



GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION
CURRENT PLANNING ACTIVITY
123 W. Indiana Avenue, Room 202, DeLand, FL 32720
(386) 943-7059

PUBLIC HEARING: August 13, 2013 - Planning and Land Development
Regulation Commission (PLDRC)

CASE NO: S-13-048

SUBJECT: Special exception for temporary campsites on Rural
Agriculture/Halifax Activity Center (A-2(2)) zoned property.

LOCATION: 1415 Tomoka Farms Road, Daytona Beach

APPLICANT: James Morris

OWNER: Daytona Flea Market LLC and Berrien Becks Jr., Owners

STAFF: William Gardner, Project Activity Manager

I. SUMMARY OF REQUEST

The applicant is requesting a renewal of the special exception for a temporary campsite for 3 days before, during, and 3 days after any regularly scheduled racing events at the Daytona International Speedway for an additional seven years, beginning Speedweeks 2015 through the close of Biketoberfest 2021. The previous special exception (S-09-046) was granted on September 17, 2009, allowing a maximum of 400 temporary campsites, including recreational vehicle spaces, will expire at the close of the Biketoberfest 2014 event.

Specifically, the applicant requests a:

Special exception for temporary campsites for three days before, during and three days after any regularly scheduled racing event at the Daytona Beach International Speedway for Speedweeks, Biketoberfest, the Pepsi (Coke Zero) 400, and Bike Week events on Rural Agriculture/Halifax Activity Center (A-2(2)) for a period of seven years (2015-2021).

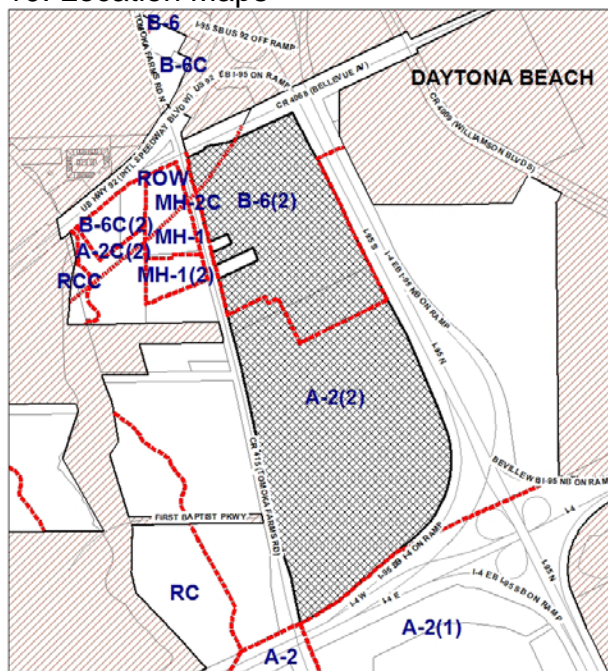
Staff Recommendation: Forward to county council for final action with a recommendation of approval subject to the staff recommended conditions.

II. SITE INFORMATION

- | | |
|----------------------------------|--|
| 1. Location: | This property is located on the east side of Tomoka Farms Road approximately 2,600 ft. south from its intersection with Bellevue Avenue. |
| 2. Parcel Number(s): | Part of 5227-00-00-0140 and part of 5227-00-00-0142 |
| 3. Property Size: | ±71.9 acres |
| 4. Council District: | 2 |
| 5. Zoning: | A-2(2) |
| 6. Future Land Use: | Halifax Activity Center |
| 7. ECO Map: | No |
| 8. NRMA Overlay: | No |
| 9. Adjacent Zoning and Land Use: | |

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
Subject Property	B-6(2) & A-2(2)	Halifax Activity Center	Driveway, pasture & temporary campsite
North:	B-6(2)	Halifax Activity Center	Daytona Beach Flea and Farmer's Market.
East:	A-2(2)	Halifax Activity Center Tourist Commercial & Industrial	Highway I-95, then pasture & temporary campsite
South:	A-2(1)	Low Impact Urban	Highway I-95 & Highway I-4 interchange.

10. Location Maps



ZONING MAP



AERIAL MAP

III. BACKGROUND AND PREVIOUS ACTIONS

Based on a review of the applicant's submitted site plan, GIS maps and Property Appraiser's information, the existing campsites are located on parts of parcel 5227-00-00-0142 and parcel 5227-00-00-0140 which are zoned A-2(2). The campsites are accessed from Tomoka Farms Road via an existing joint access driveway with the Daytona Flea Market, located on parcel 5227-00-00-0140, which is zoned B-6(2) (Highway Interchange Commercial Activity Center). The previously approved special exception restricted the temporary campsites to the A-2(2) zoned part of former parcel 5227-00-00-0140.

The subject-cleared property adjoins to the south of the Daytona Flea & Farmers Market and north of the Highway I-95 and Highway I-4 interchange. The subject property is used as a pasture and a temporary campsite.

Based on the applicant's property description and Property Appraiser's records a ± 71.9 -acre area of the overall ± 120.9 -acre parcel (parcel 5227-00-00-0142) is utilized for the temporary camping sites.

IV. REVIEW CRITERIA AND ANALYSIS

Section 72-293 *Special Exceptions* of the Zoning Ordinance has no specific provisions for this request. However, the permitted special exception use is required to address certain items, such as on-site utilities, security, and waste disposal. These items and others have evolved over the years into a list of standard conditions for the temporary campsite use that each applicant must comply has been incorporated into the staff recommendation.

Site Plan – The applicant re-submitted his 2004 Special Exception site plan that depicts:

- Daytona Flea and Farmers Market site, located north of the site entrance driveway, off Tomoka Farms Road. The Flea and Farmers Market site is shown for reference purposes only and is not a part of this Special Exception.
- Area D is a RV temporary camping area located north of a large stormwater pond.
- Rectangular stormwater pond/easement, separating the camping areas.
- Shower house/vendor area located adjacent to tent Camping Area B.
- Temporary camping Areas A (RV spaces), B (tent spaces), and C (RV spaces). Camping Area A abuts Highway I-95. Camping Area B is between camping Areas A and C. Camping Area C fronts on Tomoka Farms Road.
- Small campground rental office building, located within camping Area A.
- Internal camping area roads and additional drainage swales.

The property has a gated entrance, off Tomoka Farms Road. The camping area has internal grass drive aisles. The subject property has been used for temporary campsites since 1996 when a special exception was approved (Case S-95-085).

Per existing conditions, there are a maximum of 400 campsites. The campsites, portable toilets, hand wash sinks, and potable water facilities will comply with Health Department requirements. Fire protection will be provided per Fire Services requirements. The applicant will provide campground security and coordinate security plans with staff. Adequate solid waste containers are required to be maintained on the property.

Special Exception Criteria - Per Section 72-415(8) of the Zoning Ordinance there are nine reasons the Commission may recommend denial and County Council may deny any special exception application as follows:

(1) *It is inconsistent with the purpose or intent of this ordinance.*

The proposed renewal of the temporary campsite is consistent with the purpose and intent of the Zoning Ordinance. Enforcement of the recommended special exception conditions helps to protect public health, safety, welfare, and to maintain essential government services to the property.

(2) *It is inconsistent with any element of the Comprehensive Plan.*

The comprehensive plan contains no specific goals or policies that apply to this particular special exception request. The proposed temporary campsites provide accommodations for tourist, adjacent to an interstate highway exchange, which is consistent with the comprehensive plan's Halifax Activity Center Tourist Commercial future land use designation. The City of Daytona Beach was solicited for comments on this application, consistent with a comprehensive plan policy of the Halifax Activity Center.

(3) *It will adversely affect the public interest.*

The operation of the temporary campsites for seasonal events should not adversely affect the public interest, based on experience with the property owner's temporary camping facility.

(4) *It does not meet the expressed requirements of the applicable special exception.*

The property owner has successfully operated a temporary campsite operation on the property, subject to compliance with the conditions of special exception case S-09-046. Staff recommends continued application of appropriate special exception conditions to be imposed, if this request is approved.

(5) *The applicant will not be able to meet all requirements imposed by federal, state, or local governments, or by the county council.*

Based on experience, staff anticipates that the property owner should be able to meet applicable special exception requirements, if this special exception application is renewed.

(6) *Notwithstanding the provisions of article XIV of the land development code [appendix A], it will generate undue traffic congestion.*

Traffic Engineering has provided comments to ensure the safety of the campground patrons such as driveway lighting and that the project's gates be 125 feet from the right-of-way or remain open at all times.

(7) *It will create a hazard or a public nuisance, or be dangerous to individuals or to the public.*

With appropriate conditions and based on experience, the proposed campsite renewal is unlikely to create a public nuisance or be dangerous to individuals or to the public.

- (8) *It will materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures, or buildings.*

Temporary campsites have been permitted on the property for several years and this use occurs in an area used for regularly scheduled racing events and other seasonal motorcycle related events. Renewal of the requested temporary campsite will not adversely impact the character of the immediate area.

- (9) *It will adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution.*

Compliance with Health Department requirements and appropriate special exception conditions, as previously approved, will help to protect the environment and prevent excessive pollution.

III. STAFF RECOMMENDATION

Staff recommends approval for the renewal of Special exception for temporary campsites for three days before, during and three days after any regularly scheduled racing event at the Daytona Beach International Speedway for Speedweeks, Biketoberfest, the Pepsi (Coke Zero) 400, and Bike Week events on Rural Agriculture/Halifax Activity Center (A-2(2)), subject to the following fifteen conditions:

1. The temporary campsite shall be limited to the A-2(2) zoned portion of the property as depicted on the site plan dated August 2, 2004. The temporary campsite will only be open for operation 3 days before, during, and 3 days after any regularly scheduled racing event at the Daytona Beach International Speedway for Speedweeks, Biketoberfest and Bike Week for a period of seven years, from the beginning of Speedweeks 2015 through the close of Biketoberfest 2021.
2. The maximum number of campsites that may be allowed on the site shall not exceed 400. The size of the individual campsites and the number of recreational vehicles per acre, number of portable toilets, potable water, shower facilities, and number and location of trash containers shall be in accordance with the Volusia County Health Department requirements.
3. The property owner or authorized agent shall create and submit copies of a new detailed revised scaled site plan(s) with special events listed, including a public transportation plan and provisions that address these conditions of approval, directly to the Volusia County Health Department, Fire Services, Sheriff's Office, Traffic Engineering, and the Growth and Resource Management Department for review and approval. The required new detailed revised scaled site plan(s) shall be submitted a minimum of 30 days prior to the opening of the campsite for any regularly scheduled racing event. The property owner or authorized agent shall coordinate with these departments on an individual basis.

4. A security plan shall be developed and submitted directly to the Sheriff's Office for review and approval. This plan shall include, but not be limited to, the following: a copy of the agreement with the security company; names and phone numbers of security personnel; location of security station with phones; traffic control plan (i.e., entering, exiting property); and parking coordination. A security plan must be submitted at least 30 days prior to the opening of the campsite for each of the regularly scheduled racing events.
5. The Volusia County Sheriff's Office, Finance, Fire Services, Traffic Engineering, and Growth and Resource Management Departments, and the Volusia County Health Department and State Department of Revenue, and the Department of Business and Professional Regulation (DBPR) shall have unlimited and unconditional access to the subject campsite, including common areas within the temporary campsite, on a 24-hour a day basis without having to give prior notice and without having to pay any type of fee or dues to gain entrance for inspection or enforcement purposes.
6. The property owner or authorized agent shall provide fire protection services for the temporary campground in accordance with the requirements of the Assistant Chief of Fire Safety Management, including, but not limited to stabilized access drives for emergency vehicles and apparatus to all areas and sites, and other provisions for fire suppression by providing as needed fire extinguishers and equipment.
7. All recreational vehicle units with self-contained holding tanks for wastewater shall have sewer waste line caps, which shall be secured at all times in a manner to preclude any leakage. Posted signs throughout the campsite shall state that no direct discharge of any wastewater from any recreational vehicle will be permitted.
8. Adequate portable toilets, portable showers, and hand wash sinks shall be required at a central location at the campsite. An approved service contract for pumping of the portable toilets shall be provided to the Volusia County Health Department prior to the opening of the campsite.
9. The temporary campsite shall comply with the minimum requirements for potable (drinking) water supply as required by Chapter 64E-6, Florida Administrative Code, and applicable Florida Building Code-Plumbing provisions. Provisions for potable water are subject to approval by the Volusia County Health Department.
10. Any food and beverage concession operations must receive a temporary Food Service Permit from the Volusia County Health Department and/or a permit from the DBPR Division of Hotels and Restaurants prior to operating on the site. The property owners must also obtain final approval from the Growth and Resource Management Department, before opening of the campsite for any regularly scheduled racing event. The property owner is responsible for and must collect all appropriate tourist development tax and sales tax, as required by County Ordinance and State Statute. No person or entity shall offer for sale, rental, or lease any item which is prohibited by local, state, or federal law. Except for beer, the sale of any alcoholic beverages shall be prohibited.

11. The property owner or authorized agent shall submit a pedestrian transportation plan to indicate how transportation will be provided to and from the racing events at the Speedway. Copies of this plan must be submitted to Traffic Engineering, Growth and Resource Management Department and the Sheriff's Office for review and approval at least 30 days prior to the opening of the campsite for each of the regularly scheduled racing events.
12. Adequate off-street parking and loading areas shall be provided on the property, by the property owner to accommodate campground visitors, employees, and guests. No vehicles shall park or stand within the right-of-way of any public street.
13. The property owner shall provide adequate traffic control as determined by the Sheriff's Department, including, but not limited to, off duty uniformed officer(s) (police/sheriff/highway patrol) stationed during weekends, special events, and peak traffic hours along Tomoka Farms Road in front of the entrance/exit. The uniformed officer(s) are for traffic control only and the applicant is required to pay any cost associated with these officer(s). The applicant shall prohibit ingress if the campsite becomes filled or if congestion problems develop on Tomoka Farms Road.
14. Access to the temporary campsite will be through the existing paved flea market entrance. The gated access on Tomoka Farms Road, south of the lake, shall only be used for emergency ingress/egress.
15. Violation of any of these conditions may result in automatic revocation of the Special Exception by the Zoning Enforcement Official. Upon revocation, the temporary campground shall not be resumed without approval of another Special Exception application by the County Council.

VI. ATTACHMENTS

- Written Explanation
- Survey and campsite site plan
- Reviewer comments
- Maps

VII. AUTHORITY AND PROCEDURE

Pursuant to Section 72-415, the County Council shall hold a public hearing after due public notice on all recommendations from the commission. It may accept, reject, modify, return, or seek additional information on those recommendations. No approval of a special exception application shall be made unless, upon motion, four members of the county council concur. The county council will thereafter forward its decision to the applicant.

Any new information to be presented at the planning and land development regulation commission for any application will be grounds to continue an application to the next planning and land development regulation commission. Applicants shall inform and provide staff with the new information prior to the planning and land development regulation commission.

Any new information to be presented at the county council meeting that was not previously presented to the planning and land development regulation commission for any application will be grounds to return an application to the planning and land development regulation commission for further review. Applicants shall inform and provide staff with the new information prior to the council meeting.



SPECIAL EXCEPTION APPLICATION THE ZONING ORDINANCE OF VOLUSIA COUNTY, FLORIDA

PLEASE PRINT OR TYPE

Pre-Application Meeting Date: June 26, 2013

APPLICANT: James S. Morris, Esq jim@jamesmorrispa.com
 Name P.O. Box 291687 E-Mail Address 386-310-8784
 Street Address Port Orange FL Phone 32129
 City State Zip

STATUS: ☐ Owner ☐ Agent for Owner ☒ Attorney for Owner ☐ Contract Purchaser

OWNER: Berrien Becks Sr., as Trustee of the Berrien H. Becks Sr. Revocable Trust
 Name P.O. Box 2140
 Street Address Daytona Beach FL Phone 32115
 City State Zip

This is a request for a Special Exception for a 7 year extension of S-09-045

on A-2(2) zoned property. The Comprehensive Plan Land Use Designation is AC
 Zoning Classification(s)

Size of Parcel 70.67 acres Tax Parcel #: 5235-00-00-0020

Address of Property: 1094 S. Williamson Blvd, Daytona Beach, FL 32114

Sq. ft. of building, if applicable: N/A If Group Home, Private School, or Daycare Center, # of proposed clients/members: N/A

This property is located on the west side of Williamson Blvd Rd./St./Ave., approximately .2 ft. N-S-E-W from its intersection with Bellevue Extension Rd./St./Ave. The property is near The Dog Track in the community of Daytona Beach, and/or adjacent to the City of Daytona Beach.

Circle applicable Utility: Private Septic/Well Central Sewer/Water by: _____ Other: _____

APPLICATION WILL NOT BE ACCEPTED UNLESS ALL OF THE FOLLOWING ARE ATTACHED:

- ☐ Two (2) signed and sealed surveys of the property (no more than 2 years old).
- ☐ Two (2) copies of the legal description (furnished electronically in MS Word format).
- ☐ Notarized Authorization of Owner (if applicant is other than the owner or attorney for the owner).
- ☐ 5 Copies of site plan (to scale) complying with section 72-415(1)d of the zoning code and 1 reduced to 8 1/2" x 11".
- ☐ Nonconforming lot letter, if applicable.
- ☐ Written explanation.
- ☐ Pre-Application Meeting Form
- ☐ Application fee.

Case # _____

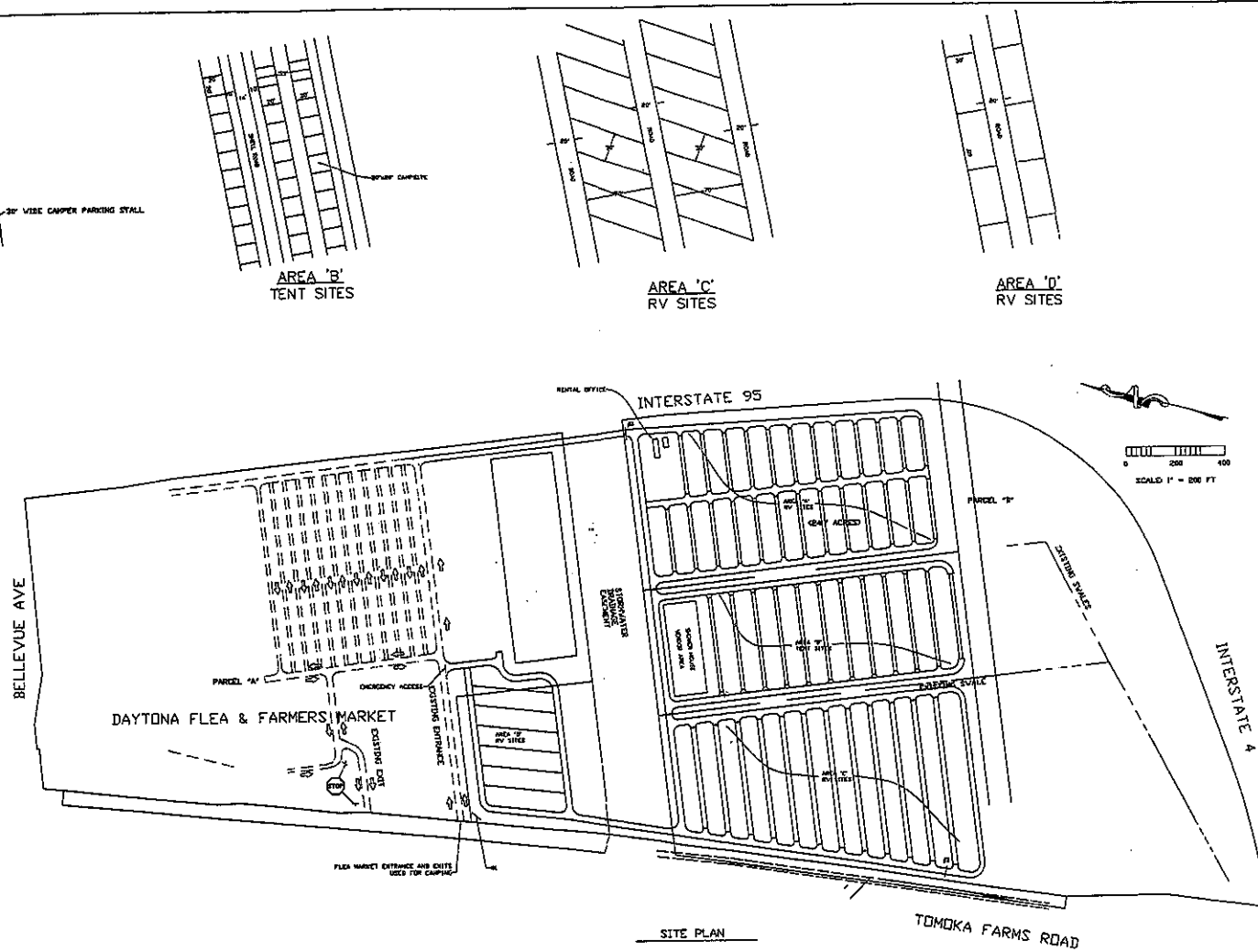
Written Explanation for Special Exception

Parcel Nos.: 5227-00-00-0142 and 5227-00-00-0140

Property Owner: Daytona Flea Market, LLC and Berrien H. Becks, Jr.

The purpose for special exception is to obtain an extension of Special Exception No. S 09-046 which approved a temporary campsites three days before, during, and three days after all major Daytona International Speedway race events, Bike week and Biketoberfest. The conditions that security, portable toilets, garbage disposal and potable water facilities are provided for the suitable campers are acknowledged. Portable toilets and handwash sinks will be provided pursuant to Ch. 10D-6 of the Florida Administrative Code. Garbage disposal will be handled by the operator and potable water will be provided by the City of Daytona Beach. Camping will be for overnight stays. Additional parking will be from the hours of 8am – 6pm. The land owner and applicant are aware of needing to contact the related county agencies for permits and sales. These agencies would include Volusia County Sheriff's Office, Health Department, Finance, Fire Services, Building and Zoning, and Zoning Compliance.

SPECIAL EXCEPTION SITE PLAN



NO.	DATE	DESCRIPTION
1	11-05-14	ISSUED TO CITY

FINLEY ENGINEERING GROUP <small>CERTIFICATE OF AUTHORIZATION NUMBER 1061</small> <small>finleyengr.com</small>	CRAZY HORSE BIKEWEEK & RACEWEEK CAMPGROUND AT THE DAYTONA FLEA AND FARMERS MARKET
Unit 1 <small>4600 South Ridgewood Avenue, Port Orange, Florida 32127</small>	SHEET TITLE SITE PLAN
SHEET 1	

This instrument prepared by:
James S. Morris, P.A.
420 S. Nova Road
Daytona Beach, Florida 32114

AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

COMES NOW BEFORE ME, the undersigned authority, in person James Morris who first being duly sworn, states and confirms:

1. Affiant is the authorized agent for Daytona Flea Market, LLC and Berrien H. Becks, Jr., owners of the property described as parcel numbers 5227-00-00-0140 and 5227-00-00-0142.
2. Affiant has filed an application on behalf of Daytona Flea Market, LLC and Berrien Becks, Jr. requesting an extension of Special Exception No. S 09-046 regarding an extension of the approved temporary campsite for all annual major Daytona International Speedway race events (e.g. Daytona 500, Daytona 200, July 400, fall cycle fest), Bike Week and Biketoberfest.
3. Affiant has reviewed the survey of the subject property submitted with the application which was prepared by Sliger & Associates, Inc., Job No. 04-2986, and dated November 8, 2004.
4. Affiant has inspected the property in comparison to the survey and attests that all permanent conditions at the property as depicted by the survey have not changed since the survey was prepared.

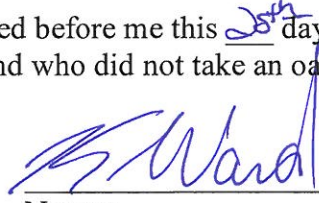
FURTHER AFFIANT SAYETH NOT.

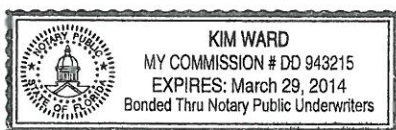
Affiant


James S. Morris

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 25th day of June, 2013, by James S. Morris who is personally known to me and who did not take an oath.


Notary



Inter-Office
Memorandum



TO: Bill Gardner, Activity Project Manager **DATE:** July 29, 2013

FROM: Danielle Dangleman, Environmental Specialist III

SUBJECT: Planning & Land Development Regulation Commission meeting for
Date: August 13, 2013
Parcel #: 5227-00-00-0140 and 5227-00-00-0142
Case #: S-13-048

Environmental Permitting (EP) has reviewed the Special Exception application for the request to extend the original Special Exception, S-09-046. EP has no objection to this request.

REVIEW STAFF COMMENTS

MORRIS.DAYTONA FLEA MARKET CAMPSITE

S-13-048

CODE COMPLIANCE

Tammy Proulx

July 29, 2013

Comments:

There are no Code Compliance issues on this property. The property has a positive history with Compliance staff.

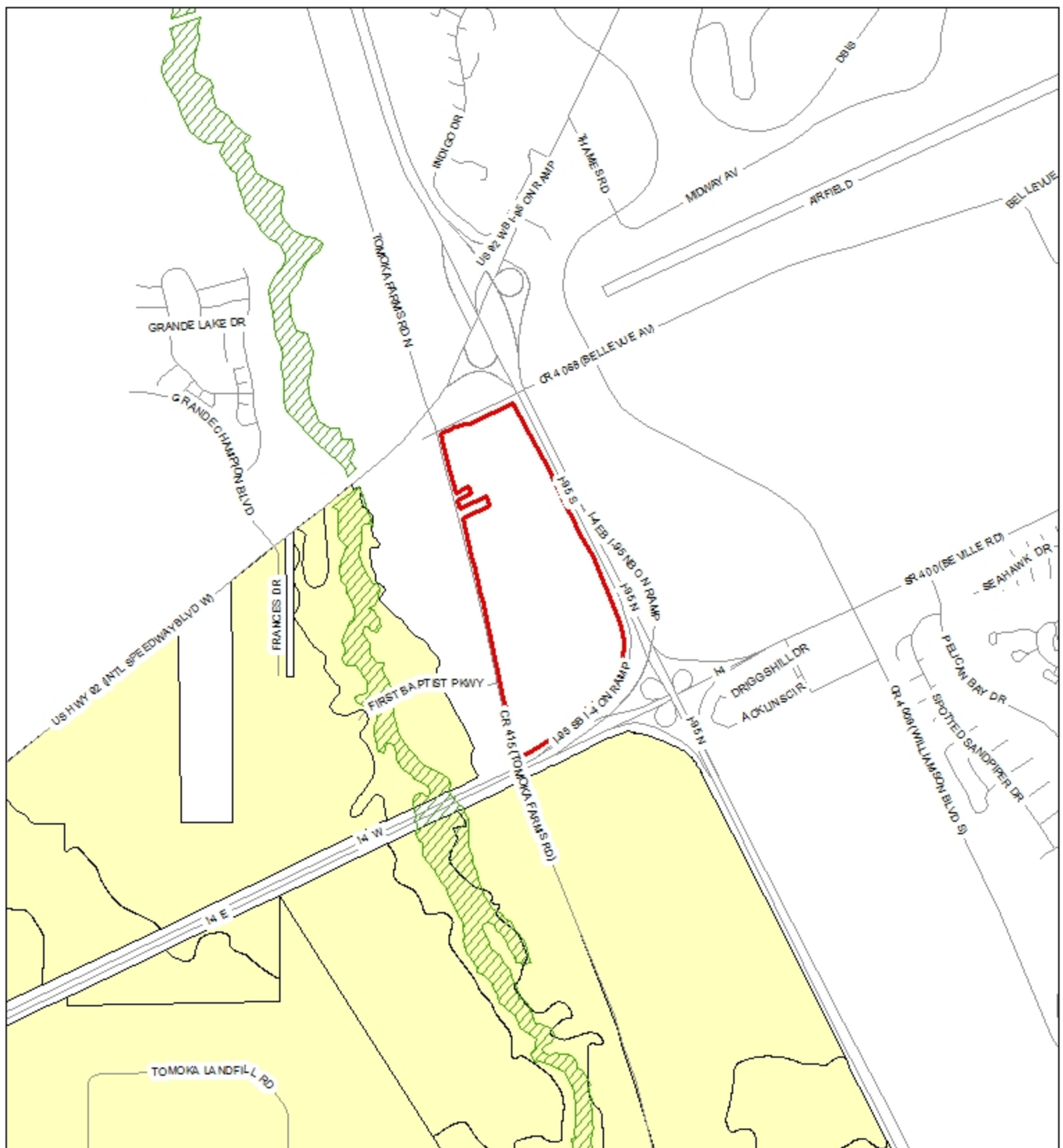
TRAFFIC ENGINEERING

Melissa Winsett




July 31, 2013

Comments:

1. Driveway lighting is required for nighttime visibility and safety of patrons.
2. Project gates must be set back 125 feet from the right-of-way or remain open during all events.

**ECO/NRMA**

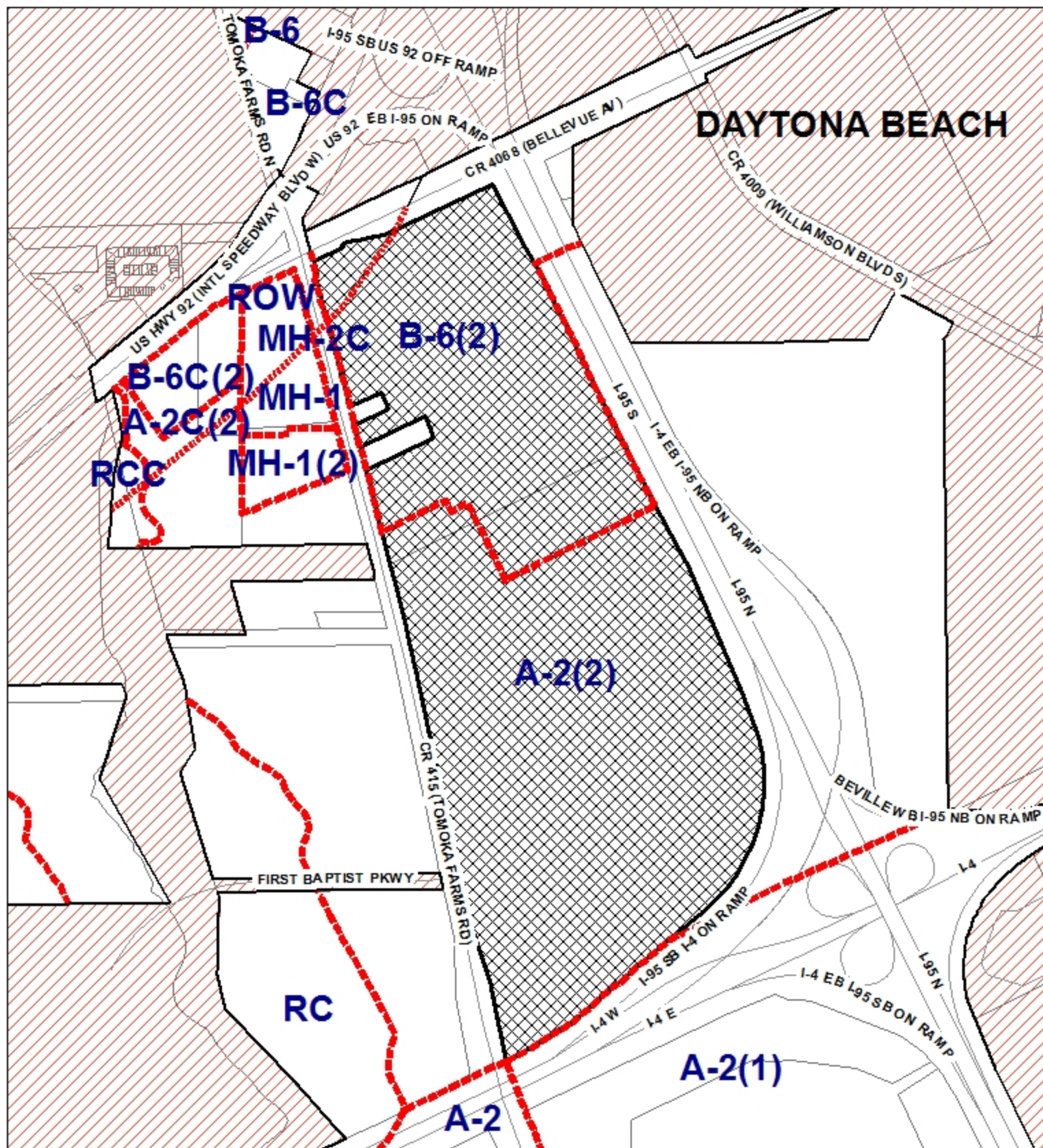
1 inch = 2,000 feet

 ECO
  NRMA
  REQUEST AREA



SPECIAL EXCEPTION
CASE NUMBER

S-13-048



ZONING CLASSIFICATION



REQUEST AREA

1 inch = 800 feet



**SPECIAL EXCEPTION
CASE NUMBER**

S-13-048



AERIAL

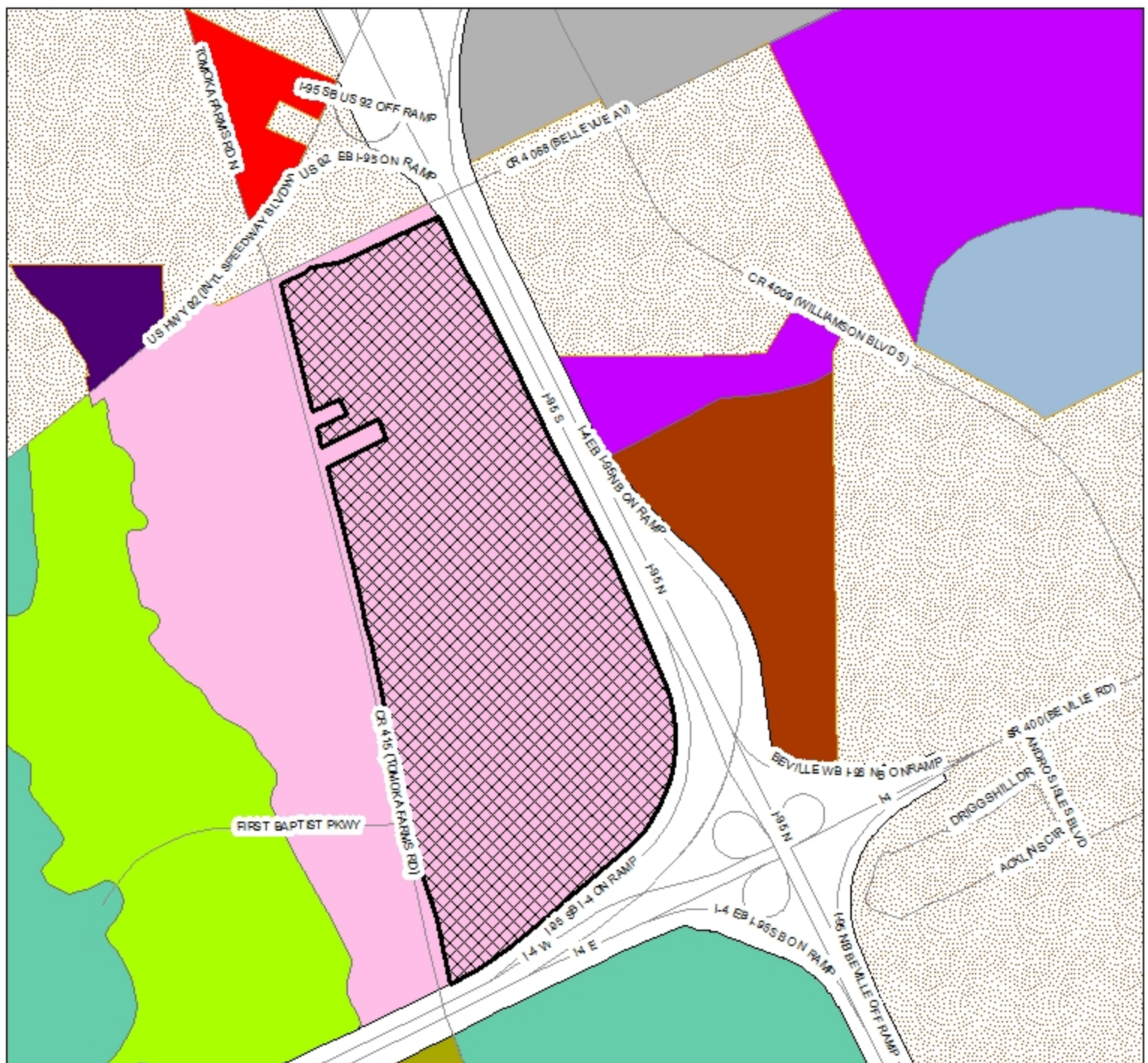
IMAGE YEAR: 2012

1 inch = 800 feet















REQUEST AREA

SPECIAL EXCEPTION
CASE NUMBER
S-13-048



FUTURE LAND USE DESIGNATION

	COMMERCIAL (1)		INDUSTRIAL (2)
	COMMERCIAL/OFFICE (1)		LOW IMPACT URBAN (3)
	ENVIRONMENTAL SYSTEMS CORRIDOR (1)		MIXED USE (1)
	FEDERAL HIGHWAY (1)		PUBLIC/SEMI PUBLIC (1)
	GENERALIZED ACTIVITY CENTER (1)		RURAL (1)
	INCORPORATED (2)		TOURIST COMMERCIAL (1)

SPECIAL EXCEPTION CASE NUMBER

S-13-048



1 inch = 1,000 feet