Planning & Zoning Board
Monday, January 5, 2026 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 December 1, 2025 Regular Meeting Minutes.

3. PUBLIC PARTICIPATION

4. OLD BUSINESS

4.A ZT-0010-2025: Review and give a recommendation to the City Commission on a proposed amendment to the Subdivision Plat Process.

5. NEW BUSINESS

5.A SE-3-25: Request for a Special Exception at 1311 North Dixie Freeway to allow auto sales in the B-3 Highway Service Business District

5.B SV-4-25: The applicant is seeking a positive recommendation from the Planning and Zoning Board for a proposed right-of- way vacation for a portion of Citron Street that dead ends at the overpass for SR 44

5.C A-0014-2025: Review and give a recommendation to the City Commission on an overall annexation application for property located on Doster Drive.

5.D ZT-11-25: Review and give a recommendation to the City Commission on a proposed zoning text amendment to the Land Development Regulation to allow Porte Cocheres in the R-1 Zoning District

5.E SV-3-25: The City of New Smyrna Beach is seeking a positive recommendation from the Planning and Zoning Board for the proposed right-of- way vacation of Buck Lane (Second Street) for the future expansion of Fire Station #50.

5.F ZT-12-25: Review and give a recommendation to the City Commission on a proposed zoning text amendment to the Land Development Regulation Section 504.02, Zoning Districts, on building setbacks for Special Exception uses and Land Development Regulation Section 505.05, Non-Conforming structures, for rebuilding a non-conforming structure that has a Special Exception Use.
This agenda item will be continued to February 2, 2026 Planning and Zoning Meeting.

5.G Nominate and vote on 2026 Planning and Zoning Board Chairperson and Vice Chairperson.

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 DECEMBER 1, 2025 REGULAR MEETING MINUTES.

January 5, 2026

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 December 1, 2025 Regular Meeting Minutes.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Stephanie Ferrara - Development Services Coordinator

Attachments:

December 1, 2025 FULL MEETING MINUTES.pdf

Planning and Zoning Regular Meeting
Monday, December 1, 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, December 1, 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	Absent	----------
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	Present	5:30 PM
Larry Wheatcraft	Chair	Present	5:30 PM

Also present were Shane Corbin, Director of Development Services, Stephanie Doster, Planning Manager, Jake Baker and Robert Mathen, Senior Planners, 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 4.A: ZT-10-25: Subdivision Plat Process and 5.H Nomination for 2026 Planning and Zoning Chair and Vice Chair, to the January 2026 meeting. The Planning Board members had no objections to the request.

Stephanie Doster presented plaques to former Planning and Zoning Board members Curtis Hodges and Kip Hulvershorn in recognition of their dedicated service.

DRAFT

2. APPROVAL OF MINUTES

2.A Consider the Approval of the minutes from the Planning and Zoning Board regular meeting held on November 3, 2025.

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

Member Denys and Member Bien had minor changes to the meeting minutes, they are as follows:

Changes he to she in some paragraphs and review page 6 results.

Motion:
Member McKenna moved to approve the minutes of the Planning and Zoning Board regular meeting held on Monday, November 3, 2025, with the minor changes and as submitted. Member Causey seconded the motion, and the motion carried unanimously.

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

3. PUBLIC PARTICIPATION

Leslie Sachs, 816 E 8th Avenue, congratulated new board members and raised concerns about an ongoing townhome project behind Publix that was approved by Planning and Zoning in December 2023. She questioned whether original stipulations—such as building height limits (two and three stories), sidewalk reconstruction on Saxon, trash compactor placement, and truck routing—still apply after the property changed ownership twice. She also noted issues with construction trucks using 8th Ave as a cut-through and unclear traffic markings. Ms. Sachs requested clarification on whether these conditions remain enforceable and provided photos for reference.

Joe Dlubac, 3321 E Locanda Circle, expressed concern about reducing public participation in local government. He cited recent examples, including proposals to extend the mayor's term, the 50+1 voting issue, and changing City Commission meeting times to 5:30 p.m., which could limit citizen involvement. Regarding item 4A (removed from the agenda), he noted that shifting final plat approvals from the City Commission to staff or the city manager—per a new Florida statute—eliminates public input in that process. He urged the board to consider ways to maintain transparency and citizen participation despite these changes.

4. OLD BUSINESS

4.A ZT-10-25: Subdivision Plat Process

This agenda item was continued to January 5, 2026, Planning and Zoning meeting without objections.

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

Robert Mathen, Senior Planner, outlined the City's request to 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.

Chair Wheatcraft asked if the applicant would like to speak.

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.

Motion:
Member Denys moved to recommend approval to City Commission for A-0010-2025: Paige Ave, as submitted. Member Bien seconded the motion, and the motion carried unanimously.

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

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

Robert Mathen, Senior Planner, outlined the City's request to 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.

Chair Wheatcraft asked if the applicant would like to speak.

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.

Motion:
Member Bien moved to recommend approval to City Commission for A-0011-2025: Paige Ave, as submitted. Member McKenna seconded the motion, and the motion carried unanimously.

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

5.C SE-0002-25: 707 Cheston Street

Jake Baker, Senior Planner, outlined the Applicant and Property Owner's, Jay Lovett, PO Box 2056, New Smyrna Beach, FL 32168, request to allow an attached dwelling unit to a principle commercial structure in the I-1, Light Industrial, zoning district.

Member McKenna asked whether the property owner intends to live there or use it as an Airbnb/rental. Jake Baker responded that the property is not in a short term rental zone and explained the owner plans for the entire building to be used by his family, possibly for his children as they look for housing.

Member Bien asked if the conversion would require an engineer-designed plan meeting residential standards (e.g., window sizes, two staircases). Jake Baker confirmed the project will be reviewed by the building and fire departments to ensure compliance, including firewalls and egress windows. Member Bien also asked if changing from industrial storage to residential triggers additional site requirements like landscaping; Baker replied that only extra parking would be required.

Member Causey noted that based on the 1,040 sq. ft. size, a three-bedroom apartment could be built. Jake Baker agreed but assumed the owner would likely create a smaller two-bedroom, one-bath unit with a kitchen for family use. Member Causey expressed concern about limited parking on the small lot. Mr. Baker clarified that an additional 1,200 sq. ft. building was planned for the back, providing extra space.

Member Denys confirmed the additional building has not been constructed and asked about short-term rental eligibility. Jake Baker explained that the property is within city limits and not in a short-term rental zone. Member Denys then asked who verifies compliance; Mr.Baker stated that Code Compliance monitors

platforms like Airbnb and Vrbo, and a business tax receipt is required for legal rentals, providing checks to prevent unauthorized short-term rentals.

Member Causey asked what would have been different if the applicant had originally applied for a residential unit above the building. Mr. Baker explained they would have needed a special exception earlier in the process. The site plan is small (Class 2), reviewed in-house, but adding a residence on industrial-zoned property requires board approval. Mr. Baker noted this is the first such case he's seen, and given the 1,040 sq. ft. footprint, the impact would be minor since the property is zoned light industrial.

Member Bien asked if building an additional 1,200 sq. ft. structure would require a new site plan. Mr. Baker confirmed it would need review, though not a public hearing, and noted that adding the building would also require more parking, reducing available space and limiting expansion options.

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

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 Causey expressed difficulty supporting the request, citing the small lot and limited parking.

Member Hall asked if the building is for a small business and family use.

Applicant Jay Lovett, 645 Battle Island Rd., confirmed he runs a small company there and plans a two-bedroom, one-bath unit for his children, not for cash flow. He stated parking will not be an issue, as warehouse space will be reduced to create additional parking.

Member Causey questioned parking commitments.

Mr. Lovett stated there are currently four spaces and plans to add one more, totaling five. Member Bien asked about customer traffic; Mr. Lovett said the business has minimal visitors and operates only three days a week.

Member McKenna asked about neighbor input; Mr. Lovett confirmed he spoke with all neighbors, noting the property is surrounded by residential uses. Mr. Lovett added the unit would serve as family housing or workforce housing if not used by his family, emphasizing high local demand for such housing.

Member Denys confirmed the 1,200 sq. ft. warehouse behind the building has not been built. Mr. Lovett explained it was included in the site plan but likely won't be constructed due to space and parking constraints; if built, it would require additional parking. He noted the site is too small for large trucks and heavy warehouse use. When asked about the business, Mr. Lovett stated it is used for office purposes related to mobile home sales (Seaside Mobile Homes).

Chair Wheatcraft noted the business use is permitted in light industrial zoning.

Mr. Lovett explained the lot is too small for industrial truck access, being only 65 feet wide. Member Denys asked about manufacturing semiconductors; Mr. Lovett confirmed that type of use is not feasible on the property.

Motion:

Member McKenna moved to recommend approval to City Commission for SE-0002-25: 707 Cheston Street, as submitted. Member Denys seconded the motion, and the motion passed with a 6-1 vote. Member Causey voting no.

RESULT:	**PASSED [VOTE 6-1]**
MOVER:	McKenna
SECONDER:	Denys
AYES:	Denys, McKenna, Causey, Bien, Hall, Yates, Wheatcraft
NAYS:	Causey

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

Robert Mathen, Senior Planner, outlined the City's request to 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.

Chair Wheatcraft asked if the applicant would like to speak.

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.

Motion:
Member Denys moved to recommend approval to City Commission for A-0012-2025: Paige Ave, as submitted. Member Bien seconded the motion, and the motion carried unanimously.

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

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

Robert Mathen, Senior Planner, outlined the 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.

Chair Wheatcraft asked if the applicant would like to speak.

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.

Motion:
Member McKenna moved to recommend approval to City Commission for A-0013-2025: Oliver Drive, as submitted. Member Bien seconded the motion, and the motion carried unanimously.

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

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

Robert Mathen, Senior Planner, outlined the 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 to the Airport Height Notification Zone. To: R-2, Single Family Residential, with an "A" attached to the Airport Height Notification Zone.

Member McKenna asked about the meaning of language in the staff report stating rezoning could "stabilize the existing residential neighborhood." Mr. Mathen explained that converting the property to residential use would align with surrounding homes and prevent commercial traffic on Magnolia Street, supporting neighborhood stability. Member McKenna confirmed the assumption that residents would view this as positive; Mr. Mathen noted no objections were received from nearby property owners, suggesting support.

Member Denys raised concerns about drainage and water quality impacts from development on the lot, noting the area's history of runoff issues into the river and costly improvements along 10th Street, including retention basins and infrastructure upgrades. She emphasized the need to consider stormwater management and retention for this site to avoid similar problems.

Mr. Mathen recalled the costly 10th Street widening project ($24 million) and explained current zoning (B3) allows a large commercial building on the property, potentially up to 85,000 sq. ft. If under 25,000 sq. ft., approval would be staff-level only. Any development—commercial or residential—must include its own stormwater system. The site is not in a flood zone, so stormwater could be managed underground as with the existing bank. The owner purchased the property from the bank and plans to develop the remaining portion, preferring residential over commercial. Each new home would be responsible for its own stormwater retention.

Planning Manager, Stephanie Doster, noted stormwater regulations have significantly improved since older neighborhoods were built, making retention and discharge compliance a priority for any new development. Mr. Mathen added that residential zoning allows 40% building coverage and 60% impervious surface, while current B3 zoning permits up to 80% impervious coverage, requiring underground stormwater systems for commercial projects. He also mentioned commercial development would increase traffic compared to residential use.

Member Hall stated that residential development would be an upside. Mr. Mathen agreed, noting it requires more green space and stormwater retention. He added that water and sewer lines already run along Magnolia Street, making connections easy. Residential lots would retain stormwater through swales, and the property could be divided into five smaller lots or fewer larger ones.

Vice-Chair Yates noted this is a typical discussion where staff compares what is currently allowed versus what is proposed. He commended staff for clearly outlining potential outcomes and stated that, in his view, staff often recommends changes that provide better benefits for citizens, which he believes is the case here.

Member Bien asked about the size of the five lots and R2 requirements. Mr. Mathen stated the lots are 50' x 150', while R2 requires 75' x 150'. Member Bien asked if the old plat still applies; Mr. Mathen confirmed the city honors existing plats, and homes can be built on lots at least 50 feet wide.

Member Causey asked if there are any historic trees on the property, noting the neighborhood is mature with many trees. Mr. Mathen said he was unsure but explained that removal of any historic tree would require City Commission approval and expressed hope that a residential project would work around large trees.

Member Bien asked if residential lots require a buffer to adjacent commercial property. Mr. Mathen explained only a 10-foot buffer is required, which currently exists. Member Bien asked about landscaping and density compliance; Mr. Mathen noted the bank's landscaping follows 1975 standards and cannot be forced to upgrade. Member Bien asked if residential lots could be conditioned for more landscaping; Mr. Mathen said current requirements are minimal—one tree per 2,500 sq. ft. and five bushes—with no buffer requirement between residential and commercial properties.

Chair Wheatcraft asked if conditions could prevent future setback variances for the five 50-foot lots. Mr. Mathen said variances cannot be prohibited because the lots are legally platted and owners have the right to apply under the LDR. Chair Wheatcraft noted past issues with variances and suggested exploring zoning changes to reduce setbacks. Mr. Mathen explained that changing neighborhood zoning would require a comprehensive plan amendment and rezoning, as smaller lots would conflict with current low-density residential designation.

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

Chair Wheatcraft opened Public Participation.

Cindy Sniezak, 512 Yupon Ave., raised process-related concerns about the rezoning request. She questioned how building 3 homes instead of the platted 5 would be handled procedurally, whether a sign was posted on the property, and noted inconsistencies in sign postings. She suggested reviewing notice requirements, including timing and the 150-foot notification radius, especially during holidays. Ms. Sniezak also recommended checking for historic trees early in the process to avoid future variance issues, given the property's age and mature canopy.

Will Covington, 119 9th Street, expressed concern that R-2 zoning allows duplex construction, which could lead to rental properties on the site. He stated that single-family homes would be acceptable, but duplexes or rental units would not be desirable for the neighborhood.

Chair Wheatcraft closed Public Participation.

Jeff Allen, owner of the property, confirmed that notification letters were sent on November 10 and return receipts were received. He was unsure about sign requirements. Planning Manager Stephanie Doster clarified that no sign was required for this case, all legal public notice requirements were met, and holidays do not affect notice timelines. She added that two additional public hearings will be held before the City Commission, and notices are also published in the News Journal, providing further opportunities for public input.

Member McKenna asked if Mr. Allen was a developer. Mr. Allen said he is not and intends to work with a builder or developer to construct three to five homes. He emphasized his plan is to build and sell the homes, not create rental properties, and then reinvest in another commercial property elsewhere.

Planning Manager Stephanie Doster clarified that R2 zoning is single-family only and does not allow duplexes.

Mr. Allen stated he walked the property with utility staff and plans to get a survey. He stated that his wife was an arborist and was committed to preserving trees and will obtain a tree survey to identify and protect significant trees before development.

Chair Wheatcraft clarified that tree considerations are not part of the rezoning process but will be addressed during site plan or permitting, where compliance with land development regulations is required.

Ms. Doster stated that as part of the rezoning process, the city cannot dictate the number of lots the property owner chooses to have. The property is already legally platted, and the owner has the legal right to use it as currently platted. Therefore, the city cannot restrict that right.

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-0004-2025: 1701 South Dixie Freeway, as submitted. Member Hall seconded the motion, and the motion carried unanimously.

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

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

Motion:
Member McKenna moved to approve the Planning and Zoning 2026 Meeting Schedule, as submitted. Member Hall seconded the motion, and the motion carried unanimously.

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

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

This agenda item was continued to January 5, 2026, Planning and Zoning meeting without objections.

6. COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

Chair Wheatcraft suggested holding a workshop before reviewing the comprehensive plan updates, possibly as a joint session with the City Commission, to provide additional input. Stephanie Doster confirmed that a workshop can be arranged and will look at dates soon.

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 6:40 P.M.

THE CITY OF NEW SMYRNA BEACH - DEVELOPMENTAL SERVICES

ZT-0010-2025: REVIEW AND GIVE A RECOMMENDATION TO THE CITY COMMISSION ON A PROPOSED AMENDMENT TO THE SUBDIVISION PLAT PROCESS.

January 5, 2026

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.

The Planning Department 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

SE-3-25: REQUEST FOR A SPECIAL EXCEPTION AT 1311 NORTH DIXIE FREEWAY TO ALLOW AUTO SALES IN THE B-3 HIGHWAY SERVICE BUSINESS DISTRICT

January 5, 2026

Background:

A. Applicant: Dennis and Cheri Campbell, Quay Assisi, New Smyrna Beach, FL 32168
B. Property Owner: Delegal LTDF, Inc., 1945 W. Park Avenue, Edgewater, FL 32132
C. Request: Special Exception approval to allow (indoor) automobile sales in the B-3 zoning district
D. Subject Area: The parcel is located on the east side of N. Dixie Freeway (US1), south of Industrial Park Avenue, north of Ponce Street. The building was once part of the former Mullinax Ford dealership. The 2.59 acre parcel is zoned B-3, Highway Business Service District
E. Parcel ID #: 7438-14-00-0010

Exhibits:
Exhibit A: Location Map
Exhibit B: Aerial Map
Exhibit C: Photos
Exhibit D: Survey

Findings:

1. The parcel was originally developed as a car dealership. All of the buildings have been retained, including the showroom from when it was the Mullinax dealership, prior to their move to SR 44. This property has since transitioned to accommodate multiple different businesses, including a company that repairs office machinery, a home builder, and a real estate business. The applicant's plan is to sell automobiles indoors only- no outside sales.

2. The B-3 allows automobile sales (as well as Recreation Vehicle sales, Trailer Sales- new and used- and all two wheel vehicles) with Special Exception approval with a required recommendation from the Planning and Zoning Board and approval from the City Commission, with the following conditions:

a. Windows shall maintain a minimum transparent area of 65%.

b. Sales display area is required to provide a lighting plan that meets Section 604.13.
c. If temporary shell parking lot is proposed, City Commission approval is required by separate application.
d. Site plan shall be submitted as per Article XI of the City Land Development Regulation to City Planning Director for review.
e. Must meet all other City Land Development Regulations.

The applicant has agreed to meet all of these requirements.

3. In addition to the requirements in the B-3 zoning district regulations, there are also three criteria that must be met for all Special Exceptions. They are included below (staff response is in **bold**):

a. The requested uses are listed among the special exceptions permitted in the district for which the application is made;

Auto sales are listed as a Special Exception use in the B-3 zoning district. This criterion has been met.

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

The property was developed as a car dealership originally. Being that the proposed uses would be in a building, staff does not believe that the requested use will be detrimental to the public health, morals or welfare of the surrounding district. 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 subject property is within an established portion of the City and is served by adequate utilities, access roads, drainage, sanitation and other necessary services. This criterion has been met.

Recommendation

Staff recommends that the Planning and Zoning Board recommends the City Commission

approve the request to operate an indoor automobile sales facility at the subject parcel with the following conditions:

1. Obtain a Business Tax Receipt before the business opens; and
2. The approval is good for two years from City Commission approval, or until a BTR has been attained.

Fiscal Analysis:
N/A

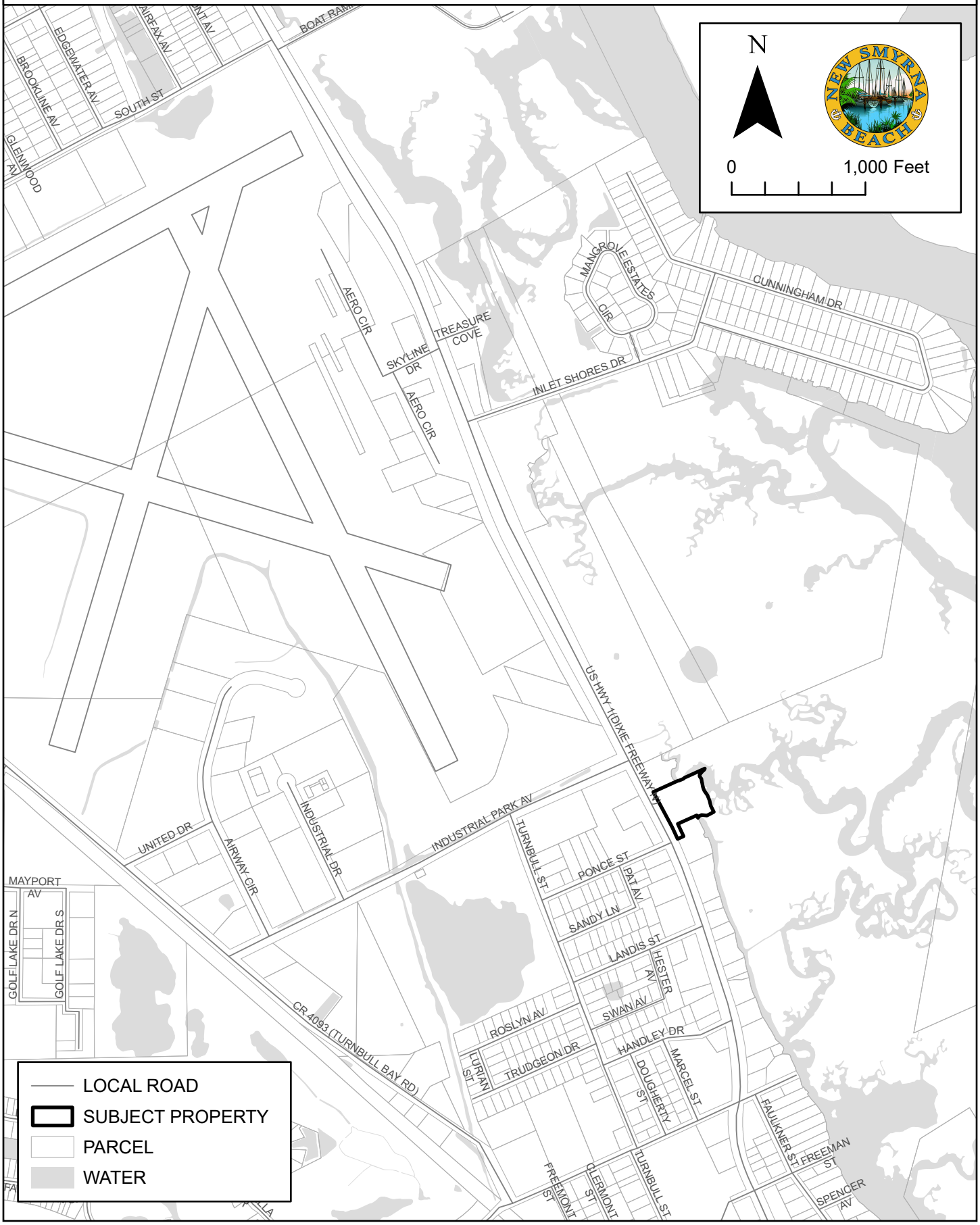
Strategic Plan Item:
No

Staff Report Created By: Jake Baker - Senior Planner

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Photos.pdf
Exhibit D Survey.pdf

SE-3-25: 1311 N. DIXIE FREEWAY
PARCEL: 7438-14-00-0010 LOCATION MAP



SE-3-25: 1311 N. DIXIE FREEWAY
PARCEL: 7438-14-00-0010 AERIAL MAP

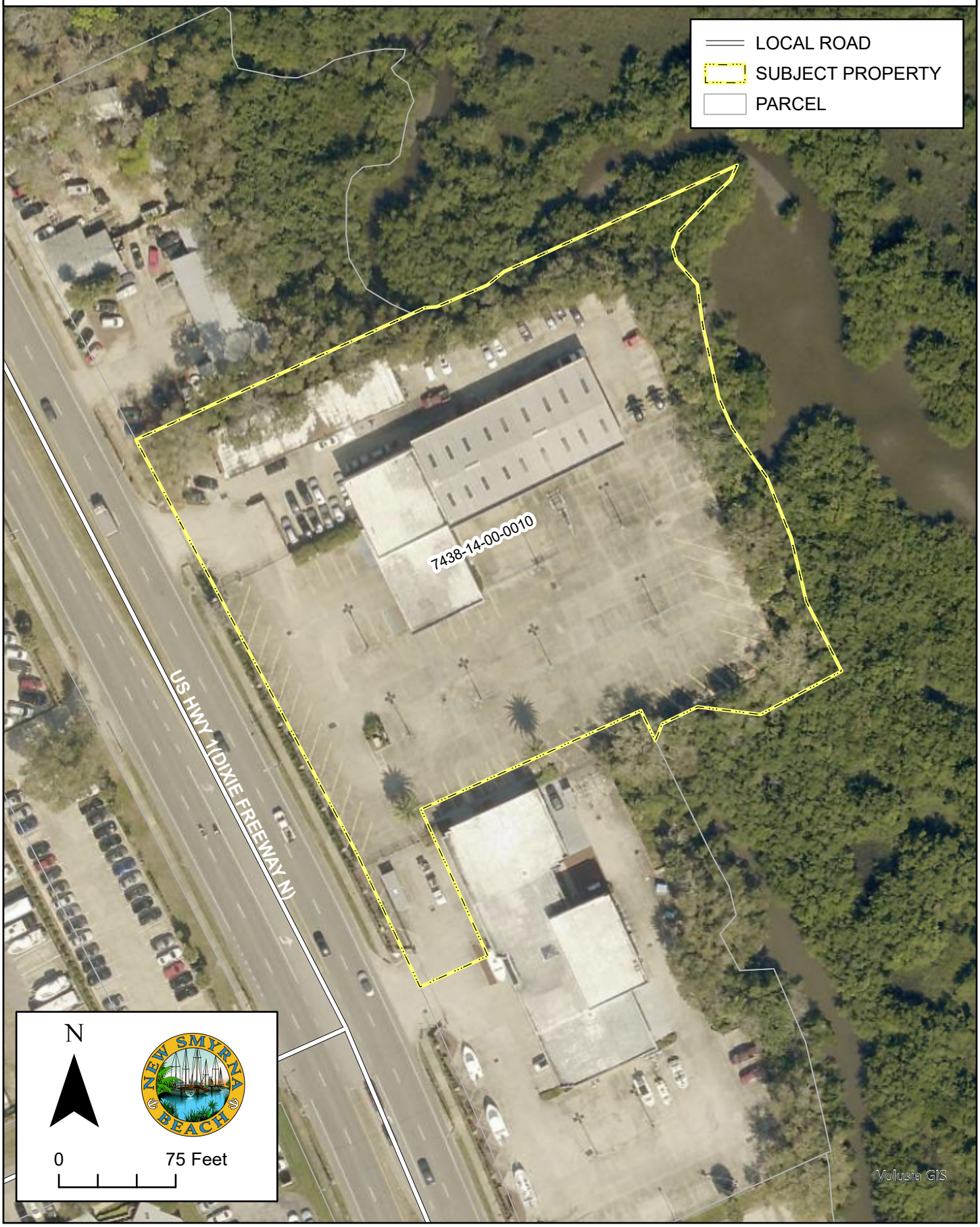


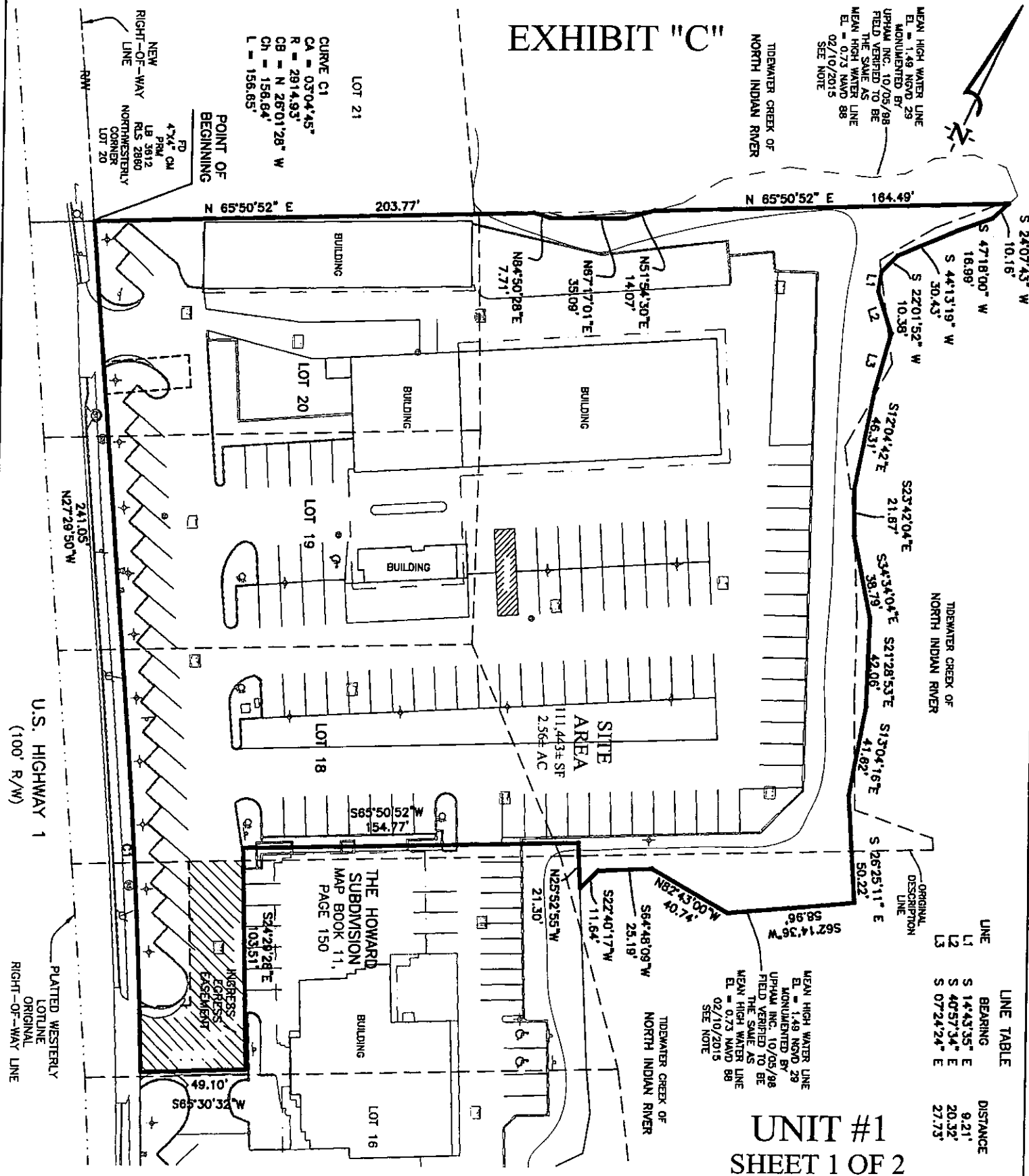
Exhibit C





"DECLARATION OF CONDOMINIUM OF STOR-IT BOAT & RV OF NEW SMYRNA BEACH, A LAND CONDOMINIUM"

EXHIBIT "C"



UNIT #1

SHEET 1 OF 2

THIS IS NOT A SURVEY
SHEET 1 OF 2
SEE SHEET 2 OF 2 FOR SURVEYOR'S SIGNATURE

OWB: AM
DATE: 02/14/15
MAP SUBJECT: UNIT #1
SCALE: 1"=60'

TYPE OF SURVEY:
SKETCH AND LEGAL

A1A GEO
LAND SURVEYING CONSTRUCTION LAYOUT
1370 US Highway 1 Ste 204 Ormond Beach Florida 32174
Voice: 386.405.6797 a1ageoinc@gmail.com
LB # 7967 LS # 6309

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

SV-4-25: THE APPLICANT IS SEEKING A POSITIVE RECOMMENDATION FROM THE PLANNING AND ZONING BOARD FOR A PROPOSED RIGHT-OF- WAY VACATION FOR A PORTION OF CITRON STREET THAT DEAD ENDS AT THE OVERPASS FOR SR 44

January 5, 2026

Background:

A. Applicant: Glenn D. Storch, 420 S. Nova Road, Daytona Beach, FL 32114
B. Request: Vacation of 40.0' X 267.78' section of platted Citron Street right-of-way (ROW)

C. Right-of-Way Information: The platted un-opened section of Citron Street is located north of SR 44, and east of Lexington Place Assisted Living Facility, which fronts on Myrtle Avenue

Exhibits used in this report:

Exhibit A: Location Map

Exhibit B: Aerial Map

Exhibit C: Depiction of ROW to be vacated

Exhibit D: Survey with Legal Description

Exhibit E: Recorded Plats

Exhibit F: Non-Objection Letter from New Smyrna Beach Utilities

Exhibit G: Letter of public good
Exhibit H: Non-Objection Letter from City Engineering Department

Findings:

A. The applicant, Glenn Storch, representing Smyrna Railroad Land, LLC, have applied for Site Plan approval to construct a warehouse on property owned west of the FEC railroad

tracks, east of the Lexington Place ALF, north of SR 44, and south of Canal Street. While reviewing the plans, staff noticed that the survey showed the legal status of Citron Street as "unknown," which raised an obvious question. After some research, it turns out that Citron Street in this area has in fact never been vacated, which is the reason for this current application. The building is proposed on the ROW, thus it needs to be vacated to facilitate the construction of the structure. The proposed street vacation is shown on **Exhibit C**. Given that SR 44 ramps up to go over the railroad tracks at the end of platted Citron Street, it is never going to connect to the south.

B. Section 305.03 of the City's Land Development Regulations (LDR) requires the following items for a street vacation Staff responses in **bold**):

1. List of all abutting property owners. **Received.**

2. Letter from New Smyrna Beach Utilities indicating:

a. No objection to the vacation; **Received**

b. No utilities are within the right-of-way proposed to be vacated; or **NSBU does not have an objection to the proposed ROW, however, they have requested and the owner has agreed to grant an easement for an overhead power line on the northern portion of the parcel/ROW.**

c. If utilities exist with right-of-way then a letter must indicate what utilities are located in the right-of-way, **There is an overhead power line, which there is going to be an easement dedicated to allow said line to remain.**

d. If utilities exist in right-of-way, then letter must indicate easements required. **Received.**

D. Section 305.03 C. of the City LDR requires:

1. The "City Planner shall review the application package for consistency with the City Comprehensive Plan and Land Development Regulations," and

2. "In addition, the City Planner shall determine whether or not the proposed vacation would be in the interest of the public good."

E. This application for street vacation is consistent with the City LDR. This street vacation

application complies with all matters of general provision, enforcement, administration, concurrency and zoning district requirement as outlined in the City of New Smyrna Beach LDR.

F. This vacation does not impact any level of service indicated within the Transportation Element of the Comprehensive Plan.

G. In this instance, given that Citron Street is on a separate plat than the parcel proposed for a warehouse, the ROW will entirely be vacated to the owner of the parcel proposed to build the warehouse.

Recommendation: Staff recommends the Planning and Zoning Board give a positive recommendation to the City Commission to ***approve*** the ROW vacation.

Fiscal Analysis:
N/A

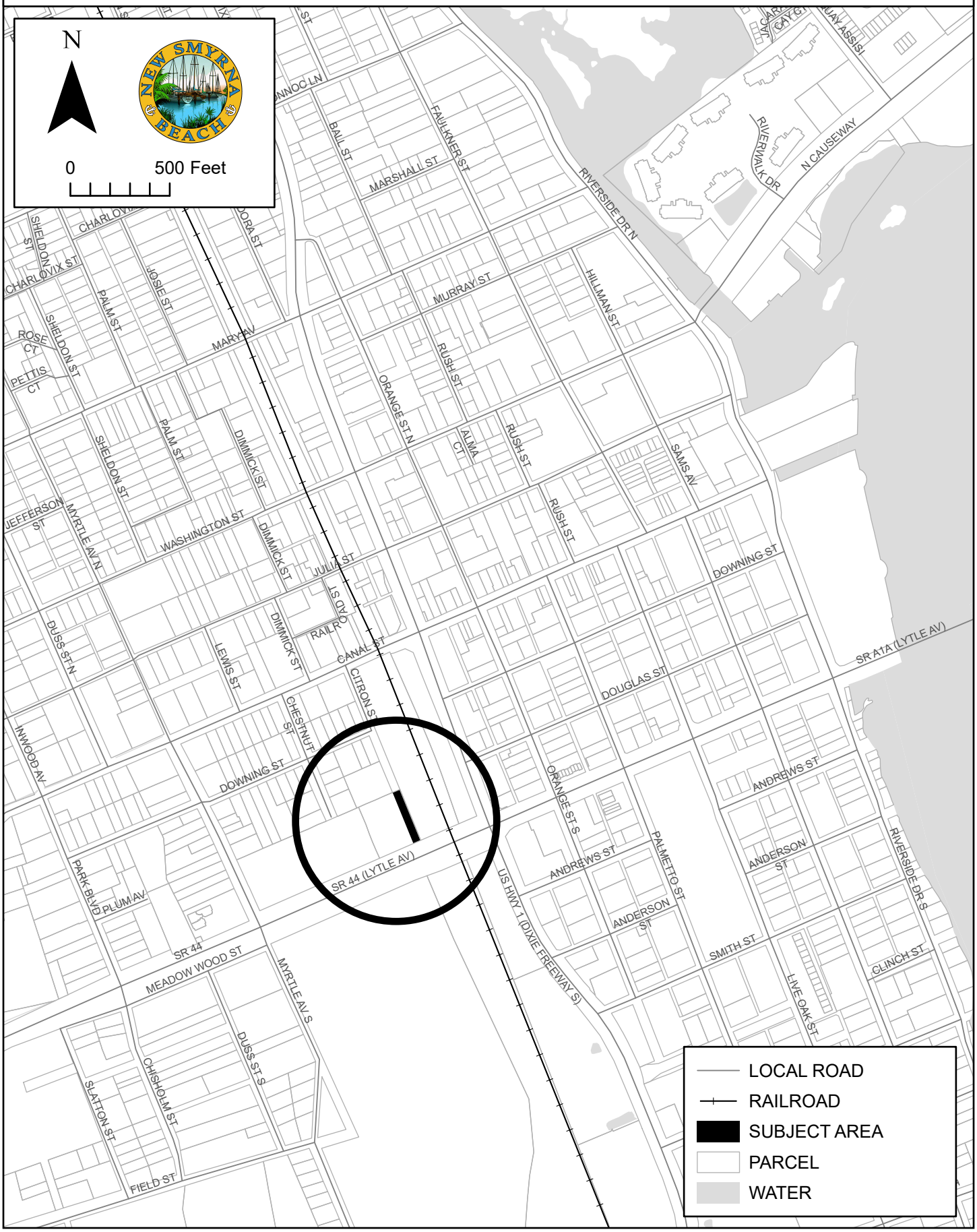
Strategic Plan Item:
No

Staff Report Created By: Stephanie Doster

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Depiction of Citron to be vacated.pdf
Exhibit D Survey w Legal Description.pdf
Exhibit E Plats.pdf
Exhibit F NSBU No Objection.pdf
Exhibit G Benefits of Citron Street Vacation.pdf
Exhibit H City Engineer No Objection Letter.pdf

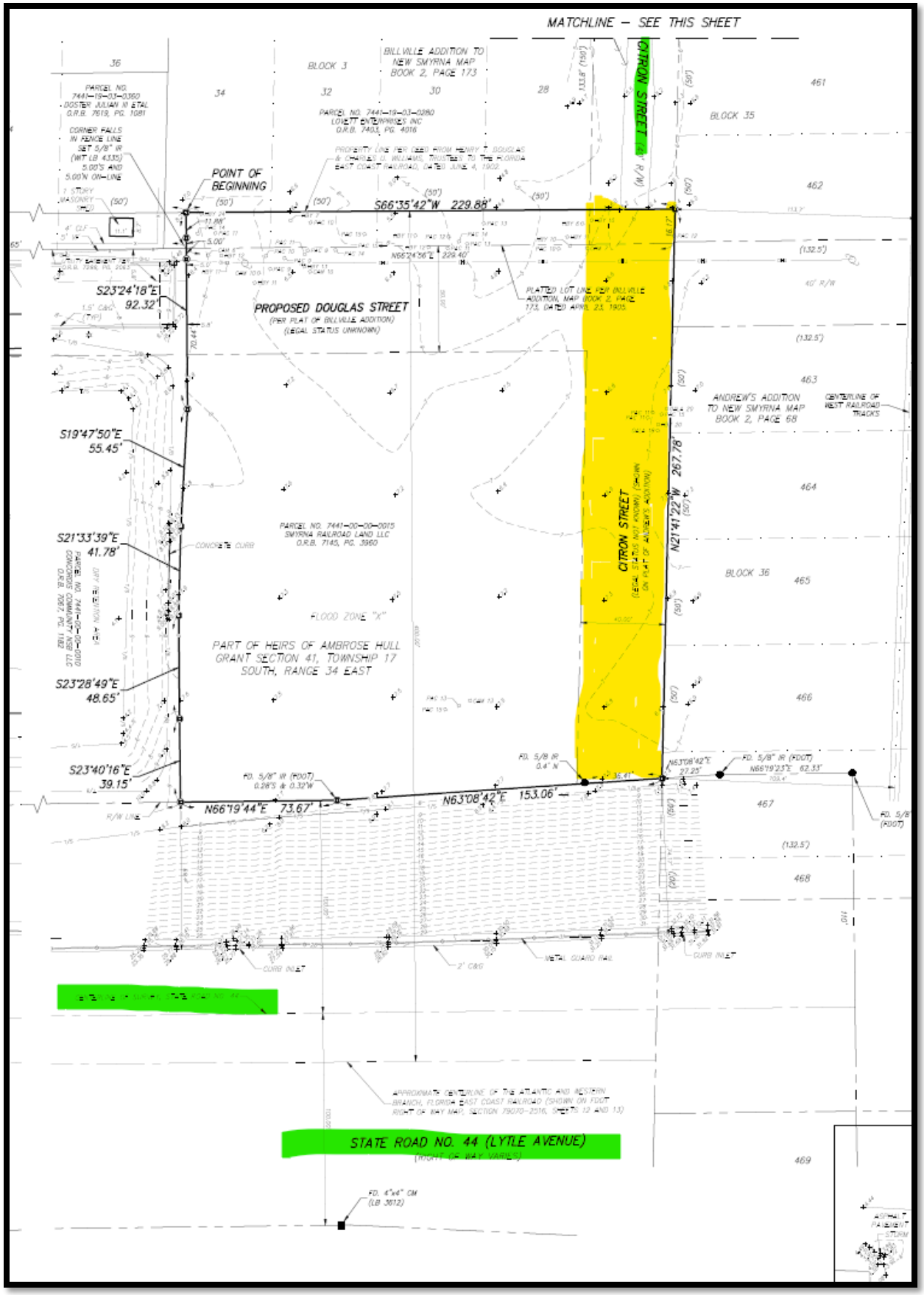
SV-04-25: CITRON STREET
LOCATION MAP



SV-04-25: CITRON STREET
AERIAL MAP



Exhibit C


MATCHLINE – SEE THIS SHEET
POINT OF BEGINNING
S66°35'42"W 229.88'
S23°24'18"E 92.32'
S19°47'50"E 55.45'
S21°33'39"E 41.78'
S23°28'49"E 48.65'
S23°40'16"E 39.15'
N66°19'44"E 73.67'
N63°08'42"E 153.06'
N21°41'22"W 267.76'
PROPOSED DOUGLAS STREET
(PER PLAT OF BILLVILLE ADDITION)
(LEGAL STATUS UNKNOWN)
CITRON STREET
(LEGAL STATUS NOT KNOWN) (SHOWN ON PLAT OF ANDREW'S ADDITION)
BILLVILLE ADDITION TO NEW SMYRNA MAP BOOK 2, PAGE 173
ANDREW'S ADDITION TO NEW SMYRNA MAP BOOK 2, PAGE 68
PARCEL NO. 7441-19-03-0360 DOSTER JULIAN M ETAL O.R.B. 7619, PG. 1081
PARCEL NO. 7441-19-03-0380 LOVETT ENTERPRISES INC O.R.B. 7403, PG. 4016
PARCEL NO. 7441-00-00-0015 SMYRNA RAILROAD LAND LLC O.R.B. 7145, PG. 3960
PART OF HEIRS OF AMBROSE HULL GRANT SECTION 41, TOWNSHIP 17 SOUTH, RANGE 34 EAST
FLOOD ZONE "X"
BLOCK 3
BLOCK 35
BLOCK 36
CORNER FALLS IN FENCE LINE SET 5/8" IR (WIT LB 4335) 5.00'S AND 5.00'W ON-LINE
PLATTED LOT LINE PER BILLVILLE ADDITION, MAP BOOK 2, PAGE 173, DATED APRIL 23, 1903.
CENTERLINE OF WEST RAILROAD TRACKS
FD. 5/8" IR (FDOT) 0.26'S & 0.32'W
FD. 5/8 IR 0.4' N
FD. 5/8" IR (FDOT) N66°19'23"E 62.33'
N63°08'42"E 27.25'
CONCRETE CURB
METAL GUARD RAIL
CURB INLET
R/W LINE
APPROXIMATE CENTERLINE OF THE ATLANTIC AND WESTERN BRANCH, FLORIDA EAST COAST RAILROAD (SHOWN ON FDOT RIGHT OF WAY MAP, SECTION 79070-2516, SHEETS 12 AND 13)
STATE ROAD NO. 44 (LYTLE AVENUE)
(RIGHT OF WAY VARIES)
FD. 4"x4" CM (LB 3612)

LEGAL DESCRIPTION:

(AS CREATED BY MARK DOWST & ASSOCIATES, INC.)

THAT PORTION OF CITRON STREET LYING WEST OF BLOCKS 35 AND 36, ANDREW'S ADDITION TO NEW SMYRNA, AS RECORDED IN MAP BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 44 AND THE WEST LINE OF BLOCK 36, ANDREW'S ADDITION TO NEW SMYRNA, AS RECORDED IN MAP BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S63°08'42"W ALONG THE NORTH RIGHT-OF-WAY OF SAID STATE ROAD NO. 44, A DISTANCE OF 40.16 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CITRON STREET, HAVING A 40.00 FOOT RIGHT-OF-WAY; THENCE N21°41'22"W ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 270.20 FEET TO A POINT ON THE PROPERTY LINE PER DEED FROM HENRY T. DOUGLAS & CHARLES U. WILLIAMS, TRUSTEES TO THE FLORIDA EAST COAST RAILROAD, DATED JUNE 4, 1902; THENCE N66°35'42"E ALONG SAID PROPERTY LINE, A DISTANCE OF 40.02 FEET TO A POINT ON THE WEST LINE OF BLOCK 35, SAID ANDREW'S ADDITION TO NEW SMYRNA; THENCE S21°41'22"E ALONG THE WEST LINE OF BLOCK 35 AND THE WEST LINE OF AFORESAID BLOCK 36, A DISTANCE OF 267.78 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 0.25 ACRES, MORE OR LESS.

SURVEY NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, THIS IS A SKETCH OF DESCRIPTION ONLY. IMPROVEMENTS SHOWN HEREON WERE OBTAINED FROM A SURVEY PREPARED BY THIS FIRM, PROJECT NO. 1540, DATED 03/13/24, AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE WEST LINE OF BLOCK 36, ANDREW'S ADDITION TO NEW SMYRNA, AS BEING S21°41'22"E.
3. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

LEGEND AND ABBREVIATIONS:

(#)	PLAT DIMENSION
CLF	CHAIN-LINK FENCE
LB	LICENSED BUSINESS
M.B.	MAP BOOK
NO.	NUMBER
O.R.B.	OFFICIAL RECORDS BOOK
PG(S).	PAGE/PAGES
PLS	PROFESSIONAL LAND SURVEYOR
R/W	RIGHT OF WAY
T/B	APPROXIMATE TOP OF BANK
T/S	APPROXIMATE TOE OF SLOPE
(TYP)	TYPICAL
VF	VINYL FENCE

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THIS SURVEY MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17.050-.052, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Jeffrey W. Cory

Digitally signed by Jeffrey W. Cory
Date: 2025.10.03 12:12:03 -04'00'

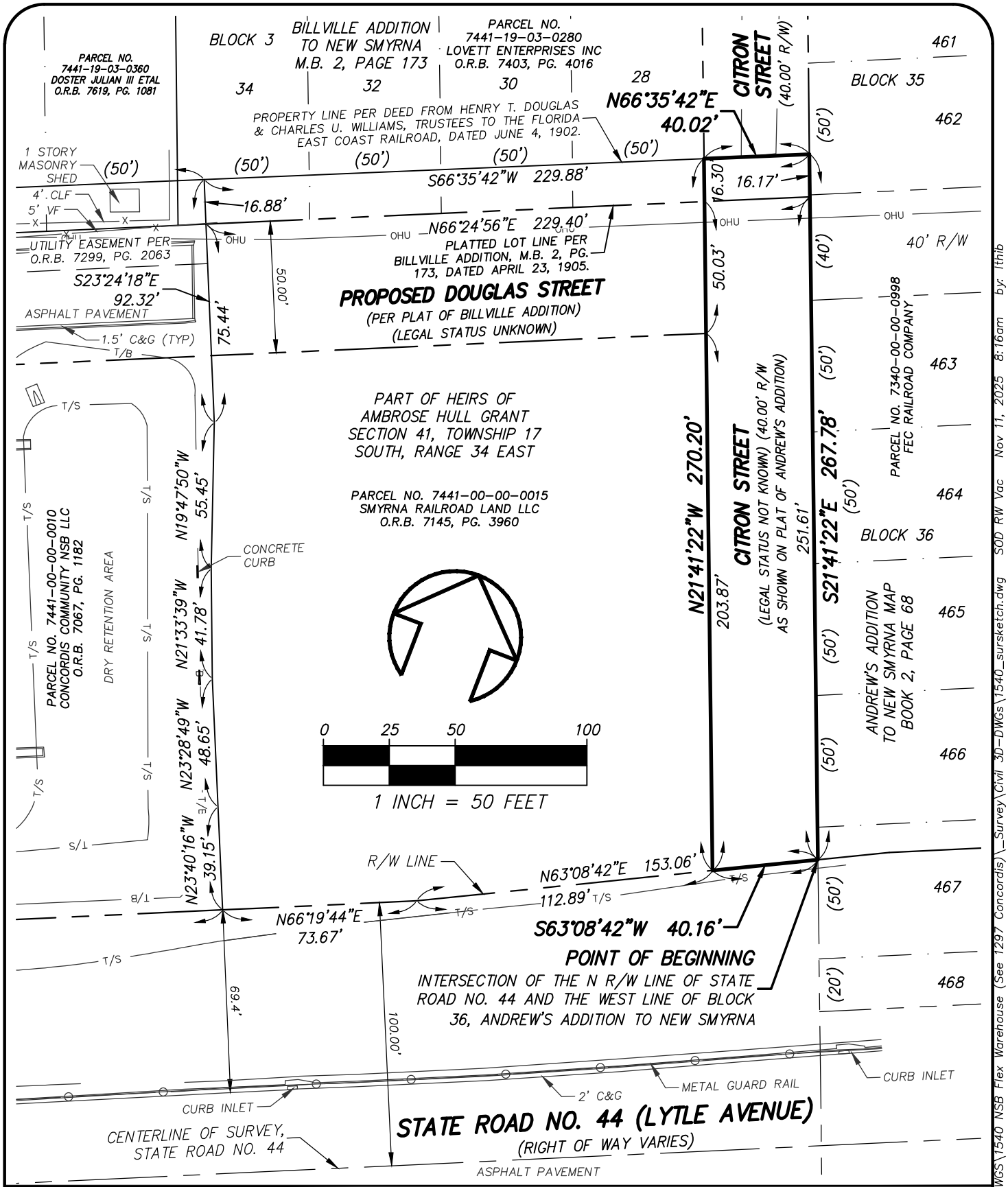
LEE H. DOWST. P.L.S. NO. 6860

THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

MARK DOWST & ASSOCIATES, INC.
* ENGINEERS PLANNERS SURVEYORS LB#4335 *
536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 PH: 386-258-7999

SKETCH AND DESCRIPTION (CITRON STREET R/W VACATION)			DRAW DATE: 11/11/25	SCALE: 1" = N/A	PROJECT # 1540
F.B./PG.: N/A	FIELD DATE: N/A	CREW: N/A	DRAWN BY: LAT	CHECKED BY: LHD	SHEET 1 OF 2

Drawing name: V:\DWGS\1540 NSB Flex Warehouse (See 1297 Concords)_Survey\Civil 3D-DWGs\1540_sursketch.dwg SOD RW Vac Nov 11, 2025 10:20am by: ithib

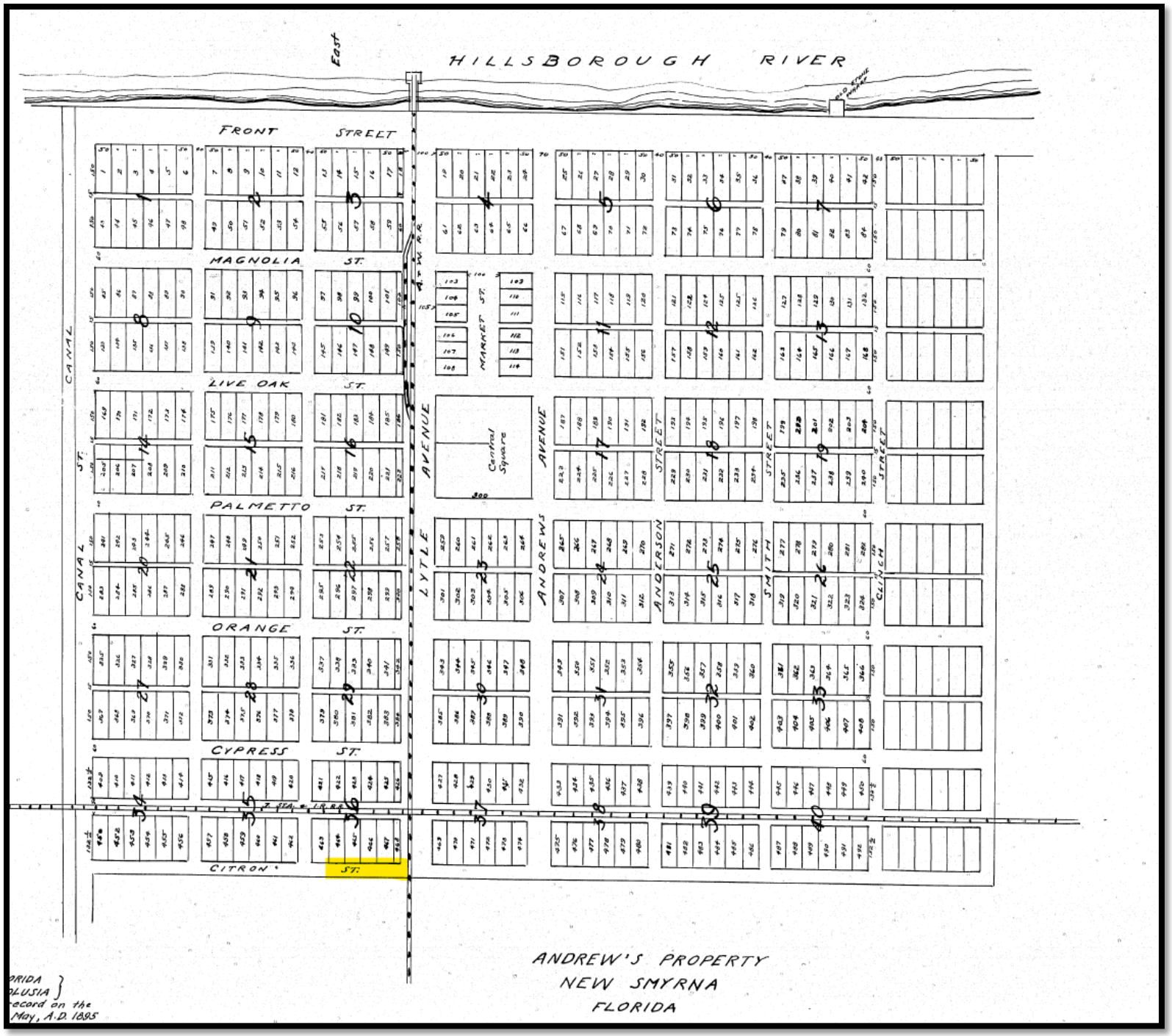


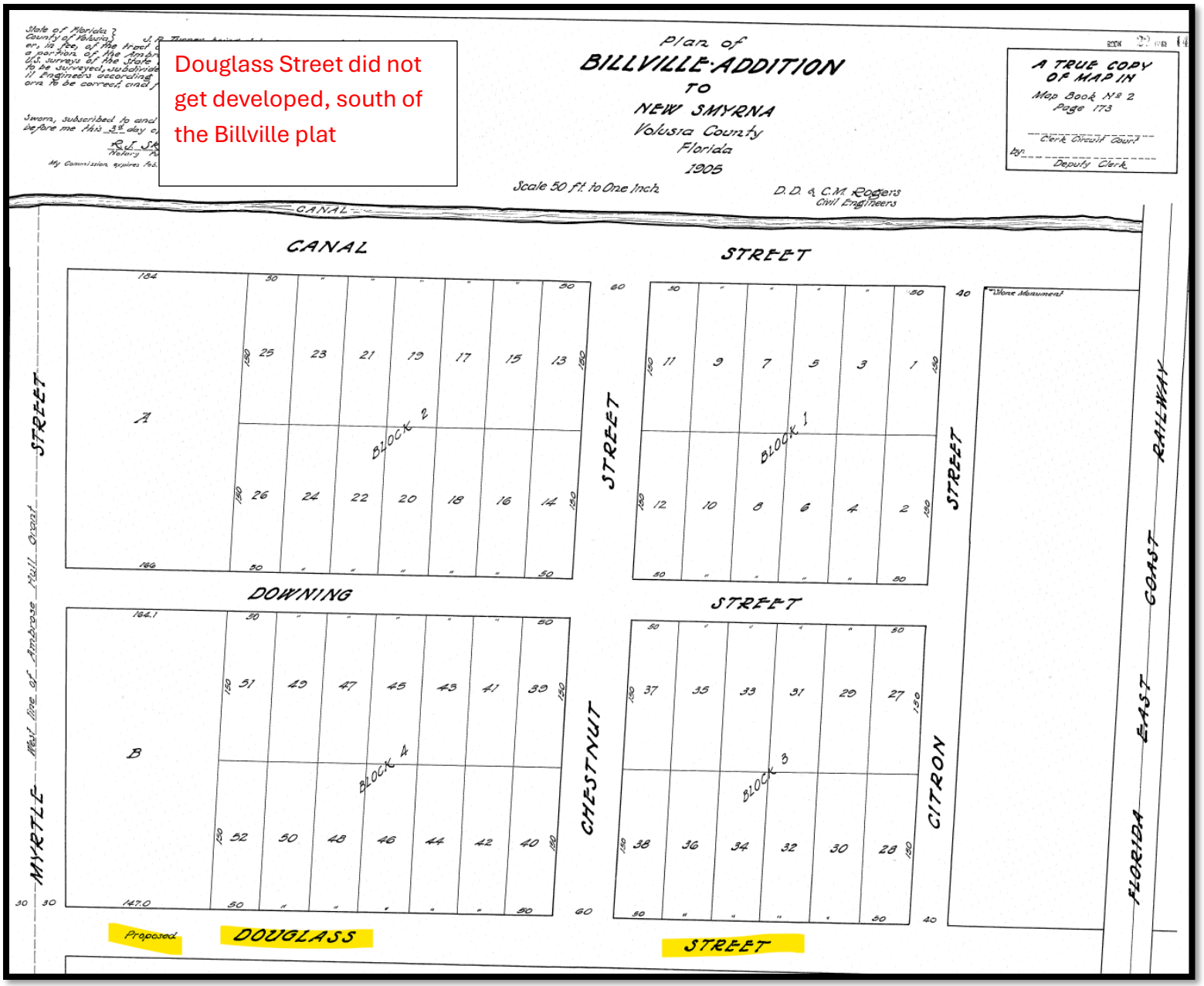
MARK DOWST & ASSOCIATES, INC.
* ENGINEERS PLANNERS SURVEYORS LB#4335 *
536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 PH: 386-258-7999

SKETCH AND DESCRIPTION (CITRON STREET R/W VACATION)			DRAW DATE: 11/11/25	SCALE: 1" = 50'	PROJECT # 1540
F.B./PG.: N/A	FIELD DATE: N/A	CREW: N/A	DRAWN BY: LAT	CHECKED BY: LHD	SHEET 2 OF 2

Drawing name: V:\DWGS\1540 NSB Flex Warehouse (See 1297 Concordis)_Survey\Civil 3D-DWGs\1540_surskeetch.dwg SOD RW Vac Nov 11, 2025 8:16am by: lthib

Exhibit E


HILLSBOROUGH RIVER
FRONT STREET
MAGNOLIA ST.
LIVE OAK ST.
PALMETTO ST.
ORANGE ST.
CYPRESS ST.
CITRON ST.
CANAL ST.
LYTLE AVENUE
MARKET ST.
Central Square
ANDREWS AVENUE
ANDERSON STREET
SMITH STREET
CLINCH STREET
ANDREW'S PROPERTY
NEW SMYRNA
FLORIDA


Douglass Street did not get developed, south of the Billville plat
Plan of
BILLVILLE ADDITION
TO
NEW SMYRNA
Volusia County
Florida
1905
Scale 50 ft. to One Inch.
D. D. & C. M. Rogers
Civil Engineers
A TRUE COPY OF MAP IN
Map Book No 2
Page 173
Clerk Circuit Court
by
Deputy Clerk
CANAL
CANAL
STREET
STREET
STREET
STREET
STREET
DOWNING
STREET
MYRTLE
West line of Ambrose Hill Grant
CHESTNUT
CITRON
FLORIDA EAST COAST RAILWAY
Stone Monument
A
B
BLOCK 1
BLOCK 2
BLOCK 3
BLOCK 4
Proposed
DOUGLASS
STREET

New Smyrna Beach
• • • UTILITIES • • •

October 31, 2025

Mr. Corey D. Brown, Esquire
420 South Nova Road
Daytona Beach, FL 32114

SUBJECT: **Proposed Vacation of Highlighted Platted Right-of-Way "Citron Street."**
Located within Parcel ID 744100000015, Public Records of Volusia County

Dear Mr. Brown:

New Smyrna Beach Utilities has no objection regarding the potable water, wastewater and reclaimed water to the proposed vacation of the platted Right-of-Way as depicted in your letter dated October 29, 2025 (attached).

New Smyrna Beach Utilities has no water, reclaim or sanitary sewer mains in the right-of-way to be vacated.

Storch Law Firm will be required to grant a utilities easement for the existing overhead power line located on the northern portion of the parcel as a condition of the Right-of-Way vacation and match the width of the existing utilities easement O.R.B. 7299, PG 2063.

Please do not hesitate to call me if you have any questions or require additional information.

Sincerely,

Kristin Greene

Kristin Greene
Civil Engineering Technician
Office: 386-424-3008

STORCH
LAW FIRM

GLENN D. STORCH, ESQUIRE
glenn@storchlawfirm.com

COREY D. BROWN, ESQUIRE
corey@storchlawfirm.com

A. JOSEPH POSEY, ESQUIRE
joey@storchlawfirm.com

October 29, 2025

Via Electronic Mail: kho@nsbufl.com
Mr. Kenny Ho
New Smyrna Beach Utilities Commission
P.O. Box 100
New Smyrna Beach, FL 32170

Re: Proposed Vacation of a Portion of the Citron St. Right-of-Way
Plat of Andrew's Addition to New Smyrna, Plat Book 2, Page 68

Dear Kenny:

I am writing to request a letter of no objection for the vacation of a section of the Citron Street right-of-way within Parcel ID Number 7441-00-00-0015. As we discussed at the pre-application meeting with City of NSB staff, we will provide an easement for the existing overhead power line as a condition of the vacation.

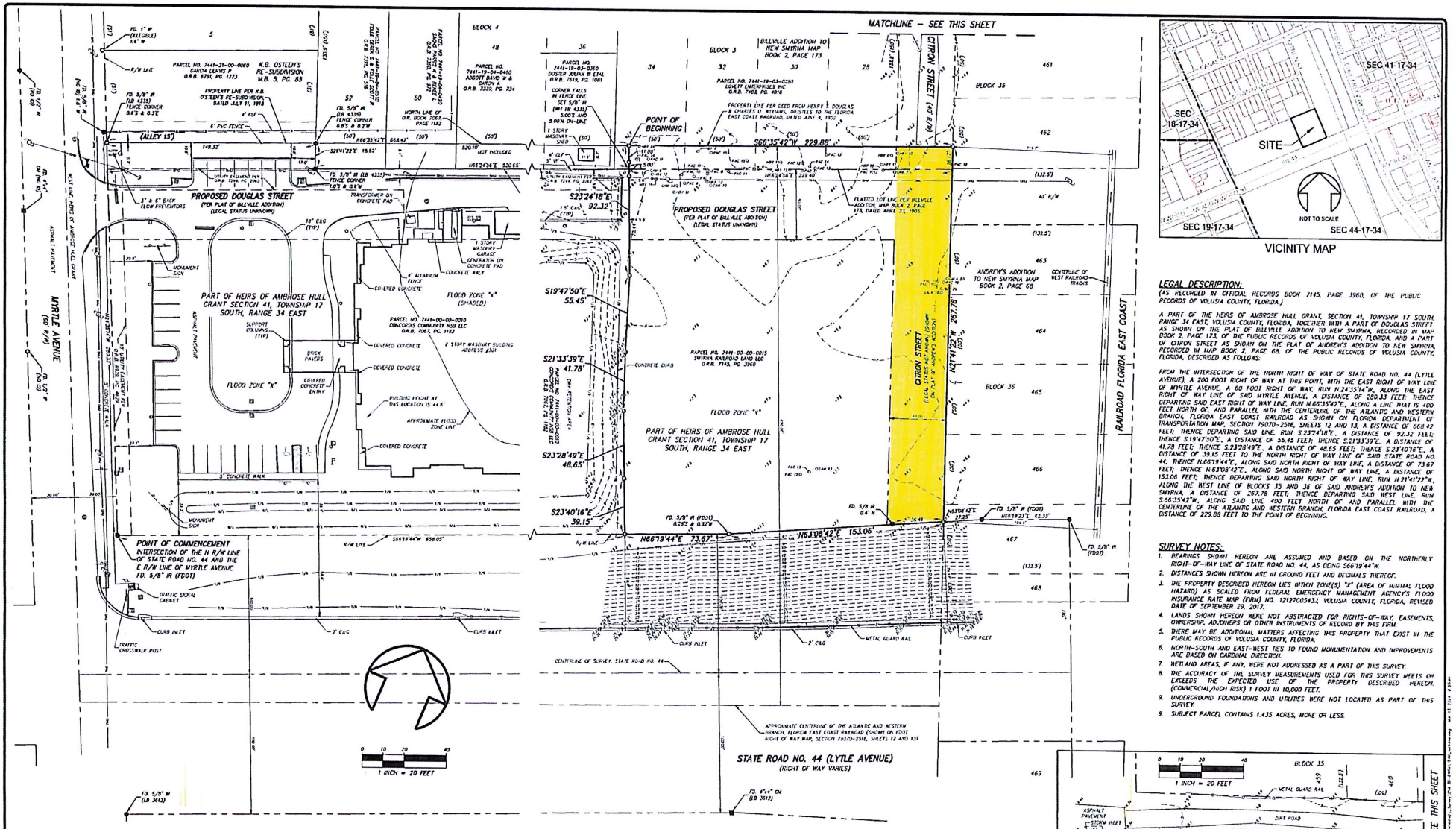
Accompanying this letter is a survey with the area to be vacated highlighted in yellow. Please let me know if any questions, and thank you in advance for your assistance.

Kindest regards,

Corey D. Brown

CDB
Enclosures

420 South Nova Road • Daytona Beach, Florida 32114
(386) 238-8383 • (386) 238-0988 (fax)
Website: www.storchlawfirm.com



VICINITY MAP

LEGAL DESCRIPTION:

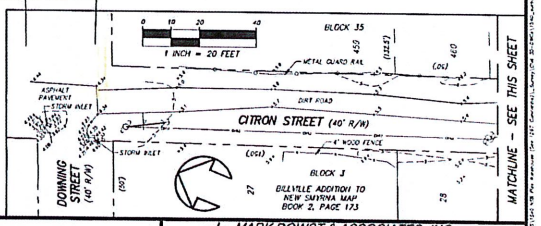
(AS RECORDED IN OFFICIAL RECORDS BOOK 7145, PAGE 3960, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.)

A PART OF THE HEIRS OF AMBROSE HULL GRANT, SECTION 41, TOWNSHIP 17 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A PART OF DOUGLAS STREET AS SHOWN ON THE PLAT OF BILLVILLE ADDITION TO NEW SMYRNA, RECORDED IN MAP BOOK 2, PAGE 173, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND A PART OF CITRON STREET AS SHOWN ON THE PLAT OF ANDREW'S ADDITION TO NEW SMYRNA, RECORDED IN MAP BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE NORTH RIGHT OF WAY OF STATE ROAD NO. 44 (LYTLE AVENUE), A 200 FOOT RIGHT OF WAY AT THIS POINT, WITH THE EAST RIGHT OF WAY LINE OF MYRTLE AVENUE, A 60 FOOT RIGHT OF WAY, RUN N.24°35'14"W., ALONG THE EAST RIGHT OF WAY LINE OF SAID MYRTLE AVENUE, A DISTANCE OF 280.33 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN N.66°35'42"E., ALONG A LINE THAT IS 400 FEET NORTH OF, AND PARALLEL WITH THE CENTERLINE OF THE ATLANTIC AND WESTERN BRANCH, FLORIDA EAST COAST RAILROAD AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION MAP, SECTION 79070-2516, SHEETS 12 AND 13, A DISTANCE OF 668.42 FEET; THENCE DEPARTING SAID LINE, RUN S.23°24'18"E., A DISTANCE OF 92.32 FEET; THENCE S.19°47'50"E., A DISTANCE OF 55.45 FEET; THENCE S.21°33'39"E., A DISTANCE OF 41.78 FEET; THENCE S.23°28'49"E., A DISTANCE OF 48.65 FEET; THENCE S.23°40'16"E., A DISTANCE OF 39.15 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID STATE ROAD NO. 44; THENCE N.66°19'44"E., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 73.67 FEET; THENCE N.63°08'42"E., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 153.06 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, RUN N.21°41'22"W., ALONG THE WEST LINE OF BLOCKS 35 AND 36 OF SAID ANDREW'S ADDITION TO NEW SMYRNA, A DISTANCE OF 267.78 FEET; THENCE DEPARTING SAID WEST LINE, RUN S.66°35'42"W., ALONG SAID LINE 400 FEET NORTH OF AND PARALLEL WITH THE CENTERLINE OF THE ATLANTIC AND WESTERN BRANCH, FLORIDA EAST COAST RAILROAD, A DISTANCE OF 229.88 FEET TO THE POINT OF BEGINNING.

SURVEY NOTES:

1. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 44, AS BEING S66°19'44"W.
2. DISTANCES SHOWN HEREON ARE IN GROUND FEET AND DECIMALS THEREOF.
3. THE PROPERTY DESCRIBED HEREON LIES WITHIN ZONE(S) "X" (AREA OF MINIMAL FLOOD HAZARD) AS SCALED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) NO. 12127C0543J, VOLUSIA COUNTY, FLORIDA, REVISED DATE OF SEPTEMBER 29, 2017.
4. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, ADJOINERS OR OTHER INSTRUMENTS OF RECORD BY THIS FIRM.
5. THERE MAY BE ADDITIONAL MATTERS AFFECTING THIS PROPERTY THAT EXIST IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
6. NORTH-SOUTH AND EAST-WEST TIES TO FOUND MONUMENTATION AND IMPROVEMENTS ARE BASED ON CARDINAL DIRECTION.
7. WETLAND AREAS, IF ANY, WERE NOT ADDRESSED AS A PART OF THIS SURVEY.
8. THE ACCURACY OF THE SURVEY MEASUREMENTS USED FOR THIS SURVEY MEETS OR EXCEEDS THE EXPECTED USE OF THE PROPERTY DESCRIBED HEREON. (COMMERCIAL/HIGH RISK) 1 FOOT IN 10,000 FEET.
9. UNDERGROUND FOUNDATIONS AND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY.
9. SUBJECT PARCEL CONTAINS 1.435 ACRES, MORE OR LESS.



LEGEND AND ABBREVIATIONS:

( ) PLAT/DEED
+/- MORE OR LESS
AC ACRES
C&G CURB & GUTTER
— CENTER LINE
CLF CHAIN-LINK FENCE
CM CONCRETE MONUMENT
DE DRAINAGE EASEMENT
FDOT FLORIDA DEPARTMENT OF TRANSPORTATION
FIRM FLOOD (FLORIDA) INSURANCE RATE MAP
FNC FENCE
FD FOUND
ID IDENTIFICATION
HH HUSH FIRE
HR HIGH ROD
LB LICENSED BUSINESS
MB MAP BOOK
N/D NAIL & DISK
NO NUMBER
O.R.B. OFFICIAL RECORDS BOOK
OHW OVER-HEAD UTILITIES
PG(S) PAGE (PAGES)
PLS PROFESSIONAL LAND SURVEYOR
PRM PERMANENT REFERENCE MONUMENT
PSM PROFESSIONAL SURVEYOR MAPPER
R/W RIGHT OF WAY
SEC SECTION-TOWNSHIP-RANGE
T/B APPROXIMATE TOP OF BANK
T/S APPROXIMATE TOP OF SLOPE
UE UTILITY EASEMENT
(TYP) TYPICAL
WF WOOD FENCE
WF WOOD PRIVACY FENCE
WM WATER METER
GV GATE VALVE
BFP BACK FLOW PREVENTION
FH FIRE HYDRANT
FDC FIRE DEPARTMENT CONNECTION
HC HANDICAP PARKING
SPS SINGLE POLE SIGN
BOL BOLLARD
BRK BREAK LINE
FOUND 4"x4" CM (AS NOTED)
SET 1/2 REBAR (LB 4335)
FOUND N/D (AS NOTED)
SET/FOUND 5/8" IRC (LB 4335)
FOUND IRON ROD (AS NOTED)
FOUND IRON PIPE (AS NOTED)
FLAG POLE
CABLE TELEVISION RISER POLE
ELECTRIC JUNCTION BOX
TELEPHONE JUNCTION BOX
WATER METER
WOOD UTILITY POLE
TRAFFIC SIGNAL POLE
GUY ANCHOR
LIGHT POLE
CATCH BASIN/YARD DRAIN
STORM MANHOLE
GREASE TRAP
SANITARY MANHOLE
TELEPHONE MANHOLE

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THIS SURVEY MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050-.052, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Digitally signed by Lee H Dowst
Date: 2024.03.18 13:59:22 -04'00'

LEE H. DOWST, P.L.S. NO. 6860
www.mdoeng.com

THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

TREE LEGEND:

CRAN TREE LOCATION WITH TYPE & SIZE
CAM CAMPHOR TREE
HOLY HACKBERRY TREE
GALA LAUREL OAK TREE
PAC CABBAGE PALM

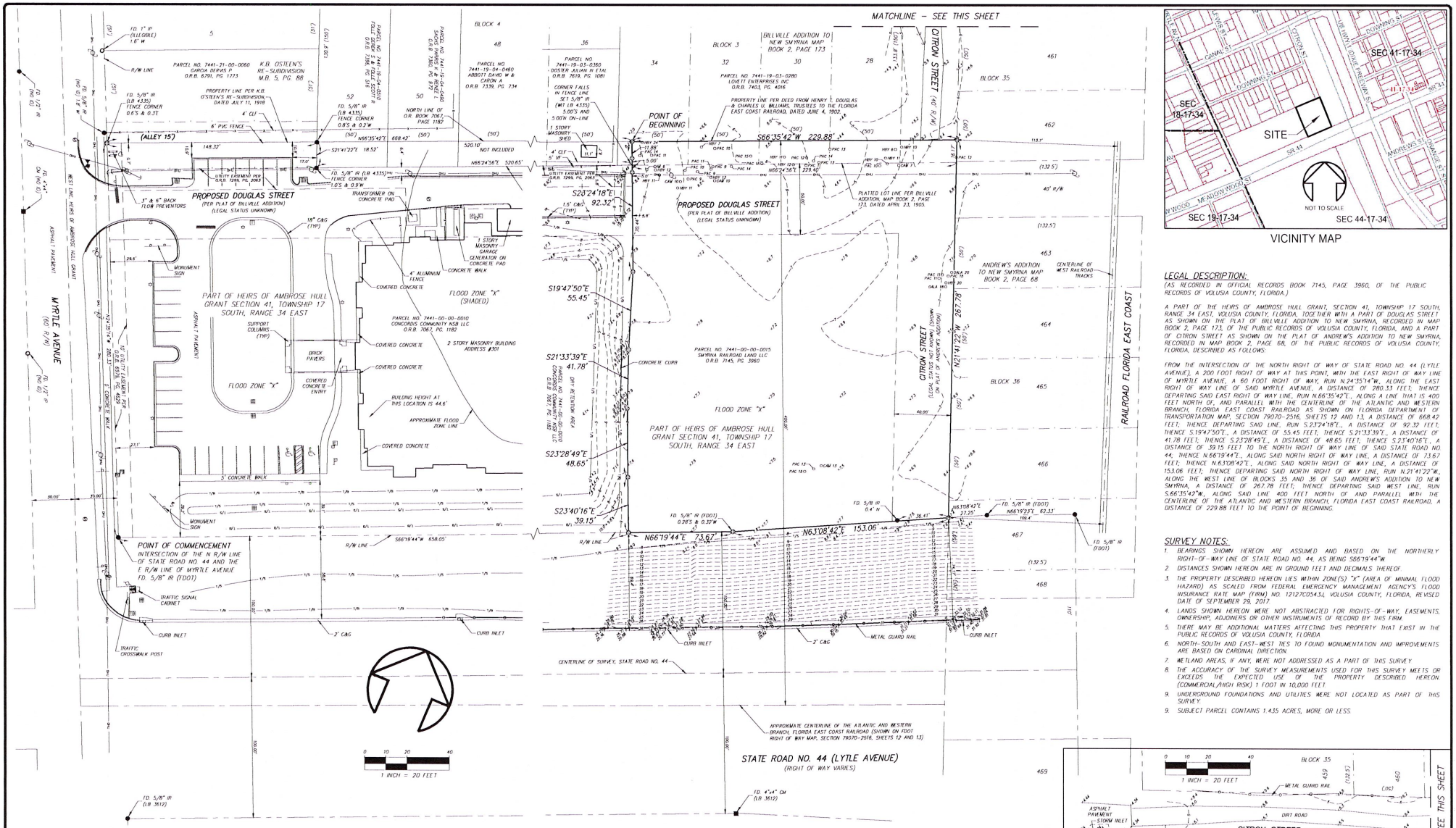
REVISIONS				
F.B. / PG.	DATE	BY	DESCRIPTION	CFD

MARK DOWST & ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS LB#4335
536 NORTH NIAGARA AVENUE, SUITE 103, DAYTONA BEACH, FLORIDA 32118 PH.386-255-7999

BOUNDARY, TOPOGRAPHIC AND TREE LOCATION SURVEY — PROJECT #: 1540

DRAWN BY: LAT | DRAW DATE: 03/13/24 | CHECKED BY: LHD | SCALE: 1" = 30' | FILE NAME: 1540_surbase.dwg

CREW: BK,P,LBT | FIELD DATE: 03/12/24 | F.B./PG.: 256/8-13,21 | SHEET 1 OF 1



VICINITY MAP

LEGAL DESCRIPTION:

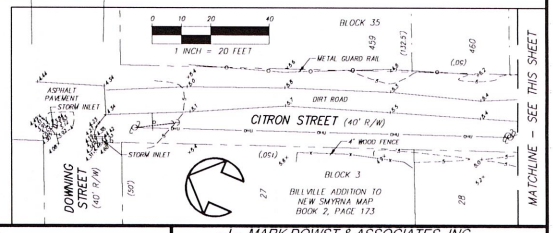
(AS RECORDED IN OFFICIAL RECORDS BOOK 7145, PAGE 3960, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.)

A PART OF THE HEIRS OF AMBROSE HULL GRANT, SECTION 41, TOWNSHIP 17 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A PART OF DOUGLAS STREET AS SHOWN ON THE PLAT OF BILLVILLE ADDITION TO NEW SMYRNA, RECORDED IN MAP BOOK 2, PAGE 173, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND A PART OF CITRON STREET AS SHOWN ON THE PLAT OF ANDREW'S ADDITION TO NEW SMYRNA, RECORDED IN MAP BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE NORTH RIGHT OF WAY OF STATE ROAD NO. 44 (LYTLE AVENUE), A 200 FOOT RIGHT OF WAY AT THIS POINT, WITH THE EAST RIGHT OF WAY LINE OF MYRTLE AVENUE, A 60 FOOT RIGHT OF WAY, RUN N.24°15'14"W., ALONG THE EAST RIGHT OF WAY LINE OF SAID MYRTLE AVENUE, A DISTANCE OF 280.33 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN N.66°35'42"E., ALONG A LINE THAT IS 400 FEET NORTH OF, AND PARALLEL WITH THE CENTERLINE OF THE ATLANTIC AND WESTERN BRANCH, FLORIDA EAST COAST RAILROAD AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION MAP, SECTION 79070-2516, SHEETS 12 AND 13, A DISTANCE OF 668.42 FEET; THENCE DEPARTING SAID LINE, RUN S.23°24'18"E., A DISTANCE OF 92.32 FEET; THENCE S.19°47'50"E., A DISTANCE OF 55.45 FEET; THENCE S.21°33'39"E., A DISTANCE OF 41.78 FEET; THENCE S.23°28'49"E., A DISTANCE OF 48.65 FEET; THENCE S.23°40'16"E., A DISTANCE OF 39.15 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID STATE ROAD NO. 44; THENCE N.66°19'44"E., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 73.67 FEET; THENCE N.63°08'42"E., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 153.06 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, RUN N.21°41'22"W., ALONG THE WEST LINE OF BLOCKS 35 AND 36 OF SAID ANDREW'S ADDITION TO NEW SMYRNA, A DISTANCE OF 267.78 FEET; THENCE DEPARTING SAID WEST LINE, RUN S.66°35'42"W., ALONG SAID LINE 400 FEET NORTH OF AND PARALLEL WITH THE CENTERLINE OF THE ATLANTIC AND WESTERN BRANCH, FLORIDA EAST COAST RAILROAD, A DISTANCE OF 229.88 FEET TO THE POINT OF BEGINNING.

SURVEY NOTES:

1. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 44, AS BEING S66°19'44"W.
2. DISTANCES SHOWN HEREON ARE IN GROUND FEET AND DECIMALS THEREOF.
3. THE PROPERTY DESCRIBED HEREON LIES WITHIN ZONE(S) "X" (AREA OF MINIMAL FLOOD HAZARD) AS SCALED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) NO. 12127C0543J, VOLUSIA COUNTY, FLORIDA, REVISED DATE OF SEPTEMBER 29, 2017.
4. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, ADJOINERS OR OTHER INSTRUMENTS OF RECORD BY THIS FIRM.
5. THERE MAY BE ADDITIONAL MATTERS AFFECTING THIS PROPERTY THAT EXIST IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
6. NORTH-SOUTH AND EAST-WEST TIES TO FOUND MONUMENTATION AND IMPROVEMENTS ARE BASED ON CARDINAL DIRECTION.
7. WETLAND AREAS, IF ANY, WERE NOT ADDRESSED AS A PART OF THIS SURVEY.
8. THE ACCURACY OF THE SURVEY MEASUREMENTS USED FOR THIS SURVEY MEETS OR EXCEEDS THE EXPECTED USE OF THE PROPERTY DESCRIBED HEREON. (COMMERCIAL/HIGH RISK) 1 FOOT IN 10,000 FEET.
9. UNDERGROUND FOUNDATIONS AND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY.
9. SUBJECT PARCEL CONTAINS 1.435 ACRES, MORE OR LESS.



LEGEND AND ABBREVIATIONS:

( )	PLAT/DEED	M.B.	MAP BOOK	WFF	WOOD PRIVACY FENCE	●	FOUND IRON ROD (AS NOTED)
±	MORE OR LESS	N/D	NAIL & DISK	W/	WITH	○	FOUND IRON PIPE (AS NOTED)
AC.	ACRES	NO.	NUMBER	WM	WATER VALVE	⊠	FLAG POLE
C&G	CURB & GUTTER	O.R.B.	OFFICIAL RECORDS BOOK	⊗	CLEAN OUT	CATV	CABLE TELEVISION RISER BOX
℄	CENTER LINE	OHU	OVER-HEAD UTILITIES	GV	GAS VALVE	EJB	ELECTRIC JUNCTION BOX
CLF	CHAIN-LINK FENCE	PG(S).	PAGE/PAGES	BFP	BACK FLOW PREVENTOR	TJB	TELEPHONE JUNCTION BOX
CM	CONCRETE MONUMENT	P.L.S.	PROFESSIONAL LAND SURVEYOR	FH	FIRE HYDRANT	WM	WATER METER
D.E.	DRAINAGE EASEMENT	PRM	PERMANENT REFERENCE MONUMENT		FIRE PLUG/CONNECTION		WOOD UTILITY POLE
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION	PSM	PROFESSIONAL SURVEYOR MAPPER	P	HANDI-CAP PARKING	☼	TRAFFIC SIGNAL POLE
FIRM	FLOOD (FLORIDA) INSURANCE RATE MAP	R/W	RIGHT OF WAY	■	SINGLE POLE SIGN	←	GUY ANCHOR
FNC	FENCE	SEC	SECTION-TOWNSHIP-RANGE	■	BILLBOARD	☼	LIGHT POLE
F.D.	FOUND	T/R	APPROXIMATE TOP OF BANK		BREAK LINE	⊕	CATCH BASIN/YARD DRAIN
ID	IDENTIFICATION	T/S	APPROXIMATE TOE OF SLOPE	■	FOUND 4"x4" CM (AS NOTED)	Ⓢ	STORM MANHOLE
IP	IRON PIPE	U.E.	UTILITY EASEMENT	●	SET N/D (LB 4335)	GT	GREASE TRAP
IR	IRON ROD	(TYP)	TYPICAL	●	FOUND N/D (AS NOTED)	Ⓢ	SANITARY MANHOLE
LB	LICENSED BUSINESS	W	WOOD FENCE	○	SET/FOUND 5/8" IRC (LB 4335)	Ⓣ	TELEPHONE MANHOLE

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THIS SURVEY MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050-.052, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

LEE H DOWST
License Number 6860
STATE OF FLORIDA
Professional Surveyor and Mapper

Digitally signed by Lee H Dowst
Date: 2024.03.18 13:59:22 -04'00'

LEE H. DOWST, P.L.S. NO. 6860
www.mdoeng.com

THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

TREE LEGEND:

○	TREE LOCATION WITH TYPE & SIZE
CAM	CAMPHOR TREE
HBY	HACKBERRY TREE
OALA	LAUREL OAK TREE
PAC	CABBAGE PALM

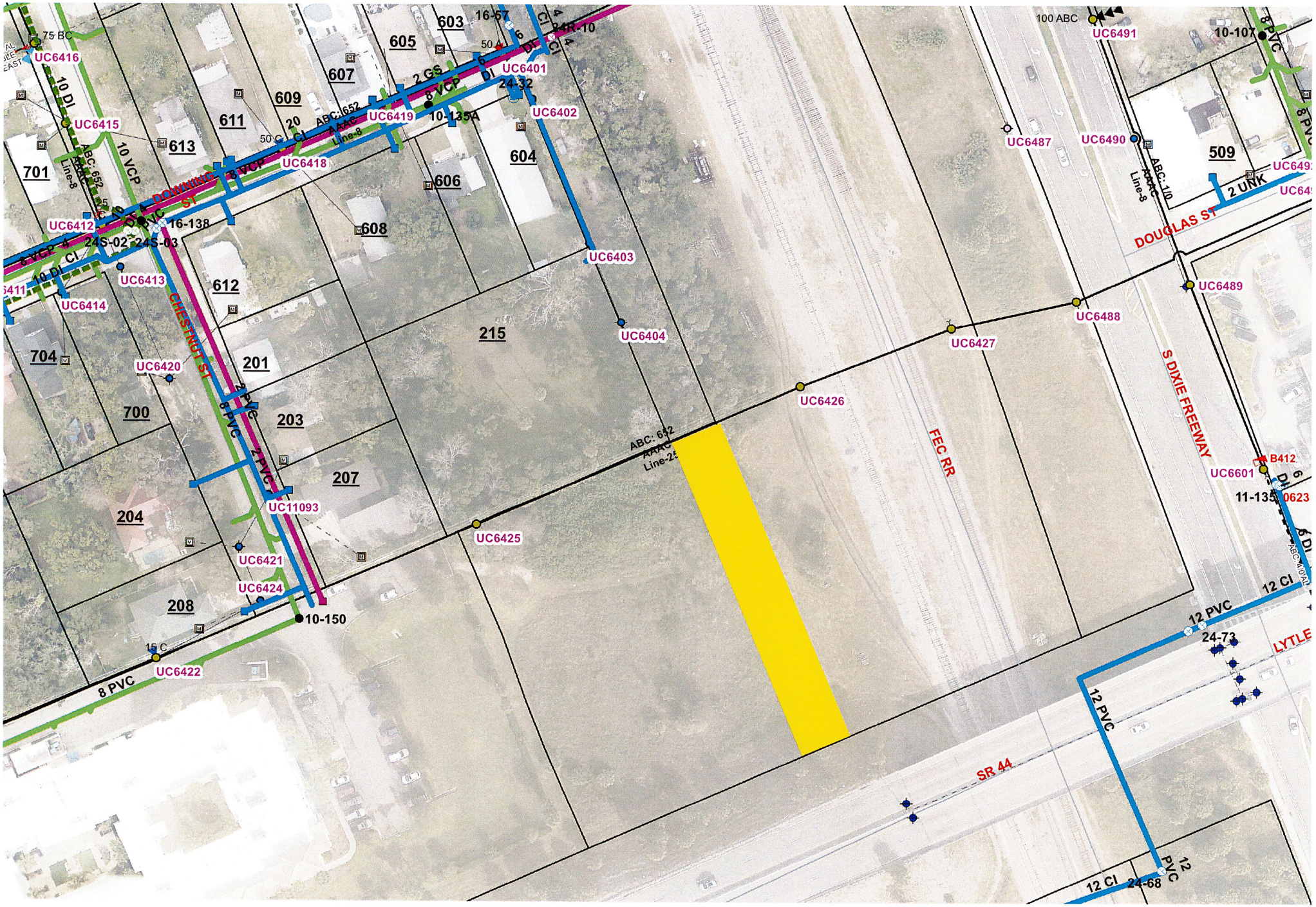
REVISIONS				
F.B. / PG.	DATE	BY	DESCRIPTION	CKD

MARK DOWST & ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS LB#4335
536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 PH: 386-258-7999

BOUNDARY, TOPOGRAPHIC AND TREE LOCATION SURVEY — PROJECT # 1540

DRAWN BY: LAT | DRAW DATE: 03/13/24 | CHECKED BY: LHD | SCALE: 1" = 30' | FILE NAME: 1540_surbase.dwg

CREW: BK,PJ,RT | FIELD DATE: 03/12/24 | F.B./PG.: 256/9-13,21 | SHEET: 1 OF 1


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DOWNING ST
CHESTNUT ST
DOUGLAS ST
S DIXIE FREEWAY
FEC RR
SR 44
LYTLE
ABC: 652
AAAC
Line-8
ABC: 652
AAAC
Line-25
ABC: 1/0
AAAC
Line-8
10 DI
10 VCP
8 VCP
2 GS
2 PVC
8 PVC
12 PVC
12 CI
2 UNK
100 ABC
75 BC
50 C
15 C
B412

STORCH
LAW FIRM

GLENN D. STORCH, ESQUIRE
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A. JOSEPH POSEY, ESQUIRE
joey@storchlawfirm.com

December 16, 2025

Via Electronic Mail: jbaker@cityofnsb.com
Jake Baker, AICP
Senior Planner
City of New Smyrna Beach
214 Sams Avenue
New Smyrna Beach, FL 32168

Re: Benefits of Vacation of the Citron Street Right of Way

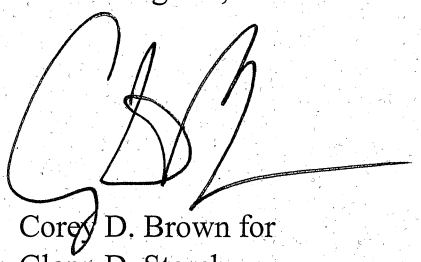
Dear Jake:

I'm writing to explain how the proposed vacation of the Citron Street right-of-way is in the interest of the public good, which is the case for several reasons. First of all, the section of Citron Street to be vacated does not go anywhere. The south end of the right-of-way runs into the earthen ramp for the SR 44 overpass of U.S. 1 and the railroad tracks, and those FEC railroad tracks are the only thing on the east side of Citron St. Neither the public nor any private property owners can make any use of the right-of-way in those two directions. In contrast, the applicant is the only person or entity with ownership of property both lying underneath the right-of-way and adjoining the entire section of right-of-way to the west. As such, the public has no existing or potential use of Citron Street in this location, meaning the right-of-way is not doing the public any good in its current state.

In contrast to the lack of any public benefit stemming from the existing right-of-way, the applicant does have the ability and intent to use the land under the right-of-way as the site of a new warehouse building. This new redevelopment project is a good use of the property, which is zoned for industrial uses, and the new building will increase surrounding property values and the City's tax base, directly benefitting the public. In addition, the removal of the right-of-way could reduce the City's potential liability for accidents or injuries that may occur within the current City right-of-way. Finally, the applicant has agreed to grant a utility easement to New Smyrna Beach Utilities for the section of existing overhead powerlines that cross the right-of-way.

For all of the above reasons, the partial vacation of the Citron St. right-of-way is in the interest of the public good. Please let me know if you have any questions.

Kindest regards,



Corey D. Brown for
Glenn D. Storch

GDS/cdb

Exhibit H

After review of the referenced vacation request for a platted right-of-way (Citron Street) within parcel ID#744100000015 the Engineering Department has no objection taking into consideration the following:

1.There is no potential roadway connectivity to SR44 or other dedicated rights-of-way for traffic management or access purposes.
2.The alignment of a potential multi-use trail was contemplated at one time to avoid crossing SR44, but no longer appears to be a viable route.
3.Without the benefit of a Phase I environmental site assessment the City is released in full from any costs or remedial obligations should a potential brownfield or contaminated soils exist.

Let me know if you need more input on any of these items.

Thanks,

Kyle W. Fegley, P.E.
City Engineer
City of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, FL 32168
Office (386) 410-2811
Mobile (386) 547-1159
Kfegley@cityofnsb.com
www.cityofnsb.com

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

A-0014-2025: REVIEW AND GIVE A RECOMMENDATION TO THE CITY COMMISSION ON AN OVERALL ANNEXATION APPLICATION FOR PROPERTY LOCATED ON DOSTER DRIVE.

January 5, 2026

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) designation of Environmental Systems Corridor and Urban Low Intensity and Volusia County zoning of RC, Resource Corridor and R-4, Urban Single Family Residential with a "A" attached for Airport Height Notification Zone.

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

Site Information:

- **Size:** 2.75 ± acres

- **Location:** South side of Doster Drive, east of Corbin Park Road.

Tax I.D. Number: 7344-03-00-0440

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 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) 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 designation 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 and zoning designations that would be as similar as possible to existing County designations. As discussed above, the existing County FLU designations are Environmental Systems Corridor and Urban Low Intensity. The existing County zoning designations are Resource Corridor and R-4, Urban Single Family Residential. The proposed City FLU designation is Conservation. The proposed City zoning designation is Conservation. A text description of the proposed City Conservation Future Land Use designation 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 Doster Drive is undeveloped. An 8" PVC water line is located within the Corbin Park Drive right-of-way but central sewer and reclaim water are unavailable.

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:

The Planning Department 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 to City Conservation and rezoning to City Conservation with an "A" attached for Airport Height Notification Zone for property located on Doster Drive.

Fiscal Analysis:
N/A

Strategic Plan Item:
Yes

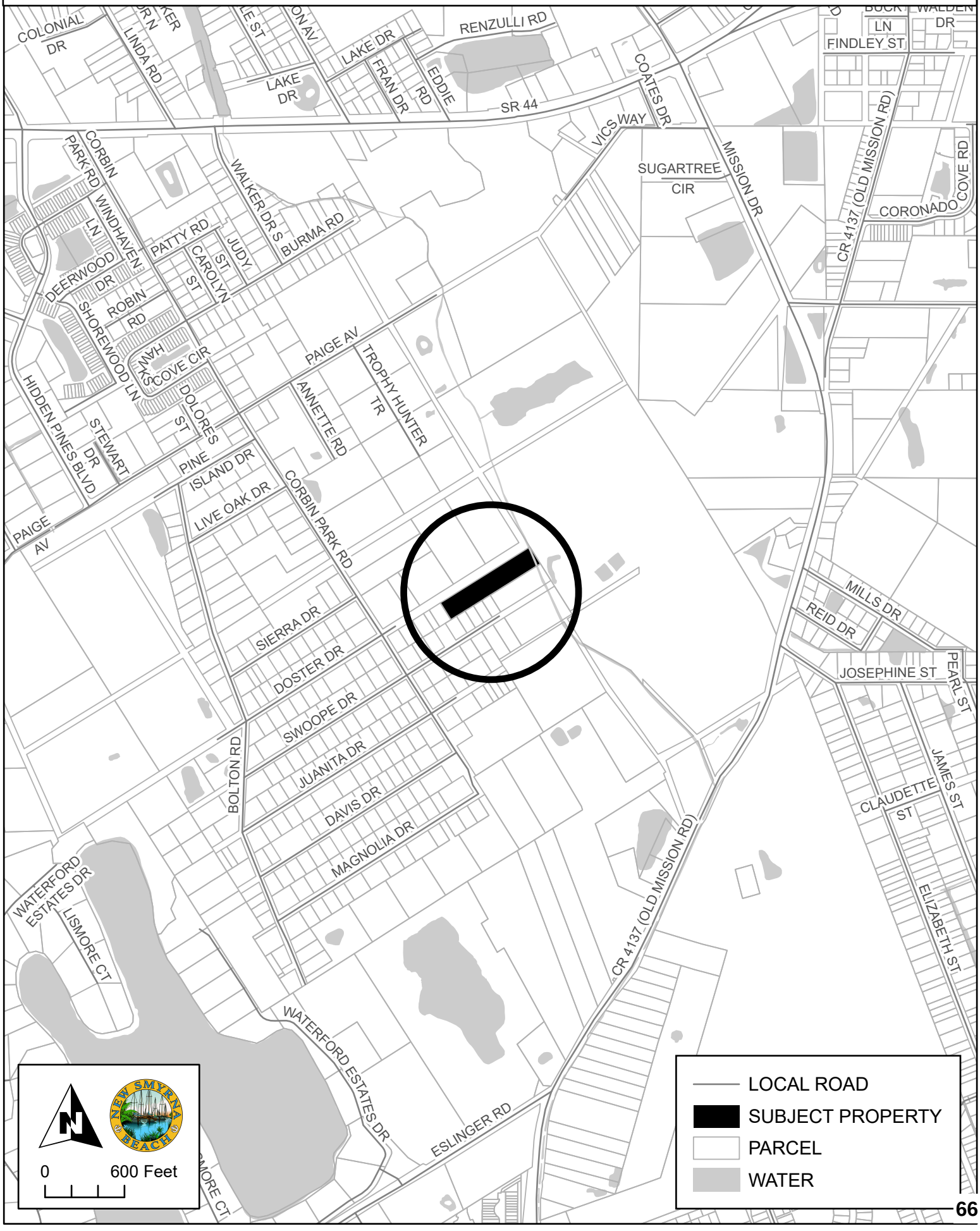
Staff Report Created By: Robert Mathen - Senior Planner

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 Future Land Use Text.pdf
Exhibit F 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-14-25: DOSTER DRIVE
PARCEL: 7344-03-00-0440 LOCATION MAP

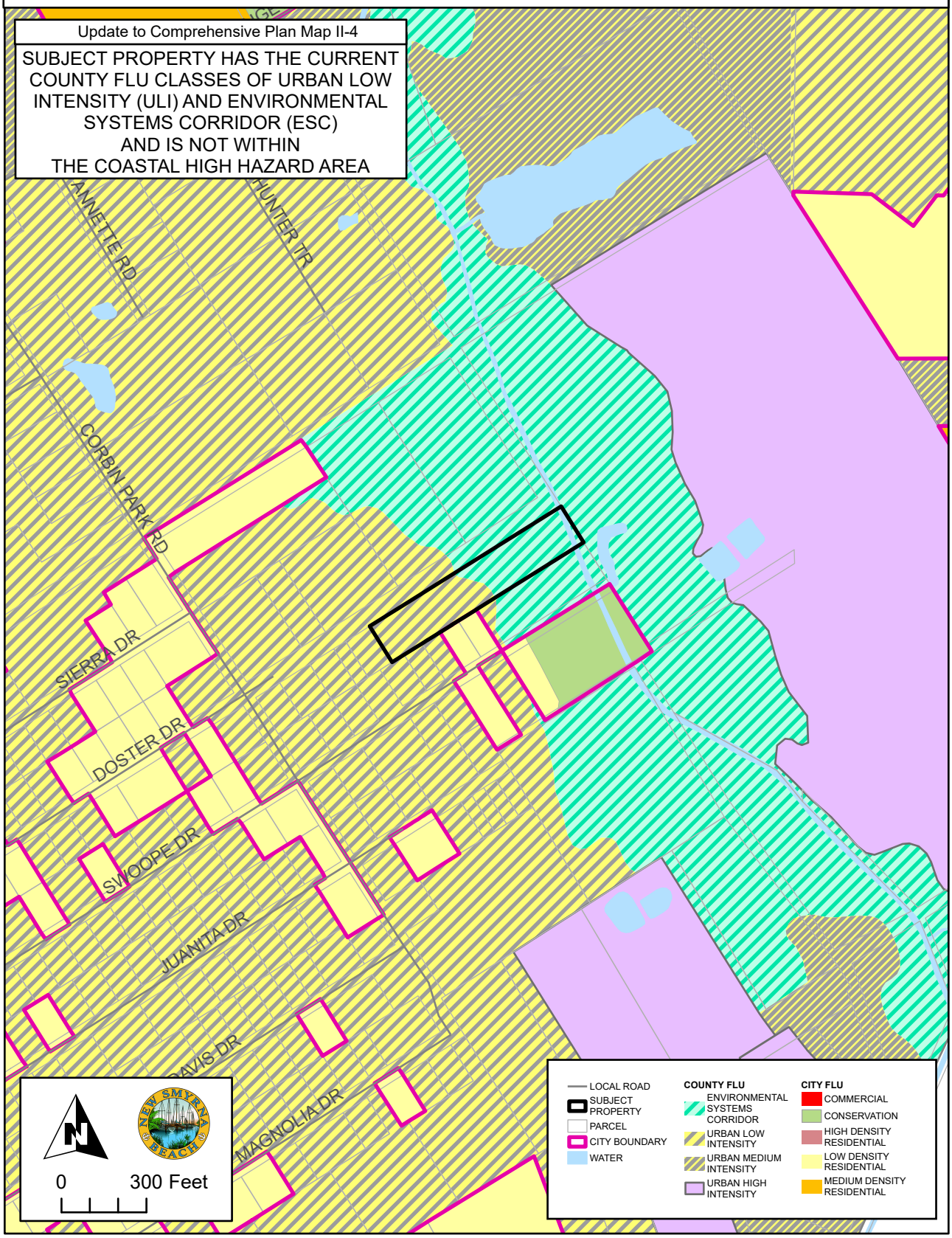


A-14-25: DOSTER DRIVE
PARCEL: 7344-03-00-0440 AERIAL MAP



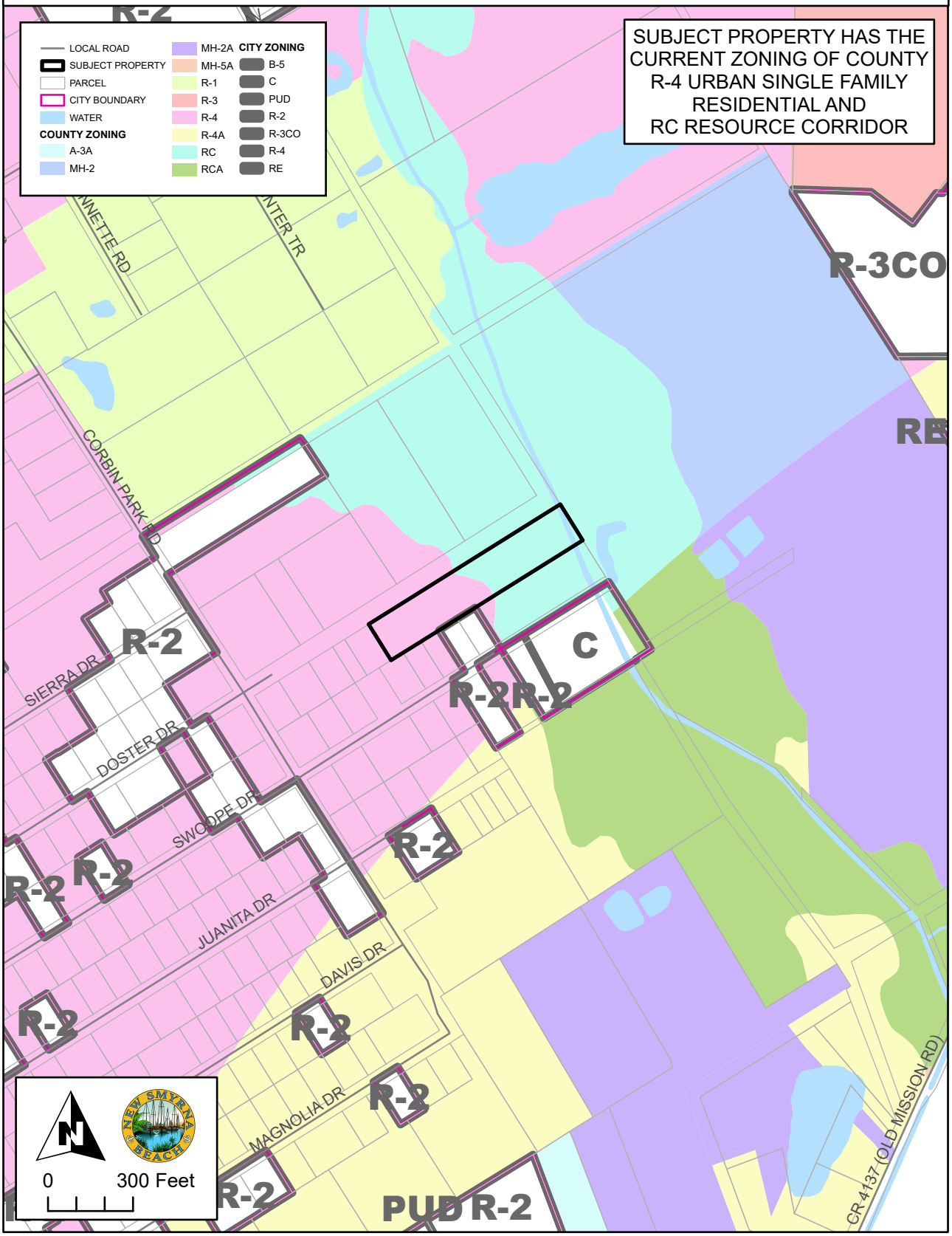
EXISTING FUTURE LAND USE DESIGNATIONS

A-14-25



EXISTING ZONING

A-14-25



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.

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.

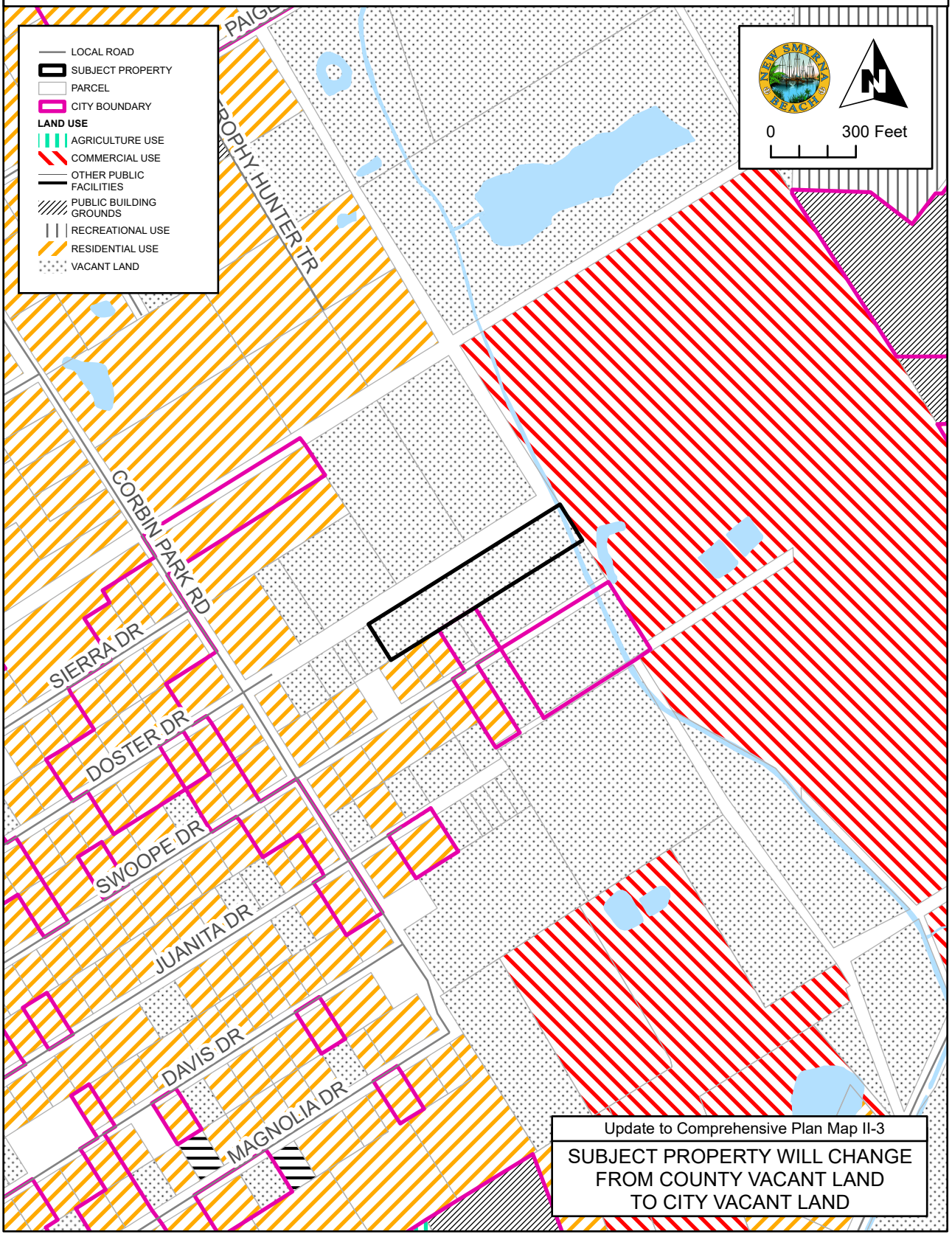
Minimum floor area: As required for the portion of the lot not classified as RC.

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-14-25



CONSERVATION

Maximum allowed Floor Area Ratio (FAR): 0.10

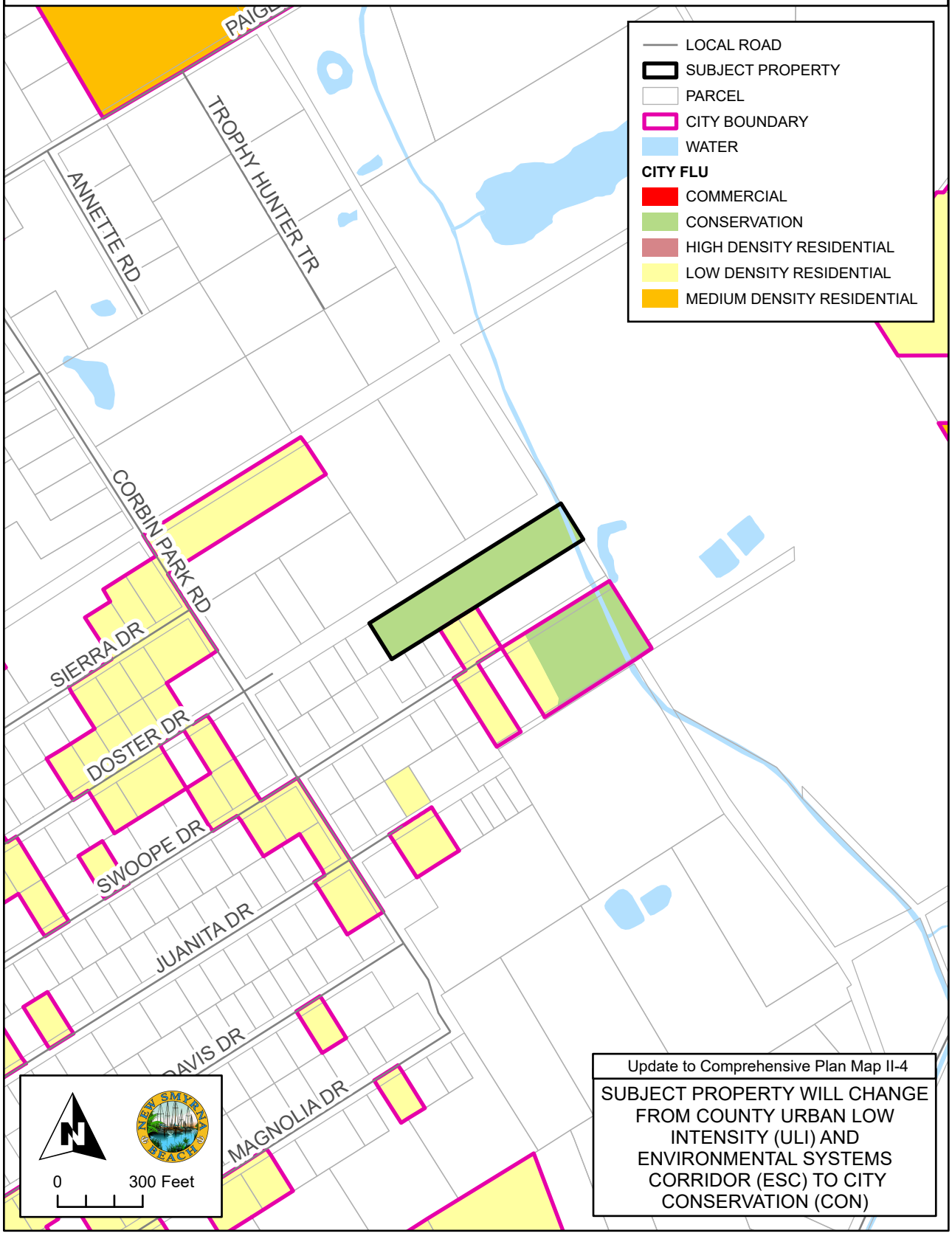
The general boundaries of those areas known to require environmental protection from development have been designated as conservation on the Future Land Use Map.

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-14-25



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.

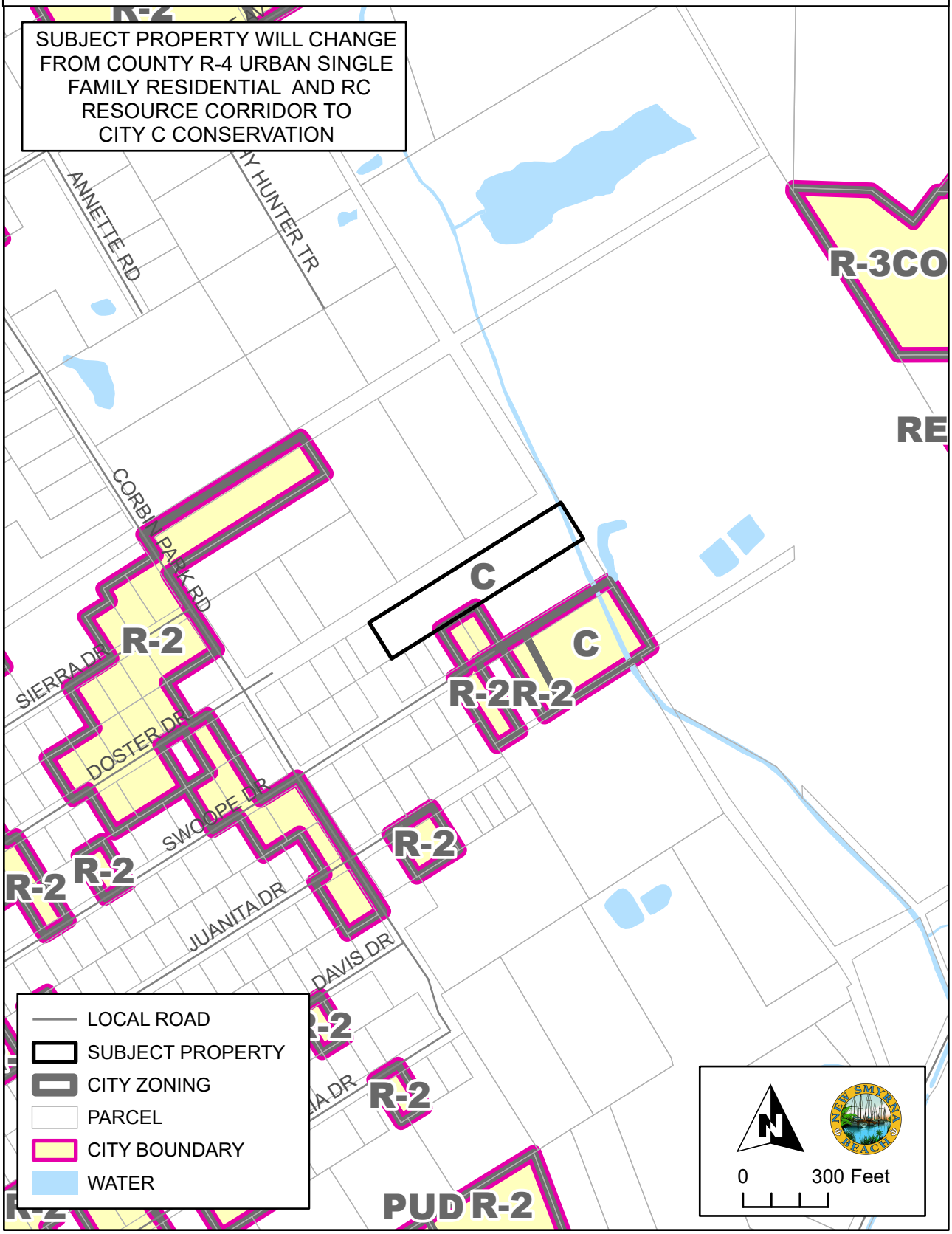
Visibility at intersections. Visibility at intersections shall be provided as required in this LDR.

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.

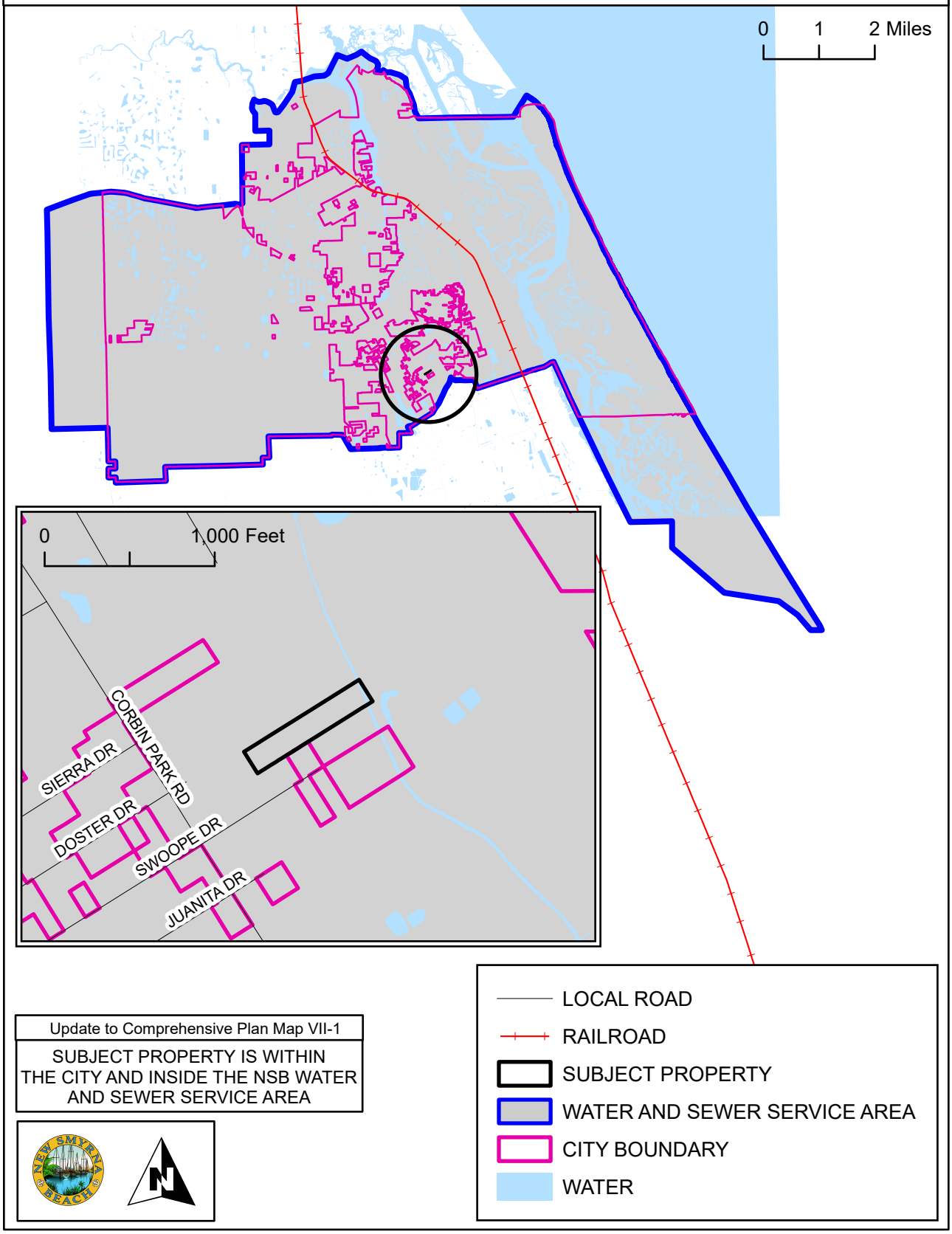
PROPOSED ZONING

A-14-25



WATER AND SEWER SERVICE AREA

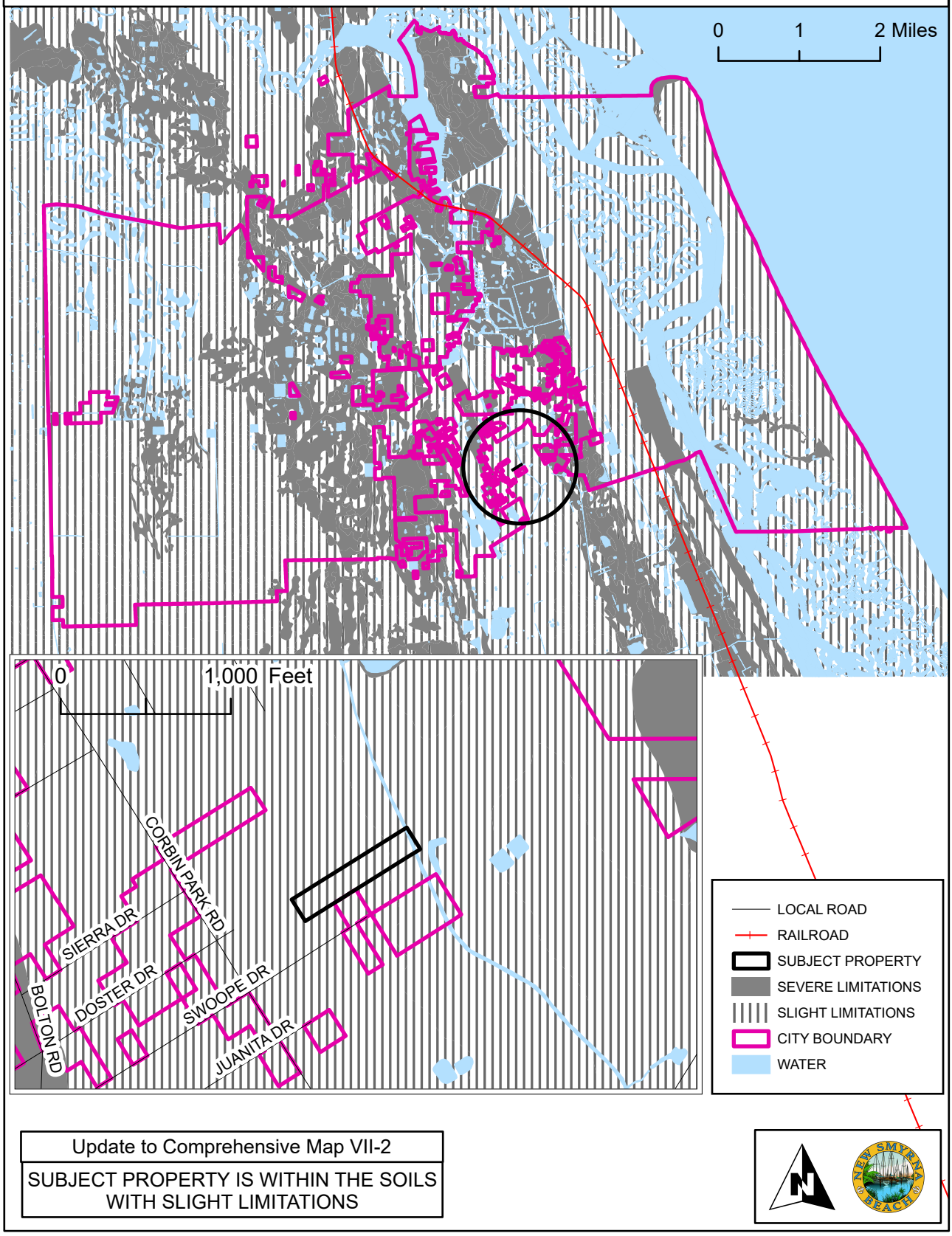
A-14-25



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-14-25

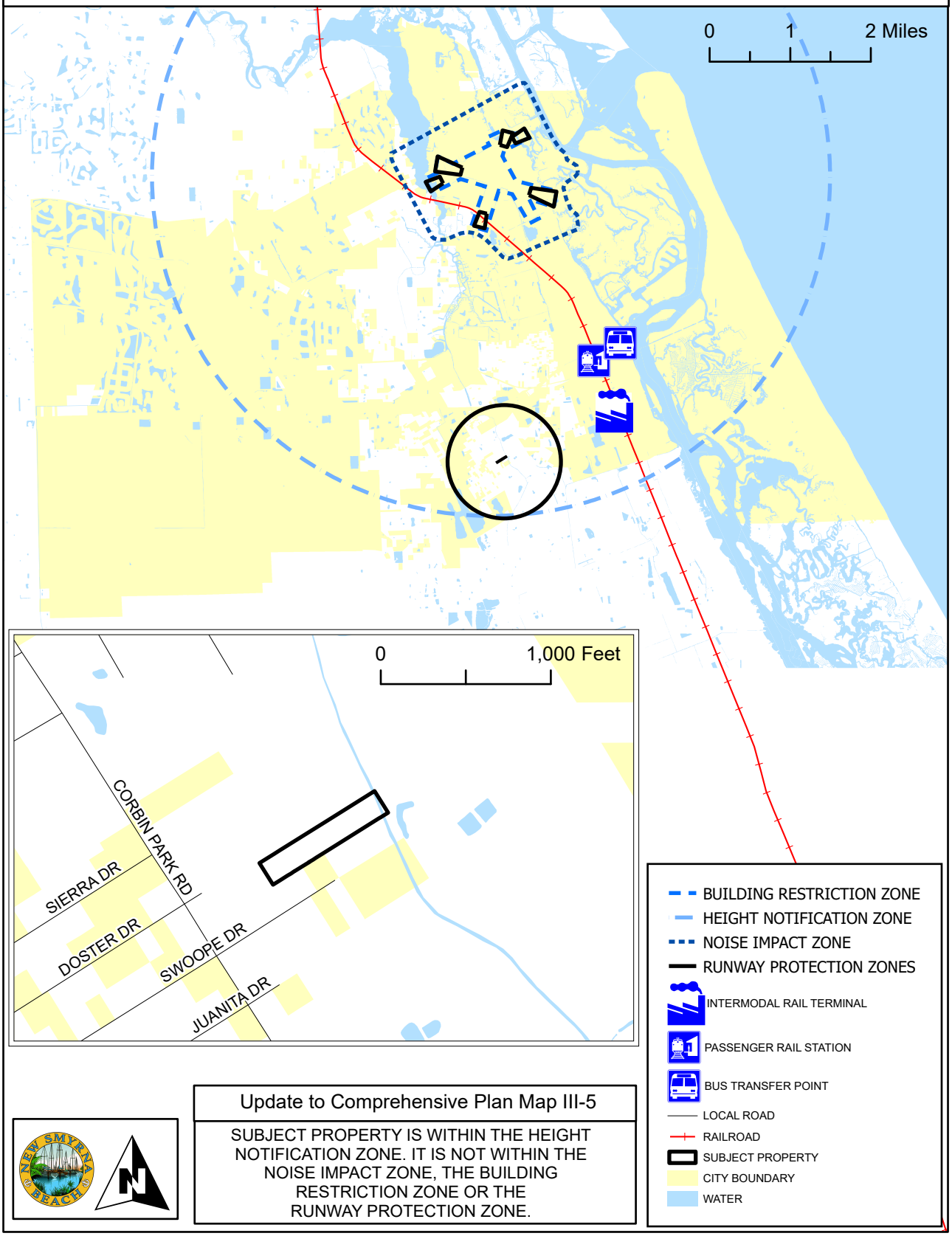


Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS

AIRPORT RUNWAY PROTECTION ZONES

A-14-25

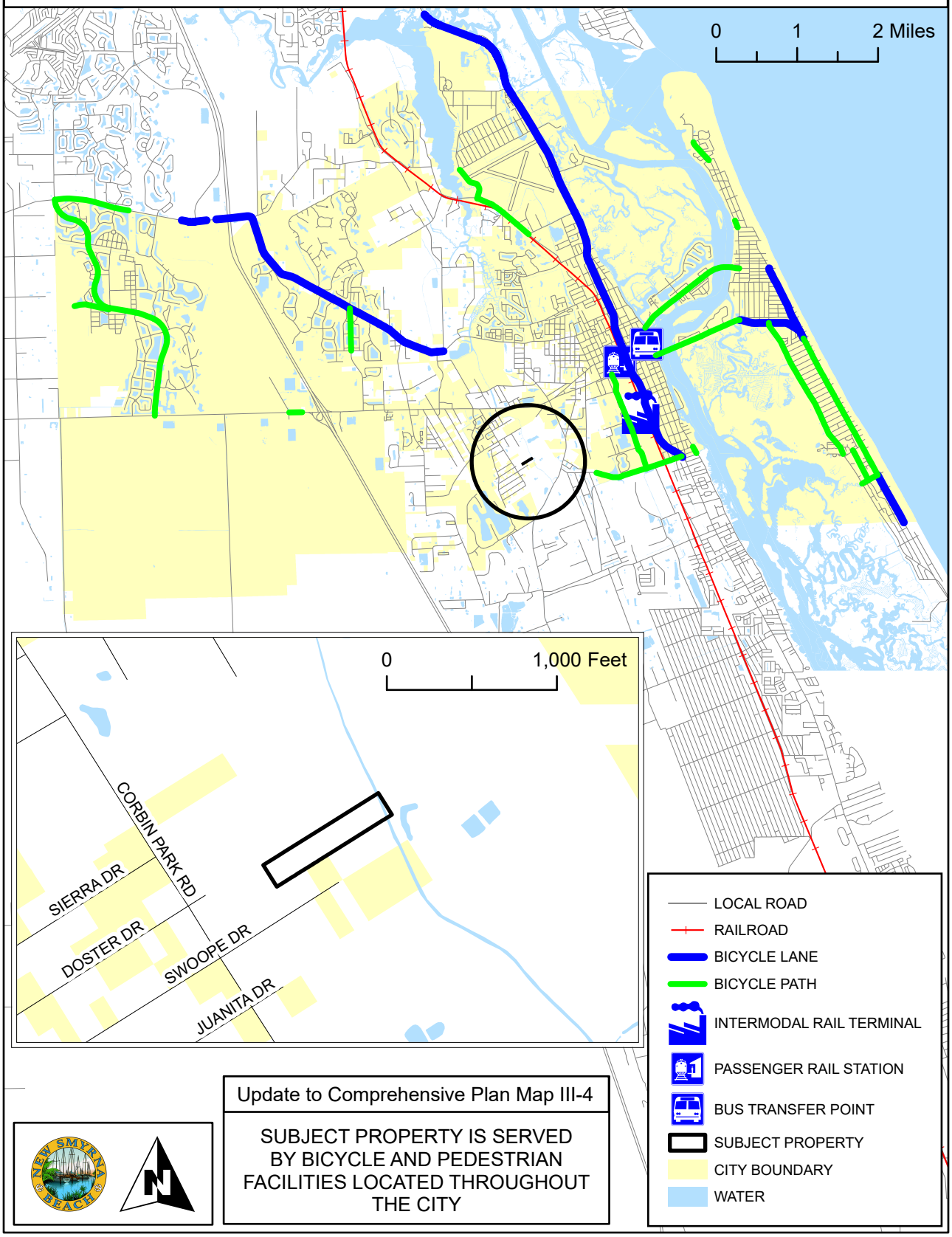


Update to Comprehensive Plan Map III-5

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-14-25

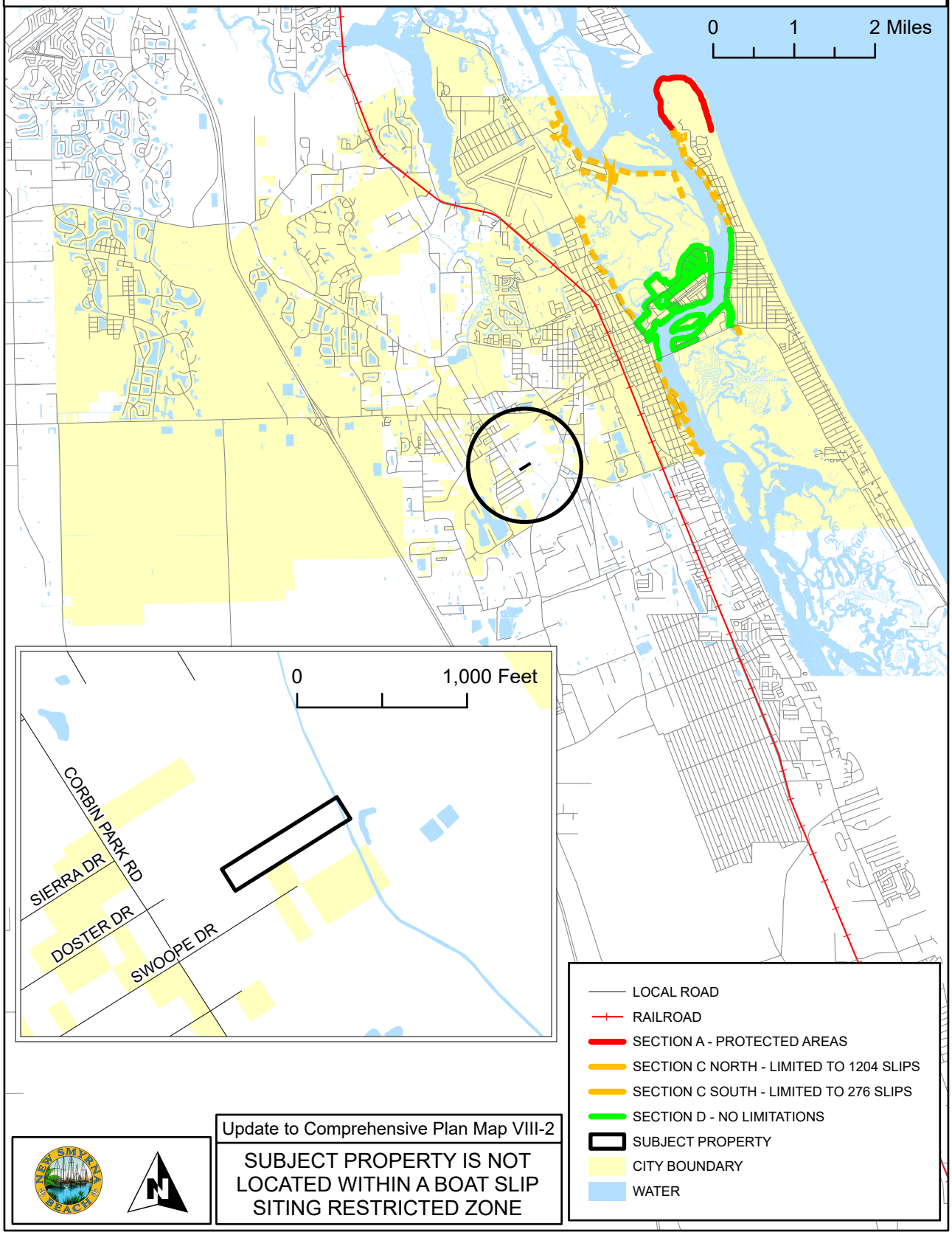


Update to Comprehensive Plan Map III-4

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

BOAT SLIP SITING

A-14-25

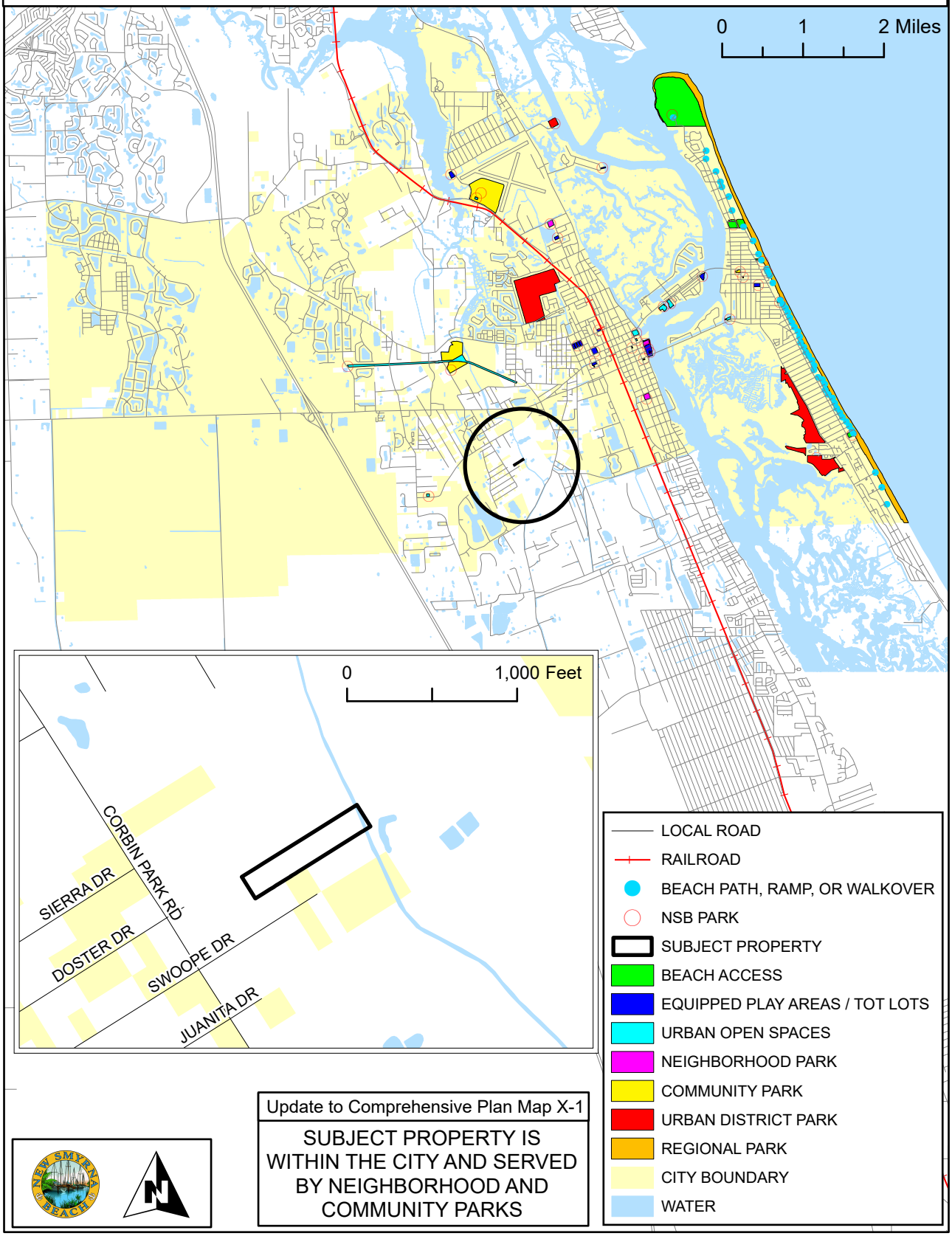


Update to Comprehensive Plan Map VIII-2

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

CITY PARKS

A-14-25

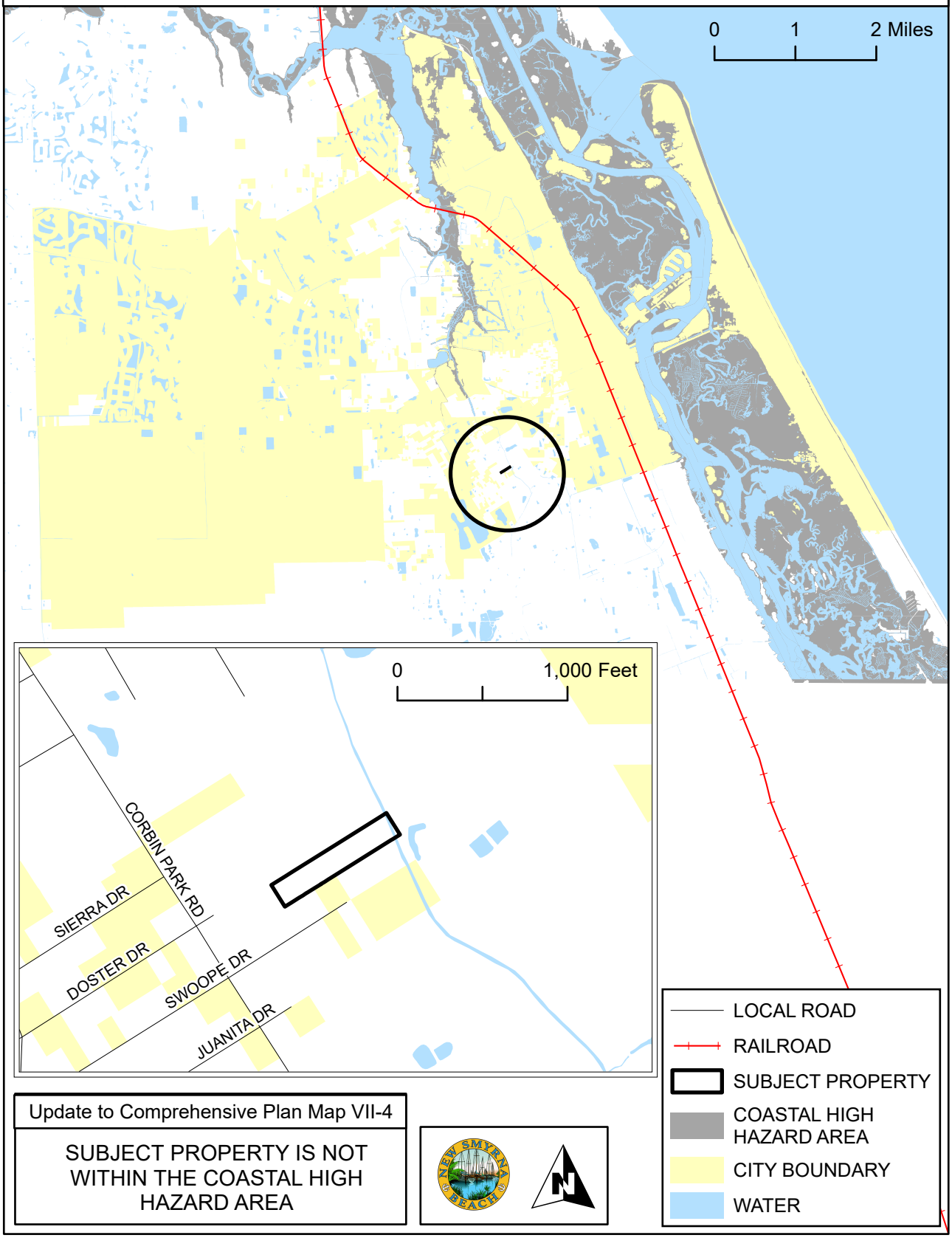


Update to Comprehensive Plan Map X-1

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

COASTAL HIGH HAZARD AREAS

A-14-25

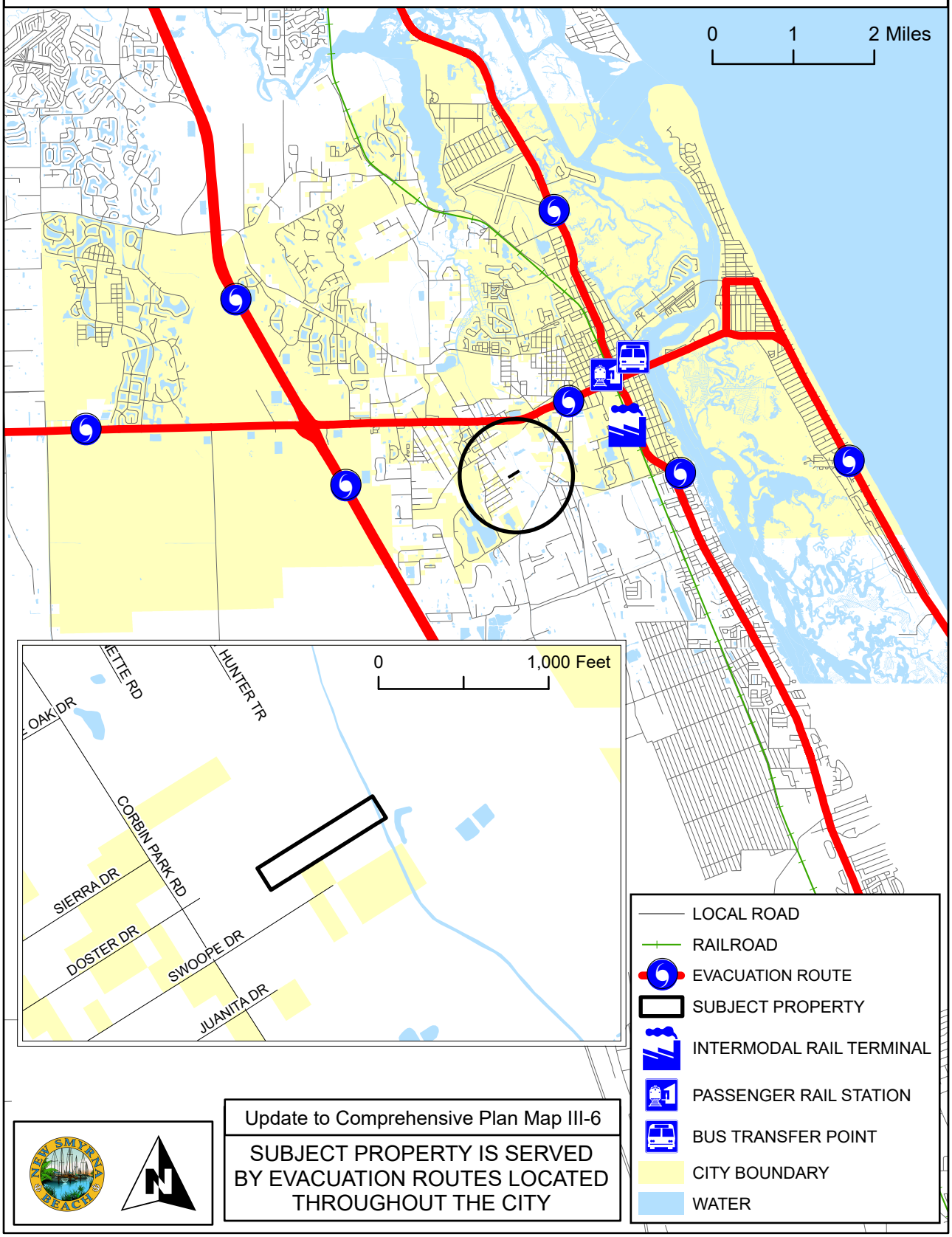


Update to Comprehensive Plan Map VII-4

SUBJECT PROPERTY IS NOT WITHIN THE COASTAL HIGH HAZARD AREA

EVACUATION ROUTES

A-14-25

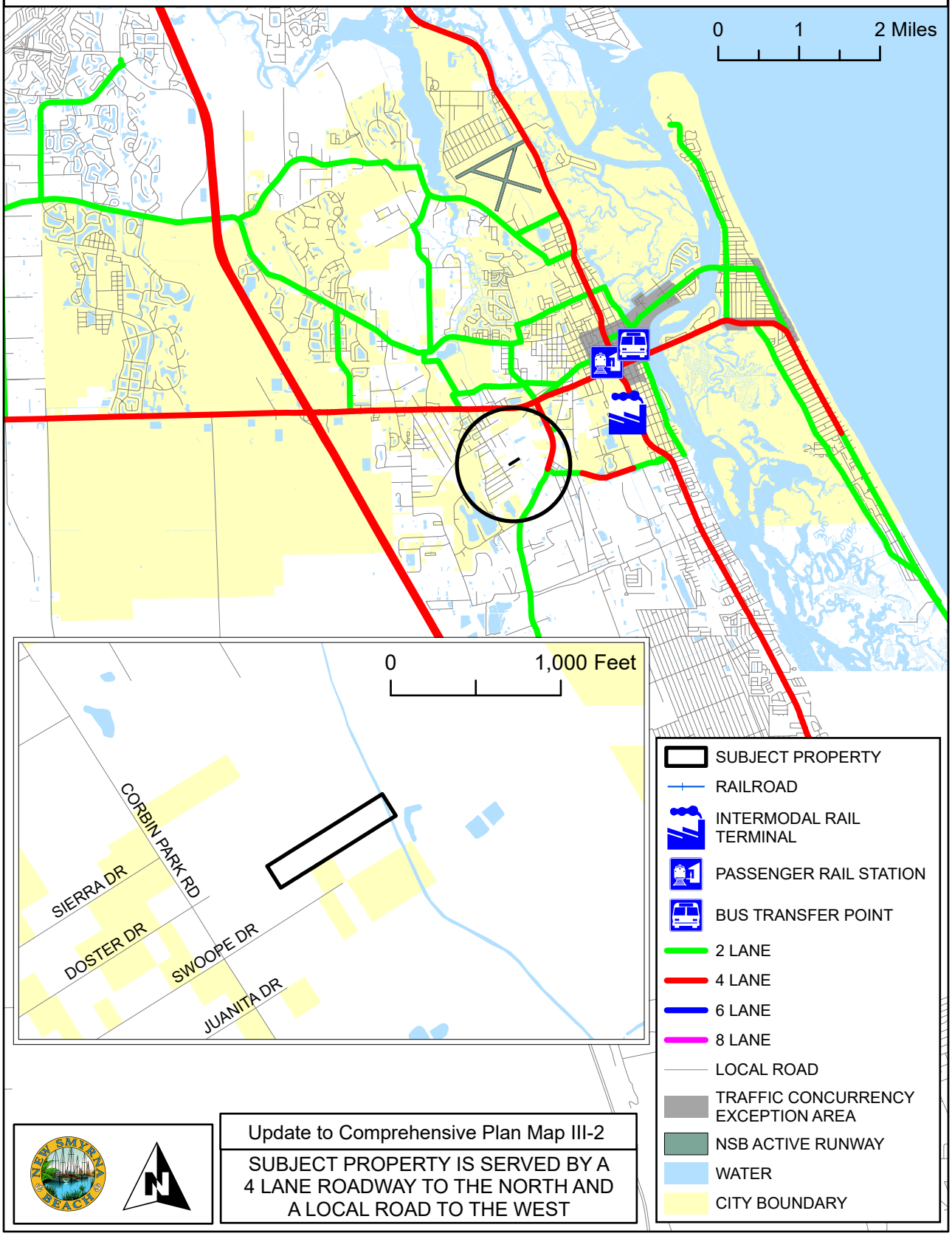


Update to Comprehensive Plan Map III-6

SUBJECT PROPERTY IS SERVED BY EVACUATION ROUTES LOCATED THROUGHOUT THE CITY

EXISTING TRAFFIC LANES - 2009

A-14-25

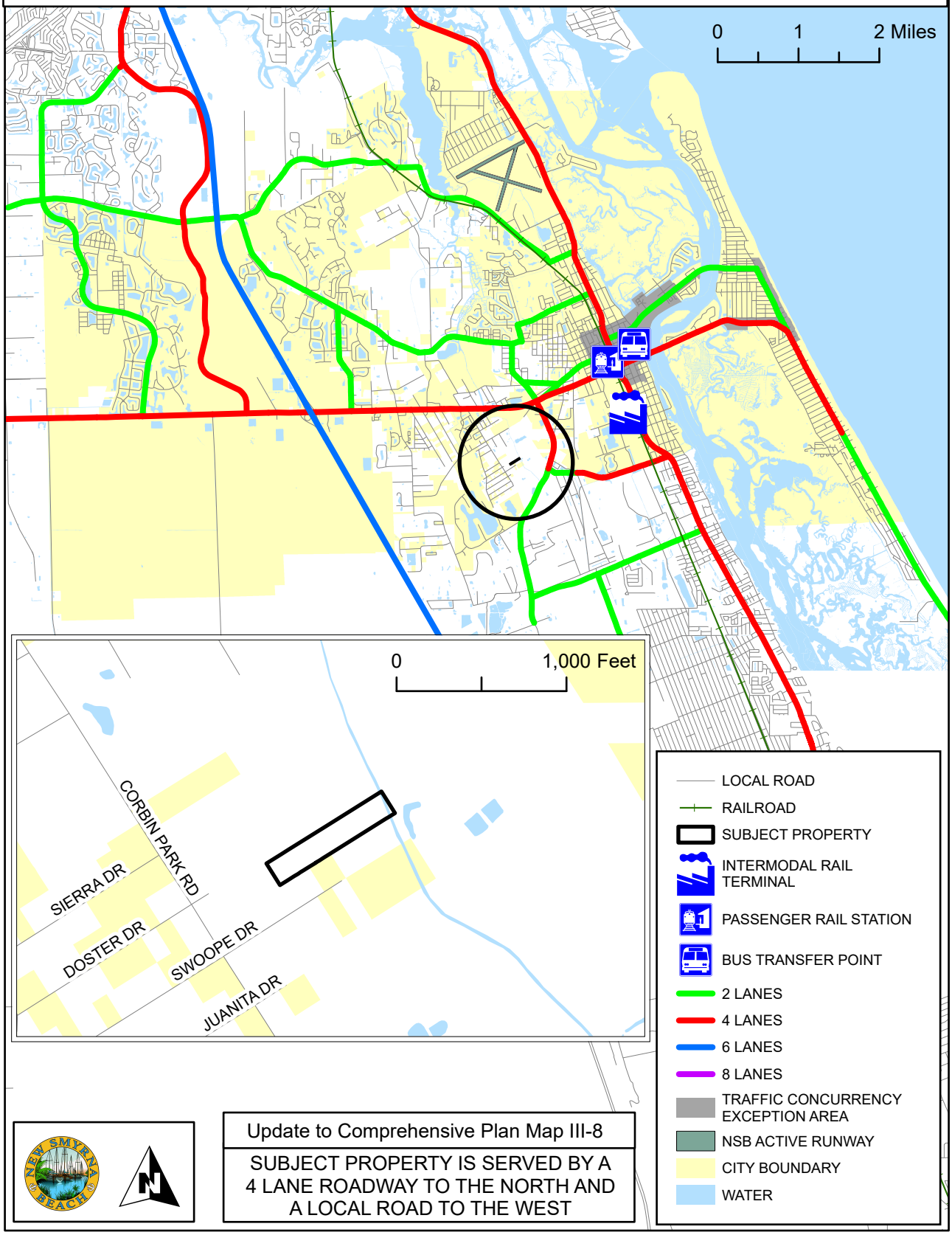


Update to Comprehensive Plan Map III-2

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

NUMBER OF TRAFFIC LANES - 2025

A-14-25

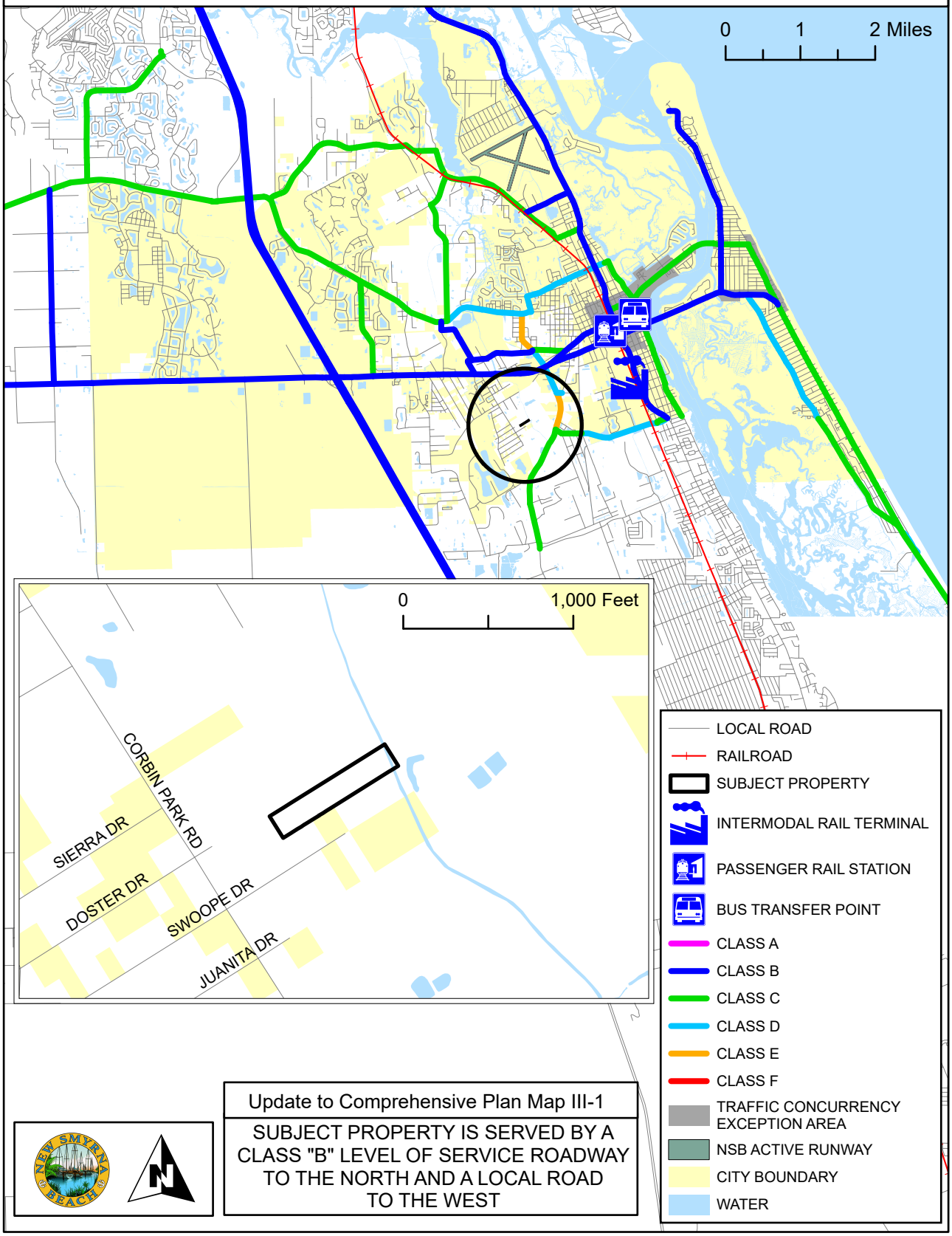


Update to Comprehensive Plan Map III-8

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

EXISTING LEVEL OF SERVICE - 2009

A-14-25

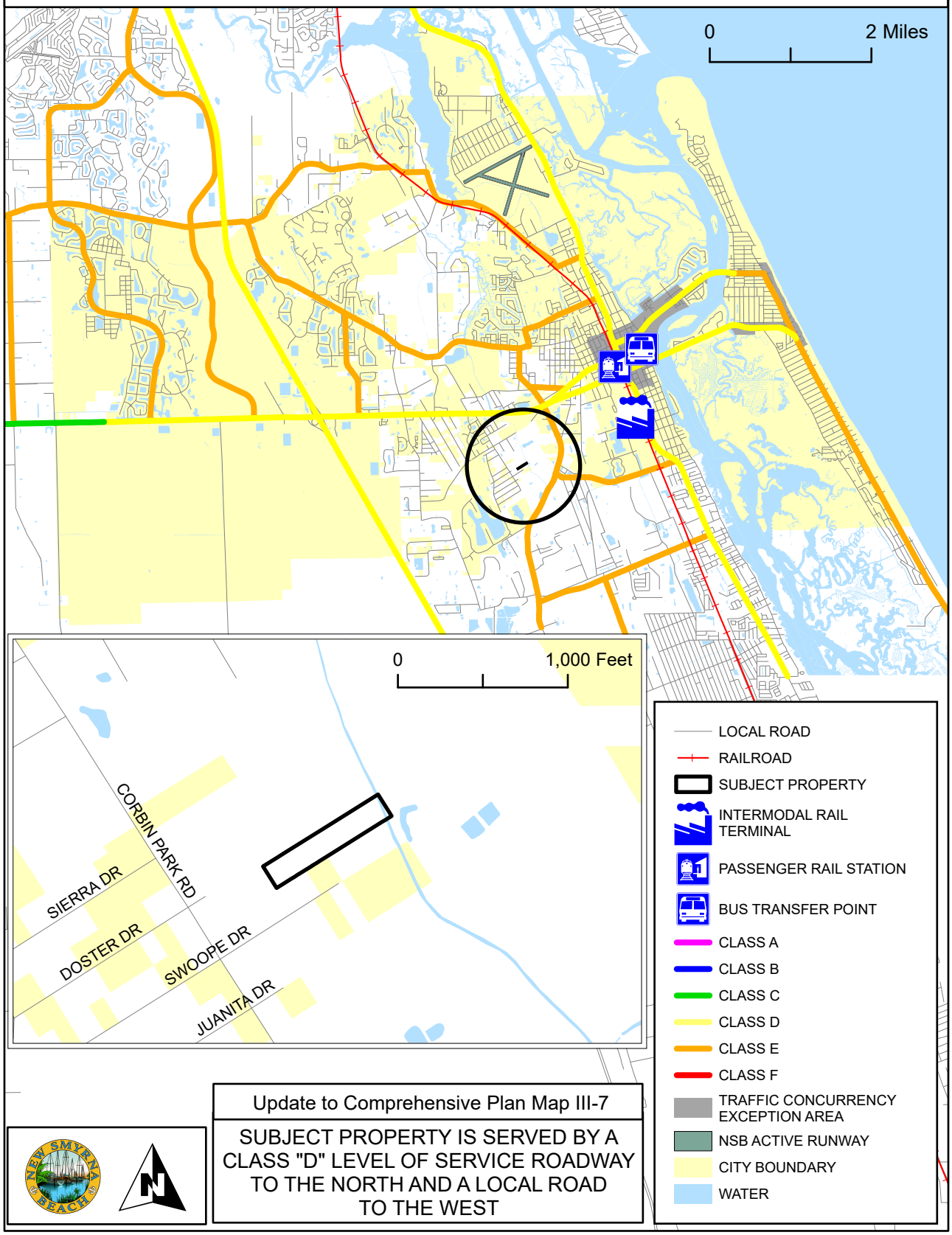


Update to Comprehensive Plan Map III-1

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

LEVEL OF SERVICE - 2025

A-14-25

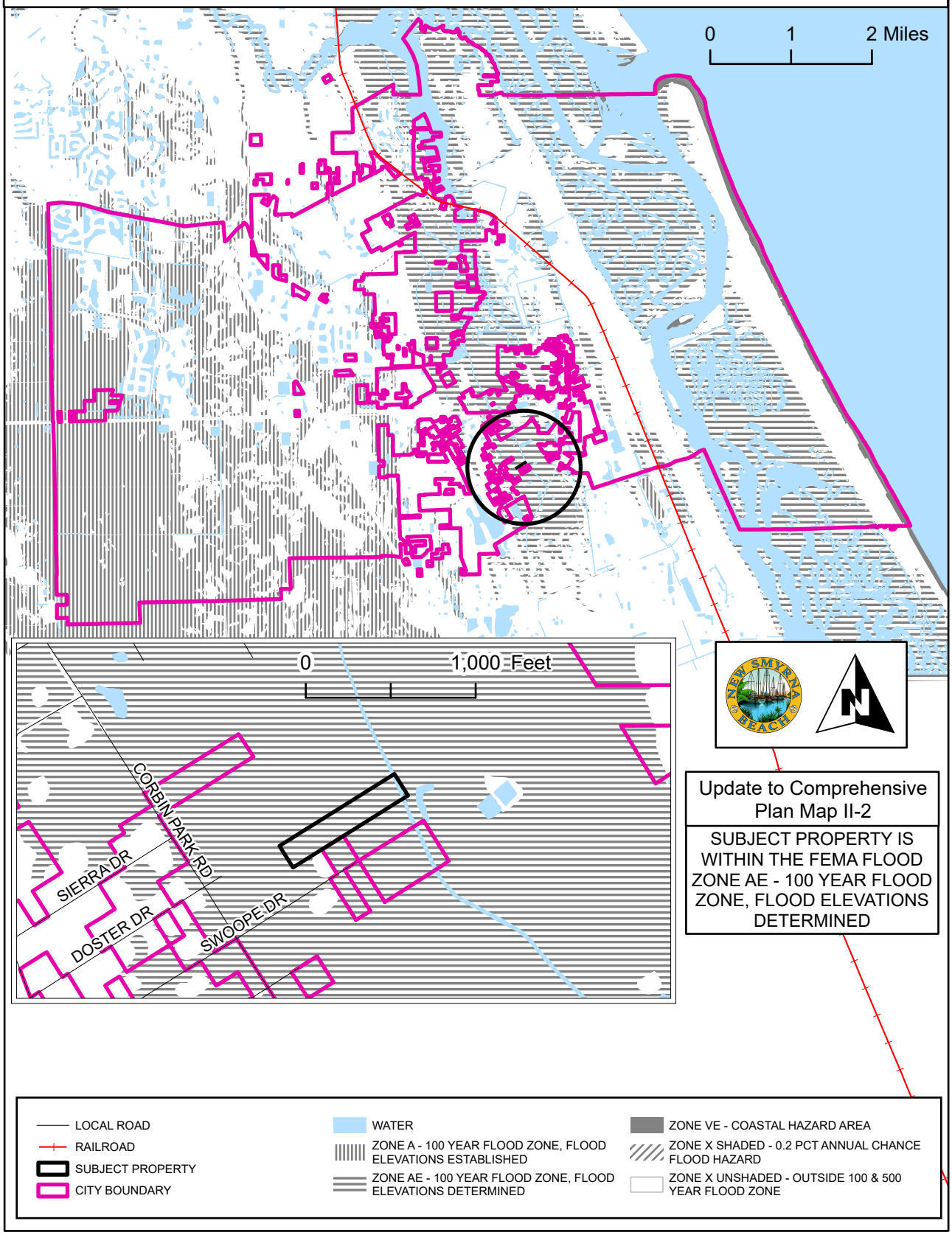


Update to Comprehensive Plan Map III-7

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

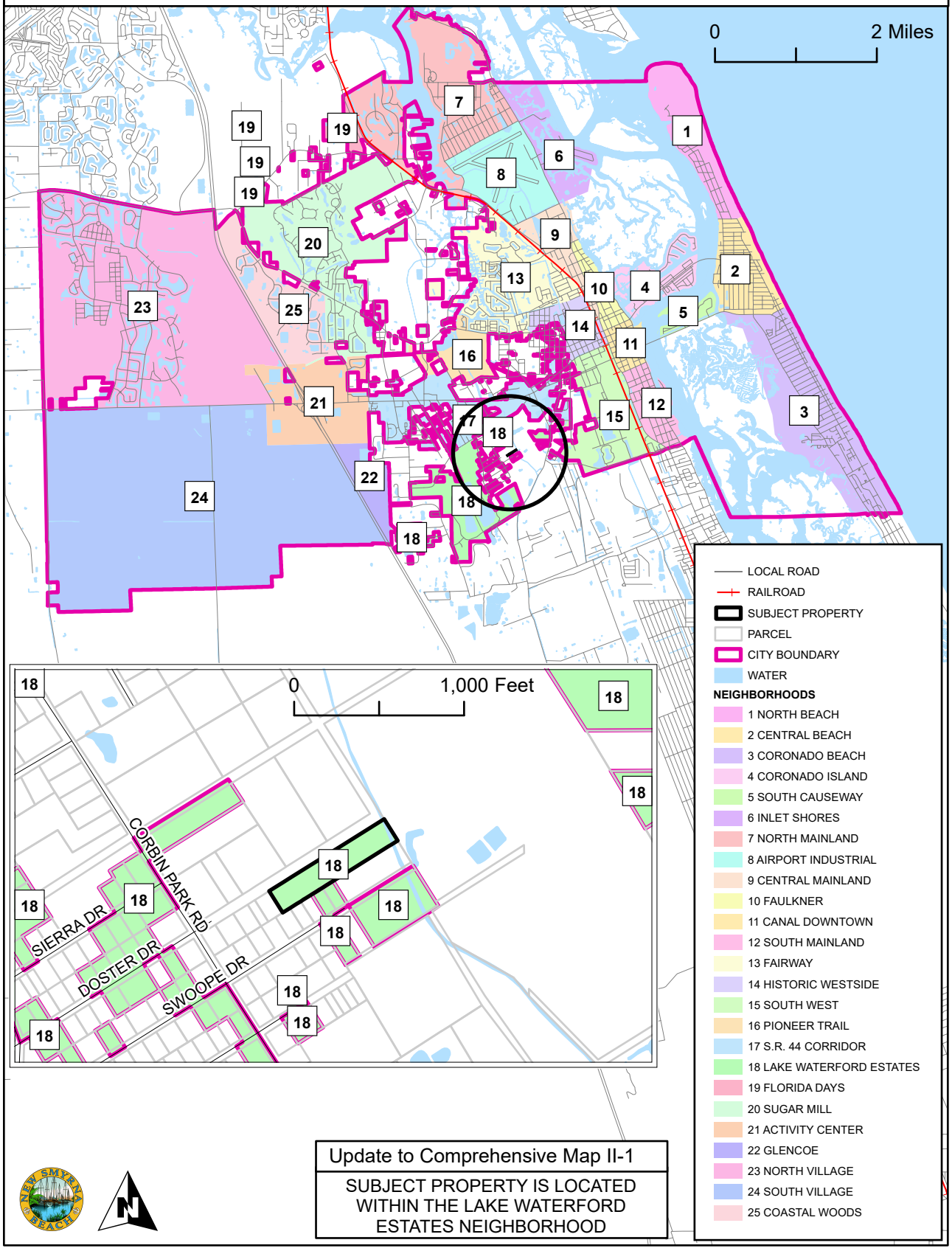
FLOOD PRONE AREAS

A-14-25



NEIGHBORHOODS

A-14-25

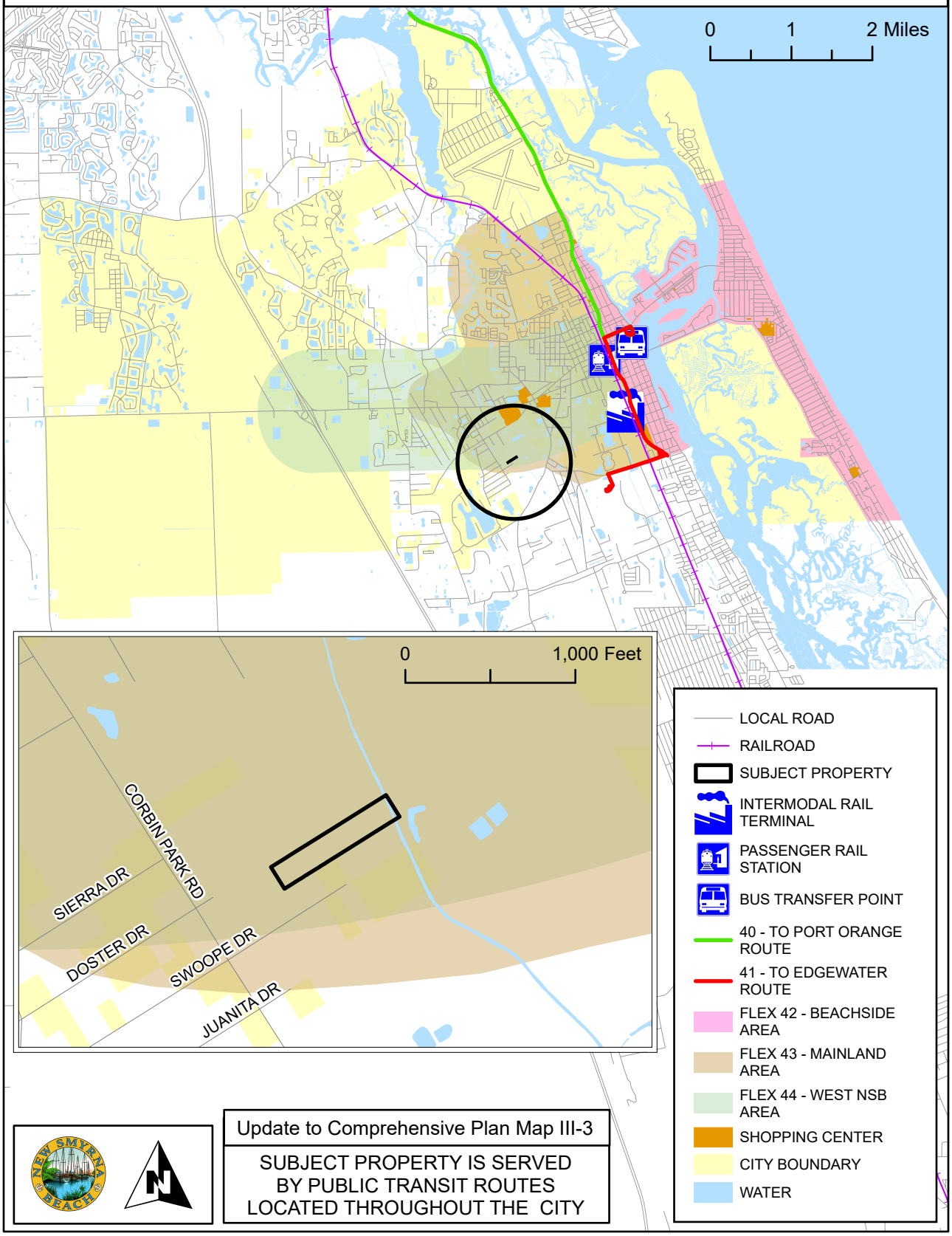


Update to Comprehensive Map II-1

SUBJECT PROPERTY IS LOCATED WITHIN THE LAKE WATERFORD ESTATES NEIGHBORHOOD

PUBLIC TRANSIT ROUTES

A-14-25

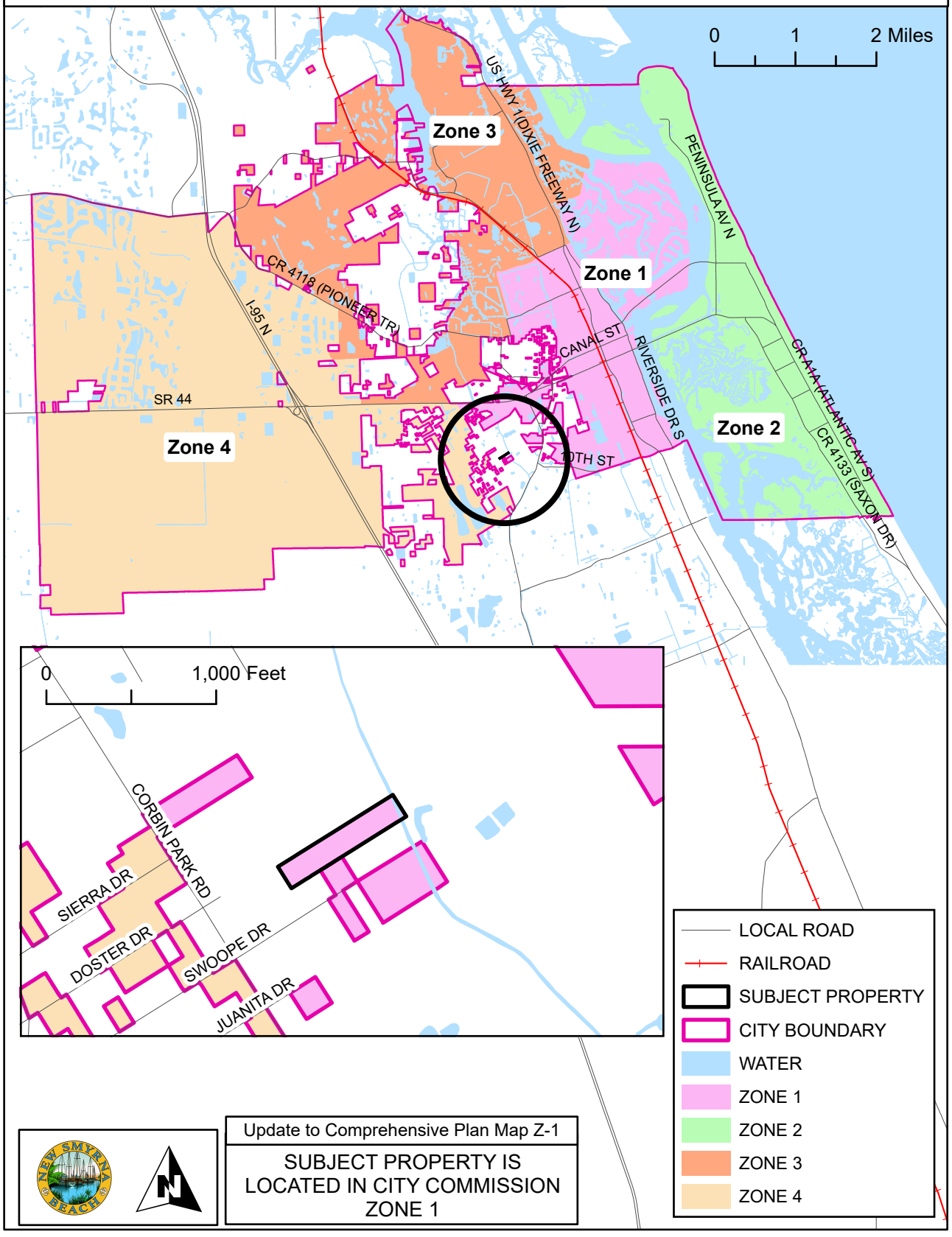


Update to Comprehensive Plan Map III-3

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

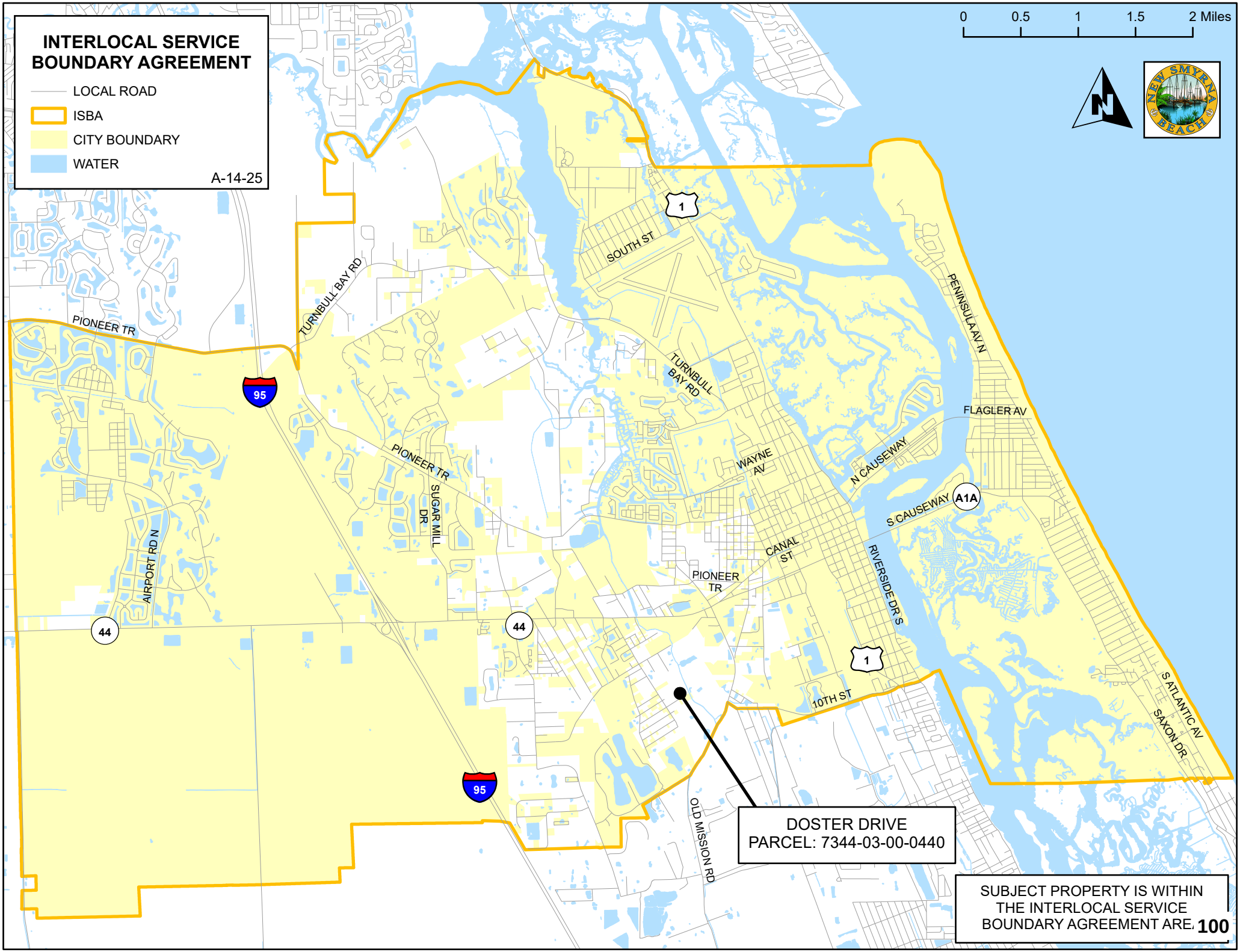
COMMISSION ZONES

A-14-25



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-14-25
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
SUGAR MILL DR
AIRPORT RD N
CANAL ST
RIVERSIDE DR S
10TH ST
S ATLANTIC AV
SAXON DR
OLD MISSION RD
95
44
1
DOSTER DRIVE
PARCEL: 7344-03-00-0440
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ARE.
100

LEGAL DESCRIPTION

Address:
Doster Drive, New Smyrna Beach, Florida 32168

Parcel Number
7344-03-00-0440

AltKey Number:
3734599

Metes and Bounds by Professional Title Agency.

LOT(S) 44, 45, 46, AND 47, CORBIN PARK SUBDIVISION UNIT NO. 3, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 23, PAGE 146, OF THE 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): 734403000440

WARRANTY DEED

THIS WARRANTY DEED dated August 22, 2025, by Tad D. Johnston and Crystal G. Johnston, husband and wife, hereinafter called the grantor, to City of New Smyrna Beach, a municipal corporation a corporation existing under the 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 representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten And No/100 Dollars ($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 the County of Volusia, State of Florida, to wit:

Lot (s) 44, 45, 46 and 47, Corbin Park Subdivision Unit No. 3, according to the map or plat thereof, as recorded in Map Book 23, Page 146, of the Public Records of Volusia County, Florida.

Subject to easements, restrictions, reservations and limitations of record, if any.

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; that the 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, 2024.

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 Ramsey
Print Name

Address: 313 Julia St.
NSB FL 32168

Tad D. Johnston

Crystal G. Johnston

Address: 2141 Swoope Drive
New Smyrna Beach, FL 32168

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 22nd day of August, 2025, by Tad D. Johnson and Crystal G. Johnston, to me known to be the person(s) described in or who has/have produced Driver's 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

ZT-11-25: REVIEW AND GIVE A RECOMMENDATION TO THE CITY COMMISSION ON A PROPOSED ZONING TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATION TO ALLOW PORTE COCHERES IN THE R-1 ZONING DISTRICT

January 5, 2026

Background:

A. Applicant: Kevin Schweitzer, 880 Catfish Avenue, New Smyrna Beach, FL 32169

B. Request: Approval of Zoning Text Amendment (ZTA) to Section 201.00 of the City's Land Development Regulations (LDR), to provide a definition of Porte Cochere, and add regulations to LDR Section 504.04 to provide regulations for Porte Cocheres in the R-1 zoning district

C. Exhibits used in this report:

Exhibit A: Clean Version of ZTA showing additions to R-1 zoning district

Exhibit B: Underlined version of ZTA showing additions to R-1 zoning district

Exhibit C: Maps of R-1 zoning districts throughout the city

Exhibit D: Concept Plan

Findings:

A. This proposed zoning text amendment is a private application. The amendment would allow the construction of porte cocheres within the 35 foot front yard setback as required by the R-1 zoning regulations. The proposed language was provided by the applicant, with some modification from New Smyrna Beach Utilities and the city's planning and engineering departments.

B. The applicant suggests several conditions to be applied to all properties that want to construct a porte cochere in the R-1 zoning district. These include:

- A minimum of 100 feet frontage (yard width).
- Up to 28 feet into the front yard setback for existing houses, and up to 25 feet into the front yard setback for new construction, with the following conditions:

- If there are overhead power lines in the first 10’ of the front yard, the setback must be at least 10 feet from the power lines, or as determined necessary by New Smyrna Beach Utilities.
- Maximum overhang of 3.5 feet, no closer than 5 feet from the front property line for a Porte Cochere on an existing house and 6.5 feet for a Porte Cochere on a new house.
- A maximum height of 15 feet.
- A maximum width of 16 feet
- Porte cocheres must be at least 35 feet from side property lines

C. In addition to the language proposed above, a definition for porte cochere must be added to the LDR as well. The Merriam Webster Dictionary's definition for porte cochere is "a roofed structure extending from the entrance of a building over an adjacent driveway and sheltering those getting in or out of vehicles." This definition is accurate, however, it needs language added that does not allow for a porte cochere to ever become enclosed, thus the proposed definition is **Porte Cochere: A roofed structure, without walls, extending from the entrance of a building over an adjacent driveway and sheltering those getting in or out of vehicles.** This definition should be added to LDR Section 201.00 if this ZTA is approved.

D. Per the LDR, the R-1 zoning 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.”

E. The minimum lot size in the R-1 zoning district is 12,000 square feet, with a minimum width of 100 feet and a depth of 120 feet. Up to 40% of the parcel can be covered with structures, and up to 60% of the lot can be covered with impervious surface- that includes pavers, patios, driveways, potential Porte Cocheres and all other structures- all that is not natural.

F. The setbacks in the R-1 zoning district are 35.0’ from the front property line for the principal structure. On corner lots, the secondary front yard setback is half of 35.0’, or 17.5’. From the rear property line, the setback is 10.0', and a total of 20.0 side property

lines, with no side closer than 8.0', meaning if one side is 8.0', the other side must be at least 12.0'.

E. While not a Porte Cochere, the R-1 zoning regulations do allow open front porches in the front yard setback up to 10.0' (25.0' from the front property line), provided that:

- 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.

F. New Smyrna Beach Utilities (NSBU) weighed in on the proposed porte cochere zoning text amendment. When overhead utility lines are present, NSBU requests a 10.0'-wide utility easement from the lines, meaning that this will dictate how close a porte cochere overhang can be located. Thus, in the presence of utilities in the ROW, or other utilities are present, they request an easement so that any structure or improvement will not interfere with their ability to maintain said power lines or utilities.

G. Please see **Exhibit C** for a depiction of the areas throughout the city which have R-1 zoning districts. On the beachside, the R-1 houses are largely along the ocean and river, with a few pockets in the Sea Woods development. Along the north causeway, there is a section to the south along the river that contains a strip of R-1, and most of the Venezia neighborhood. On the mainland there are sections of R-1 along the river and along sections of Faulkner Street. All of the parcels in these areas can potentially have Porte Cocheres, provided they meet the minimum dimensional requirements in the R-1 zoning district noted earlier in the staff report.

III. Recommendation

Staff supports the proposed definition of porte cochere to be added to Section 201.00 of the LDR.

This is the proposed new language regarding porte cocheres in the R-1 zoning district as provided by the applicant.

- A minimum of 100 feet frontage (yard width).
- Up to 28 feet into the front yard setback for existing houses, and up to 25 feet into the front yard setback for new construction, with the following conditions:
- If there are overhead power lines in the first 10’ of the front yard, the setback must be at least 10 feet from the power lines, or as determined necessary by New Smyrna Beach Utilities.
- Maximum overhang of 3.5 feet, no closer than 5 feet from the front property line for a Porte Cochere on an existing house and 6.5 feet for a Porte Cochere on a new house.
- A maximum height of 15 feet.
- A maximum width of 16 feet
- Porte cocheres must be at least 35 feet from side property lines

Staff finds this is too large of an encroachment for staff to fully support. Staff can support:

- A minimum of 100 feet frontage (yard width).
- Up to 17.5 feet into the front yard setback for new and existing houses with the following conditions:
- If there are overhead power lines in the first 10’ of the front yard, the setback must be at least 10 feet from the power lines, or as determined necessary by New Smyrna Beach Utilities.
- Maximum overhang of 2.5 feet, no closer than 15 feet from the front property line for a Porte Cochere on an existing house and 6.5 feet for a Porte Cochere on a new house.
- A maximum height of 15 feet.
- A maximum width of 16 feet
- Porte cocheres must be at least 35 feet from side property lines

The difference between the applicant's proposal and staff's recommendation is the applicant requests the porte cochere to be as close as 7 feet from the front property line, a 28 foot encroachment into the 35 foot setback. Staff can support a 17.5 encroachment into the setback- half of the 35 foot front yard setback requirement- with overhangs of 2.5 feet, no closer than 15 feet from the front property line.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Jake Baker - Senior Planner

Attachments:

Exhibit A Clean Version.pdf
Exhibit B Underlined Version.pdf
Exhibit C East and West maps R1 zoning.pdf
Exhibit D Porte cochere concept plan.pdf

Exhibit A

201.00.- General Definitions

.....

Plat. A map or drawing depicting the division of land into lots, blocks, parcels, tracts, sites, or other divisions.

Pole lighting. Light fixture set on a base or pole which raises the source of the light higher than 48 inches off the ground.

Porte Cochere. A roofed structure, without walls, extending from the entrance of a building over an adjacent driveway and sheltering those getting in or out of vehicles.

Premises. A parcel or lot of property, or any combination of parcels or lots; except that in the case of a business having in excess of 250 feet of continuous road frontage, in which such case, each 250 feet of road frontage shall constitute one premises for the purpose of this ordinance. For example. A new car dealership with 500 feet of road frontage would constitute two premises for the purpose of this ordinance.

R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

Intent. The R-1, Single-Family (zero lot line) Residential District is intended to be a single-family residential district for low population densities. Existing development and usage has resulted which is being preserved in order to stabilize the neighborhood. The nature of the residential use of the property throughout the district will enhance the prospects for orderly future residential development.

Permitted uses.

Playfields

Playgrounds

Public parks

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

Single-family dwelling units

Permitted accessory uses.

Garages

Gazebos

Incidental uses

Open front porches, up to ten feet into the district required 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.

Permitted home occupations

Porte cochere

A minimum of 100 feet frontage (yard width).

Up to 28 feet into the front yard setback for existing houses, and up to 25 feet into the front yard setback for new construction, with the following conditions:

If there are overhead power lines in the first 10’ of the front yard, the setback must be at least 10 feet from the power lines, or as determined necessary by New Smyrna Beach Utilities.

Maximum overhang of 3.5 feet, no closer than 5 feet from the front property line for a porte cochere on an existing house and 6.5 feet for a porte cochere on a new house.

A maximum height of 15 feet.

A maximum width of 16 feet

Porte cocheres must be at least 35 feet from side property lines

Storage sheds

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

Uses customarily associated with the permitted principal uses

---

Exhibit B

201.00.- General Definitions

.....

Plat. A map or drawing depicting the division of land into lots, blocks, parcels, tracts, sites, or other divisions.

Pole lighting. Light fixture set on a base or pole which raises the source of the light higher than 48 inches off the ground.

Porte Cochere. A roofed structure, without walls, extending from the entrance of a building over an adjacent driveway and sheltering those getting in or out of vehicles.

Premises. A parcel or lot of property, or any combination of parcels or lots; except that in the case of a business having in excess of 250 feet of continuous road frontage, in which such case, each 250 feet of road frontage shall constitute one premises for the purpose of this ordinance. For example. A new car dealership with 500 feet of road frontage would constitute two premises for the purpose of this ordinance.

504.02. *Specific regulations by district.* The regulations for each zoning district are set forth in the following schedule. No lot shall be developed except to conform to the respective district requirements unless a variance has been granted in conformance with this LDR.

R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

Intent. The R-1, Single-Family (zero lot line) Residential District is intended to be a single-family residential district for low population densities. Existing development and usage has resulted which is being preserved in order to stabilize the neighborhood. The nature of the residential use of the property throughout the district will enhance the prospects for orderly future residential development.

Permitted accessory uses.

Porte cochere

A minimum of 100 feet frontage (yard width).

Up to 28 feet into the front yard setback for existing houses, and up to 25 feet into the front yard setback for new construction, with the following conditions:

If there are overhead power lines in the first 10' of the front yard, the setback must be at least 10 feet from the power lines, or as determined necessary by New Smyrna Beach Utilities.

Maximum overhang of 3.5 feet, no closer than 5 feet from the front property line for a porte cochere on an existing house and 6.5 feet for a porte cochere on a new house.

A maximum height of 15 feet.

A maximum width of 16 feet

Porte cocheres must be at least 35 feet from side property lines.

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.

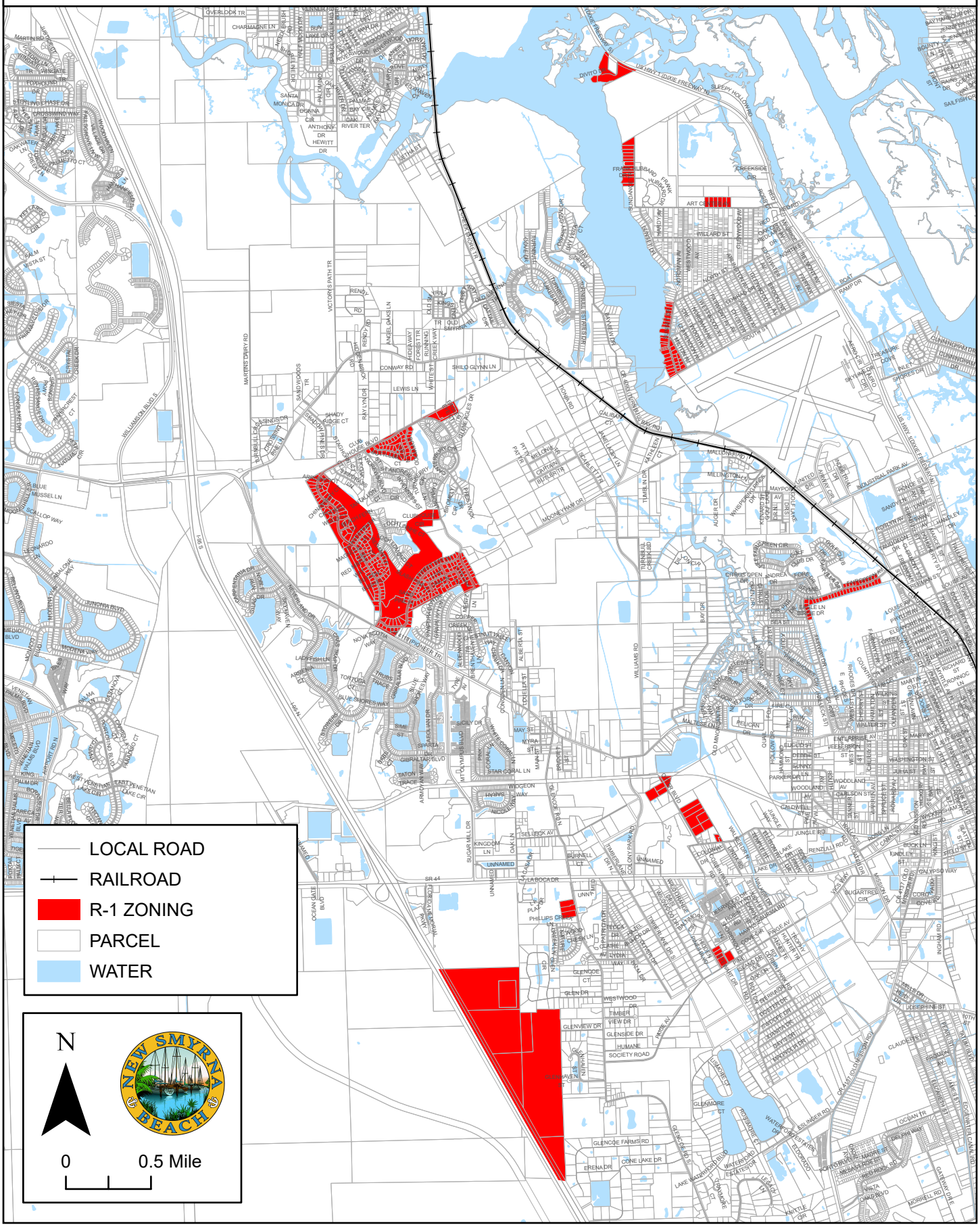
Permitted home occupations

Storage sheds

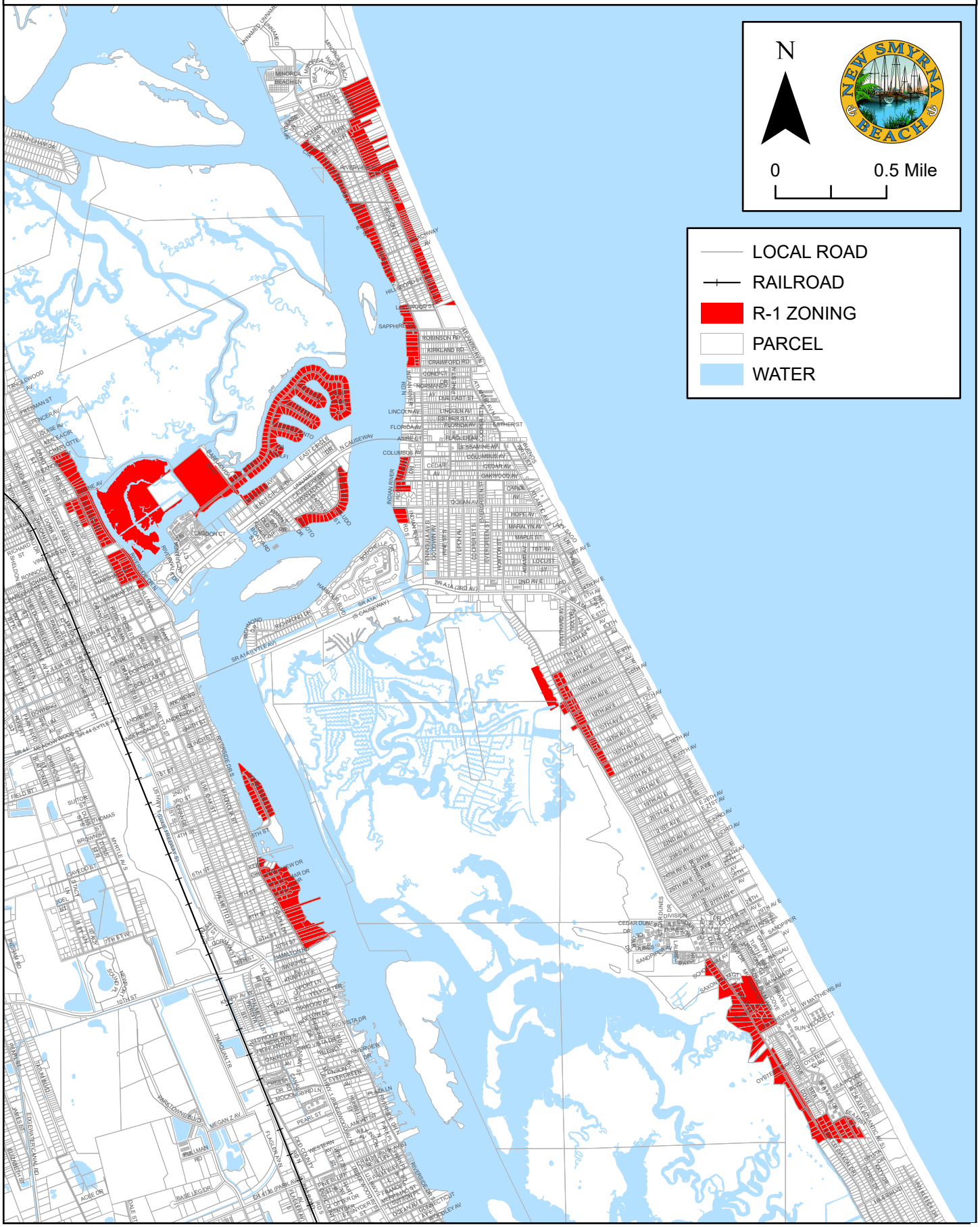
Swimming pools, private, provided a principal structure exists and the pool is located behind the front plane of the principal structure. Corner lots will be considered to have two front planes, one on each street. If a structure is not constructed squarely on a parcel, the swimming pool must be located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

Uses customarily associated with the permitted principal uses

ZT-11-25: R-1 ZONING
WESTERN SECTION

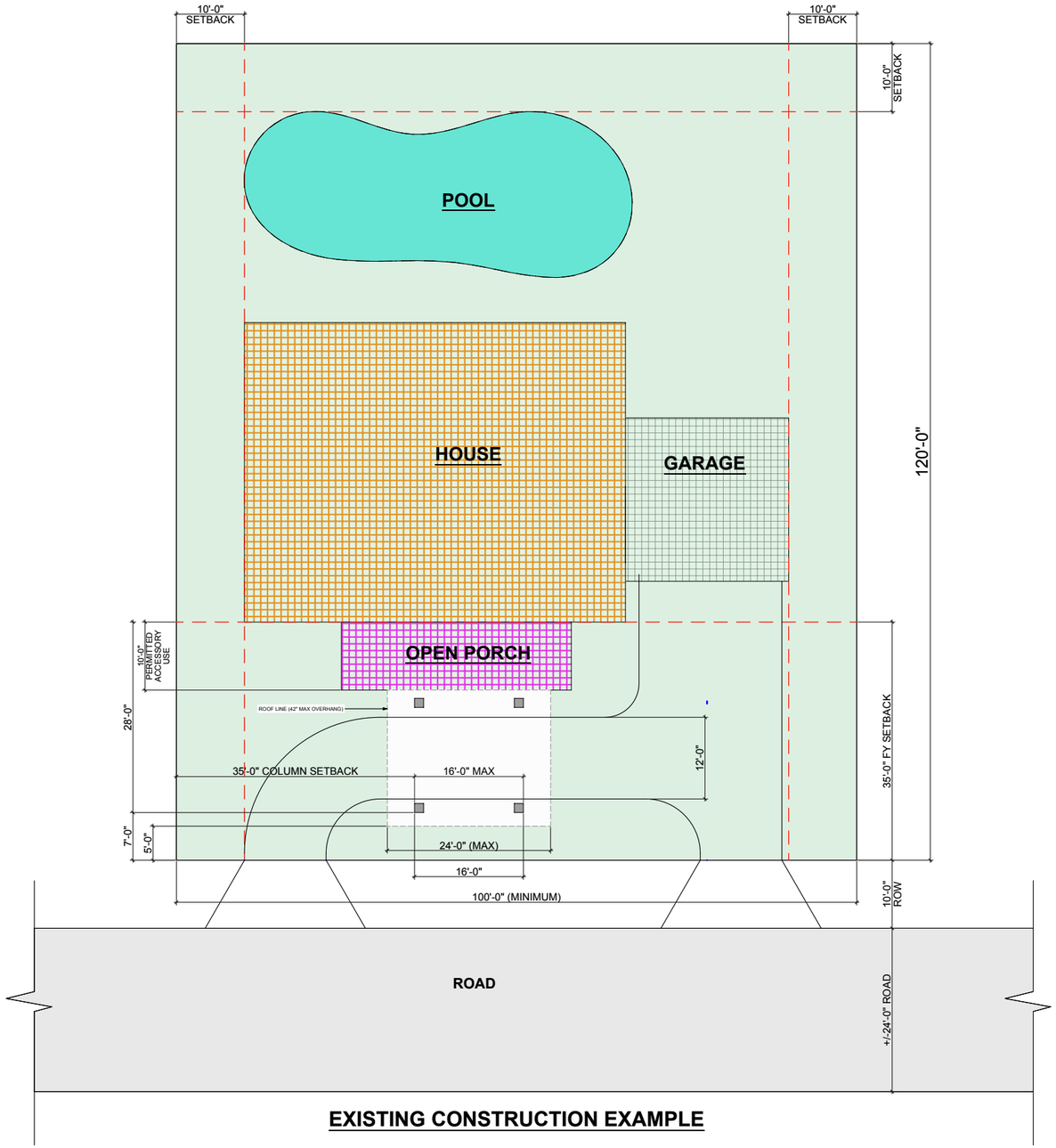


ZT-11-25: R-1 ZONING
EASTERN SECTION

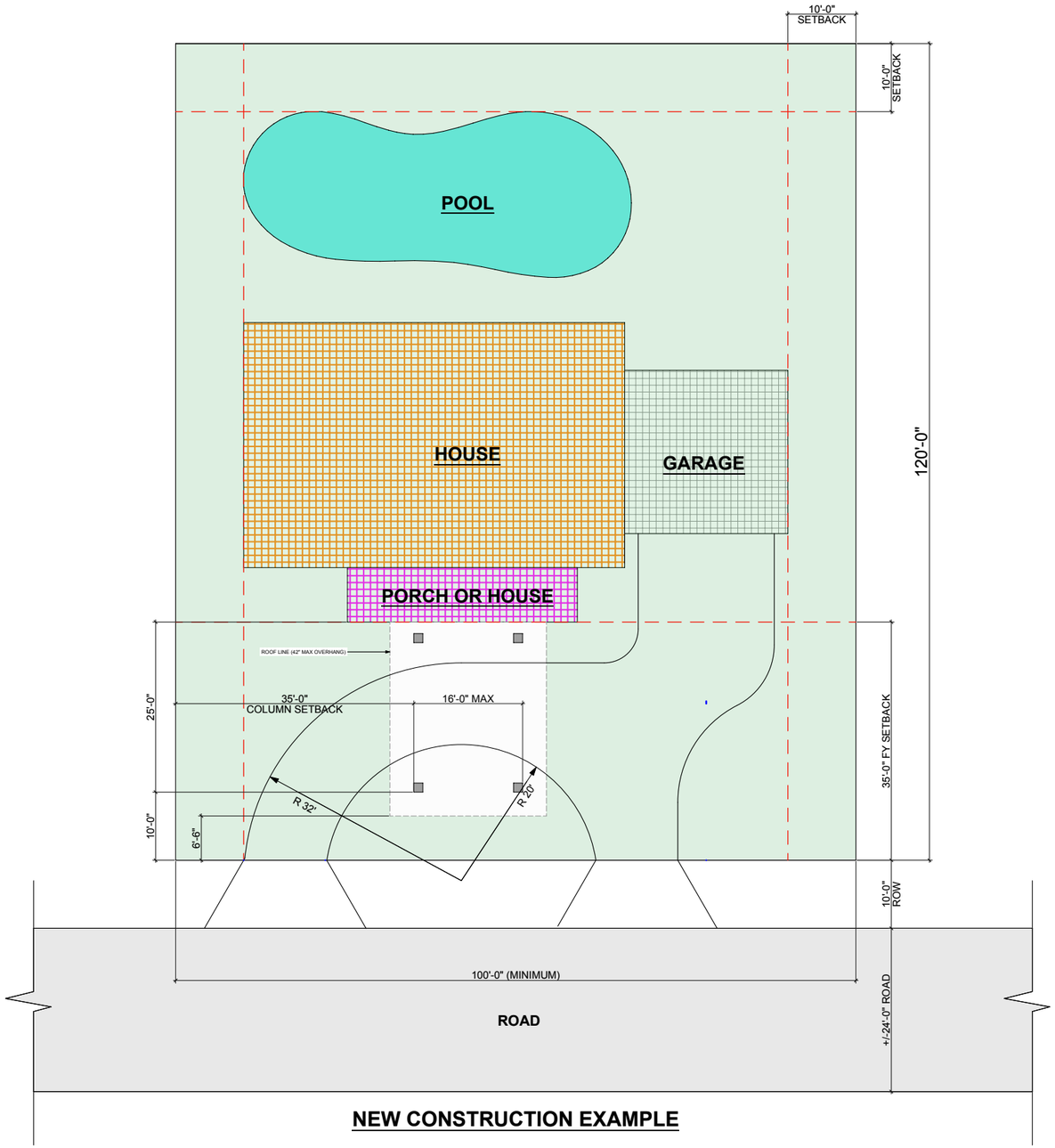


TEXT AMENDMENT TO ALLOW PORTE-COCHERES IN R-1 DISTRICTS

CONDITIONS:
1) 100' MINIMUM STREET FRONT.
2) FRONT YARD SETBACK TO PORTE-COCHERE COLUMN OR COLUMN BASE TO BE 7'-0" FOR EXISTING CONSTRUCTION AND 10' FOR NEW CONSTRUCTION.
3) ROOF OVERHANG TO BE NO LESS THAN 5' FROM FRONT PROPERTY LINE FOR EXISTING CONSTRUCTION AND 6'-6" FOR NEW CONSTRUCTION.
4) SIDE YARD SETBACK TO PORTE-COCHERE COLUMN TO BE NO LESS THAN 35'-0" FOR NEW AND EXISTING CONSTRUCTION.
5) MAXIMUM ROOF OVERHANG TO BE 3'-6", YET NO CLOSER THAN 5' FROM THE PROPERTY LINE FOR EXISTING CONSTRUCTION AND 6'-6" FOR NEW CONSTRUCTION.



EXISTING CONSTRUCTION EXAMPLE



NEW CONSTRUCTION EXAMPLE

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

SV-3-25: THE CITY OF NEW SMYRNA BEACH IS SEEKING A POSITIVE RECOMMENDATION FROM THE PLANNING AND ZONING BOARD FOR THE PROPOSED RIGHT-OF- WAY VACATION OF BUCK LANE (SECOND STREET) FOR THE FUTURE EXPANSION OF FIRE STATION #50.

January 5, 2026

Background:

1. Applicant: Jesse Kobe, Capital Improvements Director, New Smyrna Beach, 210 Sams Avenue

2. Request: Vacation of 25.0' X 94.0'section of platted right-of-way (ROW) adjacent to City Fire Station 50, south of SR 44

3. Right-of-Way Information: The platted un-opened ROW is located along Buck Lane (platted Second Street), between platted and unopened First Avenue and Second Avenue

Exhibits used in this report:

Exhibit A: Location Map

Exhibit B: Aerial Map

Exhibit C: Depiction of ROW to be vacated

Exhibit D: Survey with Legal Description

Exhibit E: Recorded Plat

Exhibit F: Non-Objection Letter from New Smyrna Beach Utilities

Findings:

1. The proposed street vacation is shown on the **Exhibit C**. The applicant, Jesse Kobe,

Capital Improvements Director is requesting the vacation of the 25.0’ ROW to allow for the further development of the City Fire Station #50. The ROW was originally 50.0’ wide, but the northern 25.0’ was already vacated. This request is to vacate the remaining 25.0 X 94.0’ section.

2. The City previously vacated 25.0' of the ROW for an earlier Fire Station project but the adjacent property to the south did not want to vacate the 25.0' along her frontage. The City has since purchased the property to facilitate the expansion of the Fire Department, thus the ROW is now separating the City property, and does not have a real purpose, as it now just divides the parcel.

3. Section 305.03 of the City's Land Development Regulations (LDR) requires the following items for a street vacation:

a. Plat of survey, including legal description and acreage of street or alley proposed to be vacated. **Received.**

b. list of all abutting property owners

c. Letter from New Smyrna Beach Utilities indicating:

I. No objection to the vacation; **Received**
II. No utilities are within the right-of-way proposed to be vacated; or **It has been verified that there are no utilities in the ROW.**
III. If utilities exist with right-of-way then a letter must indicate what utilities are located in the right-of-way, **N/A**
IV. If utilities exist in right-of-way, then letter must indicate easements required **No easements exist or are required.**
V. Letter from applicant explaining how the vacation is in the interest of the public good.

4. Section 305.03 C. of the City LDR requires:

a. the “City Planner shall review the application package for consistency with the City Comprehensive Plan and LDR,” and

b. “In addition, the City Planner shall determine whether or not the proposed vacation would be in the interest of the public good.” **The remaining 25.0’-wide section of ROW is not wide enough to be used as a road anymore, and vacating it will facilitate the**

expansion of Fire Station 50.

5. This application for street vacation is consistent with the City Land Development Regulations. This street vacation application complies with all matters of general provision, enforcement, administration, concurrency and zoning district requirement as outlined in the City of New Smyrna Beach LDR.

6. This application for street vacation is consistent with the City Comprehensive Plan as it does not impact any level of service indicated within the Transportation Element of the Comprehensive Plan.

7. New Smyrna Beach Utilities, The Florida Gas Transmission Company, and the City's Engineering department have all provided notification that they do not object to the proposed ROW vacation, and that no utilities are within the right-of-way proposed to be vacated. The City Engineering Department has submitted a letter of no-objection to the right-a-way being vacated.

STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Board give a positive recommendation to the City Commission to ***approve*** the ROW vacation.

Fiscal Analysis:
N/A

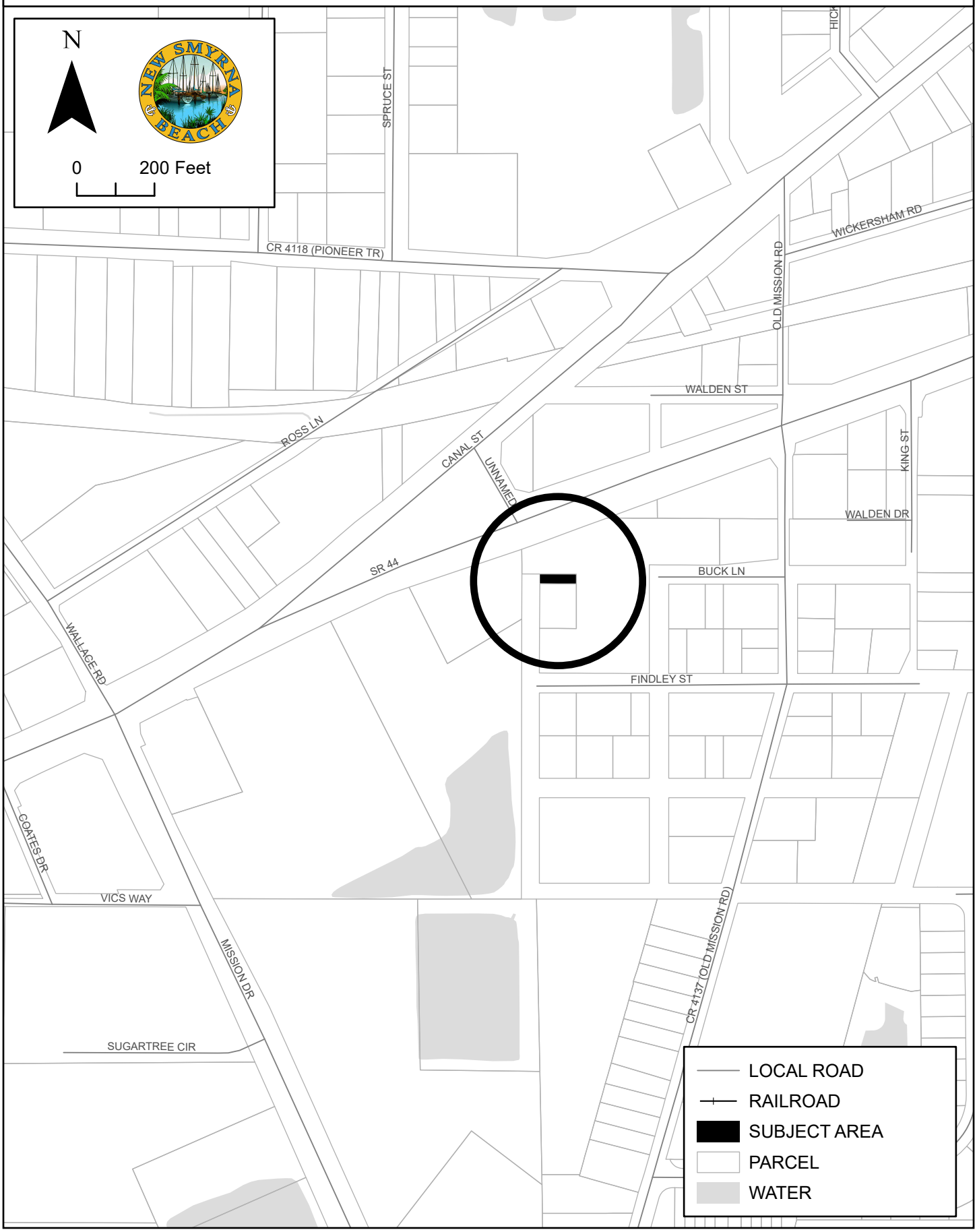
Strategic Plan Item:
No

Staff Report Created By: Jake Baker - Senior Planner

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Depiction of area to be vacated.pdf
Exhibit D Survey with Legal Description.pdf
Exhibit E Woodland No 2 Plat.pdf
Exhibit F Letter of No Objection - UCNSB.pdf

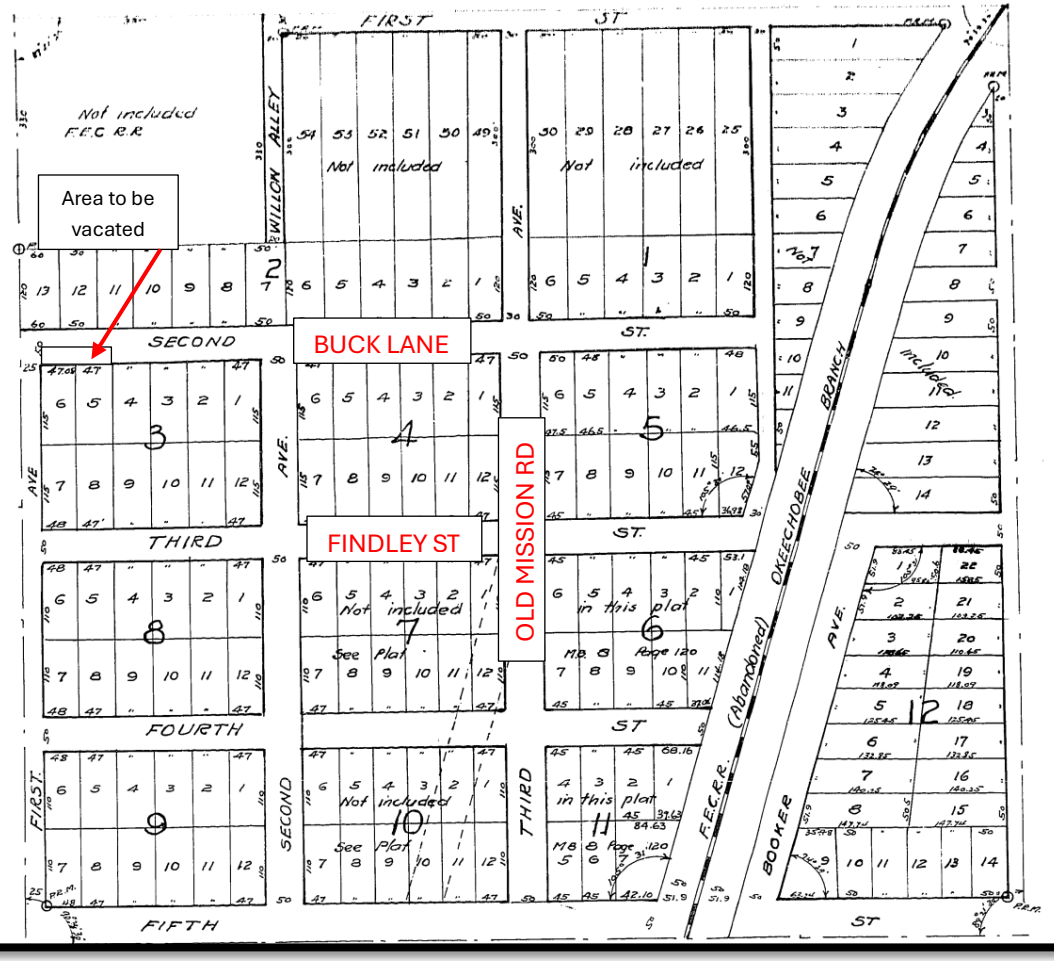
SV-03-25: 1400 FINDLEY STREET
LOCATION MAP



SV-03-25: 1400 FINDLEY STREET
AERIAL MAP



11-124



WOODLAND NO 2

OLD MISSION CITY VOLUSIA COUNTY FLORIDA

Being a re-sub division of C.T. Roper's Subdivision of S.E.¼ of N.W.¼ Sec. 19 Twp. 17 S. R. 34 E., excepting Lots 1 to 14 inclusive, Lots 25 to 30 inclusive, Lots 49 to 54 inclusive and those parts owned by the Florida East Coast Railway.

We L.D Buck and Cora Buck, his wife, hereby declare that we are the owners of C. T. Roper's Subdivision of S.E. ¼ of N.W ¼ Sec. 19. Twp. 17. S. R. 34 E. excepting Lots 1 to 14 inclusive Lots 25 to 30 inclusive, Lots 49 to 54 inclusive and those parts owned by the Florida East Coast Railway, covered by the annexed plan of subdivision and that we have caused the same to be subdivided as shown, and we here by dedicate all streets avenues and alleys as shown there on to the use of the public for ever.

L D Buck

Cora Buck

Signed and Sealed in the presence of

Edward Sealey

Thos. D. Pierce

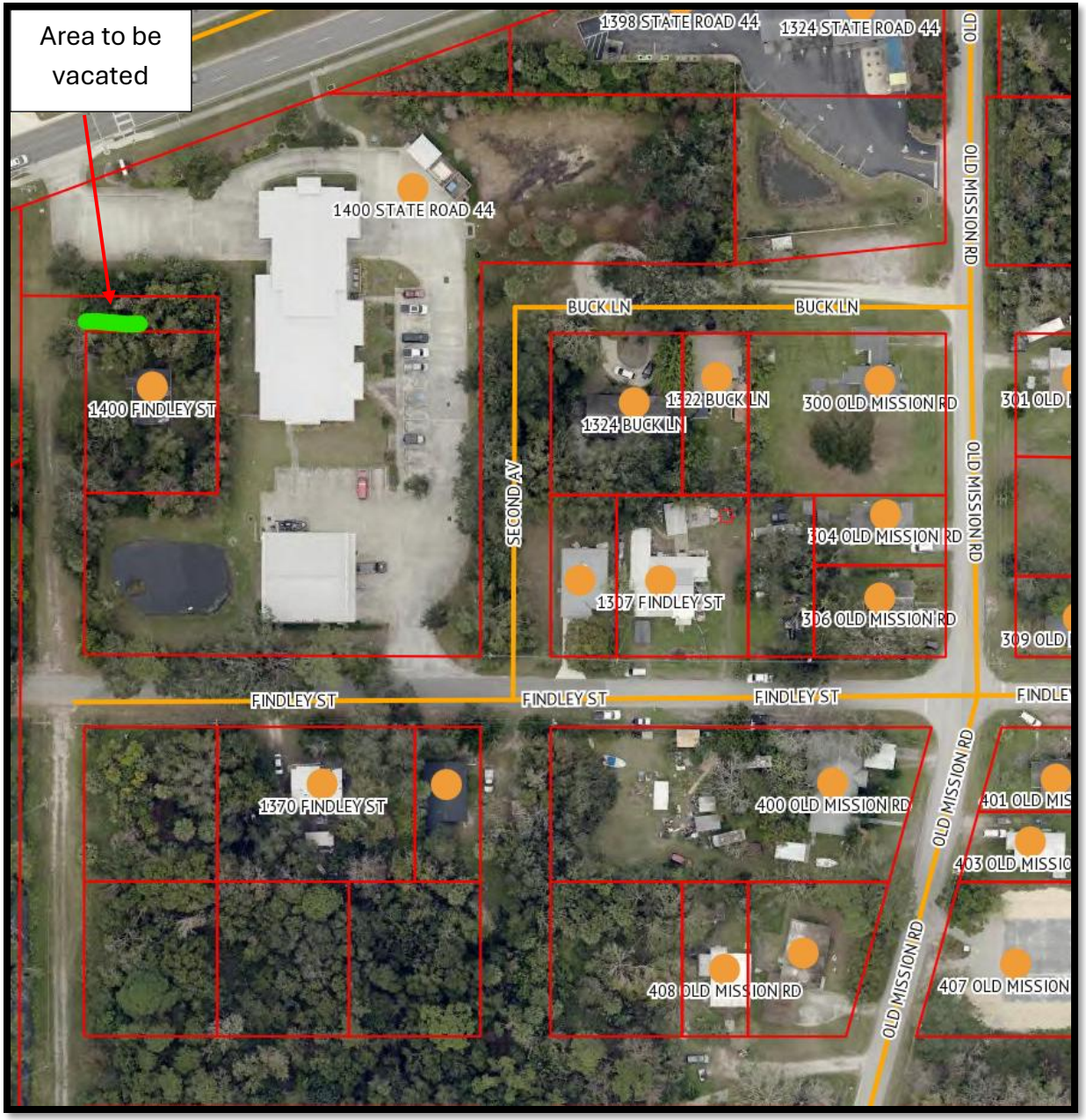
State of Florida
County of Volusia

I hereby certify that L.D. Buck and Cora Buck, his wife whose names are signed to the foregoing dedication and who are personally known to me, came before me this day and acknowledged that they executed the same for the purpose therein expressed and as their free act and deed and the said Cora Buck, wife of the said L.D Buck upon and examination made separate and apart from her said husband acknowledged before me that she executed the same for the purpose of relinquishing her dower and right of dower and dedicating all her sole and seperate estate in and to the lands therein dedicated, and that she did the same freely and voluntarily and without any compulsion constraint apprehension or fear of or from her said husband

Witness my hand and seal this 26 day of July 1945

Jo Fred Ward

My commission expires Sept 24 1948 Notary Public.

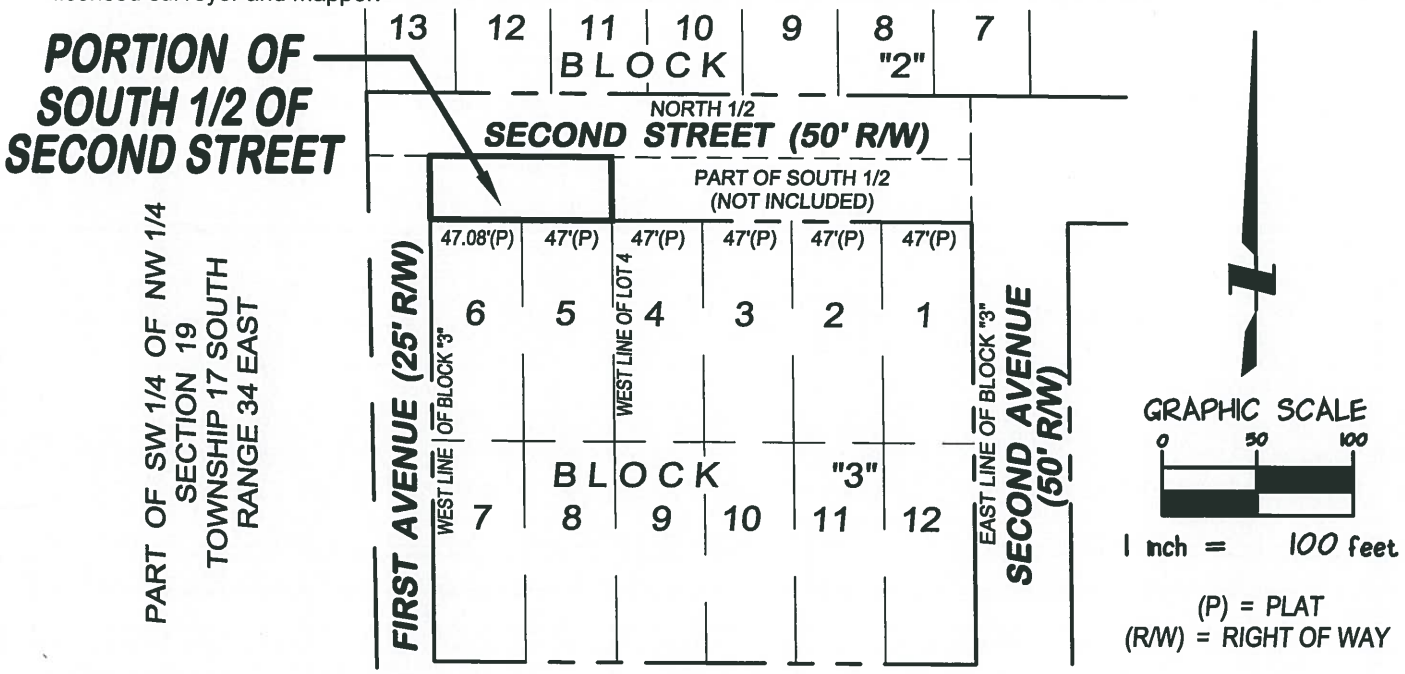

Area to be vacated
1398 STATE ROAD 44
1324 STATE ROAD 44
1400 STATE ROAD 44
1400 FINDLEY ST
BUCK LN
BUCK LN
1322 BUCK LN
1324 BUCK LN
300 OLD MISSION RD
SECOND AV
OLD MISSION RD
304 OLD MISSION RD
1307 FINDLEY ST
306 OLD MISSION RD
FINDLEY ST
FINDLEY ST
FINDLEY ST
1370 FINDLEY ST
400 OLD MISSION RD
OLD MISSION RD
408 OLD MISSION RD
407 OLD MISSION

SKETCH OF DESCRIPTION OF
(NOT A SURVEY)

That portion of the South 1/2 of Second Street, a 50-foot right of way as shown on plat of WOODLAND NO. 2, recorded in Map Book 11, Page 124 of the Public Records of Volusia County, Florida, lying east of the northerly prolongation of the west line of Block "3", said WOODLAND NO. 2, and lying west of the northerly prolongation of the west line of Lot 4, Block "3", said WOODLAND NO. 2.

REPORT:

1. Description prepared by the undersigned at the request of the client.
2. Subject to restrictions, reservations, limitations, easements and rights of way, if any, appearing of record.
3. This sketch of description and report prepared without the benefit of an abstract and no title work has been performed or provided to this surveyor.
4. This sketch of description and report is subject to any facts that may be disclosed by a full and accurate title search.
5. The location of any subsurface foundations, improvements, features or utilities which may or may not exist and which may or may not violate deed or easement lines are not determined or addressed by this survey.
6. Dimensions indicated hereon are in U.S. standard feet and decimals thereof, unless otherwise noted.
7. **This sketch is not an actual Boundary Survey.**
8. Additions or deletions to this survey map or report by other than the signing party or parties is prohibited without written consent of the signing party or parties per F.A.C. Rule 5J-17.051(3)(b)6.
9. The survey map and report or copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

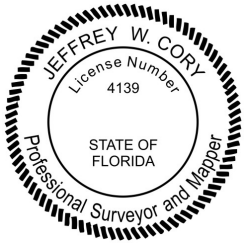


DATE PREPARED: 09/30/2025

I hereby certify that this sketch of description of the subject property is true and correct to the best of my knowledge, information and belief as prepared under my supervision on the dates shown thereon. I further certify that this sketch of description meets the Standards of Practice set forth in F.A.C. Rule 5J-17, adopted by the Florida Board of Professional Surveyors and Mappers, pursuant to Florida Statutes Ch. 472.027, subject to the qualifications noted hereon.

Signed: Jeffrey W. Cory Digitally signed by Jeffrey W. Cory Date: 2025.10.03 12:12:03 -04'00'

Seal:



Jeffrey W. Cory
Professional Surveyor and Mapper License Number 4139

THIS SKETCH OF DESCRIPTION CONTAINS 2 PAGES
EACH PAGE IS NOT FULL AND COMPLETE WITHOUT THE OTHER PAGE

Daniel W. Cory Surveyor, LLC
Certificate of Authorization Number LB 7883
300 Canal Street
New Smyrna Beach, Florida 32168
(386) 427-9575

FILE # 5515
Work Order #25-09-016
Part of Second Street
Woodland No. 2
Page 1 of 1

CAD FILE: 2509016

11-124

WOODLAND NO 2

OLD MISSION CITY VOLUSIA COUNTY FLORIDA

Being a re-subdivision of C.T. Roper's Subdivision of S.E.¼ of N.W.¼ Sec. 19 Twp. 17 S. R34E, excepting Lots 1 to 14 inclusive, Lots 25 to 30 inclusive, Lots 49 to 54 inclusive and those parts owned by the Florida East Coast Railway.

We L.D Buck and Cora Buck, his wife, hereby declare that we are the owners of C.T. Roper's Subdivision of S.E.¼ of N.W.¼ Sec. 19. Twp. 17. S. R. 34 E. excepting Lots 1 to 14 inclusive Lots 25 to 30 inclusive, Lots 49 to 54 inclusive and those parts owned by the Florida East Coast Railway, covered by the annexed plan of subdivision and that we have caused the same to be subdivided as shown, and we here by dedicate all streets, avenues and alleys as shown there on to the use of the public for ever.

L.D Buck

Cora Buck

Signed and Sealed in the presence of

Edward Seeley

Thos L. Flinn

State of Florida
County of Volusia

I hereby certify that L.D. Buck and Cora Buck, his wife whose names are signed to the foregoing dedication and who are personally known to me, came before me this day and acknowledged that they executed the same for the purpose therein expressed and as their free act and deed and the said Cora Buck, wife of the said L.D. Buck upon and examination made separate and apart from her said husband acknowledged before me that she executed the same for the purpose of relinquishing her dower and right of dower and dedicating all her sole and seperate estate in and to the lands therein dedicated, and that she did the same freely and voluntarily and without any compulsion constraint apprehension or fear of or from her said husband

Witness my hand and seal this 26 day of July 1945

Fred Ward

My commission expires Sept 24 1948 Notary Public.

CERTIFIED IN COMPLIANCE WITH CHAPTER [illegible] LAWS 1941 [illegible]

[illegible] 5

JESS [illegible] CLK CIRCUIT COURT
By [illegible]

This plat corrects and supersedes plat of Woodland No 2. as recorded in Map Book 10 Page 246 Public Records of Volusia County, Fla.

Approved for record this ___ day of ___ 1945

[illegible]

I hereby certify that this map is a correct representation of the land platted and that permanent refrence monuments have been erected as shown and required by law.

Ray S. Blinn
Land Surveyor Reg No. 176

N

Scale 1"=100'

New Smyrna Beach
• • • UTILITIES • • •

September 23, 2025

Jesse Meyers, P.E., CFM
City of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, FL 32168

SUBJECT: **Proposed Vacation of Highlighted Platted Right-of-Way "Second Street." North of Parcel ID 741913030050, Public Records of Volusia County**

Dear Mr. Myers:

New Smyrna Beach Utilities has no objection to the proposed vacation of the platted Right-of-Way as depicted in your email dated September 19, 2025 (attached).

New Smyrna Beach Utilities has no electric, water, reclaim or sanitary sewer mains in the right-of-way to be vacated.

Please do not hesitate to call me if you have any questions or require additional information.

Sincerely,

Kristin Greene

Kristin Greene
Civil Engineering Technician
Office: 386-424-3008

From: Meyers, Jesse <jmeyers@cityofnsb.com>
Sent: Friday, September 19, 2025 3:45 PM
To: Kristin Greene
Subject: RE: Fire Station 50 ROW
Attachments: Ord. No. 30-07.pdf; Buck Lane Survey.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is the old legal. They have not updated it yet. The only difference will be the last part where it says "west line of lot 4" will have to be changed to "west line of lot 6". This is in the attached. I will let you know if/when they update it.

AND

The south 1/2 of Second Street, a 50-foot right of way as shown on plat of WOODLAND NO. 2, recorded in Map Book 11, Page 124 of the Public Records of Volusia County, Florida, lying west of the northerly prolongation of the east line of Block "3", said WOODLAND NO. 2, and lying east of the northerly prolongation of the west line of Lot 4, Block "3", said WOODLAND NO. 2.

From: Kristin Greene <kgreene@nsbufl.com>
Sent: Friday, September 19, 2025 9:46 AM
To: Meyers, Jesse <jmeyers@cityofnsb.com>
Subject: Fire Station 50 ROW

CAUTION: EXTERNAL EMAIL

Good morning and Happy Friday!

Can you please submit to me the Legal Description so that I can attach it in our files with my letter to the city for the vacation?

😊

Thank you,

Kristin Greene / Civil Engineering Technician
New Smyrna Beach Utilities
Phone 386-424-3008 / Email: kgreene@nsbufl.com
www.nsbufl.com

SKETCH OF DESCRIPTION OF

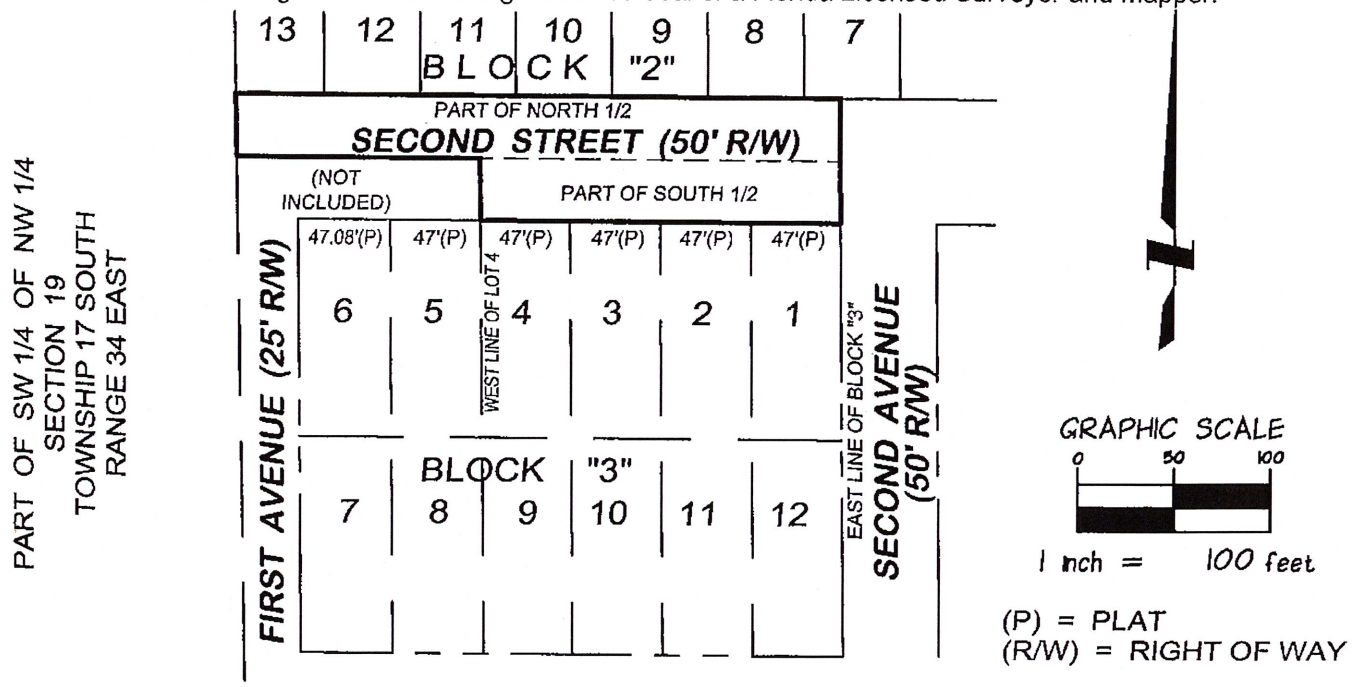
The north 1/2 of Second Street, a 50-foot right of way as shown on plat of WOODLAND NO. 2, recorded in Map Book 11, Page 124 of the Public Records of Volusia County, Florida, lying west of the northerly prolongation of the east line of Block "3", said WOODLAND NO. 2, and that portion of First Avenue, a 25-foot right of way as shown on said plat of WOODLAND NO. 2, lying north of the westerly prolongation of south line of said north 1/2 of Second Street.

AND

The south 1/2 of Second Street, a 50-foot right of way as shown on plat of WOODLAND NO. 2, recorded in Map Book 11, Page 124 of the Public Records of Volusia County, Florida, lying west of the northerly prolongation of the east line of Block "3", said WOODLAND NO. 2, and lying east of the northerly prolongation of the west line of Lot 4, Block "3", said WOODLAND NO. 2.

SURVEY REPORT:

1. Description prepared by the undersigned at the request of the client.
2. Subject to restrictions, reservations, limitations, easements and rights of way, if any, appearing of record.
3. This sketch of description and report prepared without the benefit of an abstract and no title work has been performed or provided to this surveyor.
4. This sketch of description and report is subject to any facts that may be disclosed by a full and accurate title search.
5. Underground utilities and features, if any, not located.
6. Dimensions indicated hereon are in feet and decimals thereof, unless otherwise noted.
7. **This sketch is not an actual Boundary Survey.**
8. Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.



DATE PREPARED: 01/23/2007

I hereby certify that this sketch of description of the subject property is true and correct to the best of my knowledge, information and belief as prepared under my supervision on the dates shown thereon. I further certify that this sketch of description meets the minimum technical standards set forth in F.A.C. Rule 61G17-6, adopted by the Florida Board of Professional Surveyors and Mappers, pursuant to Florida Statutes Ch. 472.027, subject to the qualifications noted hereon.

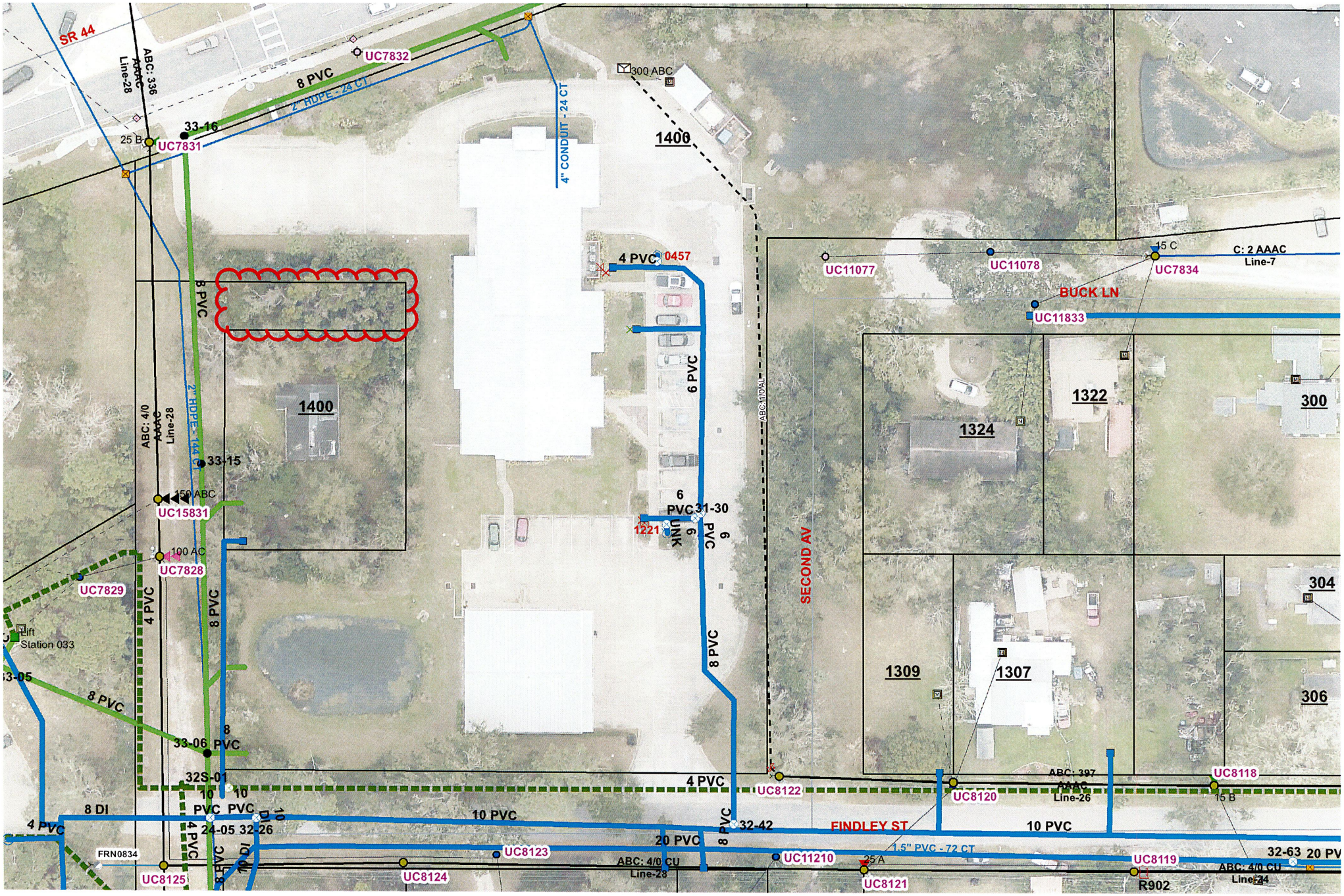
Signed: _____ Seal:

Daniel W. Cory
Professional Surveyor and Mapper License Number 2027

Daniel W. Cory Surveyor, Inc.
Certificate of Authorization Number LB 2599
300 Canal Street
New Smyrna Beach, Florida 32168
(386) 427-9575

Work Order # 07-01-015
PART OF SECOND STREET
Sketch of Description
FILE # 5515

CADD FILE: 070105


SR 44
ABC: 336 AAAC Line-28
UC7832
8 PVC
2" HDPE - 24 CT
33-16
25 B
UC7831
4" CONDUIT - 24 CT
300 ABC
1400
4 PVC
0457
6 PVC
ABC 1/0 AL
UC11077
UC11078
15 C
C: 2 AAAC Line-7
UC7834
BUCK LN
UC11833
1322
300
1324
8 PVC
2" HDPE - 144 CT
ABC: 4/0 AAAC Line-28
33-15
150 ABC
UC15831
6 PVC
31-30
1221
UNK
6 PVC
SECOND AV
100 AC
UC7828
UC7829
4 PVC
8 PVC
304
Lift Station 033
1309
1307
306
8 PVC
33-06
8 PVC
32S-01
10 PVC
10 PVC
4 PVC
UC8122
UC8120
ABC: 397 AAAC Line-26
UC8118
15 B
8 DI
10 PVC
FINDLEY ST
10 PVC
4 PVC
24-05
32-26
4 PVC
8 PVC
32-42
20 PVC
1.5" PVC - 72 CT
FRN0834
UC8125
UC8124
UC8123
ABC: 4/0 CU Line-28
UC11210
25 A
UC8121
UC8119
R902
32-63
20 PV
ABC: 4/0 CU Line-24

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ZT-12-25: REVIEW AND GIVE A RECOMMENDATION TO THE CITY COMMISSION ON A PROPOSED ZONING TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATION SECTION 504.02, ZONING DISTRICTS, ON BUILDING SETBACKS FOR SPECIAL EXCEPTION USES AND LAND DEVELOPMENT REGULATION SECTION 505.05, NON-CONFORMING STRUCTURES, FOR REBUILDING A NON-CONFORMING STRUCTURE THAT HAS A SPECIAL EXCEPTION USE.

January 5, 2026

Background:
N/A

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Stephanie Doster

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

NOMINATE AND VOTE ON 2026 PLANNING AND ZONING BOARD CHAIRPERSON AND VICE CHAIRPERSON.

January 5, 2026

Background:

Planning and Zoning board members shall make nomination and vote on the 2026 Chairperson and Vice Chairperson.

Fiscal Analysis:

N/A

Strategic Plan Item:

No

Staff Report Created By: Robert Mathen - Senior Planner

LEGAL DESCRIPTION:

(AS CREATED BY MARK DOWST & ASSOCIATES, INC.)

THAT PORTION OF CITRON STREET LYING WEST OF BLOCKS 35 AND 36, ANDREW'S ADDITION TO NEW SMYRNA, AS RECORDED IN MAP BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 44 AND THE WEST LINE OF BLOCK 36, ANDREW'S ADDITION TO NEW SMYRNA, AS RECORDED IN MAP BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S63°08'42"W ALONG THE NORTH RIGHT-OF-WAY OF SAID STATE ROAD NO. 44, A DISTANCE OF 40.16 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CITRON STREET, HAVING A 40.00 FOOT RIGHT-OF-WAY; THENCE N21°41'22"W ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 270.20 FEET TO A POINT ON THE PROPERTY LINE PER DEED FROM HENRY T. DOUGLAS & CHARLES U. WILLIAMS, TRUSTEES TO THE FLORIDA EAST COAST RAILROAD, DATED JUNE 4, 1902; THENCE N66°35'42"E ALONG SAID PROPERTY LINE, A DISTANCE OF 40.02 FEET TO A POINT ON THE WEST LINE OF BLOCK 35, SAID ANDREW'S ADDITION TO NEW SMYRNA; THENCE S21°41'22"E ALONG THE WEST LINE OF BLOCK 35 AND THE WEST LINE OF AFORESAID BLOCK 36, A DISTANCE OF 267.78 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 0.25 ACRES, MORE OR LESS.

SURVEY NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, THIS IS A SKETCH OF DESCRIPTION ONLY. IMPROVEMENTS SHOWN HEREON WERE OBTAINED FROM A SURVEY PREPARED BY THIS FIRM, PROJECT NO. 1540, DATED 03/13/24, AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE WEST LINE OF BLOCK 36, ANDREW'S ADDITION TO NEW SMYRNA, AS BEING S21°41'22"E.
3. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

LEGEND AND ABBREVIATIONS:

(#)	PLAT DIMENSION
CLF	CHAIN-LINK FENCE
LB	LICENSED BUSINESS
M.B.	MAP BOOK
NO.	NUMBER
O.R.B.	OFFICIAL RECORDS BOOK
PG(S).	PAGE/PAGES
PLS	PROFESSIONAL LAND SURVEYOR
R/W	RIGHT OF WAY
T/B	APPROXIMATE TOP OF BANK
T/S	APPROXIMATE TOE OF SLOPE
(TYP)	TYPICAL
VF	VINYL FENCE

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THIS SURVEY MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17.050-.052, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Jeffrey W. Cory

Digitally signed by Jeffrey W. Cory
Date: 2025.10.03 12:12:03 -04'00'

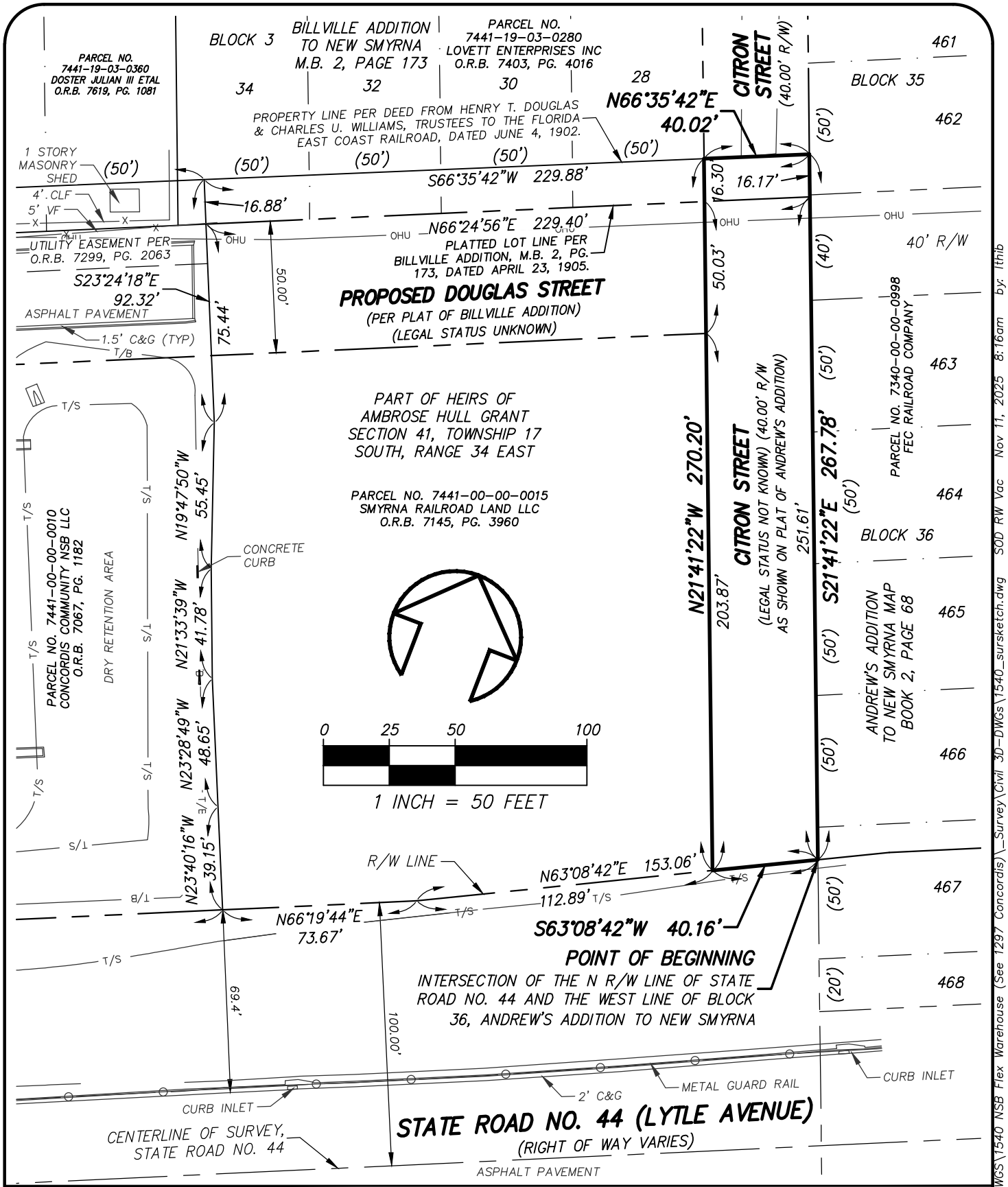
LEE H. DOWST. P.L.S. NO. 6860

THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

MARK DOWST & ASSOCIATES, INC.
* ENGINEERS PLANNERS SURVEYORS LB#4335 *
536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 PH: 386-258-7999

SKETCH AND DESCRIPTION (CITRON STREET R/W VACATION)			DRAW DATE: 11/11/25	SCALE: 1" = N/A	PROJECT # 1540
F.B./PG.: N/A	FIELD DATE: N/A	CREW: N/A	DRAWN BY: LAT	CHECKED BY: LHD	SHEET 1 OF 2

Drawing name: V:\DWGS\1540 NSB Flex Warehouse (See 1297 Concords)_Survey\Civil 3D-DWGs\1540_sursketch.dwg SOD RW Vac Nov 11, 2025 10:20am by: ithib



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SKETCH AND DESCRIPTION (CITRON STREET R/W VACATION)			DRAW DATE: 11/11/25	SCALE: 1" = 50'	PROJECT # 1540
F.B./PG.: N/A	FIELD DATE: N/A	CREW: N/A	DRAWN BY: LAT	CHECKED BY: LHD	SHEET 2 OF 2

Drawing name: V:\DWGS\1540 NSB Flex Warehouse (See 1297 Concordis)_Survey\Civil 3D-DWGs\1540_surskeetch.dwg SOD RW Vac Nov 11, 2025 8:16am by: lthib