rules of SB 784, designates the City Manager or his/her designee as the administrative authority to approve plats and clarifies the new review/approval process.

The proposed platting process is now broken down into three phases. In summary, the three phases cover the following:

1. **Sketch plat** (previously called a preliminary plat) - This first phase requires the minimum detail required for a property owner and staff to have initial discussions about a project before it gets into the more detailed and expensive design work.
2. **Preliminary plat** (previously called a final plat)- This second phase requires all of the detailed engineering required to record a plat prior to recording. New language regarding plat contracts was added to end of this section. Approval of the preliminary plat and development plans results in the issuance of a development order per state law even though a final plat has not been recorded.
3. **Final plat recording** - This third and final phase remains relatively unchanged from the existing text. During this phase the final documents are collected, a mylar is singed and the final plat is recorded in Volusia County clerk of court.

Findings:

The proposed amendment is administrative in nature and does not alter land use designations, densities, intensities, or development standards. It is consistent with the City's Comprehensive Plan policies that call for efficient and timely review of development applications and transparent procedures. The draft has been reviewed by city staff, NSBU and should be approved to be compliant with state law.

Staff recommends that the Planning & Zoning Board recommends **approval** to the City Commission of the proposed text amendment to update the Land Development Regulations' subdivision/platting section to incorporate the procedural requirements of SB 784 amending the administrative authority designation, review timelines, and approval process for plats and replats.

Exhibit A: 1007.00 Platting Requirements Redline
Exhibit B: Senate Bill 784

Fiscal Analysis:

N/A

Strategic Plan Item:

No

Staff Report Created By: Shane Corbin - Developmental Services Director

Attachments:

Exhibit A: 1007.00. Platting Requirements Redline
Senate Bill 784

1007.00. Administrative Authority for Plat and Replat Approval

A. *Purpose and Applicability*. This section shall apply to all plats and replats, whether denominated as preliminary, final, or otherwise, required pursuant to Chapter 177, Florida Statutes, or the City's Land Development Regulations.

B. *Delegation of Authority*

(1.) The City Manager is hereby designated as the "administrative authority" for purposes of Section 177.071, Florida Statutes, as amended.

(2.) The City Manager may delegate, in writing, the duties and responsibilities set forth in this section to one or more employees of the City possessing the requisite qualifications, including but not limited to the Director of Development Services or other appropriate staff or consultants.

(3.) Any such designee shall have the same authority and responsibility as the City Manager to review, approve, approve with conditions, or deny plats and replats in accordance with this section.

C. *Review Procedure*

(1.) Upon receipt of an application for a plat or replat, the administrative authority shall within seven (7) business days:

a. Acknowledge receipt of the application in writing to the applicant;

b. Notify the applicant of any missing or incomplete required materials; and

c. Provide the applicant with the expected timeframe for review and decision. The review period shall commence only when all materials in the application packet are complete.

(2.) Within the stated timeframe, the administrative authority shall issue a written decision to approve, approve with conditions (required corrections or modifications), or deny the application.

(3.) Any denial shall state with specificity the requirements of law, regulation, or technical standard not met by the application.

D. Extensions. The review timeframe may be extended only upon written request by the applicant or by declaration of a natural disaster by the Governor. No extension shall be required by the City as a condition of review.

E. *Conformity with Law*. All plats and replats shall conform to the requirements of Chapter 177, Florida Statutes, the City's Land Development Regulations, and any other applicable laws.

F. *Effect of Approval.* Administrative approval of a plat or replat under this section shall constitute final City action for purposes of Chapter 177, Florida Statutes, without the necessity of review or approval by the Planning and Zoning Board or the City Commission, except where otherwise required by law.

1007.~~00~~01. Plat requirements.

A. *Survey accuracy.* The allowable angular and linear error of closure for subdivision surveys shall be as follows:

(1) Angular error of closure shall not exceed 15 seconds times the square root of the number of angles turned. Total angular error shall be no greater than 40 seconds.

(2) Linear error of closure shall not exceed one foot per 10,000 feet (1:10,000 feet).

B. *Monumentation.* The developer shall cause a professional land surveyor and mapper to install monuments based on the requirements of F.S. ch. 177. The professional land surveyor and mapper shall establish the elevation in feet above ~~National Vertical Geodetic~~North American Vertical Datum of 1988 (~~N.V.G.D.)~~(NAVD 88) for at least two permanent reference monuments in the subdivision and show such information on the plat.

C. *Lot and block layout.* All lots shall be designed to meet the minimum dimensional requirements of their zoning district or any controlling master development agreement (MDA). The following additional criteria shall be considered in the layout of proposed subdivisions:

(1) Maximum block length shall be 1,400 feet, unless longer blocks are required due to environmental or topographic limitations.

(2) Blocks designed for non-residential uses should provide sufficient length and width to prevent adverse traffic impacts, while allowing adequate service areas and parking without requiring excessive points of entry on abutting streets.

(3) Lots within non-residential blocks shall require a common vehicular access easement dedicated to the use, maintenance and benefit of all lots within the block. Alternatively, a lower functional classified side street may be used to provide access to the lot.

(4) All lots shall front on a public or private street.

(5) Where a residential subdivision abuts or includes an arterial or major collector road, streets and blocks shall be designed so that no lot requires access from the arterial or major collector road.

(6) Double frontage lots are to be avoided. However, where double frontage lots are used to meet this requirement, the lot must be 20 percent deeper than the average lot depth of any adjoining lots. All double frontage lots shall contain one of the following:

a. A decorative masonry wall; or

b. A 15-foot landscaped buffer area. If a buffer area is used, this area must be placed in a conservation easement that is dedicated to the homeowners association or the controlling maintenance entity per the recorded MDA.

(7) Access to a double frontage lot shall be from a local or minor collector road only as established by the comprehensive plan.

(8) All corner lots shall be 15 percent wider than the minimum width required by ~~this Code~~these land development regulations.

(9) Lots fronting on a cul-de-sac shall have a minimum width at the right-of-way line of not less than 30 feet measured at the chord of the arc.

(10) Side lot lines shall be perpendicular or radial to street right-of-way lines except where physical lot features make such orientation impractical.

D. *Easements and miscellaneous dedications.* The following minimum number and size of easements and dedications shall be reflected on the plat drawing. Larger easements may be specifically required based on the size, depth, or special maintenance requirements of a facility. All easements or dedications shall be graphically depicted unless otherwise noted.

(1) *Drainage facilities.* A drainage easement shall be granted to the city where a proposed subdivision is traversed by any existing or proposed watercourse, canal, ditch, storm sewer, or other drainage way. Minimum size shall be as follows:

a. Lake or retention areas shall be covered by an easement extending to ten feet beyond the top of bank.

b. Canals, water courses, drainage ways, channels or streams shall be covered by an easement extending to 20 feet beyond the top of bank on one side, and 20 feet beyond the top of bank on the other side, if needed.

c. Swales, or any other facility ~~up to two 22~~greater than two feet deep and with side slopes no greater than 4:1 shall be covered by an easement extending to the top of bank.

d. Storm sewer lines shall be covered by an easement of no less than 20 feet, centered on the centerline of the pipe.

e. The city may require the dedication of a drainage right-of-way over major facilities providing area-wide drainage.

(2) *Utilities.* A utility easement shall be granted to the ~~utilities commission~~New Smyrna Beach Utilities (NSBU) wherever a proposed utility line or other facility is planned or located on or adjacent to any property not otherwise dedicated to or owned by the ~~utilities commission~~NSBU. Such easements shall be 20 feet in width and centered on the centerline of the pipe; with reasonable justification, the ~~utilities commission~~NSBU may reduce the easement to less than 20 feet in width or may request up to an additional five feet in width, if necessary.

(3) *Vehicular access control easements.* A one-foot wide vehicular access control easement, precluding the construction of any accessway to the property from the adjoining street, shall be granted to the city parallel to the right-of-way line as follows:

a. On all double frontage (through) lots adjacent to the arterial or collector road, along the rear or non-local road frontage.

b. On all corner lots adjacent to an arterial or collector road, along the non-local road frontage.

c. Along any other lot frontage where access must be restricted due to visibility restrictions or other traffic engineering considerations.

(4) *Conservation easements.* Conservation easements shall be granted to the city or other appropriate governmental agency as follows:

a. Over all required tree preservation areas.

b. Around all individual specimen trees required to be preserved.

c. Over all wetlands, wetland buffers and wetland mitigation areas.

(Ord. No. 35-11, § 6, 6-28-2011; Ord. No. 50-18, § 3(Exh. C), 9-25-2018)

1008.00. ~~Preliminary~~ Sketch plat and plan approval.

A ~~preliminary~~ sketch plat must be reviewed and approved prior to the review and approval of ~~development plans.~~preliminary plat. The requirement for approval of a ~~preliminary~~ sketch plat may be waived by the administrative ~~official~~ authority when the proposal is determined to be minor in review or consistent with the conceptual plan exhibit of a PUD master development agreement. A ~~preliminary~~ sketch plat approval does not convey any rights of a development order, and does not result in any reservation of capacity for concurrency management purposes.

A. *Pre-application conference.* Prior to filing for ~~preliminary~~ sketch plat and plan approval, the developer or the developer's representative must meet with city technical review staff in order to discuss potential issues regarding the proposed subdivision. Comments made at the pre-application meeting are advisory and intended to provide guidance and are non-binding on the formal review of the preliminary plat and plans.

B. *Application.* Application for ~~preliminary~~ sketch plat and plans approval shall be made to the planning and engineering department utilizing the form provided by the department for that purpose, and accompanied by the appropriate review fee as adopted by resolution of the city commission. Initial applications shall be accompanied by the required number of signed and sealed plat and development plans by professional land surveyors, including electronic copies, as determined by the administrative official.

(1) ~~*Review of application materials.* Within three working days of the receipt of an application, the department shall determine whether the application is complete. Incomplete applications shall be returned to the applicant with the deficiencies noted in writing. Re-application shall be accompanied by a re-application fee as adopted by resolution of the city commission.~~

~~(2) *Initiation of development review.* When an application is determined to be complete, it shall be scheduled in accordance with the adopted submittal deadline calendar for the corresponding city technical review staff meeting and the applicant shall be so notified. All application packages must be submitted by noon on the deadline date in order to be scheduled for the next available city technical review staff meeting.~~

C. ~~*Preliminary*~~ *Sketch plat and plans and exhibits.* The following information shall be shown on or enclosed with the preliminary plat and plans submitted for approval unless specifically waived by the city technical review staff member responsible for review of that item. The ~~preliminary~~ sketch plat itself shall be drawn at a scale of no smaller than 1" = 100'.

(1) Subdivision name, date, north arrow, and the property's legal description, boundary dimensions and area in acres.

(2) Name and address of owner, surveyor, engineer, and any other professional consultants involved with the generation of the plan information. If the property is owned by a corporation or company, the name and address of its president and secretary, and state of incorporation shall be given.

(3) A vicinity map drawn to scale, showing the project boundary, the zoning of the area, and the relationship of the proposed subdivision to surrounding development.

(4) Proposed streets, common areas, drainage areas, conservation areas, lot lines, and their dimensions.

(5) Proposed street names and lot numbers.

(7) Existing topography using one-foot contours, and delineation of flood insurance rate map flood zones.

(9) All existing buildings, utilities, roads, easements or other improvements on the property, and all roads and lot lines within 150 feet of the property boundary.

~~(10) A soils report including one percolation test per ten acres with one or more eight-foot deep soil boring at each percolation test site.~~

(~~11~~10) Proposed utilities layout.

~~(12) A tree survey in compliance with Article VI of this code.~~

~~(13) One copy of the computer disk(s) depicting the proposed subdivision layout, including the streets and lots, for projects prepared on an appropriate computer-aided drafting (CAD) system.~~

~~(14) A boundary survey certified to the city.~~

~~(15) An opinion of title issued to the city.~~

(~~16~~11) If zoned PUD, provide the required number of copies of any/all PUD Master Development Agreement (MDA) and Amendment(s) concerning the proposed development, as determined by the administrative official.

~~D. *Review process.*~~

~~(1) Plan review by city technical review staff.~~

~~a. All applications shall be reviewed by city technical review staff and written staff comments shall be delivered and discussed at a regularly scheduled city technical review staff meeting.~~

~~b. Plans must be resubmitted in response to city technical review staff comments no later than 180 days after the original review.~~

~~c. Following resubmittal, city technical review staff shall have 20 working days to review and approve the revised plat and plans or provide the administrative official with a list of outstanding comments.~~

~~(2) *Failure to provide timely plan resubmission.* Failure to meet any of the resubmission deadlines cited above shall require the applicant to pay late fees or file a new application, including the appropriate review fees, whichever is deemed applicable by the administrative official.~~

~~(3) *Extension of resubmittal deadlines.* The administrative official may extend the resubmission deadlines cited above when warranted by unforeseeable events. A request for extension must be filed in writing with the planning and engineering department explaining the circumstances justifying the extension and include a resubmittal extension fee as adopted by resolution of the city commission.~~

~~(4) *Expiration.* Preliminary plat and plan approval shall expire two years after approval or conditional approval unless an application for final plat approval is submitted.~~

(Ord. No. 35-11, § 6, 6-28-2011; Ord. No. 19-18, § 1, 3-13-2018; Ord. No. 104-20, § 1, 12-8-2020)

1009.~~01~~00. ~~Final~~ Preliminary plat and development plan approval.

Approval of the ~~final~~ preliminary plat and development plans results in the issuance of a development order.

A. *Pre-application conference.* Prior to filing for development plan approval, the developer or the developer's representative shall meet with the city technical review staff in order to verify the steps necessary for application and review, and discuss potential issues regarding the development proposal. Comments made at the pre-application conference are intended to provide guidance and are nonbinding on the formal review of the development plans.

B. *Application for development plan approval.* Application for development plan approval shall be made to the planning and engineering department utilizing the form provided by the department for that purpose, and accompanied by the appropriate review fee. Application shall be accompanied by the required number of signed and sealed plat and development plans, including electronic copies, as determined by the administrative official. Plans shall be signed and sealed by a registered engineer~~,~~ or ~~architect, or landscape architect, where~~architect where required by this Code. Plans shall be prepared according to the standards of this Code.

(1) ~~*Review of application materials.* Within three working days of the receipt of an application, the department shall determine whether the application is complete. Incomplete applications shall be returned to the applicant with the deficiencies noted in writing. Re-application shall be accompanied by a re-application fee as adopted by resolution of the city commission.~~

~~(2) *Initiation of development review.* When an application is determined to be complete it shall be scheduled in accordance with the adopted submittal deadline calendar for the corresponding city technical review staff meeting, and the applicant shall be so notified. All application packages must be submitted by noon on the deadline date in order to be scheduled for the next available meeting.~~

C. *Subdivision plat and development plan exhibits.* In addition to the information listed in section ~~1008~~1009.00 of this article, the following information and documentation shall be shown on or enclosed with the subdivision plat and development plans submitted for approval. The subdivision plat and development plans shall be drawn at a scale of no smaller than 1"=100'.

(1) The ~~final~~ preliminary plat drawing(s) drafted in compliance with F.S. ch. 177, and including certificates of approval to be signed by the mayor and attested to by the city clerk.

(2) An opinion title issued to the city.

(3) A boundary survey certified to the city.

(4) Acreage in lots, drainage areas, common areas, streets and other uses; and the minimum lot size, average lot size and total number of lots.

(5) A soils report including one percolation test per ten acres with one or more eight-foot deep soil boring at each percolation test site and at every proposed stormwater retention pond.

(6) Environmental assessments showing all wetlands, delineation of wooded areas and vegetative communities, endangered/protected species reports and tree surveys showing all specimen trees, with calculations as required in Article VI of this code.

(~~2~~7) Engineering drawings, prepared by an engineer registered in the State of Florida, showing all required improvements, and including:

a. A composite plan drawing which shows all utility and drainage lines in relationship to each other;

b. Individual plan and profile sheets for all roads and sanitary sewer lines, showing manholes, inlets, and pipe crossings. Plans and profile sheets shall show sanitary lines and all other buried utilities that cross sewer lines, and any that parallel and are within ten feet of sewer lines. This includes but is not limited to potable water lines, reclaimed water lines, storm

drainage pipes, and storm drainage lines and inlets. Plan views shall be drawn at a scale of 1"=40' horizontal. Profiles shall be drawn at 1"=4' vertical.

c. Calculations justifying the sizing of utility lines.

d. A drainage basin map showing the topography and size of drainage basins and the specific flows therein.

e. Drainage calculations demonstrating compliance with this Code, and justifying ~~the size of all facilities~~recovery, conveyance and validating the capacity of the proposed stormwater management improvements.

f. The lot grading plan required under section 1004.00 of this article.

(~~3~~8) A construction cost estimate detailing the tabulation of quantities and costs of all proposed improvements including landscaping and irrigation signed and sealed by the engineer of record and/or landscape architect as appropriate.

(~~4~~9) Any and all proposed deed covenants.

(~~5~~10) Copies of letters notifying all franchised utilities of the size, location, and layout of the proposed subdivision.

(~~6~~11) Letter of approval for street names from Volusia County 9-1-1 coordinator.

(~~7~~12) If zoned PUD, provide the required number of copies of any/all PUD Master Development Agreement (MDA) and Amendment(s) concerning the proposed development, as determined by the administrative official.

~~D. *Review process.*~~

~~(1) *Plan review by the city technical review staff.*~~

~~a. All applications shall be reviewed by city technical review staff. Written technical review staff comments shall be delivered to the applicant and discussed at a regularly scheduled city technical review staff meeting.~~

~~b. Plans must be resubmitted in response to city technical review staff comments no later than 180 days after delivery of the original written technical review staff comments.~~

~~c. Following resubmittal, city technical review staff shall have 20 working days to review and approve the revised plat and plans or provide the administrative official with a list of outstanding comments.~~

~~(2) *Planning and zoning board review.* Only projects with five or fewer outstanding technical and procedural city technical review staff comments shall be submitted by the department to the planning and zoning board for consideration, unless waived by the planning and zoning board.~~

~~a. Planning and zoning board action. The planning and zoning board shall consider the final plat and plans at a regularly scheduled meeting and determine if they meet the requirements of this Code. The applicant or authorized agent shall be present at the consideration by the planning and zoning board. Upon consideration of the comments of the city technical review staff and the public, the board shall take one of the following actions:~~

~~1. Continue consideration of the project to the next regularly scheduled meeting to allow for the resolution of outstanding issues.~~

~~2. Recommend disapproval of the proposed final plat and plans.~~

~~3. Recommend approval of the proposed final plat and plans.~~

~~4. Recommend approval of the proposed final plat and plans with conditions.~~

~~(3) *Final document submittals for city commission review.*~~

~~a. Following the planning and zoning board meeting, the applicant shall submit any revisions of the final plat and development plans, addressing any outstanding city technical review staff comments, in order to be heard by the city commission.~~

~~b. If the plat is to be recorded prior to the completion of improvements, an improvement guarantee must be included for city commission review. All agreements and guarantees shall be on forms acceptable to the city engineer and city attorney. The guarantee shall be in the amount of 115 percent of the construction costs as estimated by the developer and confirmed or adjusted by the city.~~

~~(4) City commission approval. The city commission shall consider the final plat and development plans at a regularly scheduled meeting, and determine if they meet the requirements of this Code. Upon consideration of the comments of the department and public, and the recommendation of the planning and zoning board, the city commission shall take one of the following actions:~~

~~a. Table or continue the consideration of the proposed development plan to allow for resolution of outstanding issues.~~

~~b. Deny the proposed final plat and development plans.~~

~~c. Approve the final plat and development plans.~~

~~d. Approve the final plat and development plans with conditions. Revised plans and/or reflecting conditions of city commission approval shall be submitted to the planning and engineering department within 60 days of that approval. Plans and/or documents shall be reviewed by the department within ten working days of resubmittal to determine compliance with those conditions.~~

~~e. Refer the proposed development plan back to the planning and zoning board for further review and recommendation based on new or additional information or circumstances.~~

~~E~~D. *Issuance of development order.* The planning and engineering department shall issue a development order within five working days of unconditional city commission approval, or verification that city commission conditions for approval have been met.

~~F. *Failure to provide timely plan resubmission.* Failure to meet any of the resubmission deadlines cited above shall require applicant to pay late fees or file a new application, including the appropriate review fees, whichever is deemed applicable by the administrative official.~~

~~G. *Extension of resubmittal deadlines.* The administrative official may extend the deadlines cited above when warranted by unforeseeable events. A request for extension must be filed in writing with the planning and engineering department accompanied by the appropriate fee explaining the circumstances justifying the extension.~~

~~H~~E. *Expiration.* Failure to install all required improvements and record the final plat within two years of the date of ~~city commission~~ approval shall result in the ~~final~~ preliminary plat approval being revoked.

(Ord. No. 35-11, § 6, 6-28-2011; Ord. No. 19-18, § 1, 3-13-2018; Ord. No. 104-20, § 1, 12-8-2020)

1009.~~02~~01. Final plat recording.

A. The following information must be provided prior to the recording of the final plat:

(1) A letter from the surveyor verifying that all survey monumentation required by this code is in place;

(2) Evidence of a third party review and approval in conformity with Chapter 177 of Florida Statutes shall be placed on the face of the plat;

(~~2~~3) A title opinion or property information report, in a format acceptable to the city attorney, dated not more than 30 days prior to the proposed date for plat recording;

(~~3~~4) A copy of the articles of incorporation for the property owner's association responsible for maintenance of common facilities;

(~~4~~5) One mylar copy of the final plat, executed by the owner(s), surveyor of record, and other entities associated with the developer; and

(~~5~~6) Electronic copies of the final plat and all supporting documents.

B. *Recorded plat.* Upon receipt of all documents listed above, the mayor, city attorney, and city clerk shall sign the mylar copy of the final plat. The signed mylar will be returned to the developer for recording with the Volusia County clerk of court. Developer shall record the plat within 30 days of receiving the signed mylars from the city. Recording shall be done at the developer's expense. Developer shall provide the city with an electronic copy of the recorded plat.

(Ord. No. 104-20, § 1, 12-8-2020)

DRAFT

An act relating to platting; amending s. 177.071, F.S.; requiring that certain plat or replat submittals be administratively approved with no further action by certain entities under certain circumstances; requiring the governing body of such county or municipality to designate an administrative authority to receive, review, and process plat or replat submittals; providing requirements for such designation; defining the term "administrative authority"; requiring the administrative authority to submit a certain notice to an applicant; providing requirements for such notice; requiring the administrative authority to approve, approve with conditions, or deny a plat or replat submittal in accordance with the timeframe in the initial written notice to the applicant; requiring the administrative authority to notify the applicant in writing if it declines to approve a plat or replat submittal; requiring that the written notification contain the reasons for denial and other information; prohibiting the administrative authority or other official, employee, agent, or designee from requesting or requiring that the applicant request an extension of time; amending s. 177.111, F.S.; conforming provisions to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 177.071, Florida Statutes, is amended to read:

177.071 Administrative approval of plats ~~plat~~ by designated county or municipal official ~~governing bodies~~.—

(1)(a) A plat or replat submitted under this part must be administratively approved and no further action or approval by the governing body of a county or municipality is required if the plat or replat complies with the requirements of s. 177.091. The governing body of the county or municipality shall designate, by ordinance or resolution, an administrative authority to receive, review, and process the plat or replat submittal, including designating an administrative official responsible for approving, approving with conditions, or denying the proposed plat or replat.

(b) As used in this section, the term "administrative authority" means a department, division, or other agency of the county or municipality. For purposes of issuing a final administrative approval of a plat or replat submittal, the term also includes an administrative officer or employee designated by the governing body of a county or municipality, including but not limited to, a county administrator or manager, a city manager, a deputy county administrator or manager, a deputy city manager, an assistant county administrator or manager, an assistant city manager, or other high-ranking county or city department or division director with direct or indirect oversight responsibility for the county's or municipality's land development, housing, utilities, or public works programs.

(2) Within 7 business days after receipt of a plat or

replat submittal, the administrative authority shall provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with s. 177.091. The written notice must also provide information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.

(3) Unless the applicant requests an extension of time, the administrative authority shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the written notice provided to the applicant under subsection (2). If the administrative authority does not approve the plat or replat, it must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each requirement the plat or replat submittal fails to meet. The administrative authority, or an official, an employee, an agent, or a designee of the governing body, may not request or require the applicant to file a written extension of time.

(4)~~(1)~~ Before a plat or replat is offered for recording, it must be administratively approved as required by this section ~~by the appropriate governing body~~, and evidence of such approval must be placed on the plat or replat. If not approved, the governing body must return the plat or replat to the professional surveyor and mapper or the legal entity offering the plat or replat for recordation. For the purposes of this

part:

(a) When the plat or replat to be submitted for approval is located wholly within the boundaries of a municipality, the ~~governing body of the~~ municipality has exclusive jurisdiction to approve the plat or replat.

(b) When a plat or replat lies wholly within the unincorporated areas of a county, the ~~governing body of the~~ county has exclusive jurisdiction to approve the plat or replat.

(c) When a plat or replat lies within the boundaries of more than one county, municipality, or both ~~governing body~~, two plats or replats must be prepared and each county or municipality ~~governing body~~ has exclusive jurisdiction to approve the plat or replat within its boundaries, unless each county or municipality with jurisdiction over the plat or replat agrees ~~the governing bodies having said jurisdiction agree~~ that one plat is mutually acceptable.

(5) ~~(2)~~ Any provision in a county charter, or in an ordinance of any charter county or consolidated government chartered under s. 6(e), Art. VIII of the State Constitution, which provision is inconsistent with anything contained in this section shall prevail in such charter county or consolidated government to the extent of any such inconsistency.

Section 2. Section 177.111, Florida Statutes, is amended to read:

177.111 Instructions for filing plats ~~plat~~.—After the approval by the appropriate administrative authority ~~governing body~~ required by s. 177.071, the plat or replat must ~~shall~~ be recorded by the circuit court clerk or other recording officer upon submission thereto of such approved plat or replat. The

circuit court clerk or other recording officer shall maintain in his or her office a book of the proper size for such papers so that they will ~~shall~~ not be folded, to be kept in the vault. A print or photographic copy must be filed in a similar book and kept in his or her office for the use of the public. The clerk shall make available to the public a full size copy of the record plat or replat at a reasonable fee.

Section 3. This act shall take effect July 1, 2025.

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

A-0010-2025: REVIEW AND GIVE A RECOMMENDATION TO THE CITY COMMISSION ON AN OVERALL ANNEXATION APPLICATION FOR PROPERTY LOCATED ON PAIGE AVENUE.

December 1, 2025

Background:

Applicant: Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florid 32168

Property Owner: City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, 32168

Request: Voluntary annexation, Small-Scale *Comprehensive Plan* amendment, and rezoning:

- **From:** Volusia County Future Land Use (FLU) categories of Environmental Systems Corridor and Urban Medium Intensity and Volusia County zoning designations of RC, Resource Corridor and R-4, Urban Single Family Residential with a "A" attached for Airport Height Notification Zone.

- **To:** City FLU category of Conservation and City zoning designation of Conservation with a "A" attached for Airport Height Notification Zone.

Site Information:

- **Size:** 15.2 ± acres

- **Location:** South side of Paige Avenue, east of Trophy Hunter Trail.

Tax I.D. Number: 7343-06-00-0880

Findings:

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 of New Smyrna Beach 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 of new Smyrna Beach, was also approved by the County on May 2, 2013. A new updated agreement was approved on May 2, 2022.

The subject property is within the annexation area designated in the ISBA. The subject property on Paige Avenue is currently vacant. A location map is attached as **Exhibit A** and an aerial map is attached as **Exhibit B**.

The existing Volusia County Future Land Use (FLU) categories and zoning designations of the subject property are shown on the following maps as **Exhibits C and D**. The text description of the existing Future Land Use categories for the subject property is attached as **Exhibit E**. The associated current zoning text descriptions for the subject property is attached as **Exhibit F**. Existing land uses are shown on the map attached as **Exhibit G**.

The established City Commission policy is that when properties are annexed into the City, the City will assign future land use categories and zoning designations that would be as similar as possible to existing County designations. As discussed above, the existing County FLU categories are Environmental Systems Corridor and Urban Medium Intensity. The existing County zoning designations are Resource Corridor and R-4, Urban Single Family Residential. The proposed City FLU category is Conservation. The proposed City zoning designation is Conservation. A text description of the proposed City Conservation Future Land Use category is attached as **Exhibit H,** with a map of this proposed change also attached as **Exhibit I**. A text description of the proposed City Conservation zoning designation, and a map of the proposed changes are similarly attached as **Exhibits J** and **K**.

This annexation request is within the City's annexation area and within the City's water and sewer service area **(Exhibit L).** The property located on Paige Avenue is undeveloped. A 20" PVC and 12" PVC water lines, an 8" force main sewer line, and a 20" reclaim water line is available in the Paige Avenue right-of-way.

A map of the soil limitations for septic systems is attached as **Exhibit M**.

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, stormwater management, and public-school facilities. Because the subject property is undeveloped, and because no new improvements are proposed, staff did not prepare a concurrency analysis table for this case.

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 1 is attached as **Exhibit AA**.

The ISBA map is attached as **Exhibit BB**. The legal description and Warranty Deed are attached as **Exhibits CC** and **DD**.

Recommendation:

Staff recommends that the Planning and Zoning Board give a positive recommendation to the City Commission to **approve** the requested annexation, Small Scale *Comprehensive Plan* amendment amending the Future Land Use category to City Conservation and rezoning designation to City Conservation with an "A" attached for Airport Height Notification Zone for property located on Paige Avenue.

Fiscal Analysis:
N/A

Strategic Plan Item:
Yes

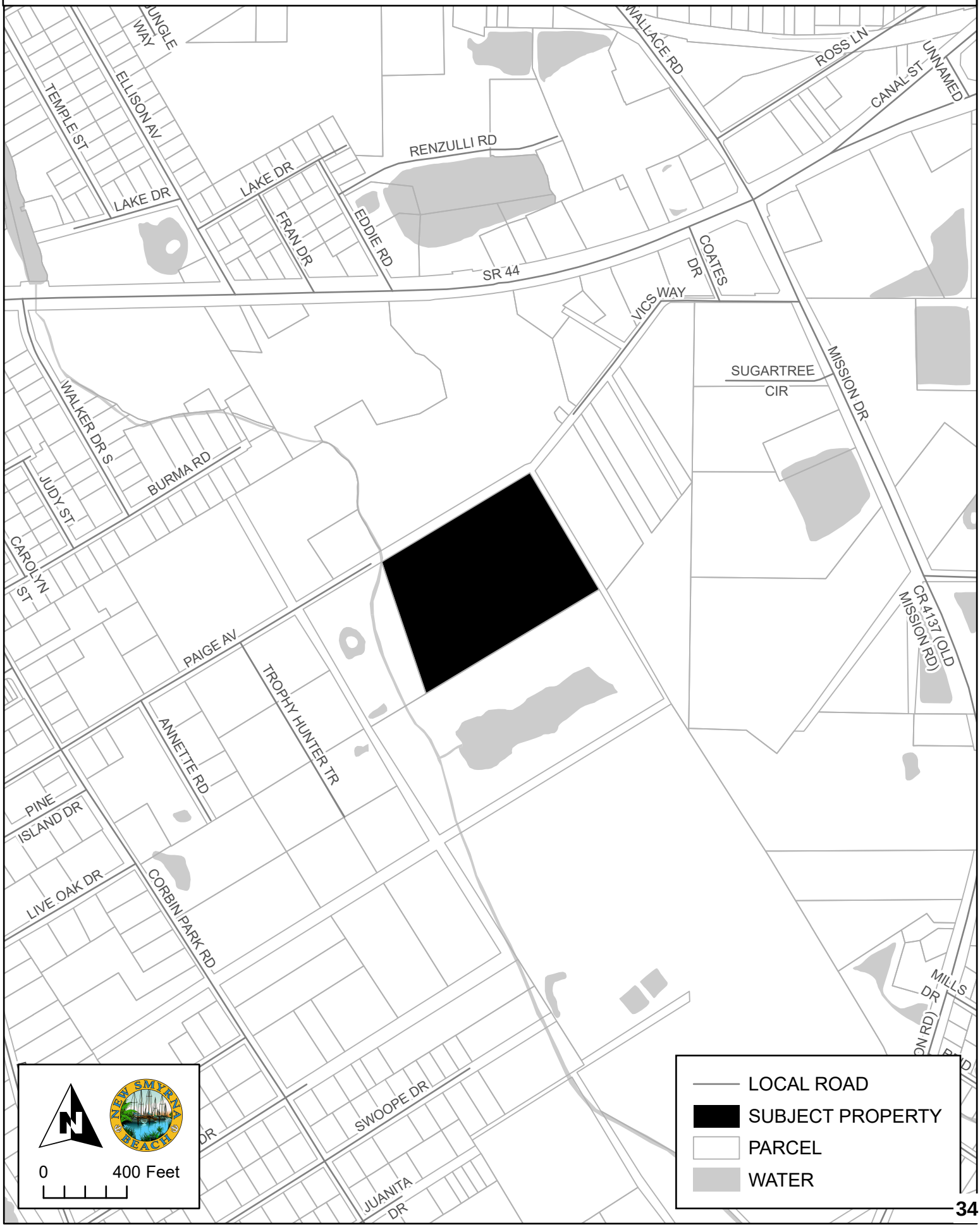
Staff Report Created By: Robert Mathen - Senior Planner

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing FLU Map.pdf
Exhibit D Existing Zoning Map.pdf
Exhibit E Existing County Future Land Use Text.pdf
Exhibit F Existing County Zoning Text.pdf
Exhibit G Existing Land Use Map.pdf
Exhibit H Proposed City Conservation FLU Text.pdf
Exhibit I Proposed FLU Map.pdf
Exhibit J Proposed City Conservation Zoning Text.pdf
Exhibit K Proposed Zoning Map.pdf
Exhibit L Water and Sewer Service Area.pdf
Exhibit M Soil Limitation for Septic Systems.pdf
Exhibit N Airport Runway Protection Zones.pdf
Exhibit O Bicycle and Pedestrian Facilities.pdf
Exhibit P Boat Slip Siting.pdf
Exhibit Q City Parks.pdf
Exhibit R Coastal High Hazard Areas.pdf
Exhibit S Evacuation Routes.pdf
Exhibit T Existing Traffic Lanes - 2009.pdf

Exhibit U Number of Traffic Lanes - 2025.pdf
Exhibit V Existing Level of Service - 2009.pdf
Exhibit W Level of Service - 2025.pdf
Exhibit X Flood Prone Areas.pdf
Exhibit Y Neighborhood Map.pdf
Exhibit Z Public Transit Routes.pdf
Exhibit AA Commission Zones Map.pdf
Exhibit BB Interlocal Service Boundary Agreement Map.pdf
Exhibit CC Legal Description.pdf
Exhibit DD Warranty Deed.pdf

A-10-25: PAIGE AVENUE
PARCEL: 7343-06-00-0880 LOCATION MAP

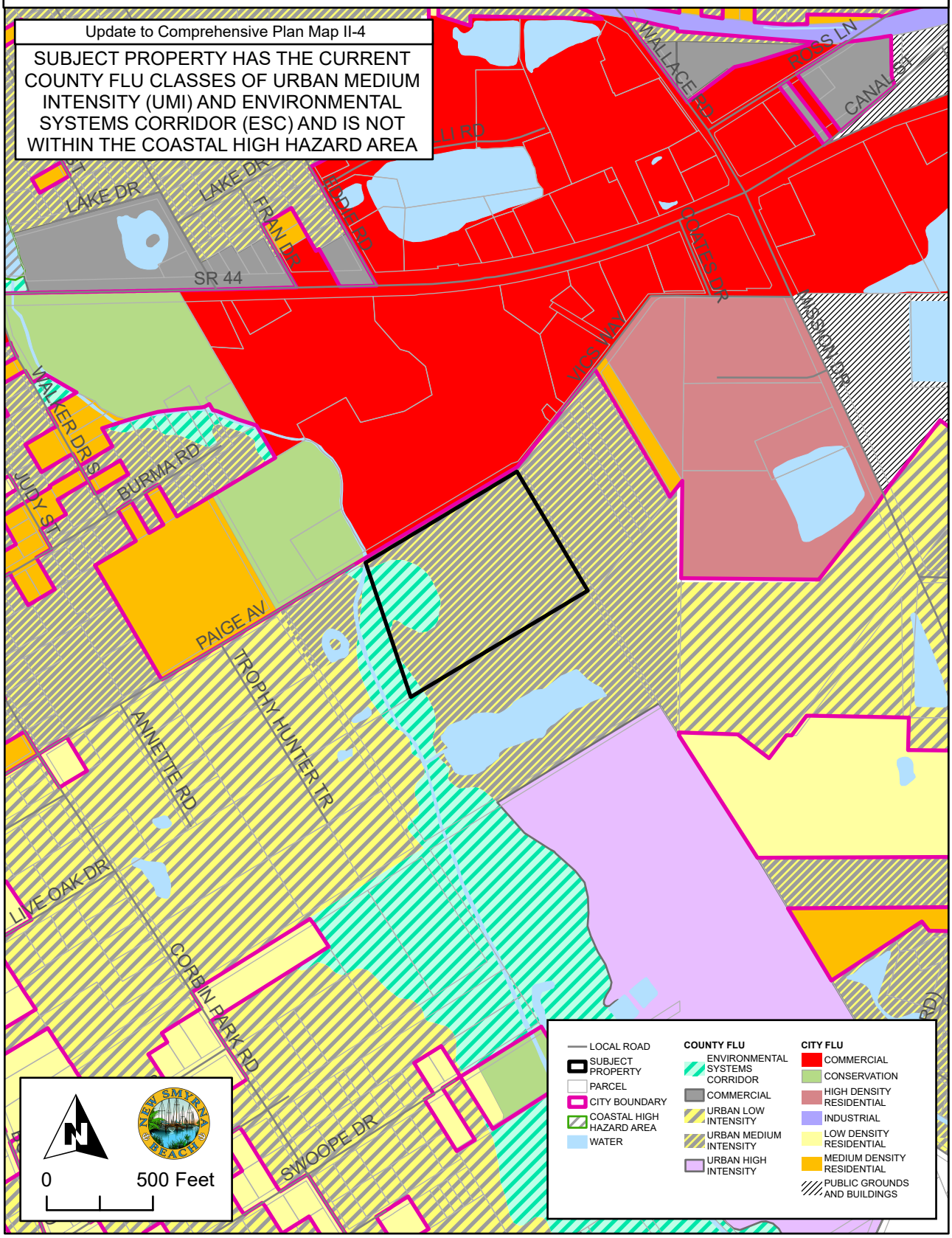


A-10-25: PAIGE AVENUE
PARCEL: 7343-06-00-0880 AERIAL MAP



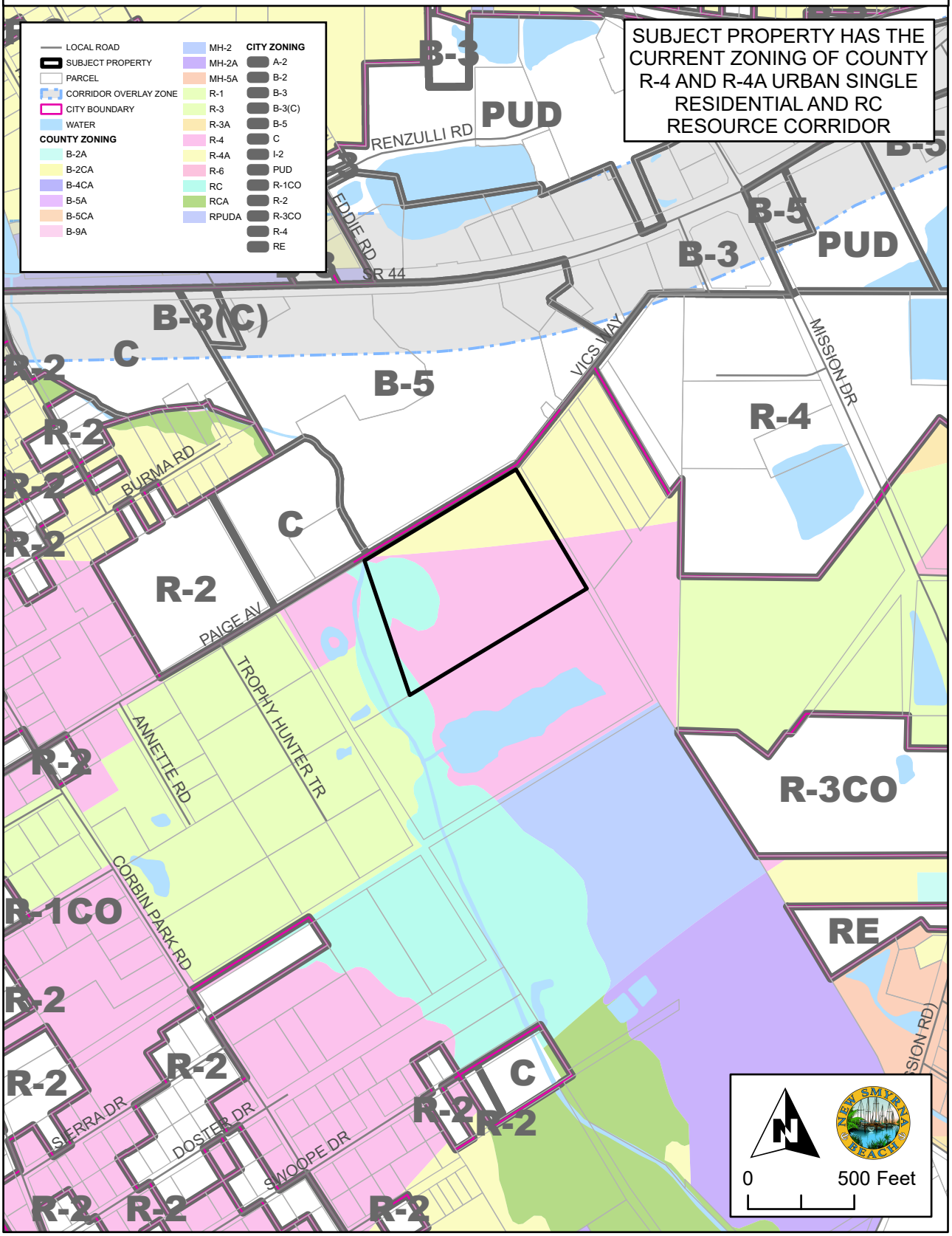
EXISTING FUTURE LAND USE DESIGNATIONS

A-10-25



EXISTING ZONING

A-10-25



Urban Medium Intensity (UMI) –

Areas that contain residential development at a range of up 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 (¼) mile of another jurisdiction shall require notification to that jurisdiction.

Volusia County Future Land Use

Environmental System Corridor (ESC) –

This designation consists of important ecological corridors comprised of environmentally sensitive and ecologically significant lands. Land use activities occurring within these corridors shall not degrade these natural functions and connections. The intention is to provide protected, natural pathways which connect to other protected areas such as parks, conservation lands and water bodies. This inter-connection helps maintain the ecological integrity and ecodiversity of the County's vast natural resources. ESC's shall include significant interconnected natural systems of environmentally sensitive lands, connecting to and including conservation areas where possible. The ESC's are not intended to include pre-existing improved, cultivated, or developed lands unless such lands contain unique or exceptional ecological value. Conservation and silviculture, utilizing Best Management Practices (BMP's), will be the preferred use, however, other compatible passive agricultural activities may also be permitted such as unimproved pasture. The primary consideration of compatible agriculture should be potential adverse impacts to the short and long term ecological stability of the system, as well as adjacent lands and waterways. The Environmental System Corridor configuration displayed on the Future Land Use Map is intended to show a generalized location for the corridor. The actual boundaries will be established based upon site specific information and features.
(1) The maximum residential density shall not exceed one (1) dwelling unit per twenty-five (25) acres.
(2) The maximum Floor Area Ratio shall not exceed ten percent (0.10 FAR).

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-based business (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 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.

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.

RC RESOURCE CORRIDOR CLASSIFICATION

Purpose and intent: The purpose and intent of the RC Resource Corridor Classification is to provide protected, natural corridors consisting of environmentally sensitive and ecologically significant lands which connect to other protected areas such as parks and water bodies. The corridor shall provide a contiguous hydroecological pathway, where the wetlands and uplands are integrated and conducive to the maintenance and perpetuation of the system.

Permitted principal uses and structures: In the RC Resource Corridor Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Apiaries; provided, however, that the RC classified area does not comprise part of a lot classified for residential, commercial or industrial use.

Aquatic preserves (state or federal designated).

Aviaries; provided, however, that the RC classified area does not comprise part of a lot classified for residential, commercial or industrial use.

Docks in accordance with section 72-278.

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 3 of the Land Development Code of Volusia County [article III] and/or final plan review procedures of this article.

Fire stations.

Fishing, hunting and wildlife management areas.

Historical or archeological sites.

Hobby breeder.

Home-based business (refer to section 72-283).

Pasture for the grazing, boarding or raising of livestock, subject to the maximum lot coverage requirements below.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

Silvicultural operations, which follow the most up to date state-prescribed best management practices.

Single-family standard, modular or mobile home dwelling.

Worm raising, provided, however, that the RC classified area does not comprise part of a lot classified for residential, commercial or industrial use.

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

Animal shelters.

Communication towers exceeding 70 feet in height above ground level.

Dogs and cats boarded as personal pets exceeding the number permitted in subsection 72-306(a).

Except for those permitted principal uses and special exceptions listed hereunder, all agricultural pursuits, including the processing, packaging, storage and sale of agriculture products which are raised on the premises; provided however, that the total land area devoted to agricultural uses, including improved pasture, does not exceed 20 percent of the total lot area zoned RC and further provided that the RC classified area does not comprise part of a lot classified for residential commercial or industrial use.

Hunting camps.

Kennels.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 72-293(1)).

Riding stables.

Dimensional requirements for lots, parcels and tracts of land zoned in its entirety as resource corridor.

Minimum lot sizes:

Area: 25 acres.

Width: 150 feet.

Minimum yard size:

Front yard: 50 feet.

Rear yard: 50 feet.

Side yard: 50 feet.

Waterfront yard: 75 feet.

Maximum building height: 45 feet.

Maximum lot clearance and coverage: Lot clearance can not exceed 20 percent. The area covered with principal and accessory buildings shall not exceed ten percent.

Minimum floor area: 750 square feet.

Dimensional requirements for lots, parcels or other tracts of land which are zoned a mixture of RC and another zone classification: In instances where Resource Corridor boundaries split existing lots parcels or tracts of land, the subject property may be subdivided into lots meeting the minimum lot area and width requirements of the zoning classification of the property not classified as Resource Corridor, providing that Resource Corridor classified lands are not counted as meeting part of the minimum lot area or lot width requirements of the other zone classification. In such instances, there shall be no minimum area or width requirements for the portion of the lot classified as RC. Development of lots classified as a mixture of RC and another zone classification shall be subject to the provisions of subsection 72-136(10) of this article.

Minimum lot size:

Area: No minimum for the portion of the lot classified as RC, providing that the minimum area requirement for the portion of the lot classified other than RC is met.

Width: No minimum for the portion of the lot classified as RC, providing that the minimum with requirement for the portion of the lot classified other than RC is met.

Minimum yard sizes: As provided for under subsection 72-136(10) of this article.

Maximum building height: 45 feet.

Maximum lot coverage: Lot clearance on the portion of the lot classified as RC cannot exceed 20 percent, and no more than ten percent of the portion of the lot classified as RC may be covered with principal and accessory buildings. The portion of the lot classified other than RC shall be subject to the maximum lot coverage requirements of that zone classification.

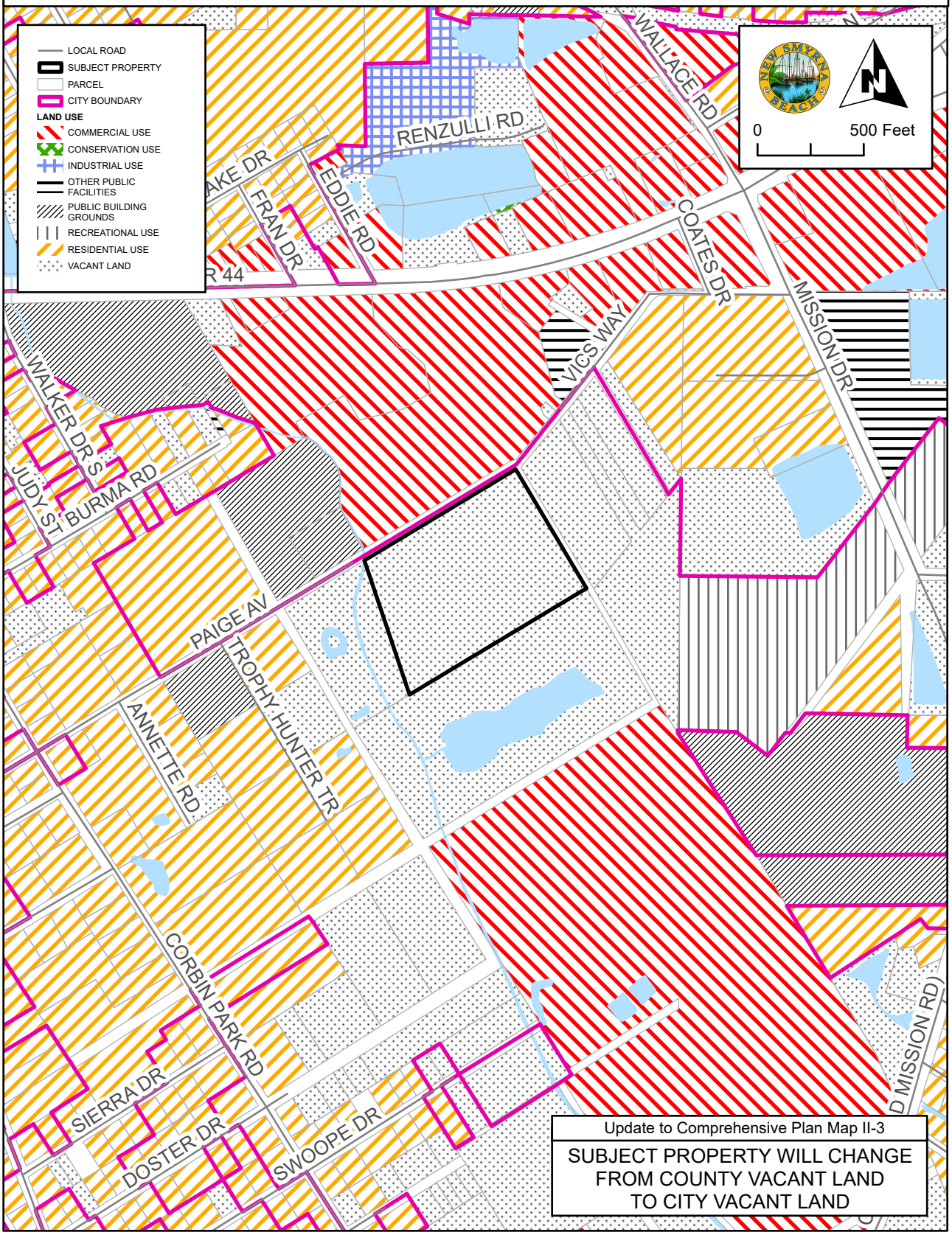
Minimum floor area: As required for the portion of the lot not classified as RC.

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.

Skirting requirements for mobile home dwelling: The area between the ground and floor of the mobile home dwelling shall be enclosed with skirting.

EXISTING LAND USE DESIGNATIONS

A-10-25



CONSERVATION

Maximum allowed Floor Area Ratio (FAR): 0.10

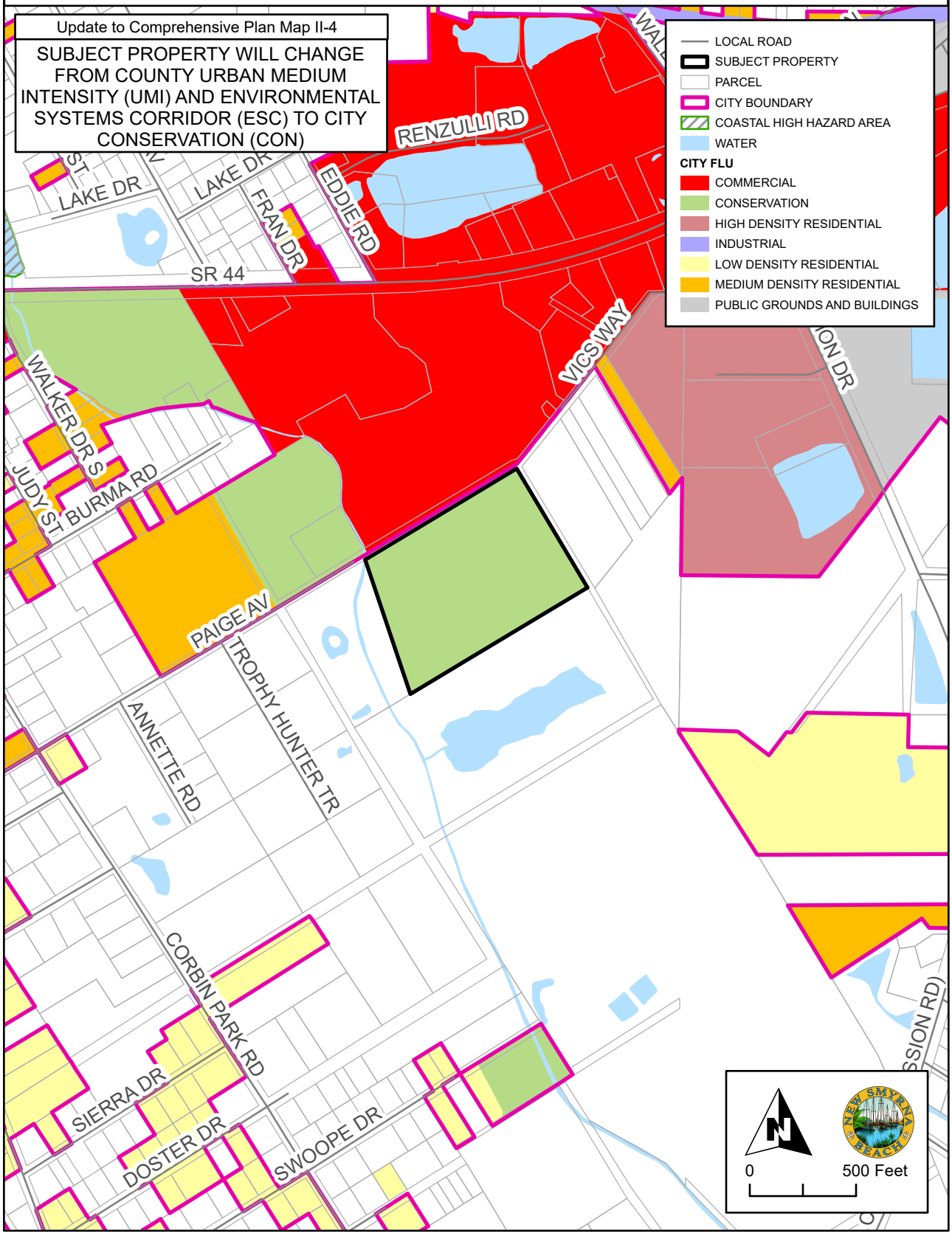
The general boundaries of those areas known to require environmental protection from development have been designated as conservation on the Future Land Use Map.

Designations are based on the best information available. Owners of lands designated as conservation on the Future Land Use Map may petition the City to adjust the boundaries of the conservation zone based upon a qualified biologist's determination of the boundaries made in accordance with §701.07 of the *Land Development Regulations*.

The Planning and Zoning Department shall review the owner's petition and automatically adjust the Future Land Use Map to correctly represent said area and upland buffer. The Local Planning Agency's approval shall be required if the area to be changed is greater than five (5) acres. Environmentally sensitive areas shall include, but not be limited to, jurisdictional wetlands, wetland buffers, uplands included as part of designated environmental corridors, and public beaches.

PROPOSED FUTURE LAND USE DESIGNATIONS

A-10-25



C, CONSERVATION DISTRICT

Intent. The C, Conservation District, is designed to:

(1) Protect persons and private property from the hazards of flood water inundation and to protect the community from costs which are incurred when urban development occurs in flood plains; and
(2) Conserve important natural and historic resources for ecological purposes and for the enjoyment and education of future residents.

Permitted uses.

Fishing and picnicking
Nature trails and exhibits
Park ranger residence, State of Florida or Volusia County. The structure may be occupied by only one State of Florida or Volusia County Park Ranger and his family. Said ranger must be a state certified law enforcement officer. The structure shall be built in accordance with the requirements of the R-2, Single-Family Residential District in this LDR.
Public and private parks
Public utility lines and utility facilities
Silvicultural operations which follow state-prescribed best management practices

Permitted accessory uses.

Incidental uses
Recreation facilities related to the permitted uses

Special exceptions.

Fishing, hunting or nonprofit organizations camps
Riding stables

Dimensional requirements.

Minimum lot size.
Area: 20,000 square feet
Depth: 200 feet
Width: 100 feet
Minimum yard size.
Front yard: 40 feet, or as required per [sub]section 504.01M. of this LDR
Rear yard: 30 feet
Side yard: Ten feet

Minimum setback from wetlands.
Any jurisdictional wetland line: 25 feet towards upland

Maximum building coverage. The total area covered with buildings on any lot shall not exceed 30 percent of the total lot area.

Maximum impervious coverage. The total area covered with impervious materials on any lot shall not exceed 35 percent of the total lot area.

Maximum principal building height. 35 feet above finished grade.

Landscaping. Landscaped buffer area(s) as defined in this LDR shall be required at property lines as follows:

(1) All front property lines; and
(2) Along side or rear lot line abutting a residentially zoned lot.

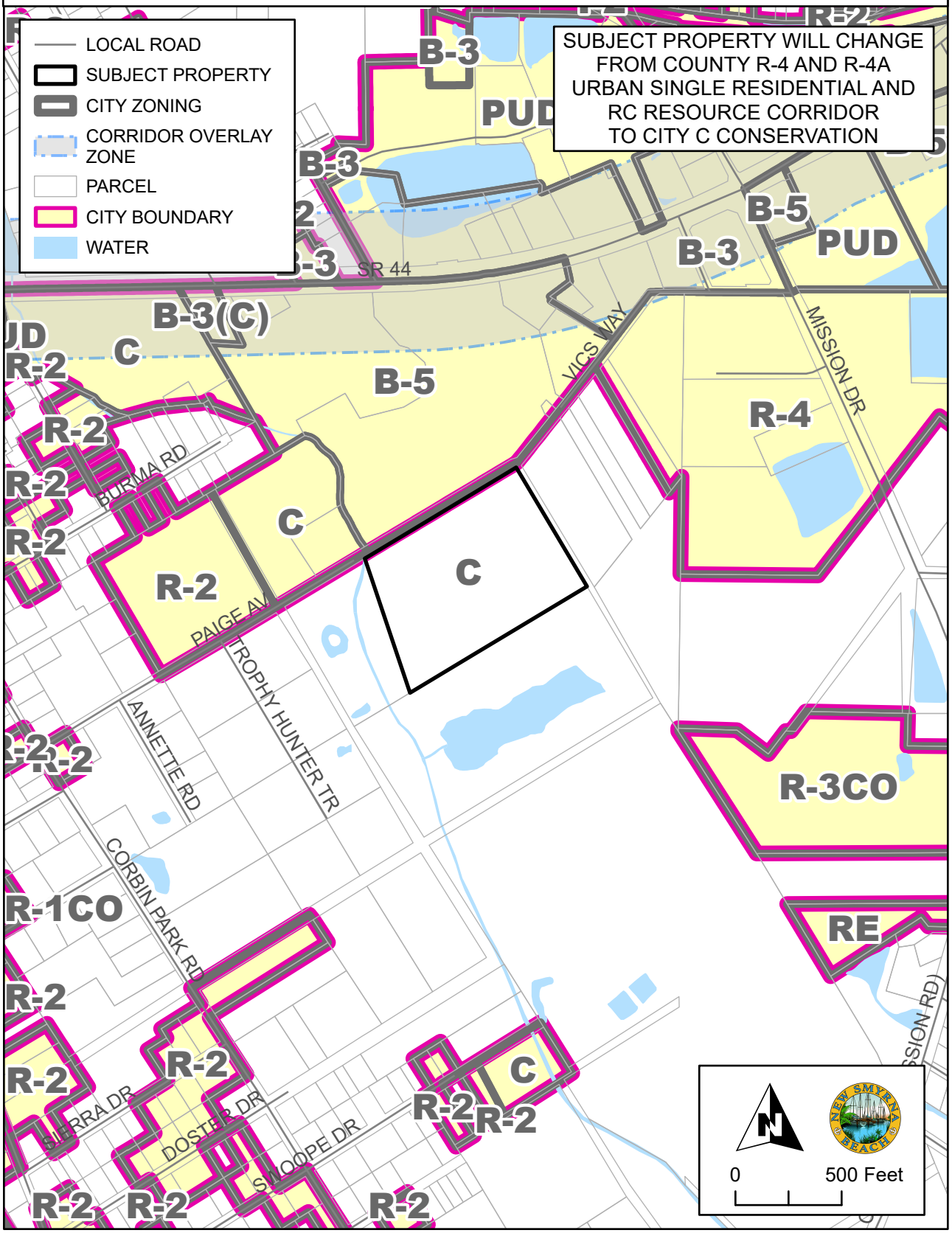
Visibility at intersections. Visibility at intersections shall be provided as required in this LDR.

Off-street parking. Off-street parking shall be provided as required in this LDR.

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.

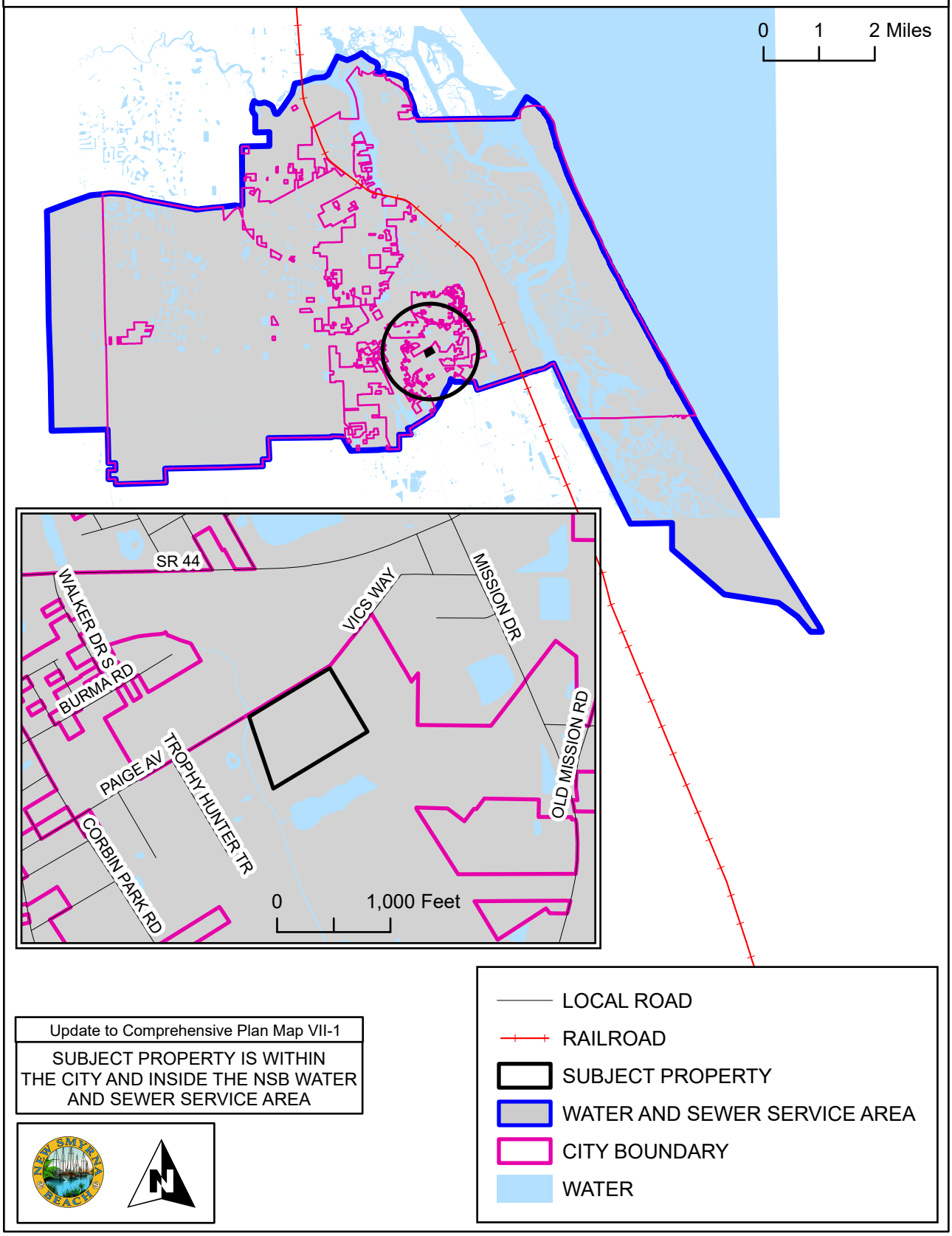
PROPOSED ZONING

A-10-25



WATER AND SEWER SERVICE AREA

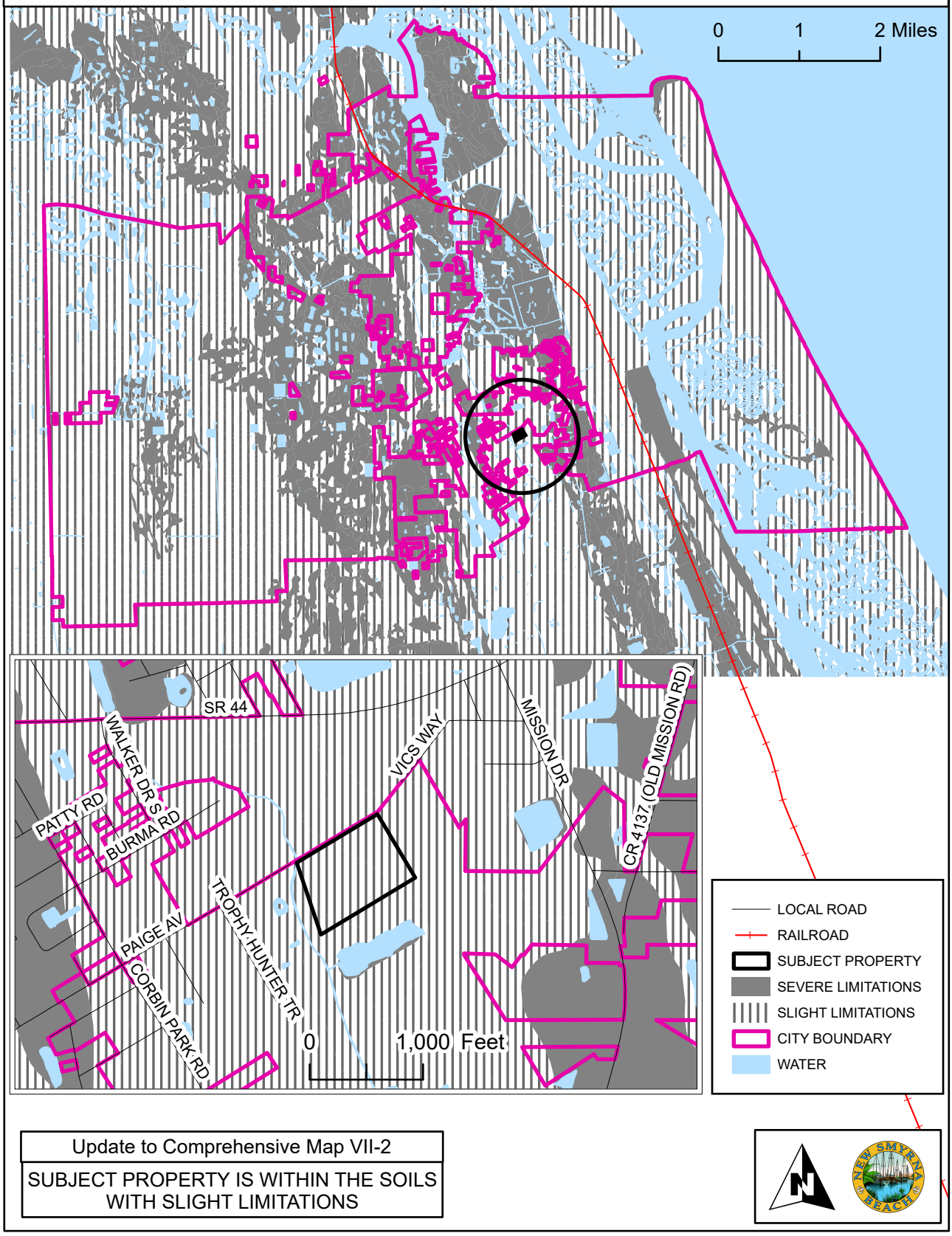
A-10-25



Update to Comprehensive Plan Map VII-1
SUBJECT PROPERTY IS WITHIN THE CITY AND INSIDE THE NSB WATER AND SEWER SERVICE AREA

SOIL LIMITATION FOR SEPTIC SYSTEMS

A-10-25

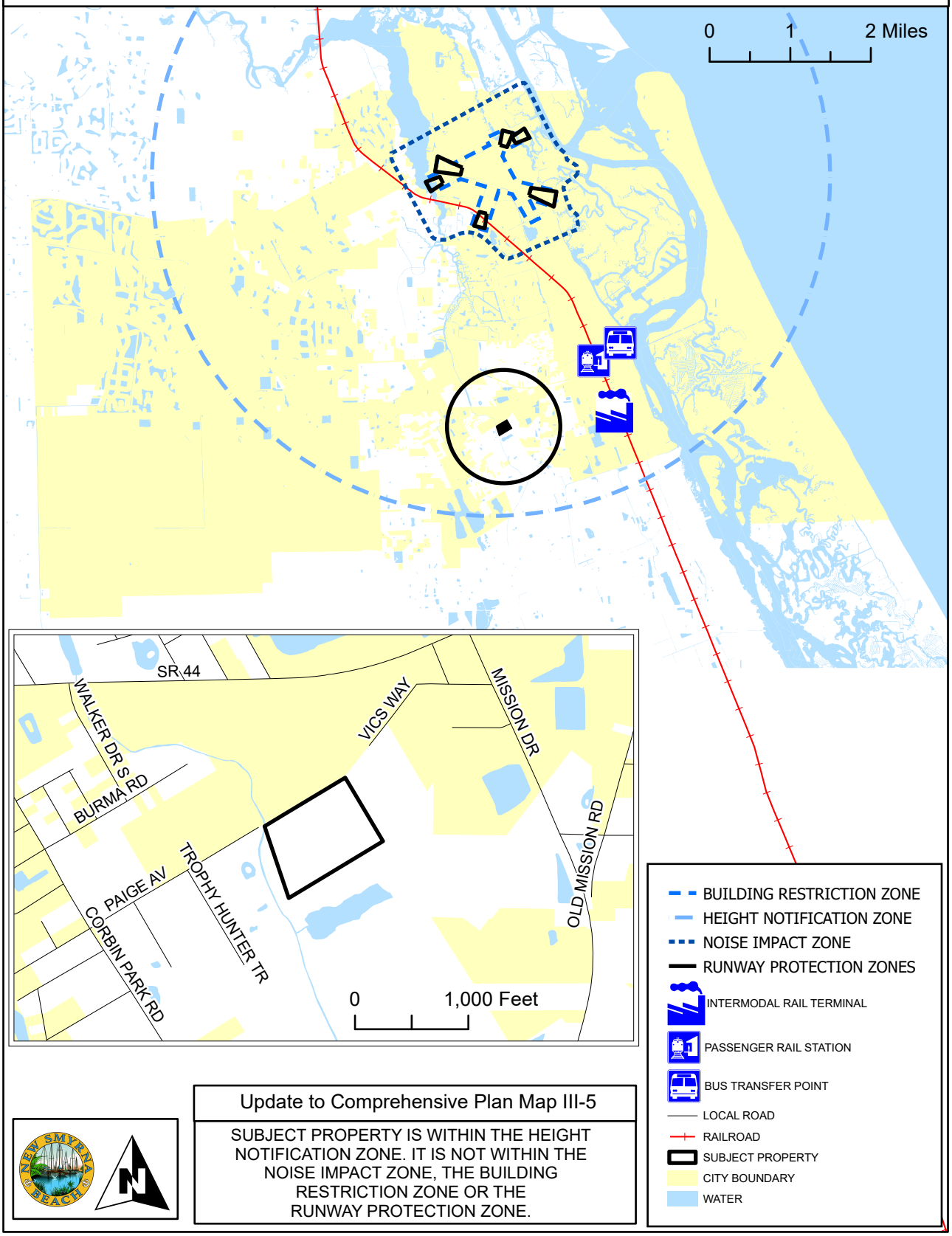


Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS

AIRPORT RUNWAY PROTECTION ZONES

A-10-25

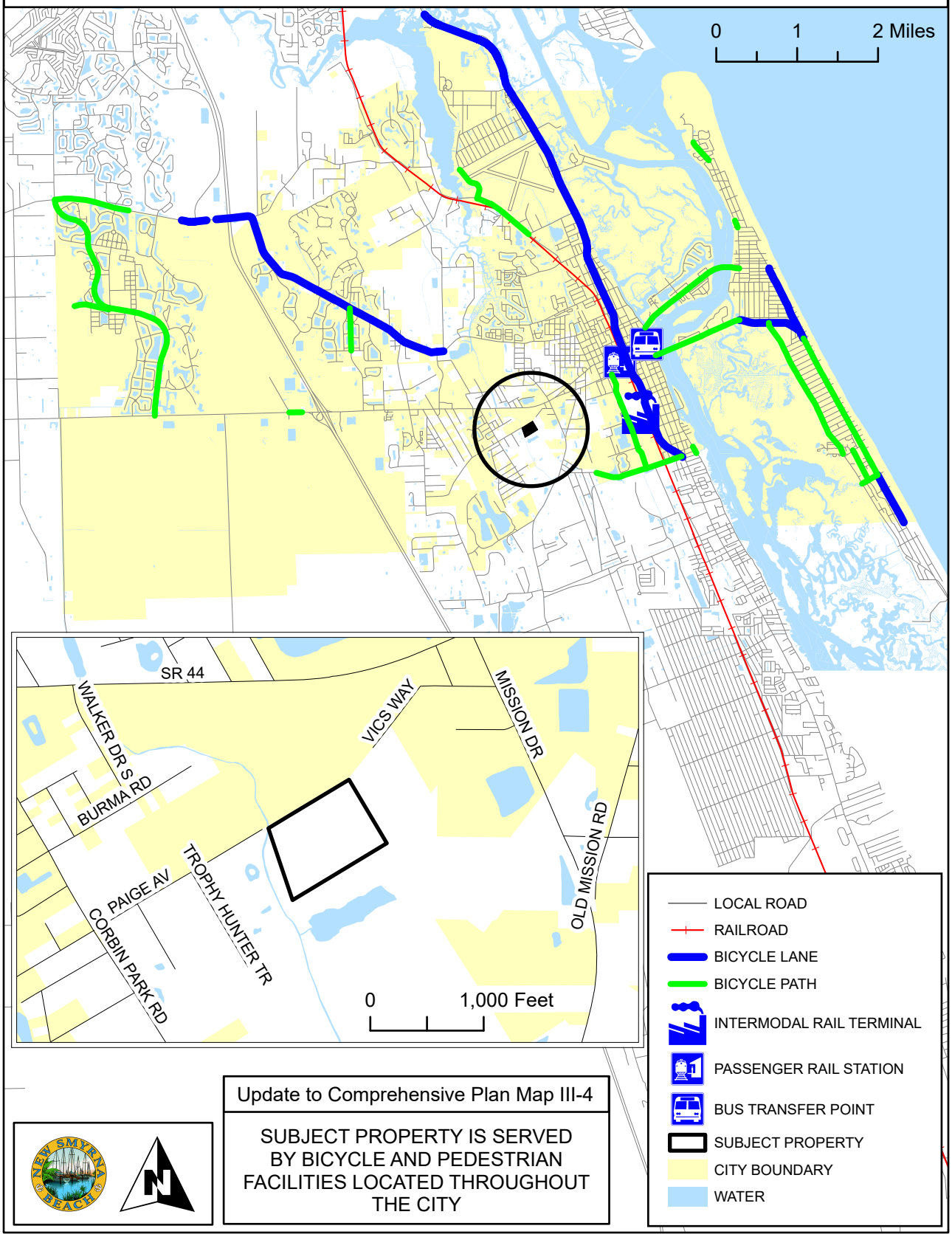


Update to Comprehensive Plan Map III-5

SUBJECT PROPERTY IS WITHIN THE HEIGHT NOTIFICATION ZONE. IT IS NOT WITHIN THE NOISE IMPACT ZONE, THE BUILDING RESTRICTION ZONE OR THE RUNWAY PROTECTION ZONE.

BICYCLE AND PEDESTRIAN FACILITIES

A-10-25

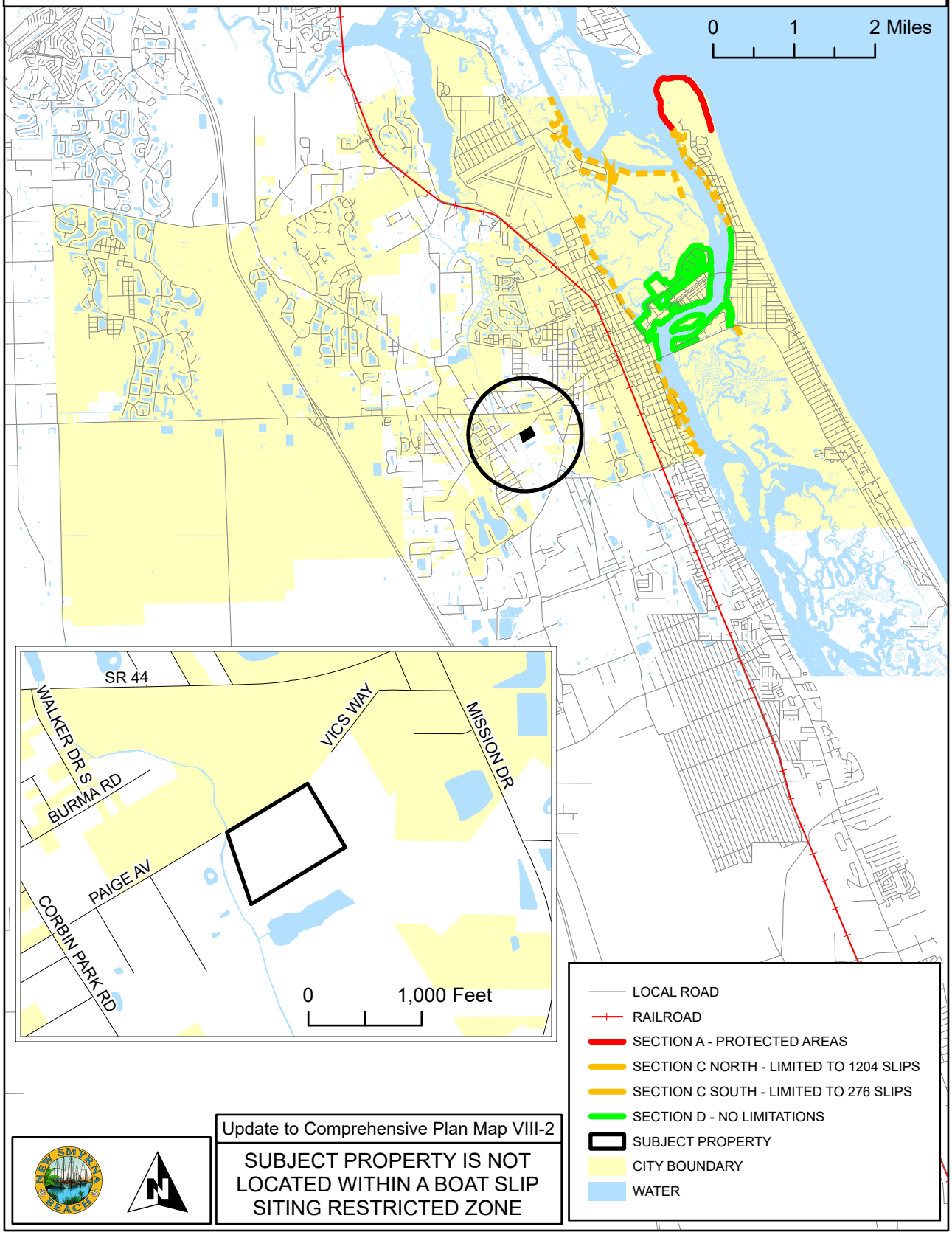


Update to Comprehensive Plan Map III-4

SUBJECT PROPERTY IS SERVED BY BICYCLE AND PEDESTRIAN FACILITIES LOCATED THROUGHOUT THE CITY

BOAT SLIP SITING

A-10-25

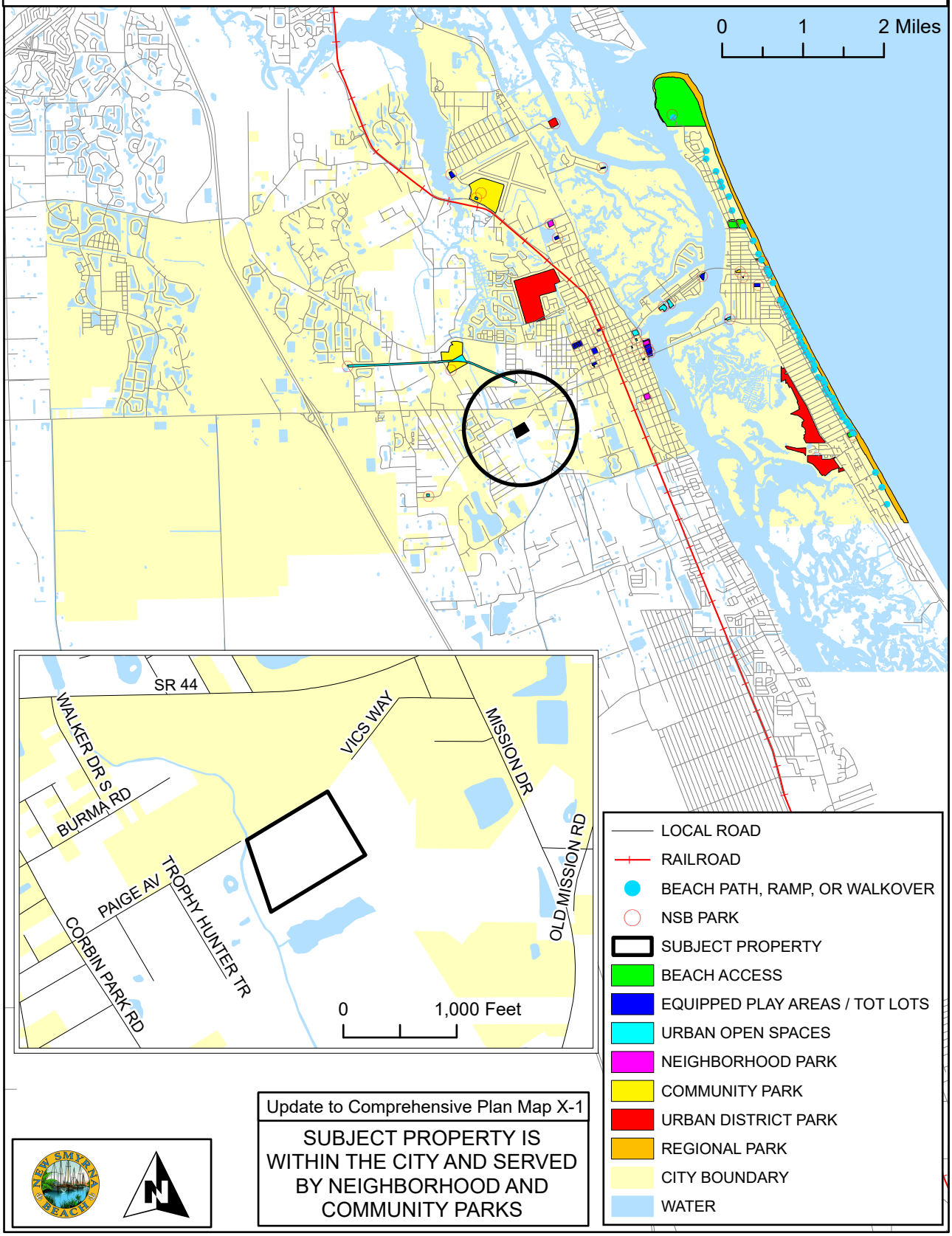


Update to Comprehensive Plan Map VIII-2

SUBJECT PROPERTY IS NOT LOCATED WITHIN A BOAT SLIP SITING RESTRICTED ZONE

CITY PARKS

A-10-25

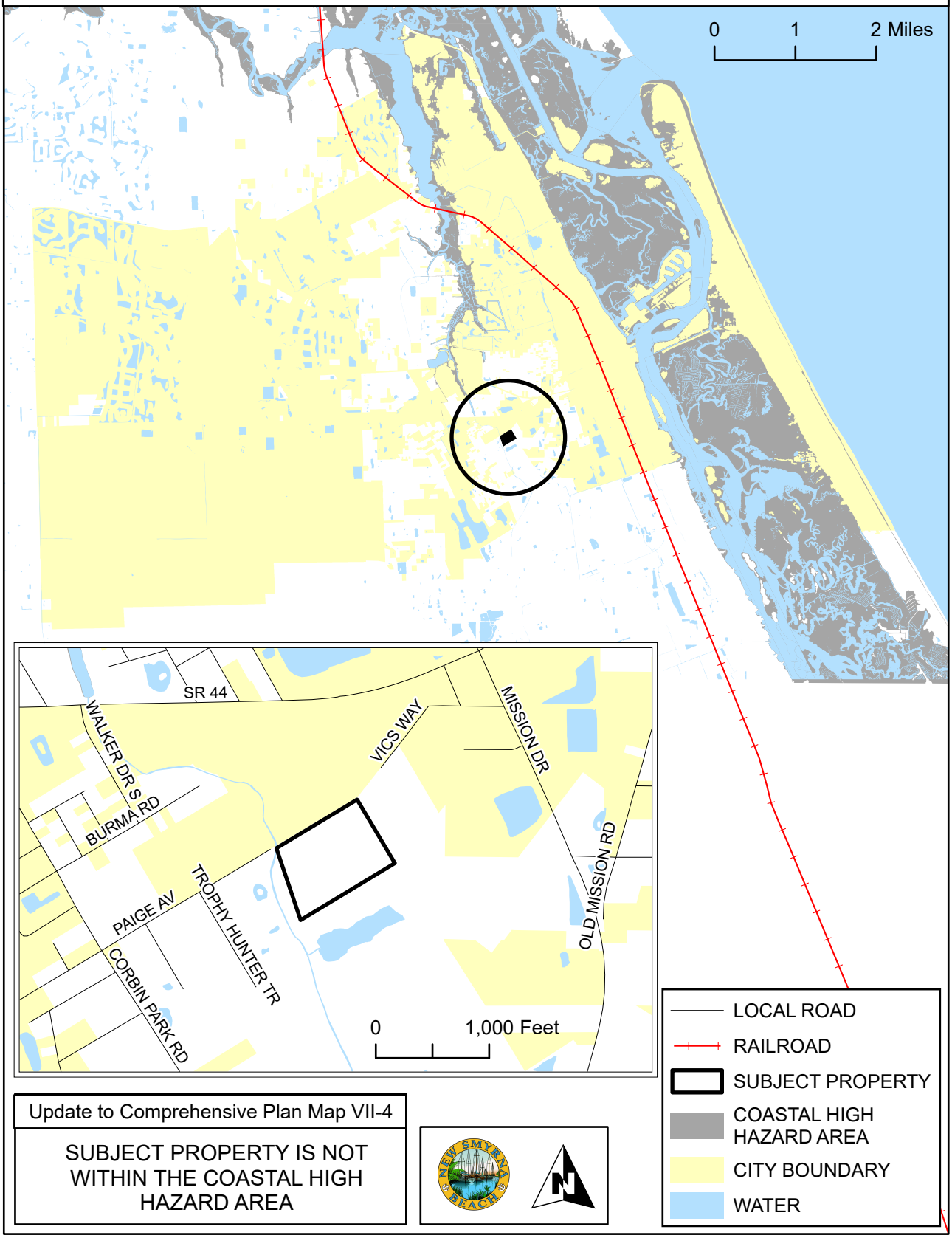


Update to Comprehensive Plan Map X-1

SUBJECT PROPERTY IS WITHIN THE CITY AND SERVED BY NEIGHBORHOOD AND COMMUNITY PARKS

COASTAL HIGH HAZARD AREAS

A-10-25

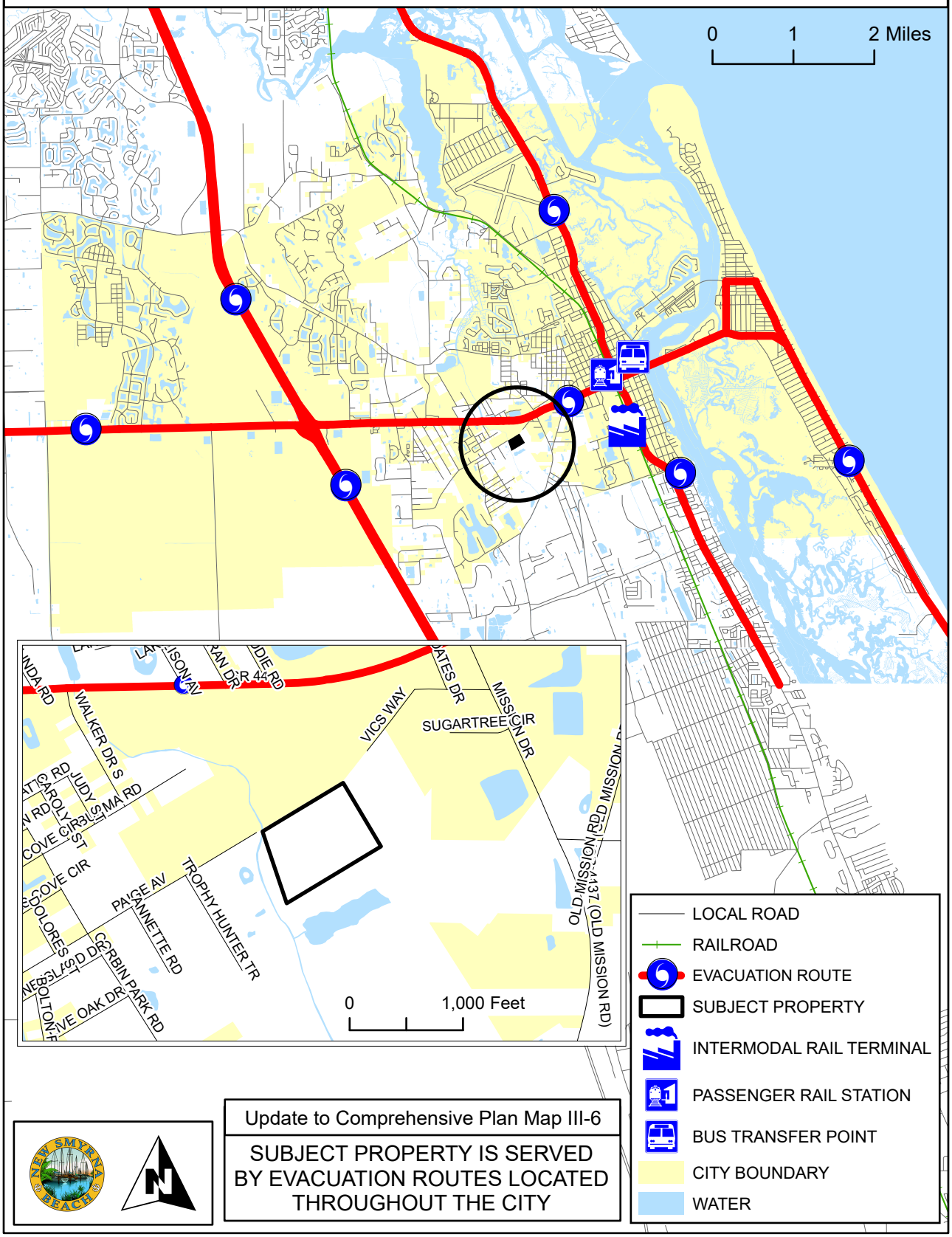


Update to Comprehensive Plan Map VII-4

SUBJECT PROPERTY IS NOT WITHIN THE COASTAL HIGH HAZARD AREA

EVACUATION ROUTES

A-10-25

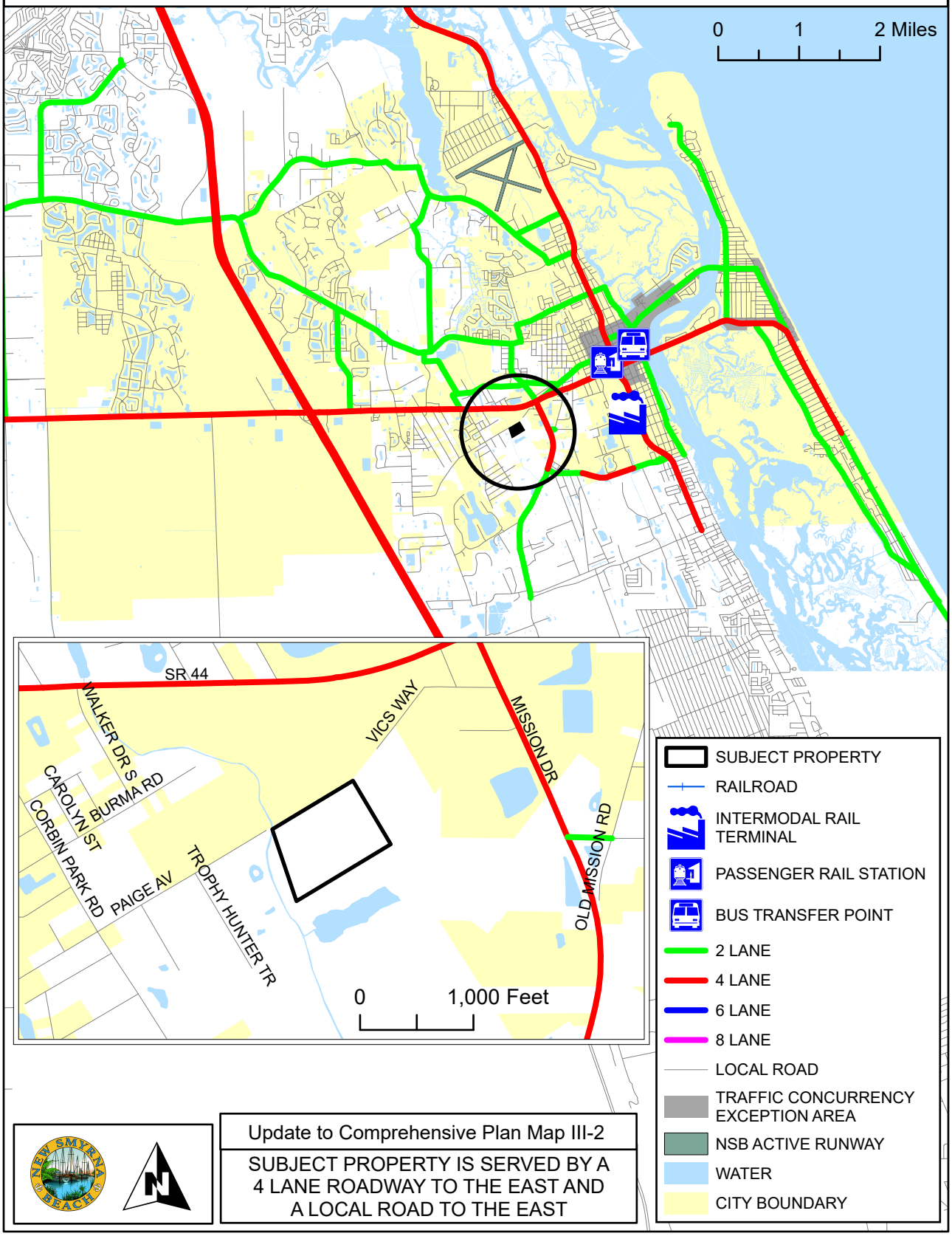


Update to Comprehensive Plan Map III-6

SUBJECT PROPERTY IS SERVED BY EVACUATION ROUTES LOCATED THROUGHOUT THE CITY

EXISTING TRAFFIC LANES - 2009

A-10-25

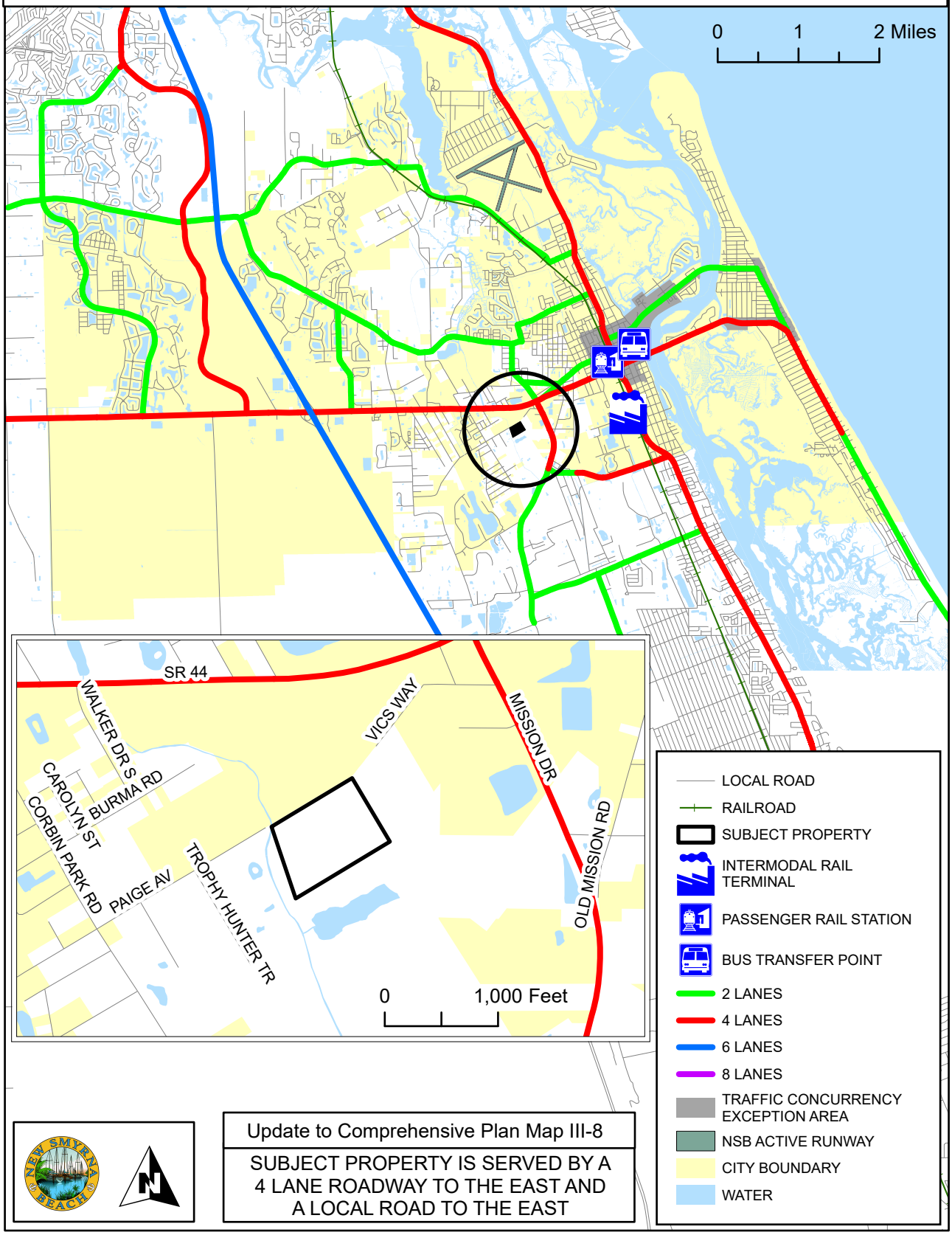


Update to Comprehensive Plan Map III-2

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE EAST AND A LOCAL ROAD TO THE EAST

NUMBER OF TRAFFIC LANES - 2025

A-10-25

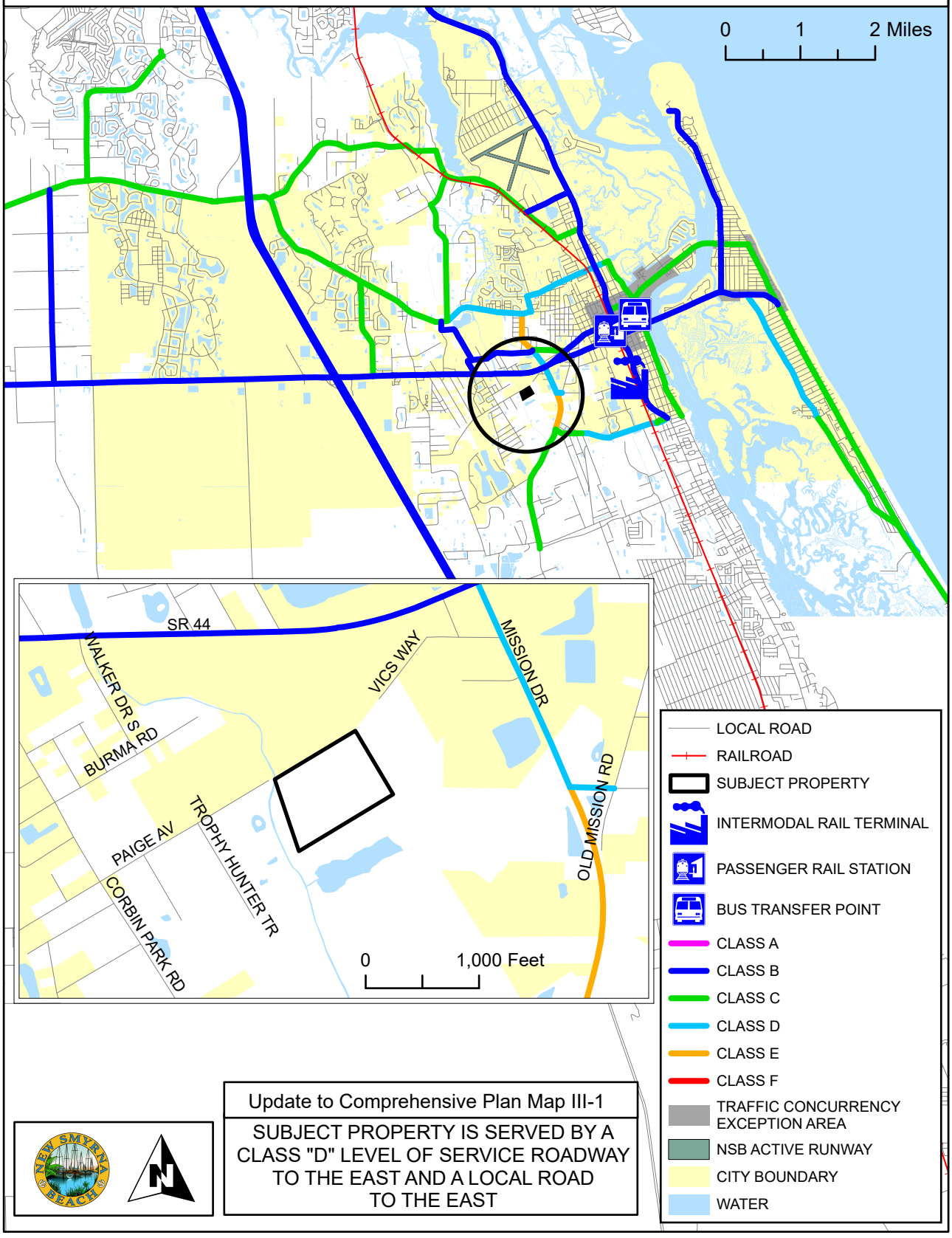


Update to Comprehensive Plan Map III-8

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE EAST AND A LOCAL ROAD TO THE EAST

EXISTING LEVEL OF SERVICE - 2009

A-10-25

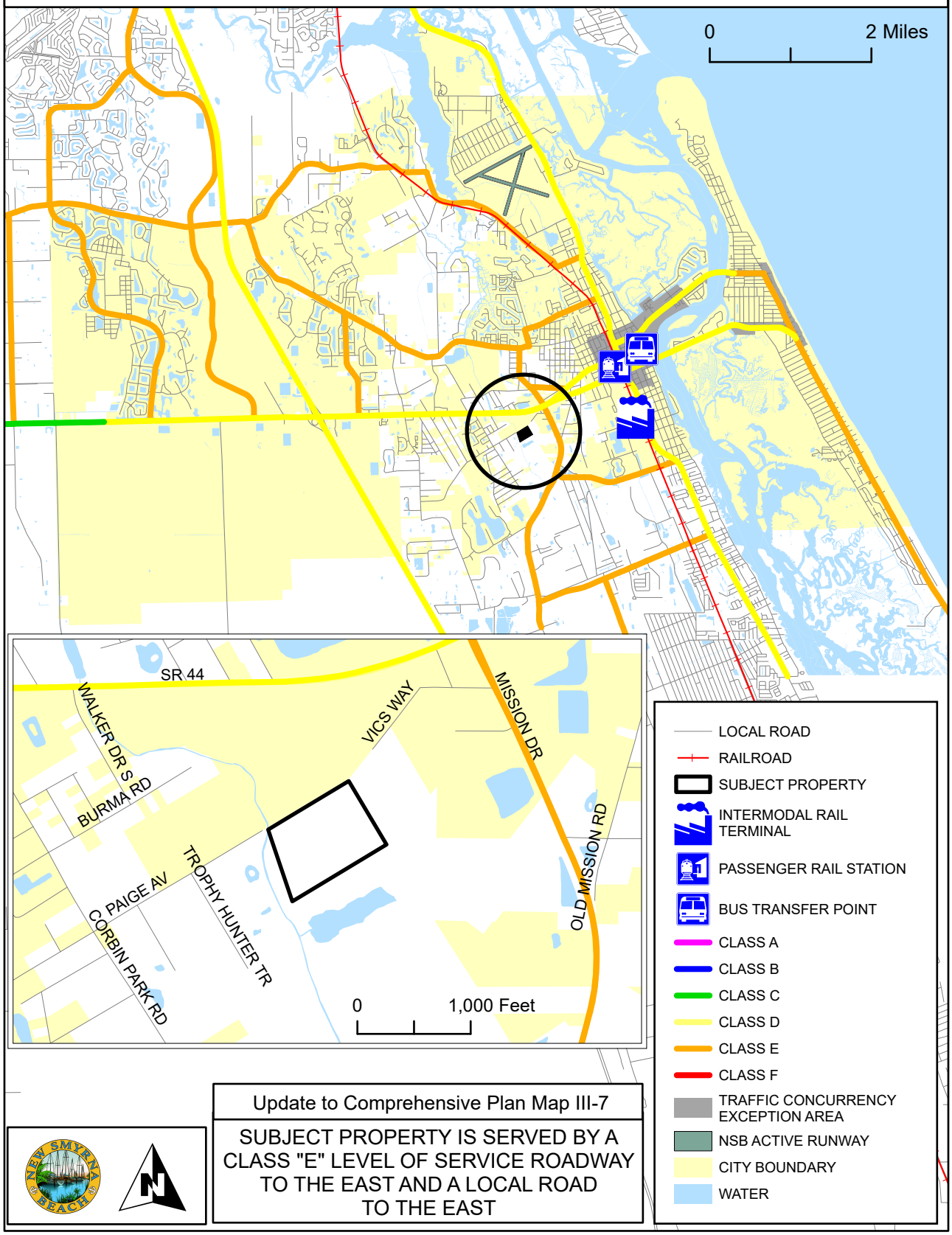


Update to Comprehensive Plan Map III-1

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

LEVEL OF SERVICE - 2025

A-10-25

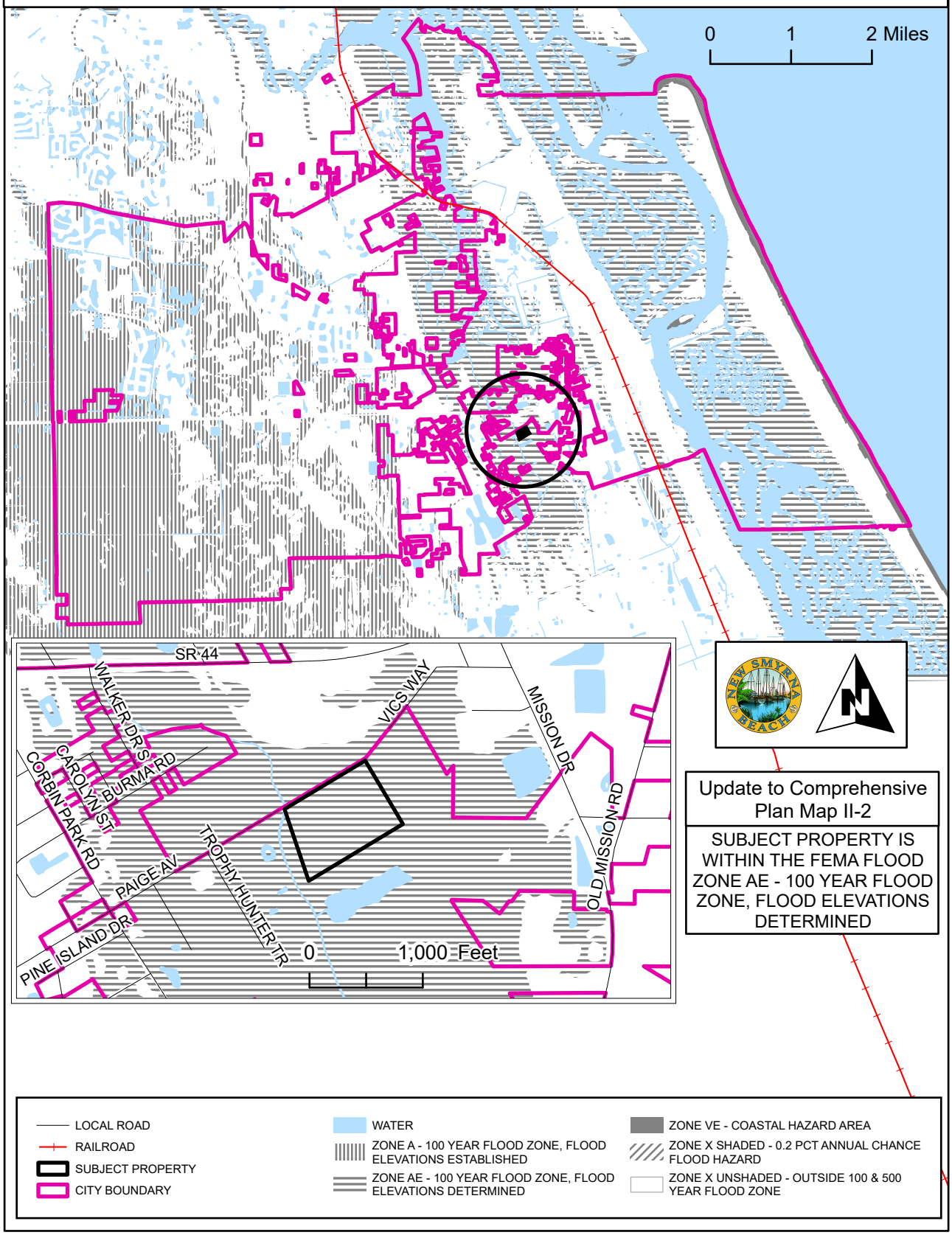


Update to Comprehensive Plan Map III-7

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

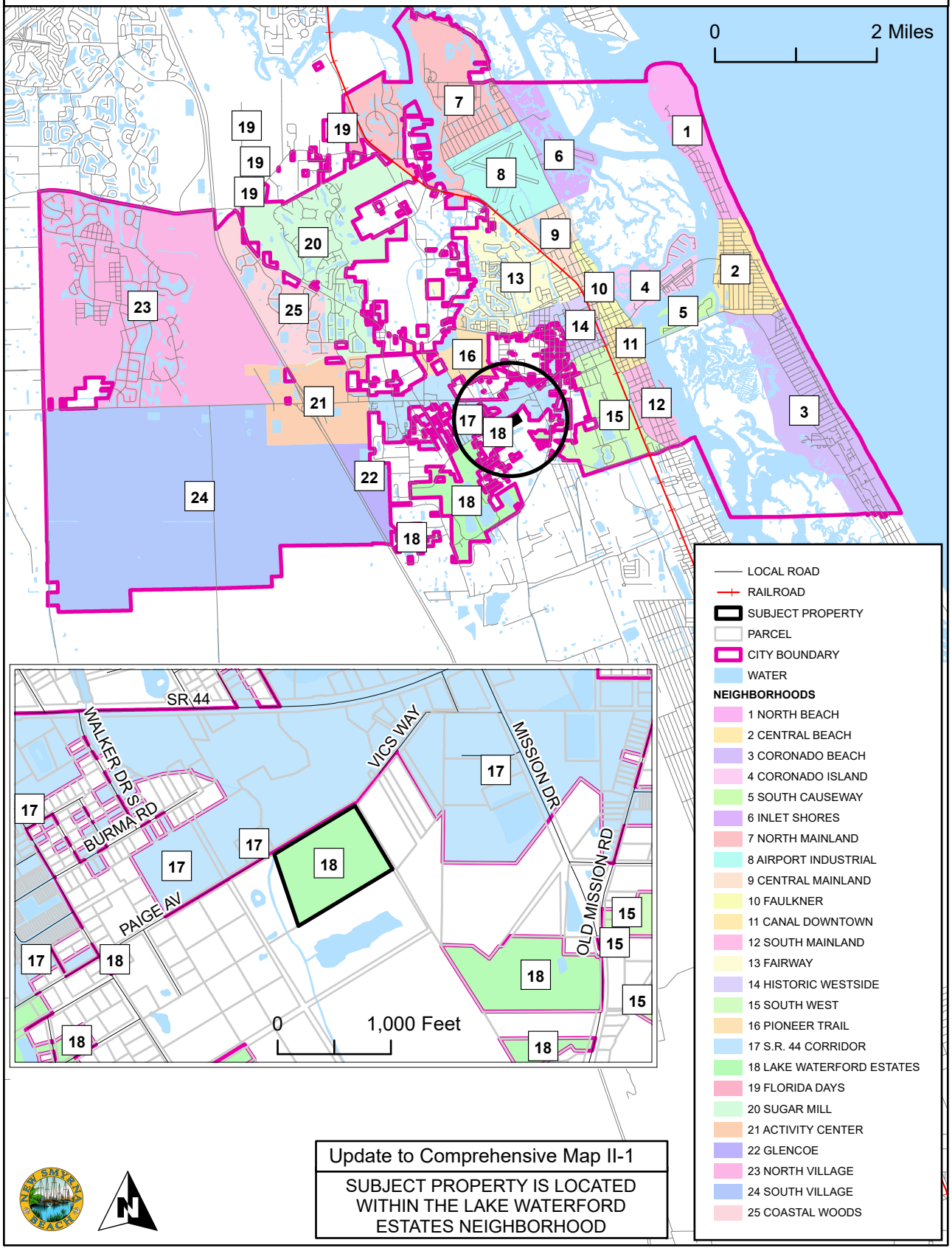
FLOOD PRONE AREAS

A-10-25



NEIGHBORHOODS

A-10-25

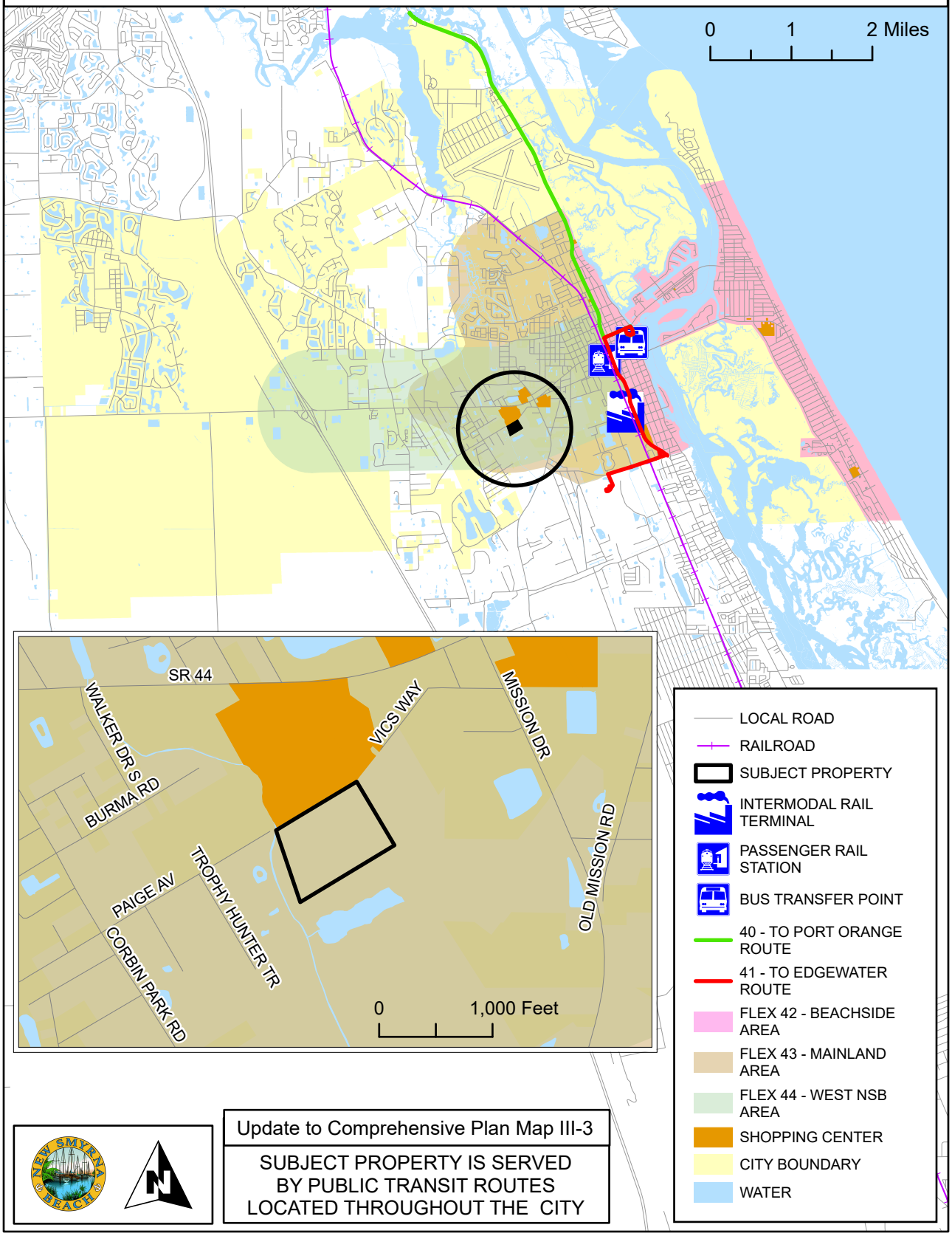


Update to Comprehensive Map II-1

SUBJECT PROPERTY IS LOCATED WITHIN THE LAKE WATERFORD ESTATES NEIGHBORHOOD

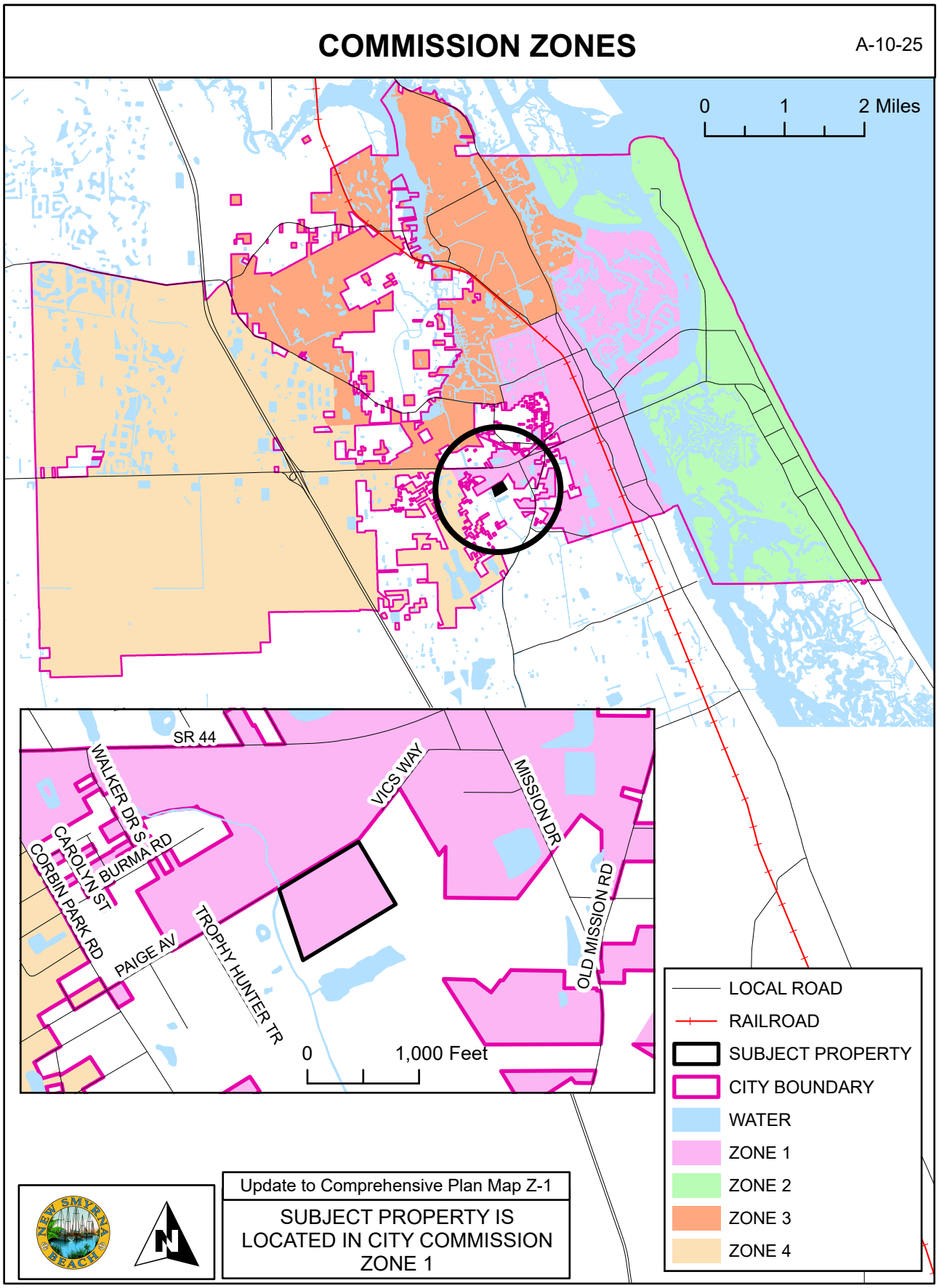
PUBLIC TRANSIT ROUTES

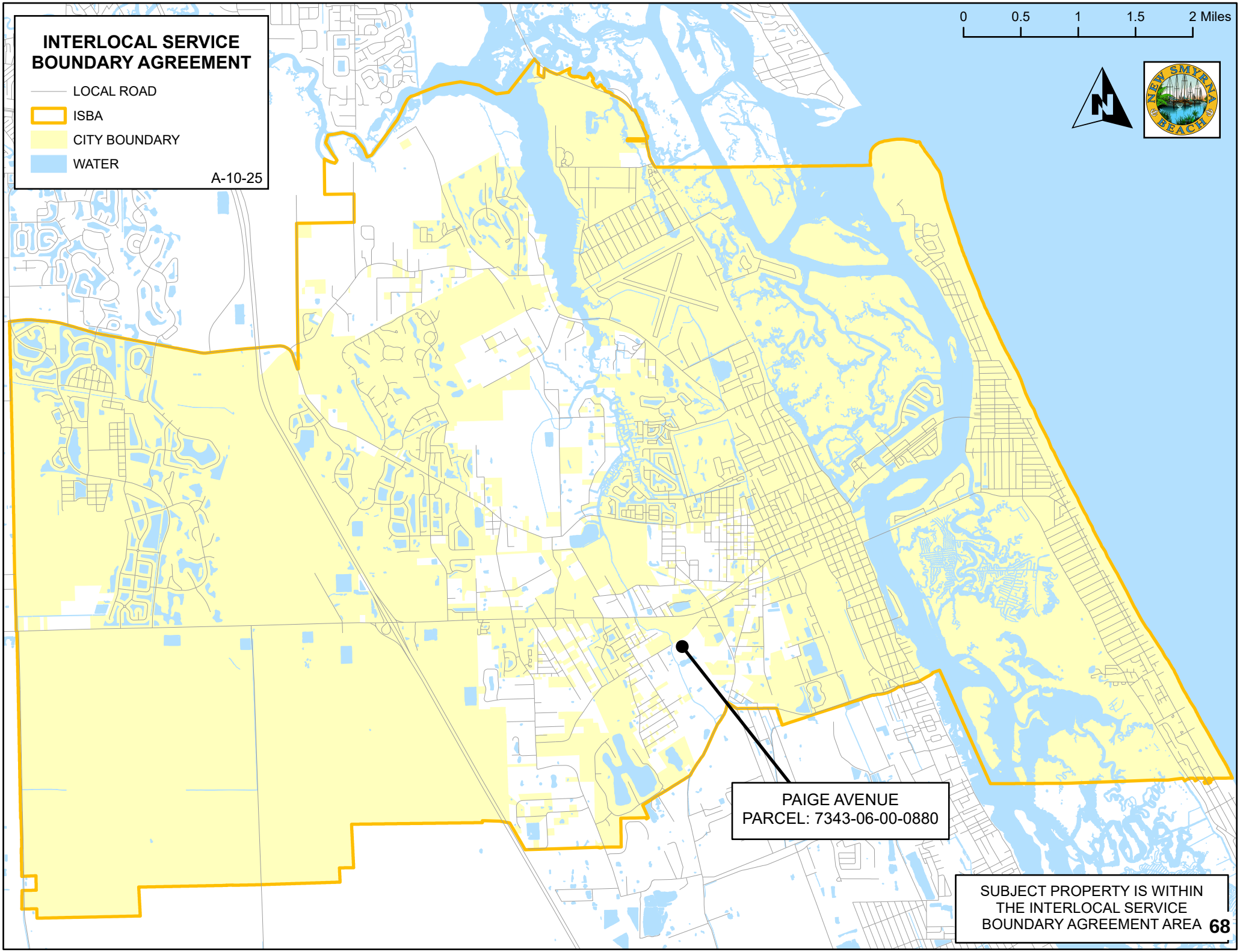
A-10-25



Update to Comprehensive Plan Map III-3

SUBJECT PROPERTY IS SERVED BY PUBLIC TRANSIT ROUTES LOCATED THROUGHOUT THE CITY


COMMISSION ZONES
A-10-25
0
1
2 Miles
SR 44
WALKER DR S
CAROLYN ST
BURMA RD
CORBIN PARK RD
PAIGE AV
TROPHY HUNTER TR
VICS WAY
MISSION DR
OLD MISSION RD
0
1,000 Feet
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
CITY BOUNDARY
WATER
ZONE 1
ZONE 2
ZONE 3
ZONE 4
Update to Comprehensive Plan Map Z-1
SUBJECT PROPERTY IS LOCATED IN CITY COMMISSION ZONE 1


INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-10-25
0
0.5
1
1.5
2 Miles
NEW SMYRNA BEACH
PAIGE AVENUE
PARCEL: 7343-06-00-0880
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT AREA

LEGAL DESCRIPTION

Address:
Paige Avenue, New Smyrna Beach, Florida 32168

Parcel Number
7343-06-00-0880

AltKey Number:
3732791

Metes and Bounds by Professional Title Agency

PART OF LOT 88 LYING EASTERLY OF CENTER LINE OF EXISTING DRAINAGE DITCH, AND LOT 89, DOUGHERTY'S SUBDIVISION OF THE THOMAS NAPIER GRANT AND THE NORTH 1/3 OF THE AMBROSE HULL GRANT IN TOWNSHIP 17 SOUTH, RANGE 33 EAST, ACCORDING TO MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK M, PAGE 688, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Prepared by and Return To:
Teresa Prompovitch
Professional Title Agency, a division of LandCastle Title Group, LLC
313 Julia Street
New Smyrna Beach, FL 32168

Order No.: N[redacted]

APN/Parcel ID(s): 734306000880
734306000881

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this September 11, 2025 by Blossom Development Inc, a Texas Corporation having its principal place of business at 1215 Gessner Rd, Houston, TX 77055, hereinafter called the grantor, and City of New Smyrna Beacha municipal corporation, a corporation existing under athe laws of the State of Florida whose post office address is 210 Sams Avenue, New Smyrna Beach, FL 32168, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representative and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all the certain land situated in County of Volusia, State of Florida, viz:

Parcel 1:

Part of Lot 88 lying Easterly of center line of existing drainage ditch, and Lot 89, Daugherty's Subdivision of the Thomas Napier Grant and the North 1/3 of the Ambrose Hull Grant, in Township 17 South, Range 33 East, according to map or plat thereof as recorded in Plat Book M, Page 688, Public Records of Volusia County, Florida.

Parcel 2:

That part of Lot 88 lying Westerly of the center line of existing drainage ditch, all being in Daugherty's Subdivision of the Thomas Napier Grant and the North 1/3 of the Ambrose Hull Grant, in Township 17 South, Range 33 East, according to map or plat thereof as recorded in Plat Book M, Page 688, Public Records of Volusia County, Florida.

Subject to encumbrances, easements and restrictions of record and taxes accruing subsequently to 2024.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

SPECIAL WARRANTY DEED
(continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in Fee Simple; that the grantor has good right and lawful authority to sell and convey said land; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

Witness Signature

Teresa A. Prompovitch
Print Name

Address: 313 Julia Street
New Smyrna Beach, FL 32168

Witness Signature

Linda Roussey
Print Name

Address: 313 Julia St.
NSB FL 32168

Blossom Development Inc, a Texas Corporation

BY: _____
Dan Silvestri
President

Address: 1215 Gessner Rd
Houston, TX 77055

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 8th day of September, 2025, by Dan Silvestri, President of Blossom Development Inc, A Texas Corporation, to me known to be the person(s) described in or who has/have produced Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

NOTARY PUBLIC
My Commission Expires:

TERESA A. PROMPOVITCH
Notary Public - State of Florida
Commission # HH 221861
My Comm. Expires Mar 21, 2026
Bonded through National Notary Assn.

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

A-0011-2025: REVIEW AND GIVE A RECOMMENDATION TO THE CITY COMMISSION ON AN OVERALL ANNEXATION APPLICATION FOR PROPERTY LOCATED ON PAIGE AVENUE.

December 1, 2025

Background:

Applicant: Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florid 32168.

Property Owner: City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, 32168.

Request: Voluntary annexation, Small-Scale *Comprehensive Plan* amendment, and rezoning:

- **From:** Volusia County Future Land Use (FLU) categories of Environmental Systems Corridor, Urban Low Intensity, and Urban Medium Intensity and Volusia County zoning designations of RC, Resource Corridor, R-1, Urban Single-Family, and R-4, Urban Single Family Residential with a "A" attached for Airport Height Notification Zone.

- **To:** City FLU category of Conservation and City zoning designation of Conservation with a "A" attached for Airport Height Notification Zone.

Site Information:

- **Size:** 5 ± acres.

- **Location:** South side of Paige Avenue, east of Trophy Hunter Trail.

Tax I.D. Number: 7343-06-00-0881

Findings:

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 of New Smyrna Beach 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 Volusia County and the City of New Smyrna Beach, was also approved by the County on May 2, 2013. A new updated agreement was approved on May 2, 2022.

The subject property is within the annexation area designated in the ISBA. The subject property on Paige Avenue is currently vacant. A location map is attached as **Exhibit A** and an aerial map is attached as **Exhibit B**.

The existing Volusia County Future Land Use (FLU) categories and zoning designations of the subject property is shown on the following maps as **Exhibits C and D**. The text description of the existing Future Land Use categories for the subject property is attached as **Exhibit E**. The associated current zoning text descriptions for the subject property is attached as **Exhibit F**. Existing land uses are shown on the map attached as **Exhibit G**.

The established City Commission policy is that when properties are annexed into the City, the City will assign future land use categories and zoning designations that would be as similar as possible to existing County designations. As discussed above, the existing County FLU categories are Environmental Systems Corridor, Urban Low Intensity, and Urban Medium Intensity. The existing County zoning designations are Resource Corridor, R-1, Urban Single-Family, and R-4, Urban Single Family Residential. The proposed City FLU category is Conservation. The proposed City zoning designation is Conservation. A text description of the proposed City Conservation Future Land Use category is attached as **Exhibit H,** with a map of this proposed change also attached as **Exhibit I**. A text description of the proposed City Conservation zoning designation, and a map of the proposed changes are similarly attached as **Exhibits J** and **K**.

This annexation request is within the City's annexation area and within the City's water and sewer service area **(Exhibit L).** The property located on Paige Avenue is undeveloped. A 20" PVC and 12" PVC water lines, an 8" force main sewer line, and a 20" reclaim water line is available in the Paige Avenue right-of-way.

A map of the soil limitations for septic systems is attached as **Exhibit M**.

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, stormwater management, and public-school facilities. Because the subject property is undeveloped, and because no new improvements are proposed, staff did not prepare a concurrency analysis table for this case.

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 1 is attached as **Exhibit AA**. The ISBA map is attached as **Exhibit BB**. The legal description and Warranty Deed are attached as **Exhibits CC** and **DD**.

Recommendation:

Staff recommends that the Planning and Zoning Board give a positive recommendation to the City Commission to **approve** the requested annexation, Small Scale *Comprehensive Plan* amendment amending the Future Land Use category to City Conservation and rezoning designation to City Conservation with an "A" attached for Airport Height Notification Zone for property located on Paige Avenue.

Fiscal Analysis:
N/A

Strategic Plan Item:
Yes

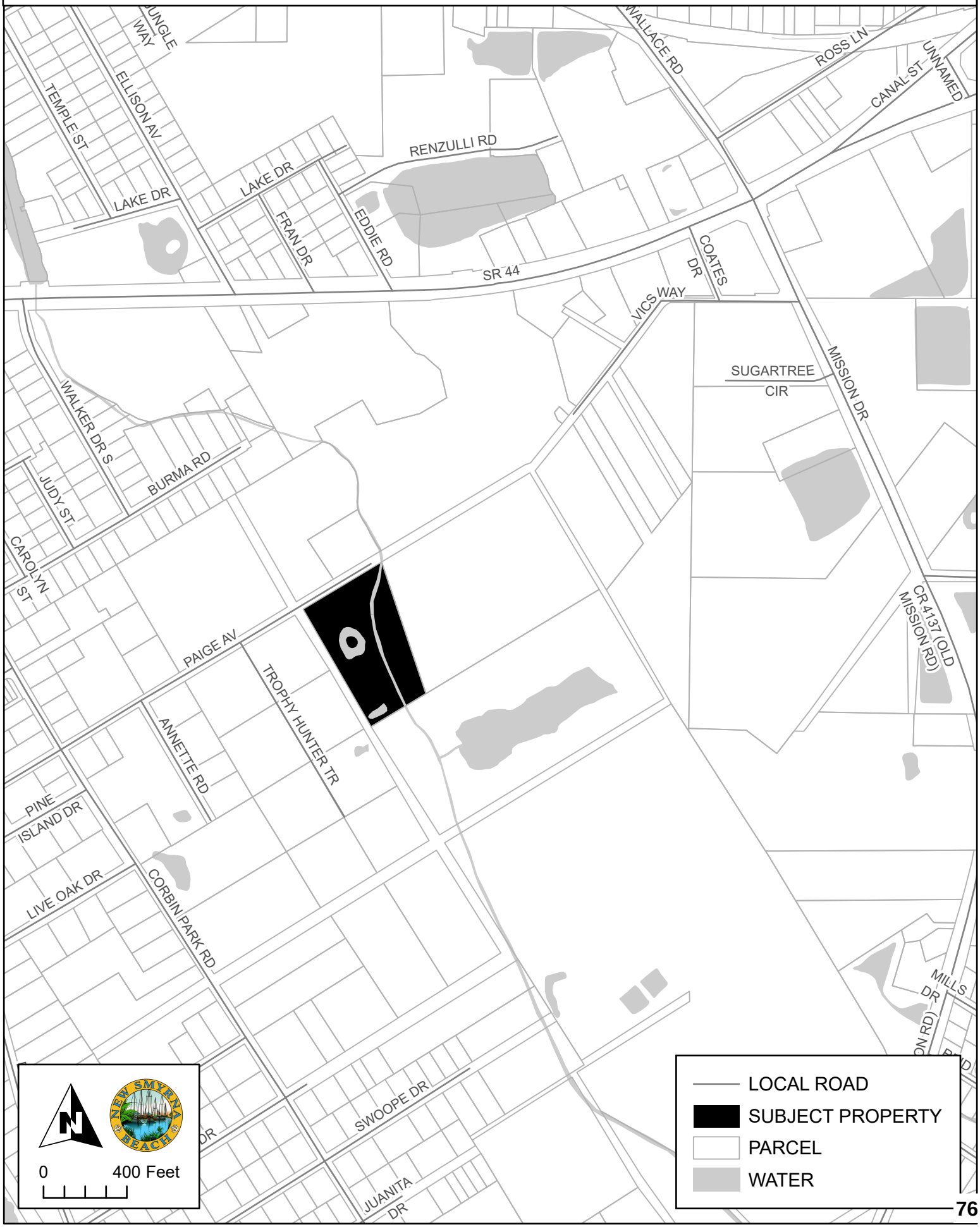
Staff Report Created By: Robert Mathen - Senior Planner

Attachments:

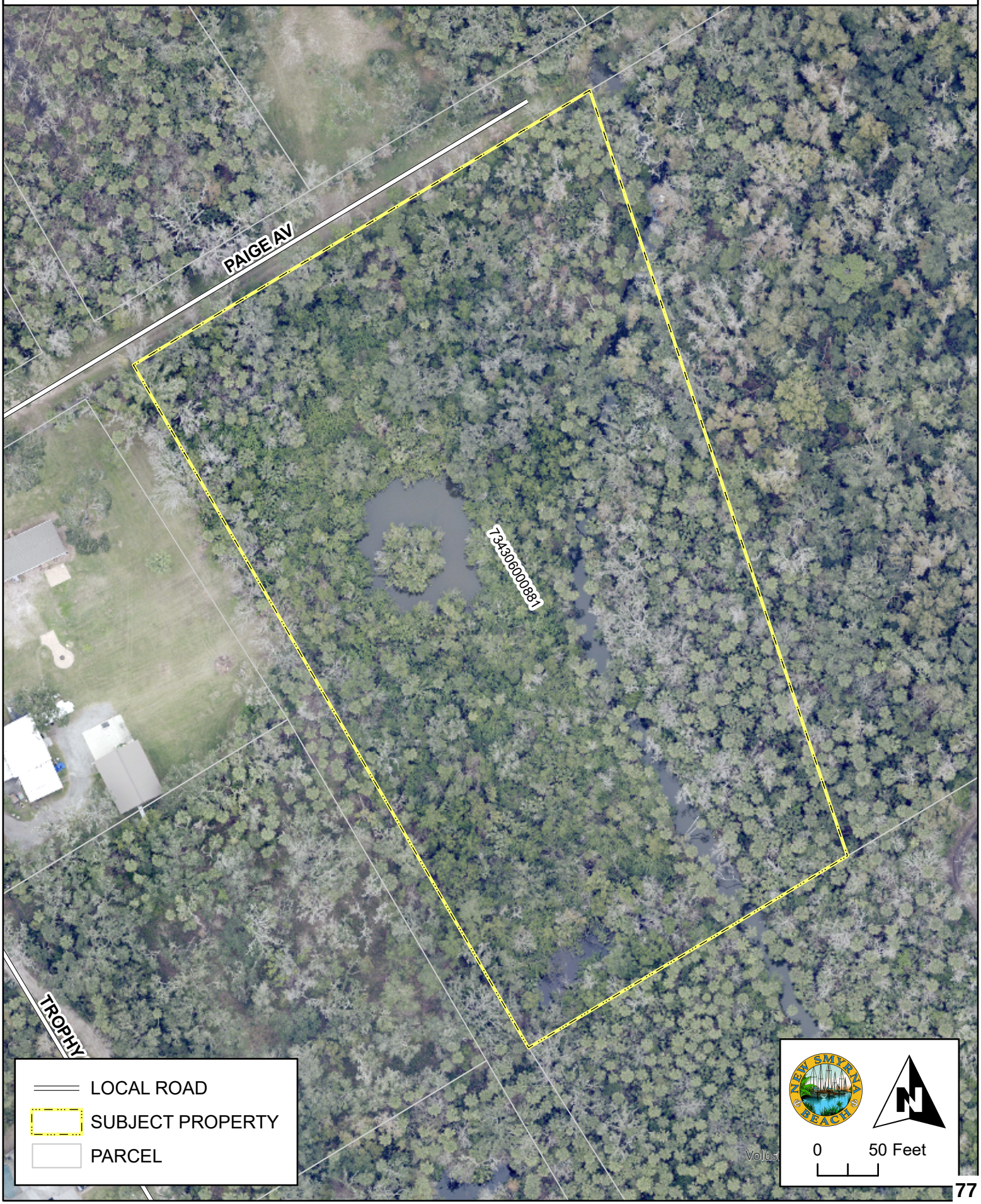
Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing FLU Map.pdf
Exhibit D Existing Zoning Map.pdf
Exhibit E Existing County FLU Text.pdf
Exhibit F Existing County Zoning Text.pdf
Exhibit G Existing Land Use Map.pdf
Exhibit H City Conservation FLU Text.pdf
Exhibit I Proposed FLU Map.pdf
Exhibit J City Conservation Zoning Text.pdf
Exhibit K Proposed Zoning Map.pdf
Exhibit L Water and Sewer Service Area.pdf
Exhibit M Soil Limitation for Septic Systems.pdf
Exhibit N Airport Runway Protection Zones.pdf
Exhibit O Bicycle and Pedestrian Facilities.pdf
Exhibit P Boat Slip Siting.pdf
Exhibit Q City Parks.pdf
Exhibit R Coastal High Hazard Areas.pdf
Exhibit S Evacuation Routes.pdf

Exhibit T Existing Traffic Lanes - 2009.pdf
Exhibit U Number of Traffic Lanes - 2025.pdf
Exhibit V Existing Level of Service - 2009.pdf
Exhibit W Level of Service - 2025.pdf
Exhibit X Flood Prone Areas.pdf
Exhibit Y Neighborhood Map.pdf
Exhibit Z Public Transit Routes.pdf
Exhibit AA Commission Zones Map.pdf
Exhibit BB Interlocal Service Boundary Agreement Map.pdf
Exhibit CC Legal Description.pdf
Exhibit DD Warranty Deed.pdf

A-11-25: PAIGE AVENUE
PARCEL: 7343-06-00-0881 LOCATION MAP

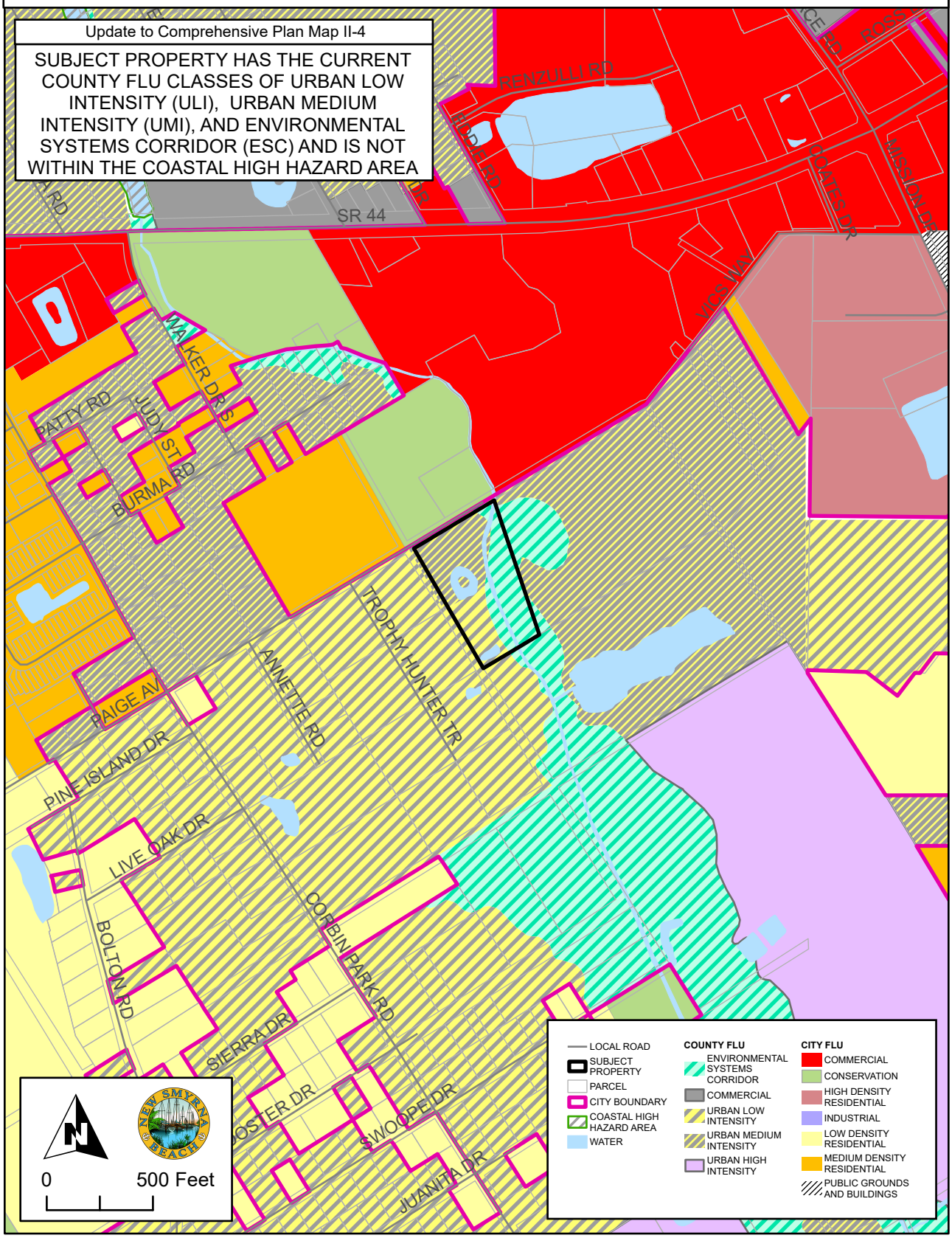


A-11-25: PAIGE AVENUE
PARCEL: 7343-06-00-0881 AERIAL MAP



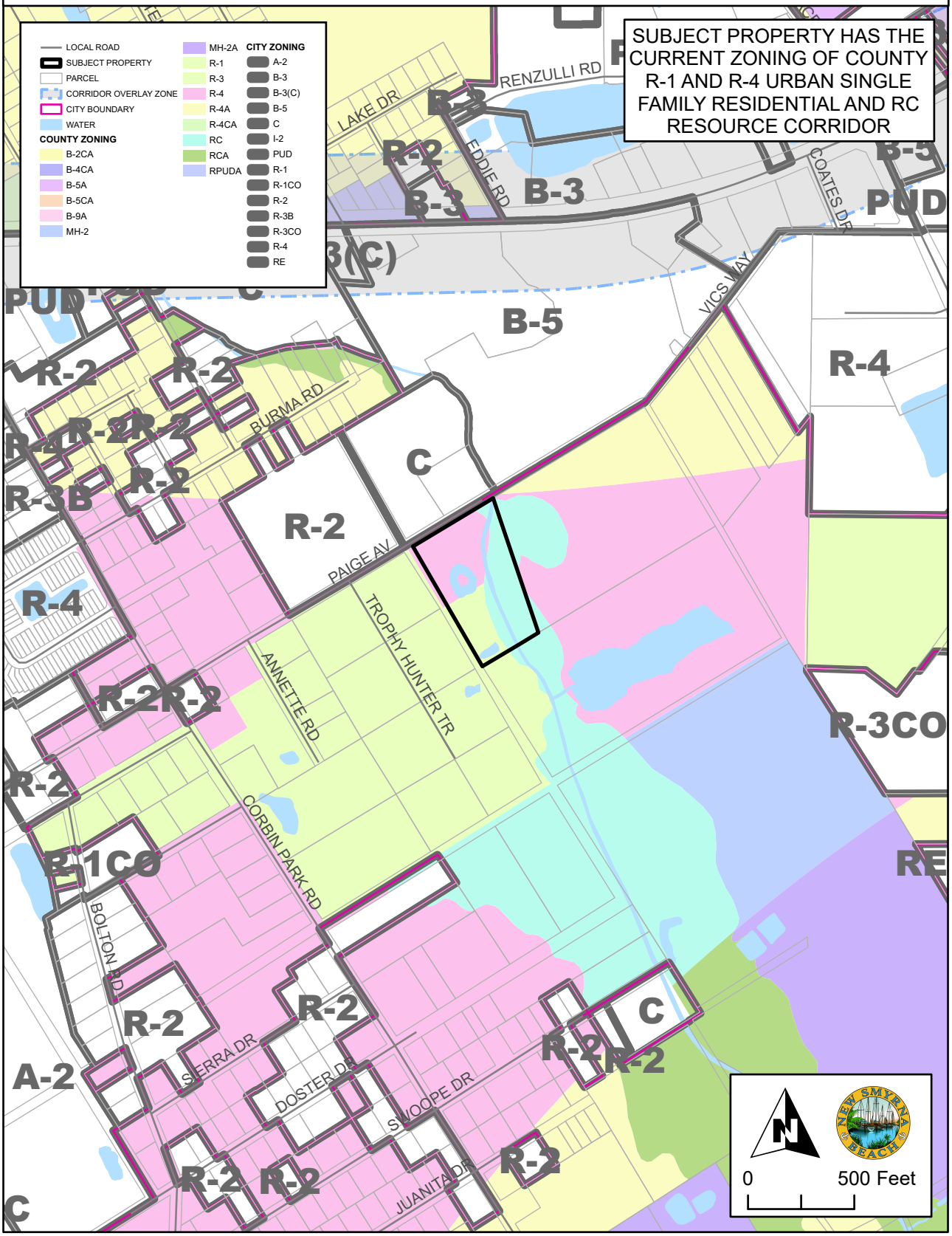
EXISTING FUTURE LAND USE DESIGNATIONS

A-11-25



EXISTING ZONING

A-11-25



Volusia County Future Land Use

Environmental System Corridor (ESC) –

This designation consists of important ecological corridors comprised of environmentally sensitive and ecologically significant lands. Land use activities occurring within these corridors shall not degrade these natural functions and connections. The intention is to provide protected, natural pathways which connect to other protected areas such as parks, conservation lands and water bodies. This inter-connection helps maintain the ecological integrity and ecodiversity of the County's vast natural resources. ESC's shall include significant interconnected natural systems of environmentally sensitive lands, connecting to and including conservation areas where possible. The ESC's are not intended to include pre-existing improved, cultivated, or developed lands unless such lands contain unique or exceptional ecological value. Conservation and silviculture, utilizing Best Management Practices (BMP's), will be the preferred use, however, other compatible passive agricultural activities may also be permitted such as unimproved pasture. The primary consideration of compatible agriculture should be potential adverse impacts to the short and long term ecological stability of the system, as well as adjacent lands and waterways. The Environmental System Corridor configuration displayed on the Future Land Use Map is intended to show a generalized location for the corridor. The actual boundaries will be established based upon site specific information and features.

(1) The maximum residential density shall not exceed one (1) dwelling unit per twenty-five (25) acres.
(2) The maximum Floor Area Ratio shall not exceed ten percent (0.10 FAR).

Urban Low Intensity (ULI) – Areas for low density residential dwelling units of up 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 (¼) mile of another jurisdiction shall require notification to that jurisdiction.

Urban Medium Intensity (UMI) –

Areas that contain residential development at a range of up 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 (¼) mile of another jurisdiction shall require notification to that jurisdiction.

Exhibit F

RC RESOURCE CORRIDOR CLASSIFICATION

Purpose and intent: The purpose and intent of the RC Resource Corridor Classification is to provide protected, natural corridors consisting of environmentally sensitive and ecologically significant lands which connect to other protected areas such as parks and water bodies. The corridor shall provide a contiguous hydroecological pathway, where the wetlands and uplands are integrated and conducive to the maintenance and perpetuation of the system.

Permitted principal uses and structures: In the RC Resource Corridor Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Apiaries; provided, however, that the RC classified area does not comprise part of a lot classified for residential, commercial or industrial use.

Aquatic preserves (state or federal designated).

Aviaries; provided, however, that the RC classified area does not comprise part of a lot classified for residential, commercial or industrial use.

Docks in accordance with section 72-278.

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 3 of the Land Development Code of Volusia County [article III] and/or final plan review procedures of this article.

Fire stations.

Fishing, hunting and wildlife management areas.

Historical or archeological sites.

Hobby breeder.

Home-based business (refer to section 72-283).

Pasture for the grazing, boarding or raising of livestock, subject to the maximum lot coverage requirements below.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

Silvicultural operations, which follow the most up to date state-prescribed best management practices.

Single-family standard, modular or mobile home dwelling.

Worm raising, provided, however, that the RC classified area does not comprise part of a lot classified for residential, commercial or industrial use.

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

Animal shelters.

Communication towers exceeding 70 feet in height above ground level.

Dogs and cats boarded as personal pets exceeding the number permitted in subsection 72-306(a).

Except for those permitted principal uses and special exceptions listed hereunder, all agricultural pursuits, including the processing, packaging, storage and sale of agriculture products which are raised on the premises; provided however, that the total land area devoted to agricultural uses, including improved pasture, does not exceed 20 percent of the total lot area zoned RC and further provided that the RC classified area does not comprise part of a lot classified for residential commercial or industrial use.

Hunting camps.

Kennels.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 72-293(1)).

Riding stables.

Dimensional requirements for lots, parcels and tracts of land zoned in its entirety as resource corridor.

Minimum lot sizes:

Area: 25 acres.

Width: 150 feet.

Minimum yard size:

Front yard: 50 feet.

Rear yard: 50 feet.

Side yard: 50 feet.

Waterfront yard: 75 feet.

Maximum building height: 45 feet.

Maximum lot clearance and coverage: Lot clearance can not exceed 20 percent. The area covered with principal and accessory buildings shall not exceed ten percent.

Minimum floor area: 750 square feet.

Dimensional requirements for lots, parcels or other tracts of land which are zoned a mixture of RC and another zone classification: In instances where Resource Corridor boundaries split existing lots parcels or tracts of land, the subject property may be subdivided into lots meeting the minimum lot area and width requirements of the zoning classification of the property not classified as Resource Corridor, providing that Resource Corridor classified lands are not counted as meeting part of the minimum lot area or lot width requirements of the other zone classification. In such instances, there shall be no minimum area or width requirements for the portion of the lot classified as RC. Development of lots classified as a mixture of RC and another zone classification shall be subject to the provisions of subsection 72-136(10) of this article.

Minimum lot size:

Area: No minimum for the portion of the lot classified as RC, providing that the minimum area requirement for the portion of the lot classified other than RC is met.

Width: No minimum for the portion of the lot classified as RC, providing that the minimum with requirement for the portion of the lot classified other than RC is met.

Minimum yard sizes: As provided for under subsection 72-136(10) of this article.

Maximum building height: 45 feet.

Maximum lot coverage: Lot clearance on the portion of the lot classified as RC cannot exceed 20 percent, and no more than ten percent of the portion of the lot classified as RC may be covered with principal and accessory buildings. The portion of the lot classified other than RC shall be subject to the maximum lot coverage requirements of that zone classification.

Minimum floor area: As required for the portion of the lot not classified as RC.

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.

Skirting requirements for mobile home dwelling: The area between the ground and floor of the mobile home dwelling shall be enclosed with skirting.

R-1 URBAN SINGLE-FAMILY

RESIDENTIAL CLASSIFICATION[1]

Purpose and intent: The purpose and intent of the R-1 Urban Single-Family Residential Classification is to provide low-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structures: In the R-1 Urban Single-Family 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 section 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-based business (refer to section 72-283).

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.

Single-family standard or 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).

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[1]Editor's note(s)—Section 14 of Ord. No. 90-34, adopted Sept. 27, 1990, changed the title of the R-1 classification from "Suburban" to "Urban".

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

Off-street parking areas (refer to subsection 72-293(14)).

Public uses not listed as permitted principal uses.

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: 20,000 square feet.

Width: 100 feet.

Minimum yard size:

Front yard: 30 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: 1,500 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.

Exhibit F

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-based business (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 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.

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.

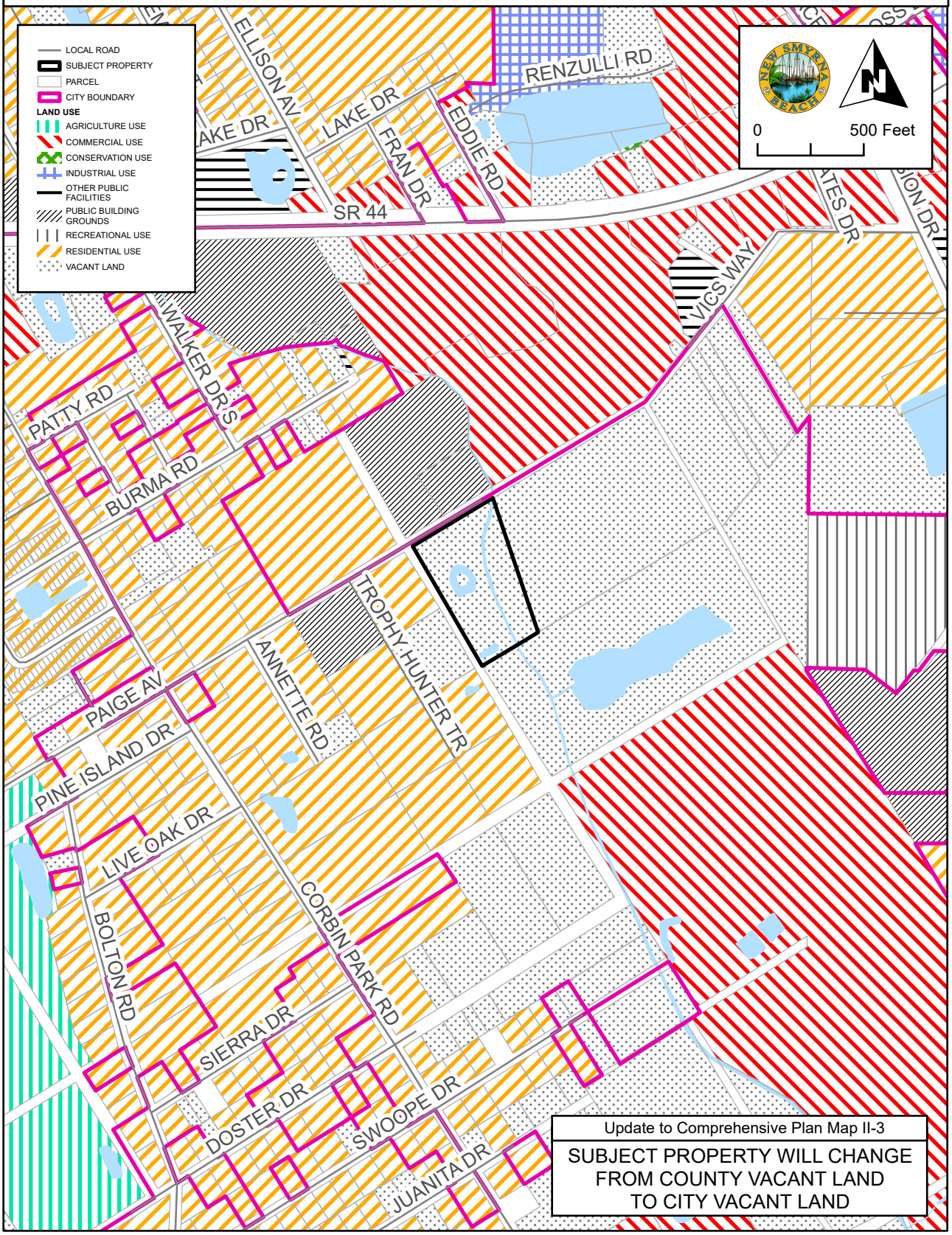
Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.

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-11-25



CONSERVATION

Maximum allowed Floor Area Ratio (FAR): 0.10

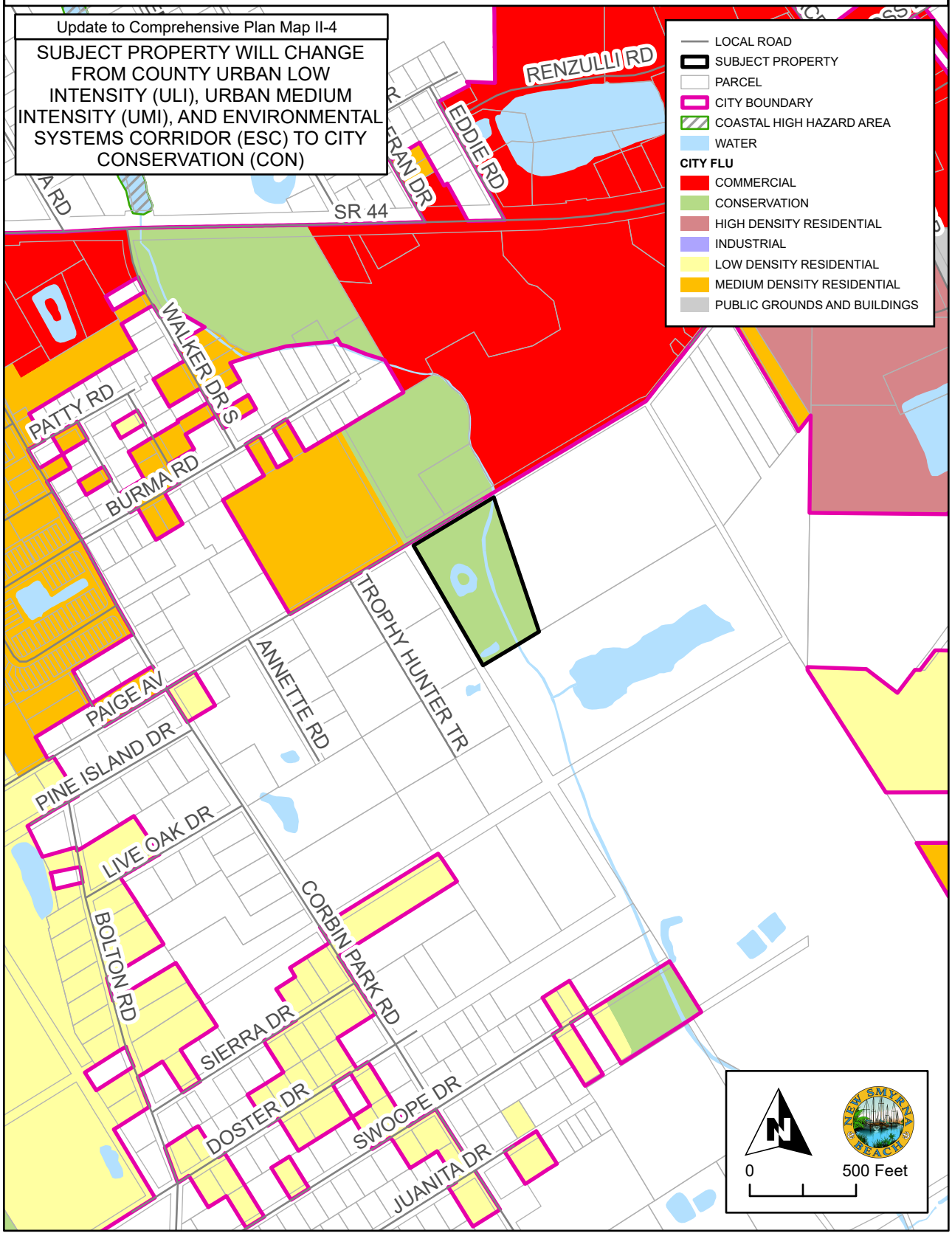
The general boundaries of those areas known to require environmental protection from development have been designated as conservation on the Future Land Use Map.

Designations are based on the best information available. Owners of lands designated as conservation on the Future Land Use Map may petition the City to adjust the boundaries of the conservation zone based upon a qualified biologist's determination of the boundaries made in accordance with §701.07 of the *Land Development Regulations*.

The Planning and Zoning Department shall review the owner's petition and automatically adjust the Future Land Use Map to correctly represent said area and upland buffer. The Local Planning Agency's approval shall be required if the area to be changed is greater than five (5) acres. Environmentally sensitive areas shall include, but not be limited to, jurisdictional wetlands, wetland buffers, uplands included as part of designated environmental corridors, and public beaches.

PROPOSED FUTURE LAND USE DESIGNATIONS

A-11-25



C, CONSERVATION DISTRICT

Intent. The C, Conservation District, is designed to:

(1) Protect persons and private property from the hazards of flood water inundation and to protect the community from costs which are incurred when urban development occurs in flood plains; and
(2) Conserve important natural and historic resources for ecological purposes and for the enjoyment and education of future residents.

Permitted uses.

Fishing and picnicking
Nature trails and exhibits
Park ranger residence, State of Florida or Volusia County. The structure may be occupied by only one State of Florida or Volusia County Park Ranger and his family. Said ranger must be a state certified law enforcement officer. The structure shall be built in accordance with the requirements of the R-2, Single-Family Residential District in this LDR.
Public and private parks
Public utility lines and utility facilities
Silvicultural operations which follow state-prescribed best management practices

Permitted accessory uses.

Incidental uses
Recreation facilities related to the permitted uses

Special exceptions.

Fishing, hunting or nonprofit organizations camps
Riding stables

Dimensional requirements.

Minimum lot size.
Area: 20,000 square feet
Depth: 200 feet
Width: 100 feet
Minimum yard size.
Front yard: 40 feet, or as required per [sub]section 504.01M. of this LDR
Rear yard: 30 feet
Side yard: Ten feet

Minimum setback from wetlands.
Any jurisdictional wetland line: 25 feet towards upland

Maximum building coverage. The total area covered with buildings on any lot shall not exceed 30 percent of the total lot area.

Maximum impervious coverage. The total area covered with impervious materials on any lot shall not exceed 35 percent of the total lot area.

Maximum principal building height. 35 feet above finished grade.

Landscaping. Landscaped buffer area(s) as defined in this LDR shall be required at property lines as follows:

(1) All front property lines; and
(2) Along side or rear lot line abutting a residentially zoned lot.

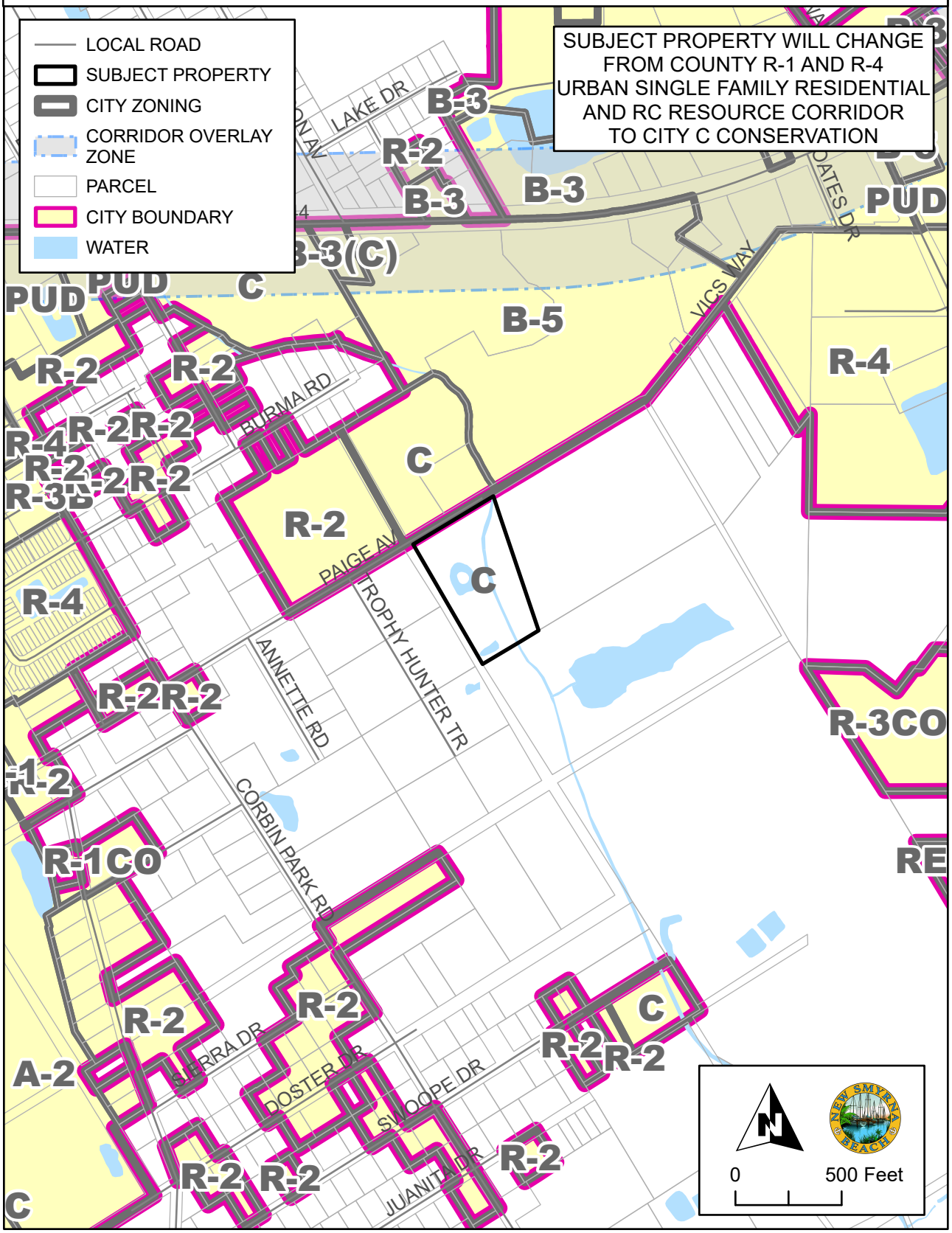
Visibility at intersections. Visibility at intersections shall be provided as required in this LDR.

Off-street parking. Off-street parking shall be provided as required in this LDR.

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.

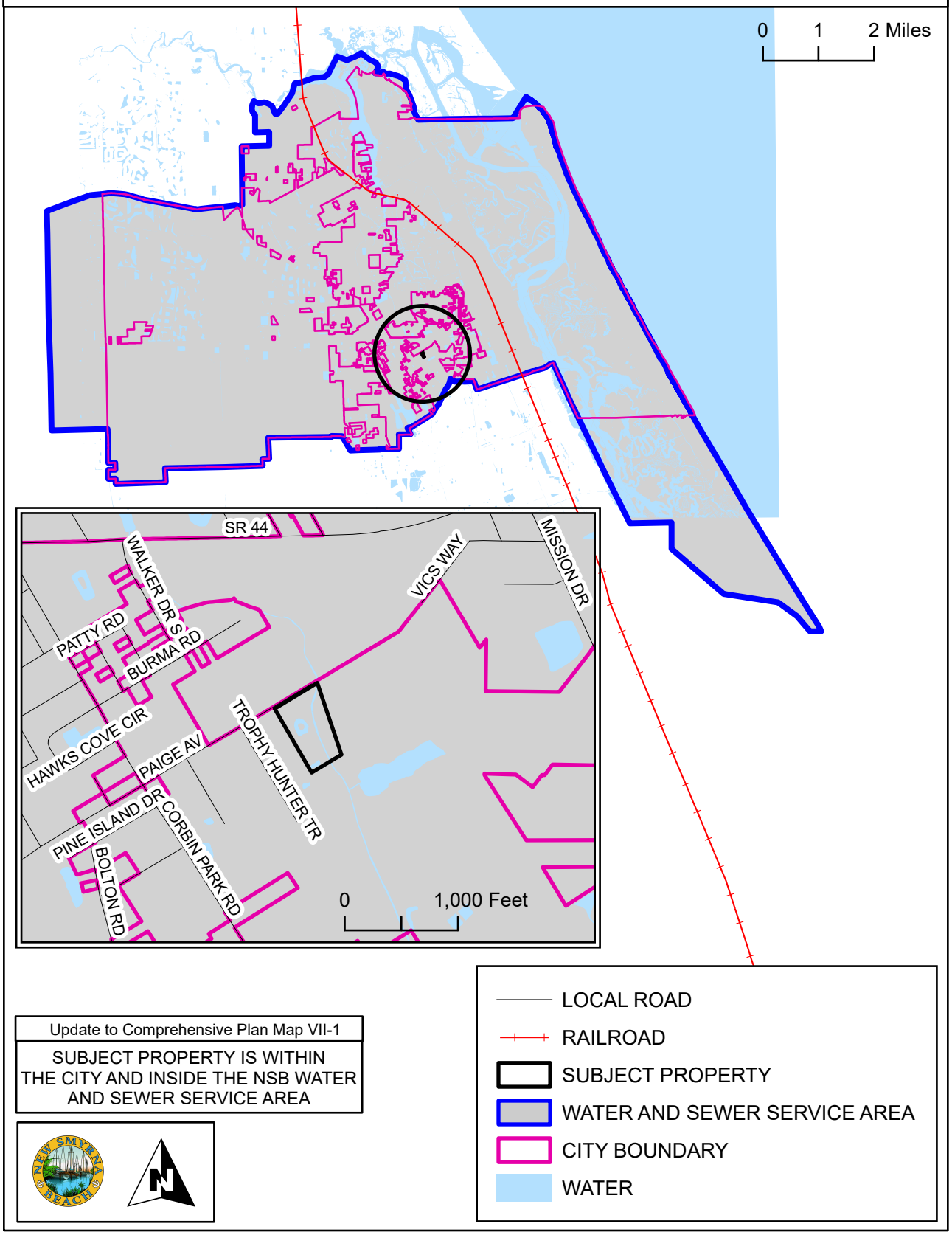
PROPOSED ZONING

A-11-25



WATER AND SEWER SERVICE AREA

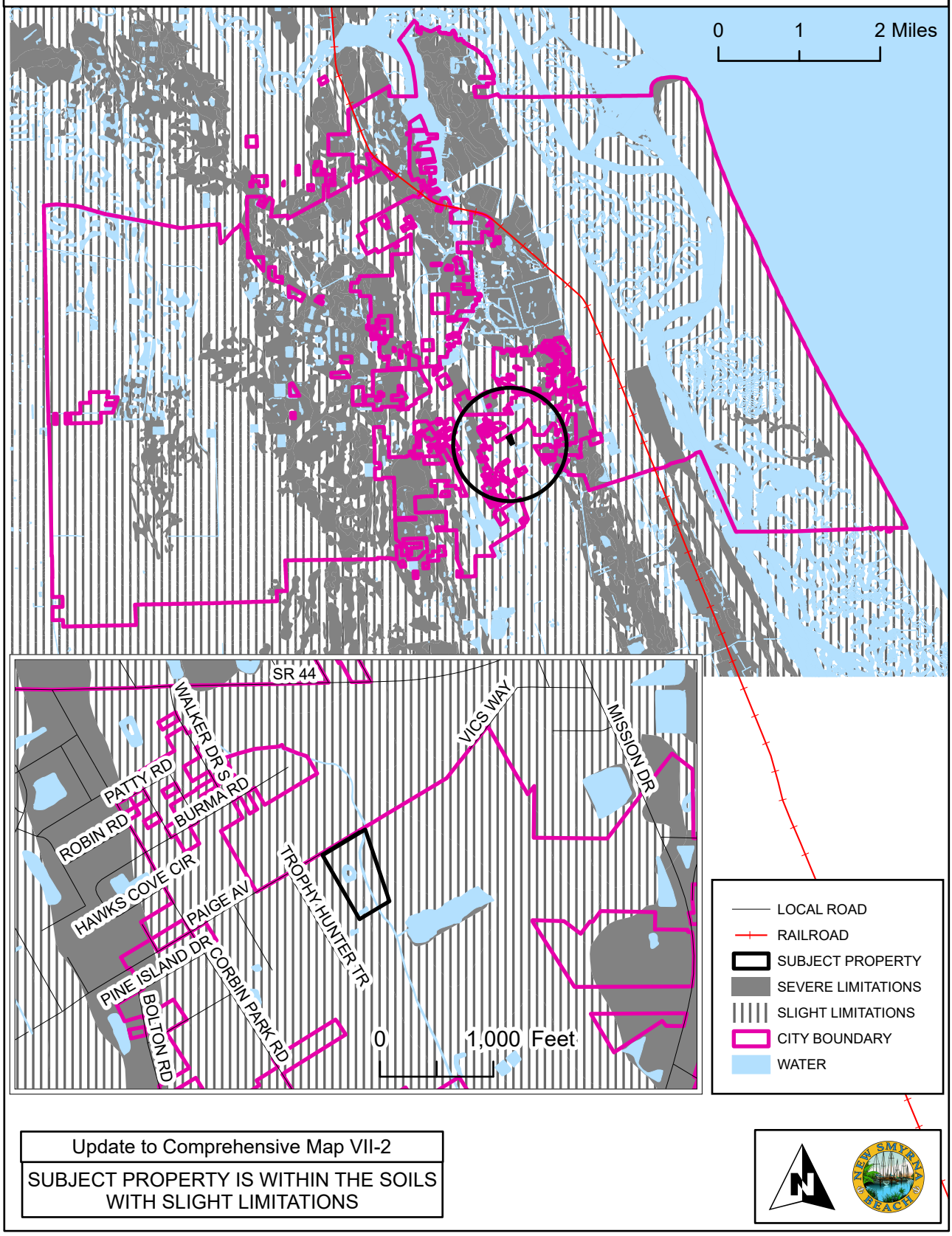
A-11-25



Update to Comprehensive Plan Map VII-1
SUBJECT PROPERTY IS WITHIN THE CITY AND INSIDE THE NSB WATER AND SEWER SERVICE AREA

SOIL LIMITATION FOR SEPTIC SYSTEMS

A-11-25

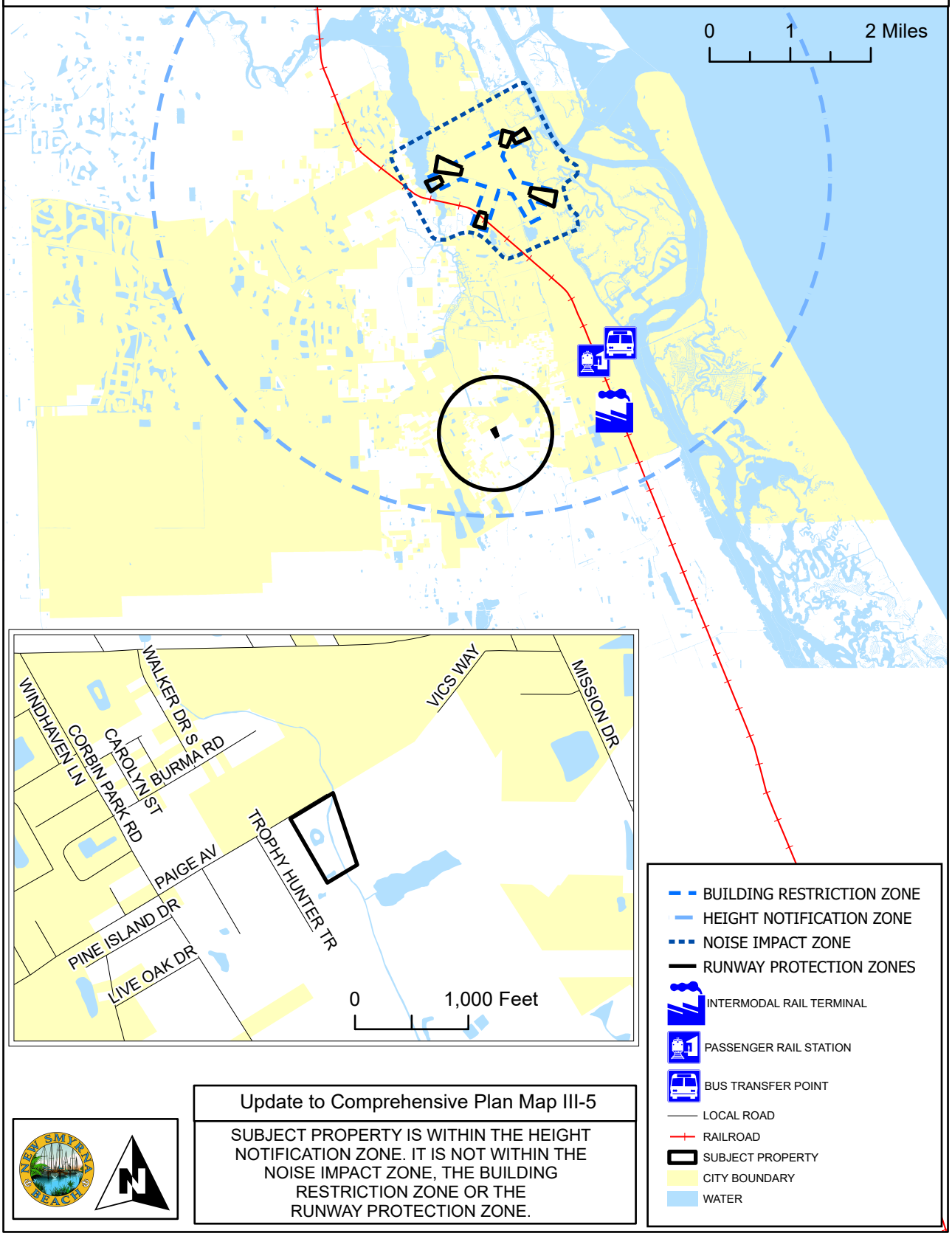


Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS

AIRPORT RUNWAY PROTECTION ZONES

A-11-25

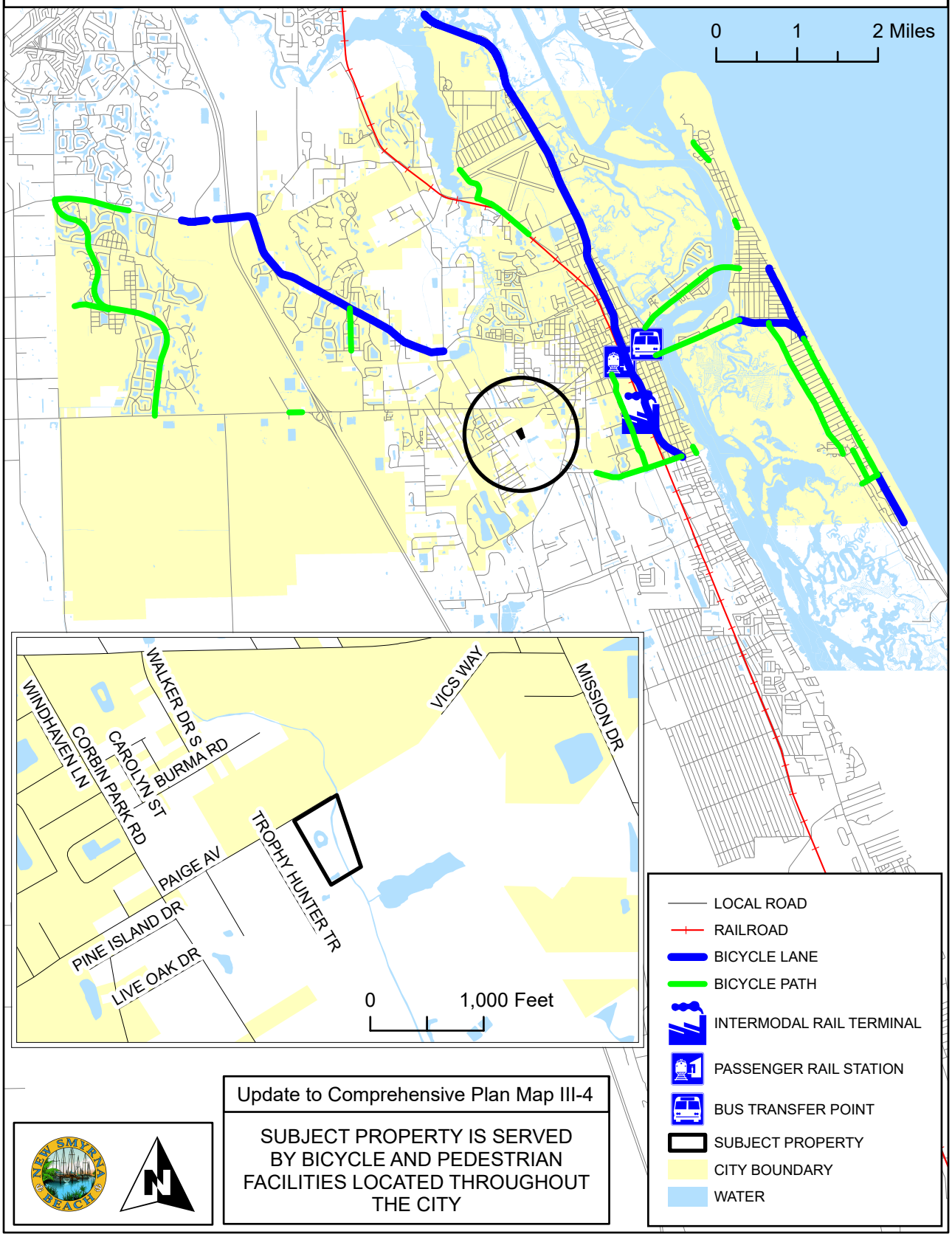


Update to Comprehensive Plan Map III-5

SUBJECT PROPERTY IS WITHIN THE HEIGHT NOTIFICATION ZONE. IT IS NOT WITHIN THE NOISE IMPACT ZONE, THE BUILDING RESTRICTION ZONE OR THE RUNWAY PROTECTION ZONE.

BICYCLE AND PEDESTRIAN FACILITIES

A-11-25

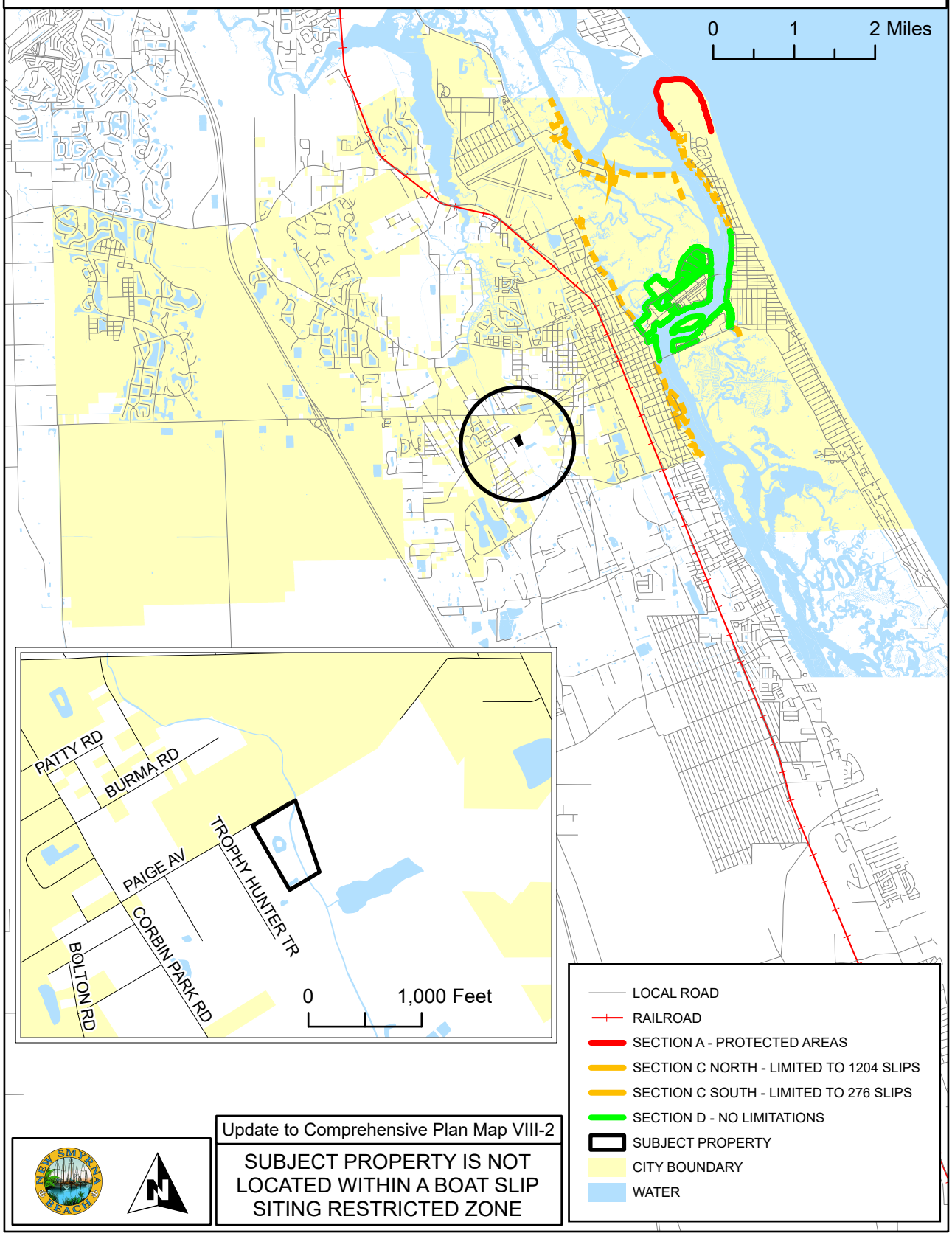


Update to Comprehensive Plan Map III-4

SUBJECT PROPERTY IS SERVED BY BICYCLE AND PEDESTRIAN FACILITIES LOCATED THROUGHOUT THE CITY

BOAT SLIP SITING

A-11-25

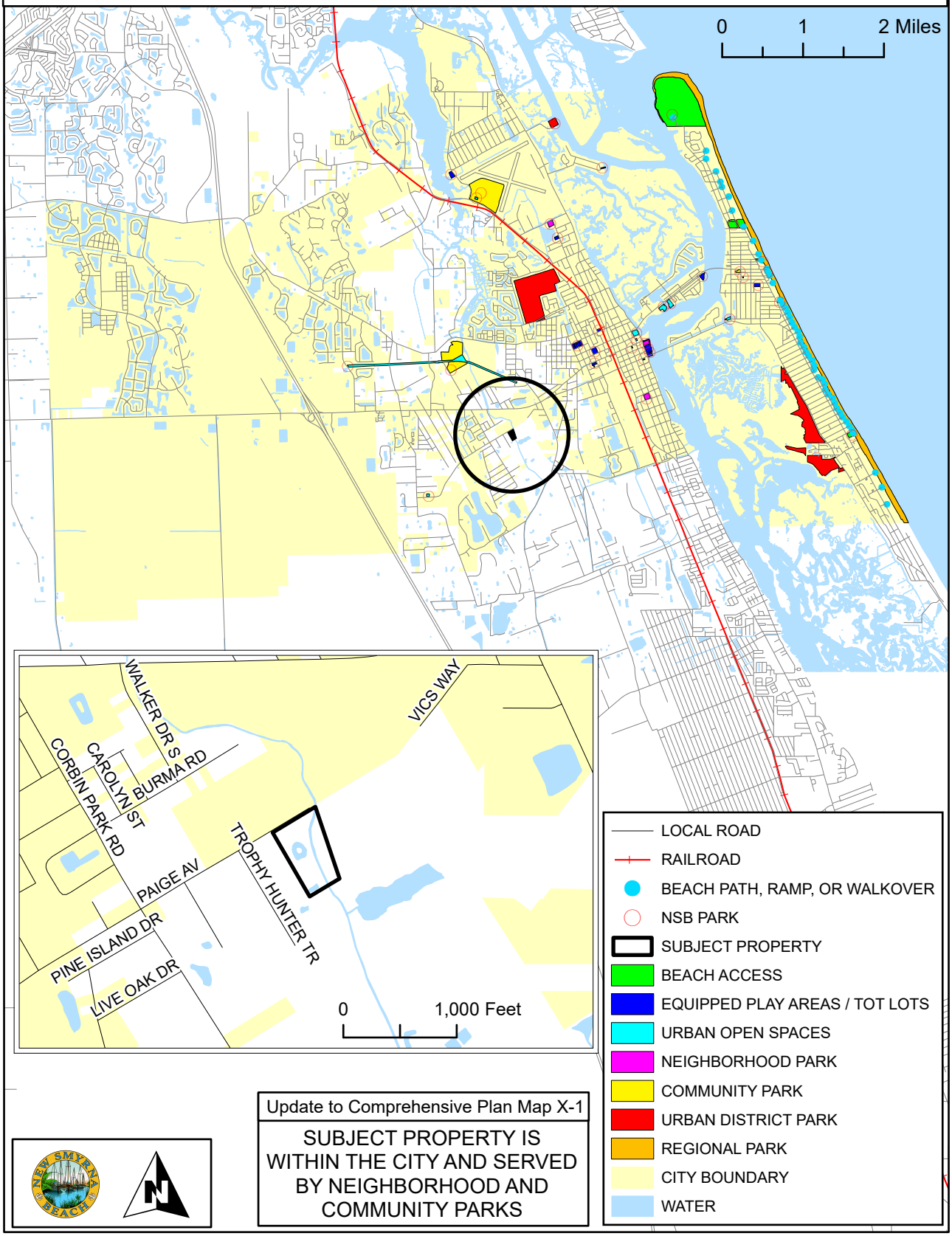


Update to Comprehensive Plan Map VIII-2

SUBJECT PROPERTY IS NOT LOCATED WITHIN A BOAT SLIP SITING RESTRICTED ZONE

CITY PARKS

A-11-25

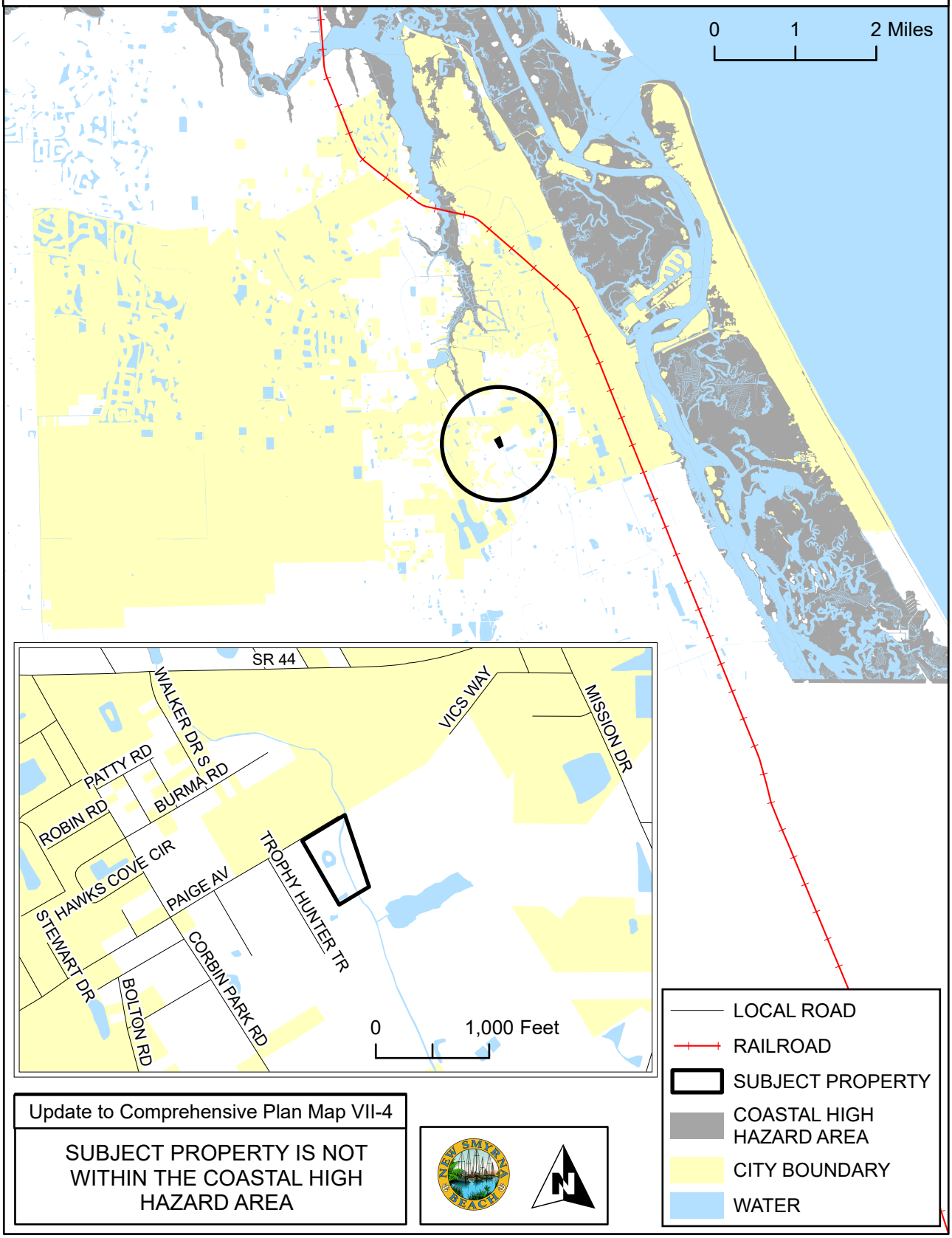


Update to Comprehensive Plan Map X-1

SUBJECT PROPERTY IS WITHIN THE CITY AND SERVED BY NEIGHBORHOOD AND COMMUNITY PARKS

COASTAL HIGH HAZARD AREAS

A-11-25

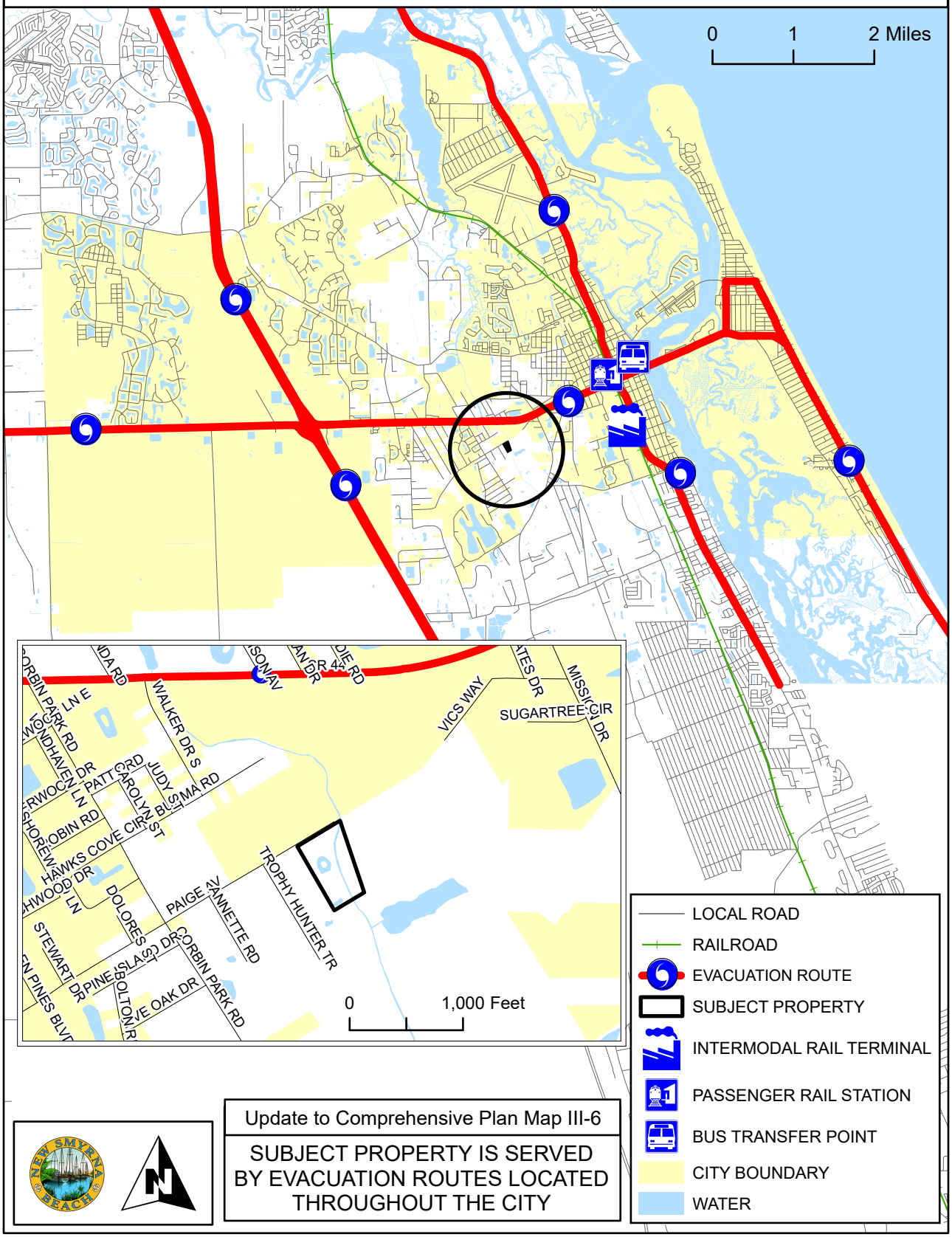


Update to Comprehensive Plan Map VII-4

SUBJECT PROPERTY IS NOT WITHIN THE COASTAL HIGH HAZARD AREA

EVACUATION ROUTES

A-11-25

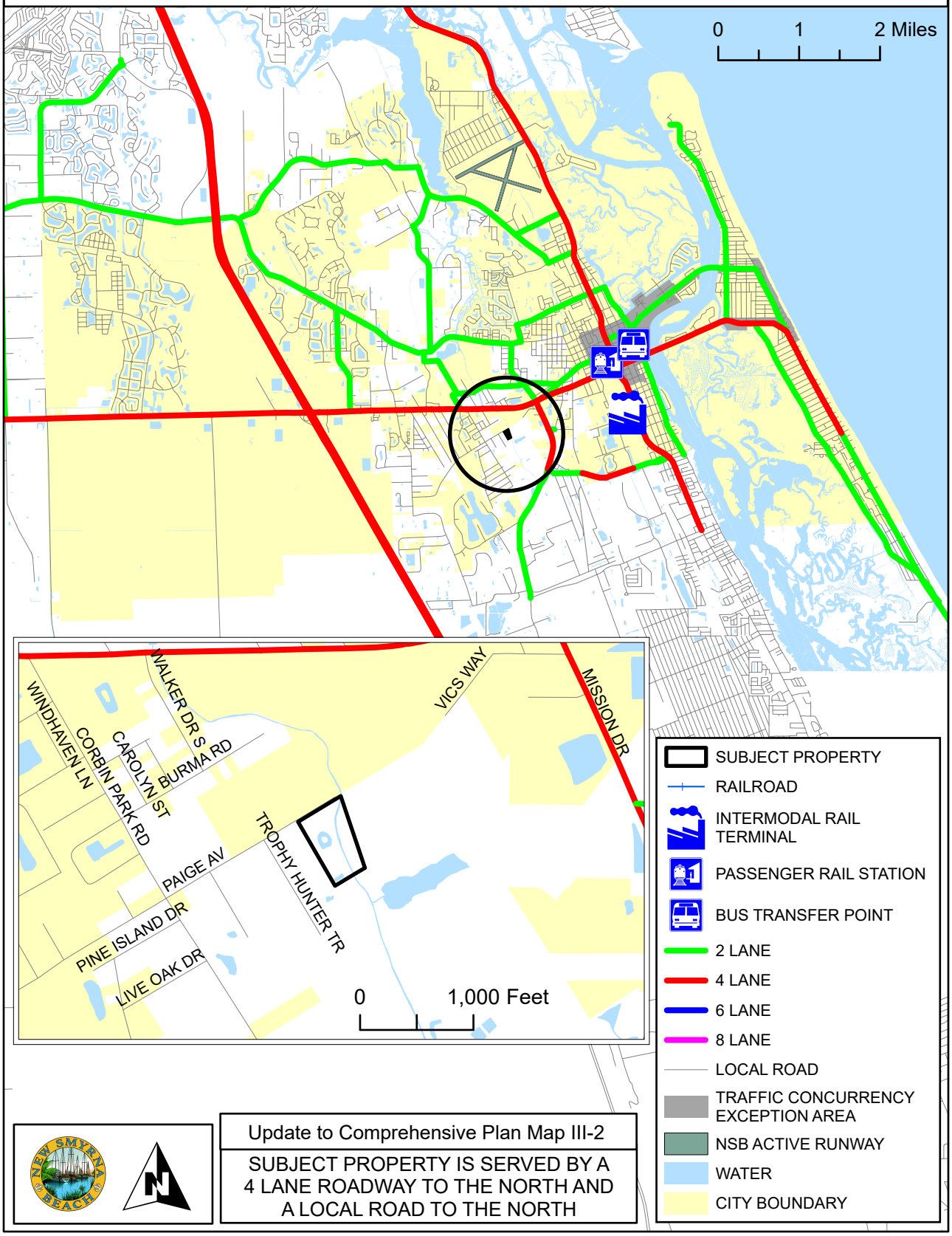


Update to Comprehensive Plan Map III-6

SUBJECT PROPERTY IS SERVED BY EVACUATION ROUTES LOCATED THROUGHOUT THE CITY

EXISTING TRAFFIC LANES - 2009

A-11-25

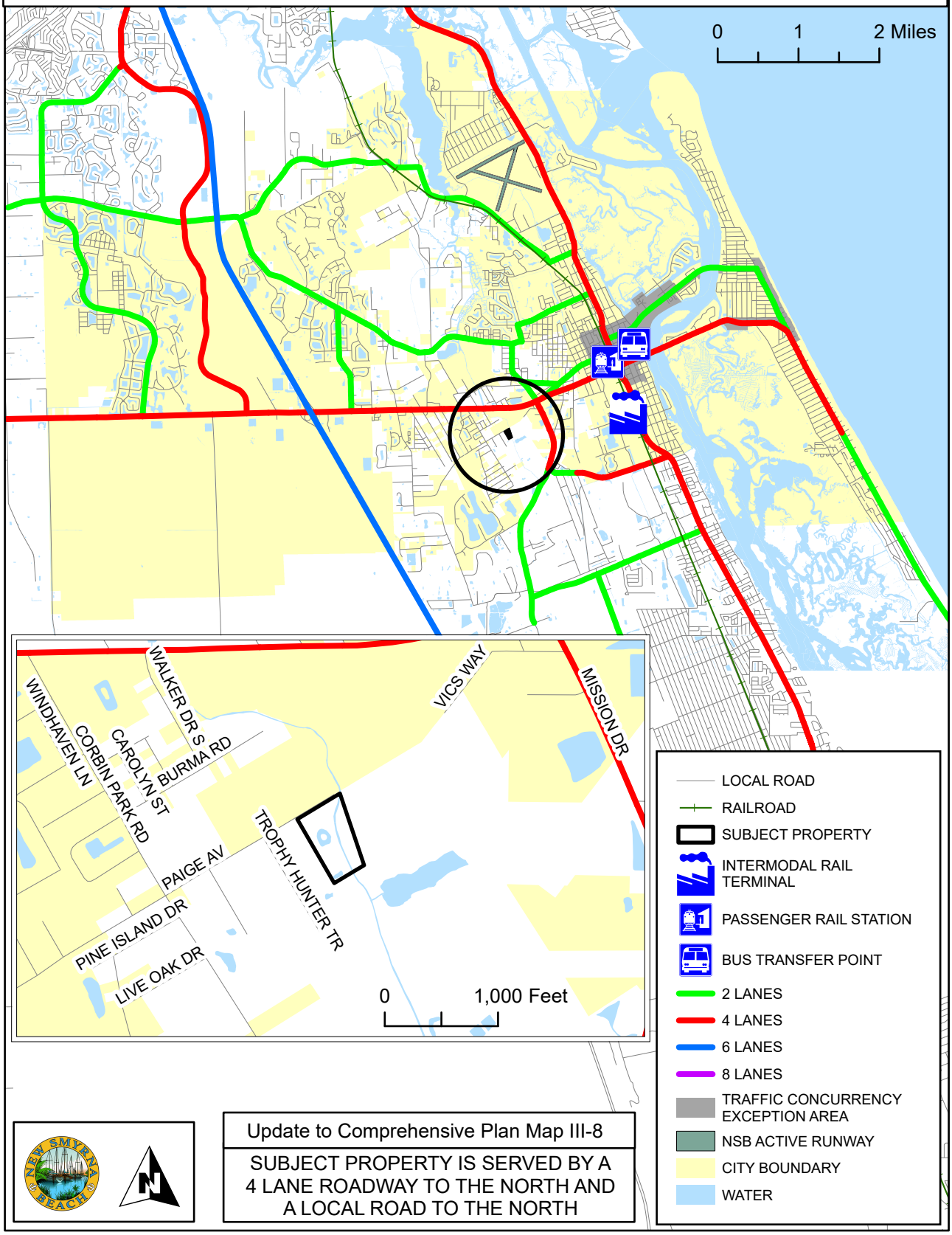


Update to Comprehensive Plan Map III-2

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE NORTH

NUMBER OF TRAFFIC LANES - 2025

A-11-25

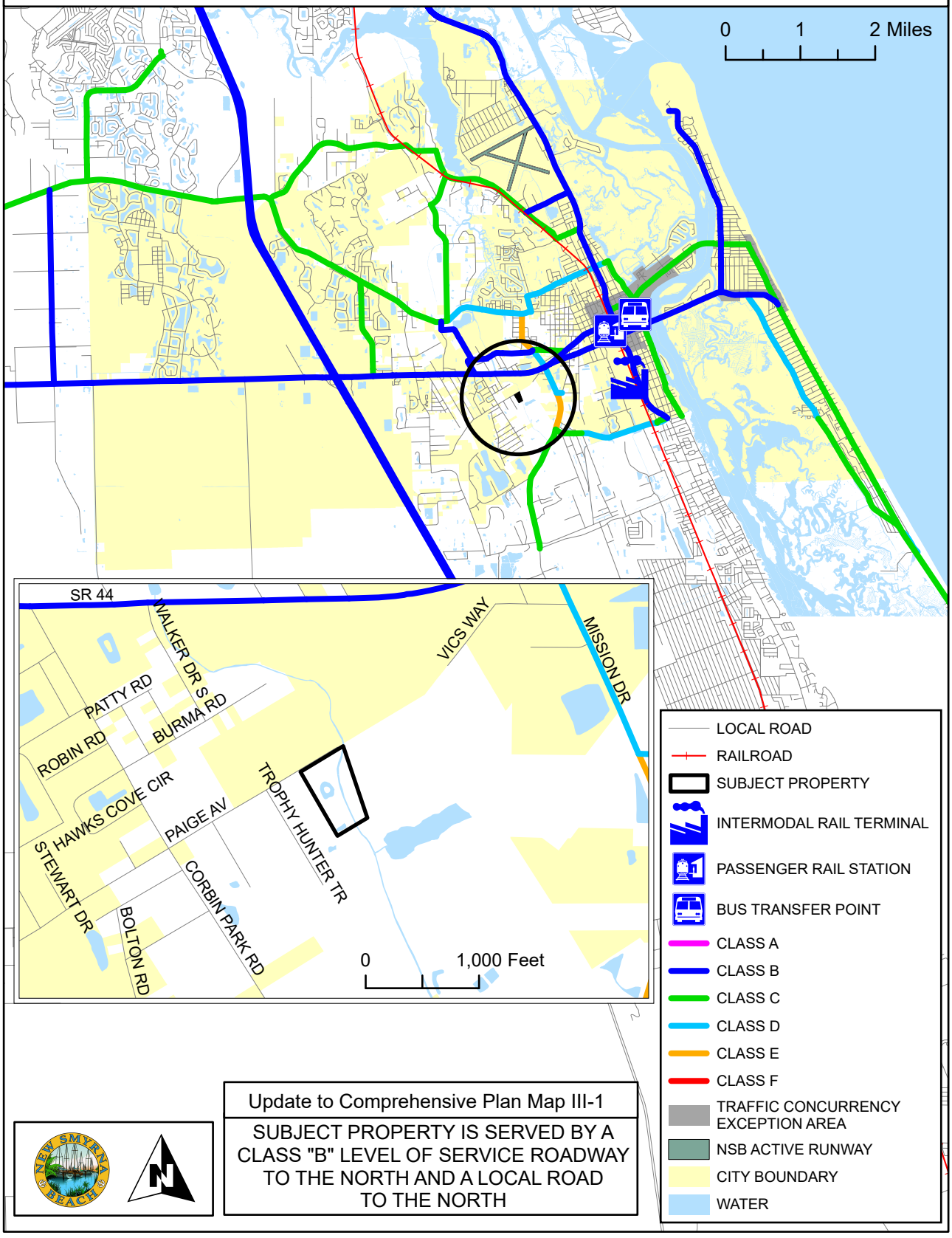


Update to Comprehensive Plan Map III-8

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE NORTH

EXISTING LEVEL OF SERVICE - 2009

A-11-25

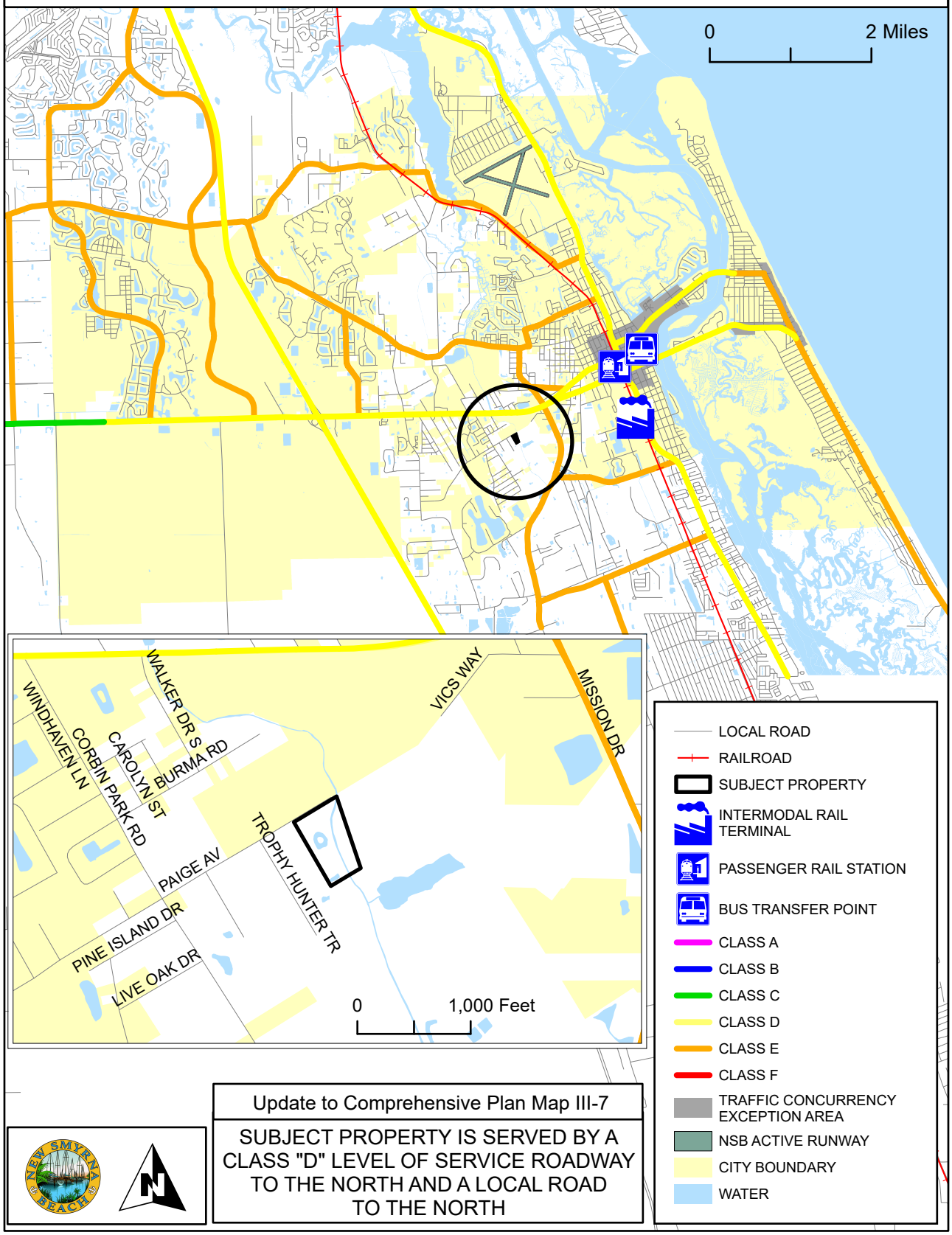


Update to Comprehensive Plan Map III-1

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

LEVEL OF SERVICE - 2025

A-11-25

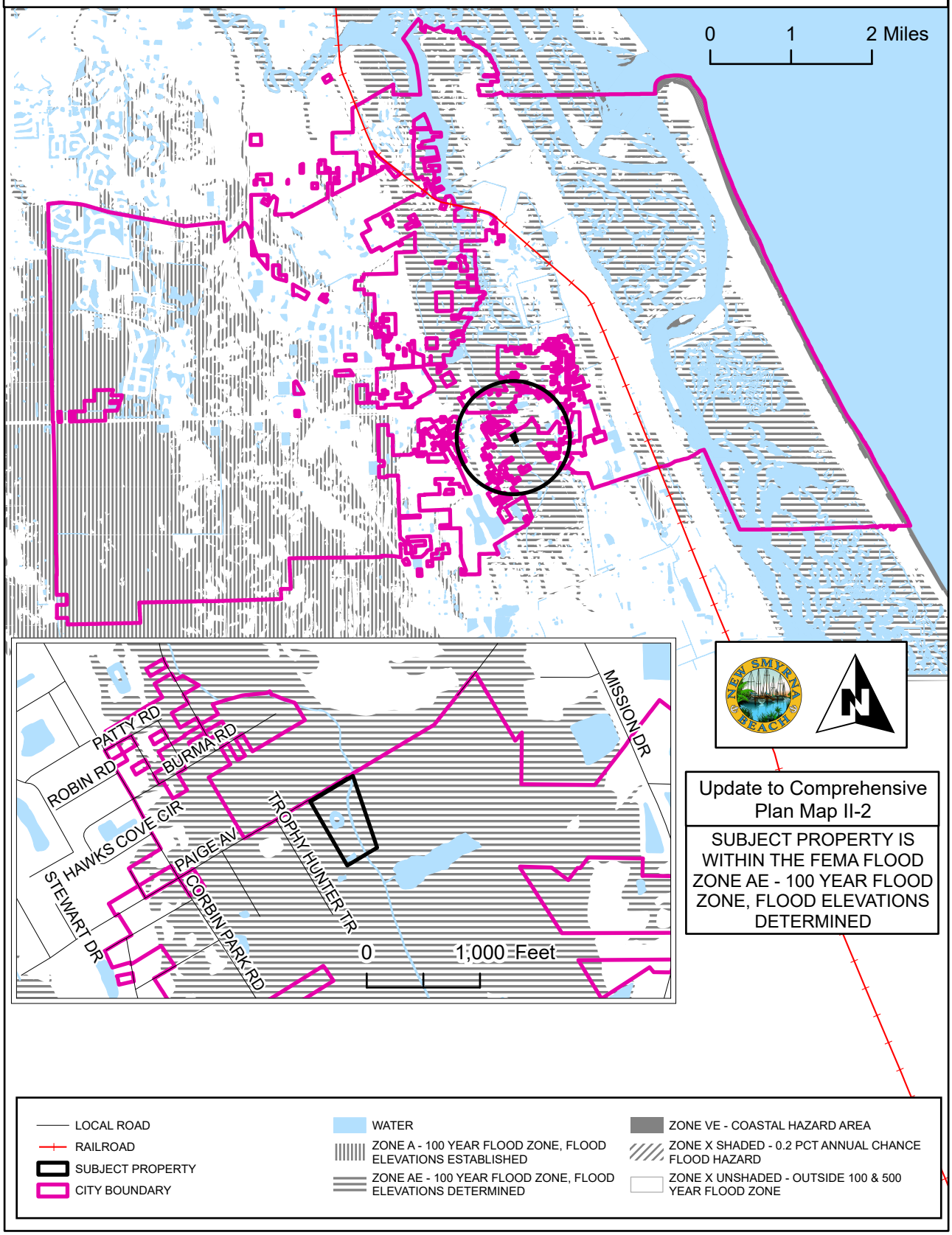


Update to Comprehensive Plan Map III-7

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

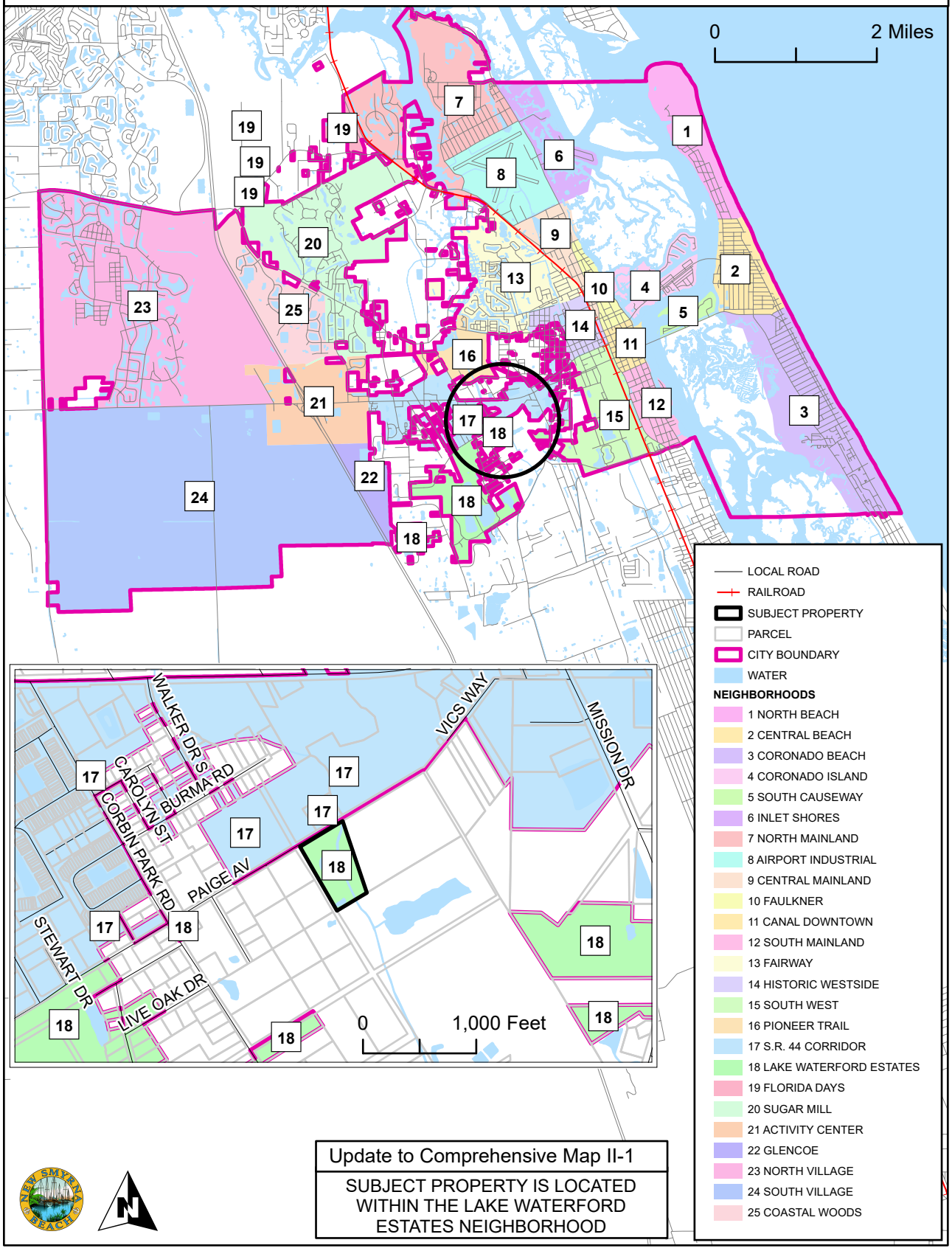
FLOOD PRONE AREAS

A-11-25



NEIGHBORHOODS

A-11-25

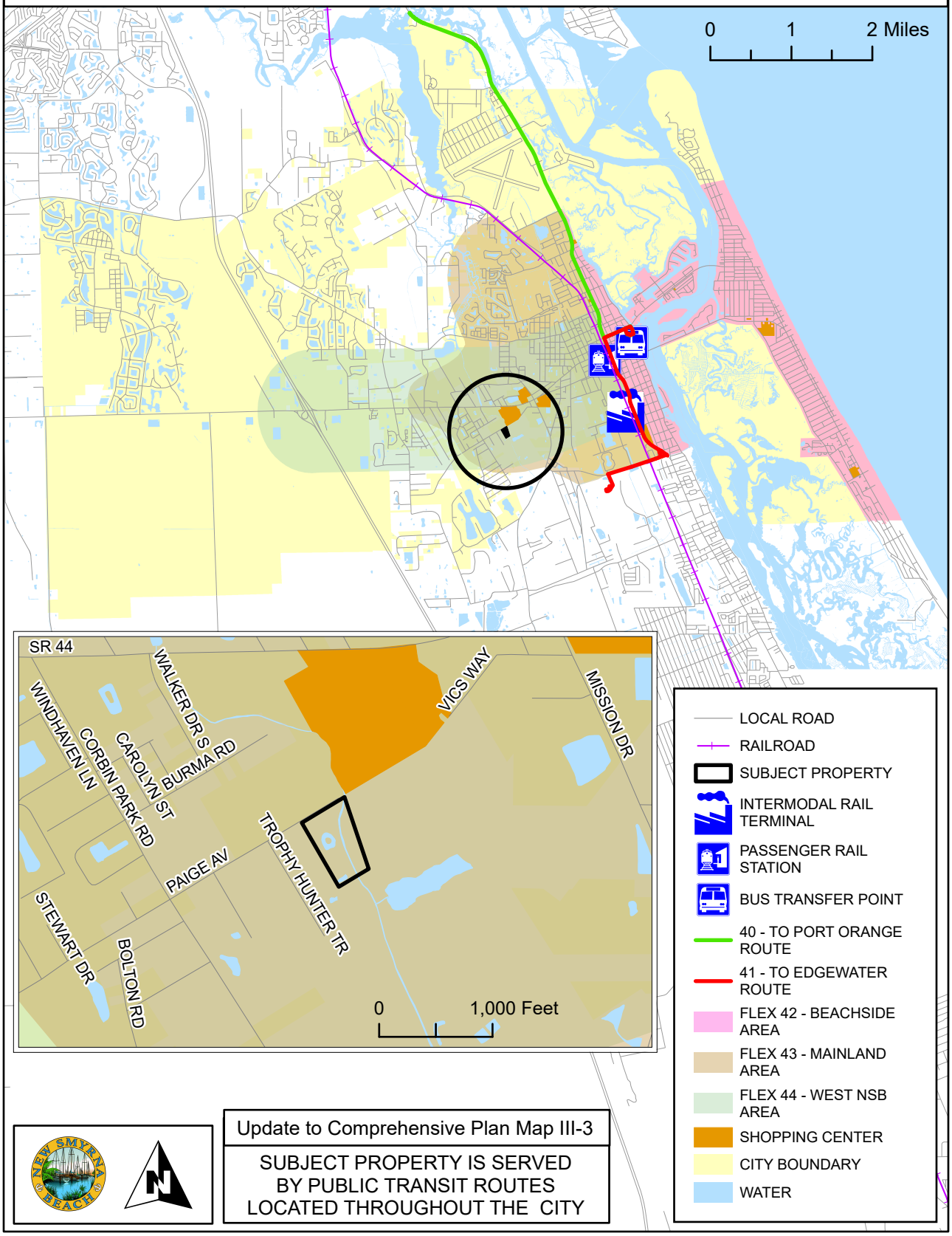


Update to Comprehensive Map II-1

SUBJECT PROPERTY IS LOCATED WITHIN THE LAKE WATERFORD ESTATES NEIGHBORHOOD

PUBLIC TRANSIT ROUTES

A-11-25

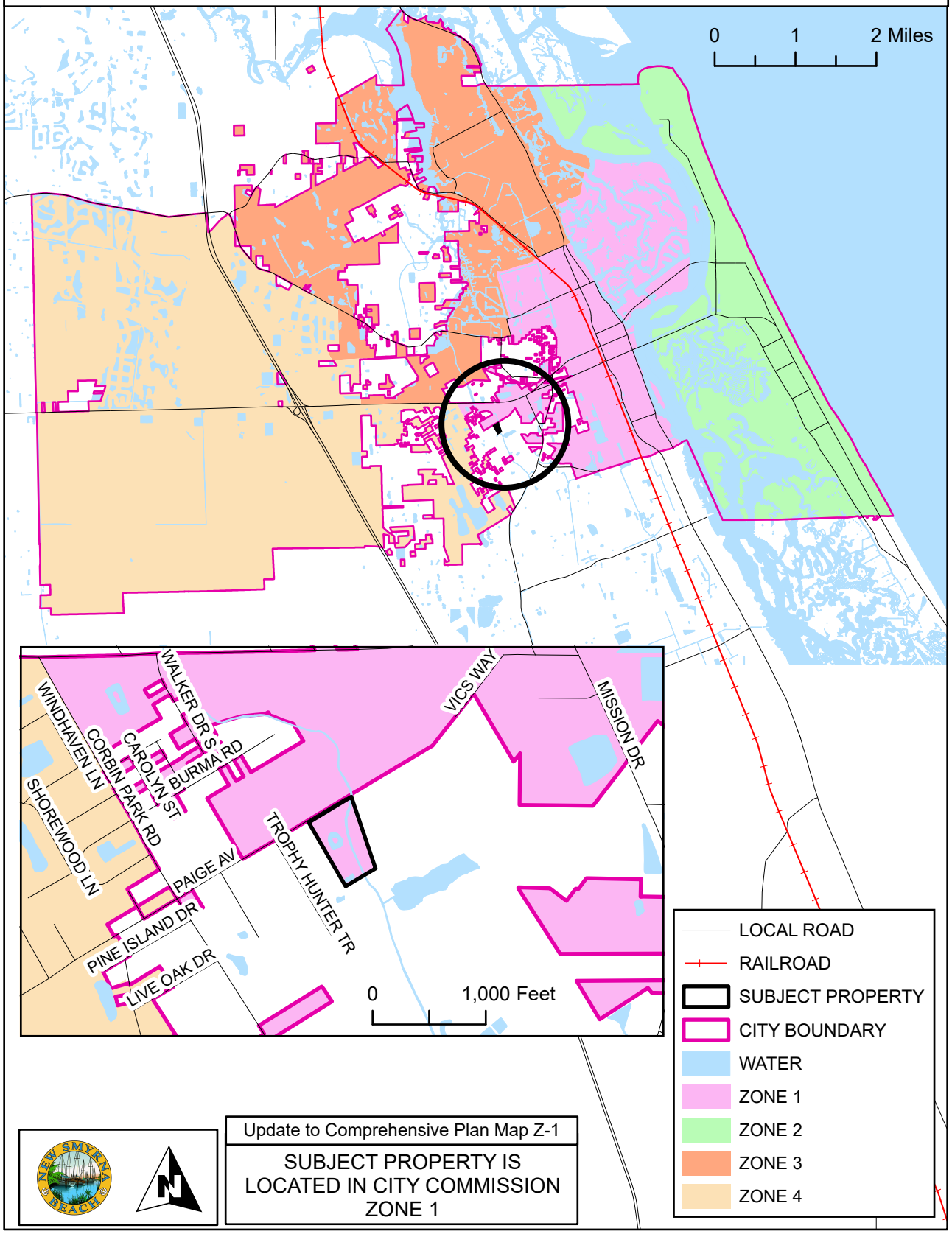


Update to Comprehensive Plan Map III-3

SUBJECT PROPERTY IS SERVED BY PUBLIC TRANSIT ROUTES LOCATED THROUGHOUT THE CITY

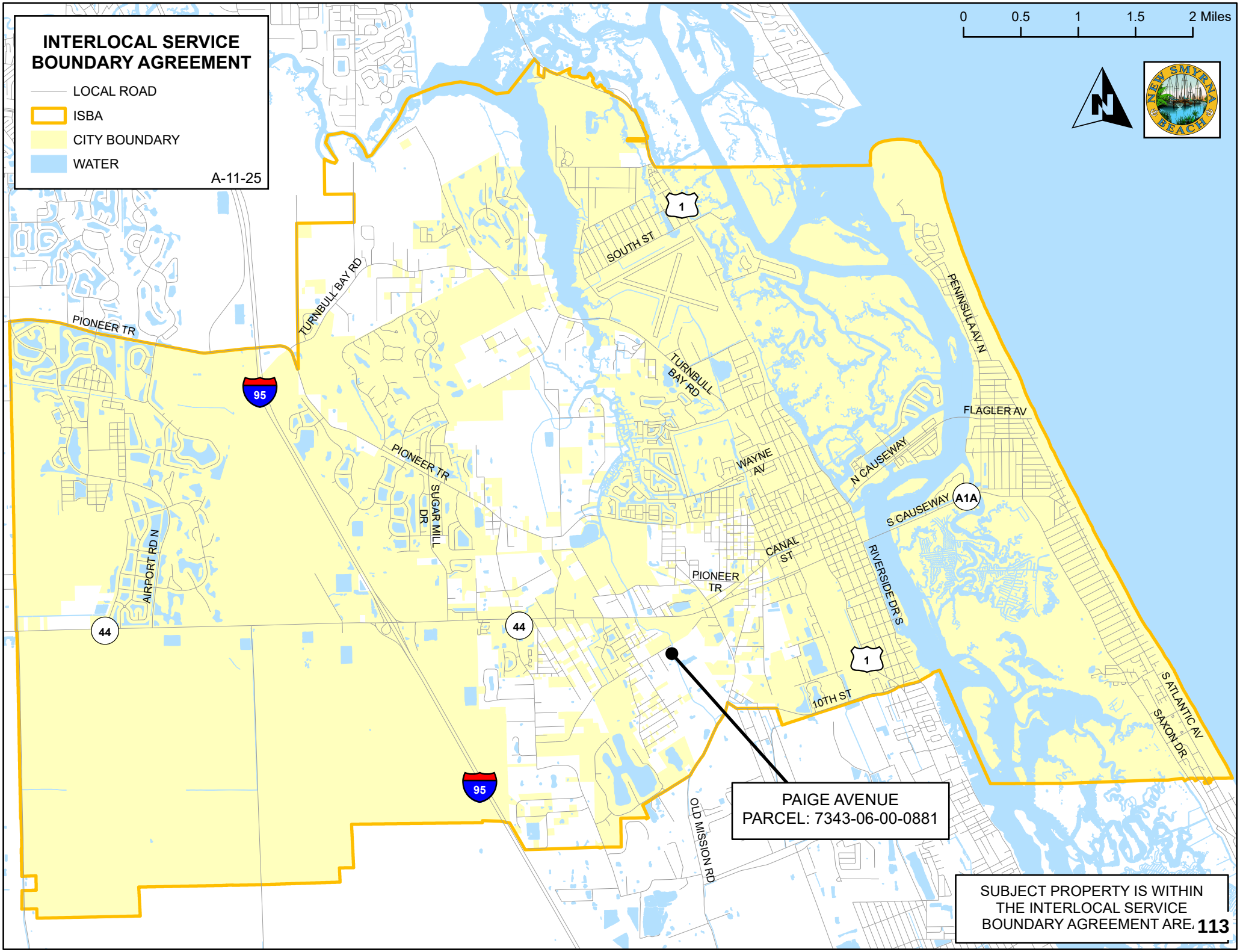
COMMISSION ZONES

A-11-25



Update to Comprehensive Plan Map Z-1

SUBJECT PROPERTY IS LOCATED IN CITY COMMISSION ZONE 1


INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-11-25
0
0.5
1
1.5
2 Miles
NEW SMYRNA BEACH
PIONEER TR
TURNBULL BAY RD
SOUTH ST
PENINSULA AV N
FLAGLER AV
WAYNE AV
N CAUSEWAY
S CAUSEWAY
A1A
SUGAR MILL DR
AIRPORT RD N
CANAL ST
RIVERSIDE DR S
10TH ST
S ATLANTIC AV
SAXON DR
OLD MISSION RD
95
44
1
PAIGE AVENUE
PARCEL: 7343-06-00-0881
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ARE

LEGAL DESCRIPTION

Address:
Paige Avenue, New Smyrna Beach, Florida 32168

Parcel Number
7343-06-00-0881

AltKey Number:
3732804

Metes and Bounds by Professional Title Agency

PART OF LOT 88 LYING EASTERLY OF CENTER LINE OF EXISTING DRAINAGE DITCH, ALL BEING IN DOUGHERTY'S SUBDIVISION OF THE THOMAS NAPIER GRANT AND THE NORTH 1/3 OF THE AMBROSE HULL GRANT IN TOWNSHIP 17 SOUTH, RANGE 33 EAST, ACCORDING TO MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK M, PAGE 688, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

9/12/2025 10:19:37 AM Instrument #2025172176 #1 Book:8753 Page:3826
Doc Stamps $6,334.30 Transfer Amt $904,860.00

Exhibit DD

Prepared by and Return To:
Teresa Prompovitch
Professional Title Agency, a division of LandCastle Title Group, LLC
313 Julia Street
New Smyrna Beach, FL 32168

Order No.: N[redacted]

APN/Parcel ID(s): 734306000880
734306000881

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this September 11, 2025 by Blossom Development Inc, a Texas Corporation having its principal place of business at 1215 Gessner Rd, Houston, TX 77055, hereinafter called the grantor, and City of New Smyrna Beacha municipal corporation, a corporation existing under athe laws of the State of Florida whose post office address is 210 Sams Avenue, New Smyrna Beach, FL 32168, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representative and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all the certain land situated in County of Volusia, State of Florida, viz:

Parcel 1:

Part of Lot 88 lying Easterly of center line of existing drainage ditch, and Lot 89, Daugherty's Subdivision of the Thomas Napier Grant and the North 1/3 of the Ambrose Hull Grant, in Township 17 South, Range 33 East, according to map or plat thereof as recorded in Plat Book M, Page 688, Public Records of Volusia County, Florida.

Parcel 2:

That part of Lot 88 lying Westerly of the center line of existing drainage ditch, all being in Daugherty's Subdivision of the Thomas Napier Grant and the North 1/3 of the Ambrose Hull Grant, in Township 17 South, Range 33 East, according to map or plat thereof as recorded in Plat Book M, Page 688, Public Records of Volusia County, Florida.

Subject to encumbrances, easements and restrictions of record and taxes accruing subsequently to 2024.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

SPECIAL WARRANTY DEED
(continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in Fee Simple; that the grantor has good right and lawful authority to sell and convey said land; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

Witness Signature

Teresa A. Prompovitch
Print Name

Address: 313 Julia Street
New Smyrna Beach, FL 32168

Witness Signature

Linda Roncsg
Print Name

Address: 313 Julia St.
NSB FL 32168

Blossom Development Inc, a Texas Corporation

BY: _____
Dan Silvestri
President

Address: 1215 Gessner Rd
Houston, TX 77055

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 8th day of September, 2025, by Dan Silvestri, President of Blossom Development Inc, A Texas Corporation, to me known to be the person(s) described in or who has/have produced Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

NOTARY PUBLIC
My Commission Expires:

TERESA A. PROMPOVITCH
Notary Public - State of Florida
Commission # HH 227186
My Comm. Expires Mar 21, 2026
Bonded through National Notary Assn.

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

SPECIAL EXCEPTION 2-25: 707 CHESTON STREET, REQUEST TO ALLOW AN ATTACHED DWELLING UNIT TO A PRINCIPLE COMMERCIAL STRUCTURE IN THE I-1, LIGHT INDUSTRIAL, ZONING DISTRICT NEED TO UPDATE W P&Z RESULTS

December 1, 2025

Background:

A. Applicant: Jay Lovett, PO Box 2056, New Smyrna Beach, FL 32168
B. Property Owner: Overland Capital Trust
C. Request: Special Exception approval to allow an attached dwelling on an existing commercial structure zoned I-1, Light Industrial

D. Subject Parcel: The parcel is located on the east side of Cheston Street; Smyrna Oaks is to the east (fronts on Wayne Avenue), to the north along Cheston Street is Jane Avenue, and to the south is Francis Avenue. Parcel I.D.# 7440-12-00-0030

Exhibits used in this report:

Exhibit A: Location Map

Exhibit B: Aerial Map

Exhibit C: Current Site Plan

Exhibit D: Picture

Findings:

A. The applicant constructed a commercial two-story building at 707 Cheston Street which received its Certificate of Occupancy on October 19, 2025. The second floor was originally intended to be a storage/warehouse area. The owner has decided to now use the second flood as a residence, which is permitted with Special Exception approval.

B. The building itself has a 1,040 square foot footprint, in total the two-story building is 2,080 square feet in size. A two hour fire wall (drywall) was installed on the ceiling of the

first floor to meet the Fire Department's standards.

C. Per the City's Land Development Regulations regarding the I-1 Light Industrial regulations: One attached dwelling is allowed for each principal commercial use when attached by common walls or floors as part of the principal commercial use structure, subject to the following:

(a) Off-street parking shall be provided in accordance with parking requirements for apartments as required in this LDR; **There are currently 3 parking spaces. An additional parking space will be required, and is included as a condition of approval.**

(b) Minimum floor area shall be 450 square feet of livable area for a one-bedroom unit; 550 square feet of livable area for a two-bedroom unit; and 700 square feet of livable area for a three-bedroom unit; **This criterion has been met. The second floor contains 1,040 square feet. There is adequate space to the rear of the property.**

(c) Other conditions may be required as the city commission deems necessary.

D. In addition to the criteria for above, there are three criteria that must be met for all special exceptions. These include:

(a) The requested use is listed among the special exceptions in the district for which application is made;

The use is a Special Exception in the I-1 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; and

There are private residences across the street from the building already. This would not impact them negatively, in fact it may help keep the uses in the I-1 zoning district on the less impactful side, as there will be a residence above the industrial space. 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.

The proposed use is in an existing building and will not further affect existing utilities, roads, draining and sanitation. This criterion has been met.

E. There is an external staircase on the back of the building that allows ingress and egress to the second floor.

F. The parking standard for warehouse space is different than it is for a residence. An additional parking space is required, bringing the total number of spaces to four. Adding this space is a recommended condition of approval for the Special Exception request.

G. When the city commission has taken action on a petition for a special exception, and, as a result of said action, the applicant fails to obtain approval of the requested special exception, the city commission shall not again consider the same requested special exception for a period of one year from the date of such action.

H. In any case where a special exception has not been exercised within the time limit set by the city commission, or within one year if no specific time limit has been set, then without further action, the special exception shall be null and void. An applicant may request one extension of one year from the date of expiration of his special exception. "Exercised" as used in this section shall mean that the main building is under construction to a substantial degree; or the prerequisite conditions involving substantial investment are contracted for, in substantial development, or completed (sewerage, drainage, etc.). When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set forth in the permit.

Recommendation: Staff recommends the Planning and Zoning Board recommends **approval** of the Special Exception to the City Commission, **with the condition** that an additional parking space is added prior to issuance of a Certificate of Occupancy for the residence.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

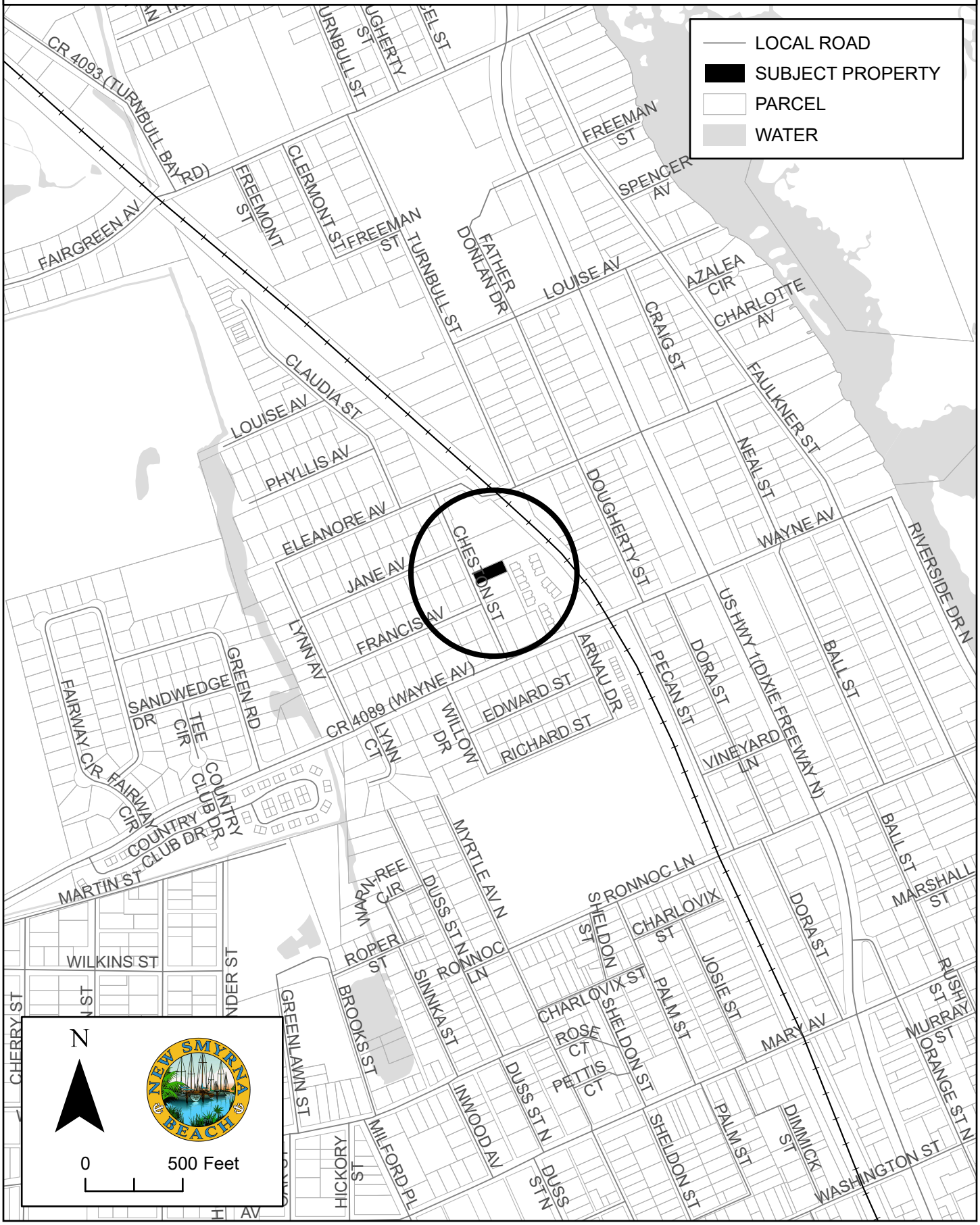
Staff Report Created By: Jake Baker - Senior Planner

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Approved Site Plan.pdf

Exhibit D Picture.pdf

SE-02-2025: 707 CHESTON STREET
PARCEL: 7440-12-00-0030 LOCATION MAP



SE-02-2025: 707 CHESTON STREET
PARCEL: 7440-12-00-0030 AERIAL MAP



new office for
707 Cheston Street
New Smyrna Beach, Florida

project scope

THIS PROJECT CONSISTS OF THE CONSTRUCTION OF A NEW TWO STORY PRE-ENGINEERED BUILDING FOR OFFICE USE, THE SECOND FLOOR USED FOR GENERAL OFFICE STORAGE (NOT ACCESSIBLE TO THE PUBLIC) AND ASSOCIATED SITE IMPROVEMENTS ON CURRENTLY VACANT LOT (FORMER SINGLE FAMILY RESIDENCE HAS ALREADY BEEN DEMOLISHED) AS SHOWN; A FUTURE PRE-ENGINEERED METAL WAREHOUSE BUILDING IS SHOWN TO BE UNDER A SEPARATE PERMIT.



project location map

parking notes

1. ADA PARKIING SPACE SHALL BE 12' X 20' WITH PAINTED SYMBOL ON PAVEMENT AND A PLACARD SIGN OF THREE (3) SQUARE FEET MAXIMUM PER SPACE.
2. PARKING SPACES TO BE PAINT STRIPED WITH FOUR (4) INCH WIDE WHITE PAINT AND BUMPER STOPPED WHERE SHOWN ON PLANS. ADA SPACES SHALL ALSO HAVE FOUR (4) INCH WIDE BLUE PAINTED STRIPES INSIDE THE WHITE STRIPES.
3. ALL PARKING AREA LIGHTING TO BE SHIELDED, NON-GLARE FIXTURES.
4. A MINIMUM OF 13'-6" OF VERTICAL CLEARANCE TO BE MAINTAINED OVER ALL DRIVES.

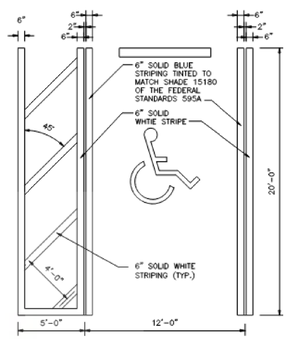
parking calculations

WAREHOUSE = 1/2 SPACE / 1,000 SF
2,100 WAREHOUSE = 1 SPACE REQUIRED.
1,040 STORAGE (2ND FLOOR) = 1 SPACE REQUIRED.
GENERAL OFFICE = 1 SPACE / 300 SF
720 SF = 2 SPACES & 1 BICYCLE SPACE REQUIRED
4 SPACES REQUIRED / PROVIDED

ADA PARKING REQUIREMENTS
1 ACCESSIBLE SPACE REQUIRED FOR 1 – 25 SPACES

notes:

1. NO JURISDICTIONAL WETLANDS EXIST ON THE PROJECT SITE.
2. NO EASEMENTS EXIST ON THE SITE.
3. NO HAZARDOUS MATERIALS WILL BE USED OR STORED ON THE PROPERTY.
4. ANTICIPATED WASTE IS TYPICAL SMALL BUSINESS DEBRIS. AND WILL BE HANDLED WITH MOVEABLE GARBAGE TOTES.
5. THE REQUIRED FIRE FLOW FOR THE PROPOSED PROJECT IS 750 GPM.



ada plan detail

legal description

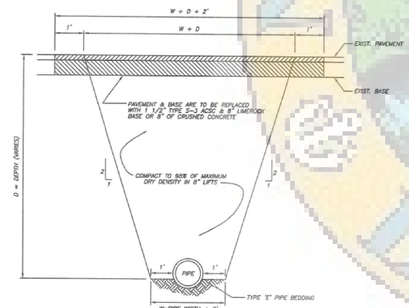
PARCEL ID = 744012000030

N 65 FT OF S 455.2 FT OF W 166.7 FT OF LOT 9
PER MB 8 PG 167
CAMARY MAUD GROVES SEC 2 RIVERSIDE PARKNEW
SMYRNA PER OR 4
956 PG 3523-24 PER OR 5769 PGS 4953-4954 PER
OR 5835 PG 1258

index

SHEET	DESCRIPTION
A1	COVER SHEET – SITE PLAN & NOTES
A1.1	SITEPLAN / LANDSCAPING PLAN
A2.1	FLOOR PLAN & NOTES
A3.1	EXTERIOR ELEVATIONS
A4.1	SECTION & DETAILS
E2.1	ELECTRICAL PLANS & NOTES

PROJECT CODE DATA	
FLORIDA BUILDING CODE – 8th EDITION	2023
NATIONAL ELECTRICAL CODE	2023
FLORIDA PLUMBING CODE	2023
FL. FIRE PREVENTION CODE	2023
NFPA 101 LIFE SAFETY CODE	2021
NFPA-1 UNIFORM FIRE CODE	2021
FLORIDA ACCESSIBILITY CODE	2023
FLORIDA ENERGY CODE	2023
ACI 318 / 19	2022
ASCE 7-16	2022



Street Opening Patch Detail
NOT TO SCALE

notes:

1. CONTRACTOR TO PROVIDE AND COORDINATE UTILITY CONNECTIONS WITH THE CITY AND UCNSB.
2. INSTALL NEW 6" PVC SEWER LATERAL, OPEN CUT AND RESTORE ROAD AS REQUIRED.
3. INSTALL NEW 1" POLY TUBING WATER SERVICE TO SERVE THE NEW OFFICE BUILDING (⅝" WATER METER).

planning & zoning requirements

I – 1, LIGHT INDUSTRIAL ZONING

NO MIN. LOT SIZE

SETBACKS:
- FRONT = 25'
- SIDE = 10' (25' @ RESIDENTIAL)
- REAR = 15' (25' @ RESIDENTIAL)

MAX BLDG HT: = 50' (1' INCREASED SETBACK/ EVERY 2' OVER 35')

MAX BLDG COVERAGE = 50%
MAX IMPERVIOUS = 75%

site area calculations

TOTAL SITE AREA 10, 855 SF

Address: 707 CHESTON ST. NEW SMYRNA BEACH, FL 32168	
SQUARE FOOT TABULATION	
EXISTING SQFT	0 SQFT
PROPOSED SQFT	1,040 SQFT
GARAGE	0 SQFT
PATIOS	0 SQFT
PROPOSED FUTURE WAREHOUSE	1,200 SQFT
TOTAL	2,240 SQFT

Address: 707 CHESTON ST. NEW SMYRNA BEACH, FL 32168	
BUILDING ENVELOPE & AREAS	
BUILDING TYPE	METAL BLDG.
NEW SQFT UNDER AIR	2,080 SQFT
UNDER ROOF	1,040 SQFT
MEAN ROOF HEIGHT	20'0+/-"
DRIVEWAY	0 SQFT
DECK/PATIO	0 SQFT
TOTAL PROPERTY SQFT	0 SQFT

APPROVED CHANGED ORDER #1

04/11/2024

DESIGN STATEMENT:
THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE TO AND MEETS THE STRUCTURAL REQUIREMENTS OF A.S.C.E. 7-16 AND THE FLORIDA BUILDING CODE 2023 (8th Edition).

ROOF/MEAN HEIGHT 25' OR LESS
DESIGN WIND SPEED 138 MPH,
RISK CATEGORY II
EXPOSURE CATEGORY B

BUILDING ENCLOSED
INTERNAL PRESSURE COEFFICIENT +/- 18%
WALLS + 39psf / - 45 P.S.F.
ROOF + 35 P.S.F. /- 55 (based upon zone 3 pressures for all roof pitches)

THE MINIMUM DESIGN PRESSURES FOR COMPONENTS AND CLADDING ARE DETERMINED BY A.S.C.E. 7-16 CHAPTER 30, SECTION 30.5

WALLS (ZONE 4) +41.4 P.S.F. -45.1 P.S.F.
WALLS (ZONE 5) +41.1 P.S.F. -55.7 P.S.F.

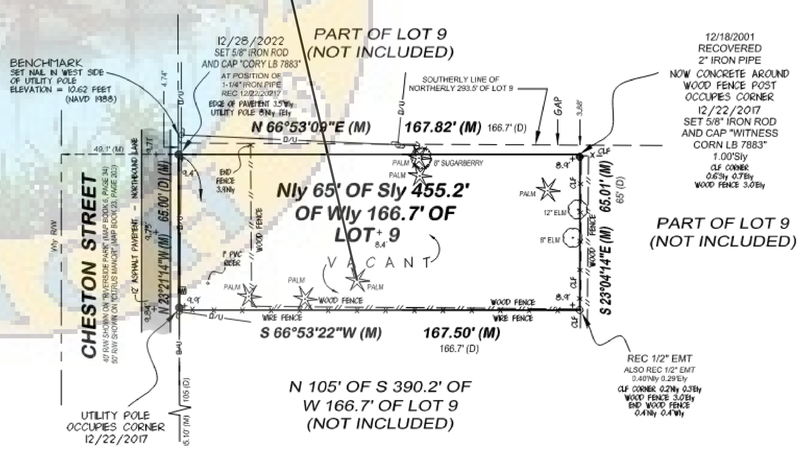
ROOF (ZONE 3) +34 P.S.F. -76 P.S.F.

OCCUPANT LOAD

2020 FLORIDA BUILDING CODE, 7TH EDITION
TABLE 1004.5

BUSINESS AREAS: 900 S.F. @ 1/150 GROSS = 6 PEOPLE
MECH. EQUIP. ROOM: 16 S.F. @ 1/300 GROSS= 1 PERSON
TOTAL OCCUPANT LOAD: 7 PEOPLE

EXISTING PALM TREE TO BE REMOVED
NEW PLANTING EXCEEDS THE 10% REPLACEMENT REQUIREMENT



existing siteplan / survey

1/32"=1'-0"

THE NEAREST FIRE HYDRANT IS LOCATED AT THE CORNER OF CHESTON STREET AND JANE AVENUE.

tom desimone, aia
ARCHITECT
STATE OF FLORIDA . AR 97192
226 fairgreen avenue
new smyrna beach, florida
386. 871. 4692
tomdNSB@gmail.com

project title & owner's name

NEW OFFICE
AND FUTURE WAREHOUSE
707 CHESTON STREET

JAY LOVETT
707 CHESTON STREET
NEW SMYRNA BEACH, FLORIDA 32168

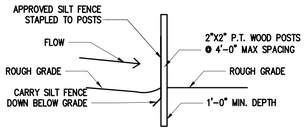
STATE OF FLORIDA
THOMAS J. DESIMONE JR.
AR97192
REGISTERED ARCHITECT

date
26 FEB 2024
job number

drawn by
TD
checked by
TD
revisions
SITEPLAN DESIGN REVISION 1
REV 2 – STAIRS / METAL

sheet title/contents
COVER SHEET & SITEPLAN

1/8" = 1'-0"
drawing number
A1
sheet of



A typ. silt fence

Nts

drainage notes

1. ALL NEW DRIVES & WALKS TO BE LESS THAN 1:20 SLOPE, TYP.
2. CONTRACTOR TO FIELD VERIFY ALL EXISTING & NEW TOPOS AND COORDINATE WITH POOL CONTRACTOR FOR PROPER DRAINAGE.

INDICATES SLOPE FOR SURFACE DRAINAGE

LANDSCAPING REQUIREMENTS

20% TREES / 60% SHRUBS / 20% ANY

7' + 7' x 167' = 2,338 S.F. BUFFER
25'x51' = 1,275 S.F.
+3'x20' = 60 S.F.
1,335 S.F.

TREES: 1,335 S.F. x 20% = 267 S.F. TREES
267 S.F. / 100 S.F. PER TREE = 3 TREES REQ.

SHRUBS: 1,335 S.F. x 60% = 801 S.F.
801 S.F. / 9 S.F. PER SHRUB = 89 SHRUBS REQ.

ANY: 1,335 S.F. x 20% = 267 S.F. ANY REQ.
100 S.F. PER TREE x 2 TREES = 200 S.F.
+9 S.F. PER SHRUB x 9 SHRUBS = 81 S.F.
PROVIDED: 281 S.F. ANY

TOTAL TREES REQUIRED: 5
TOTAL SHRUBS REQUIRED: 98

TREE AND SHRUB SECHEDULE

SYM.	QUANITY	BOTANICAL NAME	COMMON NAME	SIZE
TREES/ PALMS				
BN	2	BUTIA CAPITATA	MILLE PALM	10'-15' C.T. - MIN SIZE 9' TALL AND 2.5" CALIPER
SP	9	SABAL PALMETTO	CABBAGE PALM	10'-15' C.T. - MIN SIZE 9' TALL AND 2.5" CALIPER
QV	5	QUERCUS VIRGINIANA	LIVE OAK	10'-15' C.T. - MIN SIZE 9' TALL AND 2.5" CALIPER
SHRUBS				
RI	18	RHAPHIOLEPIS INDICA	INDIAN HAWTHORN	3 GAL.: MIN 24" HGT AND MIN 36" SPACING O.C.
CU	8	COCCOLOBA UVIFERA	SEA GRAPE	3 GAL.: MIN 24" HGT AND MIN 36" SPACING O.C.
DN	72	AMMOPHILA BREVILIGULATA	DUNE GRASS	1 GAL.: MIN 15" HGT AND MIN 24" SPACING O.C.

LEGEND

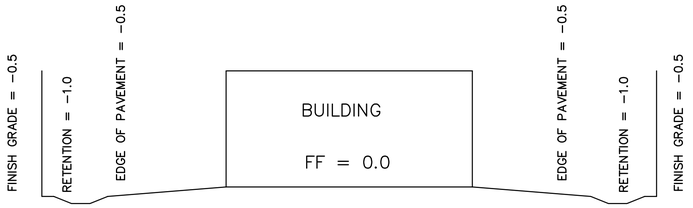
	EXISTING ELM
	EXISTING PALM
	MILLE PALM
	CABBAGE PALM
	LIVE OAK
	INDIAN HAWTHORN
	SEA GRAPE
	DUNE GRASS

SITE AREA CALCULATIONS

10,855 S.F. x 70% = 7,598 S.F. ALLOWED
NEW IMPERVIOUS AREA = 7,167 S.F.
7,167 S.F. x 1.5" = 896 CU. FT. RETENTION REQ.

PERVIOUS BUFFER/ RA

167' X 7' = 1,169'
167' X 7' = 1,169'
65' X 25' = 1,275'
25' X 3' = 75'
3,688 '=
34% PERVIOUS



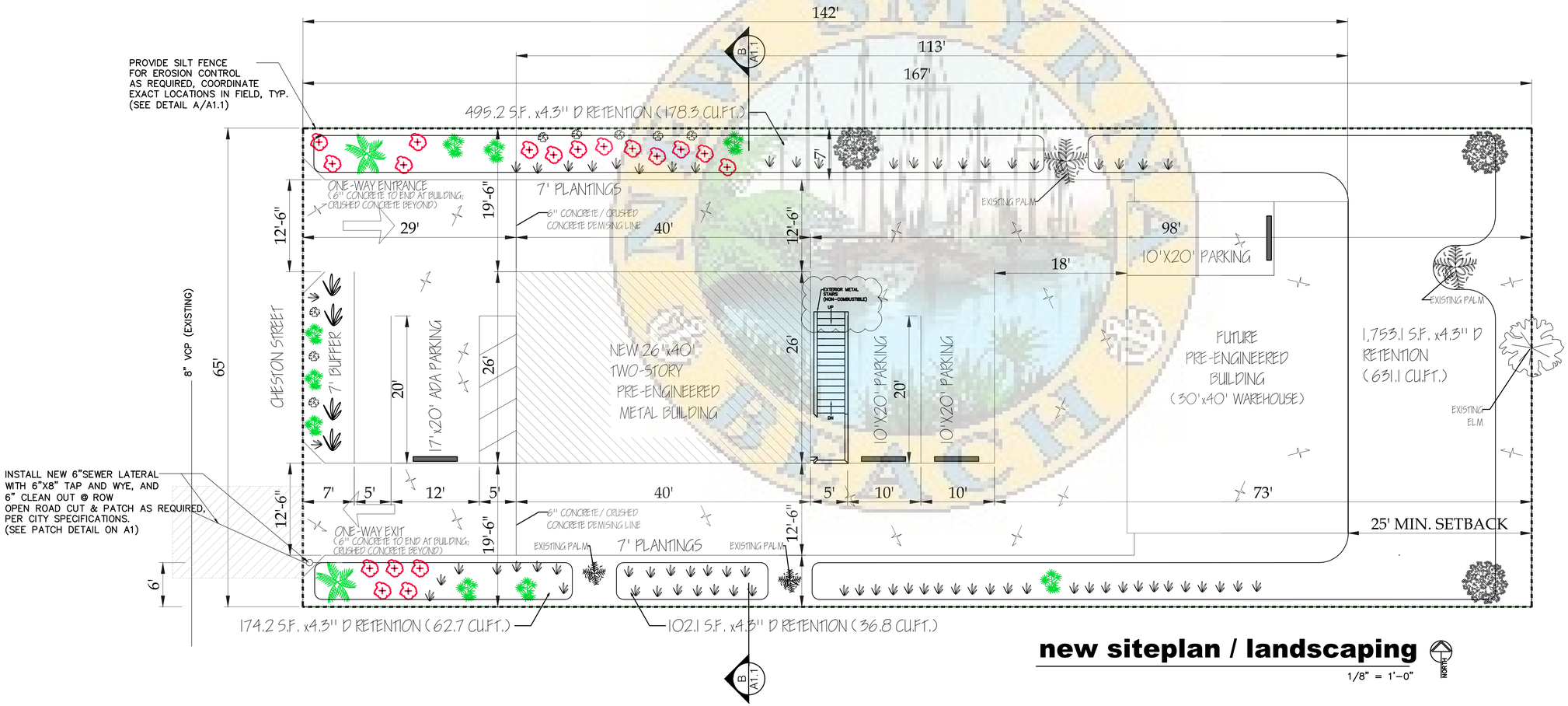
b site section

1/8"=1'-0"

RETENTION CALCS

174.2 S.F.
102.1 S.F.
1,753.1 S.F.
+ 499.2 S.F.
2,524.6 SQ. FT.

2,524.6 SQ. FT.
x 4.3" AVG. DEPTH
908.9 CU. FT. PROVIDED
(896 CU. FT. REQUIRED)



new siteplan / landscaping

1/8" = 1'-0"

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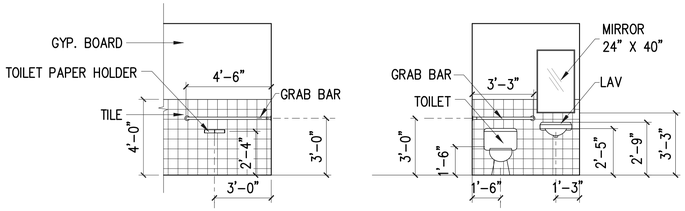
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SITEPLAN DESIGN REVISION 1
REV 2 – STAIRS / METAL

sheet title/contents
NEW SITEPLAN

1/8" = 1'-0"
drawing number
A1.1
sheet of



a toilet elevations

1/4"=1'-0"

window schedule

mark	size (W x H)	manufacturer	type	head height
Ⓐ	3'6 X 5'0	PGT OR EQ.	SINGLE HUNG	8'0

window notes

1. ALL WINDOWS TO BE PGT (OR EQUIVALENT), INSULATED, LARGE MISSILE IMPACT SYSTEM, CONTRACTOR TO SUBMIT PRODUCT DATA TO OWNER FOR APPROVAL.

DOOR NOTES:

1. VERIFY DOOR & WINDOW SIZES AND COORDINATE EXACT ROUGH OPENINGS.
2. ALL DOOR HARDWARE TO BE ADA LEVER HANDLES, TYP.
3. COORDINATE HARDWARE WITH OWNER PRIOR TO ORDERING.

◀ 34" DENOTES REQUIRED EXIT & CLEAR INCHES, TYP.

LIFE SAFETY NOTES

1. ALL EXIT DOORS:
   OPENS WITH AN OPENING PRESSURE OF NO MORE THAN 15 # IN COMPLIANCE WITH FBC 1019.7.2
2. ALL INTERIOR FINISHES
   SHALL BE CLASS B, FLAMESPREAD 26-75,
   SMOKE DEVELOPED 0-450, UNLESS OTHERWISE NOTED.
3. ALL THRESHOLDS SHALL BE 1/4" MAX. CHANGE IN LEVEL.

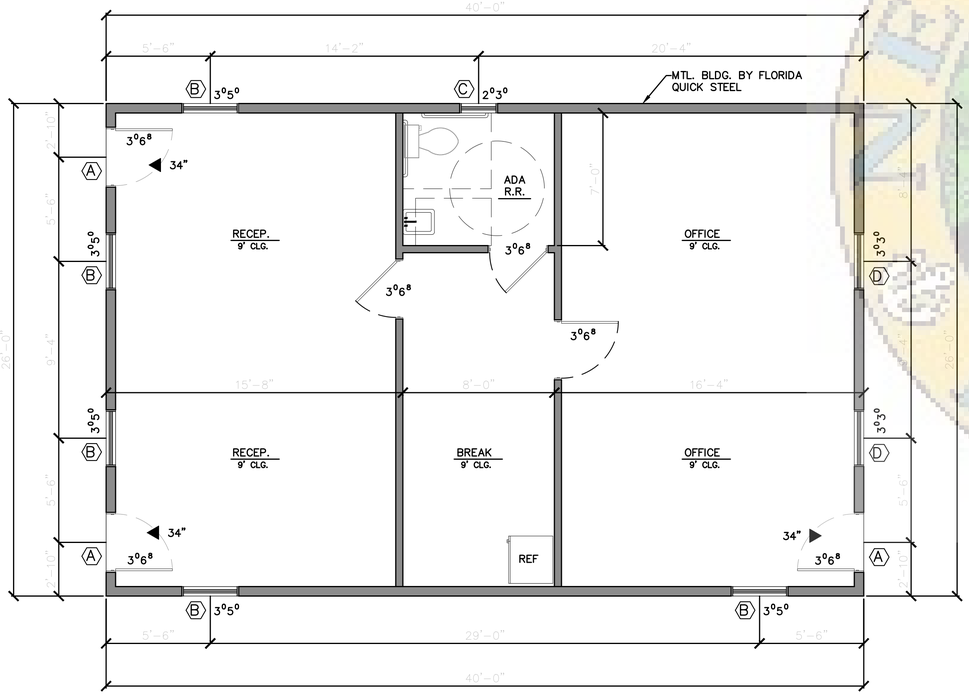
TOTAL OCCUPANCY = 7 OCCUPANTS

TOTAL EXITING:
7 X .2 = 1.4 EXIT INCHES REQUIRED (136" PROVIDED)

FINISH NOTES

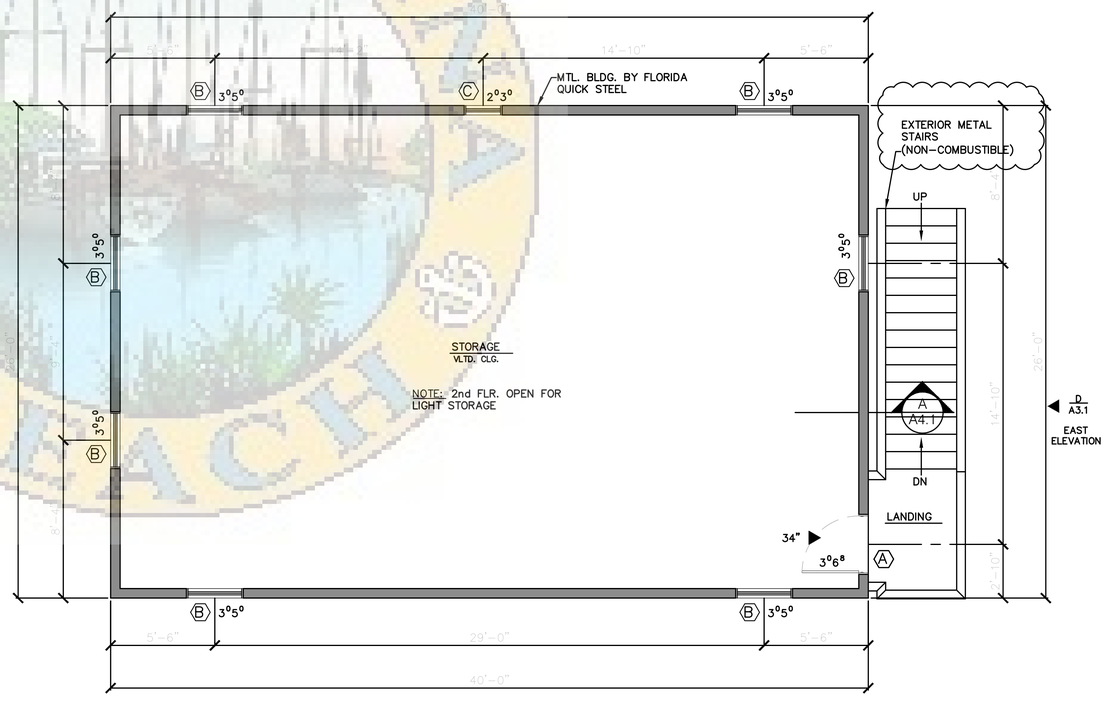
1. NEW WALLS TO BE GYP BD. ON 3 5/8" METAL STUDS @ 16" O.C., TYP.
2. ALL CEILINGS TO BE OPEN TRUSS CEILINGS.
3. FLOORS TO BE STAINED CONCRETE, UNLESS OTHERWISE NOTED.

WALL OPENINGS						
I.D.	OPENING DESCRIPTION	ZONE	ELEV. (FT.)	OPENING DIMS. WDTH(ft.)	OPENING DIMS. HGT.(ft.)	HDR. HGT.
Ⓐ	3068 DOOR	5	5	3	6.67	6'-10"
Ⓑ	3050 S.H.	5	5	3	5	6'-8"
Ⓒ	2030 S.H.	5	5	2	3	6'-8"
Ⓓ	3030 S.H.	5	5	3	3	6'-8"



1 1st FLOOR PLAN
SCALE: 1/4" = 1'-0"

NORTH ELEVATION
B
A3.1



2 2nd FLOOR PLAN
SCALE: 1/4" = 1'-0"

A
A3.1
SOUTH ELEVATION

SCALE: 1/4" - 1'-0"

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707 CHESTON STREET

JAY LOVETT
707 CHESTON STREET
NEW SMYRNA BEACH, FLORIDA 32168

STATE OF FLORIDA · THOMAS E. DESIMONE JR · REGISTERED ARCHITECT · AR97192

date
26 FEB 2024
job number

drawn by
TD
checked by
TD
revisions
SITEPLAN DESIGN REVISION 1
REV 2 – STAIRS / METAL

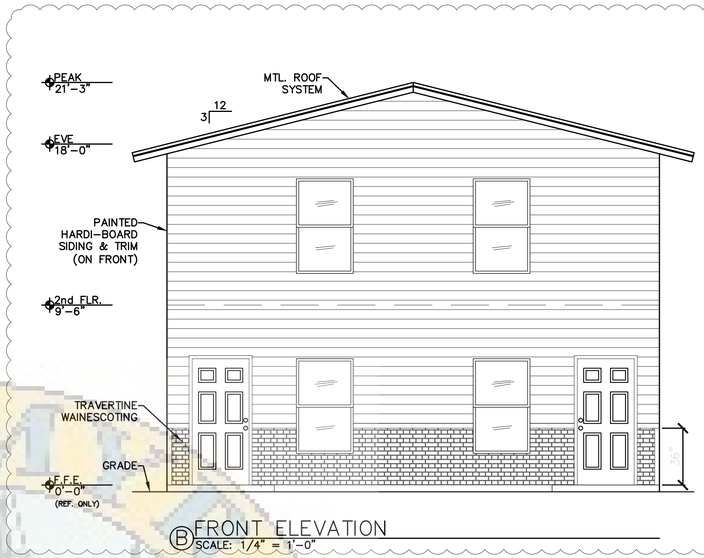
sheet title/contents
FLOORPLANS & NOTES

1/4" = 1'-0"
drawing number
A2.1

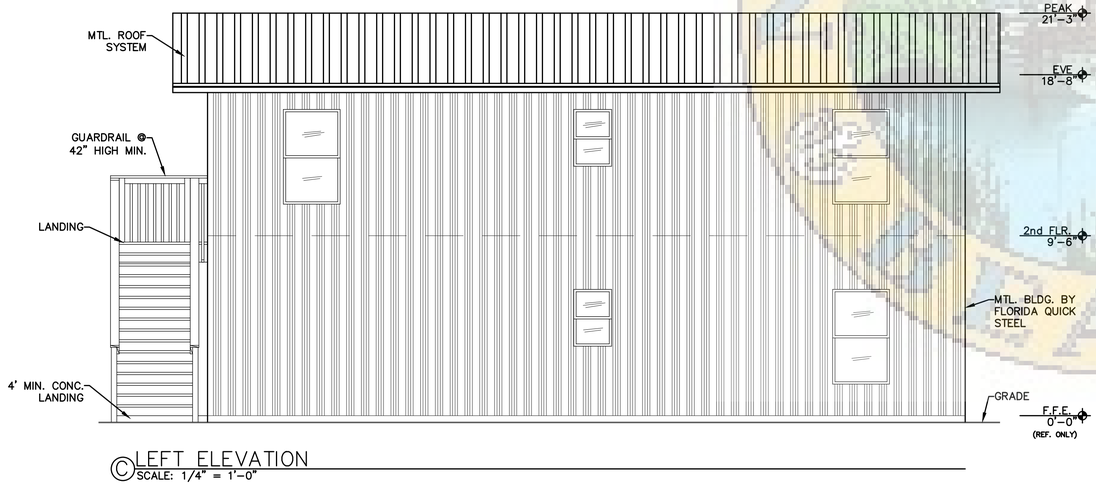
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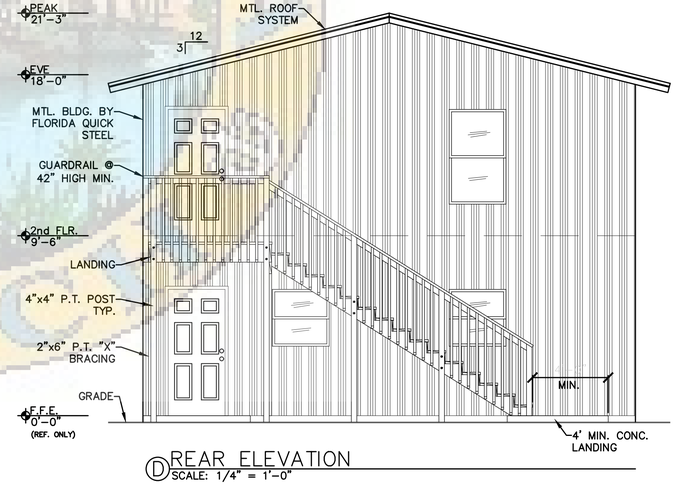
A RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



B FRONT ELEVATION
SCALE: 1/4" = 1'-0"



C LEFT ELEVATION
SCALE: 1/4" = 1'-0"



D REAR ELEVATION
SCALE: 1/4" = 1'-0"

tom desimone, aia
ARCHITECT
STATE OF FLORIDA . AR 97192
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new smyrna beach, florida
386. 871. 4692
tomdNSB@gmail.com

project title & owner's name

NEW OFFICE
AND FUTURE WAREHOUSE
707 CHESTON STREET

JAY LOVETT
707 CHESTON STREET
NEW SMYRNA BEACH, FLORIDA 32168

STATE OF FLORIDA
THOMAS E. DESIMONE JR
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TD
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SITEPLAN DESIGN REVISION 1
REV 2 – STAIRS / METAL

sheet title/contents
EXTERIOR ELEVATIONS

1/4" = 1'-0"
drawing number
A3.1
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SEASIDE MOBILE HOMES
B
707
FOR
RENT

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

A-0012-2025: REVIEW AND GIVE A RECOMMENDATION TO THE CITY COMMISSION ON AN OVERALL ANNEXATION APPLICATION FOR PROPERTY LOCATED ON PAIGE AVENUE.

December 1, 2025

Background:

Applicant: Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florid 32168.

Property Owner: City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, 32168.

Request: Voluntary annexation, Small-Scale *Comprehensive Plan* amendment, and rezoning:

- **From:** Volusia County Future Land Use (FLU) category of Urban Medium Intensity and Volusia County zoning designation of R-4, Urban Single Family Residential with a "A" attached for Airport Height Notification Zone.

- **To:** City FLU category of Conservation and City zoning designation of Conservation with a "A" attached for Airport Height Notification Zone.

Site Information:

- **Size:** 4.5 ± acres.

- **Location:** South side of Paige Avenue, east of Trophy Hunter Trail.

Tax I.D. Number: 7324-12-05-0010.

Findings:

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 of New Smyrna Beach 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 Volusia County and the City of New

Smyrna Beach, was also approved by the County on May 2, 2013. A new updated agreement was approved on May 2, 2022.

The subject property is within the annexation area designated in the ISBA. The subject property on Paige Avenue is currently vacant. A location map is attached as **Exhibit A** and an aerial map is attached as **Exhibit B**.

The existing Volusia County Future Land Use (FLU) category and zoning designation of the subject property is shown on the following maps as **Exhibits C and D**. The text description of the existing Future Land Use category for the subject property is attached as **Exhibit E**. The associated current zoning text description for the subject property is attached as **Exhibit F**. Existing land uses are shown on the map attached as **Exhibit G**.

The established City Commission policy is that when properties are annexed into the City, the City will assign future land use categories and zoning designations that would be as similar as possible to existing County designations. As discussed above, the existing County FLU category is Urban Medium Intensity. The existing County zoning designation is R-4, Urban Single Family Residential. The proposed City FLU category is Conservation. The proposed City zoning designation is Conservation. A text description of the proposed City Conservation Future Land Use category is attached as **Exhibit H,** with a map of this proposed change also attached as **Exhibit I**. A text description of the proposed City Conservation zoning, and a map of the proposed changes are similarly attached as **Exhibits J** and **K**.

This annexation request is within the City's annexation area and within the City's water and sewer service area **(Exhibit L).** The property located on Paige Avenue is undeveloped. A 20" PVC and 12" PVC water lines, an 8" force main sewer line, and a 20" reclaim water line is available in the Paige Avenue right-of-way.

A map of the soil limitations for septic systems is attached as **Exhibit M**.

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, stormwater management, and public-school facilities. Because the subject property is undeveloped, and because no new improvements are proposed, staff did not prepare a concurrency analysis table for this case.

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 1 is attached as **Exhibit AA**.

The ISBA map is attached as **Exhibit BB**. The legal description and Warranty Deed are attached as **Exhibits CC** and **DD**.

Recommendation:

Staff recommends that the Planning and Zoning Board give a positive recommendation to the City Commission to **approve** the requested annexation, Small Scale *Comprehensive Plan* amendment amending the Future Land Use category to City Conservation and rezoning to City Conservation with an "A" attached for Airport Height Notification Zone for property located on Paige Avenue.

Fiscal Analysis:
N/A

Strategic Plan Item:
Yes

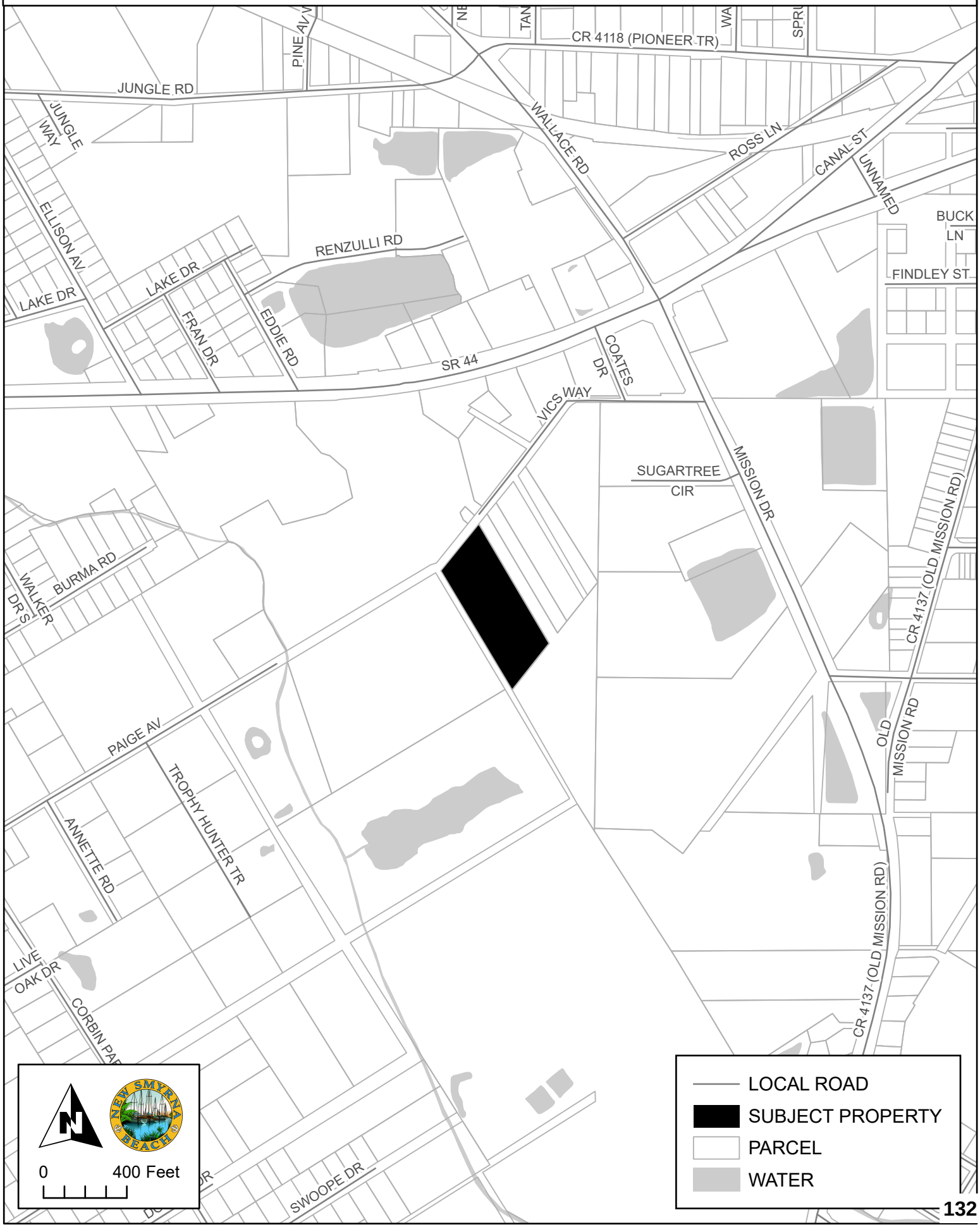
Staff Report Created By: Robert Mathen - Senior Planner

Attachments:

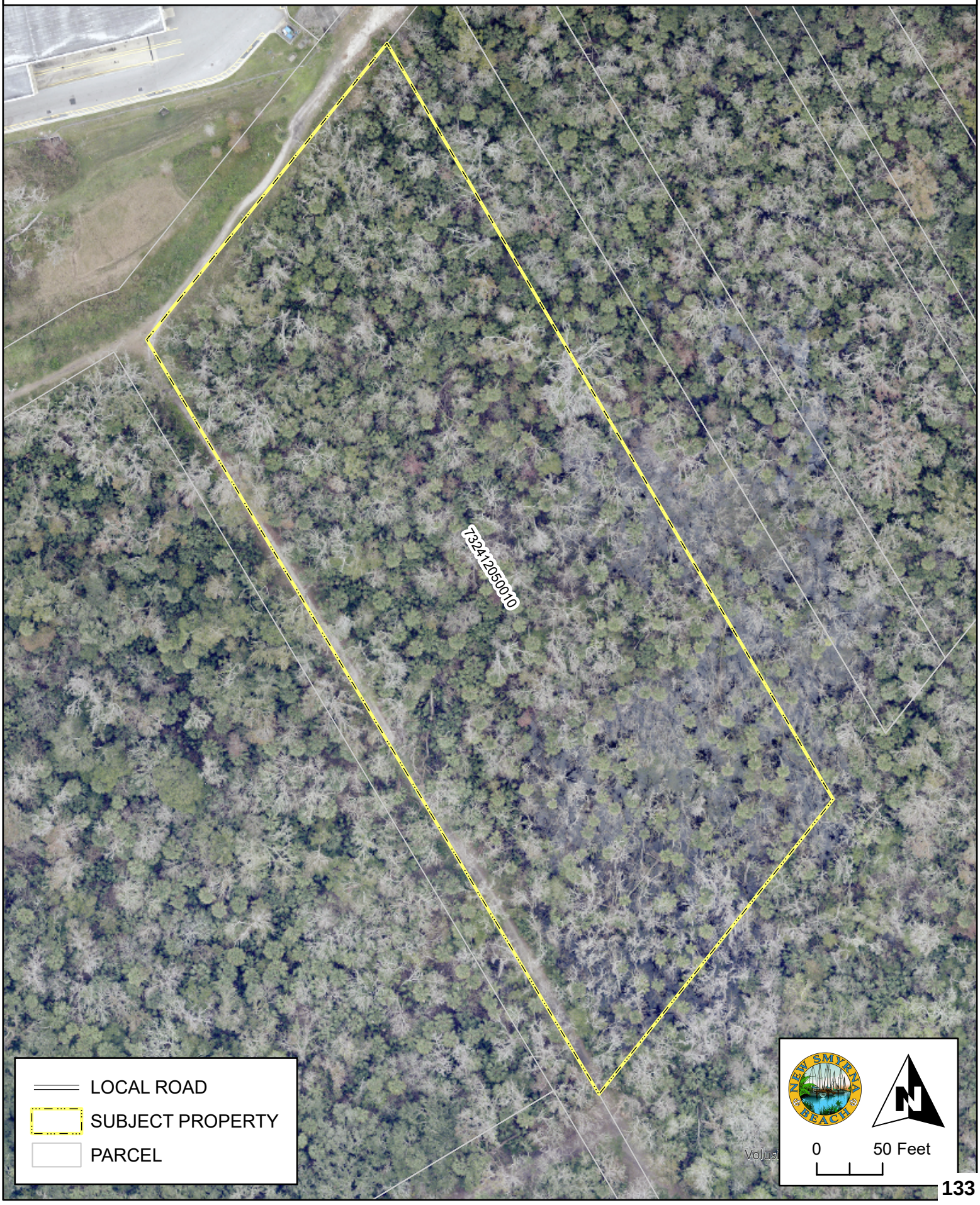
Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing FLU Map.pdf
Exhibit D Existing Zoning Map.pdf
Exhibit E County Urban Medium Intensity FLU Text.pdf
Exhibit F County R-4 Zoning Text.pdf
Exhibit G Existing Land Use Map.pdf
Exhibit H City Conservation FLU Text.pdf
Exhibit I Proposed FLU Map.pdf
Exhibit J City Conservation Zoning Text.pdf
Exhibit K Proposed Zoning Map.pdf
Exhibit L Water and Sewer Service Area.pdf
Exhibit M Soil Limitation for Septic Systems.pdf
Exhibit N Airport Runway Protection Zones.pdf
Exhibit O Bicycle and Pedestrian Facilities.pdf
Exhibit P Boat Slip Siting.pdf
Exhibit Q City Parks.pdf
Exhibit R Coastal High Hazard Areas.pdf
Exhibit S Evacuation Routes.pdf
Exhibit T Existing Traffic Lanes - 2009.pdf
Exhibit U Number of Traffic Lanes - 2025.pdf
Exhibit V Existing Level of Service - 2009.pdf

Exhibit W Level of Service - 2025.pdf
Exhibit X Flood Prone Areas.pdf
Exhibit Y Neighborhood Map.pdf
Exhibit Z Public Transit Routes.pdf
Exhibit AA Commission Zones Map.pdf
Exhibit BB Interlocal Service Boundary Agreement Map.pdf
Exhibit CC Legal Description.pdf
Exhibit DD Warranty Deed.pdf

A-12-25: PAIGE AVENUE
PARCEL: 7324-12-05-0010 LOCATION MAP

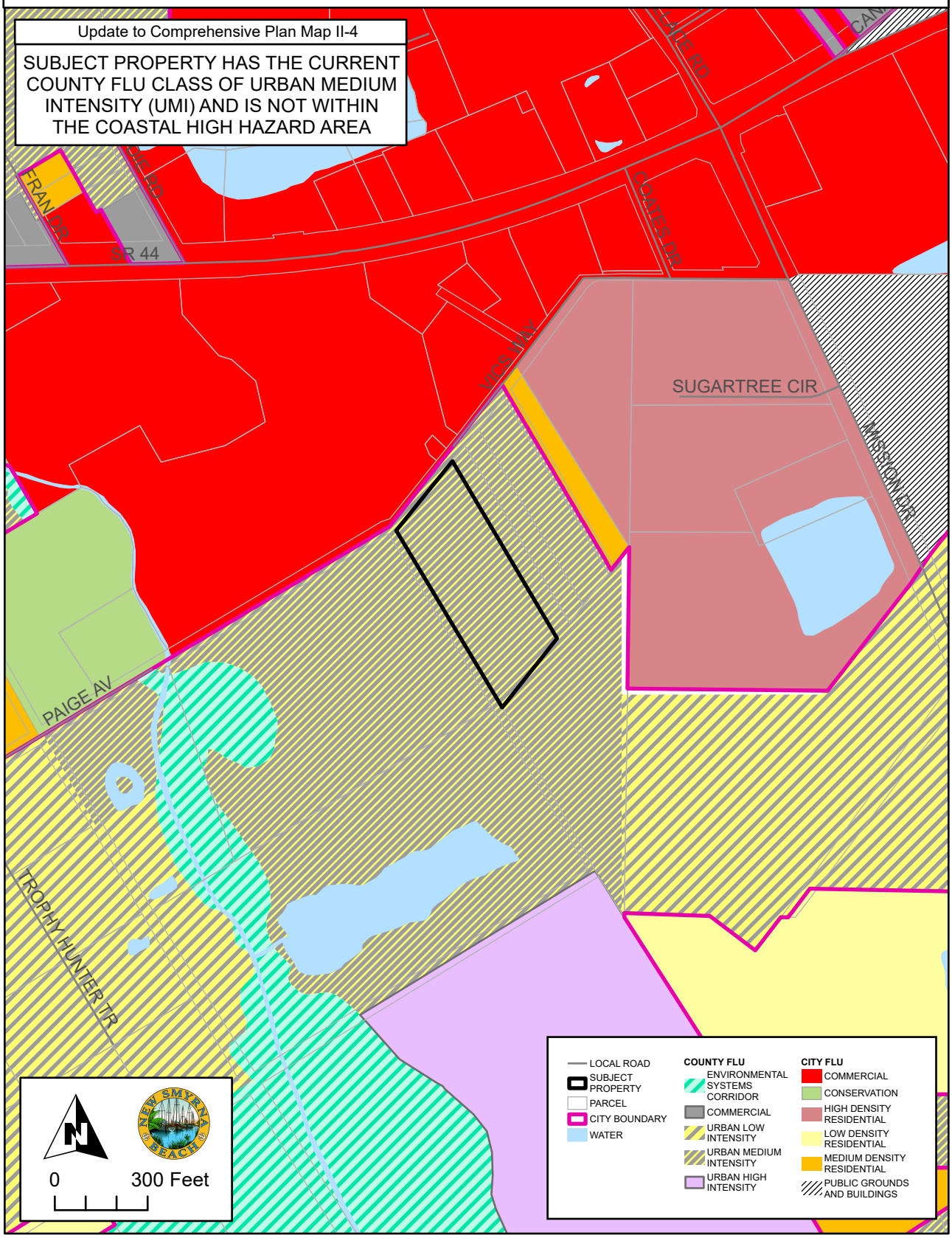


A-12-25: PAIGE AVENUE
PARCEL: 7324-12-05-0010 AERIAL MAP



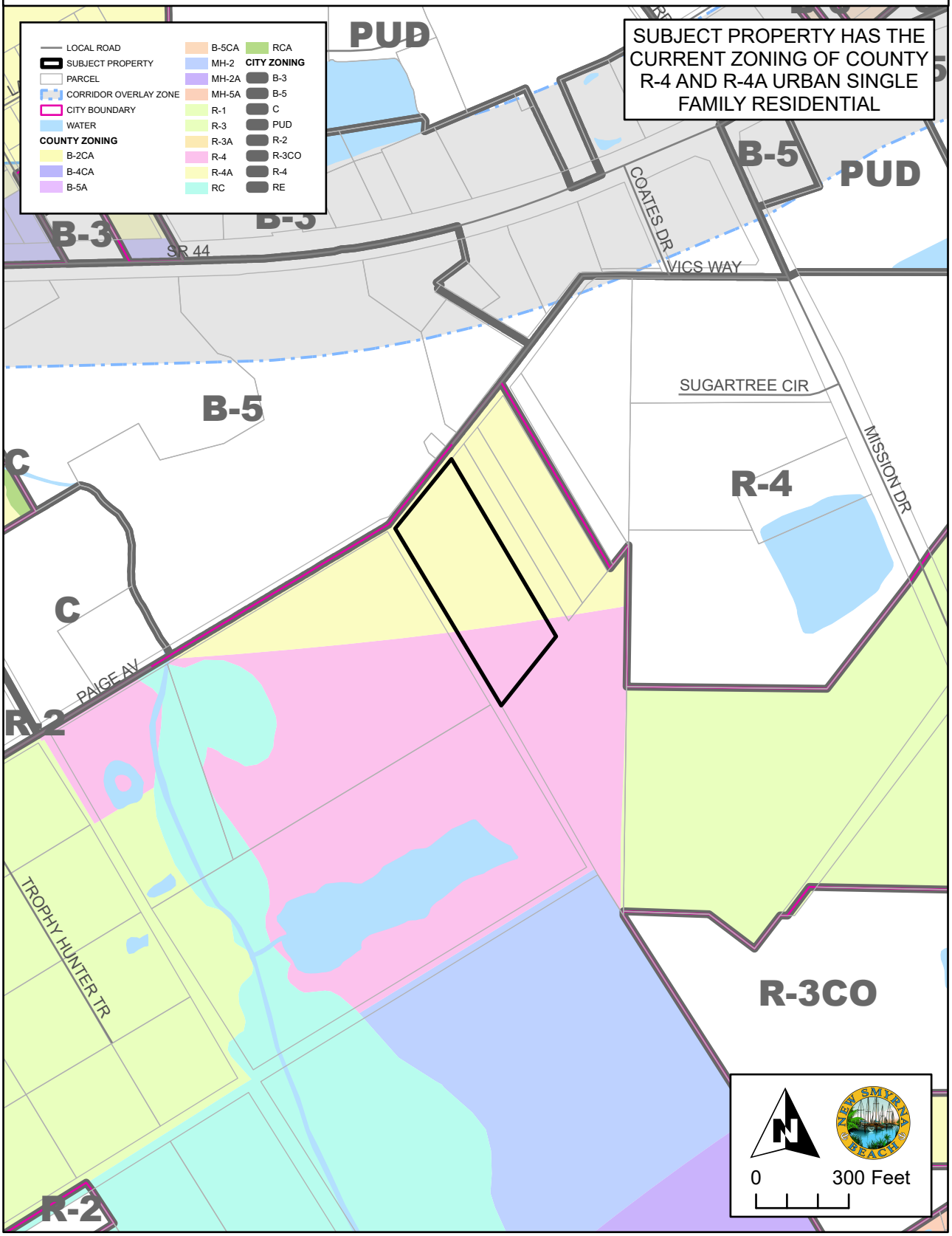
EXISTING FUTURE LAND USE DESIGNATIONS

A-12-25



EXISTING ZONING

A-12-25



Urban Medium Intensity (UMI) –

Areas that contain residential development at a range of up 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 (¼) 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-based business (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 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.

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.

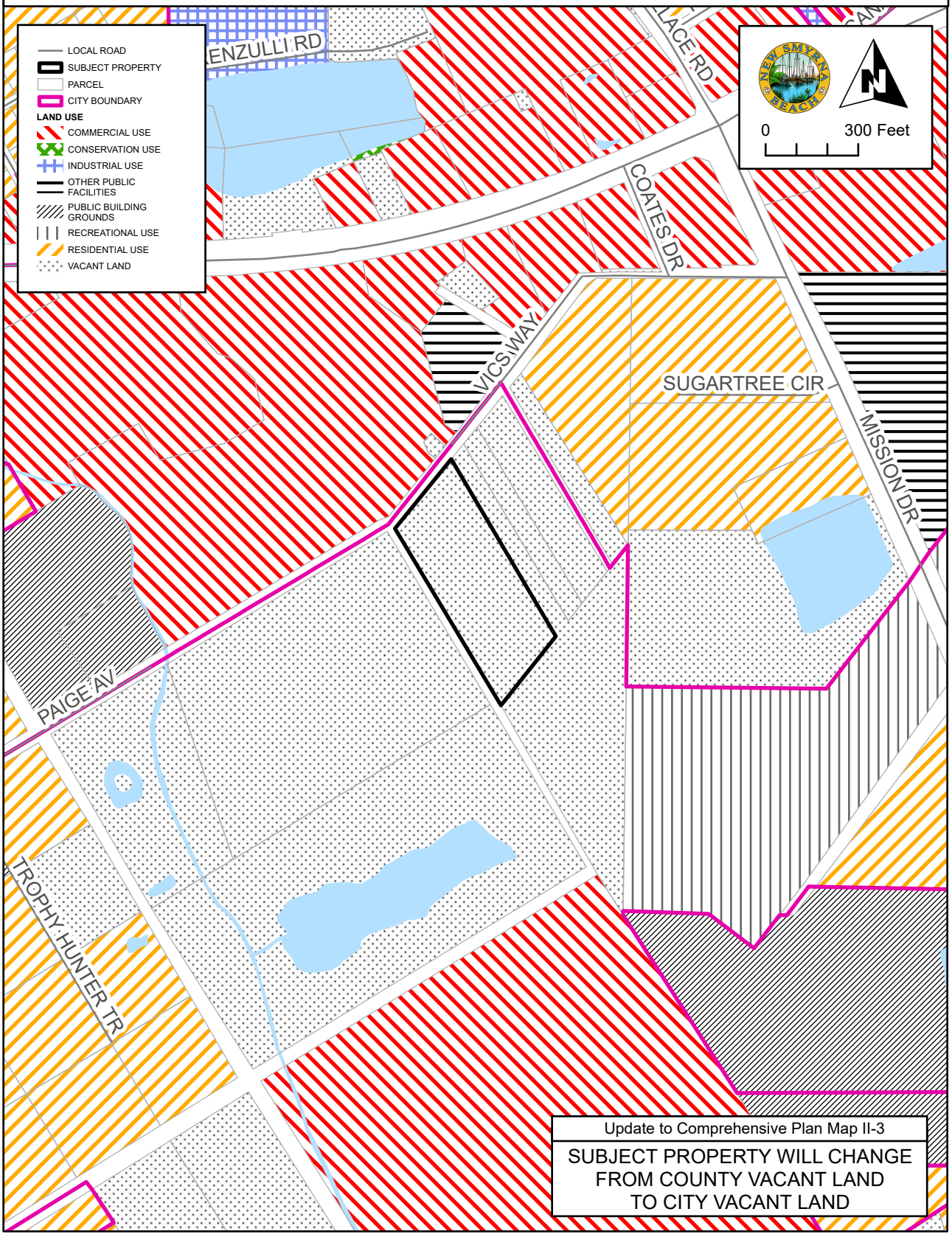
Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.

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-12-25



CONSERVATION

Maximum allowed Floor Area Ratio (FAR): 0.10

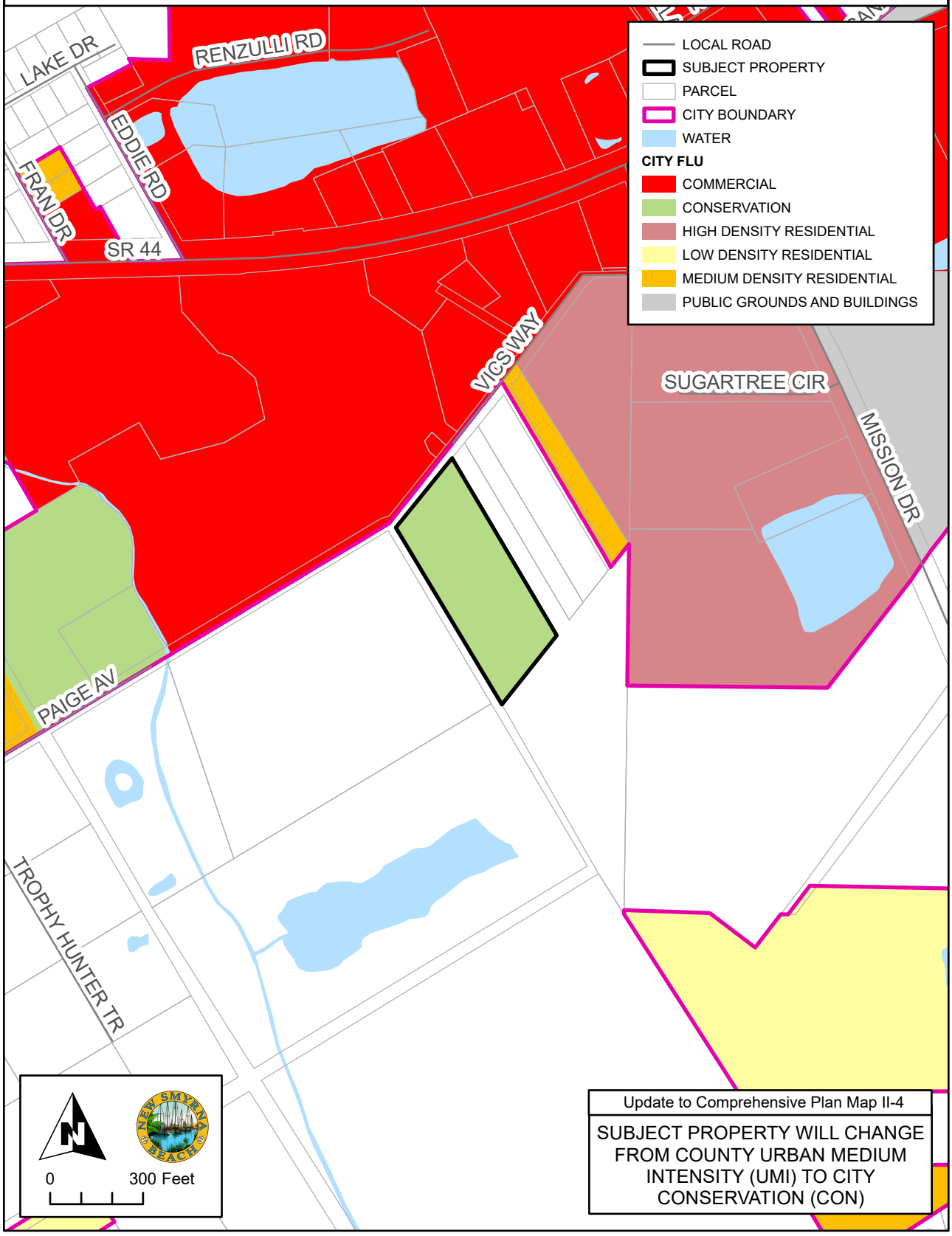
The general boundaries of those areas known to require environmental protection from development have been designated as conservation on the Future Land Use Map.

Designations are based on the best information available. Owners of lands designated as conservation on the Future Land Use Map may petition the City to adjust the boundaries of the conservation zone based upon a qualified biologist's determination of the boundaries made in accordance with §701.07 of the *Land Development Regulations*.

The Planning and Zoning Department shall review the owner's petition and automatically adjust the Future Land Use Map to correctly represent said area and upland buffer. The Local Planning Agency's approval shall be required if the area to be changed is greater than five (5) acres. Environmentally sensitive areas shall include, but not be limited to, jurisdictional wetlands, wetland buffers, uplands included as part of designated environmental corridors, and public beaches.

PROPOSED FUTURE LAND USE DESIGNATIONS

A-12-25



C, CONSERVATION DISTRICT

Intent. The C, Conservation District, is designed to:

(1) Protect persons and private property from the hazards of flood water inundation and to protect the community from costs which are incurred when urban development occurs in flood plains; and
(2) Conserve important natural and historic resources for ecological purposes and for the enjoyment and education of future residents.

Permitted uses.

Fishing and picnicking
Nature trails and exhibits
Park ranger residence, State of Florida or Volusia County. The structure may be occupied by only one State of Florida or Volusia County Park Ranger and his family. Said ranger must be a state certified law enforcement officer. The structure shall be built in accordance with the requirements of the R-2, Single-Family Residential District in this LDR.
Public and private parks
Public utility lines and utility facilities
Silvicultural operations which follow state-prescribed best management practices

Permitted accessory uses.

Incidental uses
Recreation facilities related to the permitted uses

Special exceptions.

Fishing, hunting or nonprofit organizations camps
Riding stables

Dimensional requirements.

Minimum lot size.
Area: 20,000 square feet
Depth: 200 feet
Width: 100 feet
Minimum yard size.
Front yard: 40 feet, or as required per [sub]section 504.01M. of this LDR
Rear yard: 30 feet
Side yard: Ten feet

Minimum setback from wetlands.
Any jurisdictional wetland line: 25 feet towards upland

Maximum building coverage. The total area covered with buildings on any lot shall not exceed 30 percent of the total lot area.

Maximum impervious coverage. The total area covered with impervious materials on any lot shall not exceed 35 percent of the total lot area.

Maximum principal building height. 35 feet above finished grade.

Landscaping. Landscaped buffer area(s) as defined in this LDR shall be required at property lines as follows:

(1) All front property lines; and
(2) Along side or rear lot line abutting a residentially zoned lot.

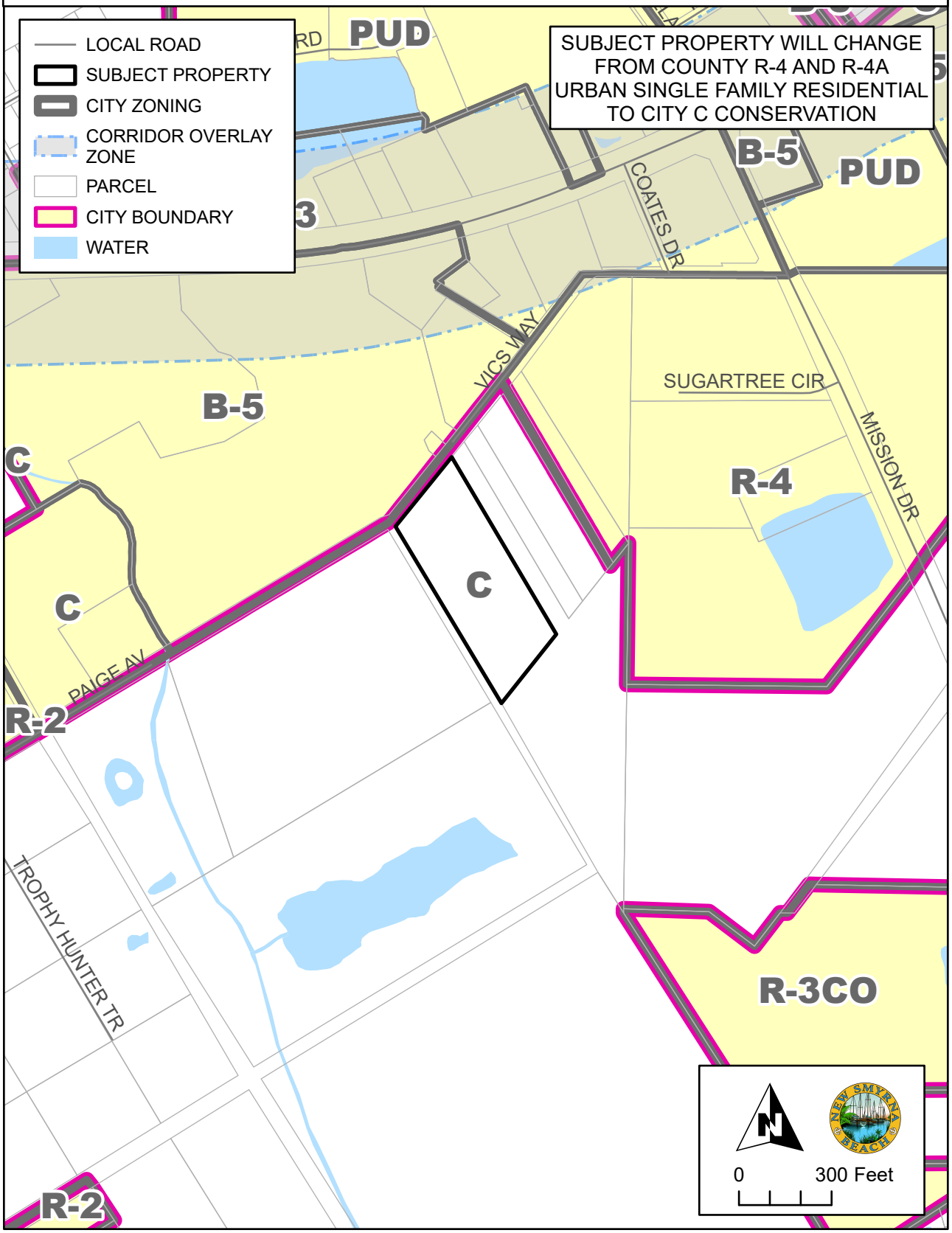
Visibility at intersections. Visibility at intersections shall be provided as required in this LDR.

Off-street parking. Off-street parking shall be provided as required in this LDR.

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.

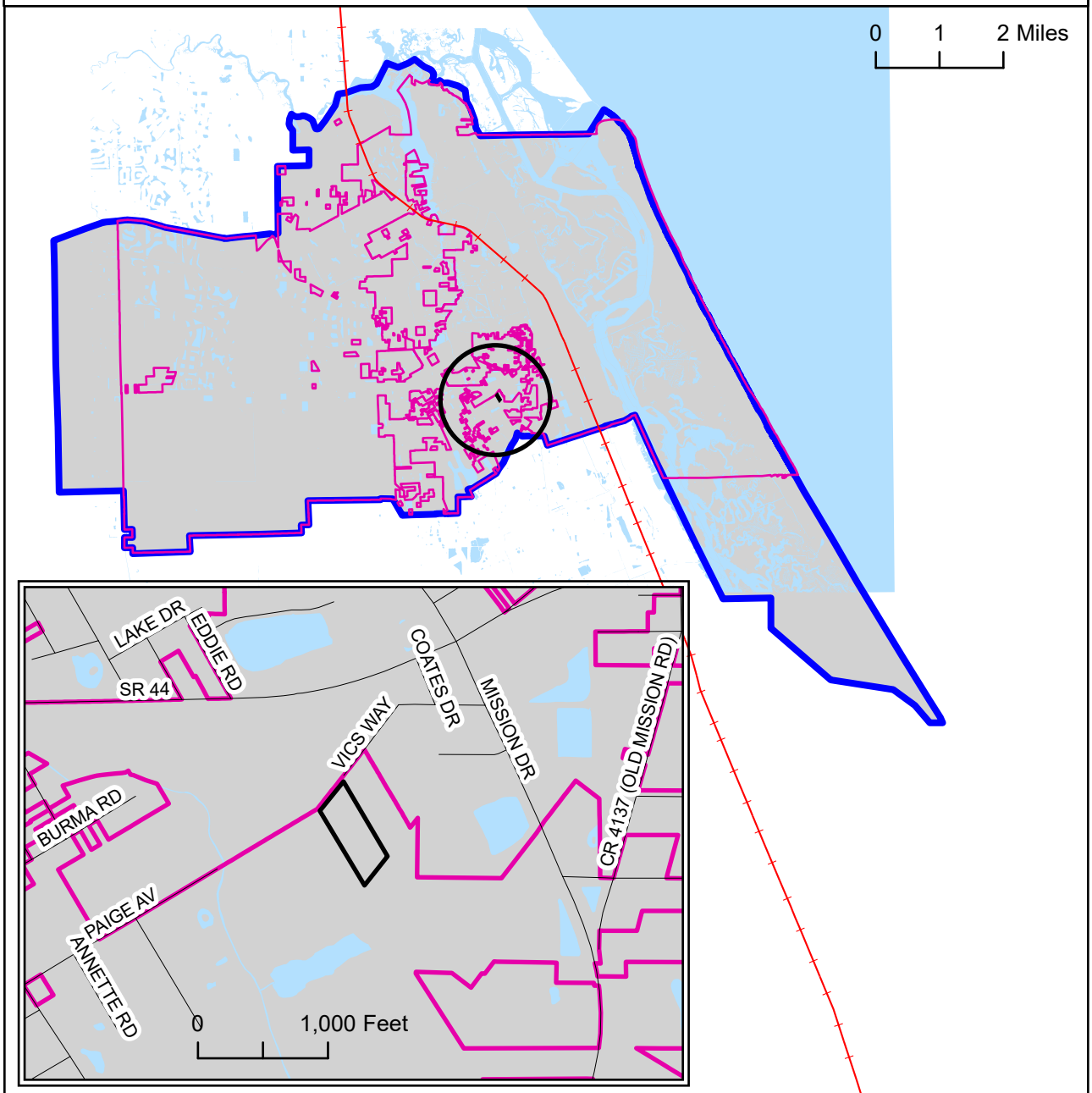
PROPOSED ZONING

A-12-25



WATER AND SEWER SERVICE AREA

A-12-25



Update to Comprehensive Plan Map VII-1

SUBJECT PROPERTY IS WITHIN THE CITY AND INSIDE THE NSB WATER AND SEWER SERVICE AREA

LOCAL ROAD

RAILROAD

SUBJECT PROPERTY

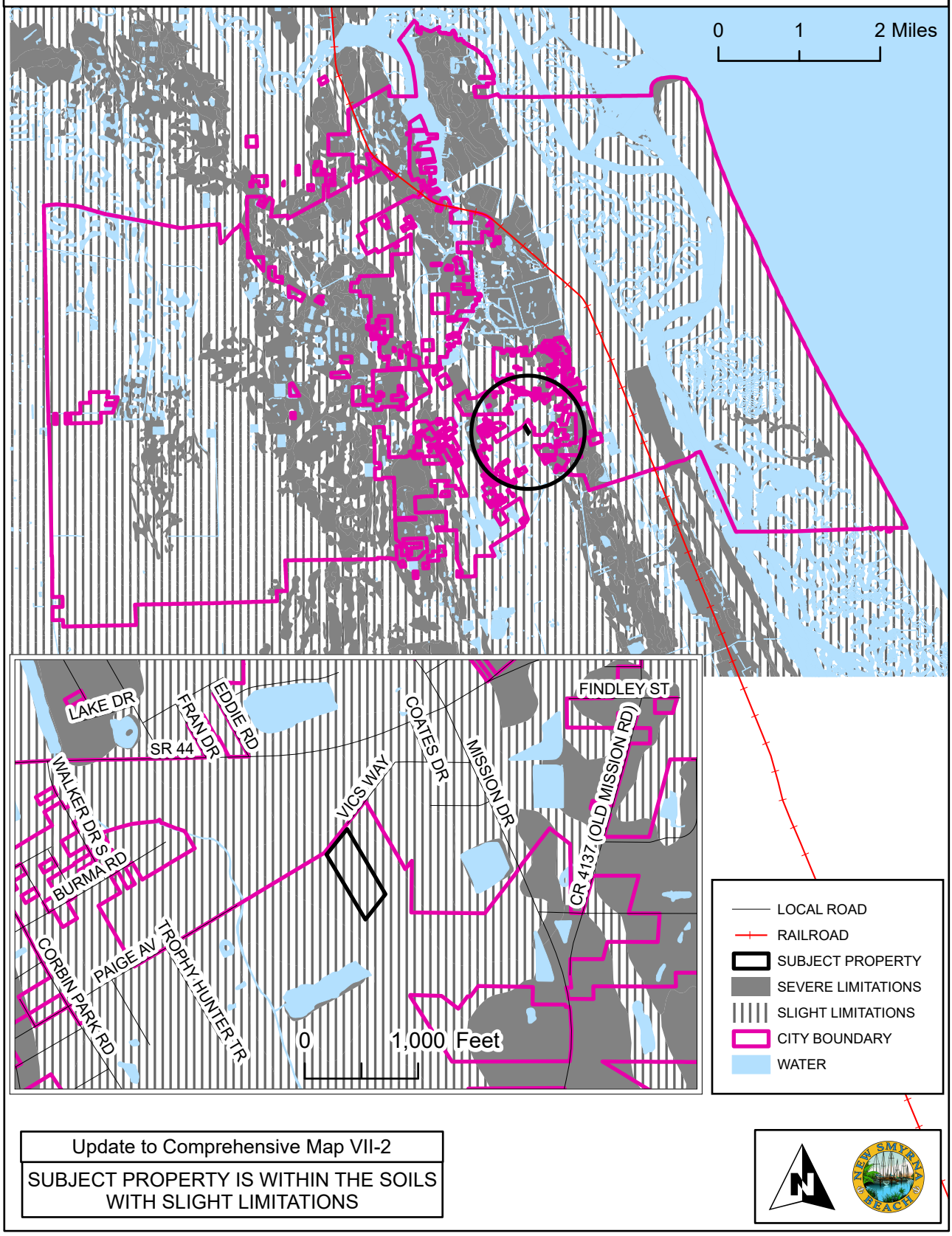
WATER AND SEWER SERVICE AREA

CITY BOUNDARY

WATER

SOIL LIMITATION FOR SEPTIC SYSTEMS

A-12-25

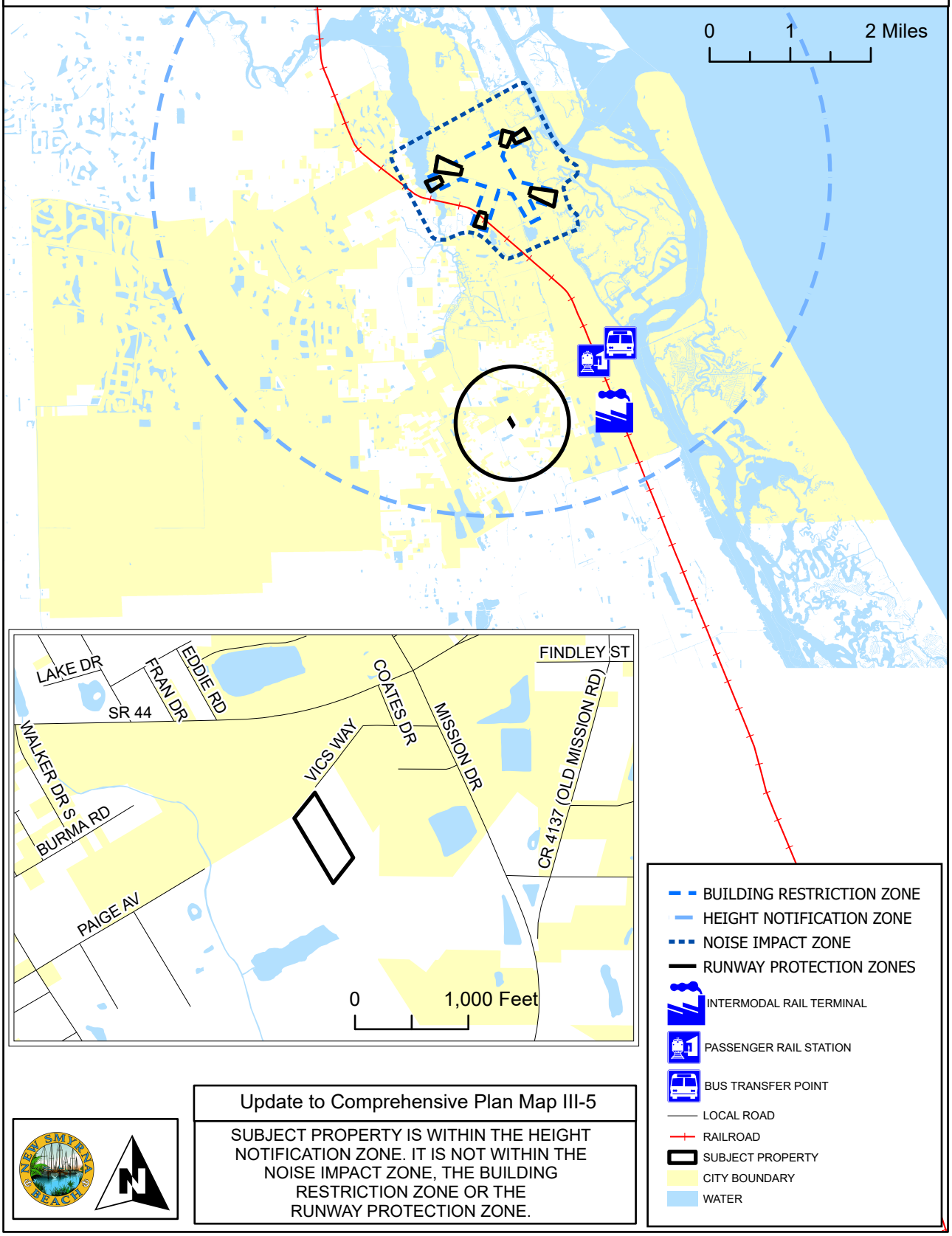


Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS

AIRPORT RUNWAY PROTECTION ZONES

A-12-25

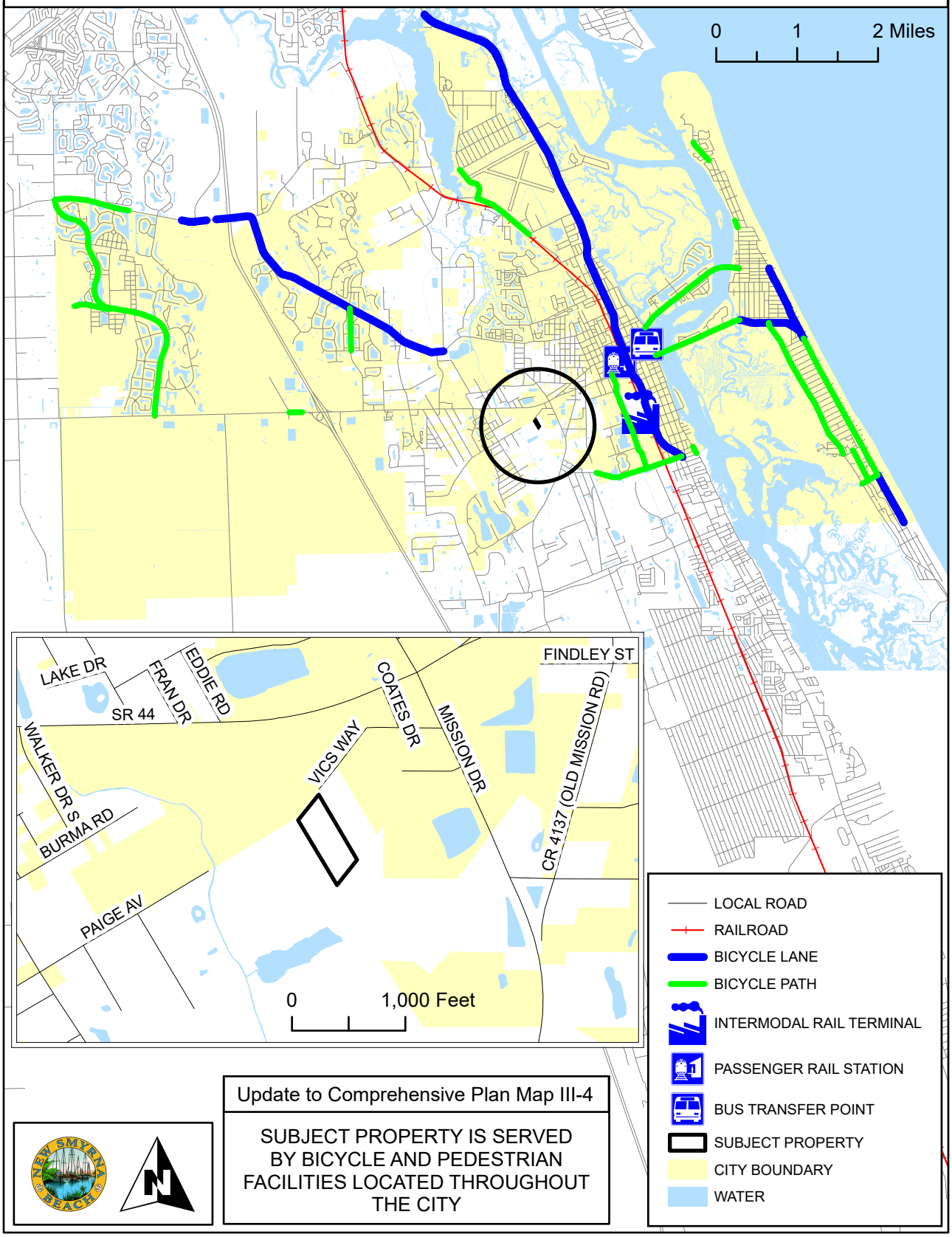


Update to Comprehensive Plan Map III-5

SUBJECT PROPERTY IS WITHIN THE HEIGHT NOTIFICATION ZONE. IT IS NOT WITHIN THE NOISE IMPACT ZONE, THE BUILDING RESTRICTION ZONE OR THE RUNWAY PROTECTION ZONE.

BICYCLE AND PEDESTRIAN FACILITIES

A-12-25

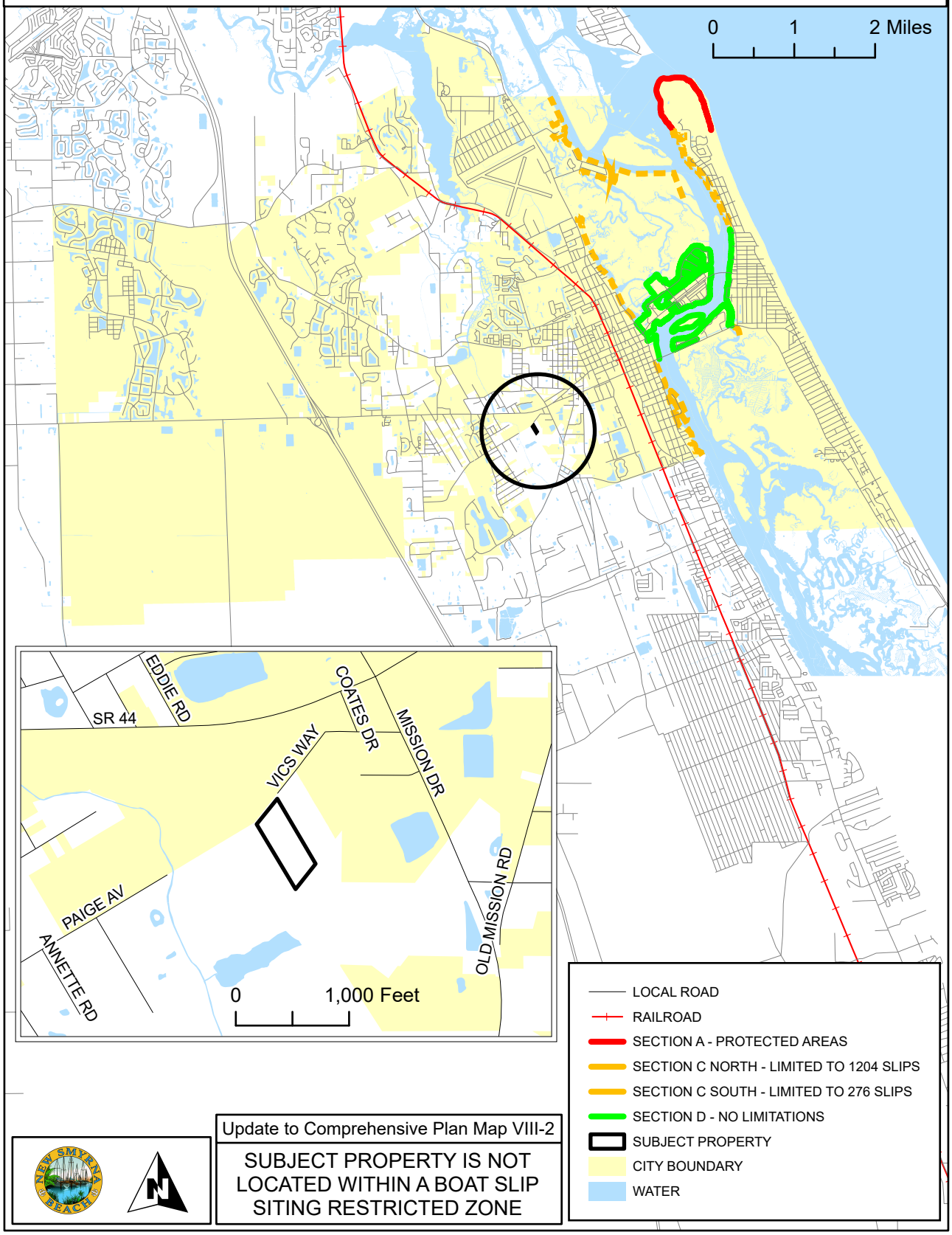


Update to Comprehensive Plan Map III-4

SUBJECT PROPERTY IS SERVED BY BICYCLE AND PEDESTRIAN FACILITIES LOCATED THROUGHOUT THE CITY

BOAT SLIP SITING

A-12-25

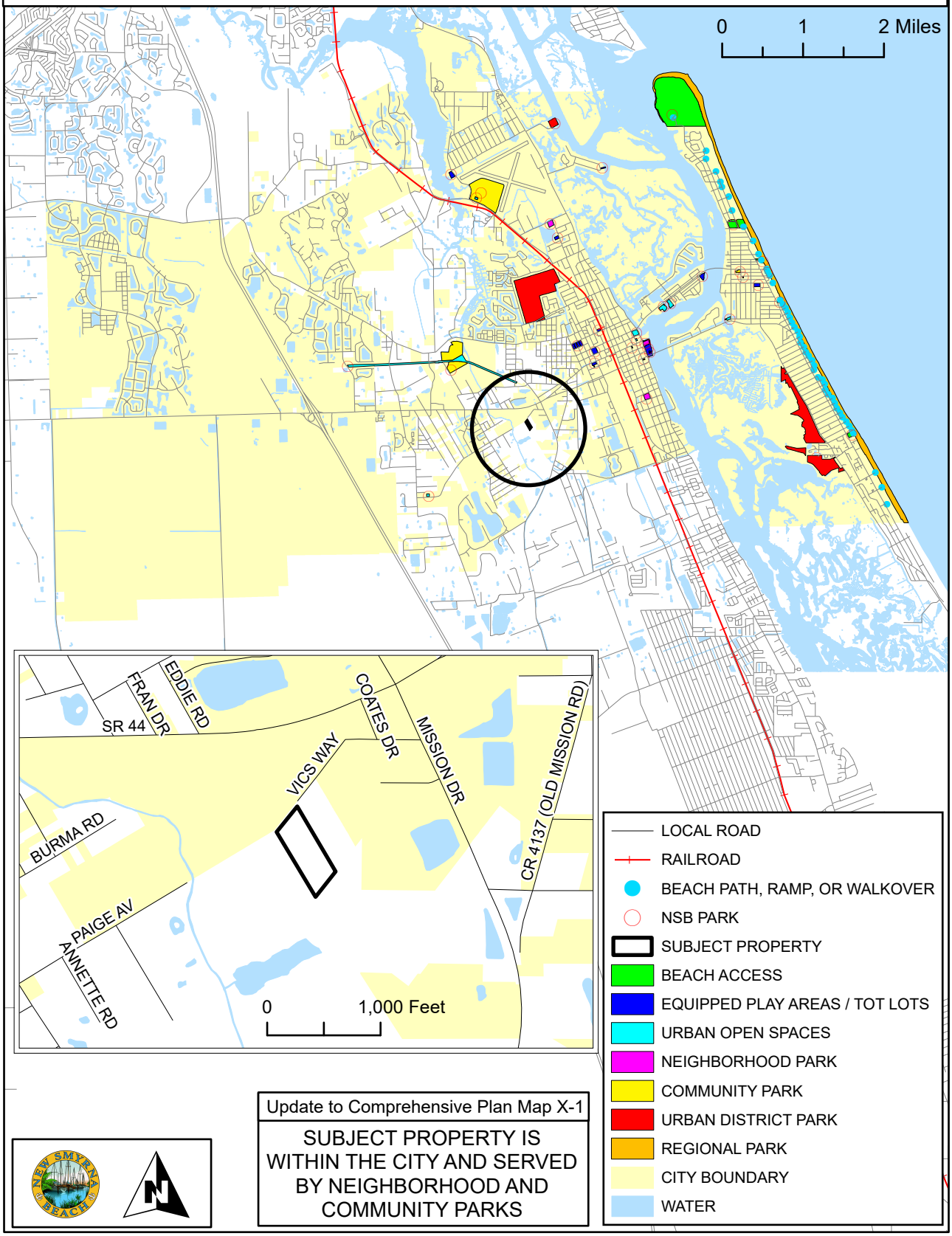


Update to Comprehensive Plan Map VIII-2

SUBJECT PROPERTY IS NOT LOCATED WITHIN A BOAT SLIP SITING RESTRICTED ZONE

CITY PARKS

A-12-25

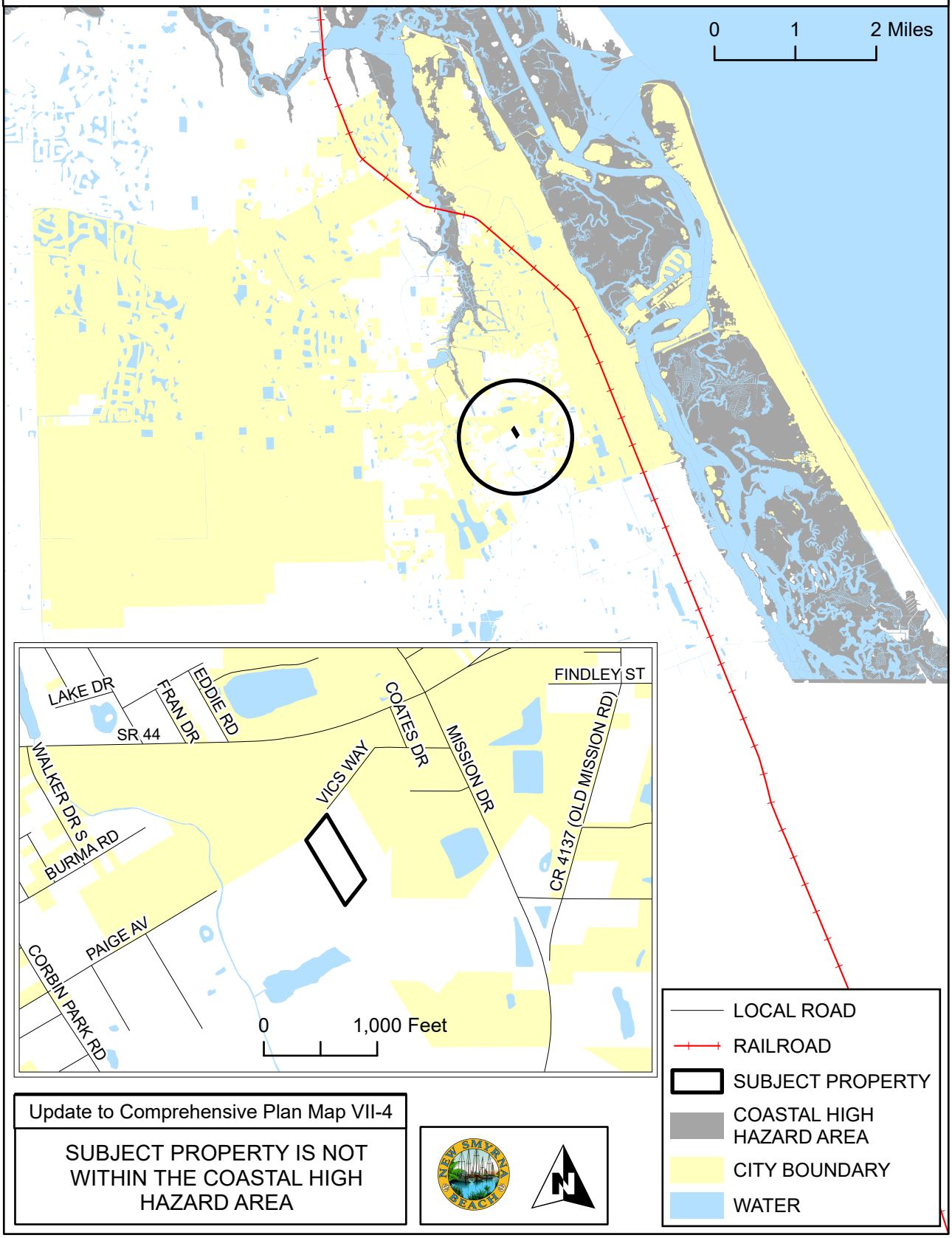


Update to Comprehensive Plan Map X-1

SUBJECT PROPERTY IS WITHIN THE CITY AND SERVED BY NEIGHBORHOOD AND COMMUNITY PARKS

COASTAL HIGH HAZARD AREAS

A-12-25

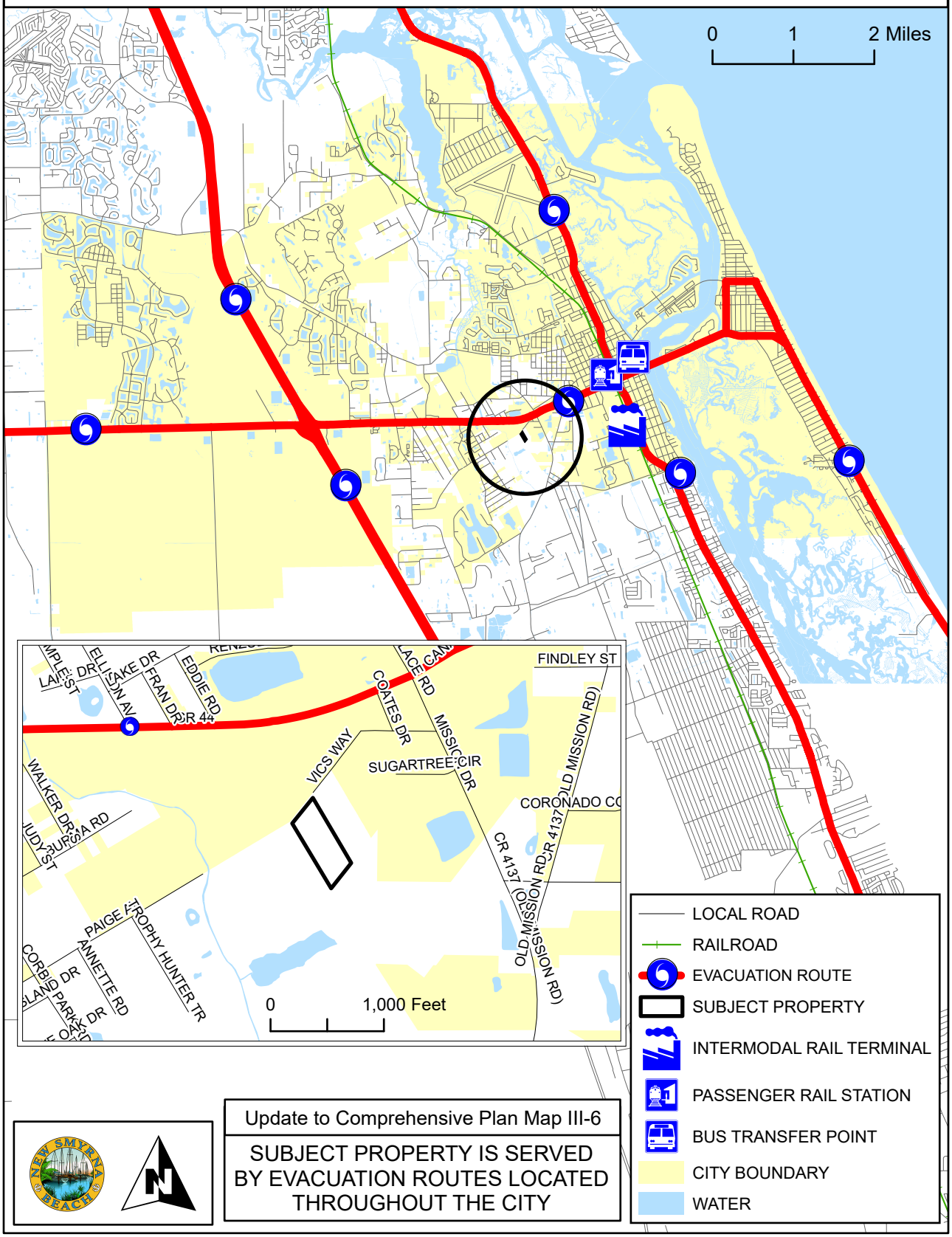


Update to Comprehensive Plan Map VII-4

SUBJECT PROPERTY IS NOT WITHIN THE COASTAL HIGH HAZARD AREA

EVACUATION ROUTES

A-12-25

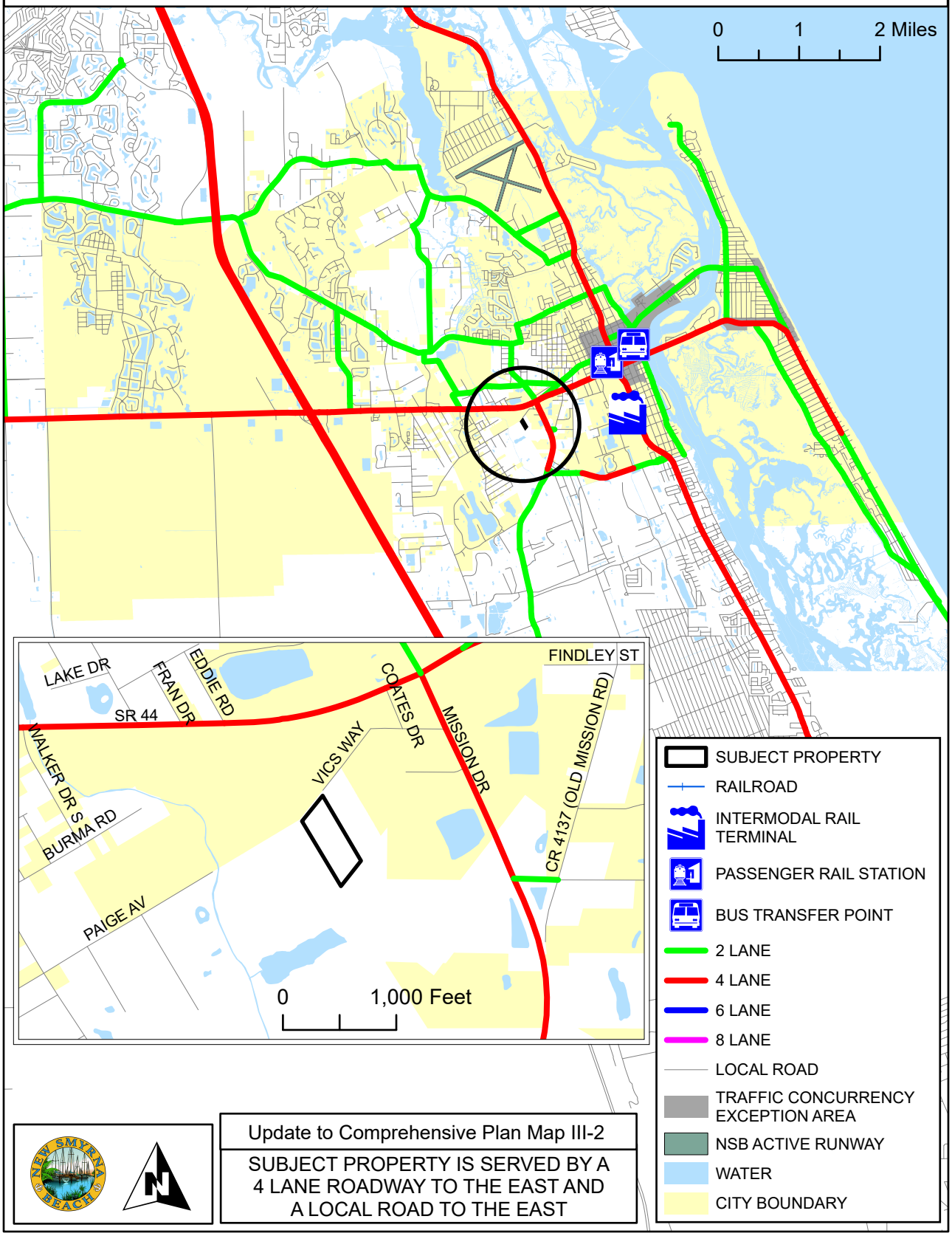


Update to Comprehensive Plan Map III-6

SUBJECT PROPERTY IS SERVED BY EVACUATION ROUTES LOCATED THROUGHOUT THE CITY

EXISTING TRAFFIC LANES - 2009

A-12-25

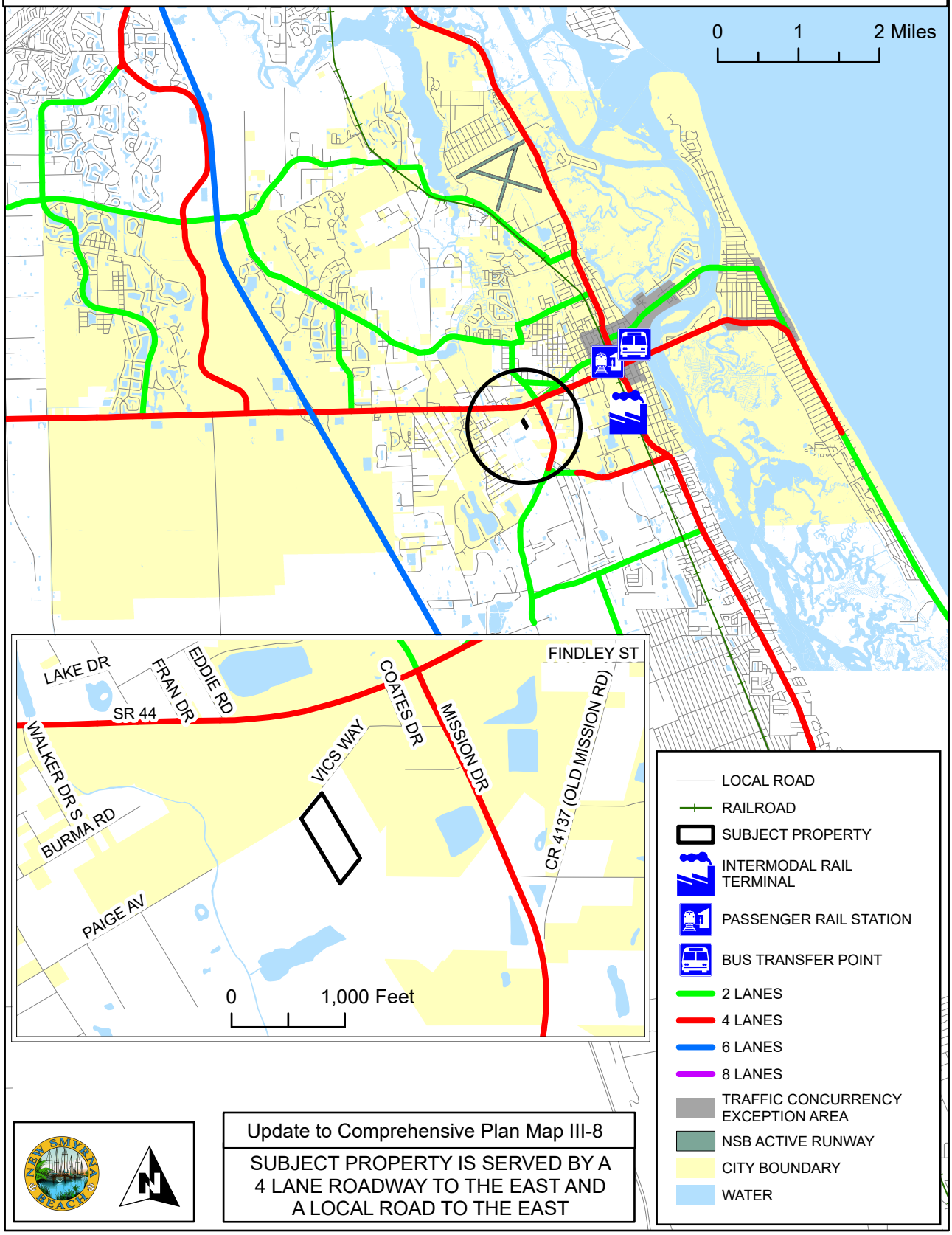


Update to Comprehensive Plan Map III-2

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE EAST AND A LOCAL ROAD TO THE EAST

NUMBER OF TRAFFIC LANES - 2025

A-12-25

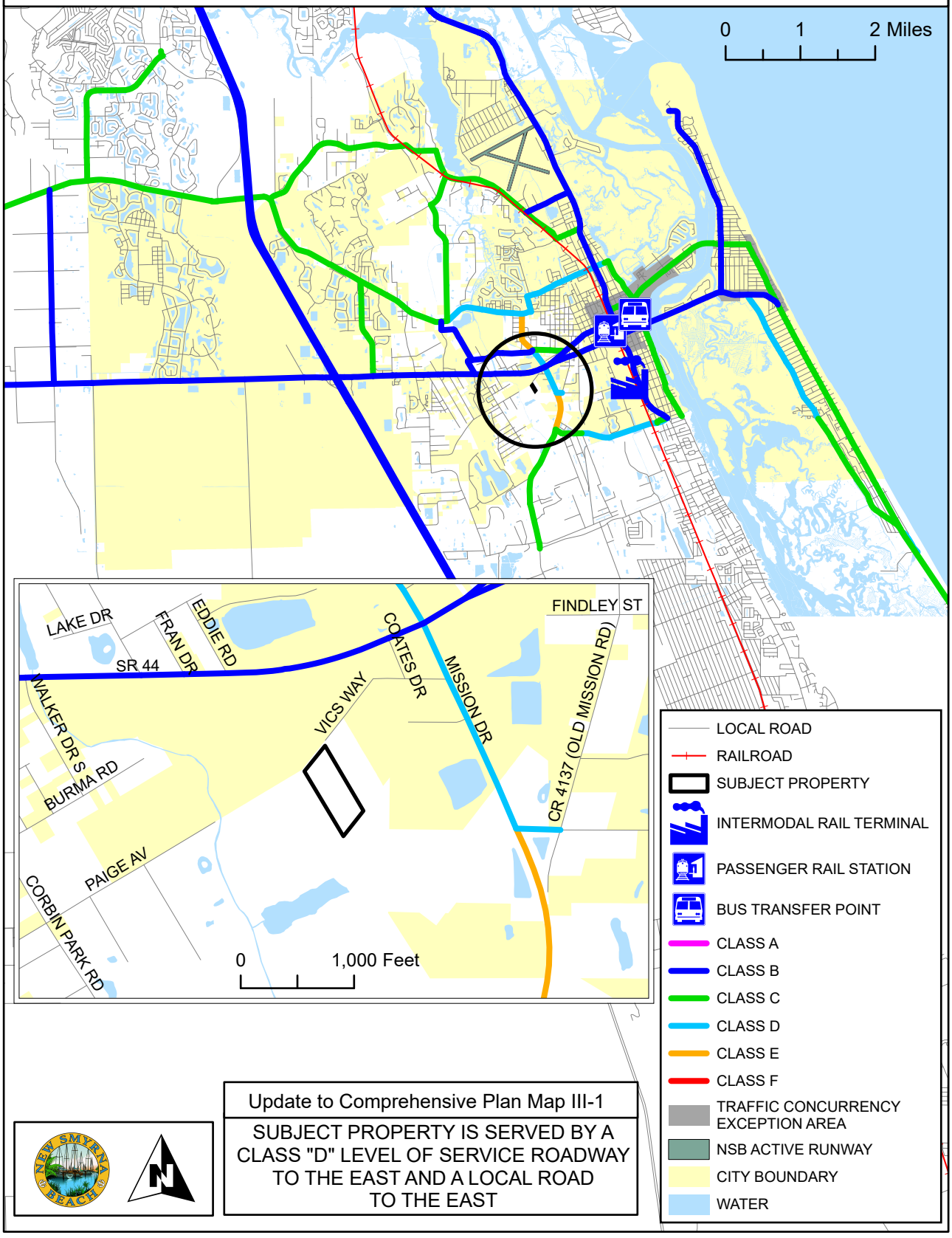


Update to Comprehensive Plan Map III-8

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE EAST AND A LOCAL ROAD TO THE EAST

EXISTING LEVEL OF SERVICE - 2009

A-12-25

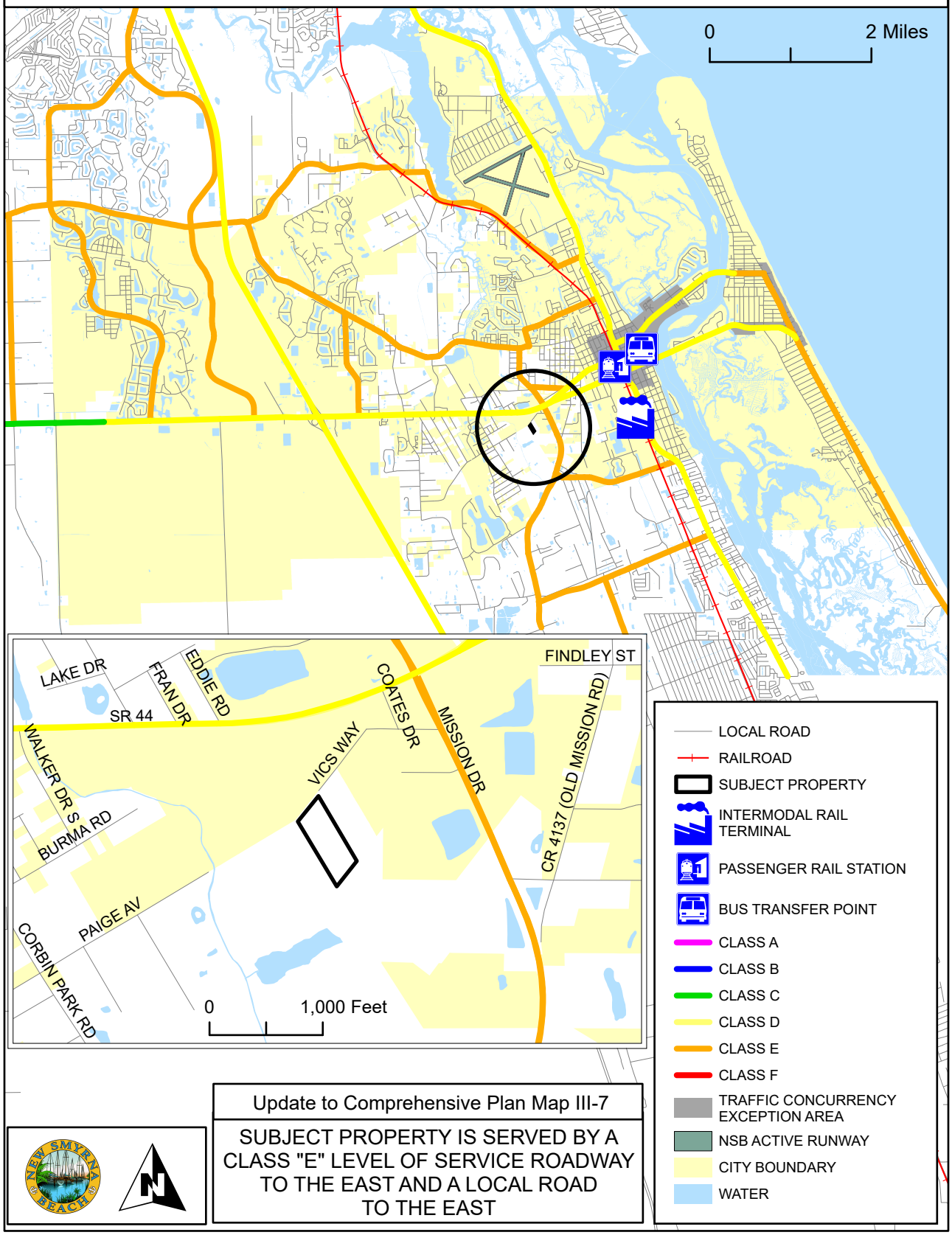


Update to Comprehensive Plan Map III-1

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

LEVEL OF SERVICE - 2025

A-12-25

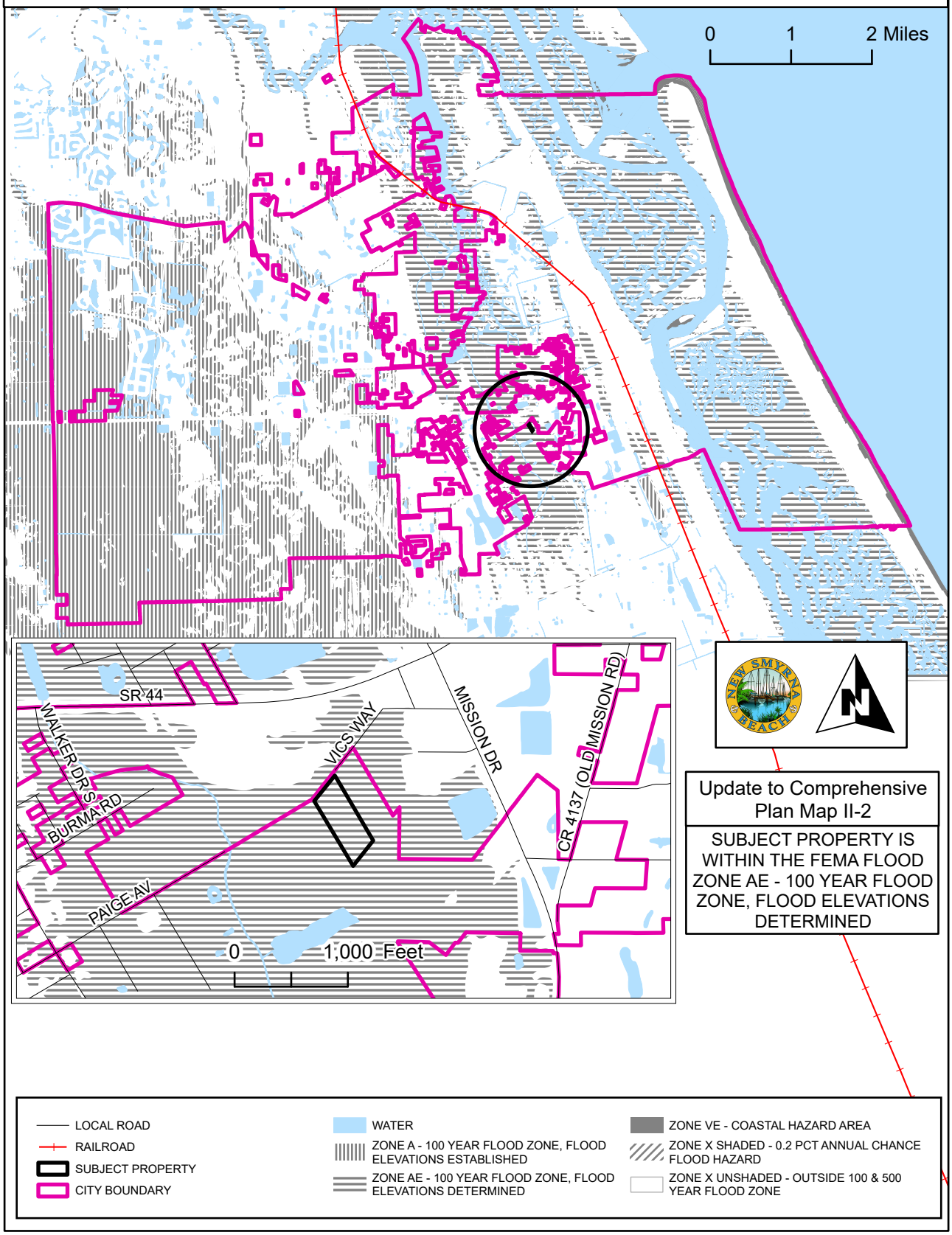


Update to Comprehensive Plan Map III-7

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

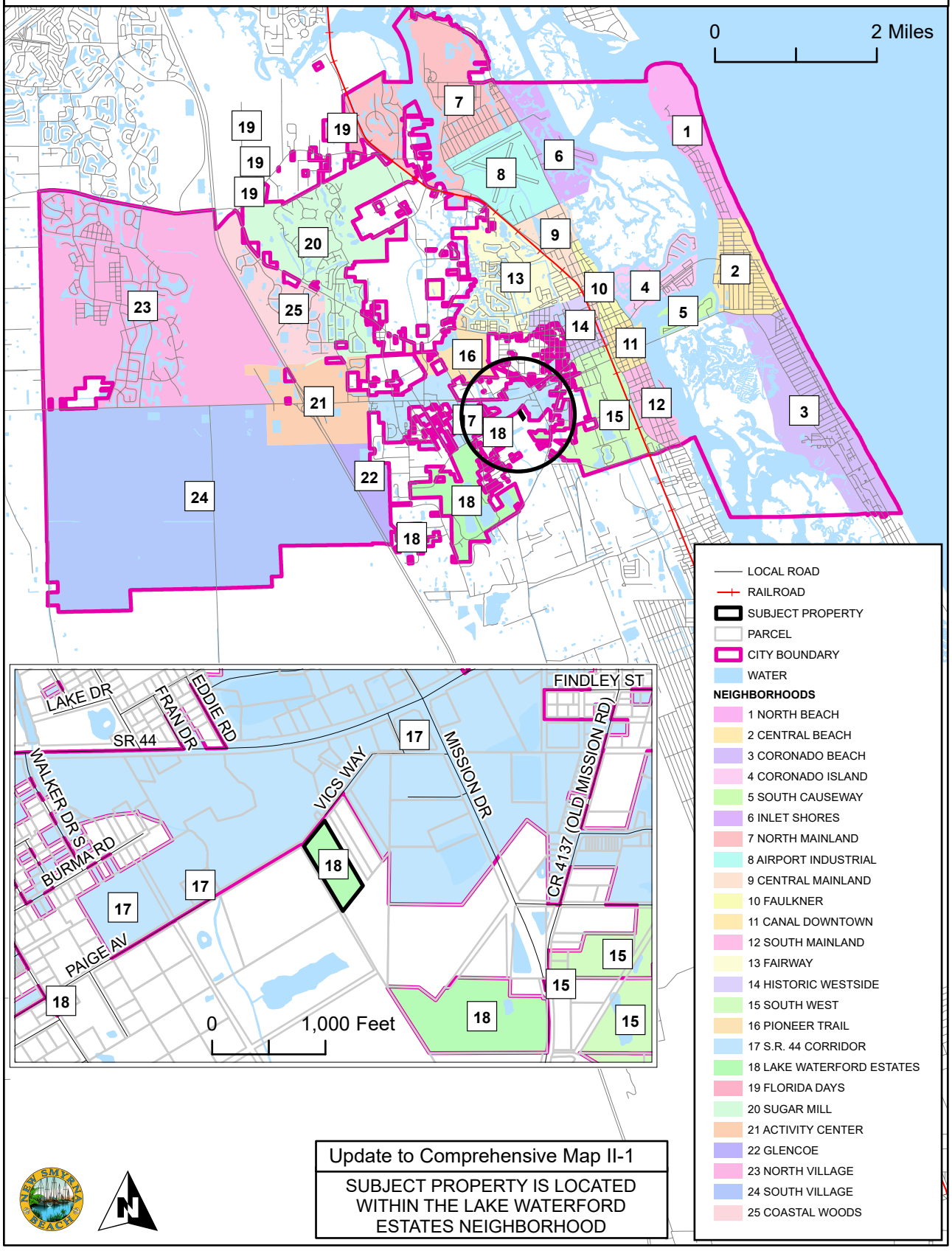
FLOOD PRONE AREAS

A-12-25



NEIGHBORHOODS

A-12-25

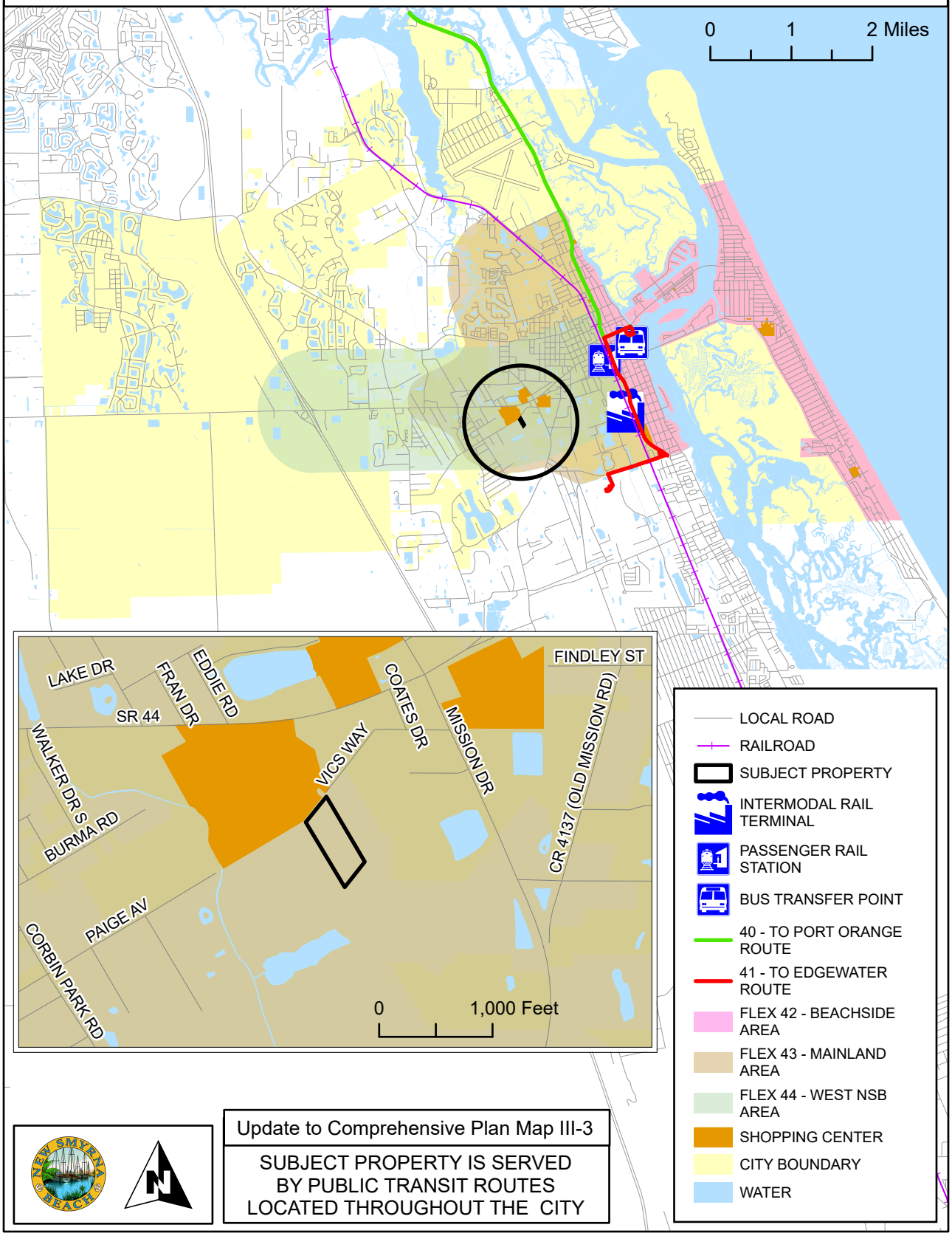


Update to Comprehensive Map II-1

SUBJECT PROPERTY IS LOCATED WITHIN THE LAKE WATERFORD ESTATES NEIGHBORHOOD

PUBLIC TRANSIT ROUTES

A-12-25

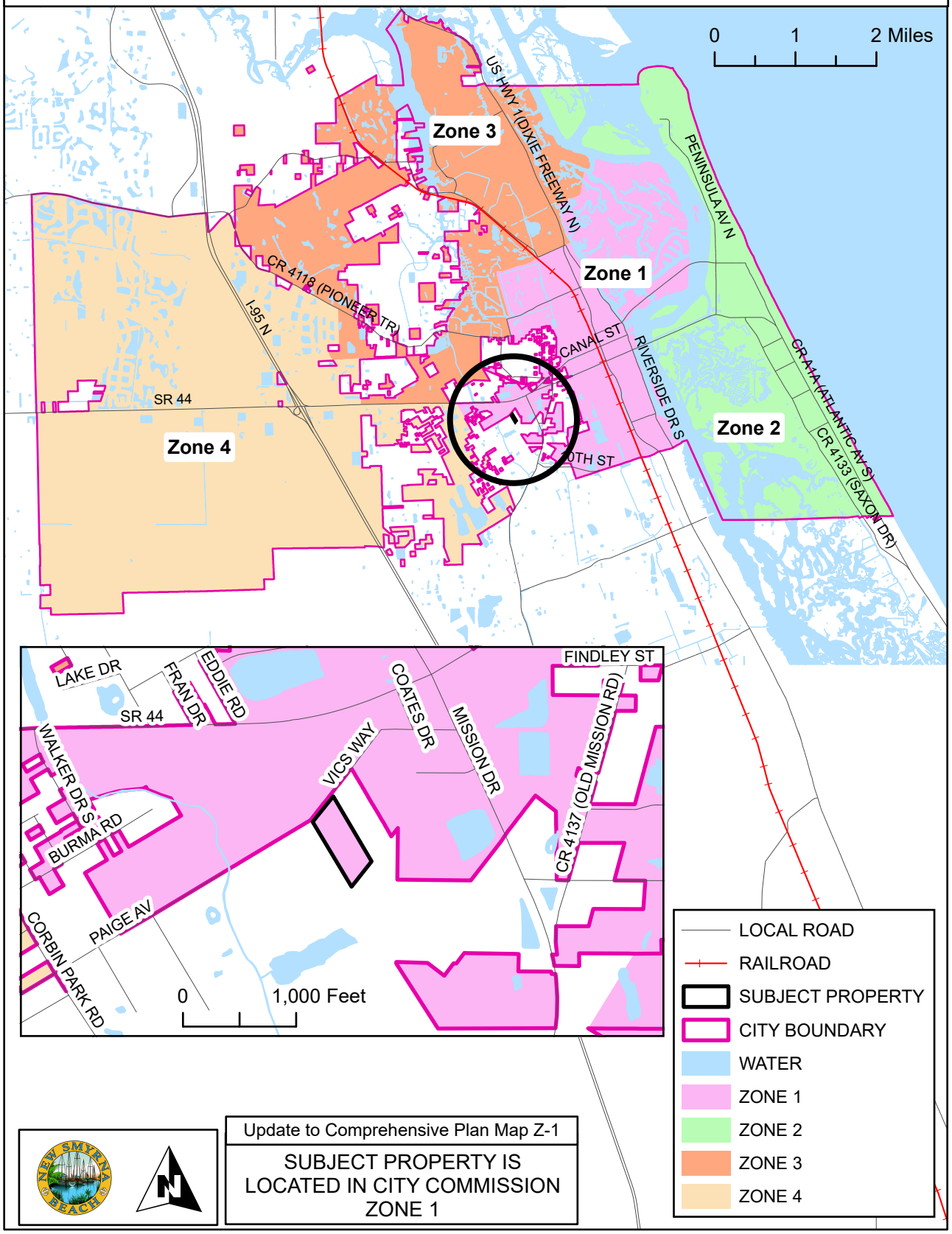


Update to Comprehensive Plan Map III-3

SUBJECT PROPERTY IS SERVED BY PUBLIC TRANSIT ROUTES LOCATED THROUGHOUT THE CITY

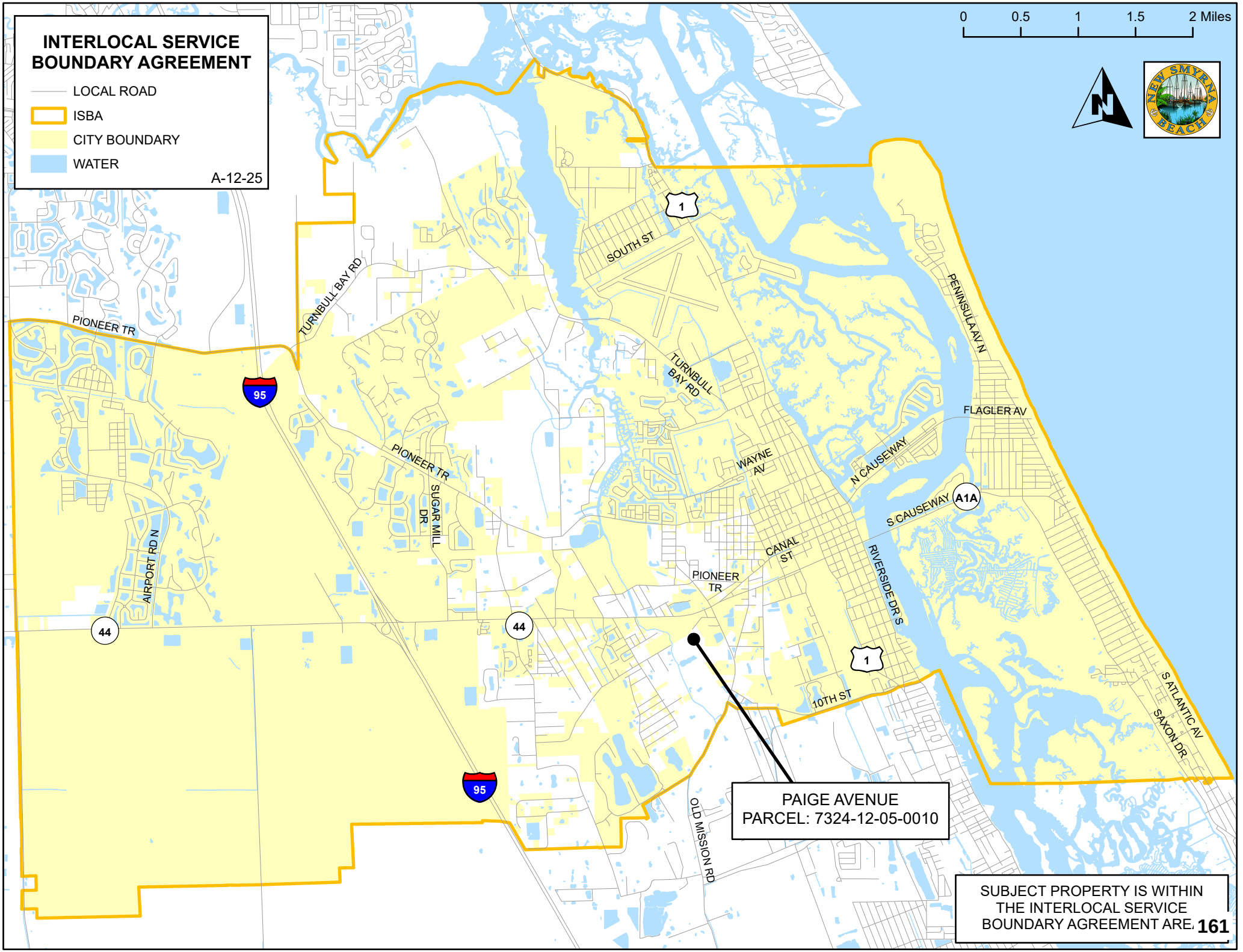
COMMISSION ZONES

A-12-25



Update to Comprehensive Plan Map Z-1

SUBJECT PROPERTY IS LOCATED IN CITY COMMISSION ZONE 1


INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-12-25
0
0.5
1
1.5
2 Miles
NEW SMYRNA BEACH
PIONEER TR
TURNBULL BAY RD
SOUTH ST
PENINSULA AV N
FLAGLER AV
N CAUSEWAY
WAYNE AV
S CAUSEWAY
A1A
CANAL ST
RIVERSIDE DR S
10TH ST
S ATLANTIC AV
SAXON DR
SUGAR MILL DR
AIRPORT RD N
OLD MISSION RD
95
44
1
PAIGE AVENUE
PARCEL: 7324-12-05-0010
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ARE

LEGAL DESCRIPTION

Address:
Paige Avenue, New Smyrna Beach, Florida 32168

Parcel Number
7324-12-05-0010

AltKey Number:
3716132

Metes and Bounds by Professional Title Agency

LOT 1, BLOCK 5, “WOODLAND” L.D. BUCKS SUBDIVISION, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 6, PAGE 134, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Exhibit DD

Prepared by and Return To:
Teresa Prompovitch
Professional Title Agency, a division of LandCastle Title Group, LLC
313 Julia Street
New Smyrna Beach, FL 32168

Order No.: N[redacted]

APN/Parcel ID(s): 732412050010

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this September 11, 2025 by Festival Properties, Inc. having its principal place of business at 1215 Gessner Drive, Houston, TX 77055, hereinafter called the grantor, and City of New Smyrna Beacha municipal corporation, a corporation existing under the laws of the State of Floirda whose post office address is 210 Sams Avenue, New Smyrna Beach, FL 32168, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representative and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all the certain land situated in County of Volusia, State of Florida, viz:

Lot 1, Block 5, "Woodland" L.D. Buck's Subdivision, according to the map or plat thereof, as recorded in Map Book 6, Page 134, of the Public Records of Volusia County, Florida.

Subject to encumbrances, easements and restrictions of record and taxes accruing subsequently to 2024.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in Fee Simple; that the grantor has good right and lawful authority to sell and convey said land; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

SPECIAL WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

Witness Signature

Teresa A. Prompovitch
Print Name

Address: 313 Julia Street
New Smyrna Beach, FL 32168

Witness Signature

Linda Romsey
Print Name

Address: 313 Julia St.
NSB FL 32168

Festival Properties, Inc.

BY: _____
Dan Silvestri
President

Address: 1215 Gessner Drive
Houston, TX 77055

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 8th day of September, 2025, by Dan Silvestri, President of Festival Properties, Inc, to me known to be the person(s) described in or who has/have produced Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

TERESA A. PROMPOVITCH
Notary Public - State of Florida
Commission # HH 221861
My Comm. Expires Mar 21, 2026
Bonded through National Notary Assn.

NOTARY PUBLIC
My Commission Expires:

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

A-0013-2025: REVIEW AND GIVE A RECOMMENDATION TO THE CITY COMMISSION ON AN OVERALL ANNEXATION APPLICATION FOR PROPERTY LOCATED ON OLIVER DRIVE.

December 1, 2025

Background:

Applicant and Property Owners: Kyle and Rachel Troian, 579 Palm Drive, New Smyrna Beach, Florida 32168.

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

- **From:** Volusia County Future Land Use (FLU) category of Urban Medium Intensity, and Volusia County zoning designation of R-4, Urban Single Family Residential with an "A" attached for Airport Height Notification Zone.
- **To:** City Future Land Use category of Medium Density Residential and City zoning designation of R-2, Single Family Residential with an "A" attached for Airport Height Notification Zone.

Site Information:

- **Size:** 0.22 ± acres.
- **Location:** West side of Oliver Drive, north of Lydia Way.

Tax I.D. Number: 7323-04-00-0070

Findings:

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 of New Smyrna Beach 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 of New Smyrna Beach, was also approved by the County on May 2, 2013. A new agreement was approved on May 2, 2022.

The subject property is within the annexation area designated in the ISBA. The subject property on Oliver Drive is undeveloped. A location map is attached as **Exhibit A** and an aerial map is attached as **Exhibit B**.

The existing Volusia County Future Land Use (FLU) category and zoning designation of the subject property is shown on the following maps as **Exhibits C and D**. The text description of the existing Future Land Use category for the subject property is attached as **Exhibit E**. The associated current zoning text description for the subject property is attached as **Exhibit F**. Existing land uses are shown on the map attached as **Exhibit G**.

The established City Commission policy is that when properties are annexed into the City, the City will assign future land use categories and zoning designations that would be as similar as possible to existing County categories and designations. As discussed above, the existing County FLU category is Urban Medium Intensity. The existing County zoning designation is R-4, Urban Single Family Residential. The proposed City FLU category is Medium Density Residential. The proposed City zoning designation is R-2, Single Family Residential. A text description of the proposed City Medium Density Residential Future Land Use category is attached as **Exhibit H,** with a map of this proposed change 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**.

This annexation request is within the City's annexation area and within the City's water and sewer service area **(Exhibit L).** The parcel on Oliver Drive has an 8-inch PVC water line in the Oliver Drive right-of-way, but central sewer and reclaim services are not available.

A map of the soil limitations for septic systems is attached as **Exhibit M**.

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. The subject property on Oliver Drive is undeveloped with no increased density proposed for this property. Therefore, staff did not prepare a concurrency analysis table for this case.

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**. The ISBA map is attached as **Exhibit BB**. The legal description and Warranty Deed are attached as **Exhibits CC** and **DD**.

Recommendation:

The Planning Department recommends that the Planning and Zoning Board to give a positive recommendation to the City Commission to **approve** the requested annexation, Small-Scale *Comprehensive Plan* amendment amending the Future Land Use to City Medium Density Residential and rezoning to City R-2, Single Family Residential with an "A" attached for Airport Height Notification Zone.

Fiscal Analysis:
N/A

Strategic Plan Item:
Yes

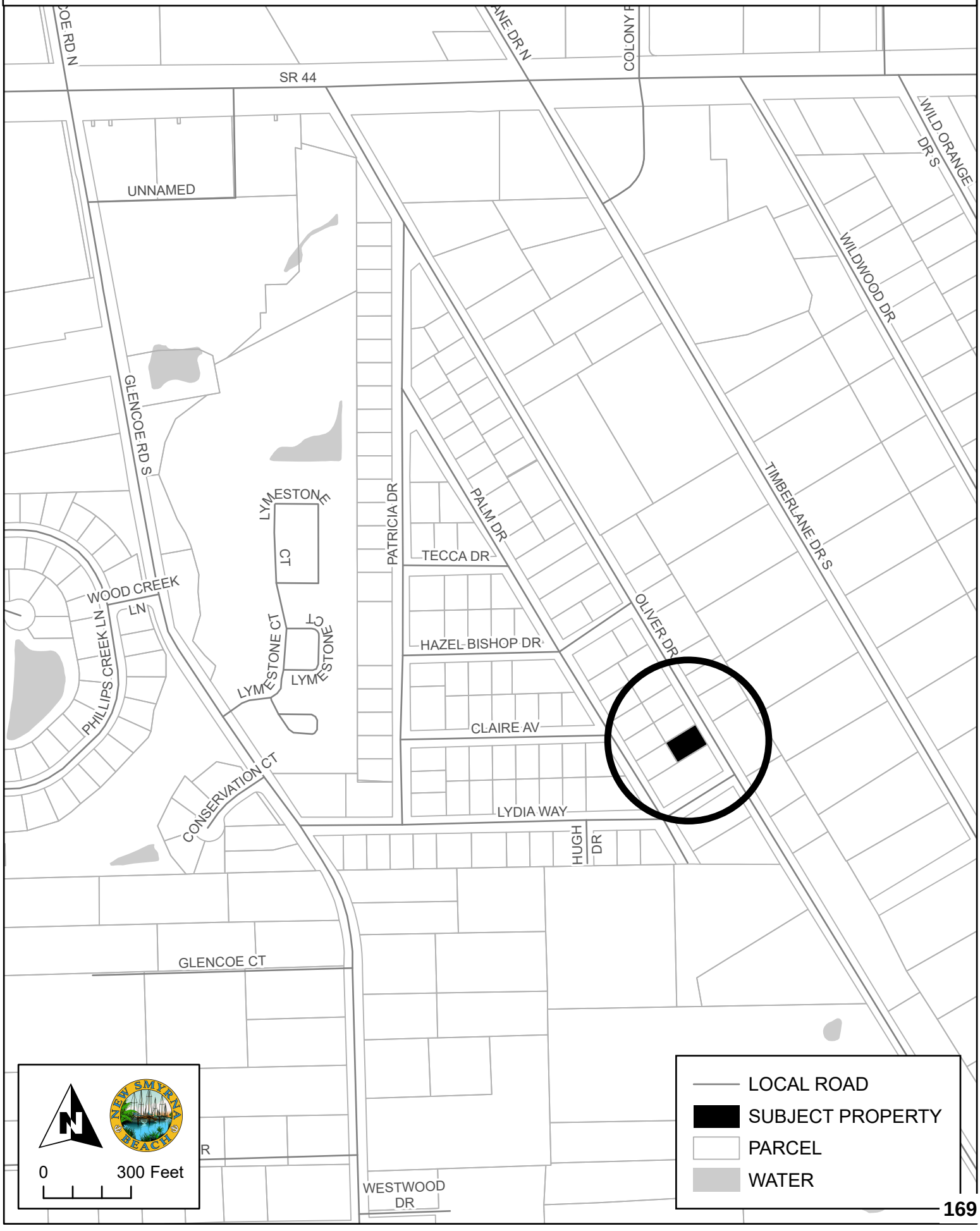
Staff Report Created By: Robert Mathen - Senior Planner

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing FLU Map.pdf
Exhibit D Existing Zoning Map.pdf
Exhibit E County Urban Medium Intensity Text.pdf
Exhibit F County R-4 Zoning Text.pdf
Exhibit G Existing Land Use Map.pdf
Exhibit H City Medium Density Residential FLU Text.pdf
Exhibit I Proposed FLU Map.pdf
Exhibit J City R-2 Zoning Text.pdf
Exhibit K Proposed Zoning Map.pdf
Exhibit L Water and Sewer Service Area.pdf
Exhibit M Soil Limitation for Septic Systems.pdf
Exhibit N Airport Runway Protection Zones.pdf
Exhibit O Bicycle and Pedestrian Facilities.pdf
Exhibit P Boat Slip Siting.pdf
Exhibit Q City Parks.pdf
Exhibit R Coastal High Hazard Areas.pdf
Exhibit S Evacuation Routes.pdf
Exhibit T Existing Traffic Lanes - 2009.pdf
Exhibit U Number of Traffic Lanes - 2025.pdf
Exhibit V Existing Level of Service - 2009.pdf
Exhibit W Level of Service - 2025.pdf
Exhibit X Flood Prone Areas.pdf
Exhibit Y Neighborhood Map.pdf
Exhibit Z Public Transit Routes.pdf
Exhibit AA Commission Zones Map.pdf
Exhibit BB Interlocal Service Boundary Agreement Map.pdf

Exhibit CC Legal Description.pdf
Exhibit DD Warranty Deed.pdf

A-13-25: OLIVER DRIVE
PARCEL: 7323-04-00-0070 LOCATION MAP

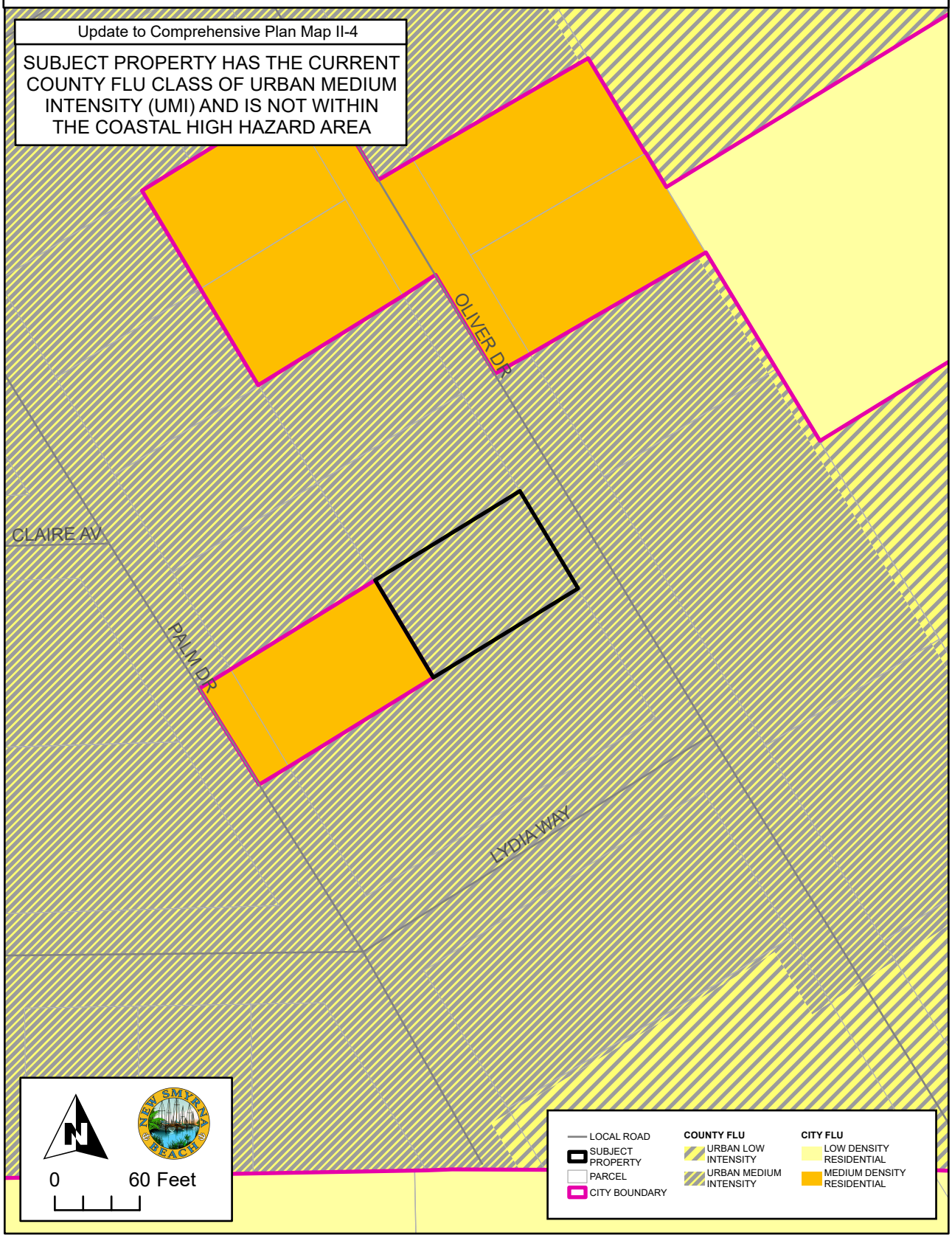


A-13-25: OLIVER DRIVE
PARCEL: 7323-04-00-0070 AERIAL MAP



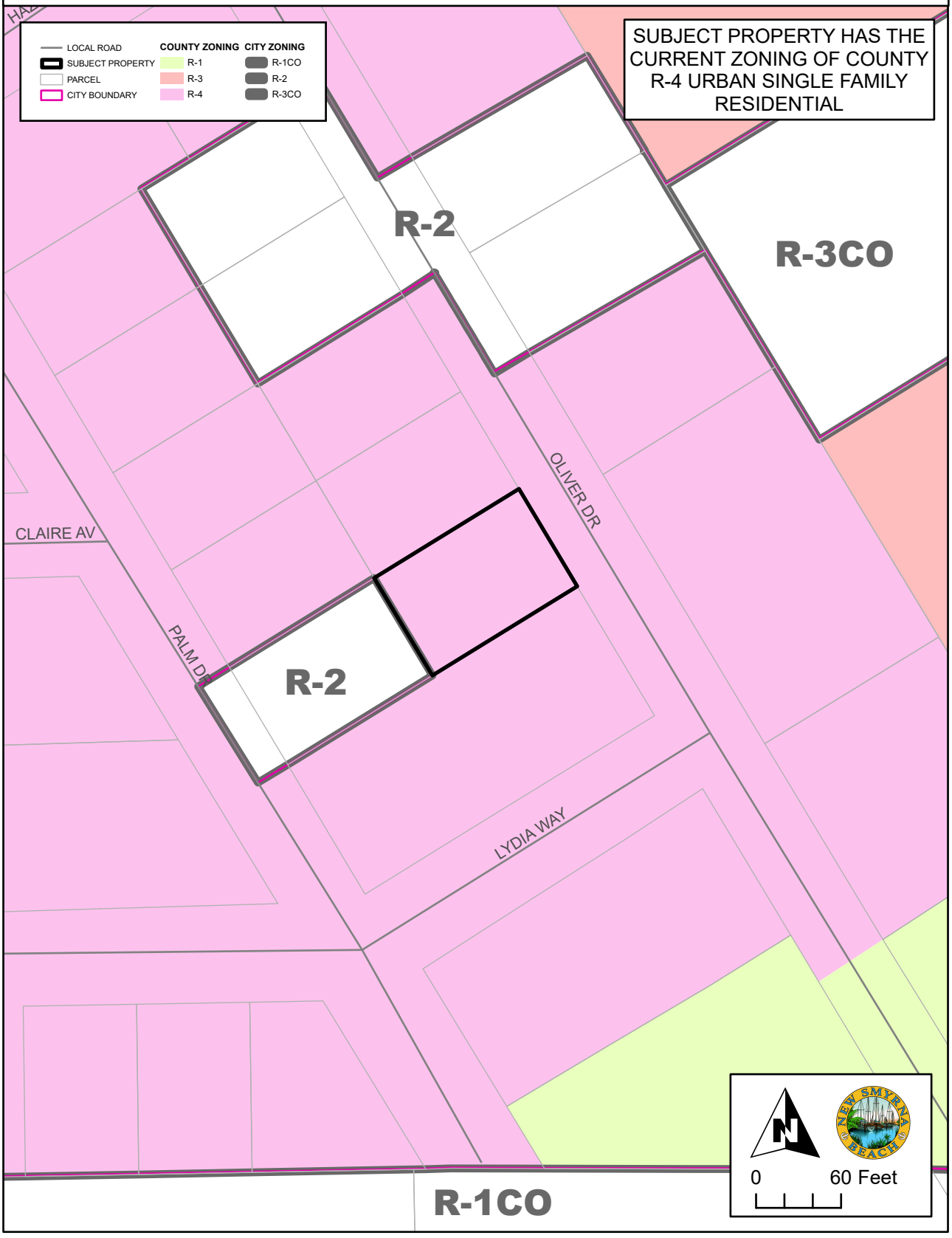
EXISTING FUTURE LAND USE DESIGNATIONS

A-13-25



EXISTING ZONING

A-13-25



Urban Medium Intensity (UMI) –

Areas that contain residential development at a range of up 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 (¼) 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-based business (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 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.

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.

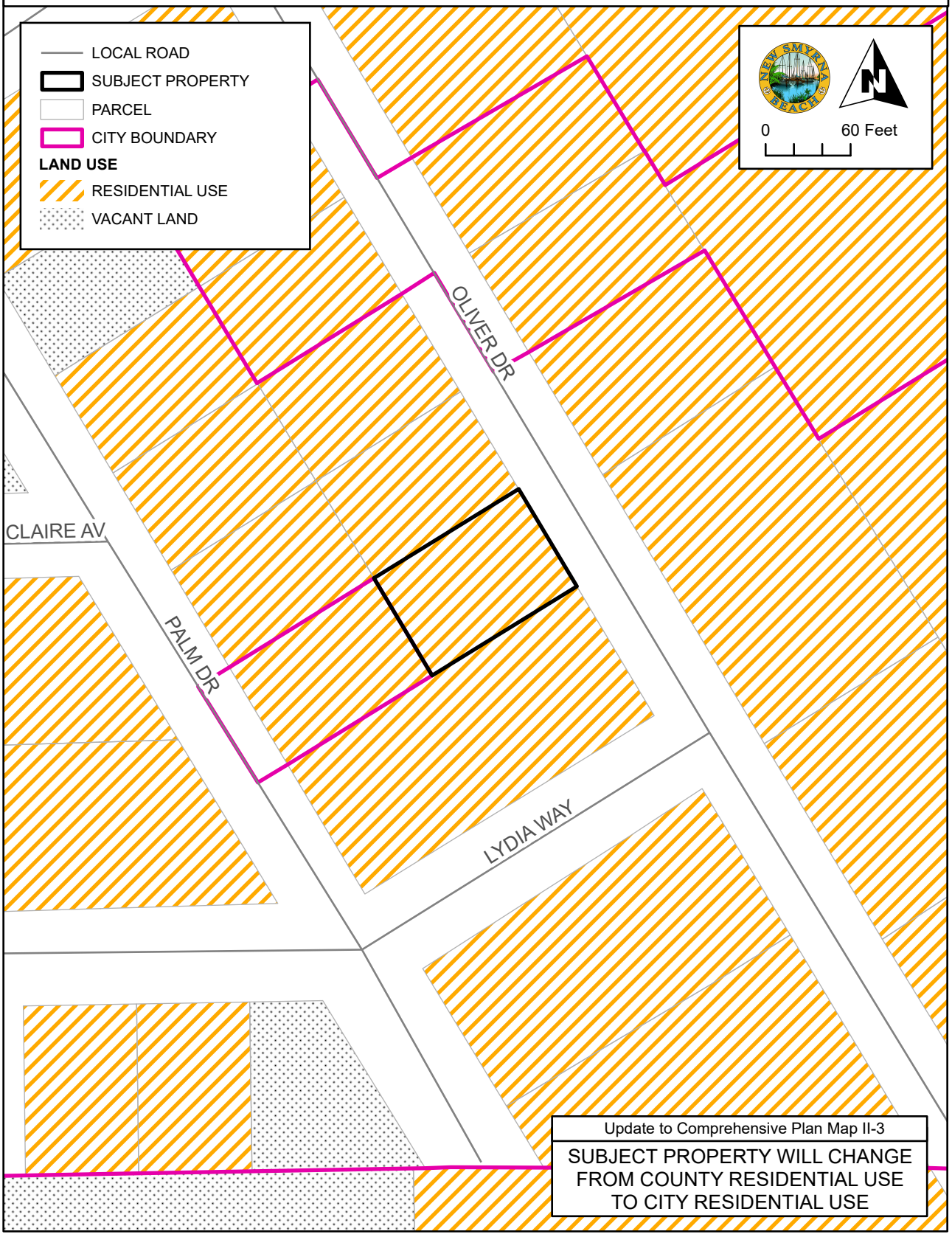
Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.

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-13-25



MEDIUM-DENSITY RESIDENTIAL

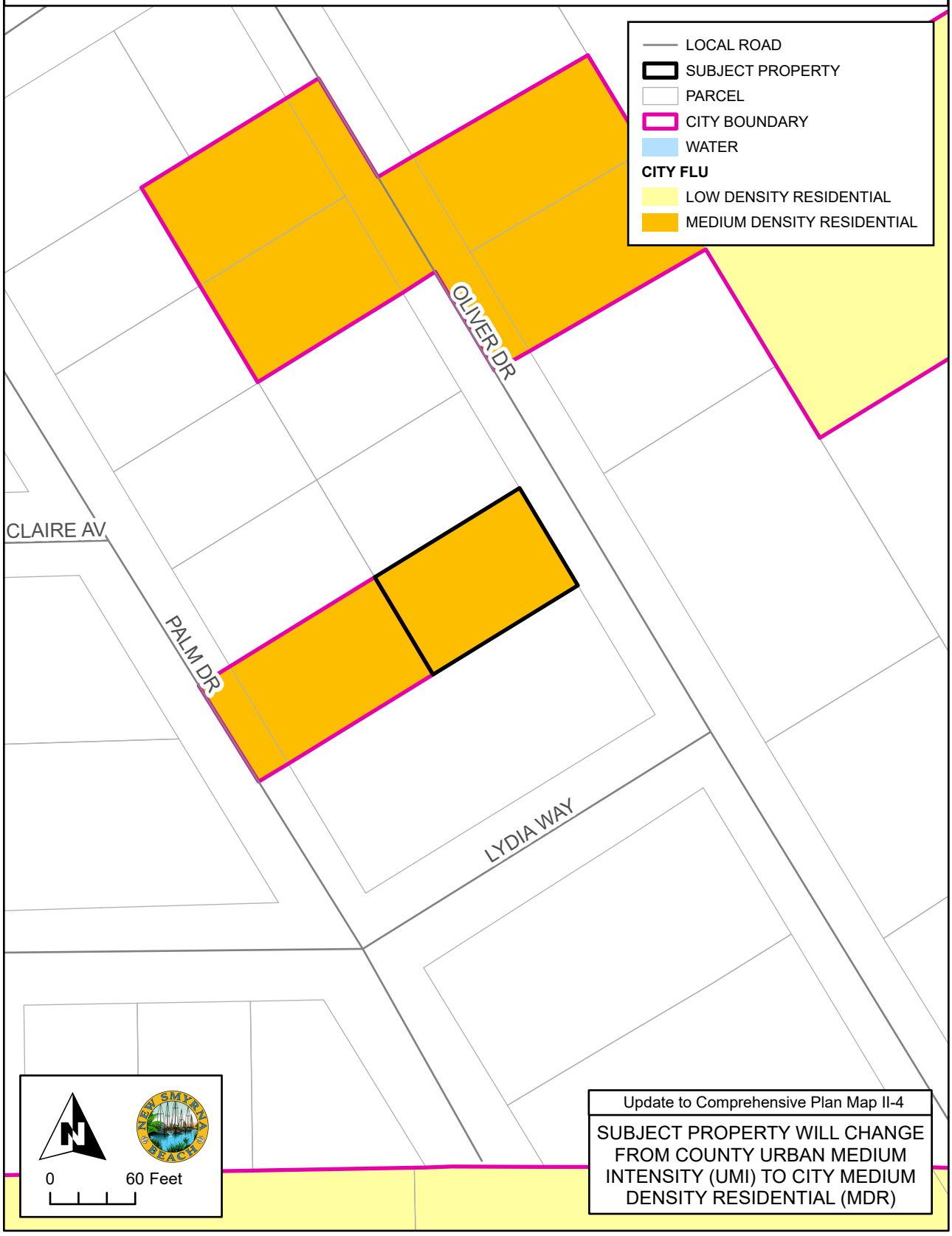
Maximum allowed density: 5.01 to eight [8] dwelling units per acre

Non-residential development permitted by special exception shall be at a maximum Floor Area Ration (FAR) of 0.5.

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-13-25



Update to Comprehensive Plan Map II-4

SUBJECT PROPERTY WILL CHANGE FROM COUNTY URBAN MEDIUM INTENSITY (UMI) TO CITY MEDIUM DENSITY RESIDENTIAL (MDR)

R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

Intent:

The R-2 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. **Ord. #30-10**
Open Front Porches, up to 10 feet into the front yard setback, subject to the following conditions:
Open Front Porch shall not be enclosed in any manner,
Open Front Porch must be open wall construction without screen,
Open Front Porch shall have a similar roofing material as the primary structure,
Open Front Porch front building line shall be measured from the vertical support column. **Ord. #75-16**

Uses customarily associated with the permitted principal uses

Special Exceptions:

Child day care on a house of worship property, subject to the following additional conditions:

1. The house of worship 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 house of worship property shall have a vehicular drop off and pickup area with a minimum 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. **Ord. #04-00**

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

Schools and or a house of worship provided all structures are located at least thirty-five (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. **[Revised 3/27/00]**

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 Section 504.01(M) 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% of the total lot area. **Ord. #78-98**

Screen Enclosures:

As an exception to the maximum building coverage provision any parcel may be allowed an additional ten percent (10%) 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.

Ord. #05-09

Maximum Impervious Lot Coverage:

The total area of the lot that may be covered with impervious material is sixty (60) percent.

Maximum Principal Building Height:

Thirty-five (35) feet.
Three (3) stories.

Minimum Floor Area Requirements:

750 square feet of livable area for one and two-bedroom dwelling units; 1200 square feet of livable area for a three-bedroom dwelling unit; and 1300 square feet livable area for a four-bedroom dwelling unit. **[Revised 7-1-03]**

Corner Lots:

(1) Parcels which front on two streets shall provide a thirty (30) foot front yard on one street frontage and a 15 foot half depth front yard on the other street, or as required per Section 504.01(M) of this LDR.

(2) Parcels fronting on three streets shall provide two thirty (30) foot front yards and a 15 foot half depth front yard on the remaining street or as required per Section 504.01(M) of this LDR. **Ord. #23-00**

Driveway Access

The minimum driveway length shall be 20 feet (excluding portion of a driveway within the public right-of-way). **Ord. #23-00**

Through Lots:

Through lots shall provide a 30-foot front yard on each street, or as required per Section 504.01(M) 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 4 feet, except for incidental uses, shall protrude into the area of a visibility triangle.

Building Projections:

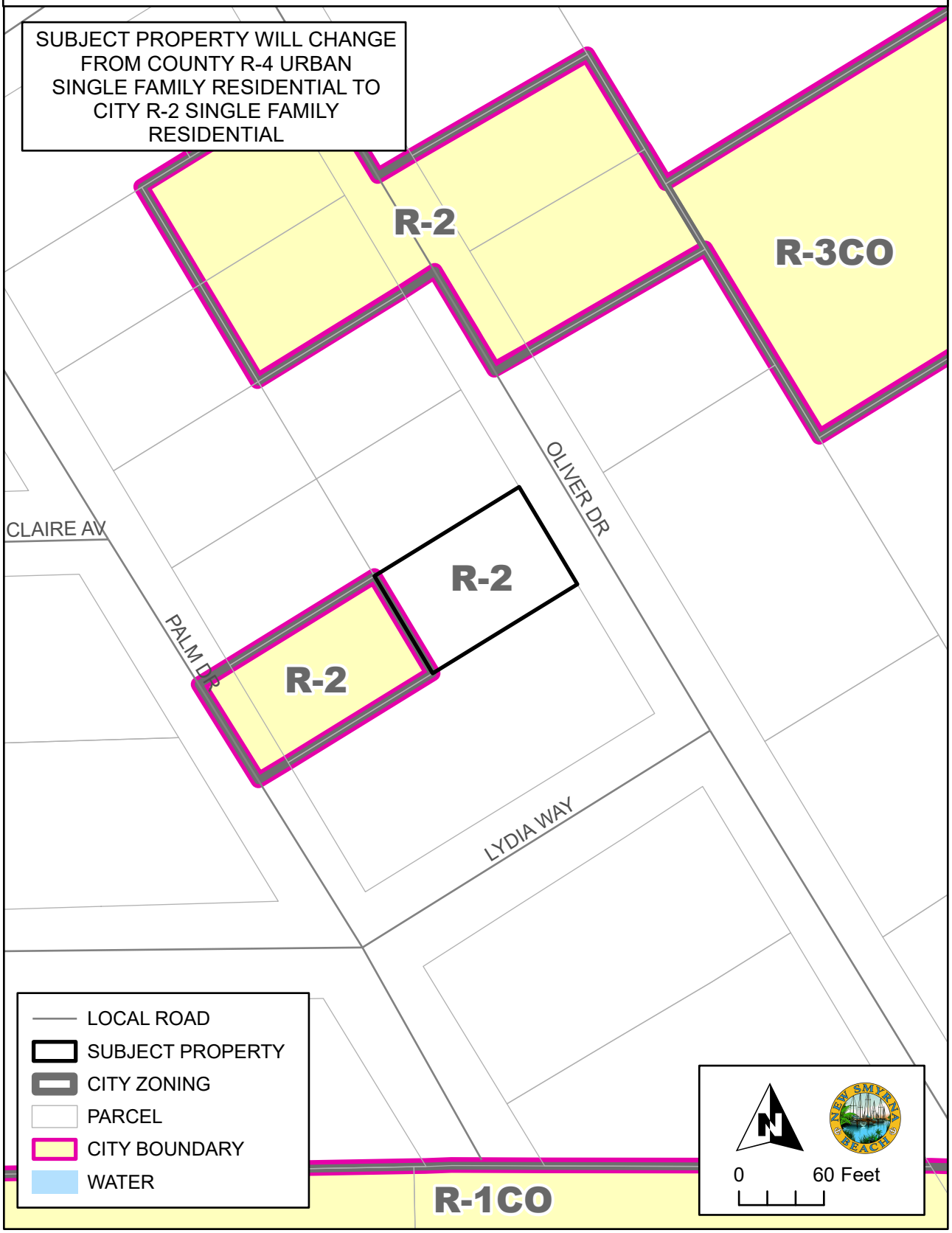
There shall be no building projections into any required yard except for eaves with a maximum projection of 42 inches, but no closer than 5 feet to a property line; and those structures allowed in Section 804.03.

Visibility at Intersections:

Visibility at intersections shall be provided as required in this LDR. **[Revised 12-18-92]**

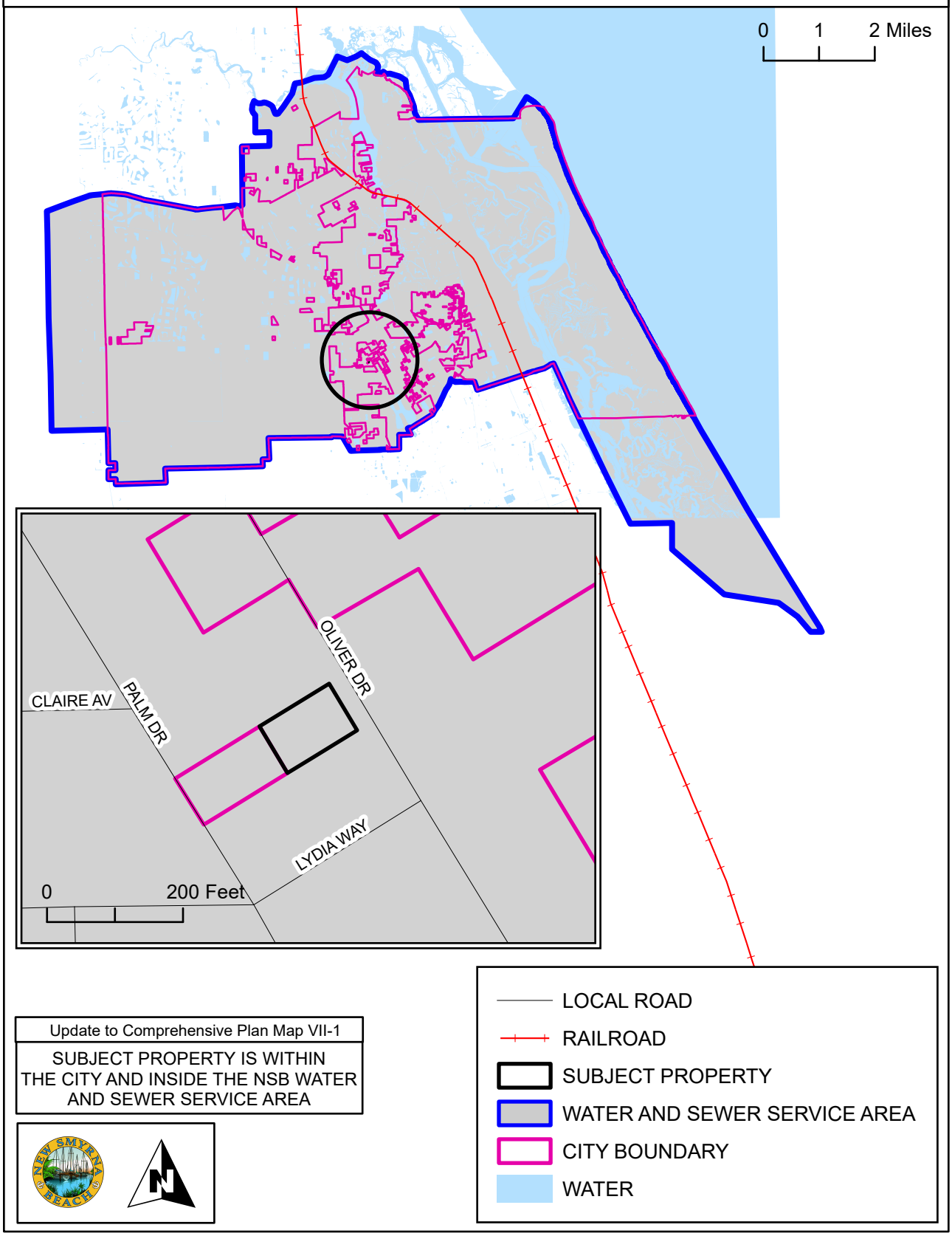
PROPOSED ZONING

A-13-25



WATER AND SEWER SERVICE AREA

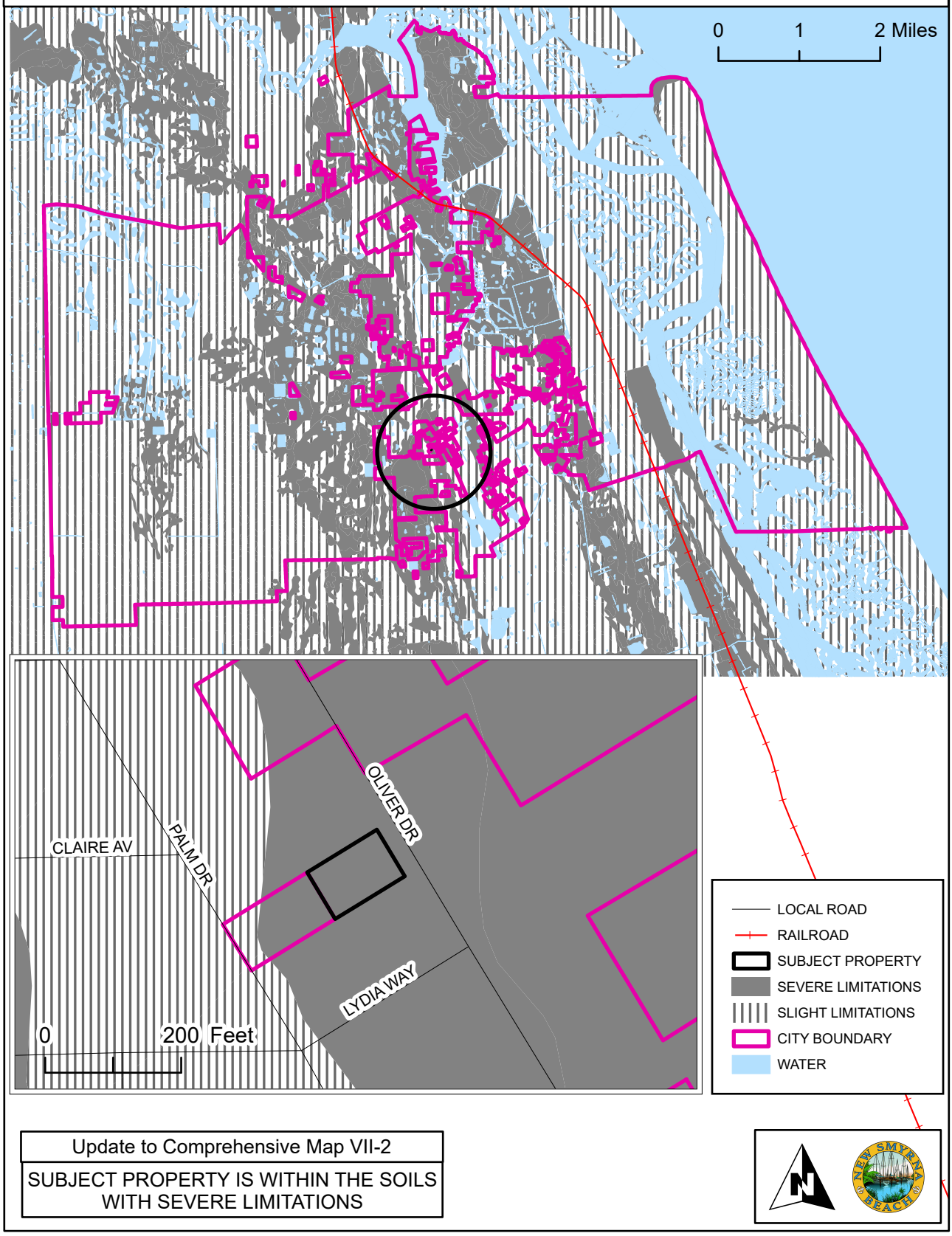
A-13-25



Update to Comprehensive Plan Map VII-1
SUBJECT PROPERTY IS WITHIN THE CITY AND INSIDE THE NSB WATER AND SEWER SERVICE AREA

SOIL LIMITATION FOR SEPTIC SYSTEMS

A-13-25

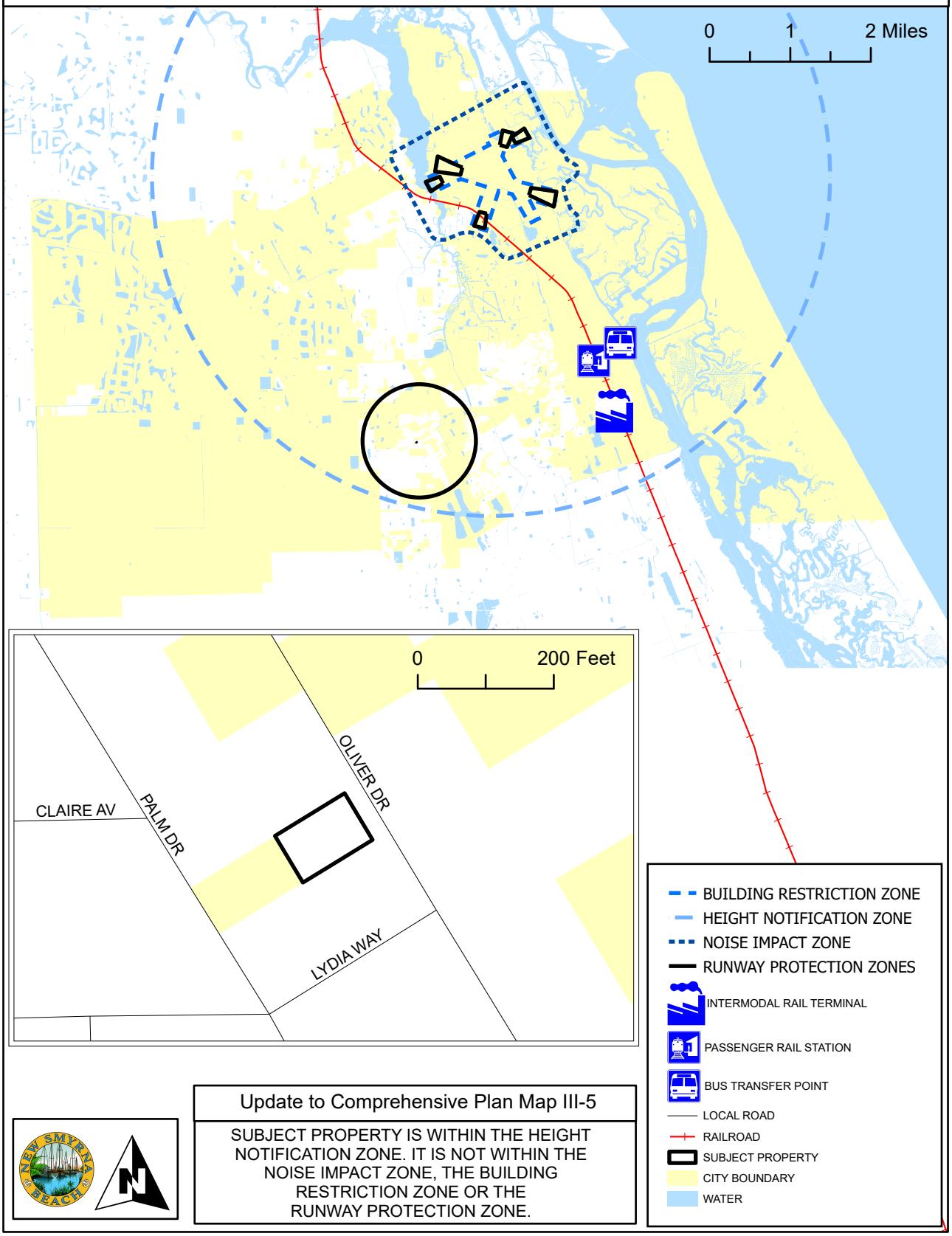


Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SEVERE LIMITATIONS

AIRPORT RUNWAY PROTECTION ZONES

A-13-25

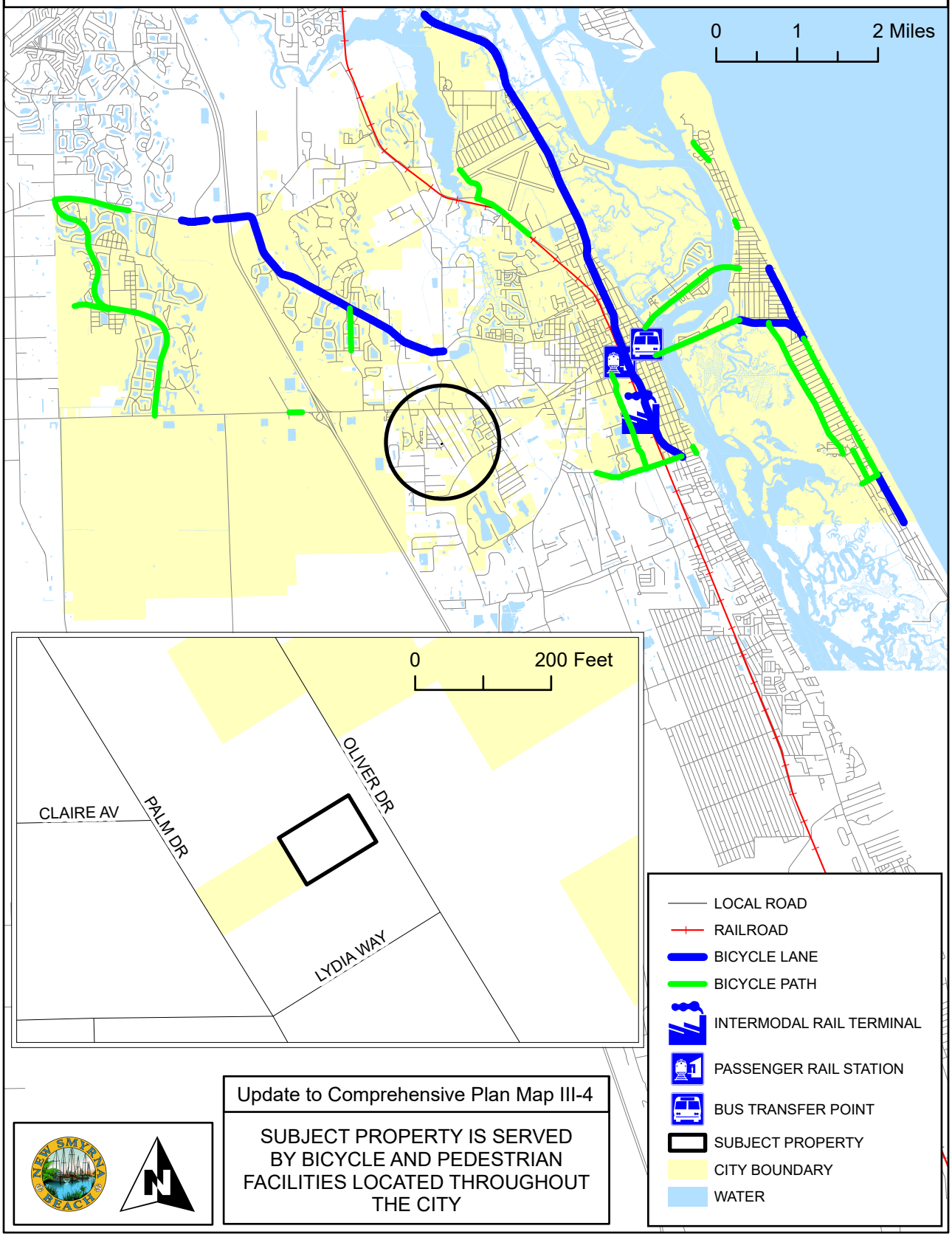


Update to Comprehensive Plan Map III-5

SUBJECT PROPERTY IS WITHIN THE HEIGHT NOTIFICATION ZONE. IT IS NOT WITHIN THE NOISE IMPACT ZONE, THE BUILDING RESTRICTION ZONE OR THE RUNWAY PROTECTION ZONE.

BICYCLE AND PEDESTRIAN FACILITIES

A-13-25

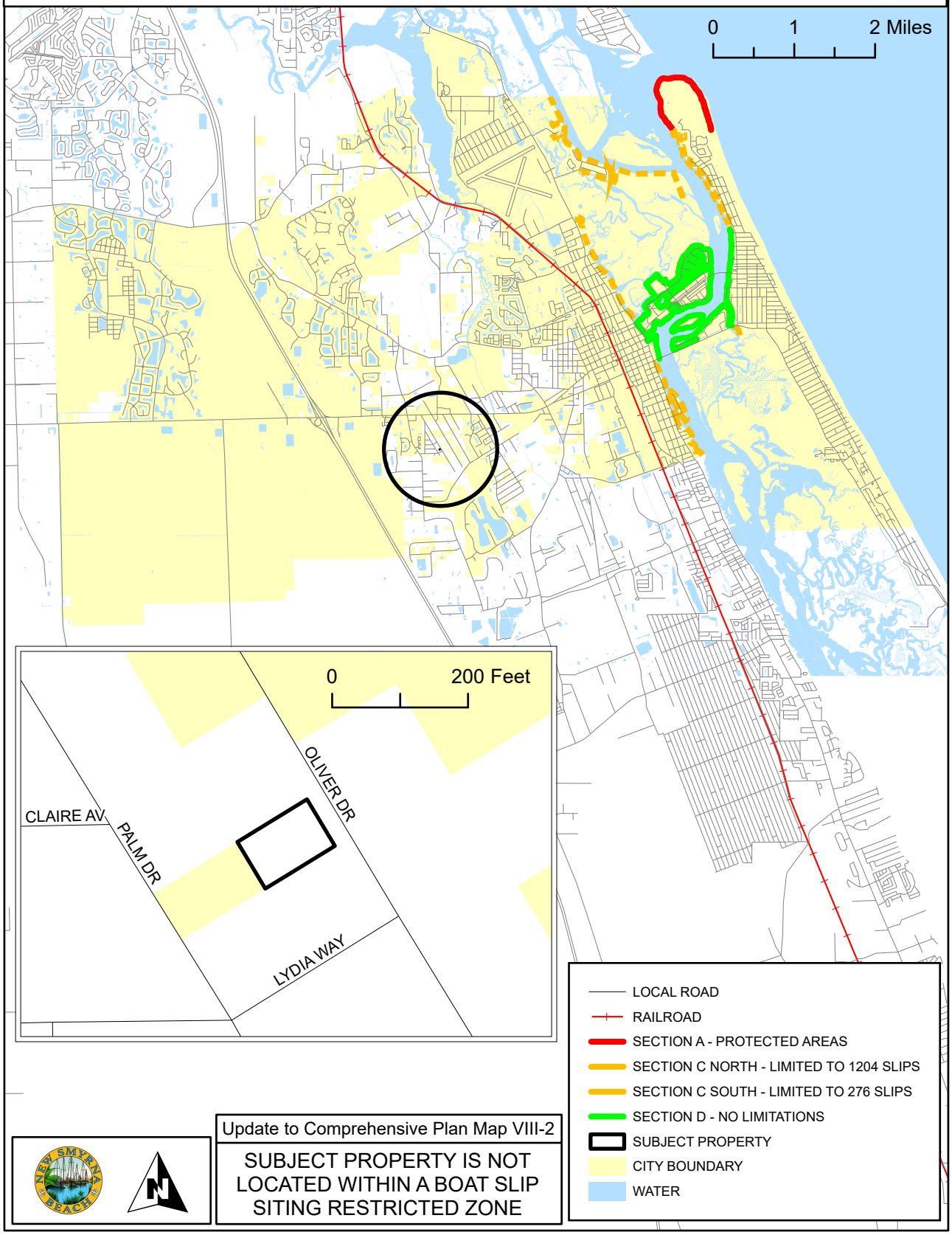


Update to Comprehensive Plan Map III-4

SUBJECT PROPERTY IS SERVED BY BICYCLE AND PEDESTRIAN FACILITIES LOCATED THROUGHOUT THE CITY

BOAT SLIP SITING

A-13-25

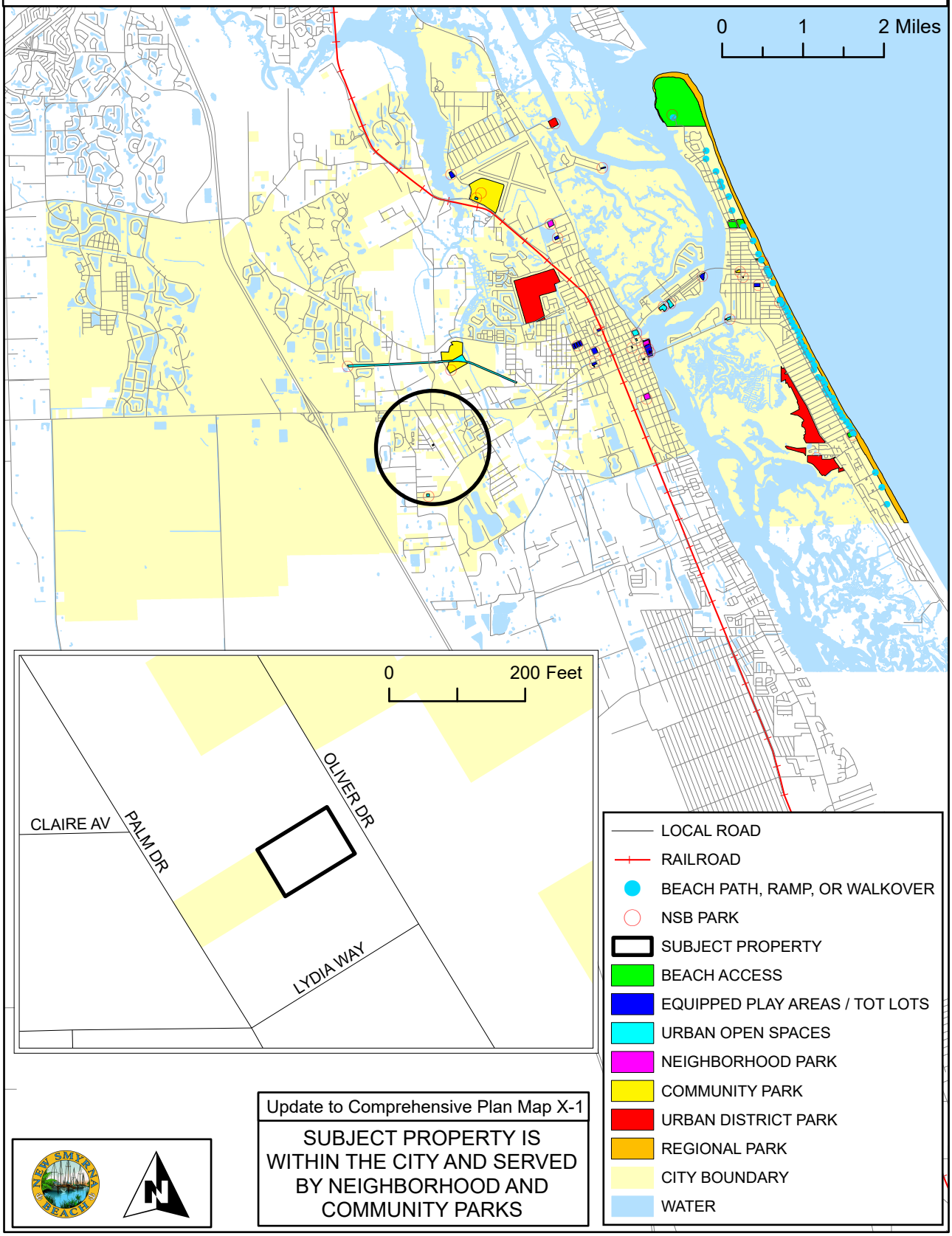


Update to Comprehensive Plan Map VIII-2

SUBJECT PROPERTY IS NOT LOCATED WITHIN A BOAT SLIP SITING RESTRICTED ZONE

CITY PARKS

A-13-25

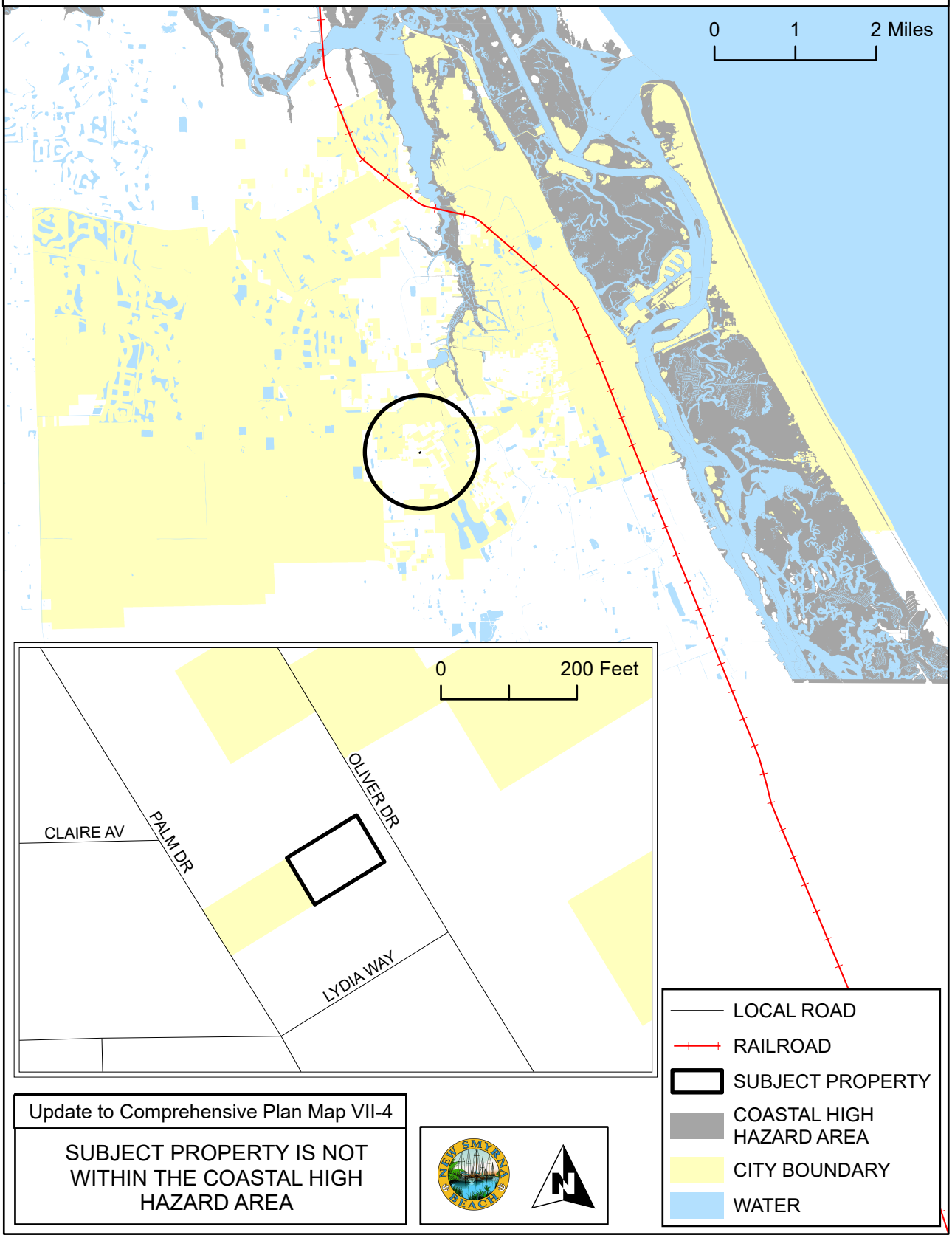


Update to Comprehensive Plan Map X-1

SUBJECT PROPERTY IS WITHIN THE CITY AND SERVED BY NEIGHBORHOOD AND COMMUNITY PARKS

COASTAL HIGH HAZARD AREAS

A-13-25

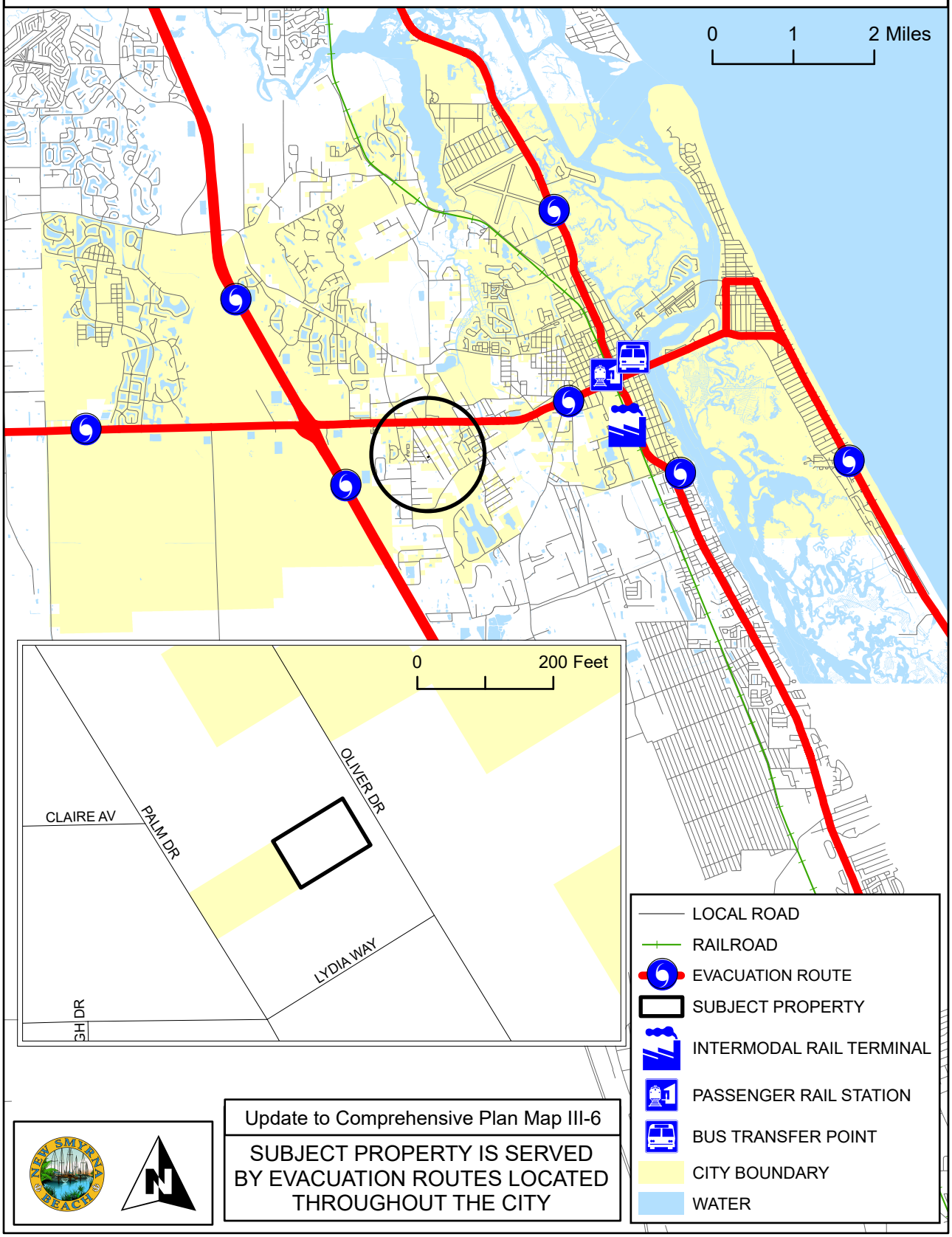


Update to Comprehensive Plan Map VII-4

SUBJECT PROPERTY IS NOT WITHIN THE COASTAL HIGH HAZARD AREA

EVACUATION ROUTES

A-13-25

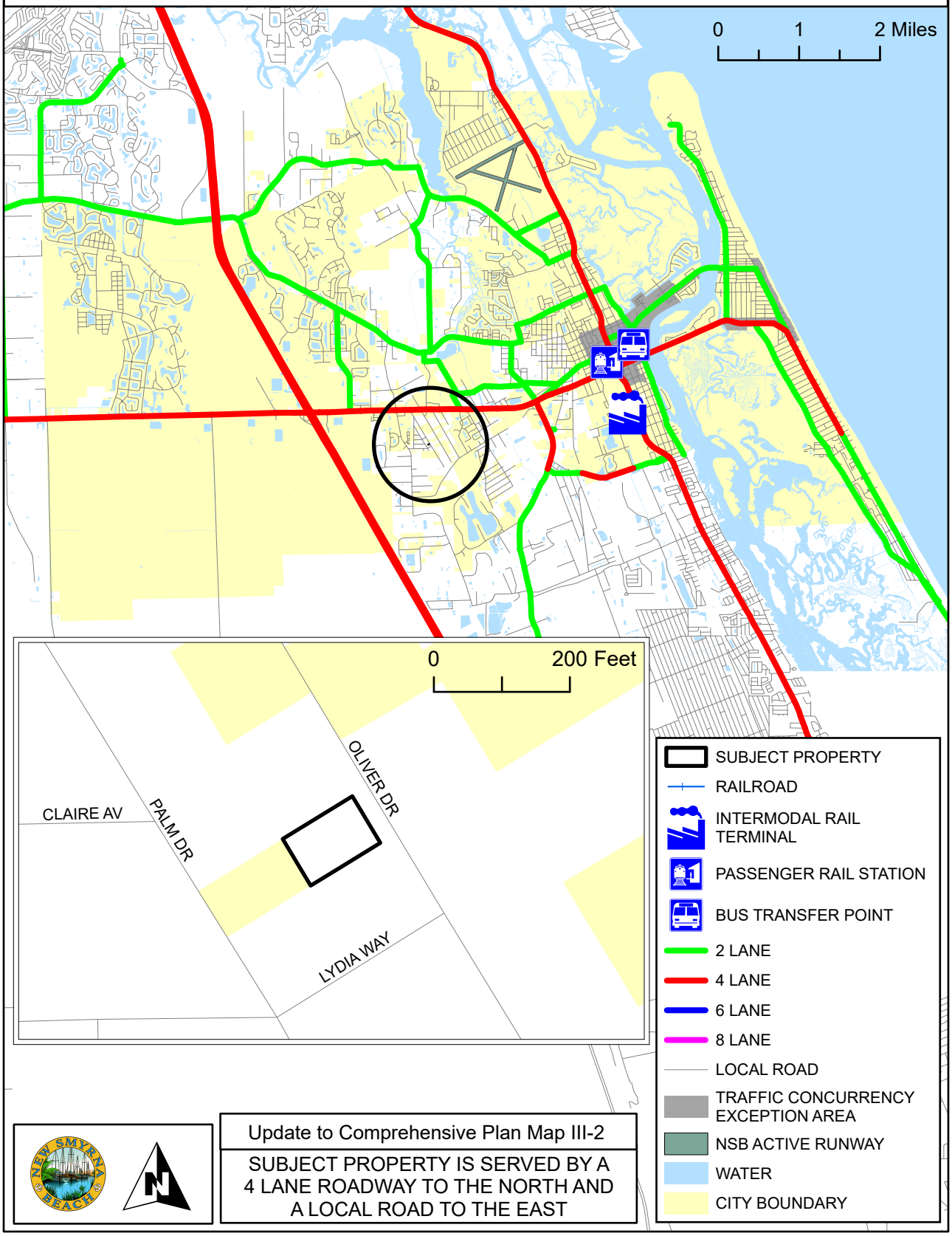


Update to Comprehensive Plan Map III-6

SUBJECT PROPERTY IS SERVED BY EVACUATION ROUTES LOCATED THROUGHOUT THE CITY

EXISTING TRAFFIC LANES - 2009

A-13-25

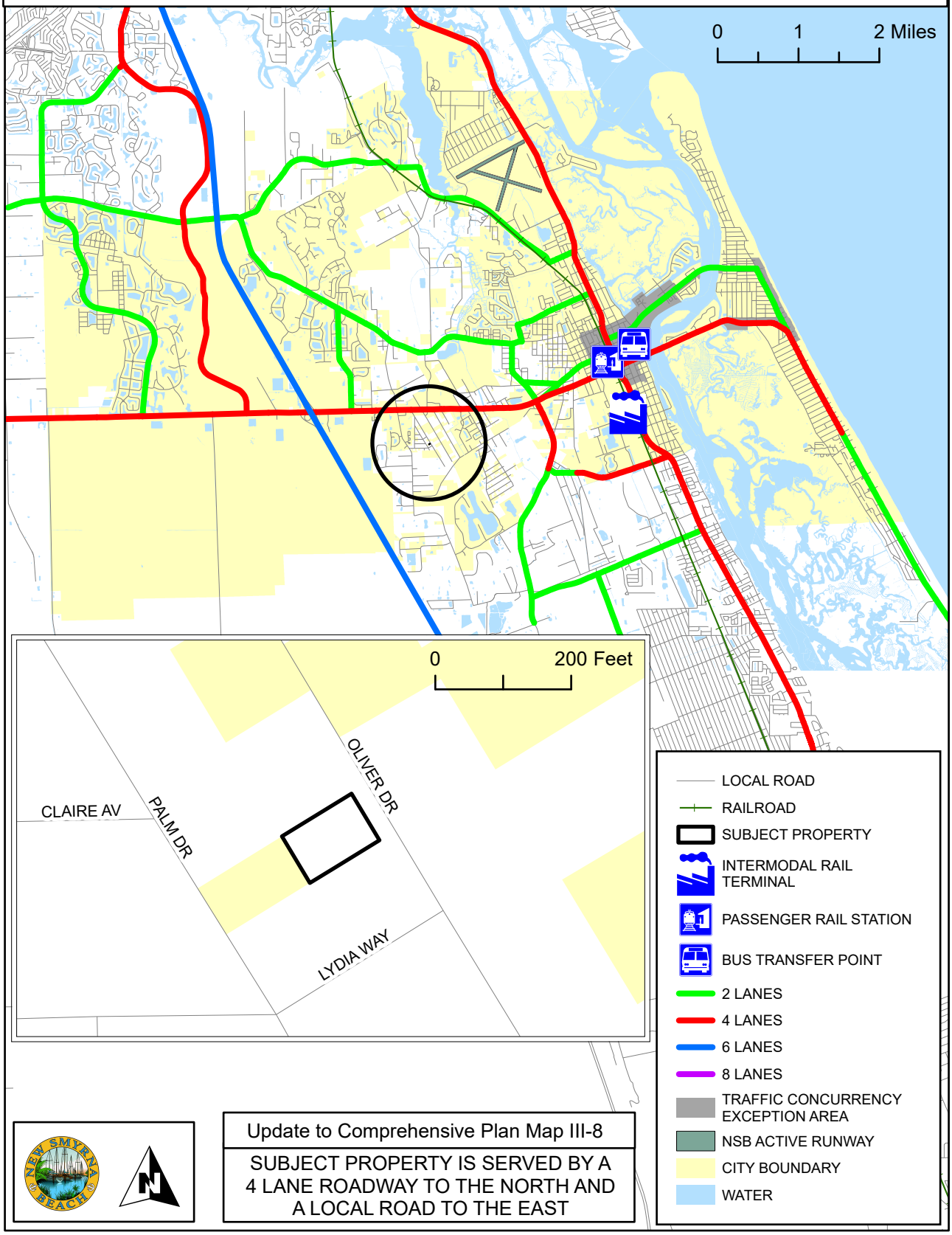


Update to Comprehensive Plan Map III-2

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE EAST

NUMBER OF TRAFFIC LANES - 2025

A-13-25

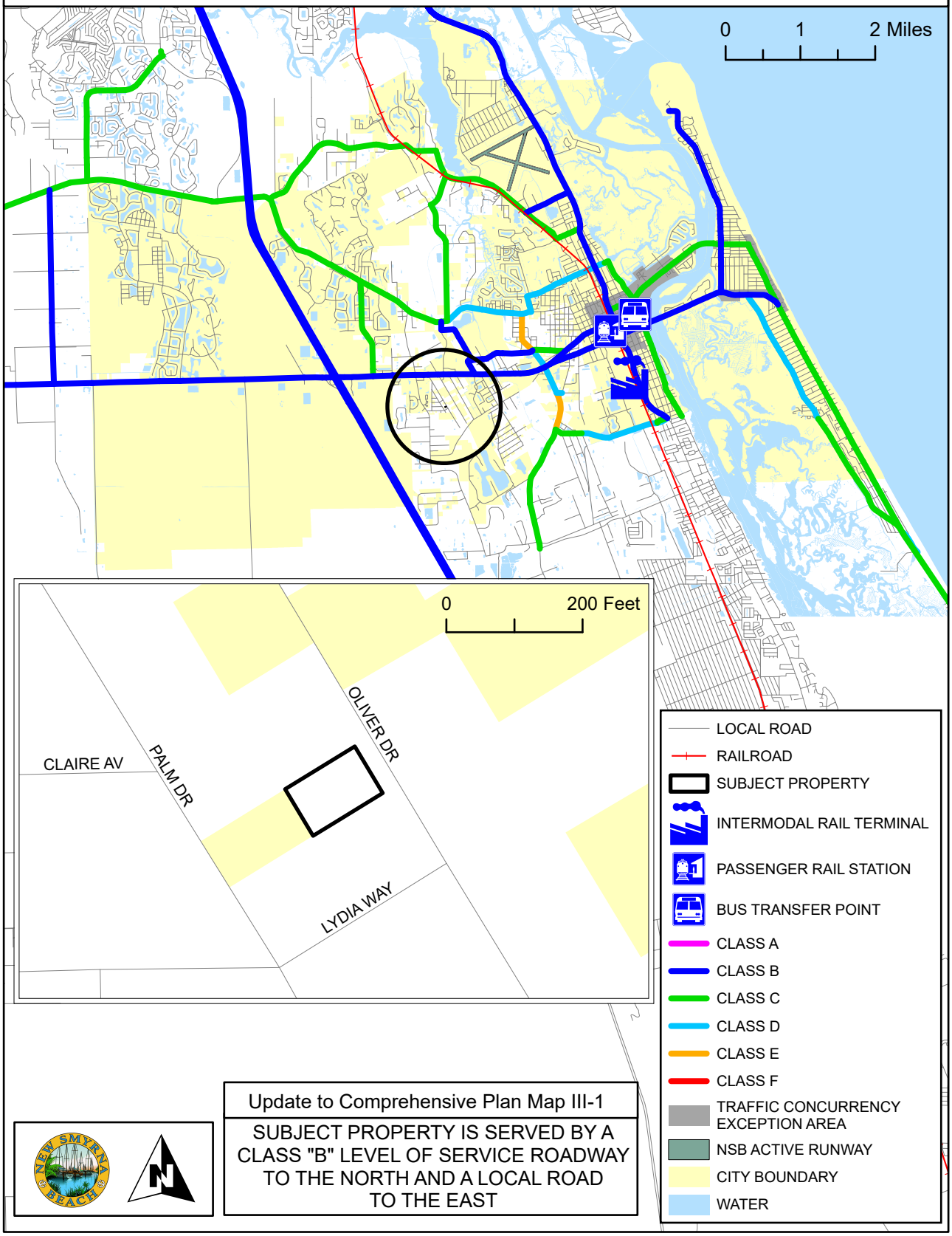


Update to Comprehensive Plan Map III-8

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE EAST

EXISTING LEVEL OF SERVICE - 2009

A-13-25

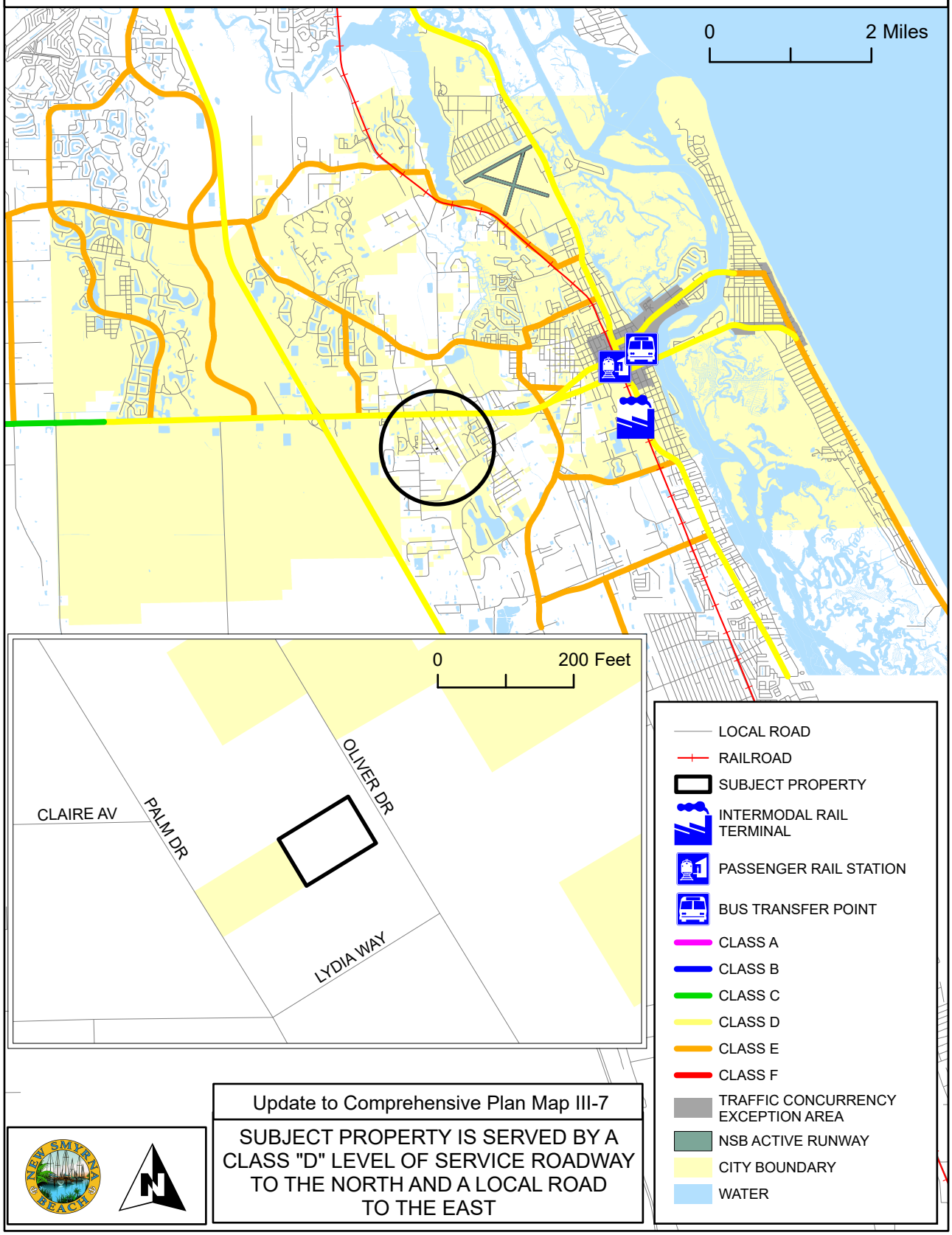


Update to Comprehensive Plan Map III-1

SUBJECT PROPERTY IS SERVED BY A CLASS "B" LEVEL OF SERVICE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE EAST

LEVEL OF SERVICE - 2025

A-13-25

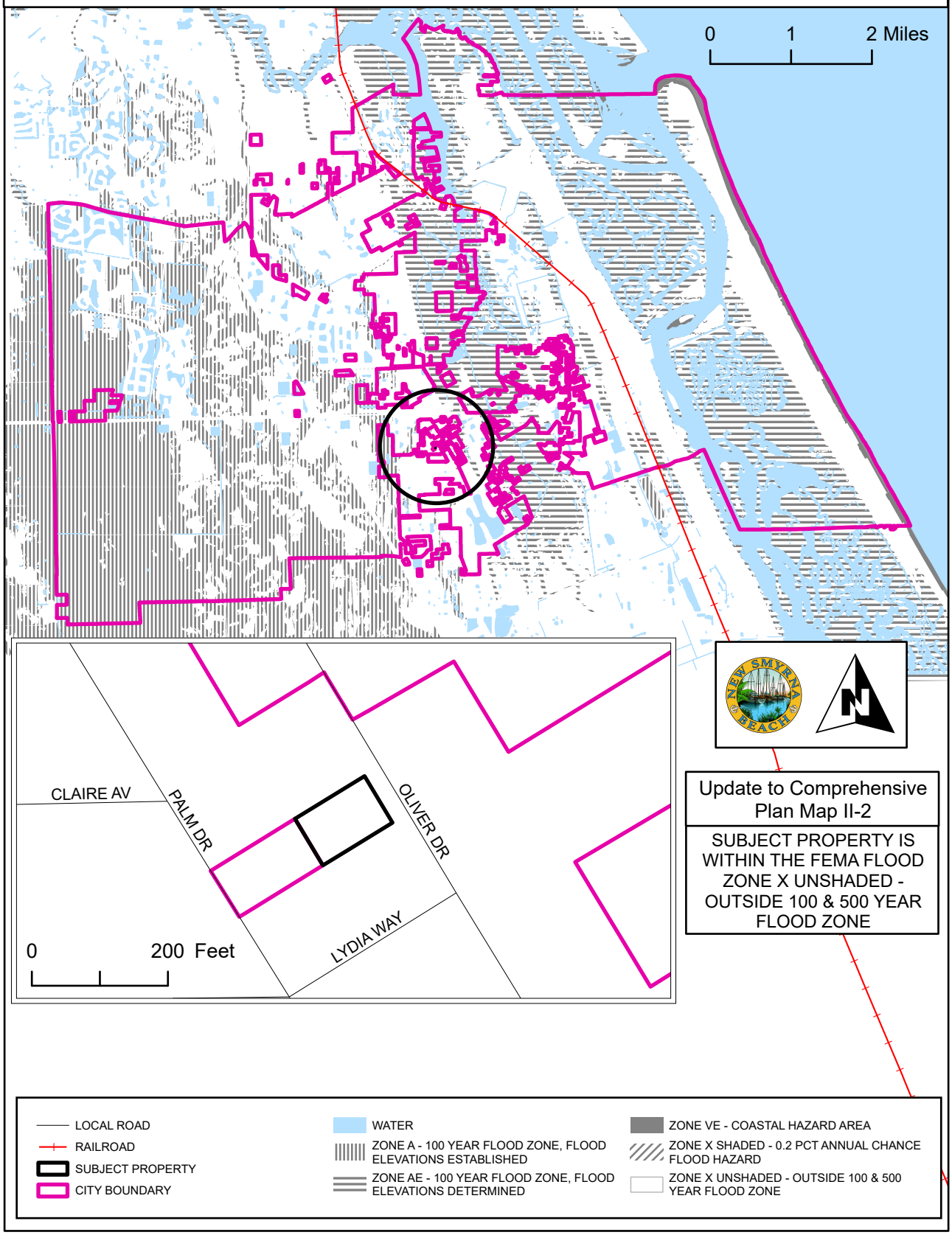


Update to Comprehensive Plan Map III-7

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

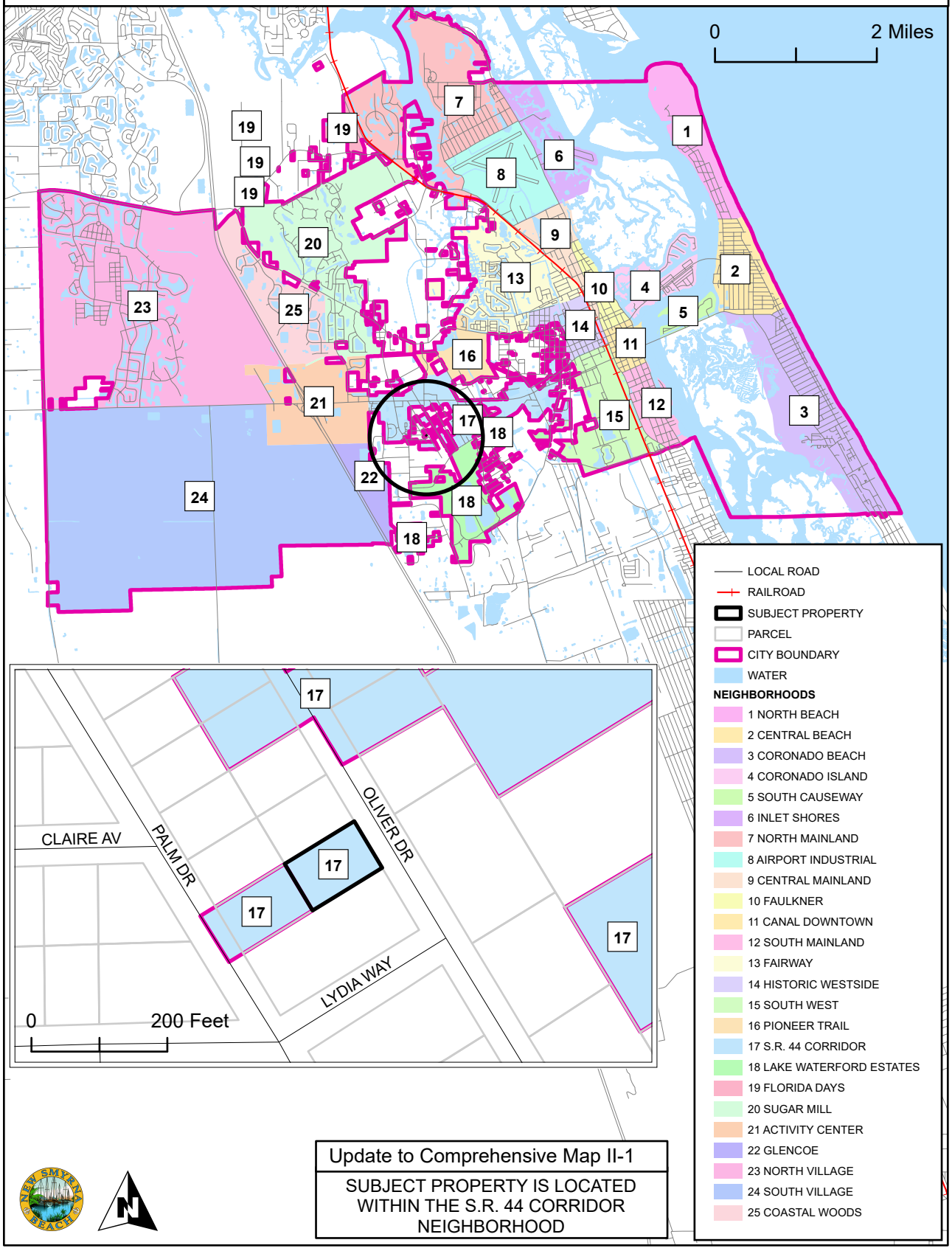
FLOOD PRONE AREAS

A-13-25



NEIGHBORHOODS

A-13-25

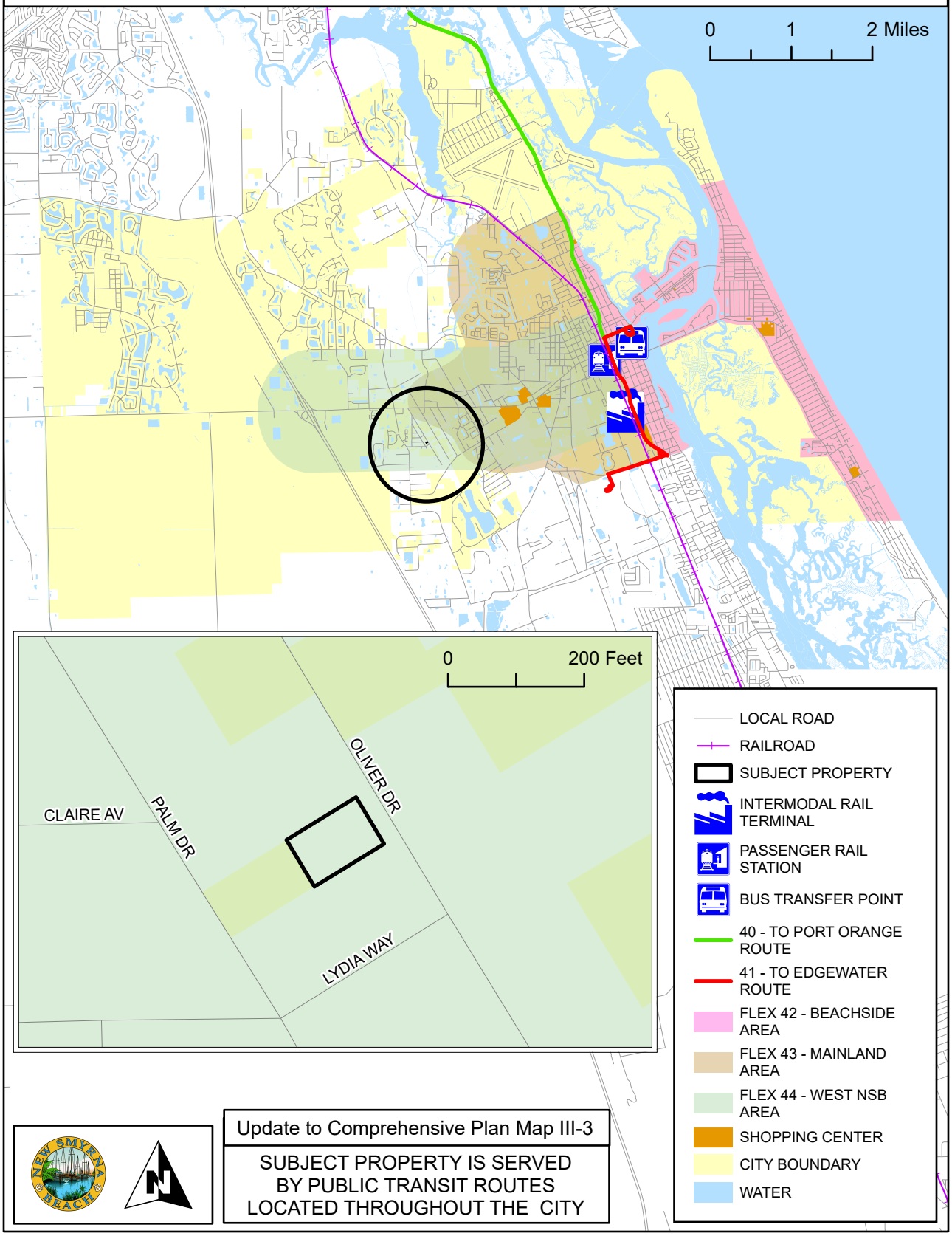


Update to Comprehensive Map II-1

SUBJECT PROPERTY IS LOCATED WITHIN THE S.R. 44 CORRIDOR NEIGHBORHOOD

PUBLIC TRANSIT ROUTES

A-13-25

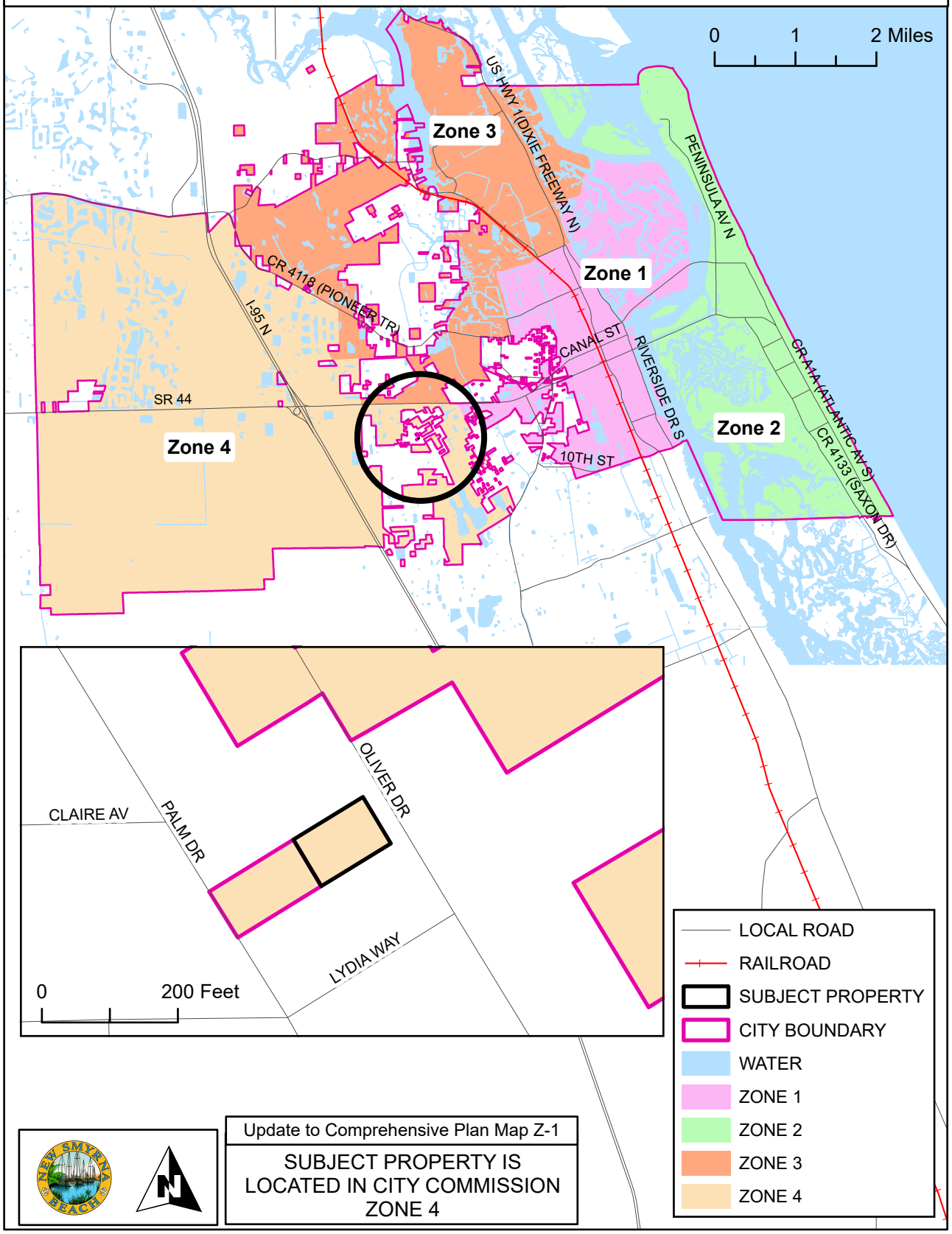


Update to Comprehensive Plan Map III-3

SUBJECT PROPERTY IS SERVED BY PUBLIC TRANSIT ROUTES LOCATED THROUGHOUT THE CITY

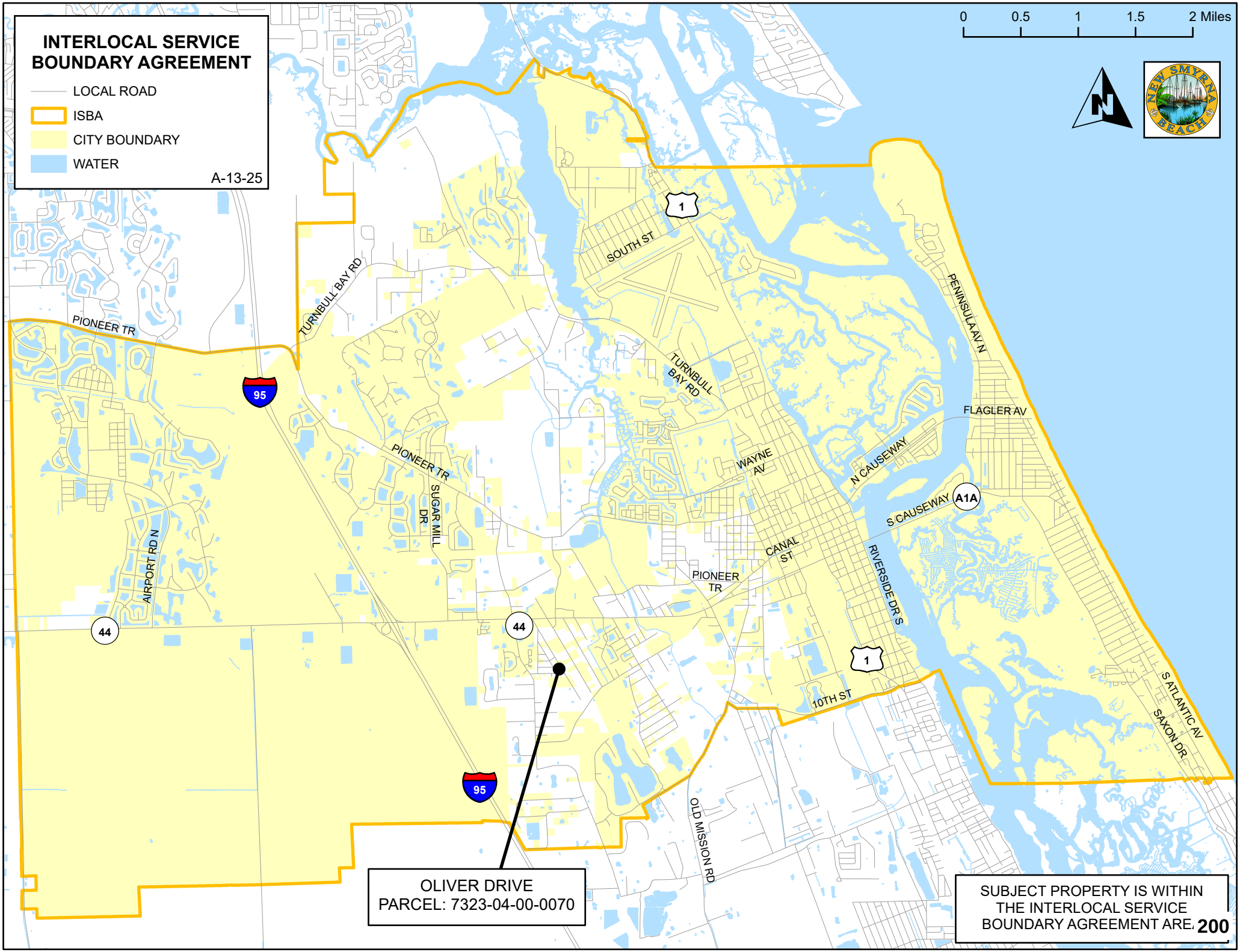
COMMISSION ZONES

A-13-25



Update to Comprehensive Plan Map Z-1

SUBJECT PROPERTY IS LOCATED IN CITY COMMISSION ZONE 4


INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-13-25
0
0.5
1
1.5
2 Miles
NEW SMYRNA BEACH
PIONEER TR
TURNBULL BAY RD
SOUTH ST
PENINSULA AV N
FLAGLER AV
WAYNE AV
N CAUSEWAY
S CAUSEWAY
A1A
CANAL ST
RIVERSIDE DR S
10TH ST
S ATLANTIC AV
SAXON DR
SUGAR MILL DR
AIRPORT RD N
OLD MISSION RD
95
44
1
OLIVER DRIVE
PARCEL: 7323-04-00-0070
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ARE. 200

LEGAL DESCRIPTION

Address:
Oliver Drive, New Smyrna Beach, Florida 32168

Parcel Number
7323-04-00-0070

AltKey Number:
8030439

Metes and Bounds by Kenneth Bohannon, Esq.

LOT 7, OLIVER ESTATES; ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 27, PAGE 119, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

10/9/2025 10:36:41 AM Instrument #2025189500 #1 Book:8765 Page:398
Doc Stamps $560.00 Transfer Amt $80,000.00

Exhibit DD

Prepared by/ Return to:
Kenneth Bohannon, Esq.
221 N Causeway Ste A
New Smyrna Beach, FL 32169

(Space above this line reserved for recording office use only)

WARRANTY DEED

1. IDENTIFICATION OF GRANTOR

Grantor's name and address is: Robert Nelson Fahlstrom and Jesica Carol Fahlstrom, as husband and wife
594 Oliver Drive
New Smyrna Beach, FL 32168

The word "I" or "me" as hereafter used means the Grantor.

2. IDENTIFICATION OF GRANTEE

Grantee's name and address is: Rachel Troian and Kyle Trioan, as a married couple
579 Palm Drive
New Smyrna Beach, FL 32168

The word "you" as hereafter used means the Grantee.

3. MEANINGS OF TERMS

The terms "I," "me," "you," "grantor," and "grantee," shall be non-gender specific ((i) masculine, (ii) feminine, or (iii) neuter, such as corporations, partnerships or trusts), singular or plural, as the context permits or requires, and include heirs, personal representatives, successors or assigns where applicable and permitted.

4. DESCRIPTION OF REAL PROPERTY CONVEYED

Property hereby conveyed (the "Real Property") is described as follows:

Lot 7, Oliver Estates, according to the plat thereof as recorded in Plat Book 27, Page 119, of the Public Records of Volusia County, Florida.

The Property Appraiser's Parcel Identification Number is 732304000070.

5. Deed Restriction Language

This conveyance is expressly made subject to the following restrictions, which shall run with the

land and be binding upon the Grantee(s), their heirs, successors, and assigns for a period of eight (8) years from the date of this Deed, unless terminated earlier pursuant to the provisions herein:

a) **Use and Development.** The Property shall not be developed or used for residential or commercial purposes as a primary dwelling or place of business during the restricted period. Permitted improvements shall be limited to accessory structures customarily appurtenant to a single-family residence, consistent with applicable zoning regulations, including but not limited to fences, detached garages or sheds, and accessory dwelling units (ADUs).

b) **Transfer Restrictions.** The Grantee(s) shall not sell, convey, or otherwise transfer the Property as a separate parcel of land during the restricted period. The Property may only be conveyed in conjunction with the sale of the Grantee(s)' adjoining primary residence, and any such conveyance shall expressly incorporate these deed restrictions.

c) **Termination.** These restrictions shall automatically terminate upon the expiration of the eight (8) year restricted period or upon the sale or conveyance by the Grantor of Grantor's real property located at 594 Oliver Drive, New Smyrna Beach, FL 32168 (Volusia Parcel ID No. 732304000060) during the eight (8) year restricted period. These deed restrictions may be terminated at any time by the written agreement of the Grantee and the Grantor, or their respective successors in interest. .

6. CONSIDERATION

Good and valuable consideration plus the sum of Ten Dollars ($10.00) received by me from you.

7. CONVEYANCE OF REAL PROPERTY

For the consideration described in Paragraph 5, I have granted, bargained and sold to you the Real Property to have and to hold in fee simple (estate in property unlimited as to duration, disposition and descendability) forever.

8. WARRANTY

I fully warrant the title to the Real Property and will defend the same against the lawful claims of all persons whomsoever except for covenants, reservations, restrictions and easements of record, if any.

9. NOT HOMESTEAD

I represent and warrant that the Real Property is neither the homestead or residence of myself or a member of my family, nor is the Real Property adjacent to the homestead or residence of myself or a member of my family.

10. EXCEPTIONS

This conveyance is subject to taxes for year 2025 and subsequent years.
Executed on October 7, 2025.

10/07/2025 10/7/25

Robert Nelson Fahlstrom (Date)
594 Oliver Drive
New Smyrna Beach, FL 32168

Jesica Carol Fahlstrom (Date)
594 Oliver Drive
New Smyrna Beach, FL 32168

Signed in the presence of:

Haley Basista 10/7/25

Haley Basista (Date)
221 North Causeway, Suite A
New Smyrna Beach, FL 32169
Witness

Signed in the presence of:

Brittany L 10/7/25

Brittany Carlisle (Date)
221 North Causeway, Suite A
New Smyrna Beach, FL 32169
Witness

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 7 day of October, 2025, by Robert Nelson Fahlstrom and Jesica Carol Fahlstrom, who is personally known to me or has produced FL DL as identification.

BRITTANY CARLISLE
Commission # HH 634516
Expires February 2, 2029

Brittany L

Notary Public - State of Florida

/s/ Brittany Carlisle

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

Z-0004-2025: REVIEW AND GIVE A RECOMMENDATION TO THE CITY COMMISSION ON A PROPOSED PARTIAL REZONING APPLICATION FOR PROPERTY LOCATED AT 1701 SOUTH DIXIE FREEWAY.

December 1, 2025

Background:

Applicant: Jeff Allen, 105 Elsa Road, Jupiter, Florida 33477.

Property Owner: New Smyrna Beach LLC, 105 Elsa Road, Jupiter, Florida 33477.

Request: Rezoning.

- **From:** B-3, Highway Service Business District, with an "A" attached for the Airport Height Notification Zone.
- **To:** R-2, Single Family Residential, with an "A" attached for the Airport Height Notification Zone.

Site Information:

- **Size:** 0.85 ± acres out of a total of 2.0 ± acres.
- **Location:** Generally located on the west side of Magnolia Street between 9th Street and 10th See **Exhibit A** for a location map and **Exhibit B** for an aerial map.

Tax ID #: 7449-05-00-0010

Exhibits used in this report:

Exhibit A: Location Map
Exhibit B: Aerial Map
Exhibit C: Existing Zoning Map
Exhibit D: Existing B-3 Zoning Text
Exhibit E: Current Future Land Use Map
Exhibit F: Current Future Land Use Text
Exhibit G: Proposed Zoning Map
Exhibit H: Proposed R-2 Zoning Text
Exhibit I: Survey and 1925 Plat
Exhibit J: Comprehensive Plan Review

Exhibit K: Warranty Deed
Exhibit L: Legal Description

Findings:

The subject property is currently zoned B-3, Highway Service Business District with an "A" attached for the Airport Height Notification Zone. See existing zoning map attached as **Exhibit C** with the associated zoning district text attached as **Exhibit D**.

The property located at 1701 South Dixie Freeway has a single zoning of B-3, Highway Service Business District, but has a split Future Land Use. The west side of the parcel has Future Land Use category of Commercial, and the east side of the parcel has the Future Land Use category of Low Density Residential. A map showing the existing Future Land Uses is attached as **Exhibit E**. The current Future Land Use text is attached as **Exhibit F**.

The west side of the parcel currently contains the Space Coast Credit Union, formally the First Federal Savings and Loan of Titusville constructed in 1975, while the east side of the parcel has remained un-developed. The applicant has indicated to the Planning Department that if the east side of the property was rezoned to R-2, Single -Family Residential, they wish to subdivide lots 1 through 5 and develop a new single-family house on each lot. A map showing the proposed zoning and associated zoning text is attached as **Exhibits G & H**.

Section 305.01 of the City's *Land Development Regulations* requires City Planning Staff to review a rezoning request for consistency with the City *Comprehensive Plan* and *Land Development Regulations* and to prepare a written report recommending either approval or denial of the request. The Planning and Zoning Board is required to make a recommendation to the City Commission to either approve or deny the application.

The east side of the property has a Future Land Use (FLU) designation of Low Density Residential. The properties located on the east side of Magnolia Street, and the properties located on both sides of Magnolia Street north of 9th Street are zoned R-2, Single-Family Residential with a Future Land Use of Low Density Residential. A map attached as **Exhibit E**, shows the current Future Land Use of the subject property and surrounding properties.

According to the *Comprehensive Plan,* the Future land Use category of Low Density Residential is intended for the development of an existing or desired suburban pattern. The Low-Density Residential Future Land Use category allows a density of 5 dwelling units per acre and limited non-residential development that would limit the Floor to Area

Ration (FAR) to 0.5 by Special Exception approval by the City Commission.

The request would be compatible with the City's Comprehensive Plan under Element VI, Housing on the following objective and policies.

- Objective 2, "To require future development of new housing that is compatible with the land uses identified on the Existing and Future Land Use Maps, and with other elements of the overall *Comprehensive Plan*."

    - Policy a. "Carefully monitor and enforce the development approval and building permit process to ensure that new housing is constructed in areas designated for residential development and other compatible land uses, as indicated on the Existing and Future Land Use Maps."
    - Policy b. "As a part of development review, ensure that new housing developments are compatible with the Traffic Circulation Element, in that the new housing does not encroach upon needed rights-of-way for new roads or widening and improvements to existing roads."
    - Policy d. "Carefully monitor and enforce the development approval process to ensure that negative environmental impacts of new housing are minimal, and that new housing developments are not constructed in wetlands, aquifer recharge areas, or areas known to be habitat for threatened or endangered species, without proper mitigation."

Per Article V of the *Land Development Regulations*, the intent of the R-2, Single-Family Residential District is to be a single-family district for low population densities. Existing development and usage have resulted, which is being preserved in order to stabilize the neighborhood. Playfields, playgrounds, public parks, residential recreation buildings and complexes for residential developments, and single-family dwellings are permitted uses in this district.

As shown on **Exhibit G**, the east side of the subject property is located adjacent to or in proximity to parcels zoned R-2, Single-Family Residential. Therefore, the proposed rezoning request would be consistent with the neighborhood.

Because the applicant is not proposing to amend the underlying Future Land Use category for this property, the permitted overall density and FAR will remain the same.

Recommendation:

Since the requested zoning would be compatible with the current Future Land Use of Low Density Residential and the surrounding neighborhood, the Planning Department is

seeking a positive recommendation from the Planning and Zoning Board to the City Commission to **approve** the requested change of zoning to R-2, Single-Family Residential, with an "A" attached for the Airport Height Notification Zone.

Fiscal Analysis:
N/A

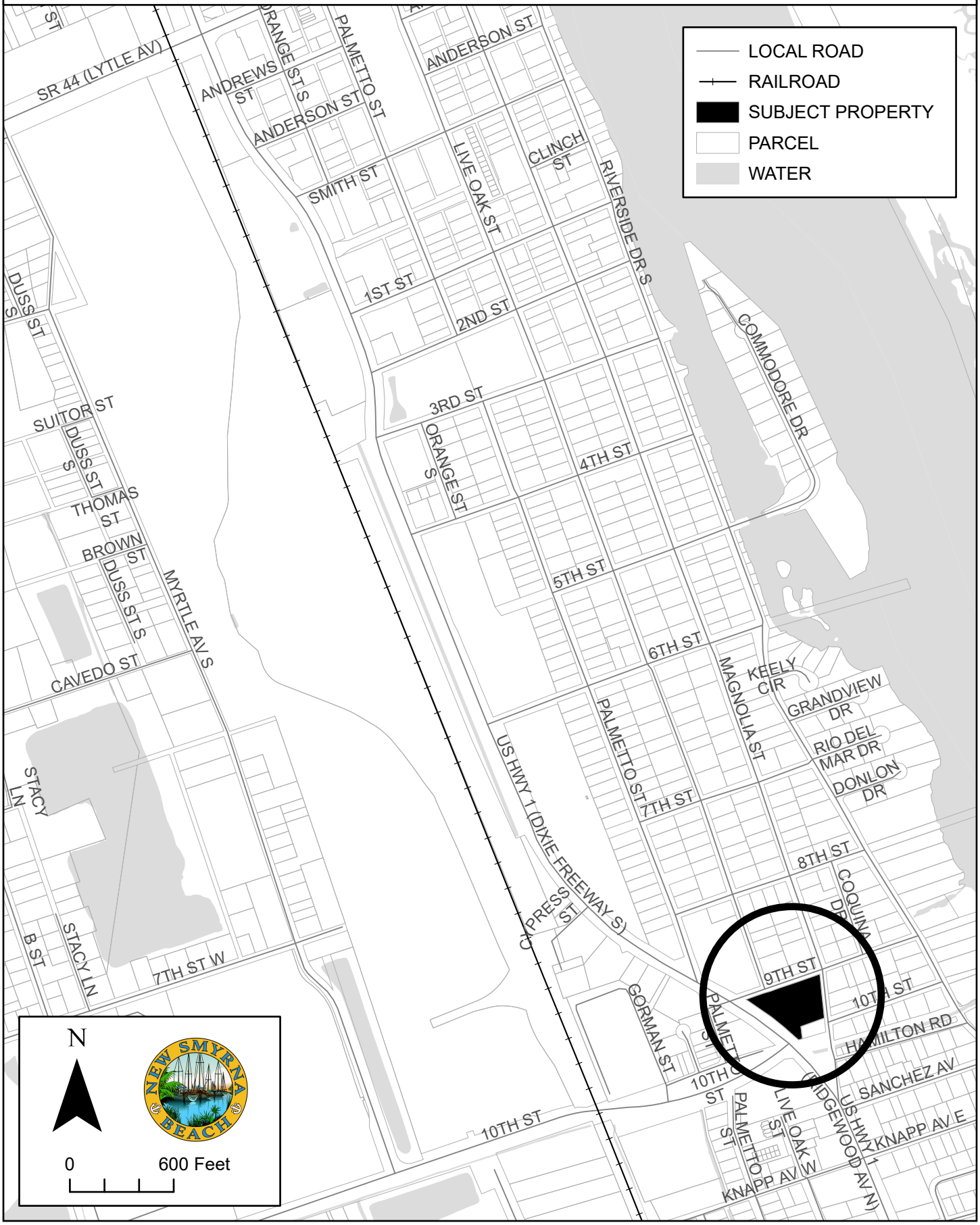
Strategic Plan Item:
No

Staff Report Created By: Robert Mathen - Senior Planner

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing Zoning Map.pdf
Exhibit D City B-3 Zoning Text.pdf
Exhibit E Existing FLU Map.pdf
Exhibit F Existing Future land Use Text.pdf
Exhibit G Proposed Zoning Map.pdf
Exhibit H Propsoed City R-2 Zoning Text.pdf
Exhibit I Survey and 1925 Plat.pdf
Exhibit J Comprehensive Plan Review.pdf
Exhibit K Warranty Deed.pdf
Exhibit L Legal Description.pdf

Z-4-25: 1701 S. DIXIE FREEWAY
PARCEL: 7449-05-00-0010 LOCATION MAP



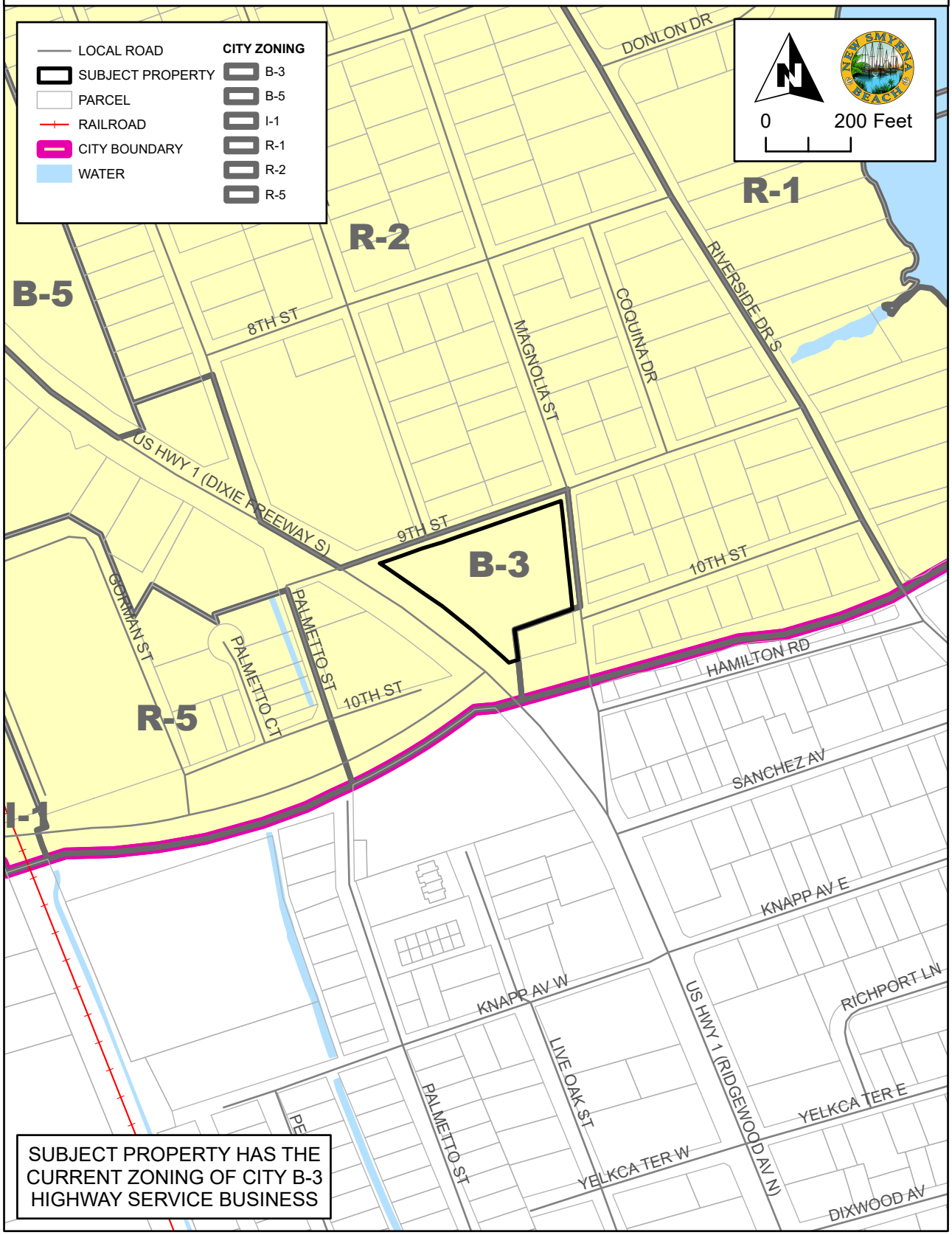
Z-4-25: 1701 S. DIXIE FREEWAY
PARCEL: 7449-05-00-0010 AERIAL MAP



Exhibit C

EXISTING ZONING

Z-4-25



B-3 HIGHWAY SERVICE BUSINESS DISTRICT

Intent:

The Highway Service Business District is intended for application along highways carrying large volumes of traffic where establishments may locate to serve large sections of the City and the persons traveling in vehicles.

Permitted Uses:

Adult Congregate Living Facility
Ambulance Service
Animal Clinics (outpatient care only and no overnight boarding)
Attached Dwellings
Bakeries
Banks
Boat, Motor, and Boat Trailer Sales & Service
Bowling Alley
Business and Communications Systems
Bus Station
Car Rental & Leasing
Car Washes
Club, semi-public
College Level & Adult Educational Facilities
Convenience Stores with Gas Pumps
Financial Services
Funeral Homes
Furniture Showrooms
Government Buildings and Offices
Grocery Stores
Hospitals
House of worship
Mobile Home Sales
Multi-Family dwelling units
Offices, general, professional, and real estate
Offices, medical
Parking Lots
Pawn Shops
Personal enrichment establishments
Personal services
Pet grooming
Pet shop
Restaurants, Types "A", "B", "C", and "D"
Retail Sales and Services
Service Stations, Types "A" and "B"
Sports facilities

Taverns
Taxi-Cab Stands
Theaters
Transient lodging:

-"Transient lodging rooms, standard," as defined by this LDR, shall be a maximum of 500 square feet.

-"Transient lodging rooms, deluxe," as defined by this LDR, shall be a maximum of 750 square feet.

- The maximum room size does not include any balcony, porch or deck area connected to the unit.

- No more than 30 percent of the units may be deluxe.

Truck and Trailer Rentals (for properties in the district that front along U. S. Highway 1 and meet the conditions in §801.18)

Permitted Accessory Uses:

Any accessory use customarily incidental to a permitted principal use.

Conditional Uses:

Pharmacy, only on parcels adjacent to Dixie Freeway (US1)

Special Exceptions:

Automobile Sales, Recreation Vehicle Sales, and Trailer Sales New and Used including all vehicles with two or more wheels subject to the following conditions:

1. Windows shall maintain a minimum transparent area of 65%.
2. Sales display area is required to provide a lighting plan that meets Section 604.13
3. If temporary shell parking lot is proposed, City Commission approval is required by separate application.
4. Site plan shall be submitted as per Article XI of the City Land Development Regulation to City Planning Director for review
5. Must meet all other City Land Development Regulations.

Building Material Sales and/or Building Material Yards, provided all building materials that are stored shall be buffered by a screen designed to block the view of the building materials. The screen may include fences, walls, or vegetative landscaping. Building materials shall not project higher than the screen. Walls that are part of a building structure may substitute for the screen buffer.

Child day care facilities, subject to the following additional conditions:

(1) The property shall be located within 500 feet of an arterial or collector roadway.
(2) Play areas shall be fenced and landscaped. The landscaping shall have a vegetative hedge that will reach four feet in height within two years. The hedge plants must be planted three feet apart, on center.
(3) Play areas shall be located outside all applicable setback dimensions.
(4) The property shall have a separate vehicular drop off and pickup area with a

minimum 100-foot-long 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.

(5) Play areas shall be located to the side or rear of the building, outside of the required setbacks.

Fortune telling, subject to the following condition:

Shall not be established within 500 feet of an existing fortune telling establishment.

Kennels, subject to the following conditions:

1. No kennel shall be located within 250-feet of any residence, transient lodging, hotel, Motel, townhouse, timeshare unit, and any other building place where people are permitted to live. The 250-feet shall be measured from the nearest property line on the property where a kennel is proposed to the nearest part of the residential building.
2. No kennel shall be located within 225 feet of any residentially zoned property. The distance shall be measured from the nearest property line of the proposed kennel site to the nearest property line of the residentially zoned property.
3. Outdoor controlled environments or pet play areas shall not be used between the hours of 9:00 p.m. and 7:00 a.m.

Mini warehouse storage facilities shall require, as a condition, a frontage landscape buffer of no less than 20 feet for site boundaries fronting a thoroughfare to be extensively landscaped to provide appropriate visual screening between the use and the road frontage, and a landscaped buffer area shall be provided on all boundaries facing a residential district.

Outdoor Display, Storage, or Sale of Vehicles, or other equipment or material, provided that in the interest of safety to children and adjacent property, outdoor storage areas will be encompassed by a fence or wall at least six (6) feet high, the bottom four (4) feet being solid and the top two (2) feet being open. Operative automobiles and mobile homes for sale shall be exempt from this requirement.

Schools, private, subject to the following conditions:

(1) Any proposed outdoor play area or recreation area shall require a six-foot high fence to surround the proposed play area or recreation area.
(2) Parking lots must meet required landscape buffer for the B-3 zoning district.
(3) Must meet required parking under Section 604.09.
(4) Maximum number of students is 250.

Tattoo parlor, subject to the following conditions:

(1) Shall not operate on any parcel with frontage on the following streets:
    a. Flagler Avenue
    b. 3rd avenue
    c. Canal Street
    d. U.S. 1

(2) Shall not operate on any parcel adjacent to or across the street from a single-family residential zoning district.
(3) Shall not operate between the hours of 12:00 AM and 8:00 AM.
(4) Shall not be established within 300 feet of a church, daycare, private school, or public school.
(5) Shall not be established within 1,000 feet of an existing tattoo parlor.
(6) The business shall be subject to all requirements of Chapter 877, Florida Statutes.
(7) Tattooing areas shall not be visible from the public right-of-way.
(8) Windows shall maintain a minimum transparent area of 65%.

Waterfront Dining and Entertainment Establishments

Dimension Requirements:

Minimum Yard Size: (Properties along Canal Street and State Road 44)

Front yard:	40 feet or as required per Section 504.01(M). of this LDR
Side yard:	10 feet
Rear yard:	10 feet

Corner Lots:

(1) Parcels which front on two streets shall provide a 40-foot front yard on one street and a 20-foot front yard on the other street. The 40-foot front yard shall be adjacent to the major or most traveled roadway.

(2) Parcels which front on three streets shall provide a 40-foot front yard on one street and a 20-foot front yard on the other two streets. The 40-foot front yard shall be adjacent to the major or most traveled roadway.

Minimum yard size (Properties within U.S. 1 Corridor):

Front yard:	5 feet
Side yard:	5 feet
Rear yard:	10 feet

Corner lots. Parcels which front on two or more streets shall provide a minimum 5-foot front yard along each street frontage.

Maximum Principal Building Height:
Thirty-five (35) feet.

Maximum Building Coverage:
The total area covered with buildings shall not exceed thirty-five (35) percent of the total lot area.

Maximum impervious lot coverage (properties along Canal Street and State Road 44):

The total area of the lot that may be covered with impervious material is 75 percent (75%).

Maximum Impervious Lot Coverage (properties along U.S. 1 Corridor):

The total area of the lot the lot that may be covered with impervious material is 80 percent. City staff may permit up to 5% additional impervious surface coverage for the redevelopment of sites within the U.S. 1 Community Redevelopment District.

Buffers (properties along Canal Street and State Road 44):

Landscaped buffer area(s) as defined in this LDR shall be required at property lines of non-residential developments as follows:

(1) all front property lines;
(2) alongside or rear lot line abutting a residentially zoned lot, the buffer shall be twenty-five (25) feet wide; and
(3) alongside and rear lot lines not abutting residentially zoned lots, the buffer shall be seven (7) feet wide.

Landscaped or natural vegetative buffers for multi-family development shall be provided as indicated in Section 604.05 B. and as follows:

(1) along front, rear, and side lot lines where off-street parking areas are located, the buffer shall be a minimum of seven (7) feet wide; and
(2) adjacent to or facing a single-family residential district or use, the buffer shall be a minimum of twenty (20) feet wide from the property line.

Properties within U.S. 1 Corridor:

Landscaped buffer area(s) as defined in this LDR shall be required at property lines of multi-family and non-residential developments as follows:

(1) Front property lines: 5 feet
(2) Side and rear property lines (not adjacent to residentially zoned properties): 3 feet
(3) Side and rear property lines (adjacent to residentially zoned properties):5 feet. A 10-foot-wide buffer will be required for taverns, outdoor seating areas and Type “B” Service Stations.
(4) In cases of a change of use or activation of a terminated use where there is no change to the building footprint, a property shall be exempt from meeting the landscape buffer requirements of this section, except that all existing onsite landscaped areas shall be maintained in food condition with a finished appearance and complete ground coverage.

The landscape buffer adjacent to residentially zoned property must include a 6-foot-tall masonry wall or fence.

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 5 feet to a property line; and those structures allowed in Section 804.03.

Maximum Unit Density for Transient Lodging Units:

Hospitality future land use designation: 48 units per acre.

Activity Center future land use designation: 60 units per acre.

Marina future land use designation: 24 units per acre. Density may be increased up to 48 units per acre if the following conditions are met:

(1) A minimum of 20% of the total usable land area is preserved by deed or easement for public access and/or public recreation; and
(2) The public use area shall comprise at least 40% of the total linear footage of shoreline available to the property

Commercial future land use designations permitting transient lodging units: 24 units per acre.

All other future land use designations permitting transient lodging units: Twenty-four (24) units per acre.

Maximum Dwelling Unit Density:

Twelve (12) dwelling units per acre beachside and eighteen (18) units per acre mainland. No less than 3,630 square feet of lot area for each beachside dwelling unit and 2,420 square feet of lot area for each mainland dwelling unit.

Multi-Family Residential Standards:

Minimum Floor Area:

450 square feet of livable area for a one (1) bedroom unit
550 square feet of livable area for a two (2) bedroom unit
700 square feet of livable area for a three (3) bedroom unit

Maximum Building Length and Width:

Building facades parallel to the street upon which the building fronts or parallel to a waterfront shall not exceed 150 feet. No building constructed after the effective date of the LDR shall have a dimension that exceeds 200 feet.

Minimum Building Separation:

Where two or more multi-family dwellings, single-family dwellings attached or detached, duplexes, apartments, condominiums, or townhouses are built on one parcel, there shall be a separation of at least 20 feet between the buildings plus 1.5 additional feet for each 5 feet of building height over 20 feet. When buildings vary in height, said distance is to be based on the highest building. (For example: The distance between a 20-foot-tall building and a 25-foot-tall building shall be 21.5 feet.)

Minimum Requirements for Townhouses and Townhouse Lots:

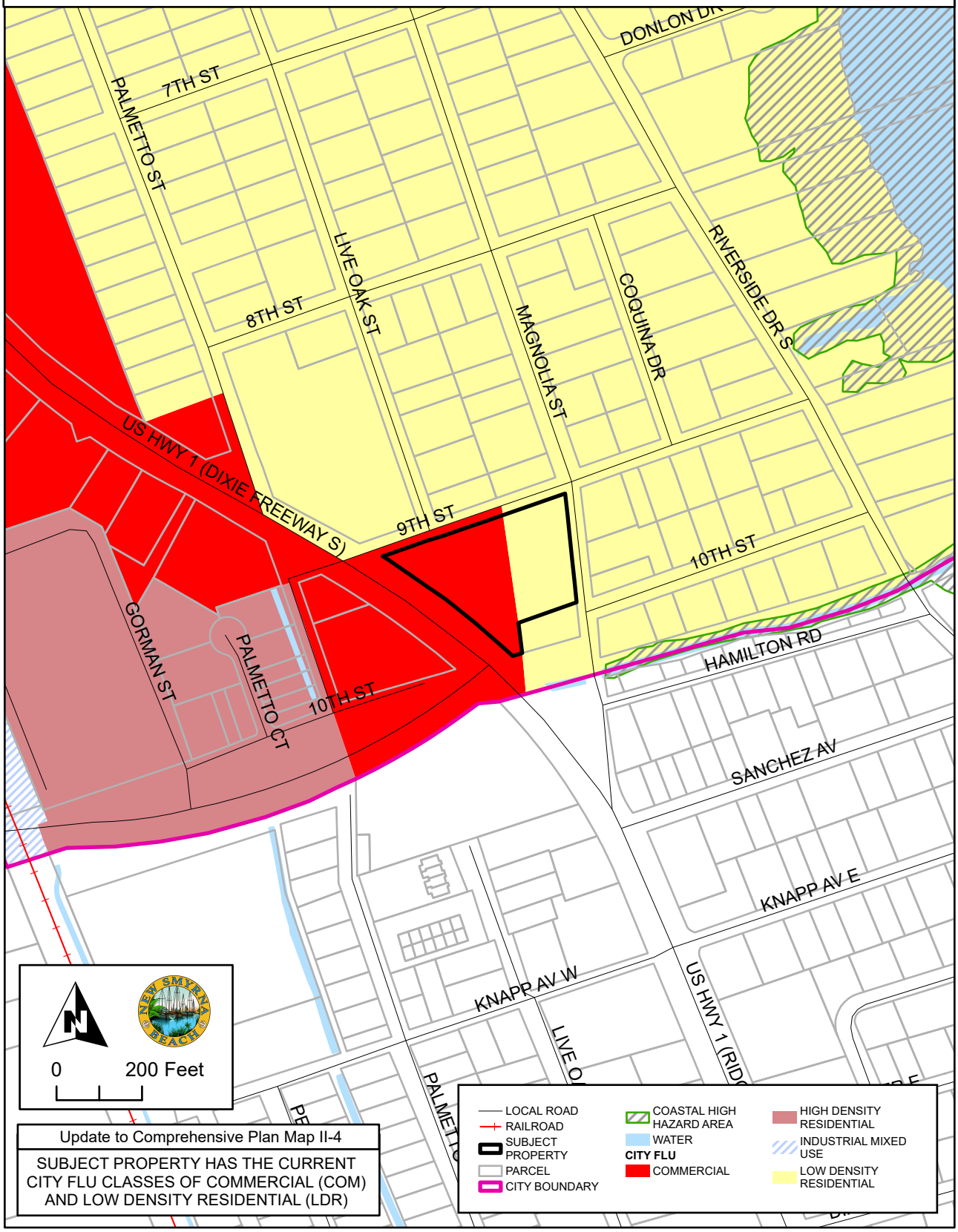
All lots shall be adjacent to a public right-of-way or common area.
Lots shall have a minimum width of 20 feet where a living unit is to be located.
Lot frontage along a right-of-way or common area shall be a minimum of 10 feet.
Front setbacks shall be 20 feet or as required per Section 504.01 (M) of this LDR.
Side setbacks shall be 0 feet.

Rear setbacks shall be 20 feet except if there is a landscaped common area behind the townhome and there is a minimum distance of 20 feet from the project boundary line and the dwelling unit or accessory structures.

Exhibit E

EXISTING FUTURE LAND USE

Z-4-25



FUTURE LAND USE

LOW-DENSITY RESIDENTIAL

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

Non-residential development permitted by special exception shall be at a maximum Floor Area Ratio (FAR) of 0.5.

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.

COMMERCIAL

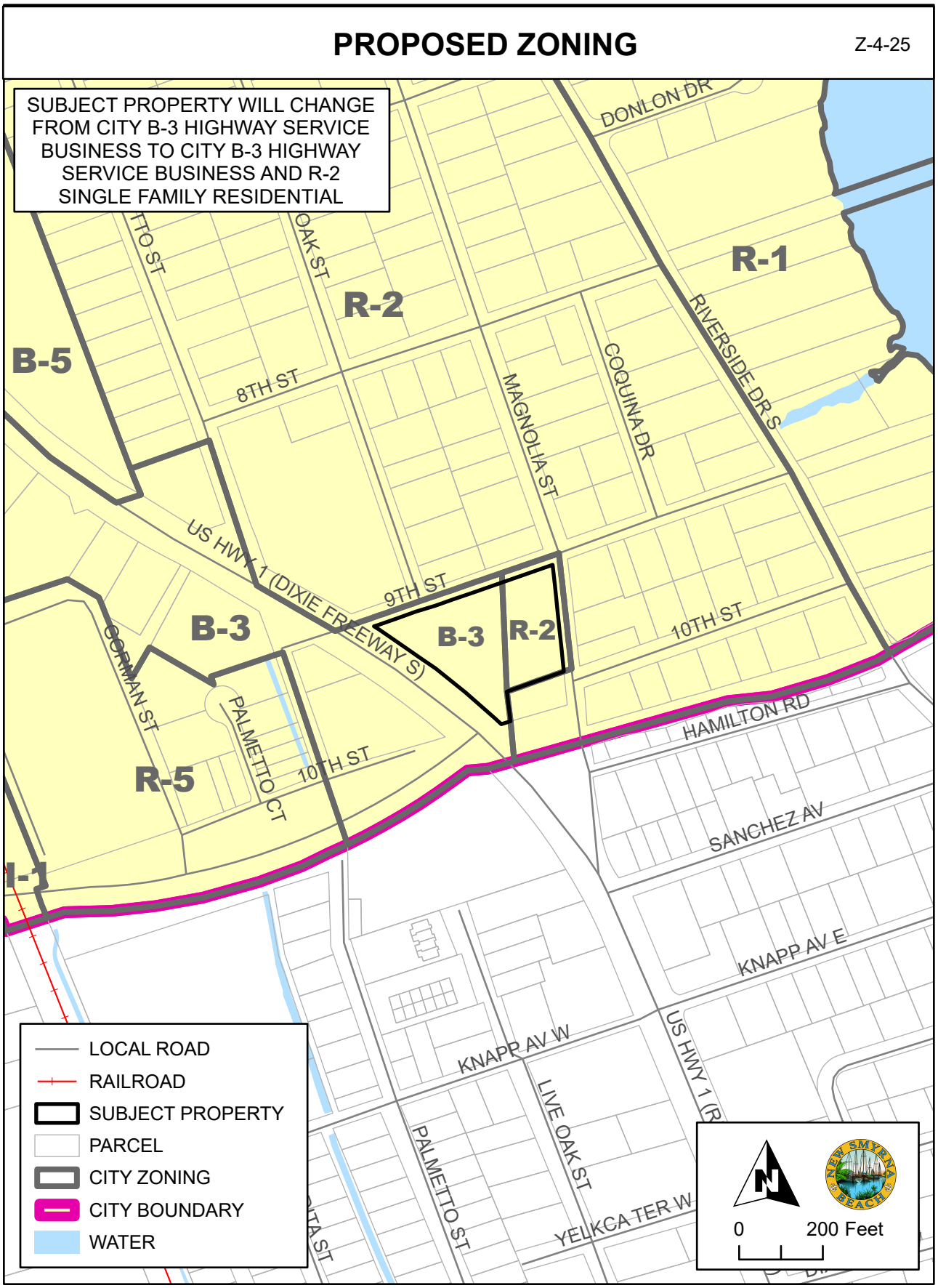
Maximum allowed density:
8.01 to 12 dwelling units per acre on the barrier island
8.01 to 18 dwelling units per acre on the mainland
Up to 24 transient lodging units per acre

Maximum allowed Floor Area Ratio (FAR): 2.0

Maximum Allowable Percentage of Uses for Developments Using the Planned Unit Development Format:
Retail: 100%
Office: 100%
Residential: 25%
Industrial: 0%

Intent: This category is intended for the development of high quality business activities, including retail, hotel, office, financial institutions, and high-density residential. They should be confined to certain arterial and collector roads, and to the Flagler Avenue districts.

The State Road 44 corridor, particularly the undeveloped areas west of Old Mission Road, should be developed in a manner to protect adjacent residential neighborhoods from adverse impacts of unbridled commercial development. All properties along the north side of State Road 44, west of Eddie Road, and all properties along the south side of State Road 44, west of Hidden Pines Boulevard, shall be developed or redeveloped using the planned unit development format


PROPOSED ZONING
Z-4-25
SUBJECT PROPERTY WILL CHANGE FROM CITY B-3 HIGHWAY SERVICE BUSINESS TO CITY B-3 HIGHWAY SERVICE BUSINESS AND R-2 SINGLE FAMILY RESIDENTIAL
DONLON DR
R-1
R-2
B-5
8TH ST
MAGNOLIA ST
COQUINA DR
RIVERSIDE DR S
US HWY 1 (DIXIE FREEWAY S)
9TH ST
B-3
R-2
10TH ST
B-3
CORMAN ST
PALMETTO CT
10TH ST
R-5
HAMILTON RD
SANCHEZ AV
KNAPP AV E
KNAPP AV W
LIVE OAK ST
PALMETTO ST
YELKCA TER W
US HWY 1 (R
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
PARCEL
CITY ZONING
CITY BOUNDARY
WATER
0
200 Feet

R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

Intent:

The R-2 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. **Ord. #30-10**
Open Front Porches, up to 10 feet into the front yard setback, subject to the following conditions:
Open Front Porch shall not be enclosed in any manner,
Open Front Porch must be open wall construction without screen,
Open Front Porch shall have a similar roofing material as the primary structure,
Open Front Porch front building line shall be measured from the vertical support column. **Ord. #75-16**

Uses customarily associated with the permitted principal uses

Special Exceptions:

Child day care on a house of worship property, subject to the following additional conditions:

1. The house of worship 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 house of worship property shall have a vehicular drop off and pickup area with a minimum 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. **Ord. #04-00**

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

Schools and or a house of worship provided all structures are located at least thirty-five (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. **[Revised 3/27/00]**

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 Section 504.01(M) 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% of the total lot area. **Ord. #78-98**

Screen Enclosures:

As an exception to the maximum building coverage provision any parcel may be allowed an additional ten percent (10%) 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.

Ord. #05-09

Maximum Impervious Lot Coverage:

The total area of the lot that may be covered with impervious material is sixty (60) percent.

Maximum Principal Building Height:

Thirty-five (35) feet.
Three (3) stories.

Minimum Floor Area Requirements:

750 square feet of livable area for one and two-bedroom dwelling units; 1200 square feet of livable area for a three-bedroom dwelling unit; and 1300 square feet livable area for a four-bedroom dwelling unit. **[Revised 7-1-03]**

Corner Lots:

(1) Parcels which front on two streets shall provide a thirty (30) foot front yard on one street frontage and a 15 foot half depth front yard on the other street, or as required per Section 504.01(M) of this LDR.

(2) Parcels fronting on three streets shall provide two thirty (30) foot front yards and a 15 foot half depth front yard on the remaining street or as required per Section 504.01(M) of this LDR. **Ord. #23-00**

Driveway Access

The minimum driveway length shall be 20 feet (excluding portion of a driveway within the public right-of-way). **Ord. #23-00**

Through Lots:

Through lots shall provide a 30-foot front yard on each street, or as required per Section 504.01(M) 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 4 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 5 feet to a property line; and those structures allowed in Section 804.03.

Visibility at Intersections:

Visibility at intersections shall be provided as required in this LDR. **[Revised 12-18-92]**

Exhibit I

EXACTA
LAND SURVEYORS, LLC

FIELD WORK DATE: 4/12/2019 REVISION DATES: (REV1 4/16/2019)

1903 3221
BOUNDARY SURVEY
VOLUSIA COUNTY

PROPERTY ADDRESS: 1701 S DIXIE FREEWAY, NEW SMYRNA BEACH, FLORIDA 32168
SURVEY NUMBER: 1903.3221



GOOGLE MAP

CLIENT ORDER NUMBER: 19-5708 DATE: 04/16/19

BUYER: EAGLE METAL HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY

SELLER: SPACE COAST CREDIT UNION

CERTIFIED TO:
EAGLE METAL HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY; SUPERIOR TITLE INSURANCE AGENCY, II, LLC; COMMONWEALTH LAND TITLE INSURANCE COMPANY

LEGAL DESCRIPTION

LOTS 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, AND THAT PART OF LOTS 12, 13, 14, 15 AND THAT PART OF LOTS 16, AND THAT PART OF LOTS 17, AND THAT PART OF LOTS 18, AND THAT PART OF LOTS 19, AND THAT PART OF LOTS 20, ALL LYING IN THE SNIDER'S SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 17 SOUTH, RANGE 33 EAST, AS RECORDED IN PLAT BOOK 6, PAGE 230, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH THAT PORTION OF THE ABANDONED AND VACATED RIGHT-OF-WAY OF LIVE OAK STREET LYING SOUTH OF NINTH STREET AND NORTH OF U.S. NO. 1, WEST OF LOTS 9, 10 AND A PORTION OF 12, EAST OF LOTS 11 AND 20, ALL LYING IN THE SNIDER'S SUBDIVISION OF THE WEST HALF OF SECTION 21, TOWNSHIP 17 SOUTH, RANGE 33 EAST, AS RECORDED IN PLAT BOOK 6, PAGE 230, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS ABANDONED AND VACATED BY ORDINANCE NO. 1145 OF THE CITY OF NEW SMYRNA BEACH, NEW SMYRNA BEACH, VOLUSIA COUNTY, FLORIDA.

POINTS OF INTEREST
NONE VISIBLE

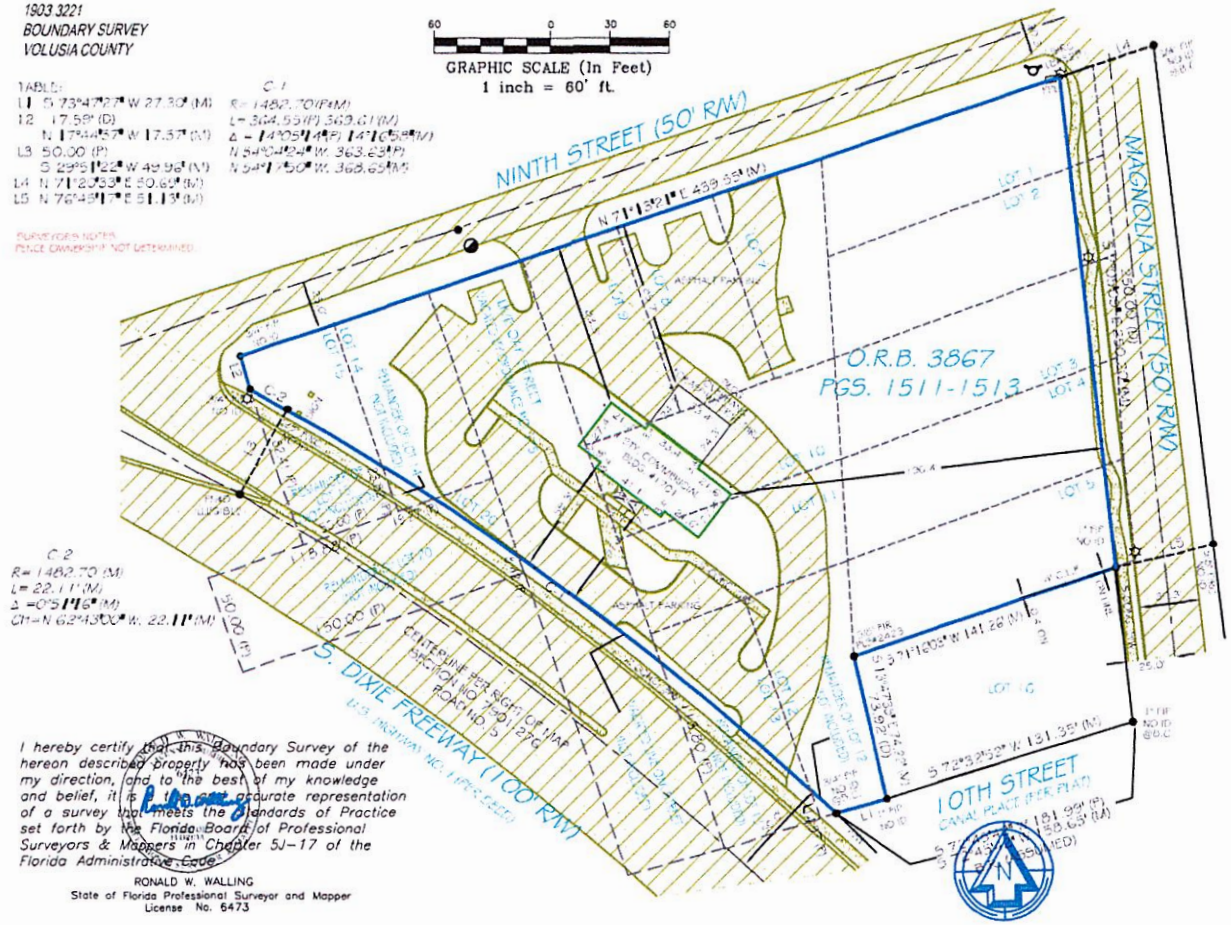
FLOOD INFORMATION
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OF WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN THE CITY OF NEW SMYRNA BEACH, COMMUNITY NUMBER 125132, DATED 09/29/17.

REFERENCE INFORMATION
THE ASSUMED BEARING REFERENCE OF SOUTH 72 DEGREES 45 MINUTES 42 SECONDS WEST IS BASED ON THE NORTHERLY RIGHT-OF-WAY LINE OF CANAL PLACE, LOCATED WITHIN SNIDER'S SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 230 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

TABLE:
L1 S 73°47'27" W 27.38' (M)
L2 17.58' (D)
N 73°46'57" W 17.57' (M)
L3 50.00' (P)
S 29°51'22" W 49.96' (M)
L4 N 71°20'53" E 50.66' (M)
L5 N 76°45'17" E 51.13' (M)

C 1
R= 1482.70'(P&M)
L= 364.55'(P) 363.61'(M)
Δ = 14°05'44"(P) 14°(C&E)(M)
N 54°04'24" W, 363.63'(P)
N 54°17'50" W, 363.65'(M)

SURVEYOR'S NOTES:
FENCE OWNERSHIP NOT DETERMINED



I hereby certify that this Boundary Survey of the hereon described property has been made under my direction, and to the best of my knowledge and belief, it is a true and accurate representation of a survey that meets the Standards of Practice set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17 of the Florida Administrative Code.

RONALD W. WALLING
State of Florida Professional Surveyor and Mapper
License No. 6473

Use of this survey other than intended, without written verification, will be at the user's sole risk and without liability to the surveyor.

Florida Land Title Association
FLTA
AFFILIATE MEMBERS

EXACTA
LAND SURVEYORS, LLC
(FBB #291 - 11940 Fairway Lakes Drive | Suite 1 | Fort Myers, FL 33913
P: 866.235.1916 | F: 866.744.2682)



Map OF
SNIDERS SUBDIVISION
OF THE WEST PART OF
BLOCK 6.
BARRS SUBDIVISION
OF THE
SEYMOUR Piketh GRANT,
SEC. 49-T-17-R.34E.
New Smyrna, Flor.
scale-100'=1"— Surveyed by A.S. Robinson, C.E.

State of Florida/
County of Volusia/ On this day personally appeared before me, Witten A. Snider who, being first duly sworn says that he is President of Snider-Spencer Company, a corporation, owners of the West part of Block 6, Barrs Subdivision of the Seymour Piketh Grant Sec. 49. T-17. S.R 34 E. and that the plat hereon is a true and correct map of Sniders Subdivision of said property as platted and surveyed by A.S. Robinson, C.E.

Witten Snider
President

Witness my hand and seal
this 24 day of Jan. 1925.
Helen Cluright
Notary Public.

O.K. George J. Ott,
City Manager
New Smyrna Fla.
Jan. 24. 1925.

Filed
Jan. 24. 1925
Thurl D. Jordan
Clk.

Drawn from Original,
by- J.F. McCorkel-1944.

A TRUE COPY
OF MAP
IN BOOK No. 6
PAGE. NO. 230
CLERK
by
D.C.

The request would be compatible with the City's Comprehensive Plan under Element VI, Housing on the following objective and policies. The planning Departments evaluation is in **Bold**.

Objective 2, "To require future development of new housing that is compatible with the land uses identified on the Existing and Future Land Use Maps, and with other elements of the overall *Comprehensive Plan*."

Single-family lots of three (3) or more are defined as new development in the City's Land Development Regulation under Article II. The Future Land Use map shows the east half of this parcel as Low Density Residential.

Policy a. "Carefully monitor and enforce the development approval and building permit process to ensure that new housing is constructed in areas designated for residential development and other compatible land uses, as indicated on the Existing and Future Land Use Maps."

The east half of this parcel has the Low-Density Residential category. This category is compatible with existing residential development in this neighborhood.

Policy b. "As a part of development review, ensure that new housing developments are compatible with the Traffic Circulation Element, in that the new housing does not encroach upon needed rights-of-way for new roads or widening and improvements to existing roads."

The current status and width of Magnolia Street would not require any new improvement. The existing right-of-way can handle the additional trips from the proposed houses.

Policy d. "Carefully monitor and enforce the development approval process to ensure that negative environmental impacts of new housing are minimal, and that new housing developments are not constructed in wetlands, aquifer recharge areas, or areas known to be habitat for threatened or endangered species, without proper mitigation."

The proposed residential development would have minimal impacts to the neighborhood. The parcel is currently vacant and contains no wetlands, aquifer recharge areas, or known to contain threatened or endangered species.

Exhibit L

5/9/2019 12:50:46 PM Instrument #2019092146 #1 Book:7692 Page:2592
Doc Stamps $3,197.60 Transfer Amt $456,723.00

Exhibit K

PREPARED BY:
John J. Kabboord, Jr., Esq.
Superior Title Insurance Agency II, LLC
1980 North Atlantic Avenue, Suite 801
Cocoa Beach, FL 32931

WARRANTY DEED

This Warranty Deed made the 7th day of May, A.D. 2019, by

SPACE COAST CREDIT UNION, a State chartered credit union, and having its principal place of business at 8045 N. Wickham Road, Melbourne, Florida 32940, hereinafter called the grantor, to

NEW SMYRNA BEACH, LLC, a Florida limited liability company, having its principal place of business at 7003 S.W. 53rd Lane, Miami, FL 33155, hereinafter called grantee.

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Volusia County, Florida, viz:

SEE EXHIBIT "A" ATTACHED FOR LEGAL DESCRIPTION

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, that Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2018.

Instrument #2019092146 #2 Book:7692 Page:2593

IN WITNESS WHEREOF the grantor has caused these presents to be executed in its name, and its company seal to be hereunto affixed, by its proper officer thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in the presence of:

Jeanne Moeller
Witness #1-signature

Printed Name: Jeanne Moeller

Hilary A Eisbrenner
Witness #2-signature

Printed Name: HILARY A. EISBRENNER

SPACE COAST CREDIT UNION, a State Chartered Credit Union

By: _____
Name: Alan Lewis
Its: COO

BY RESOLUTION RECORDED IN O.R. BOOK 7413, PAGE 1833, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 7 day of May, 2019, by ALAN LEWIS, as Chief Operating Officer of SPACE COAST CREDIT UNION, [✓] who is personally known to me or [ ] who has produced _____ as identification.

Jeanne M. Moeller
Notary Public, State of Florida
Name: Jeanne M. Moeller
(Please print or type)

Commission Number: GG 239570
Commission Expires: NOV 14, 2022

JEANNE M. MOELLER
Notary Public - State of Florida
Commission # GG 239570
My Comm. Expires Nov 14, 2022
Bonded through National Notary Assn.

Instrument #2019092146 #3 Book:7692 Page:2594 Laura E. Roth, Volusia County Clerk of Court

EXHIBIT "A"

Legal Description

Lots 1, 2, 3, 4, 5, 7, 8, 9, 10, 11 and that part of Lots 12, 13, 14, 15 North of U.S. Highway No. 1 right-of-way, SNIDER'S SUBDIVISION of the West part of Block 6, BARR'S SUBDIVISION OF THE SEYMOUR-PICKETT GRANT as shown on Map in Map Book 6, page 230, Public Records of Volusia County, Florida, together with all of the abandoned and vacated right-of-way of Live Oak Street, being described as: That portion of Live Oak Street lying south of Ninth Street and North of U.S. #1, West of Lots 9, 10, 11 and a portion of 13, East of Lots 14 and 20, all being in the SNIDER'S SUBDIVISION of the West part of Block 6, BARR'S SUBDIVISION as recorded in Map Book 6, page 230, Public Records of Volusia County, Florida, as abandoned and vacated by Ordinance No. I-75 of the City of New Smyrna Beach, Volusia County, Florida

LEGAL DESCRIPTION

Address

1701 South Dixie Freeway, New Smyrna Beach, Florida 32168

Parcel Number

7449-05-00-0010

AltKey Number

3887018

Metes and Bounds by Superior Title Insurance Agency II, LLC

Lots 1, 2, 3, 4, 5, 7, 8, 9, 10, 11 and that part of Lots 12, 13, 14, 15 North of U.S. Highway No. 1 right-of-way, SNIDER'S SUBDMSION of the West part of Block 6, BARR'S SUBDIVISION OF THE SEYMOUR-PICKETT GRANT as shown on Map in Map Book 6, page 230, Public Records of Volusia County, Florida, together with all of the abandoned and vacated right-of-way of Live Oak Street, being described as:

That portion of Live Oak Street lying south of Ninth Street and North of U.S. #1, West of Lots 9, 10, 11 and a portion of 13, East of Lots 14 and 20, all being in the SNIDER'S SUBDIVISION of the West part of Block 6, BARR'S SUBDMSION as recorded in Map Book 6, page 230, Public Records of ,Volusia County, Florida, as abandoned and vacated by Ordinance No. I-75 of the City of New Smyrna Beach, Volusia County, Florida

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

REVIEW AND APPROVAL OF THE 2026 MEETING SCHEDULE FOR PLANNING AND ZONING BOARD

December 1, 2025

Background:
Staff recommends the Planning and Zoning Board review and approve the 2026 regular meeting schedule as submitted.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Stephanie Doster

Attachments:

2026 Planning and Zoning Board Meeting Calendar

City of New Smyrna Beach

Planning and Zoning
2026 Regular Meeting Schedule

MEETING DATES

The Planning and Zoning Board meets on the 1st Monday of each month at 5:30 p.m., unless otherwise indicated.

MEETING LOCATION

Unless otherwise advertised, the Planning and Zoning Board will meet at the City Commission Chambers, located at 214 Sams Avenue.

JANUARY 5, 2026
FEBRUARY 2, 2026
MARCH 2, 2026
APRIL 6, 2026
MAY 4, 2026
JUNE 1, 2026
JULY 6, 2026
AUGUST 3, 2026
SEPTEMBER 14, 2026
OCTOBER 5, 2026
NOVEMBER 2, 2026
DECEMBER 7, 2026

Development Services Department
214 Sams Avenue
New Smyrna Beach, Florida 32168
www.cityofnsb.com

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

NOMINATE AND VOTE ON 2026 PLANNING AND ZONING BOARD CHAIR

December 1, 2025

Background:

Planning and Zoning board members shall make nomination and vote on the 2026 chair position.

Fiscal Analysis:

N/A

Strategic Plan Item:

No

Staff Report Created By: Stephanie Doster