



# PLANNING BOARD AGENDA REGULAR MEETING

TUESDAY

June 24, 2025 – 2:00 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. April 22, 2025
5. REPORT OF STAFF
6. CORRESPONDENCE & DISCLOSURE OF EX-PARTE COMMUNICATION
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.
  - B. Application/Type: SPEC 6-2025 Minor Special Exception  
Address: 4884 Front Street  
Purpose: To allow a minor special exception pursuant to LUDC Section 6.6.3 to allow a sightseeing boat base (not to exceed 50 passenger capacity) per Section 3.29

8. BUSINESS ITEMS.
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:** June 24, 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.

April 22, 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

#### April 22, 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.

7  
8 Board members present:

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

16  
17 Staff present:

18 Mr. Lear, Planning & Development Director  
19 Ms. New, Town Attorney  
20 Ms. Rippey, Principal Planner  
21 Ms. Stewart, Assistant Deputy Clerk  
22

23 **3. ADOPTION OF AGENDA:**

24  
25 Mr. Oebbecke moved to adopt the agenda as presented; seconded by Mr. Cannon. The motion  
26 PASSED, 5-0, consensus.

27  
28 **4. APPROVAL OF MINUTES:**

29  
30 **A. February 25, 2025**

31  
32 Mr. Cannon moved to approve the February 25, 2025, meeting minutes as presented; seconded by  
33 Vice Chair Carney. The motion PASSED, 5-0, consensus.

34  
35 **5. REPORT OF STAFF:** Mr. Lear reported that Volusia County's contractor, Halifax  
36 Paving, will use the Oceanview Avenue beach approach and parking lot for access and equipment  
37 staging during the beach renourishment project. According to the County's Coastal Division, this  
38 location minimizes environmental impacts, ensures compliance during sea turtle nesting season  
39 and avoids conflict with the U.S. Army Corps of Engineers' operations. After sand hauling is  
40 complete, the County will improve the site with a seawall, upgraded parking and stormwater  
41 systems, and an ADA-accessible beach ramp.  
42

Mr. Lear also announced that Larry Wheatcraft will begin as Senior Planner on June 1, 2025. Mr. Wheatcraft brings experience from the City of Edgewater, Zev Cohen & Associates, and over 12 years of military and state government service. Mr. Wheatcraft also serves as Chair of the New Smyrna Beach Planning & Zoning Board.

Mr. Lear raised concerns about House Bill 943, which proposes amendments to the 2023 Live Local Act. One key issue is height limits—Section 4 would prohibit municipalities from limiting the heights of new buildings if the proposed development is within one mile of the tallest existing structure. In Ponce Inlet, the height limit is 35 feet, though some 70-foot-high buildings exist as legal non-conforming structures. The bill’s language could be construed to permit new 70-foot-high developments under this rule. Section 7 of this proposed bill would require municipalities to allow accessory dwelling units (ADUs) in all single-family zoning districts. This could double the number of single-family residential units from the current 1,210, potentially adding 1,200 daily vehicle trips based on the Institute of Traffic Engineers (ITE) estimates—raising concerns about traffic and town character. Mr. Lear advised the Board to prepare for the bill’s possible approval.

Mr. Lear reported that staff is continuing work on the comprehensive plan updates as part of the Evaluation & Appraisal Report (EAR)-based amendments. During Board discussion, Mr. Revak asked about the duration of the Oceanview Avenue beach ramp closure; Mr. Lear stated that the timeline was not provided but he would follow up. Vice Chair Carney inquired about the implications of non-conforming buildings. Mr. Lear explained that such structures can be maintained and rebuilt on their original footprint after damage, but rebuilding to the same height may not be allowed—though the proposed bill could change that. Chair Kaszuba asked for clarification on the one-mile provision in House Bill 943 and whether the bill has momentum in the Legislature. Mr. Lear confirmed the bill has traction, but its final content remains uncertain. Chair Kaszuba also inquired about the beach renourishment project; Mr. Lear noted that piping is in place, but he is unsure if sand dredging has begun and will investigate the duration further.

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

**7. HEARING OF CASES:**

- A. Application/Type: VAC 5-2025 Vacating an Easement**  
**Address: 4951 S. Atlantic Avenue**  
**Purpose: To allow a vacation of easement per Article IV., Section 70 of the Code of Ordinances**

*Vice Chair Carney moved to continue this item to May 27, 2025 as requested by staff, due to conflicting parcel designation discrepancies; seconded by Mr. Cannon. The motion PASSED 5-0, with the following vote: Vice Chair Carney – yes; Mr. Cannon – yes; Mr. Oebbecke – yes; Chair Kaszuba – yes; Mr. Revak – yes.*

- 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 and heard concurrently)**

**2. RZNE 07-2025**

**Address: Vacant parcel – S. Peninsula Drive – 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 and heard concurrently)**

Mr. Lear presented a request to amend the official zoning map for two parcels—Parcel #1, owned by James and Meredith Beck, and Parcel #2, owned by Buckingham Holdings, LLC (c/o J. Scott Merrell)—from “C” Conservation to “R-1,” single-family residential. A [Powerpoint.pptx](#) was used to support the combined staff report for both parcels, as the analyses were the same. He explained that the request aligns with the comprehensive plan and the change would bring the zoning into conformity with the surrounding land uses. Mr. Lear provided a property overview of each parcel; Parcel #1 is currently developed with a single-family home (constructed in 1954) and a shed, while Parcel #2 remains undeveloped. Surrounding parcels are zoned R-1 with a future land use designation of Low-Density Residential (LDR), making the proposed rezoning compatible. He clarified that the conservation zoning was originally used as a “holding” designation dating back to 1977, pending future development. Staff reviewed the Land Use & Development Code criteria and found the request met all eight required conditions. Mr. Lear confirmed Parcel #2 will be developed in the future as a single-family residence, consistent with all LUDC regulations. Based on these findings, staff recommends approval of the zoning map amendments.

Chair Kaszuba opened Board discussion. Mr. Cannon asked for an explanation of the “holding” category and commented that the conservation designation should be a benefit to the landowner. Mr. Lear explained he is unsure of why the “holding” category was put in place as it was done in some time ago; and explained that a minimum lot size of 20 acres would be required to develop under the conservation designation today.

Vice Chair Carney asked if other mismatched parcels exist; Mr. Lear replied that he is unaware of any. Chair Kaszuba questioned the assertion of “no negative environmental impact,” suggesting more accurate language. Mr. Oebbeke proposed revising it to “impact consistent with single-family units.” Mr. Cannon asked Attorney New whether the Town can initiate zoning changes when there’s a mismatch with the comprehensive plan. Attorney New stated it depends on the municipality’s process—sometimes initiated by landowners or by the Town itself on a case-by-case basis. Chair Kaszuba then opened the floor for public comment.

Mr. Craig Sandman, 37 Ocean Way Drive, expressed concern over proceeding without the property owners present or a clear understanding of the history behind the parcels, questioning how a fair decision could be made without their input. Chair Kaszuba confirmed that the owners were not in attendance and then opened the floor to additional public comment. Mr. Kenneth Frain, 4790 S. Atlantic Avenue, noted that properties in the area are currently selling for around \$1 million per parcel. He speculated that the rezoning request might be financially motivated, particularly for parcels backing up to the water. Mr. Frain expressed a preference for keeping the land zoned as conservation and suggested turning it into a park, highlighting a need for recreational space for children.

Principal Planner Ms. Rippey responded, stating that she has been in direct contact with both property owners. The owner of the vacant parcel plans to build a retirement home, while the owner of the existing residence has invested significantly in the property and intends to remain there. According to her discussions, there are no plans to sell or develop beyond single-family use. Chair Kaszuba asked if there was further discussion from the Board. Members revisited the original conservation zoning, which historically had served as a “holding” category. They requested that staff research into whether other properties in town may also fall into this category and may need review.

Mr. Cannon moved to forward zoning map amendment applications for 4784 S. Peninsula Drive and the adjacent vacant parcel (ID #6430-00-01-0091), changing the zoning designation from “C” Conservation to “R-1” Low-Density Single-Family to the Town Council with a recommendation of APPROVAL; seconded by Mr. Oebbecke. The motion PASSED 5-0, with the following vote: Mr. Cannon – yes; Mr. Oebbecke – yes; Chair Kaszuba – yes; Vice Chair Carney – yes; Mr. Revak – yes.

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

**9. PUBLIC PARTICIPATION:** Chair Kaszuba opened public participation – Mr. Craig Sandman, 37 Ocean Way Drive, referred to the HB 943 discussed earlier and asked if the mayor and the town’s lobbyist are aware of it. He referred to the part of the bill regarding building within one mile of the 70’ high building, and questioned if one can buy a building, tear it down and build a 70’ height building, then buy another building and just keep moving down the beach with 70’ height buildings. Mr. Lear stated yes, they are aware of it and confirmed he would follow up with more information on the bill, including clarification on whether the height provision applies to existing buildings only or could be leveraged repeatedly through new construction.

**10. BOARD DISCUSSION:** Mr. Revak asked for clarification that Mr. Lear would report back to the Board on any other properties that have similar zoning inconsistencies. Mr. Lear confirmed that he would.

**11. ADJOURNMENT:** The meeting was adjourned at 6:21 p.m.

Prepared and submitted by,

Draft

Debbie Stewart

Assistant Deputy Clerk

Attachment(s): None



**Meeting Date:** June 24, 2025

**Agenda Item:** 7-A

## **Report to Planning Board**

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

**Summary:**

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

**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  
 Through: Darren Lear, AICP, Planning and Development Director  
 From: Patty Rippey, AICP, Principal Planner  
 Date: June 11, 2025  
 Subject: Request to vacate easement at 4915 S. Atlantic Avenue

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**REQUEST:** Vacation of drainage, access and utility easement  
**LOCATION:** 4915 S. Atlantic Avenue (PID 6437-02-00-0030)  
**PETITIONER:** Jessica Gow, Esquire, Cobb Cole  
**OWNER:** White Waves, LLC

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**MEETING DATE:** June 24, 2025

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#### 1 INTRODUCTION

2 Jessica Gow, attorney with Cobb Cole, representing White Waves, LLC, owner of 4915 S. Atlantic  
 3 Avenue, is requesting approval to vacate a drainage, access, and utility easement located on the  
 4 subject parcel. The subject property was once two separate lots that were later combined into one  
 5 parcel with one address. The easement in question is located along the former side lot line that  
 6 previously separated the two properties. Vacating the easement is a separate process from  
 7 combining the lots, and easements dedicated to the Town must be officially vacated by the Town.  
 8 If approved, the owner wishes to develop the property with one single-family structure. The area  
 9 to be vacated measures 15 feet wide running the length of the parcel for 876 feet.

#### 11 AUTHORITY AND PROCESS

12 Per Section 70-112 of the Code of Ordinances for the Town of Ponce Inlet, the application for the  
 13 vacation of a right-of-way or easement shall be reviewed by the Planning Board for  
 14 recommendation to the Town Council. Pursuant to F.S. 177.101, the Town Council may adopt a  
 15 resolution declaring such vacation or narrowing of public rights-of-way or easements.

#### 17 PROPERTY OVERVIEW

18 *Subject Property.* The subject property is located on the east side of S. Atlantic Avenue. It is zoned  
 19 "R-1" with a corresponding Future Land Use designation of *Low-Density Single-Family*

20 *Residential*. The undeveloped parcel consists of 3.0 acres, of which approximately 1.4 acres is  
21 developable uplands. (**Attachment 1**).  
22

23 *Zoning of Adjacent Properties.*

24 The properties immediately to the north and south have the same zoning and Future Land Use  
25 designation as the subject property. The adjacent parcel to the south is undeveloped, while the  
26 property to the north has been developed with a single-family home. The properties immediately  
27 to the west are zoned “R-1”, Low Density Single-family Residential (**Attachment 2**) and have a  
28 corresponding Future Land Use Map designation of *Low Density Single-Family Residential*  
29 (**Attachment 3**). The Atlantic Ocean is situated east of the parcel. The properties to the south and  
30 southwest of the residential areas are zoned Public-Institutional consisting of the Batelle Memorial  
31 Institute, Marine Science Center and Lighthouse Point Park.  
32

33 *Easement Location*

34 The subject property includes a 15-foot-wide, 876-foot-long drainage, access, and utility easement  
35 situated in the center of the parcel (**Attachment 4**). Drainage, access and utility easements, each  
36 seven and half feet wide, remain in place along the north and south side property lines of 4915 S.  
37 Atlantic Avenue. An existing 10-foot drainage, access, and utility easement located along the  
38 frontage of the subject property will not be affected by the proposed vacation of the 15-foot-wide  
39 easement in the center of the property as shown on the Boundary Survey (**Attachment 5**) and  
40 noted in the Legal Description (**Attachment 6**).  
41

42 *Letters of No Objection*

43 The applicant provided the required letters of no objection by the applicable utility providers  
44 (**Attachment 7**).  
45

46 **DISCUSSION**

47 Pursuant to Section 70-112 of the Code of Ordinances, the vacation request documentation was  
48 provided to the Public Works Director, Police Chief, Fire Chief/Public Safety Director, Town  
49 Engineer and the City of Port Orange Utility Department for review and comment based on their  
50 respective areas of expertise. The written responses received identified no issues or concerns  
51 regarding the vacation of the subject property. The vacation will have no negative impacts on the  
52 existing and proposed utility infrastructure, right of convenient access, or engineering and related  
53 concerns. The proposed vacation will not affect ingress or egress to surrounding adjacent  
54 properties and will not be contrary to the public interest.  
55

56 **RECOMMENDATION**

57 Based on the findings of this report, staff recommends approval of the request to vacate the  
58 drainage, access and utility easement located on the center of the subject parcel.  
59

60 

Patty Rippey, AICP, Principal Planner

June 11, 2025

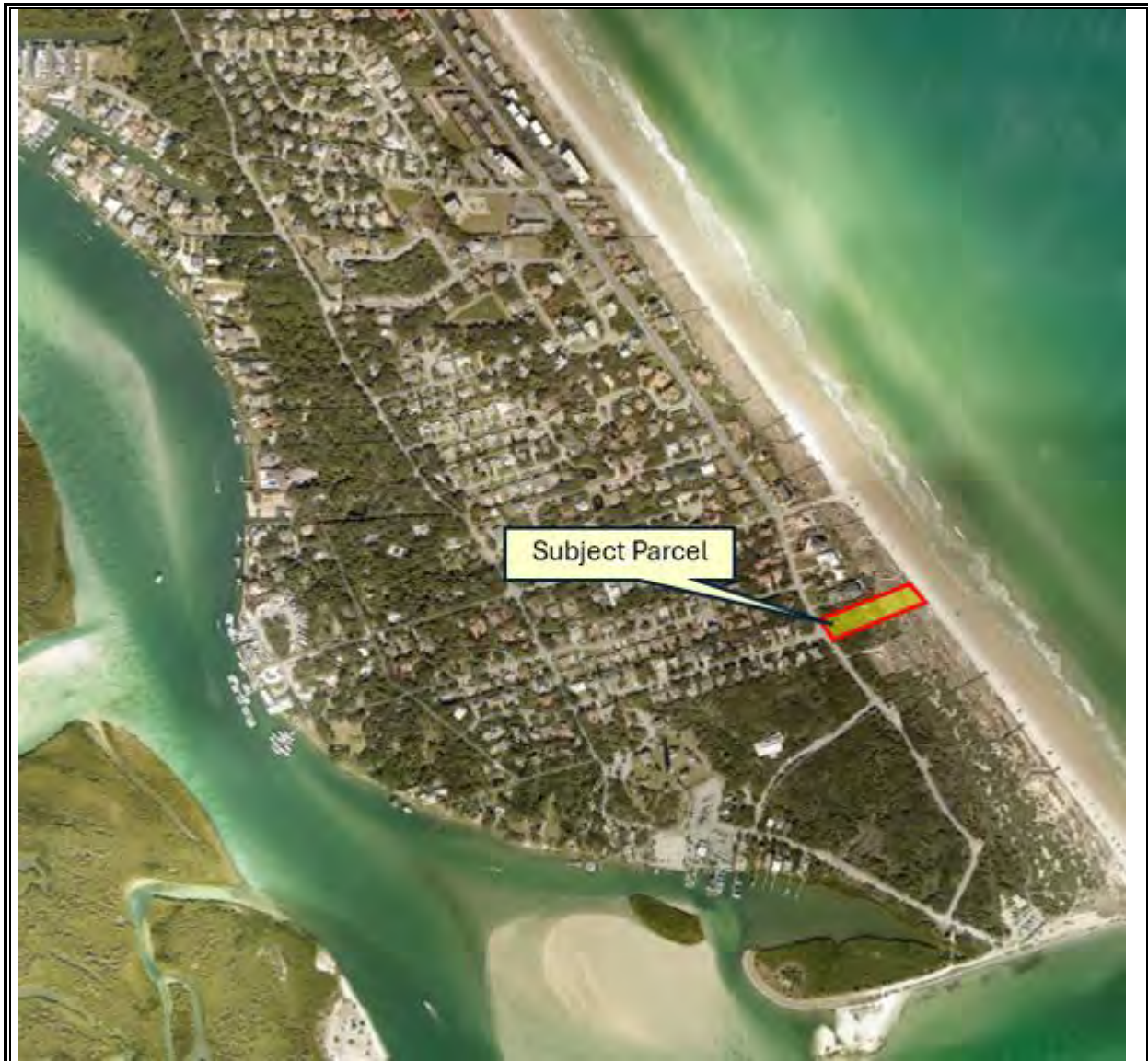
Date

Attachments:

1. Location map
2. Zoning Map
3. Future Land Use Map

4. Easement location map
5. Boundary Survey
6. Legal Description – 4915 S. Atlantic Avenue
7. Letters of No Objection Utility Providers

# ATTACHMENT 1



**Petitioners:** Jessica Gow, Esquire, Cobb Cole on behalf of White Waves LLC, property owner

**Summary of Request:** Vacation of 15-foot easement in the center of 4915 S. Atlantic Avenue.

**Property Address/Location:**  
4915 S. Atlantic Avenue



## LOCATION MAP TOWN OF PONCE INLET



## ATTACHMENT 2



**Petitioners:** Jessica Gow, Esquire, Cobb Cole on behalf of White Waves LLC, property owner

**Summary of Request:** Vacation of 15-foot easement in the center of 4915 S. Atlantic Avenue.

**Property Address/Location:**  
4915 S. Atlantic Avenue



## ZONING MAP

### TOWN OF PONCE INLET



# ATTACHMENT 3



**Petitioners:** Jessica Gow, Esquire, Cobb Cole on behalf of White Waves LLC, property owner

**Summary of Request:** Vacation of 15-foot easement in the center of 4915 S. Atlantic Avenue.

**Property Address/Location:**  
4915 S. Atlantic Avenue



## FUTURE LAND USE MAP TOWN OF PONCE INLET



## ATTACHMENT 4



**Petitioners:** Jessica Gow, Esquire, Cobb Cole on behalf of White Waves LLC, property owner

**Summary of Request:** Vacation of 15-foot drainage and utility easement in the center of 4915 S. Atlantic Avenue.

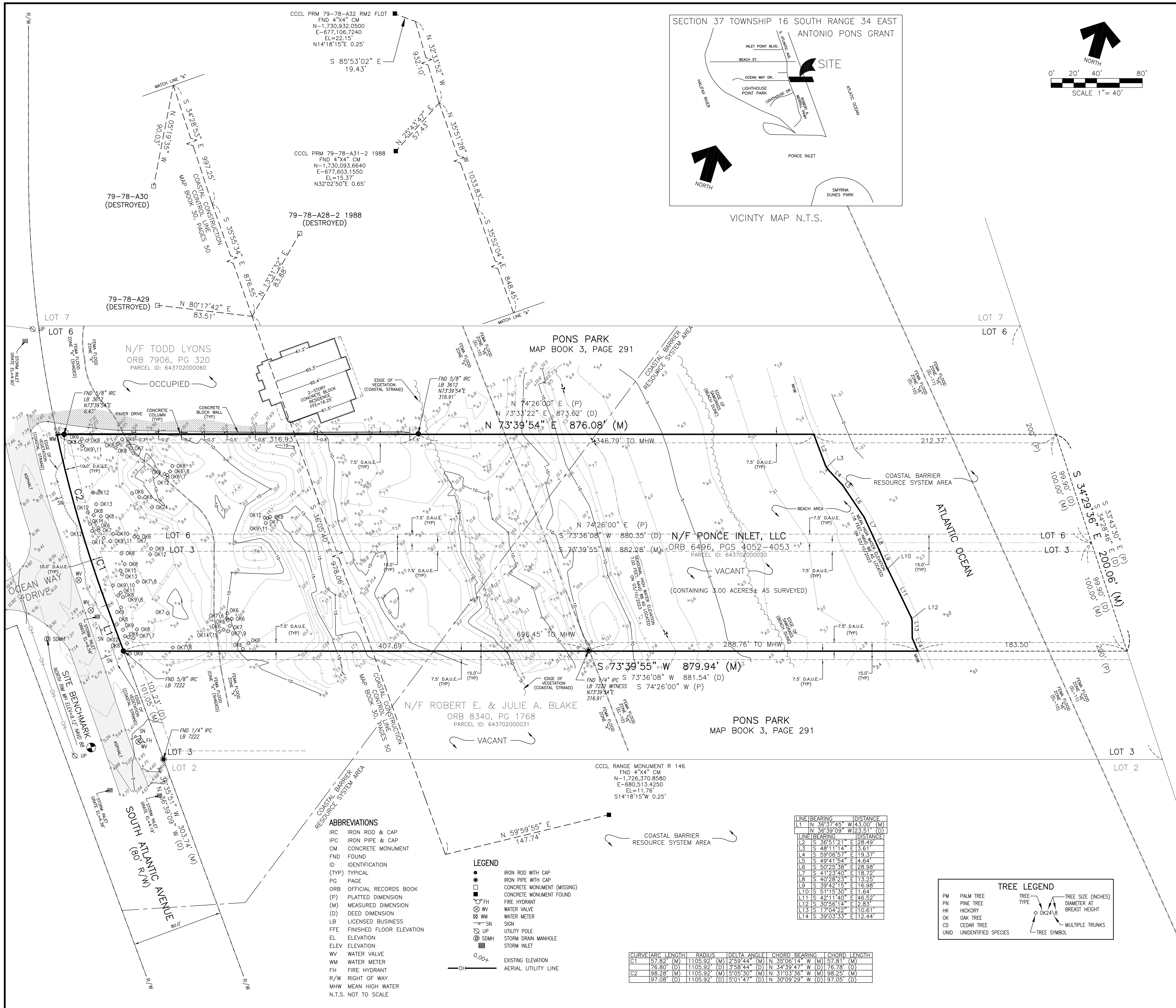
**Property Address/Location:**  
4915 S. Atlantic Avenue



### EASEMENT LOCATION MAP TOWN OF PONCE INLET



ATTACHMENT 5  
BOUNDARY SURVEY



PER OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, TITLE COMMITMENT NO. 23013606 MFE, DATED EFFECTIVE JANUARY 25, 2023.

A PORTION OF LOT 3, PONS PARK, OF RECORD IN MAP BOOK 9, PAGE 291, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 3, PONS PARK; THENCE SOUTH BEING ALSO ON THE EASTERLY LINE OF SOUTH ATLANTIC AVENUE, AN 80 FOOT DISTANCE TO A POINT THEREON; THENCE EAST ALONG SAID AVENUE, 39.3 MINUTES 09 SECONDS WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 101.23 FEET TO A POINT THEREON AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 67 DEGREES 05 MINUTES 45 SECONDS WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 23.51 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEASTWARD, AND HAVING A RADIUS OF 105.92 FEET; THENCE ALONG SAID CURVED LINE, 105.92 FEET TO A POINT THEREON; THENCE THROUGH A CENTRAL ANGLE OF 03 DEGREES 58 MINUTES 44 SECONDS, AND BEING 105.92 FEET LONG, TO A POINT THEREON; THENCE SOUTH 88 DEGREES 17 MINUTES 30 SECONDS WEST, A CHORD DISTANCE OF 76.78 FEET TO A POINT THEREON AND THE NORTHWEST CORNER OF SAID LOT 3, PONS PARK; THENCE NORTH 73 DEGREES 36 MINUTES 45 SECONDS EAST, ALONG THE GAS MAIN RIGHT-OF-WAY, 100 FEET TO THE SOUTHERLY LINE OF SAID LOT 3, PONS PARK, A DISTANCE OF 188.15 FEET TO THE PLATTED NORTHEAST CORNER OF SAID LOT 3, PONS PARK; THENCE SOUTH 34 DEGREES 46 MINUTES 45 SECONDS WEST, ALONG SAID LINE, 100 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3, PONS PARK, A DISTANCE OF 99.90 FEET TO A POINT THEREON; THENCE SOUTH 73 DEGREES 36 MINUTES 45 SECONDS WEST, AND PARALLEL TO THE POINT OF BEGINNING.

A PORTION OF LOT 6, PONS PARK, OF RECORD IN MAP BOOK 9, PAGE 291, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER F LOT 3, OF SAID PONS PARK, SAID POINT BEING ALSO ON THE EASTERLY LINE OF SOUTH ATLANTIC AVENUE, AN 80 FOOT DISTANCE EAST OF THE SOUTHWEST CORNER OF SAID LOT 3, THENCE SOUTH 39 MINUTES 09 SECONDS WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 124.74 FEET TO THE POINT OF CURVATURE OF CURVE; CONTOUR NORTHEASTERLY, AND ALONG SAID CURVE, A DISTANCE OF 140.00 FEET, THENCE NORTHEASTERLY, ALONG SAID CURVE, A DISTANCE OF 76.80 FEET, THROUGH A CENTRAL ANGLE OF 03 DEGREES 39 MINUTES 47 SECONDS, TO THE POINT OF BEGINNING OF THE CURVING OF NORTH 34 DEGREES 39 MINUTES 47 SECONDS WEST, A CHORD DISTANCE OF 76.78 FEET TO THE NORTHWEST CORNER OF SAID LOT 6, PONS PARK, AND THE POINT OF BEGINNING OF THE CURVING OF NORTH 34 DEGREES 39 MINUTES 47 SECONDS SAID CURVE, A DISTANCE OF 97.08 FEET, THROUGH A CENTRAL ANGLE OF 05 DEGREES 39 MINUTES 47 SECONDS, TO THE POINT OF BEGINNING OF THE CURVING OF NORTH 30 DEGREES 09 MINUTES 29 SECONDS WEST, A CHORD DISTANCE OF 97.05 FEET TO A POINT THEREON; THENCE NORTH 73 DEGREES 33 MINUTES 22 SECONDS WEST, ALONG SAID CURVE, A DISTANCE OF 100.00 FEET, TO THE POINT OF BEGINNING OF THE PLATTED EASTERLY LINE OF SAID LOT 6, PONS PARK; THENCE SOUTH 34 DEGREES 28 MINUTES 46 SECONDS EAST, ALONG SAID PLATTED EASTERLY LINE OF SAID LOT 6, PONS PARK, A DISTANCE OF 100.00 FEET, TO THE POINT OF BEGINNING OF THE PLATTED SOUTHERLY LINE OF SAID LOT 6, PONS PARK; THENCE SOUTH 73 DEGREES 36 MINUTES 08 SECONDS WEST, ALONG SAID CURVE, A DISTANCE OF 100.00 FEET, TO THE POINT OF BEGINNING OF 881.54 FEET TO THE POINT OF BEGINNING.

PROPERTY ADDRESS: 4915 SOUTH ATLANTIC AVENUE, PONCE INLET, FLORIDA 32127  
PARCEL ID: 643702000030

THE ABOVE DESCRIBED PARCEL CONTAINS 3.00 ACRES, MORE OR LESS (AS SURVEYED).

1. THE LEGAL DESCRIPTION AS SHOWN HEREON WAS TAKEN VERBATIM FROM A TITLE COMMITMENT ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. 23013606 MF3, HAVING AN EFFECTIVE DATE OF JANUARY 25, 2023 AT 5:00PM.

2. BEARINGS BASED ON GPS/RTK OBSERVATIONS, WITH THE BEARING OF N 36°35'51" W BEING THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH ATLANTIC AVENUE.

3. HORIZONTAL DATUM IS NORTH AMERICAN DATUM 1983 (NAD 83), FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE. DISTANCES SHOWN HEREON ARE GROUND DISTANCES.

4. VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88) AS REFERENCED TO A LOCAL BENCHMARK PUBLISHED BY NATIONAL GEODETIC SURVEY. BENCHMARK DESIGNATION: S 318, PID: AQ1393 PUBLISHED ELEVATION OF 4.21 FEET (NAVD88)

5. THIS PROPERTY IS LOCATED IN FLOOD INSURANCE RATE MAP (F.I.R.M.) ZONE "X" SHADED (0.5 PER CENT ANNUAL CHANCE FLOOD HAZARD). ZONE "X" (MINIMAL CHANCE FLOOD HAZARD) ZONE "VE" (BASE FLOOD ELEVATION = 10) AND ZONE "VE" (BASE FLOOD ELEVATION = 11) MAP NUMBER 112127C0533J, EFFECTIVE DATE SEPTEMBER 29, 2017. FLOOD ZONE LINES AND COASTAL BARRIER RESOURCE SYSTEM LINES SHOWN HEREON WERE SCALED FROM THE FLOOD INSURANCE RATE MAP AND SHOULD BE CONSIDERED APPROXIMATE.

6. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS SURVEY WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. NO TITLE WORK HAS BEEN PROVIDED TO THE UNDERSIGNED FOR THIS PARCEL OF LAND OR ADJACENT PARCELS.

7. UNDERGROUND FOUNDATIONS AND UTILITIES (IF ANY) NOT SHOWN HEREON.

8. FIELD WORK FOR THIS SURVEY WAS COMPLETED ON MARCH 10, 2023.

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

10. SYMBOLS SHOWN HEREON SUCH AS VALVES AND UTILITY POLES ARE NOT TO SCALE.

11. THE PURPOSE OF THIS SURVEY WAS TO SHOW THE PROPER GEOMETRY AS DEFINED BY THE LEGAL DESCRIPTION SHOWN ON THE FACE OF THIS SURVEY, TO SHOW EXISTING CONDITIONS AND LOCATE ON-SITE MAJOR IMPROVEMENTS RELATIVE TO THE OCCUPIED PLATTED BOUNDARY.

12. TOPOGRAPHIC ELEVATION CONTOUR LINES SHOWN HEREON WERE DERIVED FROM A TRIANGULAR IRREGULAR NETWORK (TIN) / DTM NOT IN ACCORDANCE WITH NATIONAL MAP ACCURACY STANDARDS.

13. NO LANDSCAPING AND/OR WETLANDS, IF ANY, WERE LOCATED OR SHOWN AS PART OF THIS SURVEY.

14. THE PROCEDURES AND/OR NETWORK DESIGN MEET THE GEODETIC ACCURACY STANDARDS AND SPECIFICATIONS FOR USING GPS RELATED POSITIONING AS SET FORTH BY THE FEDERAL GEODETIC CONTROL SUB-COMMITTEE IN THEIR MOST CURRENT PUBLICATION FOR 3RD ORDER CLASS 1 HORIZONTAL CONTROL SURVEY.

15. MEAN HIGH WATER LOCATION DETERMINED FROM INTERPOLATING BETWEEN CONTOURS. MEAN HIGH WATER PID: 101071, COUNTY: VOLUSIA, USGS 7.5-MINUTE QUAD MAP NAME: NEW SMYRNA BEACH, MEAN HIGH WATER (MHW): 1.18 FEET, MEAN LOW WATER (MLW): -2.70 FEET, UNIT OF MEASUREMENT: FEET, DATUM: NAVD 83, TIDAL EPOCH: 1983-01-01, PROCEDURE: EXTD AND TIDE GAUGE MHW ELEVATION OF 1.18' (NAVD 88) TO THE SITE. SOURCE OF DATA: FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU SURVEY AND MAPPING.

16. THIS TIDAL WATER SURVEY COMPLIES WITH CHAPTER 177, PART II, FLORIDA STATUTES.

17. THE DRAINAGE, ACCESS AND UTILITY EASEMENTS PER ORB 8202, PGS 1615-1619, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA (PROVIDED BY THE CLIENT) IS SHOWN GRAPHICALLY HEREON WHERE LOCATED ON THE SUBJECT LANDS. THE EASEMENT APPARENTLY EXTENDS OFF-SITE, INTO ADJACENT LANDS (NOT SHOWN HEREON).

CERTIFIED TO:  
KRISTEN NORBERG  
PONCE INLET, LLC  
WHITE WAVES, LLC  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS PER CHAPTER 5J-17.050 THRU 17.053, FLORIDA ADMINISTRATIVE CODE.

KENNETH J. KUHAR  
FLORIDA PROFESSIONAL SURVEYOR/MAPPER #6105

[illegible]

**ATTACHMENT 6**  
**LEGAL DESCRIPTION - 4915 S. ATLANTIC AVENUE**

**LEGAL DESCRIPTION:**

PER OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, TITLE COMMITMENT NO. 23013606 MFE, DATED EFFECTIVE JANUARY 25, 2023.

A PORTION OF LOT 3, PONS PARK, OF RECORD IN MAP BOOK 9, PAGE 291, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 3, PONS PARK, SAID POINT BEING ALSO ON THE EASTERLY LINE OF SOUTH ATLANTIC AVENUE, AN 80 FOOT RIGHT OF WAY AS NOW LAID OUT AND OCCUPIED; THENCE NORTH 36 DEGREES 39 MINUTES 09 SECONDS WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 101.23 FEET TO A POINT THEREON AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE NORTH 36 DEGREES 39 MINUTES 09 SECONDS WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 23.51 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, AND HAVING A RADIUS OF 1105.92 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 76.80 FEET, THROUGH A CENTRAL ANGLE OF 03 DEGREES 58 MINUTES 44 SECONDS, AND BEING SUBTENDED BY A CHORD BEARING OF NORTH 34 DEGREES 39 MINUTES 47 SECONDS WEST, A CHORD DISTANCE OF 76.78 FEET TO A POINT THEREON AND THE NORTHWEST CORNER OF SAID LOT 3, PONS PARK; THENCE NORTH 73 DEGREES 36 MINUTES 08 SECONDS EAST, DEPARTING SAID CURVE, AND PARALLEL TO THE SOUTHERLY LINE OF SAID LOT 3, PONS PARK, A DISTANCE OF 881.54 FEET TO THE PLATTED NORTHEAST CORNER OF SAID LOT 3, PONS PARK; THENCE SOUTH 34 DEGREES 28 MINUTES 46 SECONDS EAST, ALONG THE PLATTED EASTERLY LINE OF SAID LOT 3, PONS PARK, A DISTANCE OF 99.90 FEET TO A POINT THEREON; THENCE SOUTH 73 DEGREES 36 MINUTES 08 SECONDS WEST, AND PARALLEL TO THE SOUTHERLY LINE OF SAID LOT 3, PONS PARK, A DISTANCE OF 880.35 FEET TO THE POINT OF BEGINNING.

AND

A PORTION OF LOT 6, PONS PARK, OF RECORD IN MAP BOOK 9, PAGE 291, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

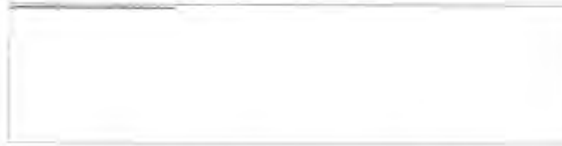
COMMENCING AT THE SOUTHEAST CORNER F LOT 3, OF SAID PONS PARK, SAID POINT BEING ALSO ON THE EASTERLY LINE OF SOUTH ATLANTIC AVENUE, AN 80 FOOT RIGHT OF WAY AS NOW LAID OUT AND OCCUPIED; THENCE NORTH 36 DEGREES 39 MINUTES 09 SECONDS WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 124.74 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY, AND HAVING A RADIUS OF 1105.92 FEET, THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 76.80 FEET, THROUGH A CENTRAL ANGLE OF 03 DEGREES 58 MINUTES 44 SECONDS, AND BEING SUBTENDED BY A CHORD BEARING OF NORTH 34 DEGREES 39 MINUTES 47 SECONDS WEST, A CHORD DISTANCE OF 76.78 FEET TO THE NORTHWEST CORNER OF SAID LOT 3, PONS PARK, AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 97.08 FEET, THROUGH A CENTRAL ANGLE OF 05 DEGREES 01 MINUTES 47 SECONDS, AND BEING SUBTENDED BY A CHORD BEARING OF NORTH 30 DEGREES 09 MINUTES 29 SECONDS WEST, A CHORD DISTANCE OF 97.05 FEET TO A POINT THEREON; THENCE NORTH 73 DEGREES 33 MINUTES 22 SECONDS EAST, DEPARTING SAID CURVE, A DISTANCE OF 873.62 FEET TO THE PLATTED EASTERLY LINE OF SAID LOT 6, PONS PARK; THENCE SOUTH 34 DEGREES 28 MINUTES 46 SECONDS EAST, ALONG SAID PLATTED EASTERLY LINE OF SAID LOT 6, PONS PARK, A DISTANCE OF 99.90 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6, PONS PARK; THENCE SOUTH 73 DEGREES 36 MINUTES 08 SECONDS WEST, AND PARALLEL TO THE SOUTHERLY LINE OF SAID LOT 3, PONS PARK, A DISTANCE OF 881.54 FEET TO THE POINT OF BEGINNING.

PROPERTY ADDRESS: 4915 SOUTH ATLANTIC AVENUE, PONCE INLET, FLORIDA 32127

PARCEL ID: 643702000030

THE ABOVE DESCRIBED PARCEL CONTAINS 3.00 ACRES, MORE OR LESS (AS SURVEYED).

**ATTACHMENT 7**  
**LETTERS OF NO OBJECTION – UTILITY PROVIDERS**



**Easement Vacate Request Form**

**EASEMENT LOCATION**

Homeowner's Name	<u>White Waves LLC</u>		
Street Address	<u>4915 S,Atlantic Ave</u>		
City, State, Zip Code	<u>Ponce Inlet</u>	<u>FL 32127</u>	
NODE Print Attached:	<u>YES</u>	NODE #	<u>4400037</u>

Site Plan/Plat Mapped Attached: (With area of concern highlighted)		LEGAL DESCRIPTION	
	<u>YES</u>	ATTACHED	<u>YES</u>

Is Spectrum OK to Vacate (Y or N) YES

If Not able to Vacate Reason Why:

**Mailing Address Information**

Representatives Name	<u>SAME AS ABOVE</u>
Company Name	<u></u>
Mailing Address	<u></u>
City, State, Zip Code	<u></u>
email address if provided:	<u><a href="mailto:Debi.LaCroix@CobbCole.com">Debi.LaCroix@CobbCole.com</a></u>
Construction Coordinator Name:	<u>Lionel Agosto</u>
Date Received:	<u>9/6/2024</u>



## Tequila Nelson

---

**From:** Debi LaCroix  
**Sent:** Tuesday, July 2, 2024 1:53 PM  
**To:** Jessica Gow; Tequila Nelson  
**Subject:** Fwd: White Waves, LLC - Partial Utility Easement Vacation  
**Attachments:** Letter received from Cobb Cole re easement release.pdf

One down, 3 to w!  
Get [Outlook for iOS](#)



Debi LaCroix  
Florida Certified Paralegal  
Cobb Cole  
One Daytona Boulevard, Suite 600  
Daytona Beach, FL 32114  
(D) 386-323-9244 | (F) 386-323-9207  
[Website](#)

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New Address: One Daytona Boulevard, Suite 600, Daytona Beach, FL 32114  
(Across from the Daytona International Speedway)*

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---

**From:** Reed, Junos <jureed@port-orange.org>  
**Sent:** Tuesday, July 2, 2024 1:00:17 PM  
**To:** Debi LaCroix <Debi.Lacroix@cobbcole.com>  
**Cc:** Balmer, Shannon <sbalmer@port-orange.org>; Parnell, Steve <sparnell@port-orange.org>  
**Subject:** White Waves, LLC - Partial Utility Easement Vacation

Ms. LaCroix,

We are in receipt of your letter and associated attachments regarding the request to vacate a Utility Easement dedicated to the Town of Ponce Inlet. In the letter you have requested a letter of no objection from the City of Port Orange. Please consider this email our letter of no objection to the vacation of the Utility Easement.

Regards,

**Junos Reed, P.E.**  
City Engineer  
City of Port Orange

386-506-5754 office  
386-212-4533 cell



## Tequila Nelson

---

**From:** Jaeger, Matthew <Matthew.Jaeger@fpl.com>  
**Sent:** Monday, February 24, 2025 1:20 PM  
**To:** Tequila Nelson  
**Subject:** RE: Ltr. to Utility provider-Right of Way Vacation-4915 S. Atlantic Ave.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Tequila,

FPL has no objections. Please keep in mind, the customer will need to coordinate with FPL to get power onto the property and secure a new easement before they have immediate need for power. Do you have any record of a platted easement at that property, or was that just the general utility easement?

Please let me know if you have any questions.

Best Regards,

Matthew Jaeger  
Associate Engineer  
Port Orange Service Center – FPL  
Office: (386) 457 - 3145  
[Matthew.Jaeger@fpl.com](mailto:Matthew.Jaeger@fpl.com)

*Please contact me with any questions or concerns. If you cannot reach me, feel free to contact my Engineering Leader Joshua Zetinder at (386) 586-6436, or [joshua.zetinder@fpl.com](mailto:joshua.zetinder@fpl.com)  
Visit the new FPL Project Portal at [FPL.com/construction](https://fpl.com/construction) to manage your FPL residential and commercial construction projects including milestones.  
You can pay construction invoices online at <https://internet.speedpay.com/fplconstructionVW/login>*



**From:** Tequila Nelson <tequila.nelson@cobbcole.com>  
**Sent:** Monday, February 24, 2025 1:14 PM  
**To:** Jaeger, Matthew <Matthew.Jaeger@fpl.com>  
**Subject:** RE: Ltr. to Utility provider-Right of Way Vacation-4915 S. Atlantic Ave.  
**Importance:** High

Matthew,

I just left you a voicemail regarding this site. If you can please let me know if you have any objections.

Thanks,



**TEQUILA NELSON**  
**LEGAL ASSISTANT & PARALEGAL**

[Tequila.Nelson@CobbCole.com](mailto:Tequila.Nelson@CobbCole.com)

One Daytona Boulevard, Suite 600  
Daytona Beach, FL 32114

Office: 386-323-9264  
[CobbCole.com](http://CobbCole.com)



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From: Tequila Nelson <[tequila.nelson@cobbcole.com](mailto:tequila.nelson@cobbcole.com)>  
Sent: Wednesday, February 19, 2025 9:47 AM  
To: Jaeger, Matthew <[Matthew.Jaeger@fpl.com](mailto:Matthew.Jaeger@fpl.com)>  
Subject: RE: Ltr. to Utility provider-Right of Way Vacation-4915 S. Atlantic Ave.  
Importance: High

Good morning,

Please consider this a follow up on a no objection letter for the referenced above site.

Thanks,



**TEQUILA NELSON**  
**LEGAL ASSISTANT & PARALEGAL**

[Tequila.Nelson@CobbCole.com](mailto:Tequila.Nelson@CobbCole.com)

One Daytona Boulevard, Suite 600  
Daytona Beach, FL 32114

Office: 386-323-9264  
[CobbCole.com](http://CobbCole.com)





Tequila Nelson  
Legal Assistant  
Cobb Cole  
One Daytona Boulevard, Suite 600  
Daytona Beach, FL 32114  
(D) 386-323-9264 | (F) 386-323-9207  
[Website](#)

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From: Tequila Nelson <[tequila.nelson@cobbcole.com](mailto:tequila.nelson@cobbcole.com)>  
Sent: Thursday, September 5, 2024 10:12 AM  
To: [matthew.jaeger@fpl.com](mailto:matthew.jaeger@fpl.com); [moosa.ativa@fpl.com](mailto:moosa.ativa@fpl.com)  
Subject: RE: Ltr. to Utility provider-Right of Way Vacation-4915 S. Atlantic Ave.  
Importance: High

Good morning,

Please consider this a follow up regarding the attached letter.

Thanks,



Tequila Nelson  
Legal Assistant  
Cobb Cole  
One Daytona Boulevard, Suite 600  
Daytona Beach, FL 32114  
(D) 386-323-9264 | (F) 386-323-9207  
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From: Tequila Nelson <[tequila.nelson@cobbcole.com](mailto:tequila.nelson@cobbcole.com)>  
Sent: Friday, August 23, 2024 10:57 AM  
To: [matthew.jaeger@fpl.com](mailto:matthew.jaeger@fpl.com)  
Subject: Ltr. to Utility provider-Right of Way Vacation-4915 S. Atlantic Ave.  
Importance: High

Matthew,

Can you assist with this request regarding an easement vacation for 4915 S. Atlantic Ave., Ponce Inlet FL.

If this isn't your area, can you point me in the right direction.

Thanks,



Tequila Nelson  
Legal Assistant  
Cobb Cole  
One Daytona Boulevard, Suite 600  
Daytona Beach, FL 32114  
(D) 386-323-9264 | (F) 386-323-9207  
[Website](#)

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**Meeting Date:** June 24, 2025

**Agenda Item:** 7-B

## **Report to Planning Board**

**Topic:** Minor Special Exception  
SPEC 6-2025  
4884 Front Street

**Summary:**

To allow a minor special exception pursuant to LUDC Section 6.6.3 to allow a sightseeing boat base per Section 3.29.

**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 citizens obtain the greatest value for their tax dollar.*

To: Planning Board

From: Patty Rippey, Principal Planner

Through: Darren Lear, AICP, Planning & Development Director

Date: June 12, 2025

Subject: Minor Special Exception request for Daytona Catamarans, LLC  
Case No. SPEC 006-2025

---

<b>REQUEST:</b>	To approve a minor special exception to allow a sightseeing boat base, not to exceed 50 passenger capacity, to operate out of Sea Love Boat Works marina.
<b>LOCATION:</b>	4884 Front Street (Sea Love Boat Works marina property)
<b>APPLICANT:</b>	Vernon Kuftic, applicant, owner of Daytona Catamarans, LLC
<b>STAFF RECOMMENDATION:</b>	<b>Approval</b> , based on the findings listed in this memorandum
<b>MEETING DATE:</b>	June 24, 2025

---

#### INTRODUCTION

The applicant, Vernon Kuftic, requests approval of a minor special exception for a sightseeing boat base (not to exceed 50 passenger capacity) at Sea Love Boat Works marina. If approved, the applicant intends to operate a sightseeing boat, using the existing dock and boat slip facilities at the property. The subject property is located on the Halifax River, at 4884 Front Street (**Attachment A**), in the “B-2” (Riverfront Commercial) zoning district and “ROD” (Riverfront Overlay District). This is a change of location from a previously approved special exception (SE 08-01) by the same owner for a sightseeing boat base at 4936 S. Peninsula Drive.

#### SPECIAL EXCEPTION REVIEW PROCESS

The Land Use and Development Code (LUDC) defines special exceptions as uses that would not be appropriate without restriction throughout a particular zoning classification but that would not adversely affect the public health, safety, or general welfare, if controlled in number, area, location, relation to the surrounding area. For those reasons, special exceptions require a comprehensive

review at a public hearing, must meet specific criteria for approval, and may necessitate specific conditions to mitigate any potential adverse impacts to protect the public interest.

The special exception review process is described in Section 6.6.3 of the LUDC. Minor special exceptions can be approved by the Planning Board, while major special exceptions require approval from the Town Council. Following staff review, the minor special exception application is heard by the Planning Board at a duly noticed public hearing. The Board shall approve, deny or approve the application with conditions based on staff analysis of the application, testimony from the applicant, adjacent property owners, and the public.

### **PROPERTY OVERVIEW**

The Sea Love Boat Works marina property, from which the Daytona Catamarans, LLC business is proposed to operate, is approximately 4.3 acres in size. The proposed use of the site, boat slip and dock area for loading is shown on **Attachment B**. It has a future land use designation of *Riverfront Commercial*, is zoned “B-2” (Riverfront Commercial), and lies within the “ROD” (Riverfront Overlay District). The properties to the east and north have “R-1” residential zoning and are developed with single-family residential homes. The Town’s Historical Museum is located east of the subject location and is zoned “P/I” Public Institutional. The properties to south are zoned “MF-2” (High Density Multi-Family Residential) and “B-2” (Riverfront Commercial). The zoning map is provided in **Attachment C** and the Future Land Use Map is provided in **Attachment D**.

The Sea Love Boat Works marina property has 24 wet boat slips and 53 dry boat slips. There are several businesses operating at this site, most of which are water-dependent uses. The marina services include boat maintenance, repair, boat slip rental, dockage, and fueling. Sea Spirit Deep See Fishing Charters and Waterproof Charters Fishing vessels also operate from the marina property. The Down the Hatch restaurant is located on an adjacent parcel and is under the same ownership as the marina.

### **USE PROPOSAL**

According to the applicant’s letter of request (**Attachment E**), the proposed use on the property includes docking and loading for a passenger sightseeing boat, the “ARABELLA.” The Arabella is a 50' x 28' Catamaran. The vessel is US Coast Guard Certified to accommodate up to 48 passengers, Arabella offers an abundance of deck and open mesh “trampoline” area between the hulls. The applicant notes that the request for the change of location from 4936 S. Peninsula Drive to the Sea Love Boat Works marina is to access a mooring site with deeper water, making it safer for customers to board the vessel.



*Pictured above: The “Arabella”*

Daytona Catamarans, LLC, offers tours daily between the hours of 10 am and 9 pm. It averages about 1 trip per day but occasionally has 2 trips per day. There is one USCG certified captain and one crew member on most trips. For trips exceeding 20 people, one additional crew member is added.

The minor special exception application indicates that the existing facilities at Sea Love Boat Works marina can support the use and that no new development will take place. The sightseeing operation will have one designated wet boat slip. The applicant provided a copy of the lease and designated parking lot location with the application. The large parking area located north of Beach Street on the east side of Front Street (4877 Front Street) consists of 60 parking spaces. Seven of these spaces are required for employees of Sea Love Boat Works marina, with 20 for Sea Spirit Deep Sea Fishing Charters passengers and crew, and 5 for Waterproof Charters Fishing passengers and crew. This leaves 28 parking spaces to be utilized by the applicant. The vessel capacity requires a minimum of 19 parking spaces pursuant to LUDC Section 4.7.8. The available parking is therefore adequate for the proposed minor special exception use.

The “B-2” (Riverfront Commercial) zoning district is intended to support small-scale water-oriented commercial activity, in accordance with the Future Land Use Element policies of the Comprehensive Plan. To that end, the “B-2” district allows a variety of water-dependent and water-enhanced uses. Types of boat uses include, but are not limited to:

- Boat or vessel rental; charter fishing boats
- Boat or vessel sales, service, and construction
- Sightseeing boat base (not to exceed 50-passenger capacity)

The first two categories are permitted uses, while a sightseeing boat base, not to exceed 50 passenger capacity, requires a minor special exception approval in the B-2 zoning district (LUDC Section 2.40 Table of Permitted Uses).

#### **REVIEW OF SPECIAL EXCEPTION CRITERIA**

Every special exception must meet criteria specific to its use, along with general criteria applicable to all development applications. These criteria are discussed below.

#### ***Specific criteria for sightseeing boat base operations (Section 3.29.2)***

- 1. The parcel proposed for development has direct access to water of at least four feet below mean sea level at mean low tide.**

Applicant's Response: The property has direct access to water that is deeper than four feet at low tide. This criterion is met.

Staff's Response: The subject property has direct water access to the Halifax River and meets the water depth requirement of at least four feet at mean low tide according to available tide tables. To verify the water depth, the applicant provided photographs of the vessel's depth gauge at low tide on May 6, 2025. The depth of the water where the boat is to be docked is approximately 17 feet at mean low tide. This criterion is met.

- 99        **2. All outside storage areas are screened from adjacent uses and properties by a solid wall,**  
100        **fence or plant material. If said screening is to be comprised of plant material, it shall**  
101        **form a screen of at least 75 percent opacity at the time of installation.**  
102

103        Applicant's Response: Outside storage areas will not be necessary to operate and no other  
104        buildings are to be constructed. This criterion is met.  
105

106        Staff's Response: There will be no outside storage areas used. If outside storage areas are not  
107        being used or proposed, then screening of such areas is not required. This criterion is met.  
108

- 109        **3. The parcel proposed for development shall be separated from any established**  
110        **residential use or residentially zoned property by a bufferyard in accordance with**  
111        **section 4.10.3 of this code.**  
112

113        Applicant's Response: The vessel will be kept in the water at its dock and will not affect the  
114        neighborhood which is mainly commercial in nature, nor the value of land and surrounding  
115        structures. This criterion is met.  
116

117        Staff's Response: There is no new development proposed for the parcel. The boat will be  
118        docked at the existing developed Sea Love Boat Works marina and is separated from  
119        established residential areas by Down the Hatch Restaurant, parking lots, and existing  
120        vegetation. The nearest residential uses are separated from the subject property by other  
121        waterfront commercial uses and open water. This criterion is met.  
122

- 123        **4. Any building or structure proposed to be constructed that is necessary for the**  
124        **sightseeing boat operation (e.g., ticket sales, office, maintenance, etc.) shall be not less**  
125        **than 200 square feet and not exceed 2,000 square feet in floor area.**  
126

127        Applicant's Response: No other buildings are to be constructed. This criterion is met.  
128

129        Staff's Response: No new buildings or structures will be constructed for the Daytona  
130        Catamarans, LLC boat tour operation. All tours are booked online through the website  
131        ([www.funcatsailing.com](http://www.funcatsailing.com)) and no management, office or ticketing activity will occur on the  
132        property. This criterion is met.  
133

134        ***General criteria for all development applications (LUDC 6.3.6.F)***

135        The Planning Board shall review all applications for compliance with the following general  
136        criteria:  
137

- 138        **1. Consistency with comprehensive plan.** The development order shall be consistent with the  
139        comprehensive plan and the future land use map. A finding of consistency with all elements  
140        of the plan is required.  
141

142        Applicant's Response: The proposed Special Exception will enhance the existing water  
143        oriented commercial uses currently permitted on the property by adding another dimension  
144        to the access to the river and ocean. This criterion is met.  
145

146        Staff's Response: As stated in Chapter II, Future Land Use Element of the Comprehensive  
147        Plan, the *Riverfront Commercial* future land use category shall include "land and water-

oriented uses and activities that reflect and enhance the unique character of the waterfront, preserve and protect both physical and visual access to the waterfront, and create a water-oriented environment wherein town residents and visitors can mingle in harmony and mutually enjoy the town's unique waterfront heritage.” Recreational and working waterfront uses shall be given preference in this land use category and are defined as "parcels and/or facilities that are open to the public and offer public access by vessels to the waters of the state, or that are support facilities for recreational, commercial, research, or government vessels.” The requested use is also consistent with related policies in Chapter VI, Coastal Management and Conservation Element, which promotes public access to the river and water dependent uses along the shoreline and does not conflict with policies outlined in the other chapters. The addition of the Daytona Catamarans, LLC sightseeing boat base, is anticipated to enhance the existing water-oriented commercial uses currently permitted on the property and provide another opportunity to access the Town’s waterways. Therefore, staff finds the proposed special exception for the Daytona Catamarans, LLC sightseeing boat to be consistent with the Comprehensive Plan. This criterion is met.

- 2. Impact on surrounding area.** The development order shall be consistent with the proposed use(s), intensity, density, scale, mass, bulk, height, lot configurations, architecture and building orientation of the surrounding uses (if applicable) and the intensity, density and scale of surrounding development.

Applicant’s Response: The vessel will be kept in the water at its dock and will not affect the neighborhood, which is mainly commercial in nature. This criterion is met.

Staff’s Response: The sightseeing boat base will be located within the existing marina development. No new construction is needed or proposed to support the use. There is a significant number of other water-dependent businesses operating along the river within the marina along with a waterfront restaurant. Due to the nature of the businesses already operating from this location, staff finds that the addition of this boat will not alter the character of the area and is not expected to adversely affect the surrounding properties. This criterion is met.

- 3. Impact on evacuation times.** Resulting development shall not occur in amounts, types or locations that would cause an increase in the number of travel through-lanes or total evacuation times to exceed those established in the comprehensive plan's Coastal Management Element. The town shall ensure that it maintains out-of-county hurricane evacuation times for a Category 5 storm event as measured on the Saffir-Simpson scale for the total population of the town. These evacuation times shall be no more than 16 hours from the time of first official order to evacuate.

Applicant’s Response: The business has been operating in Ponce Inlet for 14 years and has never caused the local traffic to be adversely affected. This criterion is met.

Staff’s Response: The proposed use is not adding to the residential population that would need to be evacuated in advance of a hurricane. Staff does not anticipate that the proposed tour boat operation will adversely affect evacuation times. This criterion is met.

- 195 4. **Compliance with consistency and concurrency standards.** When required, the  
196 development order shall include a finding of consistency with article 5, Consistency and  
197 concurrency standards.  
198

199 Applicant's Response: The business has been operating in Ponce Inlet for 14 years. There  
200 will be no outside storage or any additional buildings to be constructed. This criterion is met.  
201

202 Staff's Response: Relocating the business will not change or increase the impact to public  
203 facilities or services. This criterion is met.  
204

- 205 5. **Consistent with prior approvals.** The development order shall be consistent with the terms  
206 and conditions of any prior plan or plat approval, as applicable, including without limitation  
207 an approved phasing plan for development and installation of public improvements and  
208 amenities.  
209

210 Applicant's Response: There will be no outside storage or any additional buildings to be  
211 constructed. This criterion is met.  
212

213 Staff's Response: The Daytona Catamarans, LLC sightseeing boat, will utilize one existing  
214 wet boat slip, the dock area, and up to 19 parking spaces that were originally developed with  
215 the Sea Love Boat Works marina. This use will be consistent with all prior plan and permit  
216 approvals. This criterion is met.  
217

- 218 6. **Compliance with use and development standards.** The development order shall comply  
219 with all applicable use standards, site development standards, design standards, subdivision  
220 standards, public improvement standards, floodplain management standards, and all other  
221 applicable substantive standards stated in this code.  
222

223 Applicant's Response: There will be no outside storage or any additional buildings to be  
224 constructed. This criterion is met.  
225

226 Staff's Response: This use requires no additional development or improvements to the site.  
227 This criterion is met.  
228

- 229 7. **Compliance with other applicable regulations.** The proposed development shall comply  
230 with all other applicable regulations, standards, requirements, or plans of the town, county,  
231 federal or state governments and other relevant jurisdictions.  
232

233 Applicant's Response: "Fun Cat Sailing" (Daytona Catamarans, LLC) has been operating in  
234 the core area for 14 years. This criterion is met.  
235

236 Staff's Response: The Daytona Catamarans, LLC sightseeing boat business, will be required  
237 to file for a business tax receipt with the Town and maintain all State licensing for operation  
238 of the tour boat. This criterion is met.  
239

- 240 8. **Minimizes adverse fiscal impacts.** The minor special exception development order shall  
241 not result in significant adverse fiscal impacts on the town.  
242

Applicant's Response: The vessel will be kept in the at its dock and will not affect the neighborhood, which is mainly commercial in nature, nor the value of land and surrounding structures. This criterion is met.

Staff's Response: The proposed tour boat business is not expected to have adverse fiscal impacts on the Town. This criterion is met.

#### **PUBLIC NOTICE**

A letter notifying the surrounding property owners of the special exception public hearing was mailed on June 2, 2025, via certified mail. The property was posted on June 9, 2025, with a notice stating the date and time of the Planning Board meeting. The Planning Board meeting was noticed in the *Daytona Beach News-Journal* on June 11, 2025. 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 any concerns and requests. As of the writing of this report, staff has not received any correspondence regarding this special exception request.

#### **CONDITIONS**

Pursuant to LUDC Section 6.6.3, the Planning Board may impose additional conditions or safeguards deemed necessary on the granting of any special exception. Violation of any such condition or safeguards is deemed a violation of this code. The Planning Board may revoke the special exception permit upon finding that there have been material violations of any of the Code criteria or conditions of approval, or that the conduct of the owner and any occupant constitutes a public nuisance. The town may institute legal or equitable proceedings to revoke the special exception permit. Applicants who have had their permit revoked may not apply for another special exception permit for two years after the revocation date.

As noted above, special exception uses are acceptable in limited numbers and under certain conditions deemed necessary to protect the public health, safety and welfare. Such conditions should pertain to the size, scope, location and proper safety standards for this type of business necessary to ensure that it does not endanger the public or become a nuisance. Staff's recommendation and conditions are provided below.

#### **RECOMMENDATION**

Based on the findings of this memorandum, Staff recommends **approval** of the minor special exception for Sea Love Boat Works marina to operate a sightseeing boat base at 4884 Front Street, subject to the following conditions:

- a. The minor special exception use is limited to one sightseeing boat base (not to exceed 50 passenger capacity).
- b. The mooring site shall have direct access to water of at least four feet below mean sea level at mean low tide.
- c. One wet slip shall be assigned to this use from the total number of wet slips allotted to Sea Love Boat Works marina.

- d. Sea Love Boat Works marina shall allocate 19 parking spaces in its parking lot for the sightseeing boat base use.
- e. Any proposed relocation of this use elsewhere in the Town shall be reviewed as a new special exception application.
- f. The applicant shall maintain all applicable federal, state, and local licenses and a valid business tax receipt with the Town.



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Patty Rippey, Principal Planner

June 12, 2025

Attachments:

- A. Location map
- B. Site Plan
- C. Zoning Map
- D. Future Land Use Map
- E. Applicant's letter of request



**Case No.:** SPEC 006-2025

**Applicant:** Vernon Kuftic, owner of Daytona Catamarans, LLC

**Property Address/Location:** 4884 Front Street

**Summary of Request:** Approving a special exception to allow a site-seeing boat base, not to exceed 50 passengers, to operate out of Sea Love Boat Works marina.



**ATTACHMENT A**

**LOCATION MAP**

TOWN OF PONCE INLET





**Case No.:** SPEC 006-2025

**Applicant:** Vernon Kufic, owner of Daytona Catamarans, LLC

**Property Address/Location:** 4884 Front Street

**Summary of Request:** Approving a special exception to allow a site-seeing boat base, not to exceed 50 passengers, to operate out of Sea Love Boat Works marina.

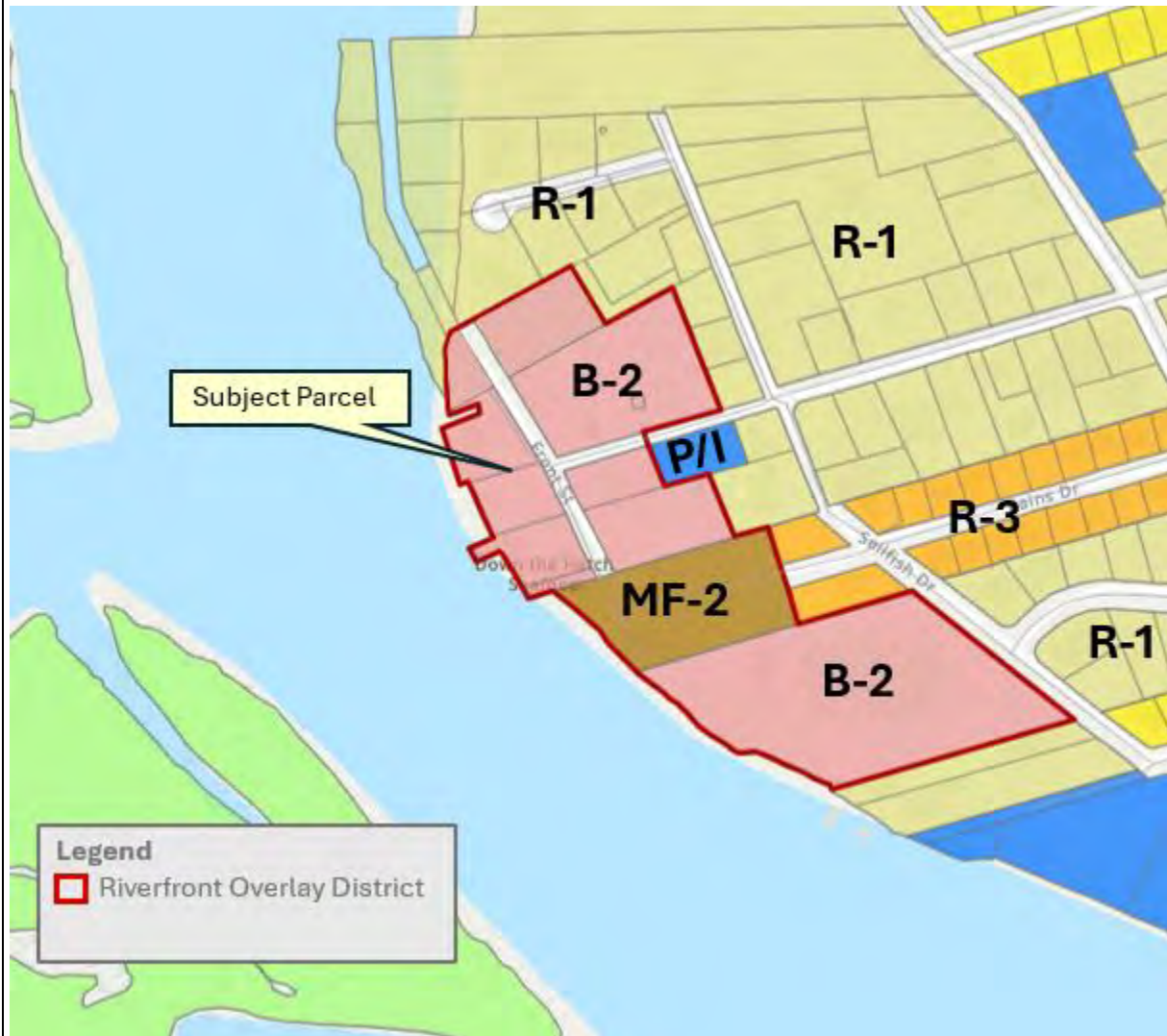


## ATTACHMENT B

### SITE PLAN

TOWN OF PONCE INLET





**Case No.:** SPEC 006-2025

**Applicant:** Vernon Kuftic, owner of Daytona Catamarans, LLC

**Property Address/Location:** 4884 Front Street

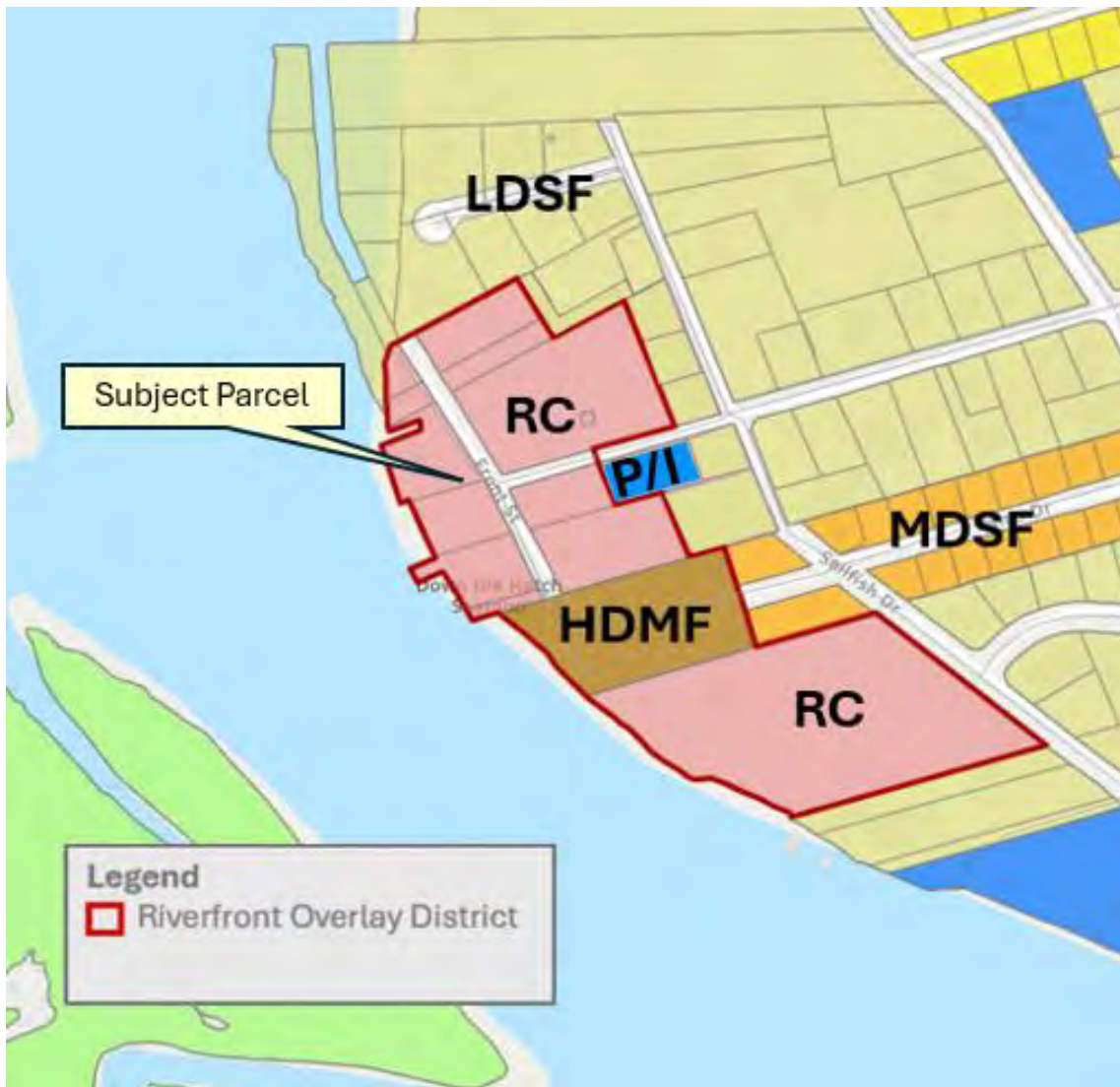
**Summary of Request:** Approving a special exception to allow a site-seeing boat base, not to exceed 50 passengers, to operate out of Sea Love Boat Works marina.



## ATTACHMENT C ZONING MAP

TOWN OF PONCE INLET





**Case No.:** SPEC 006-2025

**Applicant:** Vernon Kufic, owner of Daytona Catamarans, LLC

**Property Address/Location:** 4884 Front Street

**Summary of Request:** Approving a special exception to allow a site-seeing boat base, not to exceed 50 passengers, to operate out of Sea Love Boat Works marina.



**ATTACHMENT D**  
**FUTURE LAND USE MAP**  
**TOWN OF PONCE INLET**



## ATTACHMENT E

### SPECIAL EXCEPTION WRITTEN PETITION 2025

#### Daytona Catamarans / DBA: Fun Cat Sailing

1. This request is consistent with the purpose and intent because the code does allow by "Special Exception" this type of business. In accordance with LUDC 5:35 section J, the vessel carries less than 50 passengers- The property has direct access to water that is deeper than four feet at low tide, outside storage areas will not be necessary to operate and no other buildings are to be constructed. The proposed Special Exception will enhance the existing water oriented commercial uses currently permitted on the property by adding another dimension to the access to the river and ocean
2. Working waterfronts have been discussed during Comprehensive plan hearings. This is a water activity that enhances both physical and visual access to the waterfront creating a water-oriented environment wherein residents can mingle and enjoy the Town's unique waterfront heritage. The vessel is to be used on the ocean as well as the river.
3. The sailing charter is and activity that allows the general public to safely enjoy the beauty of Ponce inlet from its waterway.
4. This request meets all expressed requirements of the applicable special exception,
5. The vessel has a current U.S.C.G certification and meets all requirements by the federal, state and local governments.
6. The business has been operating in the town of Ponce Inlet for 14 years and has never caused the local traffic to be adversely affected. By moving the business north to a location that is off the main road, traffic will have the tendency to decrease. A bus is available for parties over 10.
7. The main concept of this charter business is to offer the general public a safe, quiet and tranquil way of viewing the landscape of Ponce Inlet. A U.S.C.G. certified captain is required to operate the vessel under coast guard safety rules and regulations at all times while customers are onboard.
8. The vessel will be kept in the water at its dock and will not affect the neighborhood, which is mainly commercial in nature, nor the value of land and surrounding structures.
9. Arabella is a beautiful vessel that enhances the town's scenic beauty. It is quiet, echo-friendly and she uses wind to maneuver the waterways.
10. "Fun Cat Sailing" has been operating professionally in the core area for 14 years. The activity is exactly the type of business you would expect to find in in our little town and it is a wonderful way to showcase the peaceful serenity of Ponce Inlet.