



PLANNING & ZONING BOARD AGENDA MEMORANDUM JANUARY 10, 2022 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Rezoning Application RZ12021045: 3232 La Paloma Ave - Westminster By The Sea Presbyterian Church

SYNOPSIS:

Rezoning Application RZ12021045, if approved, would amend the City's Official Zoning Map by assigning the "P Public/Quasi Public" District to the property located at 3232 La Paloma Avenue (**Exhibit A**). The application (**Exhibit B**) was submitted on November 19, 2021 by Rev. Jeffery Sumner, Pastor and Registered Agent of the Westminster By The Sea Presbyterian Church, Inc, owner of the subject property. The property is 0.15 of an acre and is occupied by a 725 square foot residential structure currently being used as a counseling center. Counseling is permitted as an accessory use to a Church in the "P" District. At the time of the counseling center application approval, the City's zoning map incorrectly indicated the property was zoned "P" District. At a later date, the City discovered that the property was zoned "RSF-2" District. Hence, the proposed rezoning application, if approved, would allow the Church to keep the existing counseling center on the property.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

The subject property, located at 3232 La Paloma Avenue, was annexed into the corporate limits of the City of Daytona Beach Shores and assigned the City's "RSF-2 Urban Single-Family Residential Detached District" zoning classification on April 23, 1997 and August 18, 1997, respectively, pursuant to Section 171.062, *Florida Statutes*. At that time, the property was owned by a single-family residential homeowner. On June 4, 2007, property ownership was transferred to the Westminster By the Presbyterian Church, who used it as a parsonage up until recently.

On April 9, 2003 the City Council of the City of Daytona Beach Shores adopted Ordinance 2003-07, which replaced the previously held Official Zoning Map with a new digitally produced Official Zoning Map. The new digitally produced Official Zoning Map accepted on April 9, 2003, which was created by a third party city contractor, incorrectly indicated that the real property at 3232 La Paloma Avenue

had a zoning district classification of “P” Public/Quasi Public. Based on this information, the City granted the church authorization to operate a counseling center at the property. Therefore, the owner of the real property has operated the property consistent with the Daytona Beach Shores Land Development Code under the assumption that the property had a zoning district classification of “P” Public/Quasi Public, which includes the operation of a counseling center consistent with Ordinance 2021-07. City staff recently discovered that the Official Zoning Map accepted on April 9, 2003 incorrectly indicated the zoning district classification of the real property at 3232 La Paloma Avenue, hence the subject rezoning application.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Rezoning Application RZ12021045 as presented.

SUGGESTED MOTION:

A Planning and Zoning Board member may motion as follows:

1. "I move to recommend approval of Rezoning Application RZ12021045 as presented."
OR
2. "I move to recommend approval of Rezoning Application RZ12021045, with the following amendments..."
OR
3. "I move to recommend denial of Rezoning Application RZ12021045, on the basis of the following..."

- ATTACHMENT:**
1. EXHIBIT A-Location Map
 2. Exhibit B-3232 La Paloma RZ Application
 3. Exhibit C-RZ212021045 Westminster BTS Presbyterian Rezoning - 3232 La Paloma (P&Z Staff Report)
 4. Ord. 2022-01-3232 La Paloma RZ