



# PLANNING BOARD AGENDA REGULAR MEETING

TUESDAY

April 22, 2025 – 5:30 PM

COUNCIL CHAMBERS

4300 S. ATLANTIC AVE., PONCE INLET, FL

**SUNSHINE LAW NOTICE FOR BOARD MEMBERS – Notice is hereby provided that one or more members of the Town Council or other Town Boards may attend and speak at this meeting.**

A complete copy of the materials for this agenda is available at Town Hall.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE.
2. ROLL CALL AND DETERMINATION OF QUORUM.
3. ADOPTION OF AGENDA.
4. APPROVAL OF MEETING MINUTES:
  - A. February 25, 2025
5. REPORT OF STAFF:
6. CORRESPONDENCE & DISCLOSURE OF EX-PARTE COMMUNICATION – None.
7. HEARING OF CASES (Public hearings & Quasi-Judicial matters): A Quasi-Judicial decision entails the application of already-established criteria and public rule or policy to a limited number of specific individuals, interests, properties, or activities. Certain standards of basic fairness must be adhered to afford due process. The parties must receive notice of all hearings and be able to present evidence, to cross-examine witnesses, and be informed of all the facts upon which a Quasi-Judicial board acts. It shall be the responsibility of the APPLICANT to ensure that the proposal meets all the criteria and standards established in the Land Use and Development Code for the development sought. Procedure for Public Hearings:
  1. Reading of the Item for the Record
  2. Staff Testimony, including Noticing Information
  3. Board discussion
  4. Public Discussion, including statement of Applicant(s)
  5. Board Members individually complete Quasi-Judicial worksheets (for variance cases only)
  6. Motion and Second by the Board; followed by Board discussion
  7. Roll-call Vote.
  - A. Application/Type: VAC 5-2025 Vacating an Easement  
Address: 4915 S. Atlantic Avenue  
Purpose: To allow a vacation of easement per Article IV. Section 70 of the Code of Ordinances. (Continue to date certain; May 27, 2025, due to conflicting parcel designation discrepancies.)
  - B. Application/Type: Zoning Map Amendments
    1. RZNE 16-2024  
Address: 4784 S. Peninsula Drive  
Purpose: [To amend the official zoning map designation from "C"]



(Conservation) to “R-1” (Low-Density Single-Family) Zoning Designation] (Items #1 and #2 combined into one report)

2. RZNE 07-2025 Zoning Map Amendment

Address: Vacant parcel-S. Peninsula Dr. - Parcel ID# 6430-00-01-0091.

Purpose: [To amend the official zoning map designation from “C” (Conservation) to “R-1” (Low-Density Single-Family) Zoning Designation] (Items #1 and #2 combined into one report)

8. BUSINESS ITEMS. - None
9. PUBLIC PARTICIPATION.
10. BOARD DISCUSSION.
11. ADJOURNMENT.

*If a person decides to appeal any decision made by the Planning Board with respect to any matter considered at a meeting or hearing, he/she will need a record of the proceedings and that for such purpose, may need to ensure that a verbatim record of the proceedings is made (at their own expense), which includes testimony and evidence upon which the appeal is to be based. People who require an accommodation to attend this meeting should contact the Ponce Inlet Town Hall at 236-2150 **at least 48 hours prior to the meeting** to request such assistance.*





**Meeting Date:** April 22, 2025

**Agenda Item:** 4

## **Report to Planning Board**

**Topic:** Approval of Meeting Minutes

**Summary:**

Staff has prepared the attached set of Planning Board meeting minutes and submits for the Board's review and approval.

February 25, 2025

**Requested by:**

Ms. Stewart, Assistant Deputy Clerk

**Reviewed by:**

Mr. Lear, Planning & Development Director

**Approved by:**

Mr. Disher, Town Manager





# Town of Ponce Inlet

## Planning Board

### Regular Meeting Minutes

### February 25, 2025

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1 **1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** Pursuant to proper notice,  
2 Chair Kaszuba called the meeting to order at 5:30 p.m. in the Council Chambers, 4300 S. Atlantic  
3 Avenue, Ponce Inlet, FL, and led attendees in the Pledge of Allegiance.

4  
5 **2. ROLL CALL AND DETERMINATION OF QUORUM:** A quorum was established;  
6 Mr. Young was absent. Mr. Oebbecke recused himself from voting due to a conflict with Item 7-  
7 B; he sat at the dais only for Item 7-A, board member training.

8  
9 Board members present:

10 Mr. Oebbecke, Seat #1  
11 Mr. Kaszuba, Seat #2; Chair  
12 Mr. Revak, Seat #3  
13 Mr. Cannon, Seat #4  
14 Mr. Carney, Seat #5; Vice-Chair  
15 Mr. Young, Alternate #1 - absent  
16 Ms. Vanderbeek, Alternate #2

17  
18 Staff present:

19 Attorney Hand, Town Attorney  
20 Ms. Hugler, Fire Department Office Manager/PIO  
21 Mr. Lear, Planning & Development Director  
22 Ms. Rippey, Principal Planner  
23 Ms. Stewart, Assistant Deputy Clerk

24  
25 **A. Oath of Office** – Ms. Stewart administered the Oath to Mr. Revak.

26  
27 **3. ADOPTION OF AGENDA:** Chair Kaszuba announced a request to address Item 7-B  
28 before Item 7-A, allowing additional board member training to follow the special exception  
29 request. He asked if staff or the town attorney had any objections. Attorney Hand had no concerns  
30 but noted that a board member would be declaring a voting conflict and must orally disclose the  
31 nature of that conflict before voting, followed by submitting Form 8-B within 15 days. Mr. Lear  
32 added that Attorney Hand's quasi-judicial training will assist with this evening's hearing. The  
33 Board discussed amending the agenda.

34  
35 Mr. Cannon moved to adopt the agenda as presented; seconded by Vice-Chair Carney. The motion  
36 PASSED with the following vote: Mr. Cannon – yes; Mr. Revak – yes; Vice-Chair Carney – yes;  
37 Chair Kaszuba – yes; Ms. Vanderbeek – yes; 5-0.

38  
39 **4. APPROVAL OF MINUTES:**

40  
41 **A. January 28, 2025** – The Board inquired about information requested in the  
42 previous meeting. Mr. Lear explained the information had been provided via email by Ms. Stewart



after last month's meeting but assured the Board that staff would research and resend it. Chair Kaszuba noted that the Board had also requested the town attorney at the last meeting provide the town's records retention schedules. Mr. Lear stated he would follow up on that request as well. Mr. Cannon referenced corrections needed in the previous meeting minutes: the reference to "Chair Cannon" at the top of page 2 should read "Mr. Cannon"; and line 118 on page 3 should read "as" its representative.

Mr. Cannon moved to approve the January 28, 2025 meeting minutes as amended; seconded by Vice-Chair Carney. The motion PASSED with the following vote: Mr. Cannon – yes; Vice-Chair Carney – yes; Chair Kaszuba – yes; Mr. Revak – yes; Ms. Vanderbeek – yes; 5-0.

**5. REPORT OF STAFF:** Mr. Lear announced that Volusia County approved a contract with Halifax Paving, Inc. for berm restoration north of the inlet. The U.S. Army Corps of Engineers will modify its dredging plans, allowing the county to use 900,000 cubic yards of dredged sand for shoreline restoration. The project includes removing TrapBags and the project should commence this spring. Additionally, public sessions on beach improvements start tonight at the Ocean Center, with additional meetings tomorrow at the Daytona Beach Shores Community Center and on Thursday at the Brannon Center in New Smyrna Beach from 5:00 pm to 7:00 pm. Mr. Lear announced Senior Planner, Bernadette Fisher, has resigned, and the position is now open and advertised.

**6. CORRESPONDENCE/DISCLOSURE OF EX-PARTE COMMUNICATION:** None.

**7. HEARING OF CASES:**

**A. Additional Board Member Training–** Attorney Hand provided a [PowerPoint presentation.pptx](#) regarding quasi-judicial hearings, the role of the Local Planning Agency (LPA), board responsibilities, voting conflicts (Form 8-B), and procedures for approving special exceptions. He explained the distinction between legislative and quasi-judicial actions, emphasizing that board decisions must be based on competent substantial evidence, not public comments. He discussed ex-parte communications and related restrictions; while public comments may be considered, they do not count as evidence. He explained the burden of proof, and when it is the landowner's or the town's responsibility. Attorney Hand reviewed the consideration of evidence and emphasized that the board must base its decision on quasi-judicial matters on the facts and competent substantial evidence, which he explained in detail. Chair Kaszuba opened the board discussion, during which Attorney Hand clarified that affected parties have the right to due process.

Attorney Hand explained the Local Planning Agency (LPA) as defined in the Florida Community Planning Act; he confirmed that this Board serves as Ponce Inlet's LPA and reviewed its statutory duties, including the school board's right to appoint a non-voting member. The Board is responsible for recommending comprehensive plan amendments and overseeing the ongoing Evaluation and Appraisal Review (EAR) process. It also makes final decisions on certain matters, such as variances, while other decisions serve as recommendations to the Town Council. Attorney Hand noted that the Board would be making a quasi-judicial recommendation later in the meeting.

Attorney Hand reviewed Form 8-B on voting conflicts, explaining that members must abstain from voting on measures that would result in personal or associated gains or losses. While they cannot



91 vote, they may influence decisions but must disclose conflicts orally before participating. The  
92 completed Form 8-B must be submitted within 15 days to the town clerk. He clarified quasi-  
93 judicial procedures for special exceptions, noting that staff may recommend approval with  
94 conditions as outlined in their report.

95  
96 **B. Application/Type: SPEC 2-2025 Major Special Exception per Section 6.6.3 of**  
97 **the Town's Land Use and Development Code.**

98 **Address: Ponce Inlet Community Center**  
99 **4670 S. Peninsula Drive**

100 **Purpose: To allow the hosting of a weekly Farmer's Market in a P/I – Public**  
101 **Institutional zoning district per Section 2.40.**  
102

103 Mr. Oebbecke disclosed that he has a conflict related to this application as he is the one who  
104 submitted it; he is recusing himself from a vote but is available to answer any questions. Mr. Lear  
105 explained this item is a major special exception to allow the hosting of a weekly farmers market  
106 at the Ponce Inlet Community Center. If approved, the applicant and Community Center Board of  
107 Trustees will have the option to operate a farmer's market every Sunday from 9:00 am to 2:00 pm  
108 with approximately 15 vendors. They have held seven (7) farmer's markets so far with their special  
109 event permit, and there have been no issues. Mr. Lear reviewed the special exception process;  
110 major special exceptions require a recommendation from the Planning Board and a decision by the  
111 Town Council. He elaborated on the property overview and use of this proposal. The  
112 organization's Board of Trustees believes the proposed use is well-suited for the property.

113  
114 Mr. Lear reviewed the special exception criteria for farmers markets under the Land Use and  
115 Development Code (LUDC), confirming all requirements had been met. Notifications were sent  
116 to contiguous property owners, notice was posted on the property on February 10, 2025, and public  
117 notices were published in the *Daytona Beach News-Journal* and on the Town's website.

118  
119 Staff reviewed nine proposed conditions and recommended approval to the Town Council. Chair  
120 Kaszuba questioned why the matter was being revisited, noting it was discussed in September. Mr.  
121 Lear clarified that the prior discussion focused on amending the LUDC to allow farmers markets  
122 in the public institutional (P-I) zoning district as a special exception. That motion resulted in a 2-  
123 2 tie, but the Town Council later approved it in November. Board members discussed whether  
124 food trucks would be allowed at the farmers market. Mr. Lear stated the staff interprets farmers  
125 markets as encompassing a variety of vendors, including food vendors. Attorney Hand confirmed  
126 that staff are responsible for interpreting the code and presenting their findings to the Board.

127  
128 Chair Kaszuba invited the applicant to speak. Mr. Oebbecke, President of the Board of Trustees  
129 for the Ponce Inlet Community Center, stated the request was based on resident and vendor  
130 feedback in favor of a weekly market. Initial concerns about conflicts with Sunday church services  
131 have been addressed. Chair Kaszuba referenced prior concerns about the community center's  
132 ability to manage the market regularly and asked if the situation had changed. Mr. Oebbecke  
133 confirmed there have been no issues, and vendors appreciate the location and available amenities,  
134 such as trash disposal and restrooms. Chair Kaszuba opened public comment.

135  
136 Peter Finch, 106 Rains Drive, a Board of Trustees member at the Ponce Inlet Community Center,  
137 stated that the farmers market has grown in popularity, with both vendors and residents enjoying  
138 it. He recommended forwarding the matter to Town Council with approval. When asked if the



community center had concerns about staff's recommended conditions, he confirmed there were none. Valerie O'Connor, 807 East 11<sup>th</sup> Avenue, New Smyrna Beach, a vendor, shared that she felt welcomed at the Ponce Inlet farmers market, describing it as a positive and community-driven environment. She urged the Board to allow it to continue. Mickey Lonchar, 4590 S. Atlantic Avenue, praised the market's quality products, friendly atmosphere, and social benefits. He initially had parking concerns, but it is well-managed and there are no issues. He also supported a recommendation of approval. Delphine Pinet, 4 Beacon Court, a vendor, advocated for a weekly market, noting that vendors regularly sell out, indicating strong community support. She urged a recommendation of approval as well. Chair Kaszuba closed public comment and paused the meeting at 6:51 p.m. for staff to determine if quasi-judicial worksheets were required.

Chair Kaszuba reconvened the meeting at 7:00 p.m. and inquired about the use of worksheets for quasi-judicial hearings. Attorney Hand clarified that criteria are covered in the staff report, and worksheets are not required for decision-making. Chair Kaszuba asked the Board members if they had any questions or concerns regarding this item. Mr. Revak stated the request meets operational, design, and comprehensive plan review standards and expressed his support. He asked whether the Ponce Inlet Community Center is responsible for securing business tax receipts from vendors and what the implications of noncompliance would be. Mr. Lear confirmed it is their responsibility, and failure to comply could result in a code violation. Mr. Cannon suggested refining the definition of a farmers' market to better align with community expectations. Chair Kaszuba agreed, noting the definition is ambiguous. Vice-Chair Carney disagreed, stating the definition is clear but would support revising it to reflect the town's intent.

Mr. Cannon moved that the Major Special Exception application per Section 6.6.3 of the Town's Land Use and Development Code to allow the hosting of a weekly Farmer's Market in a P/I – Public Institutional zoning district per Section 2.40 be forwarded to the Town Council with a recommendation of APPROVAL; seconded by Chair Kaszuba. The motion PASSED 5-0, with the following vote: Mr. Cannon – yes; Chair Kaszuba – yes; Vice-Chair Carney – yes; Mr. Revak – yes; Ms. Vanderbeek – yes.

**8. BUSINESS ITEMS/PUBLIC HEARINGS:** None.

**9. PUBLIC PARTICIPATION:** Chair Kaszuba opened public participation – hearing none, he closed public participation.

**10. BOARD DISCUSSION:** None.

**11. ADJOURNMENT:** The meeting was adjourned at 7:07 p.m.

Prepared and submitted by,

Draft

Debbie Stewart

Assistant Deputy Clerk

Attachment(s): Form 8-B, M. Oebbecke



# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Oebbecke John Mark</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Planning Board</i>	
MAILING ADDRESS <i>4758 S. Peninsula Dr</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY <i>Ponce Inlet</i>	COUNTY <i>Volusia</i>	NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED <i>2/25/2025</i>		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)



### APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

### DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, John M Oebbecke, hereby disclose that on February 25, 20 25 :

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_ ;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- ☒ inured to the special gain or loss of Ponce Inlet Community Center Inc (PICCI), by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

*I am the present President of PICCI's Board of Trustees and was the applicant associated with Application Type: SPEC 2 - 2025.*

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2/25/2025  
Date Filed

John M Oebbecke  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.





**Meeting Date:** April 22, 2025

**Agenda Item:** 7-A

## **Report to Planning Board**

**Topic:** Vacating an Easement  
VAC 5-2025  
4915 S. Atlantic Avenue

### **Summary:ds**

To allow a vacation of easement per Article IV, Section 70 of the Code of Ordinances.

### **Suggested motion:**

Continue to date certain; May 27, 2025 due to conflicting parcel designation discrepancies.

### **Requested by:**

Ms. Rippey, Principal Planner

### **Reviewed by:**

Mr. Lear, Planning & Development Director

### **Approved by:**

Mr. Disher, Town Manager





**Meeting Date:** April 22, 2025

**Agenda Item:** 7-B

## **Report to Planning Board**

**Topic:** Zoning Amendment  
RZNE 16-2024 (Parcel 1 - 4784 S. Peninsula Dr.)  
RZNE 07-2025 (Parcel 2 - Vacant Parcel – S. Peninsula Dr. (PID 6430-00-01-0091)

### **Summary:**

To amend the official zoning map designation from “C” (Conservation) to “R-1 (Low-Density Single-Family Residential).

### **Suggested motion:**

Approval, subject to the conditions in the staff report.

### **Requested by:**

Ms. Rippey, Principal Planner

### **Reviewed by:**

Mr. Lear, Planning & Development Director

### **Approved by:**

Mr. Disher, Town Manager





## MEMORANDUM

### TOWN OF PONCE INLET, PLANNING AND DEVELOPMENT DEPARTMENT

*The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet obtain the greatest value for their tax dollar.*

To: Planning Board

From: Patty Rippey, AICP, Principal Planner

Through: Darren Lear, AICP, Planning & Development Director

Date: April 9, 2025

Subject: Zoning Map Amendment request for:  
Case No. RZNE 16-2024 (Parcel 1 - 4784 S. Peninsula Drive)  
Case No. RZNE 07-2025 (Parcel 2 - Vacant Parcel S. Peninsula Drive - PID 6430-00-01-0091)

**REQUEST:** To amend the Official Zoning Map designation from “C” (Conservation) to “R-1” (Low Density Single-Family Residential).

**LOCATION:** Two parcels on the west side of South Peninsula Drive, north of Inlet Harbor Road, southwest of Calumet Drive, 4784 S. Peninsula and adjacent vacant parcel to the north.

**APPLICANTS:** PARCEL 1 - James and Meredith Beck, Property Owners  
PARCEL 2 - Buckingham Holdings, LLC, C/O J. Scott Merrell, Property Owner

**RECOMMENDATION:** Approval, based on the findings of this memorandum.

**MEETING DATE:** April 22, 2025

#### **INTRODUCTION**

The applicants request approval to amend the Official Zoning Map designation for Parcel 1 located at 4784 S. Peninsula Drive and Parcel 2 vacant parcel adjacent to the north of 4784 S. Peninsula Drive - PID 6430-00-01-0091, from “C” (Conservation) to “R-1” (Low Density Single-Family). The separate applications have been combined into one staff report because the analysis is fundamentally the same.



**AUTHORITY AND PROCESS**

Per LUDC Section 6.6.1, the purpose of a rezoning is to adjust the official zoning map as necessary in light of changed conditions, changes in public policy, to conform to the comprehensive plan, or that is necessary to advance the general welfare of the town. In accordance with LUDC Sections 6.2.2 and 6.6.1, the Planning Board, acting as the local planning agency, shall review the rezoning request for consistency with the comprehensive plan and report its determination to the Town Council.

The Town Council shall hold public hearings and approve, approve with conditions, postpone or deny the application. It may accept, accept with conditions, modify or reject the Planning Board's recommendation, or seek additional information from the Planning Board.

**PROPERTY OVERVIEW**

Parcel 1 consists of 0.57± acres and is developed with one 2,332 SF single-family house constructed in 1954 and a 120 SF storage shed. Parcel 2 is 0.46± acres in size and undeveloped. Parcel 1 and Parcel 2 are located adjacent to each other on the west side of South Peninsula Drive, north of Inlet Harbor Road, southwest of Calumet Drive. (**Attachment 1 – Location Map and Attachment 2 – Aerial Map**).

*Existing Zoning*

Parcel 1 and Parcel 2 have a future land use designation of “LDR” (Low Density Single-Family Residential) and a zoning designation of “C” (Conservation). Parcels to the north, south, east and west of the subject parcels have a future land use designation of “LDR” and zoning designation of “R-1”. (**Attachment 3 – Existing Zoning Maps**).

*Proposed Zoning*

The proposed zoning for Parcel 1 and Parcel 2 is “R-1” (Low Density Single-Family). Based on the current use of Parcel 1, planned future use of Parcel 2, and existing surrounding residential uses, “R-1” is a compatible zoning designation (**Attachment 4 – Proposed Zoning Map**).

*Future Land Use and Zoning*

The adopted Future Land Use designation for Parcel 1 and Parcel 2 is “LDR” (Low Density Single-Family Residential). Pursuant to the Zoning/Future Land Use Plan Compatibility Matrix<sup>1</sup> the Future Land Use and zoning designations are not compatible (**Attachment 5 – Adopted Future Land Use Map**).

**DISCUSSION AND FINDINGS OF FACT**

Staff's analysis of the applications is discussed below.

**Historical Information**

The future land use designation of Parcel 1, Parcel 2, adjacent properties on S. Peninsula Drive, and Inlet Harbor Road was established as *Conservation* in 1977 with the adoption of the Town's

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<sup>1</sup> Town of Ponce Inlet Comprehensive Plan Future Land Use Element Table II – 1.



first comprehensive plan<sup>2</sup>. That same year, when the Town adopted its official Zoning Map<sup>3</sup>, the property was rezoned to a combination of Conservation and “R-1aa” (Single-Family Residential).

In 2011, the Town Council amended the Future Land Use of the parcels to the north and south of Parcel 1 and Parcel 2 from “C” (Conservation) to “LDR” (Low Density Single-Family Residential) and the zoning from “C” (Conservation) to “R-1” (Low Density Single-Family)<sup>4</sup>. In 2015, the Town Council similarly amended the future land use and zoning of the Inlet Harbor Estates subdivision properties located on the north side of Inlet Harbor Road, west of S. Peninsula Drive.<sup>5</sup> With both the 2011 and 2105 applications, policies were added to the Future Land Use element to further restrict development densities below the maximum allowed and to add environmental protections for the riverfront/ canal shoreline.

The owners of the subject Parcel 1 and Parcel 2 were not interested in being included the zoning amendment requests of 2011 or 2015, leaving the zoning designation for these parcels as Conservation. In 2017, the Future Land Use Map adopted with the EAR-based amendments of the time<sup>6</sup> shows the all of the properties between Calumet Avenue and Inlet Harbor Road on the west side of S. Peninsula Drive, including the two subject parcels, as being designated “LDR”( Low Density Single-Family Residential).

### **Zoning District Regulations**

#### **“C” (Conservation)**

Pursuant to Section 2.4.A of the Town’s LUDC, the purpose and intent of the conservation zoning district is to protect environmentally sensitive lands, coastal dunes, shorelines, and associated mangrove and salt water marsh communities, and preserve those conditions and characteristics which promote dune and shoreline stabilization, storm surge abatement, water quality maintenance, wildlife and marine resource habitats, and marine productivity. It intends to prevent urban development on lands that are unsafe for that use because of the potential for erosion, flooding, wave run-up, inadequate accessibility, or other conditions. The dimensional requirements of the “C” district are as follows:

Minimum lot size for Single-Family dwellings:	Minimum yard size: Front: 30 feet Side 25 feet Rear: 50 feet Waterfront: 50 feet	Maximum building height: 35 feet Maximum lot coverage: none specified Minimum floor area: 1,800 square feet Maximum floor area: 2,500 square feet
Area: 20 acres		
Width: N/A		

#### **“R-1” (Low-Density Single-Family Residential)**

Pursuant to Section 2.5 of the Town’s LUDC, the purpose and intent of the “R-1” zoning district is to provide for low-density single-family residential developments on individual lots that are consistent with the character of existing or proposed residential neighborhoods. Permitted principal uses of the Property under the “R-1” zoning are limited to single-family dwellings. The existing residential structure located on the Parcel 1 is a permitted use under the “R-1” zoning

<sup>2</sup> Adopted by Ordinance No. 77-5 on June 29, 1977.

<sup>3</sup> Adopted by Ordinance No. 77-24, on November 30, 1977.

<sup>4</sup> Adopted by Ordinance No. 2011-13 and Ordinance No. 2011-14.

<sup>5</sup> Adopted by Ordinance No. 2015-01 and Ordinance No. 2015-02.

<sup>6</sup> Adopted by Ordinance No. 2017-01.



district, however due to the size of the lot, the residential use is non-conforming under the current “C” zoning which allows single-family development at 1 unit per 20 acres. The dimensional requirements of the “R-1” district are as follows:

Minimum lot size:	Minimum yard size:	Maximum building height: 35 feet
Area: 10,625 SF	Front: 30 feet	Maximum lot coverage: 35 percent
Width: 85 feet	Side 10 feet	Minimum gross floor area: 1,800 square
Depth: 100 feet	Rear 30 feet	feet per unit
	Waterfront: 25 feet	

If the rezoning requests for Parcel 1 and Parcel 2 are approved, any new development on the subject parcels would be required to meet the “R-1” standards. The adopted Future Land Use and Zoning designations are not compatible with each other pursuant to the Zoning/Future Land Use Plan Compatibility Matrix. The proposed “R-1” Low Density Single-Family Residential zoning designation is compatible with the adopted Future Land Use designation.

#### **REVIEW CRITERIA**

LUDC Section 6.6.1 establishes the following criteria to be considered by the Planning Board and Town Council in its review, recommendation, and decision on a rezoning application.

#### ***1) Whether it is consistent with all adopted elements of the comprehensive plan.***

*Applicants’ Response:* Yes, it appears to be consistent with all adopted elements of the Comprehensive Plan.

*Staff’s Response:* In accordance with FS Ch 163.3177, which governs the comprehensive planning in the state, and the Town’s Comprehensive Plan, Chapter II – Future Land Use Element – 2017, Goal 6 and Policy 6.1.2, zoning maps must be consistent with the adopted comprehensive plan’s future land use map. The purpose of this mandate is to ensure that development plans adhere to the town’s overall vision for land use.

As noted above, the proposed zoning designation of “R-1” (Low Density Single-Family), is more compatible with the adopted “LDR” (Low Density Single-Family Residential) future land use category. This criterion has been met.

#### ***2) Its impact upon the environment or natural resources.***

*Applicants’ Response:* There is no negative impact upon the environment or natural resources. The current house [on Parcel 1] was constructed in 1954.

*Staff’s Response:* There is no unique inherent environmental value to the properties that warrants them remaining zoned Conservation. The properties are the same as the others that were rezoned in 2011 and 2015. Parcel 1 has functioned as a residential property for over 70 years. Any future redevelopment on Parcel 1 and any development on vacant Parcel 2 shall comply with all LUDC regulations governing residential uses and environmental protection. There will be no impacts to the environment or natural resources by rezoning this parcel. This criterion has been met.



127 **3) *Its impact upon the economy of any affected area.***

128  
129 *Applicants' Response:* There is no negative impact upon any of the affected area. There have  
130 been improvements to the property which would only positively affect the neighboring  
131 properties by increasing their property values.  
132

133 *Staff's Response:* Parcel 1 will not be altered from the single-family residential use that has  
134 existed on this parcel for over 70 years. The applicant for Parcel 2 indicated the property will  
135 be developed in the future as a single-family residence. The rezoning will have no impact upon  
136 the economy of the surrounding single family residential area. This criterion has been met.  
137

138 **4) *Its impact upon any existing necessary governmental services such as schools, sewage***  
139 ***disposal, solid waste or transportation systems, or any other infrastructure.***  
140

141 *Applicants' Response:* There is no additional impact upon any necessary governmental  
142 services. The house has been converted to city sewer which eliminates any possible  
143 contamination from the prior septic tank system.  
144

145 *Staff's Response:* The use of Parcel 1 will remain as a single-family residential use and will  
146 not require any additional government services. Future development of Parcel 2 shall be  
147 consistent with the surrounding uses and comply with all LUDC regulations governing  
148 residential uses. The lots have been in existence for decades and are already accounted for in  
149 terms of future infrastructure planning. The impact on existing necessary governmental  
150 services is negligible. This criterion has been met.  
151

152 **5) *Any changes in circumstances or conditions affecting the area.***

153  
154 *Applicants' Response:* There are no changes in the circumstances or conditions affecting the  
155 area.  
156

157 *Staff's Response:* Parcel 1 will remain as a single-family residential use with no changes in  
158 circumstance of effect on the area. The applicant/property owner of Parcel 2 indicated the  
159 property will be developed in the future as a single-family residence and shall be consistent  
160 with the character of the surrounding residential neighborhoods. This criterion has been met.  
161

162 **6) *Any mistakes in the original classification other than re-classifications due to inadvertent***  
163 ***boundary errors, including clerical or scrivener's errors, which may be corrected***  
164 ***administratively.***  
165

166 *Applicants' Response:* It appears there were no mistakes in the original classification.  
167

168 *Staff's Response:* When the Town adopted its first official zoning map in 1977, the subject  
169 parcels and surrounding parcels were rezoned to a combination of Conservation and "R-1aa".  
170 The Conservation designation at that time was intended to be a "holding" zone until future  
171 development occurred. Rezoning the parcels to "R-1" will allow the property to be compatible  
172 with the Future Land Use Designation of Low Density Single-Family Residential. This  
173 criterion is met.  
174



7) *Its effect upon the use or value of the affected area.*

*Applicants' Response:* There is no negative effect upon the use or value of the affected area.

*Staff's Response:* Parcel 1 will remain as a single-family use with no changes in use or value to the affected area. The value of the affected area will increase if/when vacant Parcel 2 develops as a single-family residential use. This criterion has been met.

8) *Its impact upon the public health, welfare, or safety.*

*Applicants' Response:* There is no negative impact upon the public health, welfare, or safety.

*Staff's Response:* The rezoning of the current use of Parcel 1 as a single-family residential house will not impact public health, welfare or safety. The rezoning of Parcel 2 will not impact public health, welfare or safety, whether left vacant or developed. This criterion has been met.

**PUBLIC NOTICE**

A letter notifying contiguous property owners was mailed on March 17, 2025 and March 19, 2025 via certified mail. The property was posted on April 4, 2025 with a public hearing notice stating the date and time of the Planning Board meeting. The Planning Board meeting was noticed in the *Daytona Beach News-Journal* on April 11, 2025, as well as on the Town's website. These efforts were made to ensure that the surrounding property owners were aware of the application and for them to have an opportunity to voice their concerns and desires.

**RECOMMENDATION**

Based on the findings of this memorandum, Staff recommends **approval** of the zoning map amendment to change the zoning designation of the Parcel 1 located at 4784 S. Peninsula Avenue and Parcel 2, the adjacent vacant property (PID 6430-00-01-0091) from "C" (Conservation) to "R-1" (Low Density Single-Family Residential).

**Attachments**

1. Location Map
2. Aerial Map
3. Existing Zoning Map
4. Proposed Zoning Map
5. Adopted Future Land Use Map





**Case Nos.:** RZNE 16-2024 and RZNE 7-2025

**Applicants:** James & Meredith Beck,  
Buckingham Holdings, LLC, C/O J. Scott Merrell

**Property Address/Location:** Parcel 1- 4784 S.  
Peninsula Dr., Parcel 2 – vacant parcel S.  
Peninsula Dr. (PID 6430-00-01-0091)

**Summary of Request:** Applicants are requesting an amendment to the Official Zoning Map per Section 6.6.1 of the Town's Land Use and Development Code (LUDC) to change Parcel 1 and Parcel 2 from "C" (Conservation) to "R-1" (Low Density Single-Family Residential) zoning designation.



## ATTACHMENT 1 LOCATION MAP

TOWN OF PONCE INLET







**Case Nos.:** RZNE 16-2024 and RZNE 7-2025

**Applicants:** James & Meredith Beck,  
Buckingham Holdings, LLC, C/O J. Scott Merrell

**Property Address/Location:** Parcel 1- 4784 S.  
Peninsula Dr., Parcel 2 – vacant parcel S.  
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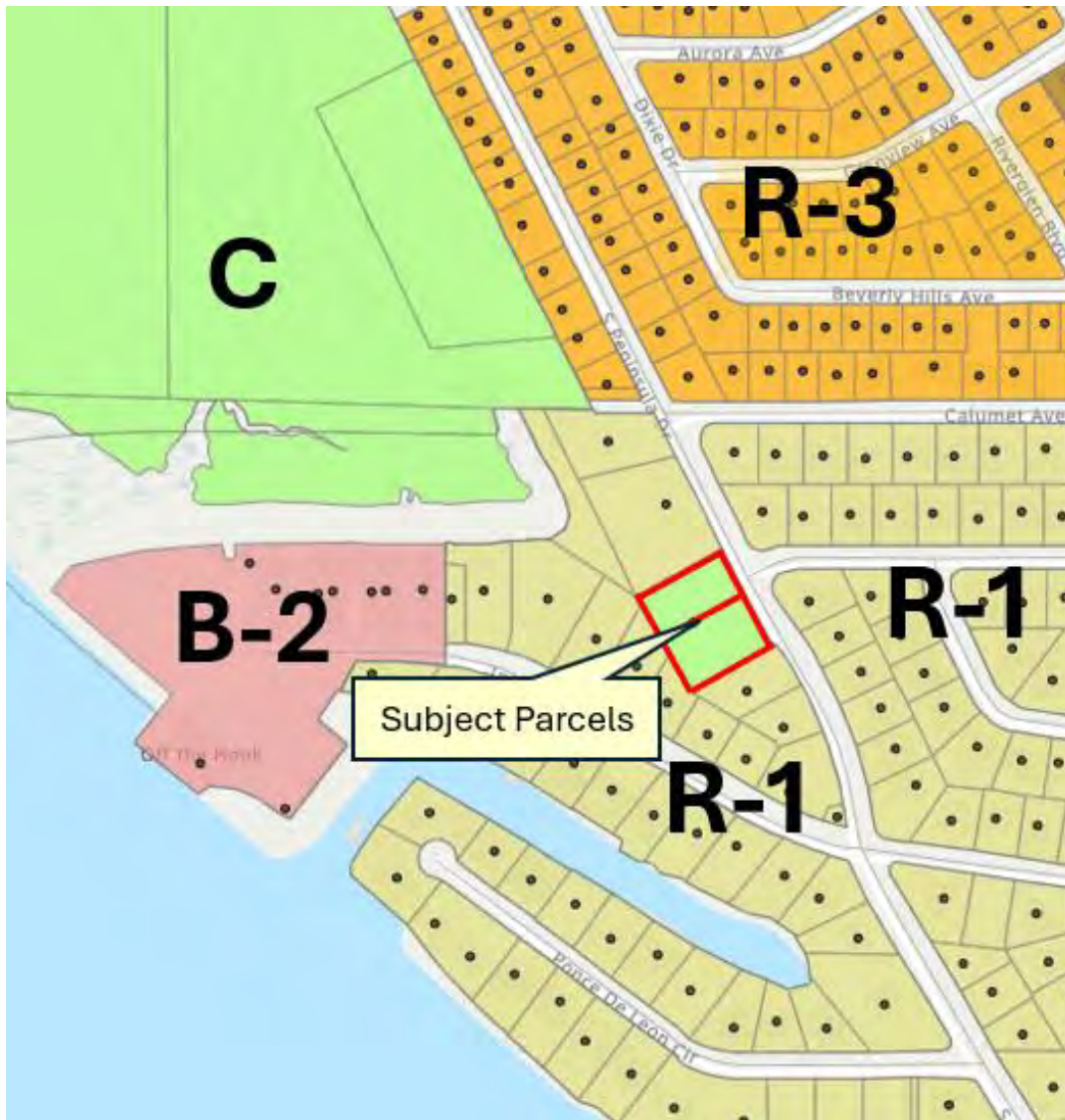


## ATTACHMENT 2 AERIAL MAP

TOWN OF PONCE INLET







**Case Nos.:** RZNE 16-2024 and RZNE 7-2025

**Applicants:** James & Meredith Beck,  
Buckingham Holdings, LLC, C/O J. Scott  
Merrell

**Property Address/Location:** Parcel 1- 4784 S.  
Peninsula Dr., Parcel 2 – vacant parcel S.  
Peninsula Dr. (PID 6430-00-01-0091)

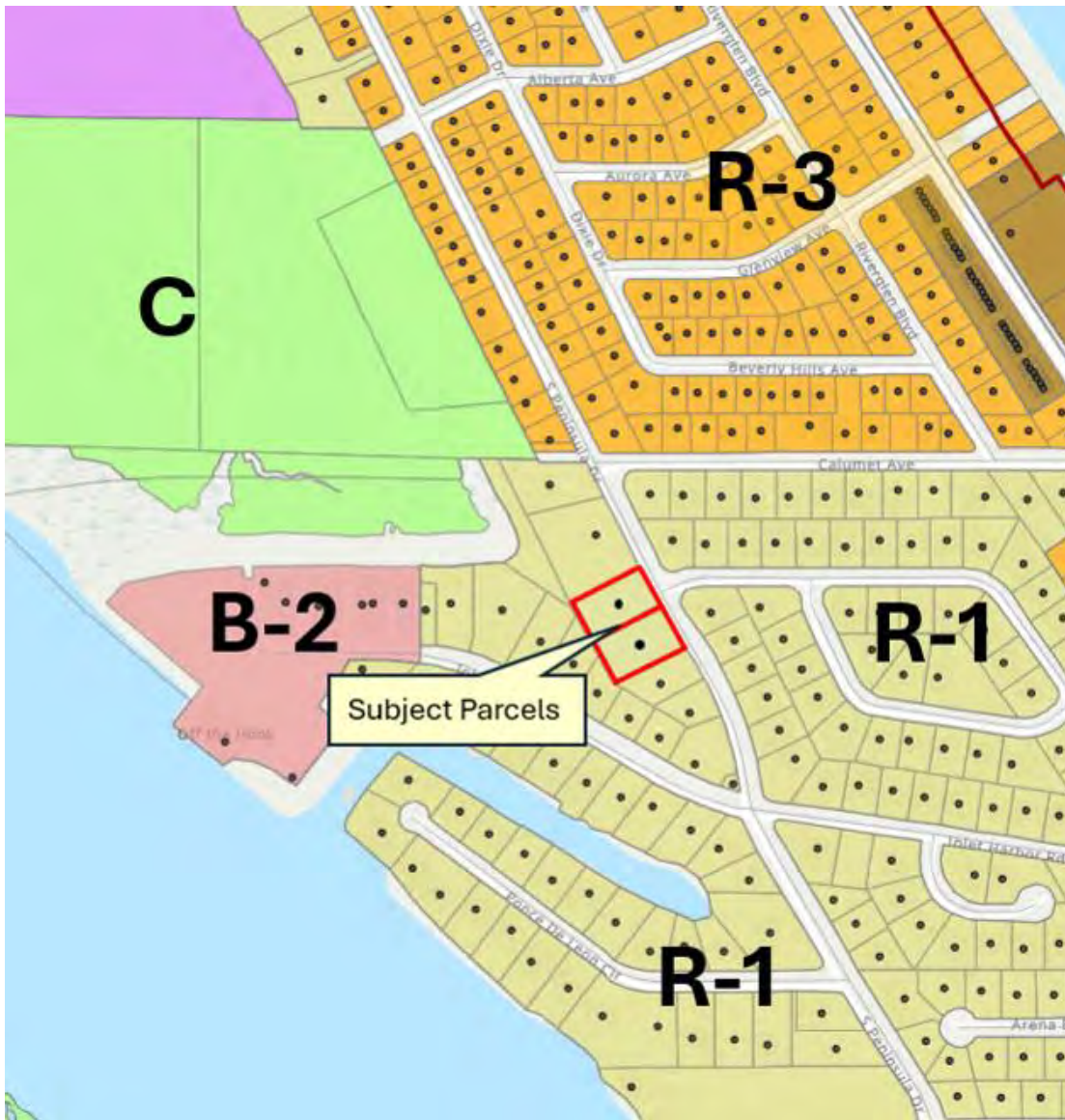
**Summary of Request:** Applicants are requesting an amendment to the Official Zoning Map per Section 6.6.1 of the Town's Land Use and Development Code (LUDC) to change Parcel 1 and Parcel 2 from "C" (Conservation) to "R-1" (Low Density Single-Family Residential) zoning designation.



## ATTACHMENT 3 EXISTING ZONING MAP TOWN OF PONCE INLET







**Case Nos.:** RZNE 16-2024 and RZNE 7-2025

**Applicants:** James & Meredith Beck,  
Buckingham Holdings, LLC, C/O J. Scott  
Merrell

**Property Address/Location:** Parcel 1- 4784 S.  
Peninsula Dr., Parcel 2 – vacant parcel S.  
Peninsula Dr. (PID 6430-00-01-0091)

**Summary of Request:** Applicants are requesting an amendment to the Official Zoning Map per Section 6.6.1 of the Town's Land Use and Development Code (LUDC) to change Parcel 1 and Parcel 2 from "C" (Conservation) to "R-1" (Low Density Single-Family Residential) zoning designation.

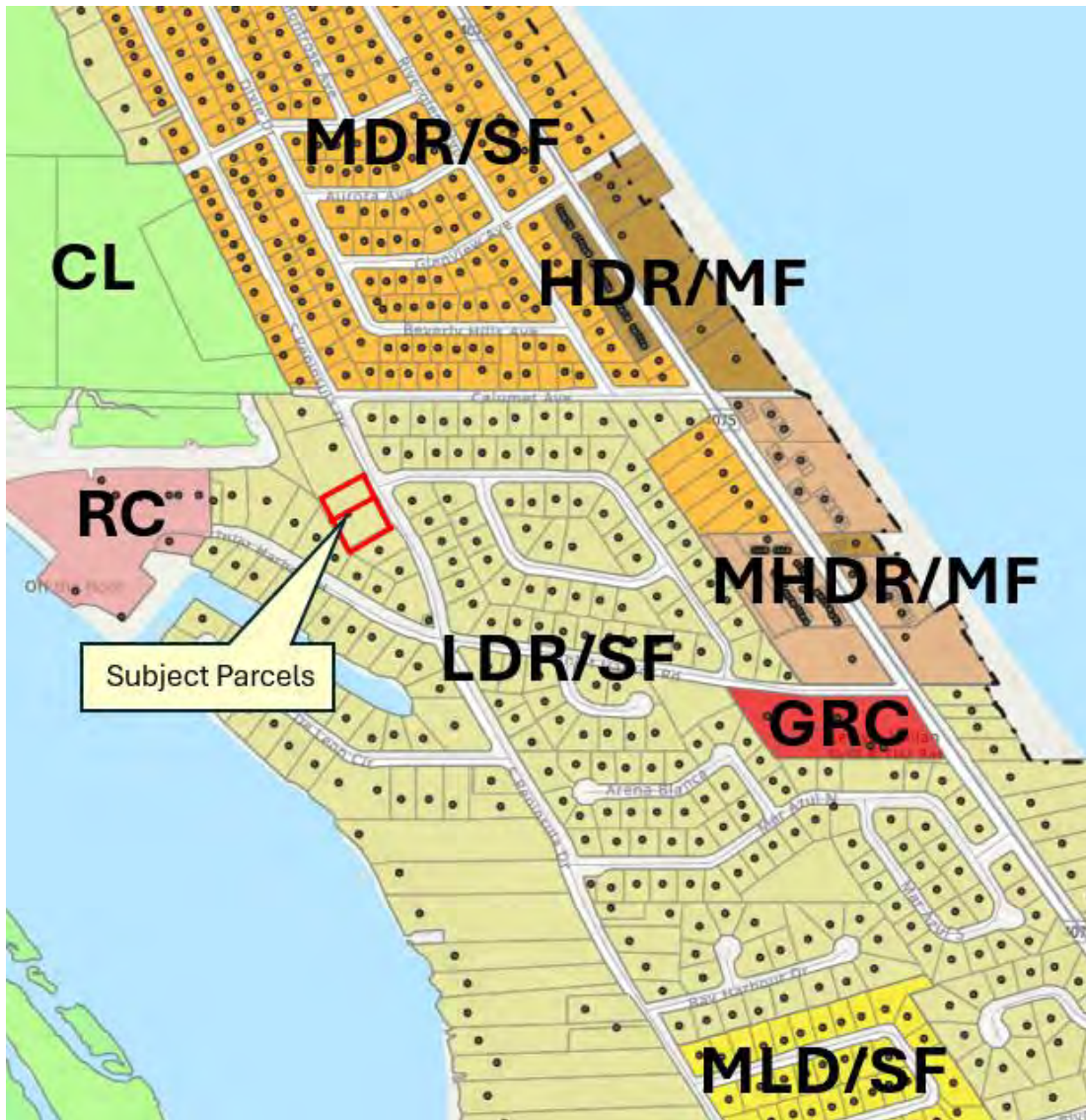


## ATTACHMENT 4 PROPOSED ZONING MAP

TOWN OF PONCE INLET







**Case Nos.:** RZNE 16-2024 and RZNE 7-2025

**Applicants:** James & Meredith Beck,  
Buckingham Holdings, LLC, C/O J. Scott  
Merrell

**Property Address/Location:** Parcel 1- 4784  
S. Peninsula Dr., Parcel 2 – vacant parcel S.  
Peninsula Dr. (PID 6430-00-01-0091)

**Summary of Request:** Applicants are requesting an amendment to the Official Zoning Map per Section 6.6.1 of the Town's Land Use and Development Code (LUDC) to change Parcel 1 and Parcel 2 from "C" (Conservation) to "R-1" (Low Density Single-Family Residential) zoning designation.



## ATTACHMENT 5 ADOPTED FUTURE LAND USE MAP

TOWN OF PONCE INLET

