

MINUTES

REGULAR MEETING – PLANNING BOARD

August 23, 2012

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Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, August 23, 2012, at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

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Board members Present were as follows:

Jeff Hurt  
Tracey Remark (*out @6:40*)  
John McGuinness  
Matthew Bohon  
Louis Moore  
Cathy Washington  
Bob Hoitsma  
Tim Davis  
Shirley Benjamin  
James Neal (*out @ 7:05*)  
Janet LeSage

Staff members present:

Richard Walton, Planning Director  
Dennis Mrozek, Senior Planner  
Carrie Lathan, Assistant City Attorney  
Jason Jeffries, Redevelopment Project Manager  
Rose Askew, Planning Technician

1. **Call to Order**

Louis Moore, Chair called the meeting to order at 6:00 PM.

2. **Roll Call**

Ms. Washington called the roll and noted members present as listed above.

3. **Approval of the Minutes:** July 26, 2012

**Board Motion**

It was moved by Mr. Hurt to approve the July 26, 2012 Planning Board Meeting Minutes. Seconded by Mrs. Remark.

**Board Action**

The motion was approved 11-to-0.

4. **Rezoning – Planned Master Development, Daytona International Speedway, DEV2012-071 (Quasi-Judicial Hearing)**

A request by Robert A. Merrell, III, Esq., on behalf of Scott Bullock with Daytona International Speedway, LLC, to rezone 483± acres of land located at 1801 West International Speedway Boulevard, from Major Sports District (MSD) to Planned Master Development (PMD). The purpose of the PMD rezoning is to facilitate long term planning and development of the Speedway Property for expansion of the racing uses at Daytona International Speedway in conjunction with complimentary mixed-use retail, dining, entertainment, hotel, commercial, office, and residential uses.

**Staff Presentation**

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the general location, current and future land use, current and proposed zoning, a brief history of improvements on the property and the purpose of the PMD zoning designation. He gave an overview of future development for the PMD that highlighted race related areas fronting on ISB and the LDC requirements for amending a PMD. He stated each Board member should have received in their folder tonight, a handout from the applicant that listed additional changes to the PMD. He stated the bullet points offer more restrictive regulations and also offers a definition to the term “recreational vehicle rally” that was missing from the original list of definitions. Mr. Mrozek stated the document also provides for airport notification of any requests for approval of site plans. He stated staff has reviewed the additional changes and find them acceptable to the standards of the City. The applicant is seeking to waive the following requirements: LDC requirements for minimum landscape buffer and building setback requirements for development along ISB and Midway Boulevard, to expand the list of uses currently permitted in the MSD zoning district, and the requirements of Article 18, Section 4.3 of the LDC. He stated the uniqueness of the property makes it difficult for the applicant to comply with the City’s LDC standards, a copy of their proposed design standards were included as Attachment C to the staff report. He stated staff has reviewed the proposed standards and finds them acceptable. Mr. Mrozek gave additional details on the Speedway property and stated staff recommends approval of the rezoning request from MSD to PMD and entering into a PMD agreement establishing development standards for the PMD pending Volusia County approval of the rezoning request. An affirmative vote of six is required to recommend approval to the City Commission.

**Applicant Presentation**

Jole Chitwood, 1 Daytona Boulevard, Daytona Beach complemented Mr. Mrozek on a very good presentation. He gave a brief history on DIS in relation to the City and DIS vision for the future. He asked the Board to support the rezoning request.

Robert Merrell, 150 Magnolia Avenue, Daytona Beach thanked staff for all their assistance with the request. He stated the request was for a 50 year vision for the Speedway property and it was a mirror of the request that was presented at last month's meeting for the Speedway property on the other side of the street. He asked that the memo Mr. Mrozek mentioned that added some additional changes to the PMD request be a part of the motion for approval. He pointed out that one of the additional conditions was that staff's recommendation for approval was conditional upon approval by Volusia County and asked that language regarding the condition also be included in the motion.

Mr. Moore asked if the County meeting was scheduled for today.

Mr. Merrell replied but there were a few complications and they wanted to make sure everything was worked out so that was why he asked that the motion for approval include the condition that the rezoning must be approved by Volusia County.

**Citizen Comments**

Tim Stockman, 61 Lincoln Avenue, Ormond Beach spoke in support of the rezoning request.

Tom Leek, 150 Magnolia Avenue, Daytona Beach spoke in support of the rezoning request.

Phillip Maroney, 2310 West ISB, Daytona Beach spoke in support of the rezoning request.

Jim Cameron, Vice President, Government Relations, Daytona Beach Chamber, 126 Orange Avenue, spoke in support of the request.

John Nicholson, 413 North Grandview Avenue spoke both in support and against the rezoning request. He stated he understood what was being done on the north side but he was not clear on the purpose of the request tonight. He asked why the piece of property on the south side of Bellevue was not included in the request and he felt they were doing a lot on such a small piece of property if you exclude the oval.

**Board Comments**

Mrs. Remark stated the population of the City of Daytona Beach sits in the oval piece of land Mr. Nicholson just spoke about excluding and that you cannot just look at the outside, you must look at the entire picture, which is what the Speedway has been great about doing. She stated the project was all about the future and that has always been closely tied with what has happened on the oval piece of property and on the beach. She stated she agrees that the way to predict the future is to create it and that the Speedway was putting everything on the line with this project and she feels it will be a benefit to the City.

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Mr. Bohon stated he agreed with Mrs. Remark and that in addition to bringing tax dollars to the City, they also bring people. He stated he was from Texas and back home he always heard about the Speedway. He stated he felt this would be a great project and did not believe anything would top this project. He stated he was excited about the project and encouraged Board members to support the request.

Ms. Washington stated she looks forward to seeing the project come to fruition and was excited about the jobs the project would create. She stated she was in support of the request.

Mr. Neal stated he has lived in the City of Daytona Beach for over 40 years and had not gone to one race but he could visualize what the project would look like and the integrity it would bring to the City once it was developed. He thanked the Speedway representatives for all they had done for the City and what they would do in the future.

Mr. Hoitsma stated when you talk about 50 years into the future you were leaving a lot of area open and that could be either bad or good, but from looking at the building they had already built on the north side of the property, he was confident the project would be great. He stated he was supporting the project.

Mr. McGuinness stated he felt the project was dynamic, forward looking and he was in support of the project.

### **Board Motion**

It was moved by Mr. Hurt to approve Rezoning – Planned Master Development, Daytona International Speedway, DEV2012-071 including the additional memo included in the Board packet. Seconded by Ms. Washington.

### **Board Action**

The motion was approved 11-to-0.

#### **5. Land Development Code Text Amendment – Major Sports District Modification, DEV2012-092**

A request by the Development and Administrative Services Department, Planning Division, to amend the Land Development Code (LDC), Article 13, Section 3.9, to continue to allow temporary overnight RV parking within one mile of the Daytona International Speedway (DIS) track site currently zoned Major Sports District (MSD), and to amend Article 18, Section 6, to allow a Comprehensive Sign Plan (CSP) in Planned Master Development (PMD) zoning districts.

**Staff Presentation**

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above and stated this was a staff response to the DIS PMD rezoning request. He stated some of the LDC is tied in proximity to the Major Sports District (MSD) and as the zoning goes through, it eliminates the MSD which means all of the temporary overnight RV parking would be eliminated. He stated currently temporary overnight parking is allowed within one mile of the MSD and that the request would not change the current distance requirements. He stated the request would allow the current temporary overnight RV parking locations currently permitted as a conditional use to continue. Mr. Mrozek stated the second part of the request had to do with Comprehensive Sign Plans (CSP). He stated CSPs are allowed in the MSD and DIS does have a CSP. He stated as they rezone to PMD there was discussion about just wrapping the CSP up into the PMD. He stated staff determined that because of the characteristics of the PMD a CSP would fit well into that type of zoning district. He stated staff was recommending a modification to the LDC to allow developments in a PMD zoning district to be able to request CSP approval. He stated staff recommends approval of the LDC amendment request and a vote of six was required by the Planning Board to recommend approval.

**Citizen Comments**

No citizen comments.

**Board Comments**

No Board comments.

**Board Motion**

It was moved by Mrs. Remark to approve Land Development Code Text Amendment – Major Sports District Modification, DEV2012-092. Seconded by Mr. McGuinness.

**Board Action**

The motion was approved 11-to-0.

6. **Comprehensive Sign Plan Amendment – Daytona International Speedway, DEV2012-085**

A request by Robert A. Merrell, III, Esq., on behalf of Scott Bullock, with Daytona International Speedway, LLC to amend the approved Comprehensive Sign Plan for Daytona International Speedway located at 1801 West International Speedway Boulevard.

**Staff Presentation**

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the boundaries for site and a chronology of the CSP. He stated the CSP controls development of all signs and graphics on the DIS property and for the existing uses.

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He stated CSP amendments require Planning Board approval prior to City Commission approval. Mr. Mrozek went through the proposed changes to the CSP that were included in each Board member's packet and stated Attachment B of the staff report was strikethrough/underline of all the square footages being changed. He stated based on staff analysis and review, the proposed CSP amendment would be in compliance with the Comprehensive Plan and LDC and a majority vote of Planning Board members present and voting was required to recommend approval to the City Commission.

### **Applicant Presentation**

Robert Merrell, Cobb/Cole, 150 Magnolia Avenue, Daytona Beach thanked Mr. Mrozek for a very good presentation and stated the previous request brought in a mixture of uses that were not previously contemplated on the race track side of the property. He stated that was the primary reason why they were requesting this housekeeping amendment to the approved CSP. He stated the proposed changes are a very small part of the package and he would be happy to answer any questions the Board may have.

### **Citizen Comments**

No citizen comments.

### **Board Comments**

No Board comments.

### **Board Motion**

It was moved by Mrs. Remark to approve Comprehensive Sign Plan Amendment – Daytona International Speedway, DEV2012-085. Seconded by Mr. McGuinness.

### **Board Action**

The motion was approved 11-to-0.

## **7. Rezoning – M5 District, P & S Paving, DEV2012-069 (Quasi-Judicial Hearing)**

A request by Randy Hudak, P.E. on behalf of Tim Phillips, President, P & S Paving, Inc., to rezone 30.7± acres of land located at 3701 Olson Drive, Daytona Beach, from Volusia County Industrial Planned Unit Development (IPUD) and Rural Agriculture (A2) zoning to City of Daytona Beach Heavy Industrial (M-5) zoning. The proposed area to be rezoned includes an existing asphalt plant and a vacant parcel of land located to the east that is proposed to serve as a storage yard.

### **Staff Presentation**

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the general location, City and County future land use and zoning. He stated the

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site consisted of two parcels, one in the county and one in the City. He stated the applicant has submitted an annexation request for the parcel located in the county and will be concurrently processed with the proposed rezoning request. He stated the portion of the property that was zoned IPUD was developed and the other portion was not and the proposed zoning to M-5 would encompass the entire development and that asphalt plants are a permitted use only in the M-5 zoning district within the City, unless a project was being zoned as a planned development. He stated approval of the rezoning request would be pending approval of the annexation request, staff was recommending approval and a affirmative vote of six was require by the Planning Board to recommend approval to the City Commission.

Mr. Moore asked when staff expected to receive approval from the County.

Mr. Mrozek replied staff was required to send the County notification of the proposed annexation request 30 days prior to City Commission public hearing and that the packet would be sent very soon.

### **Applicant Presentation**

Bobby Ball, 300 Interchange Boulevard, Daytona Beach stated he was available to answer any questions the Board may have.

### **Citizen Comments**

No citizen comments.

### **Board Comments**

Mr. Hurt stated this was a win-win situation for the City.

### **Board Motion**

It was moved by Mr. Hurt to approve Rezoning – M5 District, P & S Paving, DEV2012-069. Seconded by Ms. Benjamin.

### **Board Action**

The motion was approved 11-to-0.

## **8. Rezoning – Residential Planned Unit Development Amendment, Overlook, DEV2012-083 (Quasi-Judicial Hearing)**

A request by Pete Zahn, P.E., Zahn Engineering, Inc., on behalf of Richard Zahn, Daytona Seabreeze, LLC, to rezone 11.26 ± acres of land located at 100 and 101 Seabreeze Boulevard, amending the approved Overlook Residential Planned Unit Development (RPUD) adding 8.04± acres of land to the existing 3.22± acre RPUD for a total of 11.26 acres, to allow for a marina and related activities as permitted uses in the RPUD.

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Ms. Washington stated that Mr. McGuinness had submitted Form 8B, Memorandum of Voting Conflict and would not be voting on the proposed amendment request.

Mr. McGuinness stated under advice from legal counsel, he would not be participating the discussion.

### **Staff Presentation**

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written above, the general location, future land use designation and current zoning. He stated the proposed zoning of the property would incorporate the submerged land into the Overlook RPUD for a total of 11.26± acres. He gave a brief history on the property, some of the permitted uses allowed in the current PD and stated that this was the first boat slip allocation request received since the procedures establishing allocation of excess boat slips was approved in 2010 (Ordinance No. 10-157). He stated the request adds 8.04± acres of submerged land that was acquired by the Florida Department of Transportation (FDOT) and will expand the RPUD to a total of 11.26 acres. He stated there was also a request to add boat docks with in water boat sales to the list of permitted uses. The use would not allow fuel sales, dry storage or upland boat display areas. The request will also modify the site plan to accommodate the 236 slip marina. Mr. Mrozek stated there were not any major changes to the upland property and the only minor modification was the location where the foot bridge connected to the property on the north side. He stated Seabreeze Park was not a part of the rezoning request but he wanted to present it to the Board because it does fit in the application. He stated the park went before the City Commission as a public use permit and it did include a conceptual plan. Mr. Mrozek stated the applicant would also be required to apply for a boat slip allocation, which requires City Commission approval. He stated the LDC requires half of a parking space per berth for the slip use, but applicant has requested to waive all parking requirements for the marina use. The proposed planned upland site improvements are the same improvements that were included when the original RPUD was approved and the applicant has been diligently working to complete the improvements. He stated the applicant will discuss the neighborhood meeting held on August 21<sup>st</sup>. He stated staff recommends approval of the rezoning request to amend the approved Overlook RPUD, contingent upon City Commission approval of the excess boat slip allocation request. He stated without approval of the excess boat slip allocation the marina would not be possible. He stated an affirmative vote of six was required to recommend approval to the City Commission.

Mr. Hoitsma asked where parking would be located because he visited the site and only saw 26 spaces.

Mr. Mrozek replied no parking had been designated for the marina and that the applicant had requested a waiver for all parking requirements for the actual marina. He stated he would allow the applicant to address the question.

**Applicant Presentation**

James Morris, 750 Oak Heights Court, Port Orange stated he would address Mr. Hoitsma's question during his presentation. He stated something that was different from when the Board reviewed the request a few years ago was that his client had purchased the property from FDOT. He stated there may be some discussion on riparian lines but he would prefer not to take up any of the Board's time with the discussion now, but if there were any questions, he would come back later and address them if the chair would allow him to. He stated the proposed use was one of the few reasonable uses for the submerged land from a public benefit perspective. Mr. Morris distributed a PowerPoint presentation (Attachment A) that included photos and drawings of the proposed site and stated it was the abutment under the bridge that would be improved as a park. He stated looking at the summary presented, there were 324 parking spaces on the property and the residents living in the Overlook would be interested in the boat slips and would have access to them from their property. He stated there was also the proposed park, which would be built under the bridge, pursuant to a lease with FDOT because they still own the property. Mr. Morris stated his client would build all of the park improvements in the park and that there would be 102 parking spaces built under the bridge. He stated Pete Zahn would go through the calculations on required parking.

Pete Zahn, 244 South Palmetto Avenue, Daytona Beach stated he performed a count on required parking and determined that the park facilities required 17 parking spaces based on the improved plan that was broken down using playgrounds, volleyball courts, and picnic tables. He stated based on the current code, the park would only require 17 parking spaces and that the improved plan provided 81 parking spaces. He stated there were five existing boat ramps and the code requires two spaces per boat ramp and according to his calculation 15 spaces would be required, but there were 20 boat trailer spaces currently existing that would not change. Mr. Zahn stated the marina has 236 slips, of which 47 are transient, which do not require parking, which leaves 189 slips. He stated the code requires one space per four slips, which means 48 spaces would be required for marina parking, which leaves an excess of 64 spaces over and above what is required for the playground and parking facilities. He asked Mr. Hoitsma if he had addressed his question.

Mr. Hoitsma asked if the parking spaces would be located on the new land that would be created.

Mr. Morris replied the parking spaces would be part of the park improvement plan that had already been approved. He summarized the neighborhood meeting that was held on August 21<sup>st</sup>. He stated this was the only marina on the peninsula, north of the Main Street Bridge. He stated he believed the park construction was a benefit to the neighborhood as well as the City at large because it provides water access. He stated the marina has numerous benefits, some of which are, property value improvement, water access to the neighborhood and the ability to attract people that will be able to pay a higher rental rate, which will benefit the City economically.

Mr. Walton stated that Mr. Zahn's parking calculations were incorrect. He stated the code requires one parking space for every two berths.

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Mr. Zahn stated he used the numbers from the first submittal. He stated based on this, they would be required to have 96 parking spaces, which would make them approximately 32 spaces short of what was required. He stated he was sure there was excess parking on the Overlook property but he did not know what that figure was.

Mr. Morris stated from the standpoint of the quotation, it was as if it was free standing, not when you consider the mixes of uses and users from the Overlook, but it does require attention. He stated when the manatee protection plan was adopted each city was allotted a specific amount of new boat slips they could permit to be constructed that must be approved by the City Commission. He stated if the City Commission determines that they do not have a successful composition that would provide adequate parking for the number of proposed slips it could be addressed then. He stated he would have to review the new information because he had relied on the calculations presented by Mr. Zahn. He stated he would like to have the opportunity to speak later if the issue regarding riparian lines was discussed.

Mrs. LeSage asked who would enforce the transient 48 hour rule.

Mr. Morris replied his client would enforce that requirement. He stated there would be a manager on the property 24 hours a day and if they could delete that requirement, they would.

Mrs. LeSage asked where the manager would be at night.

Mr. Morris replied there would be marina security and a manager on-site in a little shelter.

Mr. Hoitsma asked who handled the Overlook parking behind the Diplomat Center, North.

Mr. Morris replied his client owned all of the property so all of the parking is maintained by his client.

Mr. Hoitsma stated he noticed this afternoon that there was six inches of water that was not draining.

Mr. Richard Zahn, 1918 Bridgewater Drive, Lake Mary, Florida stated there should not be six inches of standing water there, but as Mr. Mrozek stated earlier, they were diligently working towards wrapping up the last part of the repaving. He stated the reason it is not complete is because they thought they were supposed to have it completed if and when phase two was approved. He stated they projected that over a period of 8-to-12 months, 65 to 70 people would be gainfully employed to build the marina, which will impact the local economy.

Mr. Moore stated of the items not completed from two years ago, one is the backflow preventers and fire line detector check valves. He asked why it had not been done yet.

Mr. Zahn replied that was part what he discussed earlier when he said they were not aware they were supposed to touch anything on the Peninsula until they had an approval because they

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do not own the land and part of the backflow preventer starts at that point, so approximately 10 days ago, City staff directed him begin working on the backflow preventers and fire line detector valves. He stated everything had been completed on their property with the exception of some up-lighting.

Mr. Hoitsma asked if the work was currently being done.

Mr. Zahn replied it is from a planning perspective, but he did not know how long it would take to get permits. He stated they were contractually bound with the City to complete the work.

### **Citizen Comments**

John Nicholson, 413 North Grandview Avenue, Daytona Beach spoke in opposition of the request.

Carol Nelson, 711 North Halifax Avenue, Daytona Beach spoke in support of the request.

Ann Yordon, 625 North Halifax Avenue, #19, Daytona Beach stated she had been a resident of Cobblestone for 40 years. She stated she strongly opposed the request and felt the project would obstruct the view of Cobblestone Village. She stated she would like to know who would be responsible for maintenance of the Park.

Beth Ann Krimsky, 100 West Cypress Creek Boulevard, Fort Lauderdale, Florida stated she was the attorney representing Shamrock Inc., the property owner directly to the north of the project. She distributed a packet of documents in support of her opposition to the request (Attachment B) and stated her client strongly opposed the request. She stated her client had concerns about traffic and parking, but the biggest concern was the fact that it did not appear to have been traffic or parking analysis submitted with the request. Ms. Krimsky stated the discussion tonight regarding the number of parking spaces per berth that were needed suggest that further analysis was required. She stated she was aware there was a historical traffic analysis report from prior rezonings related to this property, but she has not seen one related to the parking for the marina for this request. She encouraged the Board to ask for a traffic analysis. Ms. Krimsky stated it was interesting that the applicant was requesting to waive all parking requirements for the park underneath the bridge, when the request before the Board tonight was to rezone the eight acres of submerged land to add it to the 3.22 that were rezoned in 2010. She stated the staff reflects that the public benefit from the 2010 rezoning was the construction of the park and she feels the applicant is trying to get benefits in exchange for the exact same benefits already provided. She stated tab three in the documents she submitted reflects that Mr. Zahn stated his agreement with the City required the park to be built, no matter what, as part of the proposed zoning change. She stated the zoning change Mr. Zahn was referencing was the 3.22 acres that were rezoned in 2010. She asked the Board to examine what public benefit was being provided with the request tonight. Ms. Krimsky asked that the Board respectfully deny the request.

Mr. Moore asked if FDOT still owned the property under the bridge.

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Mr. Morris replied yes, earlier he stated the City was obtaining a lease from FDOT to authorize improvements to the property. He stated FDOT is aware of the plans for the park and it is part of the lease negotiations the City is having FDOT.

Mr. Moore asked if the lease currently exists.

Mr. Morris stated knew the City's Legal Department had been negotiating with FDOT and asked Ms. Lathan if she would address Mr. Moore's question.

Ms. Lathan replied Bob Jaggar was handling the negotiations and she did not know whether or not the lease had been finalized.

Mr. Moore asked how the Board could make a decision tonight without having all of the information.

Mr. Walton stated that was not part of this agreement.

Mr. Moore replied it may not be a part of the request but it does depend on a lot of things happening.

Mr. Morris stated from the park perspective, it was a part of the requirement for the marina. He stated the statement made previously about the park being part of a prior approval was not the case. He stated there was considerable discussion about it and it was tied to it. But when the marina was withdrawn, so were the commitments to make the park improvements. He stated the existing ponds in the park will be filled so the anticipated facilities for the park can be built.

### **Board Comments**

Mrs. LeSage stated she had quite a few issues with the request and for lack of a better analogy; it was like putting a floating parking lot in the middle of the river. She stated she felt the project too big and over the top. She stated she understood that the owners were trying to get the most for their investment and that the City needed progress, but not at the expense of the residents that have lived there for a very long time and that have invested their lives and money into this community. She stated there must be some way the project could be downsized so it does not have as much of an impact on the adjacent residents. Mrs. LeSage stated additionally, she wanted to see that there would be some type of parking available and that unless some changes were made, she could not support the request.

Mr. Moore stated he was also concerned about the parking aspect of the project because there were not enough spaces being provided. He stated if the lease for the park does not get approved that would negate the project because nothing could be done with the marina.

Ms. Washington stated she was also concerned with having sufficient parking.

Mr. Hoitsma asked if Pete Zahn indicated that the project was approximately 36 parking spaces short. He asked how the problem with parking was being resolved.

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Morris replied it has not been resolved but it may be. He stated if parking was the issue, he asked his client about a reduction in the size of project so the parking on the available land, considering all of the uses and the slips in the water would match up. He stated they were agreeable to reduce the numbers so they match up. He stated he would like staff to approve the correspondence to make sure everything matched up and they were satisfied that there was enough available parking. He stated that was an understandable concern and to address the issue he would reduce the slip allocation to match the number that staff and the engineers agreed on in terms of what the number should be. Mr. Morris stated at the moment he did not know the required number of parking spaces and recommended having a standard that required available parking meets all of the uses when it is looked at in combination.

Mr. Moore asked Mr. Morris if he understood him to say, they were agreeable to reducing the size of the marina to match parking requirements.

Mr. Morris replied yes they would reduce the number of slips, which would reduce the size. He stated the ownership value would stay the same.

Mr. Hoitsma stated he want to be sure he understood that Mr. Morris said they would reduce the size of the marina based upon how much parking was there.

Mr. Morris replied yes sir.

**Board Motion**

It was moved by Mr. Hurt to approve Rezoning – Residential Planned Unit Development Amendment, Overlook, DEV2012-083 (Quasi-Judicial Hearing) with Mr. Morris’s comment that they would reduce the size of the marina to meet City code requirements for parking. Seconded by Ms. Washington.

**Board Action**

The motion was approved 6-to-2 by roll call vote, with the breakdown as follows:

Mr. Hurt	Yes
Mrs. Remark	Not Present
Mr. McGuinness	Abstained
Mr. Bohon	Yes
Mr. Moore	No
Ms. Washington	Yes
Mr. Hoitsma	Yes
Ms. Benjamin	Yes
Mr. Davis	Yes
Mr. Neal	Not Present
Mrs. LeSage	No

**Continued Items**

9. **Rezoning - Residential Planned Unit Development, Beach Street Condos, DEV2011-010 (Quasi-Judicial Hearing)**

A request by Robert A. Merrell, III, Esq. on behalf of 400 Beach Street Acquisition, LLC, to rezone 2.35± acres of the current Beach Street Condos Residential Planned Unit Development (RPUD) from RPUD to RDD-3 and to rezone 0.69± acres of the current Beach Street Condos RPUD from RPUD to Residential Professional (RP). The properties subject to the proposed rezonings are located at Mullally and Daytona Streets (*Continued from the May 24 and June 28, 2012 Planning Board Meetings*)

**Staff Presentation**

Jason Jeffries, Redevelopment Project Manager stated the request was previously discussed at the June 28, 2012 Planning Board Meeting as a request to rezone the property for an assisted living facility. He stated the applicant has revised the request to have the property rezoned to RDD3 Commercial, which is a Downtown Redevelopment Area zoning district that is adjacent to the property. Additionally, at the June 28<sup>th</sup> meeting the Board approved a request to rezone the front portion of the property to RDD3 and the portion of the property at the northwest corner of Mullally and Daytona Street to RP. He stated both zonings match the future land use designations for the area. Mr. Jeffries stated at the August 7, 2012 Downtown/Balough Road Redevelopment Area Meeting, the Board unanimously recommended approval of the RPUD rezoning request and staff supports the Board's request.

**Applicant Presentation**

Robert Merrell, Cobb/Cole, 150 Magnolia Avenue, Daytona Beach stated he was available to answer any questions from the Board.

**Citizen Comments**

No citizen comments.

**Board Comments**

No Board comments.

**Board Motion**

It was moved by Mr. Hurt to approve Rezoning - Residential Planned Unit Development, Beach Street Condos, DEV2011-010. Seconded by Mr. McGuinness.

**Board Action**

The motion was approved 9-to-0.

10. **Other Business**

A. **Downtown/Balough Road Redevelopment Area Board Report**

Mrs. Washington reported that the Board met on August 7, 2012 at 6:00 PM in City Commission Chambers. She stated the Board received a report from the Downtown Development Authority (DDA) on the work they were doing to advertise the downtown area.

B. **Midtown Redevelopment Area Board Report**

Ms. Benjamin reported that the Board met on August 14, 2012 at 6:00 PM in City Commission Chambers. She stated the Board received their monthly Code Enforcement report, approved a request to bring the property located at 555 West ISB into compliance and also approved corrections to the Midtown Redevelopment Plan.

C. **Main Street/South Atlantic Redevelopment Area Board Report**

No report.

D. **Public Comments**

John Nicholson, 413 North Grandview Avenue, Daytona Beach stated for the past four years he had been requesting the Board review of submerged lands and believed if that had been done this problem would not be occurring and if riparian rights had been better define it would have resolved additional problems. He stated he felt putting a restaurant on the site would be a better use of the land.

E. **Staff Comments**

Ms. Lathan stated if any Board members receive any written communications in regards to any of the items; it was considered an official City record and should be turned in to Ms. Askew.

Mr. Hurt asked if that meant documents received at their homes.

Ms. Lathan replied yes and also any emails.

Mr. McGuinness asked if that included the notices sent to residents for the neighborhood meeting.

Ms. Lathan replied yes; please give a copy to Ms. Askew.

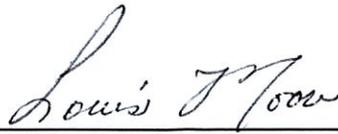
F. **Board Member Comments**

Mr. Moore welcomed Mr. Tim Davis to the Board.

**Adjournment**

There being no further actions to come before the board, the meeting was adjourned at 8:11 PM.

**08-23-12 Planning Board Meeting**



---

LOUIS MOORE  
Chair

ATTEST:



---

CATHY WASHINGTON  
Secretary

# The Overlook Marina

RPUD Amendment 2012-083

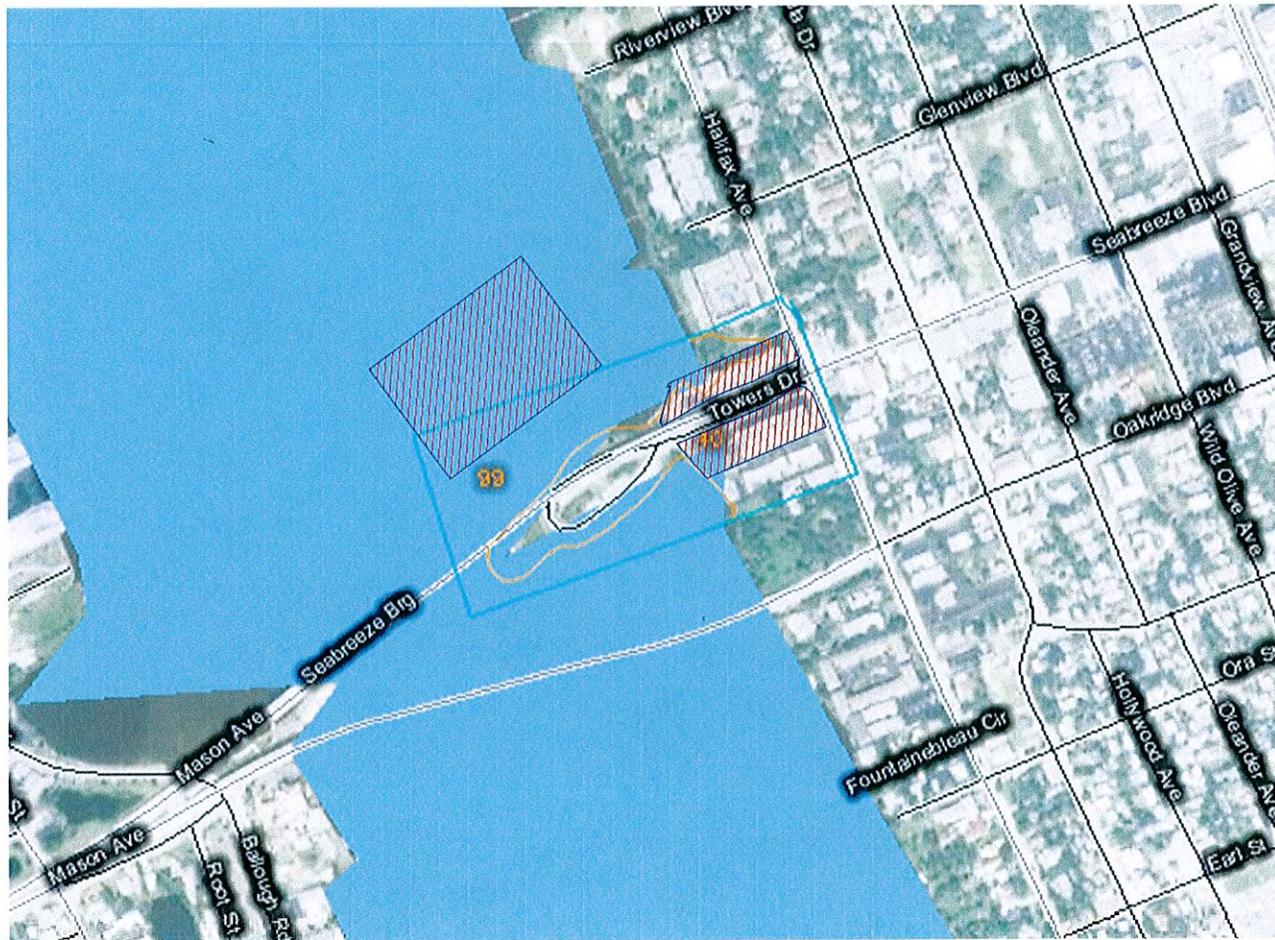
Daytona Seabreeze, LLC

Civil Engineer: Zahn Engineering, Inc.

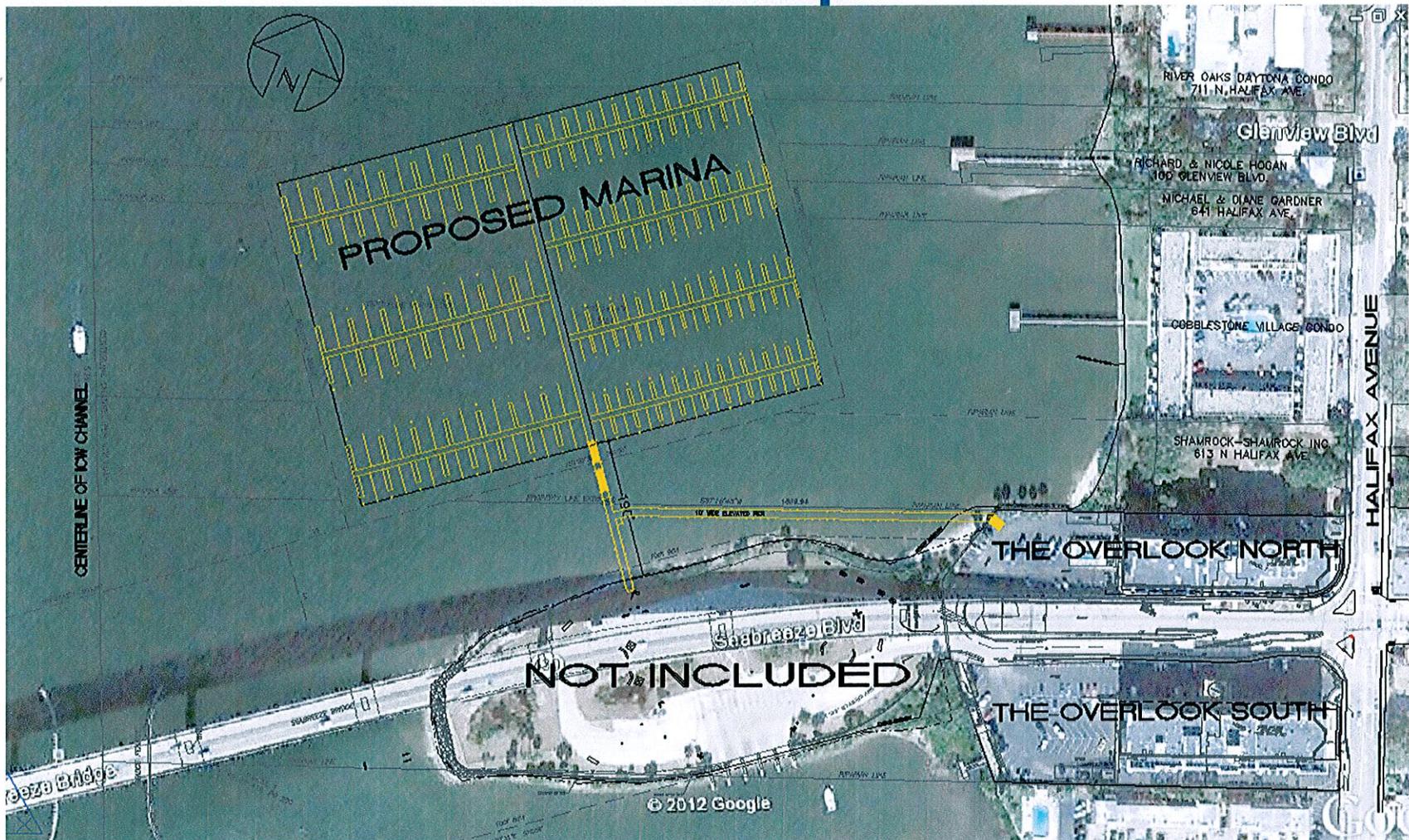
Attorney: James Morris, Esq.

Consultant: Redman Consulting Group

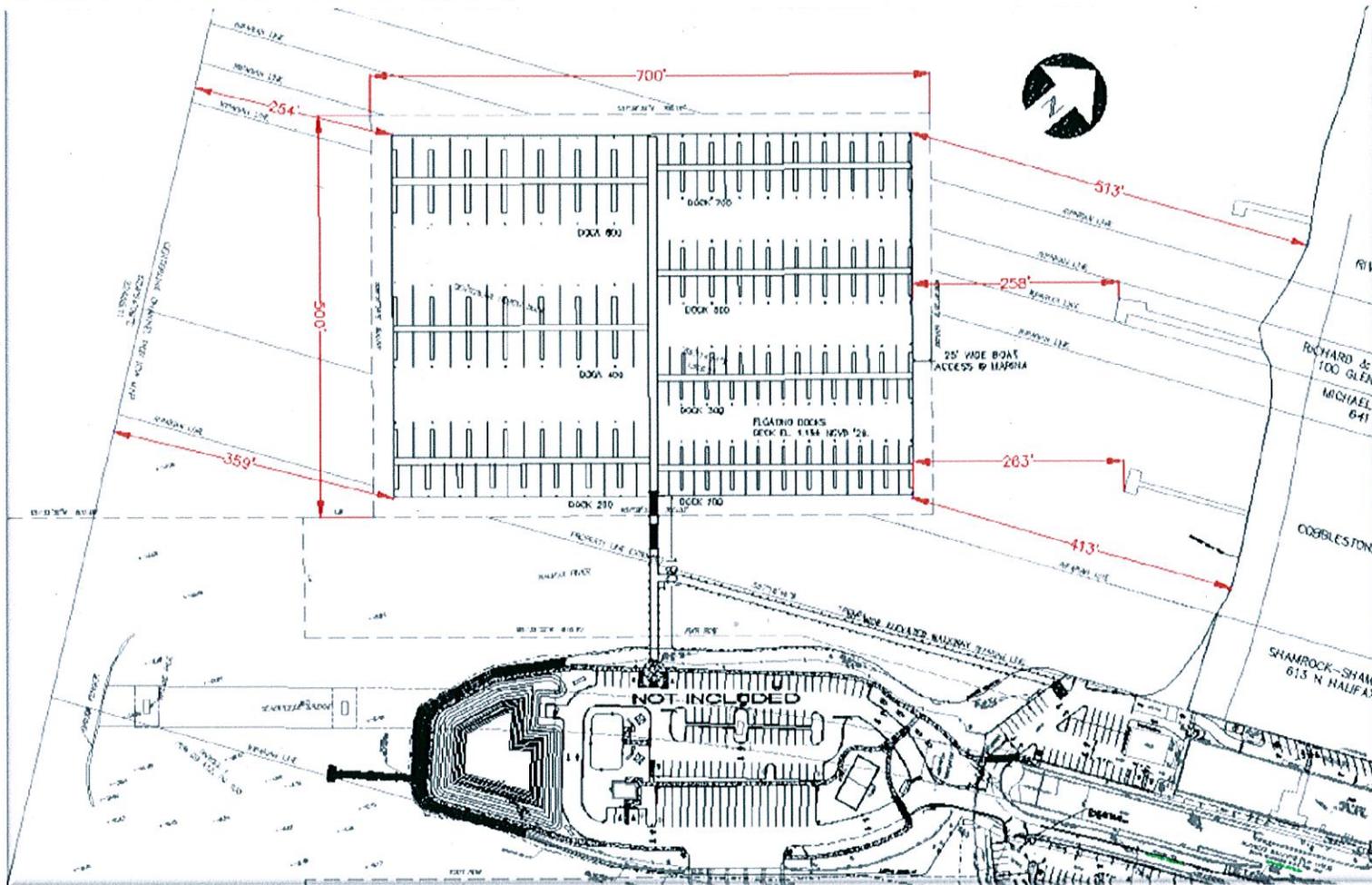
# Vicinity Map



# Aerial Location Map



# Marina Plan



# Existing and Proposed Development

Total Project Area: 11.26 Acres

Existing Overlook  
Apartments: 213 Residential Units  
25,864 sq.ft. Commercial Space  
324 Parking Spaces

Proposed Development: Construction of approved Waterfront Park

- Recreation: Playground, Volleyball Court, 102 Public Parking Spaces
- Marina: 165 Powerboat slips  
71 Sailboat Slips  
236 Total Boat Slips (47 Transient Slips)



# Project Benefits and Concerns

- **BENEFITS:**

1. A public marina on the beachside allows an opportunity for Seabreeze University Neighborhood residents a nearby, convenient boating opportunity.
2. Public park construction and improvements to boat ramps in the Seabreeze Bridge right of way will be built or made at the Developer's expense and with no construction cost for the City. The new construction and boat ramp improvements will increase general public access to the river from the shore and from the water.
3. Creation of the marina area will increase the value and the market desirability of the Overlook Apartments. These factors should lead to:
  - a) Higher income families or households occupying the Overlook units.
  - b) Improved property value for the Overlook project which will contribute to overall neighborhood area value improvement.
  - c) Passive recreation activity in the Seabreeze corridor should help support existing, and perhaps promote renewed, businesses along Seabreeze Boulevard.
  - d) Increased tax base from improved values at the Overlook Apartments and creation of a taxable activity on the submerged land which is in the fee simple ownership of the Developer.
  - e) Reasonable Use. A property owner is entitled to reasonable use of their property. The use proposed is essentially the only reasonable use for the submerged property.



# Project Benefits and Concerns (cont.)

- **CONCERNS:**

1. Issue: Impact on the view of nearby riverfront properties.  
Response: Some people may not wish to look at boats moored in a marina and some people may enjoy the view marina. It is subjective.
2. Issue: Modified access to and from existing boat docks.  
Response: Access will still be available to nearby docks but boats from those docks will need to pass around the new marina.
3. Issue: Traffic conflicts at the Peninsula/Seabreeze intersection.  
Response: Traffic studies indicate there should not be an overwhelming traffic issue, but neighbors are concerned.
4. Issue: Shoaling. Since the new bridge was constructed, neighbors believe the new bridge causeway and pilings are a cause of shoaling at their docks. The concern is that the marina may increase shoaling at their docks.  
Response: The marina will be a floating dock with single tier pilings spaced along the floating dock to hold the dock in place. The pilings to moor the floating docks will be spaced far enough apart that they should have no effect on shoaling. Dock owners are allowed to obtain maintenance dredging permits to maintain historic depths.



# Project Benefits and Concerns (cont.)

- **CONCERNS** (continued):

- 5. Issue: Live-Aboards. Residents do not want a “live-aboard” marina. They are also concerned about “transient” boaters.

Response: Live-Aboards will not be allowed. The Developer is willing to have this prohibition placed in writing. While local law requires transient accommodation, the Developer will limit transient stays to 48 hours and not permit a boat to return unless it has vacated the marina for a minimum of 7 calendar days. The marina will not provide laundry or bathing facilities to accommodate boaters. FDEP required sewage disposal and City required fire suppression will be in place. All slips in the marina will have access to shore power (electricity) and water will be available.

- 6. Issue: Fuel Sales. There is a concern about fuel facilities.

Response: There will be no fueling facilities. The Developer is willing to place this restriction in writing.

- 7. Issue: Marina Parking. There is a concern about parking for the marina.

Response: The marina is available to the public at standard market rates. Residents of the Overlook, as well as other individuals will also be able to use the marina at market rates. The Overlook has 324 private spaces. The park area, which has a direct connection to the marina, will have 101 public parking spaces. City code requires 48 parking spaces for the marina. There will be adequate parking for the marina.

August 23, 2012

Via Hand DeliveryMarie Hartman, Esq.  
City Attorney of Daytona Beach  
301 South Ridgewood Ave., Suite 220  
Daytona Beach, FL 32114Members of the City of Daytona Beach  
Planning Board  
301 South Ridgewood Ave.,  
Daytona Beach, FL 32114

Re: Objections to Daytona Seabreeze Marina LLC (“Seabreeze” or the “Applicant”) DEV 2012-083 Application (the “Application”) to rezone to allow 8.04 acres of submerged land to become part of the Overlook RPUD and to allow a at 236 slip marina located on submerged land

Dear Honorable Members of the City Planning Board and Ms. Hartman:

This firm represents Shamrock-Shamrock Inc. (“Shamrock”) a property owner within 500’ of the property that is subject to the above referenced Application.

Shamrock has an interest in the application which is different than the public at large, for several reasons, which include, but are not limited to, the following:

1. Shamrock owns property contiguous to the northern boundary of the 3.22 acres in the RPUD already existing which Applicant seeks to enlarge, as well as to the east of the 8.04 acres of submerged land, located in Shamrock’s riparian rights, that are the subject of this Application.
2. Seabreeze’s proposed rezoning involves the development of a marina adjacent to Shamrock’s property and within Shamrock’s riparian rights.

Shamrock opposes Seabreeze’s Application for at least the following reasons:

1. The documents available to the public at the City’s website show that the riparian rights and property lines adjacent to the proposed marina are misidentified and conflicting as compared to those provided to the City in connection with the DEV-2009-122 rezoning application approved on December 1, 2010 as well as those provided by the Applicant to the State

of Florida Department of Transportation in November of 2011. (See **Tab 1** attached)

2. The Staff Report implies the 8.04 acres are connected to the Applicant's uplands in DEV 2012-083 yet those uplands are not owned by the Applicant. Further the Applicant represented to the State of Florida Department of Transportation that the submerged land had no upland acres. (See **Tab 1**, page 1 and 5). In addition, contrary to the Application presented previously and today, the Applicant failed to include the potential for the use of the submerged land as a Marina in the appraisal process it engaged in with the State of Florida.
3. The Applicant failed to submit a traffic study to support this Application (see email from Rose Askew dated 8/22/12 at **Tab 2**) and the City does not have a traffic study regarding this Application; at least as reflected on its online planning department system. A traffic study is required to be paid for and submitted by the Applicant pursuant to City of Daytona Beach Code Article 6, Section 2.4 and Article 4, Section 2.4 among other sections.
4. The applicant failed to submit a parking study to support this Application and the City does not mention a parking study regarding this Application despite the request for a waiver of all parking requirements, Article 4, Section 9 and Article 14, Section 5 of the City Code as well as other applicable sections.
5. There does not appear to be unity of title or ownership of the parcels the applicant seeks to rezone and the current RPUD as the applicant itself is vague as to what entity owns what and how "Owner" is defined in its proposed Developer's Agreement. The Application that lists two distinct entities, Daytona Seabreeze LLC, a Delaware limited liability company and Seabreeze Daytona Marina, LLC, a Florida limited liability company but does not state which entity owns which parcel.
6. The Applicant has not provided any new public benefit to the City to support this Application or any waiver as the Applicant is already obligated to provide the park public benefits in connection with its 2010 rezoning and variances to re-develop the 3.22 acres as approved in connection with Dev. 2009-122 on December 1, 2010. (See **Tab 3** 8/12/10 Email from R. Zahn to Ms. Remark).
7. This Application cannot meet the health, safety and welfare requirements as there has been no analysis or data to support any consideration of traffic or parking. (See 8/6/12 Staff Comments and 8/9/12 Staff Comments attached to Agenda Item 8 Staff Report).

August 23, 2012

Letter regarding Objections to DEV 2012-083

8. The Notice of Public Hearing incorrectly fails to notify anyone of the requested waiver of all parking requirements and says it is for a rezoning of 11.26 acres located at 100 and 101 Seabreeze Blvd. when it is for 8.04 acres of submerged land in the water that is not at the address of the referenced residential buildings. (See **Tab 4** for a copy of the alleged notice.)

Please be advised that in light of these material discrepancies and issues, as well as others, we consider the review of this Application by the Board to be premature, submit the Board should deny the request and we reserve any and all rights to challenge any actions taken on this Application. If you have any questions regarding the above, please do not hesitate to contact the undersigned.

Very truly yours,

GREENSPOON MARDER, P.A.

A handwritten signature in blue ink, appearing to read "Beth-Ann E. Krimsky", with a stylized flourish at the end.

Beth-Ann E. Krimsky, Esq.

## Moynihan, Todd

---

**From:** Moynihan, Todd  
**Sent:** Wednesday, November 30, 2011 10:38 AM  
**To:** Victoria Nations (vnations@sjrwmd.com)  
**Cc:** Lisa Prather (lisa.prather@dep.state.fl.us); Laubach, Timothy; Marlowe, Jeff; Hernandez, Hannah  
**Subject:** FW: FDOT owned 8 Acres of Submerged Land in Halifax River in Daytona Beach  
**Attachments:** Seabreeze Location Maps.pdf; Seabreeze Daytona Marina, LLC Maps-Docs Request 7-14-10.pdf; 10-79-04 - Marina Layout.pdf; 10-79-04 - Photos.pdf

---

**From:** Moynihan, Todd  
**Sent:** Wednesday, November 30, 2011 10:29 AM  
**To:** Victoria Nation (vnation@sjrwmd.com)  
**Cc:** Lisa Prather (lisa.prather@dep.state.fl.us); Marlowe, Jeff; Laubach, Timothy; Hernandez, Hannah  
**Subject:** FDOT owned 8 Acres of Submerged Land in Halifax River in Daytona Beach

Good Morning Ms. Nation,

Per our phone conversation yesterday, I have attached some information above for your review. Mr. Mark Filburn with Seabreeze Daytona Marina, LLC is attempting to purchase 8 acres of submerged land in the Halifax River owned by the FDOT. As you can see by the attachments, this land has no upland access and is essentially a submerged island. It was used by the FDOT as a dredge area when the park beneath the Seabreeze bridge was constructed. We have received an appraisal from Mr. Filburn that I am currently reviewing. Although there has been much talk about a marina being constructed on this submerged land, I was told by Mr. Filburn that there is no mention of it within the appraisal. Obviously, if this area has marina potential, the site would be significantly more valuable than simply undevelopable submerged land.

I have spoken with Lisa Prather with FDEP and she confirmed that they have been approached and have held pre-application meetings and fielded phone calls with some of Mr. Filburn's consultants concerning a marina (236 slips?) at this location. As a review appraiser, I asked Ms. Prather if she thought it was reasonably probable that Mr. Filburn could gain the approval of a 236 slip marina at this location. While she understandably could not give me a definitive "yes or no" answer, she did say that there would be some significant hurdles to overcome such as: lack of upland access, lack of upland facilities to handle parking, utilities, etc. She also mention that because there is a lack of shoreline with this property, there would be issues related to something called the Manatee Protection Act.

I am contacting you to find out what role your agency would play in the approval of a marina on this site. Has your agency been approached by anyone concerning this parcel of land? If so, what has taken place with regard to inquires, applications, reviews, approvals, etc? Besides SJRWMD and FDEP, do you know of any other government agencies that would have to approve a development such as this?

Some of the attachments have more than 1 page so you will need to scroll through them. In the attachment labeled "Marina Layout", the area in pink reflects the conceptual marina over the FDOT's 8 acres. The area in yellow reflects the improved multi-family project owned by Mr. Filburn's group. The areas colored blue are conceptual access piers that cross sovereign submerged state lands (FDEP). The piers connect the marina to the requestor's uplands as well as the FDOT's park below the Seabreeze Bridge. We (FDOT) have not approved this connection. The entire project overlays riparian lines owned by other adjacent private land owners.

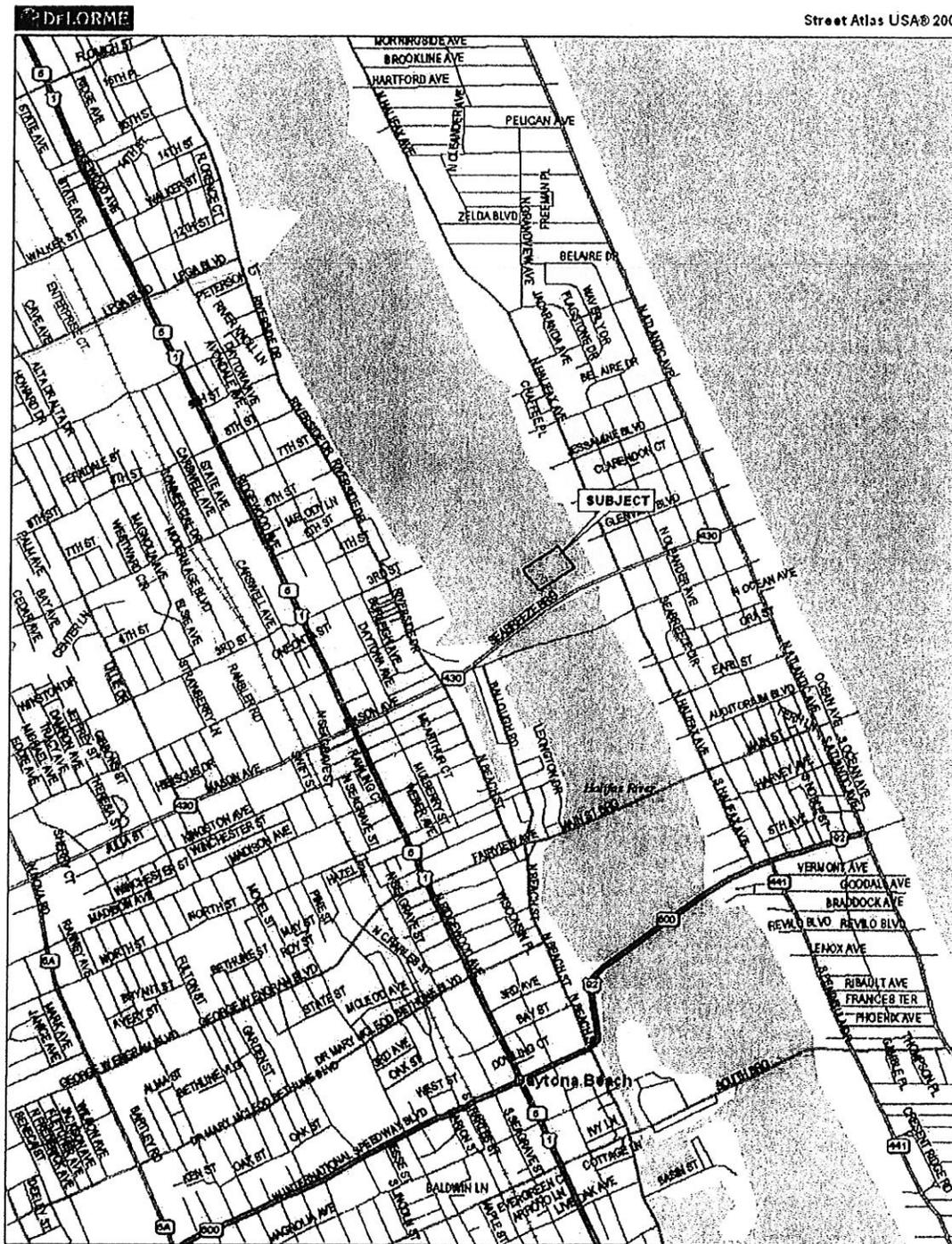
My role as a review appraiser with the FDOT simply requires some due diligence in determining whether the value contained within the appraisal submitted is reasonable. This is an odd property to say the least. Thanks for any input you can give me.

Best Regards

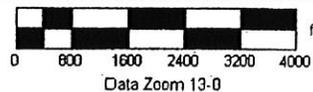
Todd Moynihan  
FDOT Senior Appraiser &  
Surplus Property Coordinator - District 5  
(386) 943-5082  
[todd.moynihan@dot.state.fl.us](mailto:todd.moynihan@dot.state.fl.us)

A SUMMERGED TRACT OF LAND  
LOCATED WITHIN THE HALIFAX RIVER  
IN THE CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA

LOCATION MAP



Data use subject to license.  
 © 2005 DeLorme. Street Atlas USA® 2006.  
 www.delorme.com



A SUMMERGED TRACT OF LAND  
LOCATED WITHIN THE HALIFAX RIVER  
IN THE CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA

**AERIAL MAP NO. 1**



*Approximate Representation*  
*Source: US Fish and Wildlife Wetlands Mapper*

# SEABREEZE DAYTONA MARINA, LLC

July 7, 2010

Todd Moynihan  
Florida Department of Transportation  
792 South Woodland Blvd., MS555TM  
DeLand, Florida 32720

Re: Request to Declare Surplus and to Sell Submerged Property Owned by the Florida  
Department of Transportation ("FDOT")

Dear Mr. Moynihan:

This letter is written as a formal request by Seabreeze Daytona Marina, LLC ("Seabreeze") whose address is 477 Commerce Way, Suite 115, Longwood, Florida 32750 to have a submerged tract of land located in the Halifax River in the City of Daytona Beach owned by FDOT declared surplus and then sold to Seabreeze. The City of Daytona Beach is also a concerned party regarding this request as this request is being made in conjunction with a lease between FDOT and City of Daytona Beach on a spur of land which adjoins the submerged piece of property being requested to be declared surplus and sold.

Additionally, Daytona Seabreeze, LLC is the adjoining land owner to the subject submerged property and the purpose of this request is to assist Daytona Seabreeze, LLC in its density requirements by the City of Daytona Beach for loft construction Daytona Seabreeze, LLC wants to perform at its current location. A copy of the legal description for the submerged property is attached hereto as Exhibit "A" for your review.

Should you require anything further, please do not hesitate to contact me.

Very truly yours,



Mark C. Filburn

MCF/met  
Enclosure

477 Commerce Way, Suite 115, Longwood, Florida 32750  
Phone (407) 865-5771 / Fax (407) 865-5472

A SUMMERGED TRACT OF LAND  
LOCATED WITHIN THE HALIFAX RIVER  
IN THE CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA

3883 0991  
VOLUSIA CO., FL

BSD.VCD  
September 16, 1992  
This instrument prepared  
under the direction of  
ALICIA CREW  
Department of Transportation  
719 South Woodland Boulevard  
DeLand, Florida 32720

PARCEL NO. 114.1  
SECTION 79220-2510  
STATE ROAD 430 (Mason Ave.)  
COUNTY: VOLUSIA

REC'D PAYMENT AS  
INDICATED FOR CLASS  
C-1 INTANGIBLE & DOC  
STAMP TAXES SIGNER  
REG FEE \$ 15.00  
DOC ST \$ .70  
INT TAX \$  
PENALTY \$  
INTEREST \$

COUNTY DEED

THIS DEED, made this 9th day of December by  
COUNTY OF VOLUSIA, a political subdivision of the State of Florida,  
grantor, to the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION,  
grantee: (Wherever used herein the terms "grantor" and "grantee"  
include all the parties to this instrument and the heirs, legal  
representatives and assigns of individuals, and the successors, and  
assigns of organizations).

WITNESSETH: That the grantor, for and in consideration of the  
sum of \$1.00 and other valuable considerations, receipt and  
sufficiency being hereby acknowledged, hereby grants, bargains, sells,  
aliens, remises, releases, conveys and confirms unto the grantee, all  
that certain land situate in Volusia County, Florida, viz:

PARCEL NO. 114 SECTION 79220-2510

(PART A)

"Lot 18, of Charles A. Ballough's Subdivision of Lands Easterly of  
Lots 11 to 18, inclusive of Block 36, of Mason & Carswell's  
Subdivision of Holly Hill, of record in Map 6, Page 61, of the  
public records of said Volusia County, Florida. ALSO that part of the  
platted land shown in C. A. Ballough's Subdivision of Lands East of  
Block 36, of Mason & Carswell's Subdivision of Holly Hill, Florida, as  
per map in Map Book 6, Page 61 of the public records of Volusia  
County, Florida, described as follows: Beginning at the Northwest  
corner of Lot 18, of said Ballough's Subdivision; thence running  
Westerly a distance of 60 feet more or less, to where said line would  
intersect the prolongation in a Westerly direction of the East line of  
Lot 17, of said subdivision; at a point in the north line of Riverside  
Drive, as shown on said map, thence in a Southwesterly direction along  
the North side of Riverside Drive 60 ft. more or less to the Southwest  
corner of Lot 18 of said Ballough's Subdivision; thence Northerly  
along the west line of Lot 18 to place of beginning. The said  
property consists of a triangular piece of land along the westerly  
line of Lot 18, and between said Lot 18 and Riverside Drive, and this  
agreement is intended to cover that land to the West of Lot 18 and  
between same and prolongation of North line of Riverside Drive."

AND (PART B)

"Commencing at the southeast corner of Government Lot 2, Section 5,  
Township 15 South, Range 33 East; thence North 89 degrees 27 minutes  
53 seconds West for a distance of 1,695 feet to a point on centerline  
of North Halifax Avenue; thence North 22 degrees 22 minutes 13 seconds  
West along said centerline for a distance of 1,024.38 feet to a point  
where the centerline of Seabreeze Boulevard intersects the centerline  
of North Halifax Avenue; thence along the centerline of Seabreeze  
Boulevard South 67 degrees 40 minutes 47 seconds West for a distance  
of 354.54 feet for the POINT OF BEGINNING; said point of beginning  
being at and on the east shoreline of the Halifax River; thence from  
the point of beginning run North 22 degrees 19 minutes 13 seconds West  
along the said shoreline for a distance of 100 feet to a point; thence  
South 67 degrees 40 minutes 47 seconds West for a distance of 81.6  
feet to a point; thence North 22 degrees 19 minutes 13 seconds West  
for a distance of 50 feet to a point on tangent to a 3 degree 37  
minutes 06 seconds Degree Curve (Said tangent being South 67 degrees  
40 minutes 47 seconds West); thence along said curve having a radius  
of 1,582.69 feet, bearing to the left and southwesterly, for a  
distance of 445.81 feet to the point of tangent; thence South 51  
degrees 32 minutes 32 seconds West for a distance of 576.58 feet to a

FILED FOR RECORD  
RECORD VERIFIED  
183614  
REC'D 17 AM 9-22  
CLERK OF THE DEPT. OF  
TRANSPORTATION  
TALLAHASSEE, FLORIDA

Exhibit "A"

A SUMMERGED TRACT OF LAND  
LOCATED WITHIN THE HALIFAX RIVER  
IN THE CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA

JUN PAGE  
3883 0992  
VOLUSIA CO., FL

PAGE 2

PARCEL NO. 114.1  
SECTION 79220-2510

point; thence North 38 degrees 27 minutes 28 seconds West for a distance of 150 feet to a point designated as "A"; thence North 51 degrees 32 minutes 32 seconds East for a distance of 87.6 feet to the southwesterly corner of the proposed dredging area; thence North 51 degrees 32 minutes 32 seconds East for a distance of 700 feet to a point; thence North 38 degrees 27 minutes 28 seconds West for a distance of 500 feet to a point; thence South 51 degrees 32 minutes 32 seconds West for a distance of 700 feet to a point; thence South 38 degrees 27 minutes 28 seconds East for a distance of 500 feet to a point (Southwesterly corner of dredging area); thence South 51 degrees 32 minutes 32 seconds West for a distance of 87.6 feet to the point designated as "A"; thence South 51 degrees 32 minutes 32 seconds West for a distance of 600 feet to a point; thence South 38 degrees 27 minutes 28 seconds East for a distance of 150 feet to a point; thence South 51 degrees 32 minutes 32 seconds West for a distance of 688.4 feet to a point on the west shoreline of the Halifax River; thence North 80 degrees 17 minutes East along the existing seawall for a distance of 155.0 feet to a point; thence North 60 degrees 01 minutes East along the existing seawall for a distance of 197.5 feet to a point; thence South 34 degrees 57 minutes East along the existing seawall for a distance of 59.57 feet to northeast corner of Lot 19 of the Chas. A. Ballough subdivision as recorded in Map Book 6, Page 61, of the records of Volusia County; thence South 28 degrees 18 minutes East along the easterly boundary of said lot for a distance of 67.5 feet to a point; thence North 51 degrees 32 minutes 32 seconds East for a distance of 40.3 feet to a point; thence South 38 degrees 27 minutes 28 seconds East for a distance of 70 feet to a point; thence North 51 degrees 32 minutes 32 seconds East for a distance of 332.4 feet to a point; thence South 38 degrees 27 minutes 28 seconds East for a distance of 150 feet to a point; thence North 51 degrees 32 minutes 32 seconds East for a distance of 600 feet to a point; thence North 38 degrees 27 minutes 28 seconds West for a distance of 150 feet to a point; thence North 51 degrees 32 minutes 32 seconds East for a distance of 576.58 feet to the point of curvature of a 4 degree 47 minutes 52 seconds degree curve; thence along said curve having a radius of 1,282.69 feet, bearing to the right and northeasterly for a distance of 361.30 feet to a point; thence North 22 degrees 19 minutes 13 seconds West for a distance of 50 feet to a point; thence North 67 degrees 40 minutes 47 seconds West for a distance of 81.6 feet to a point on the east shoreline of the Halifax River; thence North 22 degrees 19 minutes 13 seconds West for a distance of 100 feet to the point of beginning."

Containing in the aggregate 26.537 acres, more or less.

This Legal Description Prepared Under the Direction of:  
Walter J. Smith, P.L.S. #4807  
Southern Resource Mapping Corporation  
327 Ridgewood Ave., P.O. Box 699  
Holly Hill, Florida 32117

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

A SUMMERGED  
LOCATED WITHIN THE COUNTY OF VOLUSIA  
IN THE CITY OF DAYTONA BEACH, FLORIDA

1883 0993  
VOLUSIA CO., FL

PAGE 3

NO. 114.1  
79220-2510

PROVIDED that the following rights are reserved to Grantor:

1. The Grantor shall have the right to operate, maintain, improve, add to, upgrade, remove and relocate utility facilities of Grantor presently located on, within, and upon the lands described herein in accordance with the Department's current minimum standards for such facilities as required by the State of Florida, Department of Transportation, Utility Accommodation Guide, dated May, 1990, as may be subsequently modified. Any such work will be subject to prior approval by the Department. Should the Department fail to approve such work or require the Grantor to alter, adjust, or relocate its facilities located within said lands, the Department hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. The Grantor shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the Department's facilities.
3. The Grantor agrees to repair any damage to Department facilities and to indemnify the Department against any loss or damage resulting from the Grantor exercising its rights outlined in Paragraphs 1 and 2 above.

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its County Council acting by the Chairperson or Vice-Chairperson of said Council, the day and year aforesaid.

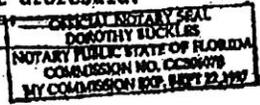
ATTEST: Thomas C. Kelly  
County Manager/Clerk

COUNTY OF VOLUSIA, FLORIDA,  
By Its County Council  
By Robert E. Tuttle  
Its Chairperson  
(or Vice-Chairperson)

STATE OF FLORIDA  
COUNTY OF Volusia

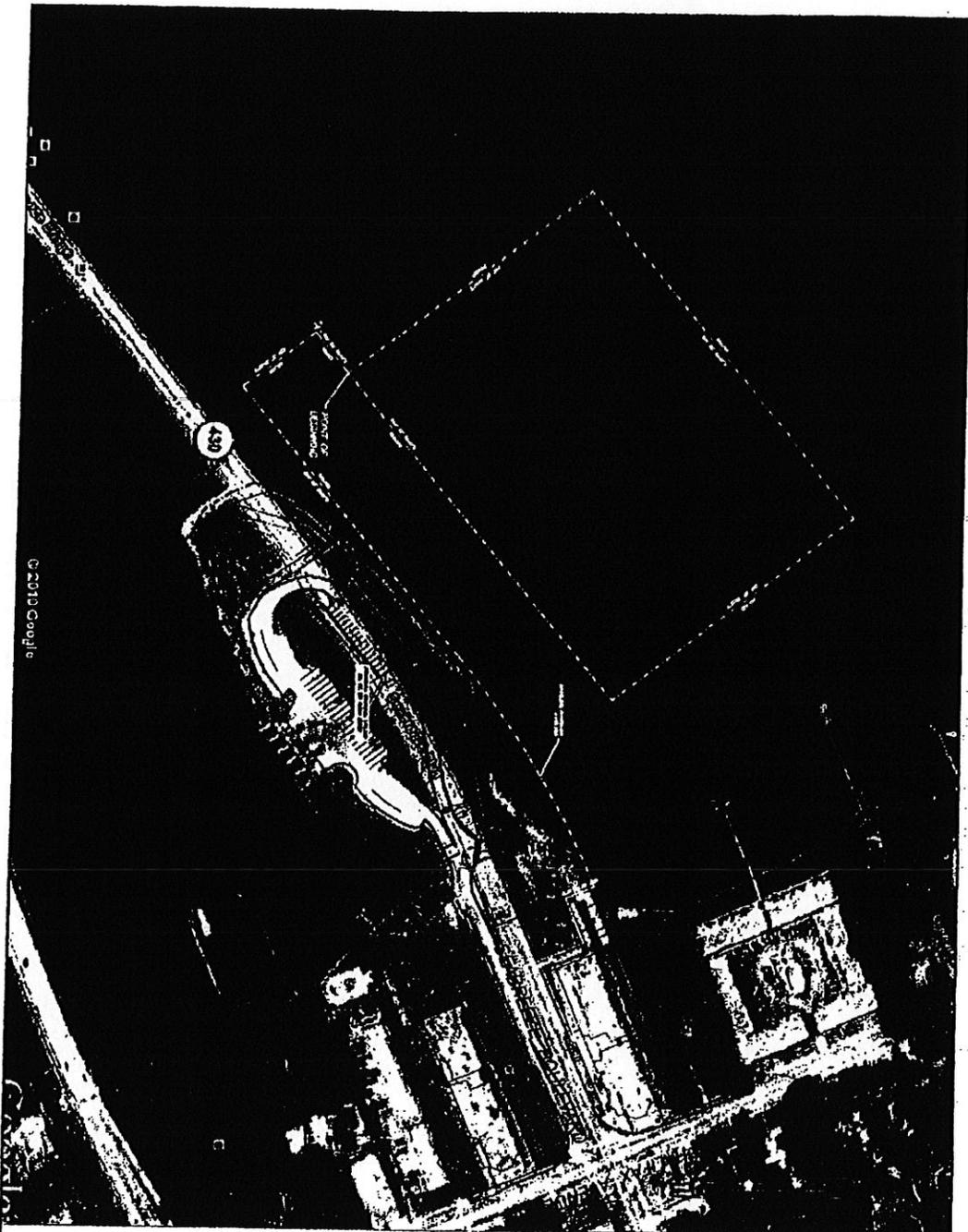
The foregoing instrument was acknowledged before me this 9TH day of December, 1993, by Robert E. Tuttle, Chairperson (or Vice-Chairperson), who is personally known to me ~~as~~ as identification, who has produced as identification, and who did ~~(did not)~~ take an oath.

Dorothy Buckles  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires:  
Serial No., if any:



183614


 A SUMMERGED TRACT OF LAND  
 LOCATED WITHIN THE HAILI AX RIVER  
 IN THE CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA



 	
<b>SEABREEZE MARINA</b>	
<b>SKETCH AND DESCRIPTION PLAN</b>	
PROJ. NO.: 0917	SCALE: 1" = 150'
FILE NAME: 0917-SURV-FDOT	CREATED DATE: 1-27-10
<b>ZAHN ENGINEERING, INC.</b> 240 S PALMETTO AVE., DAYTONA BEACH, FL 32114 ENGINEERING BUSINESS CERTIFICATION NO. 0005290 TEL-386-252-0020 FAX-386-252-6050	

A SUMMERGED  
 LOCATED WITHIN  
 IN THE CITY OF DAYTONA BEACH COUNTY, FLORIDA

LEGAL DESCRIPTION  
 FDOT DREDGING AREA  
 CITY OF DAYTONA BEACH  
 700' X 500' SUBMERGED LANDS

A PORTION OF PARCEL 114 (PART B) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 79220-2510 AND RECORDED IN OFFICIAL RECORDS BOOK 3883, PAGE 0991, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

DESCRIBED AS FOLLOWS

COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 2, SECTION 5, TOWNSHIP 15 SOUTH, RANGE 33 EAST; THENCE NORTH 89 DEGREES 27 MINUTES 53 SECONDS WEST FOR A DISTANCE OF 1,695 FEET TO A POINT ON CENTERLINE OF NORTH HALIFAX AVENUE; THENCE NORTH 22 DEGREES 22 MINUTES 13 SECONDS WEST ALONG SAID CENTERLINE FOR A DISTANCE OF 1,024.38 FEET TO A POINT WHERE THE CENTERLINE OF SEABREEZE BOULEVARD INTERSECTS THE CENTERLINE OF NORTH HALIFAX AVENUE; THENCE ALONG THE CENTERLINE OF SEABREEZE BOULEVARD SOUTH 67 DEGREES 40 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 354.54 FEET TO A POINT ON THE EAST SHORELINE OF THE HALIFAX RIVER; THENCE FROM THIS POINT RUN NORTH 22 DEGREES 19 MINUTES 13 SECONDS WEST ALONG THE SAID SHORELINE FOR A DISTANCE OF 100 FEET TO A POINT; THENCE SOUTH 67 DEGREES 40 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 81.6 FEET TO A POINT; THENCE NORTH 22 DEGREES 19 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 50 FEET TO A POINT ON TANGENT TO A 3 DEGREE 37 MINUTES 06 SECONDS DEGREE CURVE (SAID TANGENT BEING SOUTH 67 DEGREES 40 MINUTES 47 SECONDS WEST); THENCE ALONG SAID CURVE HAVING A RADIUS OF 1,582.69 FEET, BEARING TO THE LEFT AND SOUTHWESTERLY, FOR A DISTANCE OF 445.81 FEET TO THE POINT OF TANGENT; THENCE SOUTH 51 DEGREES 32 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 576.58 FEET TO A POINT; THENCE NORTH 38 DEGREES 27 MINUTES 28 SECONDS WEST FOR A DISTANCE OF 150 FEET TO A POINT DESIGNATED AS "A"; THENCE NORTH 51 DEGREES 32 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 87.5 FEET TO THE SOUTHWESTERLY CORNER OF THE FDOT DREDGING AREA, THIS POINT BEING THE POINT OF BEGINNING; THENCE NORTH 51 DEGREES 32 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 700 FEET TO A POINT; THENCE NORTH 38 DEGREES 27 MINUTES 28 SECONDS WEST FOR A DISTANCE OF 500 FEET TO A POINT; THENCE SOUTH 51 DEGREES 32 MINUTES 32 SECONDS WEST FOR A DISTANCE OF 700 FEET TO A POINT; THENCE SOUTH 38 DEGREES 27 MINUTES 28 SECONDS FOR A DISTANCE OF 500 FEET TO THE SOUTHWESTERLY CORNER OF THE FDOT DREDGING AREA, BEING THE POINT OF BEGINNING.

AREA CONTAINING 350,000 SF OR 8.0349 ACRES MORE OR LESS.



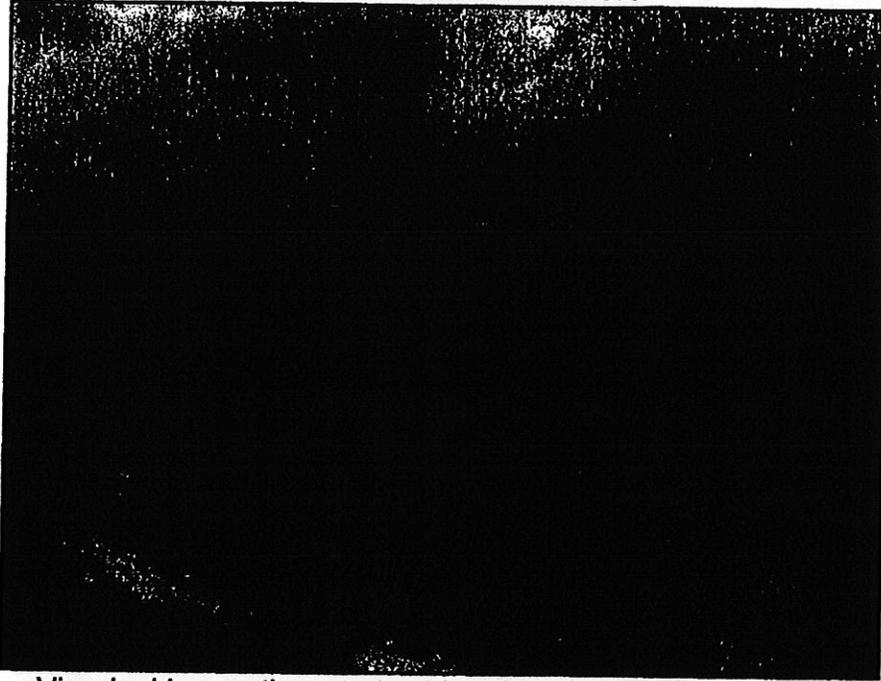
A SUMMERGED TRACT OF LAND  
LOCATED WITHIN THE HALIFAX RIVER  
IN THE CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA

Current Ownership and Five-year Title History

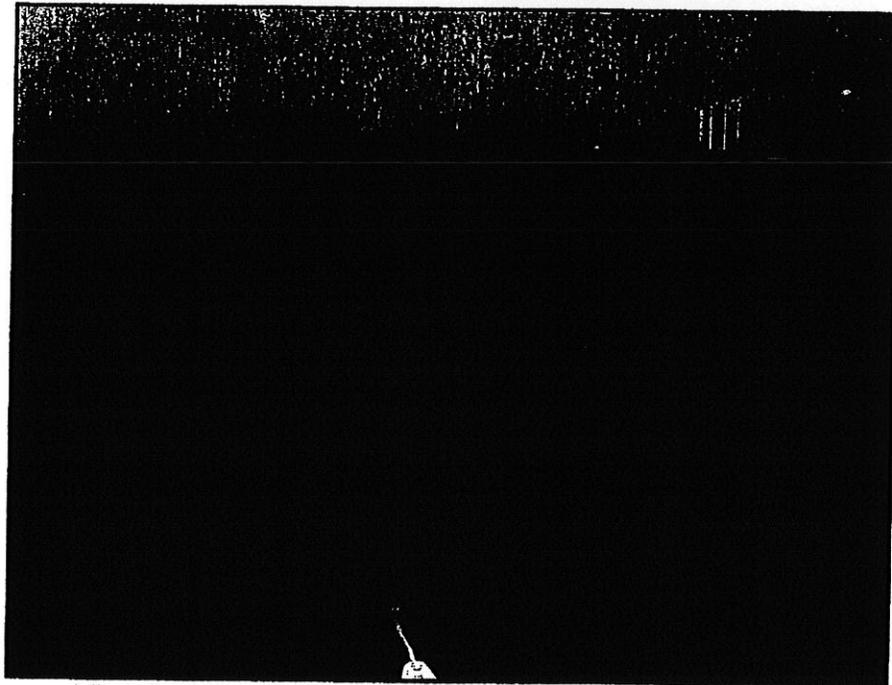
According to title information provided by the client from Ticor Title Insurance Company, the subject property is under the ownership of the State of Florida Department of Transportation and is part of Volusia County Tax Parcel Number 5337-17-00-0180 (Short Parcel ID Number). The subject property is a part of the land legally described in the County Deed referenced within the Tax Record (Official Records Book 3883, Page 0991 of the Public Records of Volusia County, Florida) along with other lands for the Seabreeze Boulevard Bridge. The County of Volusia transferred this land to the State of Florida Department of Transportation on December 9, 1993 for a nominal consideration in this transaction. There have been no other recorded transactions involving the subject property during the past five years. A copy of the County Deed is contained within the *Addendum* of this report.

A SUMMERGED TRACT OF LAND  
LOCATED WITHIN THE HALIFAX RIVER  
IN THE CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA

**SUBJECT PHOTOGRAPHS**



View looking northwest at subject from the Seabreeze Blvd.  
bridge and park below Bridge



View looking north at subject from the Seabreeze Blvd.  
bridge and park below Bridge



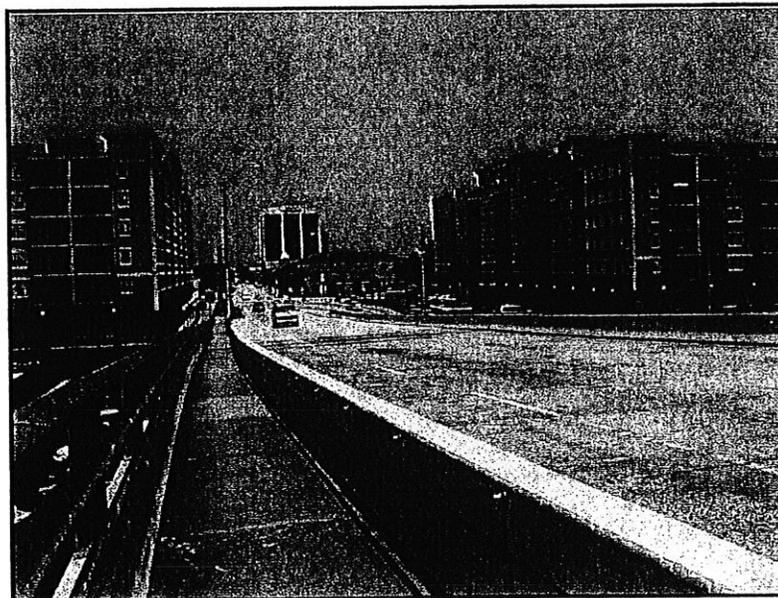
A SUBMERGED TRACT OF LAND  
LOCATED WITHIN THE HALIFAX RIVER  
IN THE CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA

12

**SUBJECT PHOTOGRAPHS**

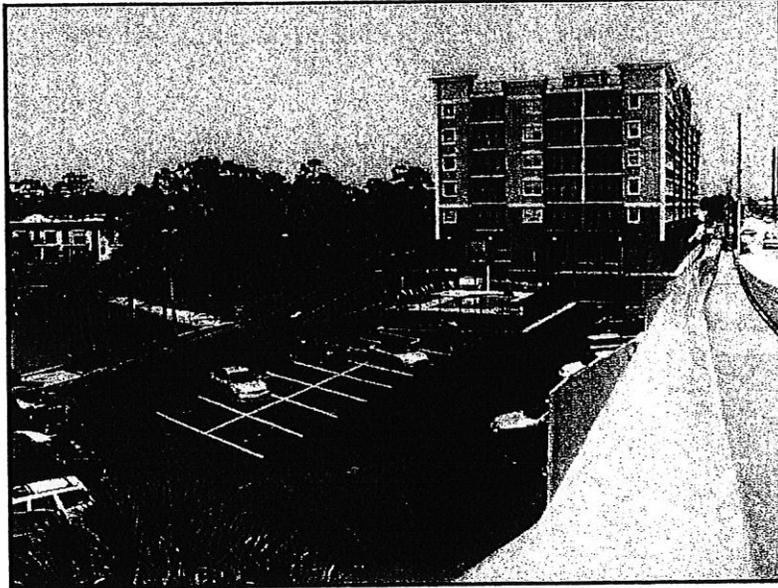


View looking west on Seabreeze Boulevard and bridge over Halifax River from Halifax Avenue (subject in background to right of bridge).

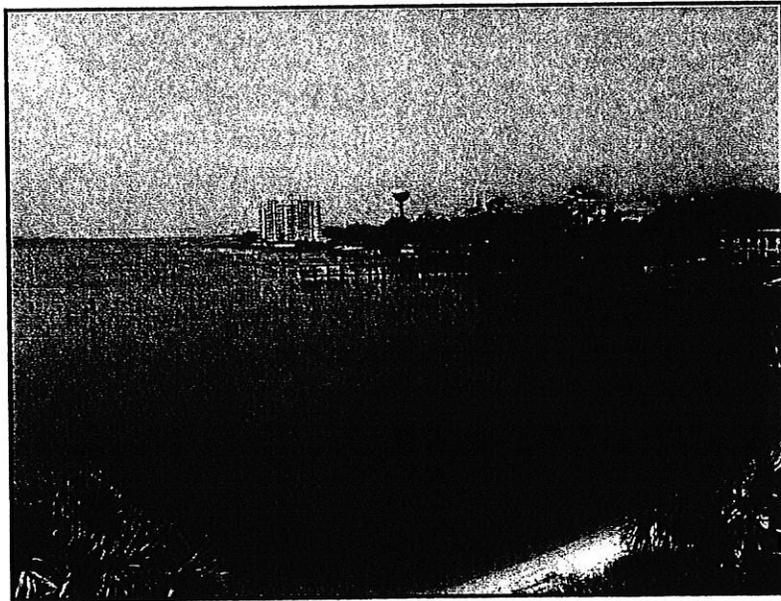


View looking east on the Seabreeze Boulevard Bridge towards Halifax Avenue (subject to left of photo).

A SUBMERGED TRACT OF LAND  
LOCATED WITHIN THE HALIFAX RIVER  
IN THE CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA

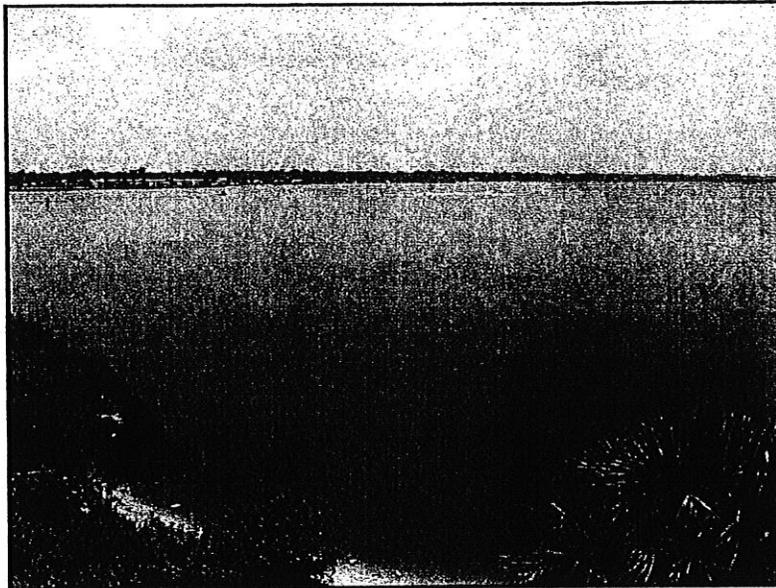


View looking northeast from the Seabreeze Boulevard Bridge toward eastern shore of the Halifax River (subject to left of photo).

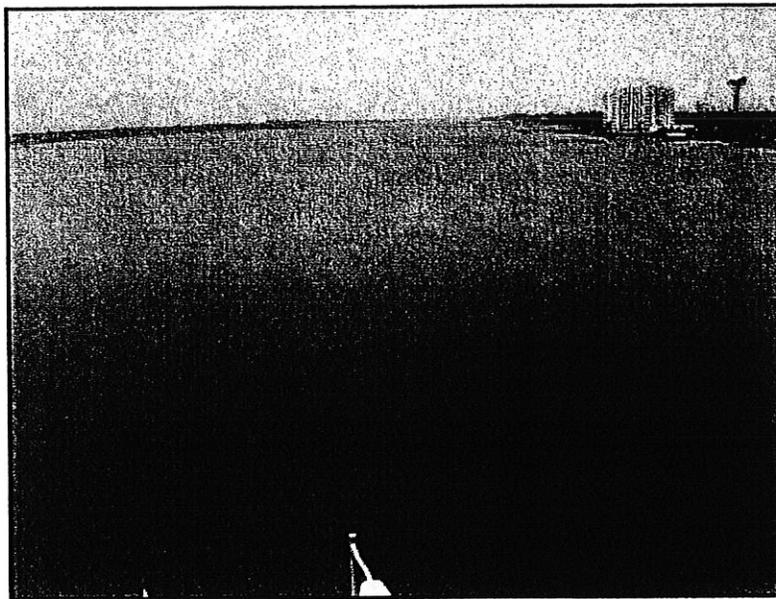


View looking north from the Seabreeze Boulevard Bridge along eastern shore of the Halifax River (subject to left of photo).

A SUBMERGED TRACT OF LAND  
LOCATED WITHIN THE HALIFAX RIVER  
IN THE CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA



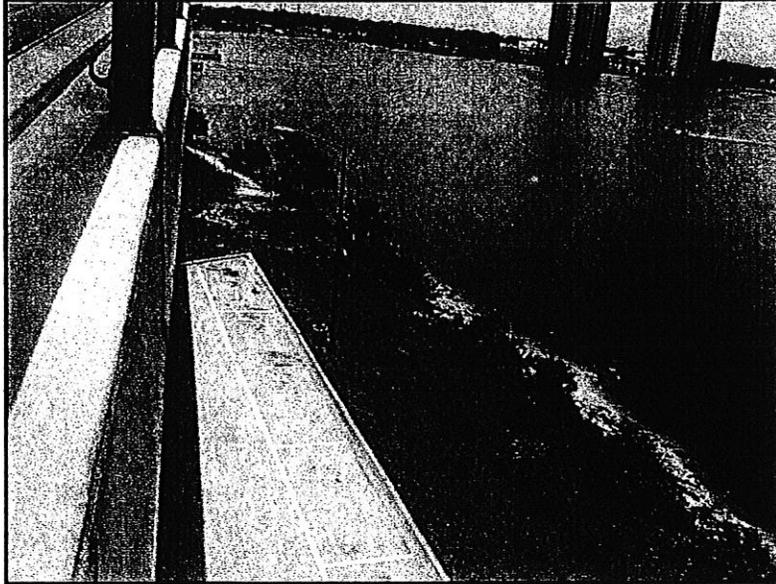
View looking northwest at subject from the Seabreeze Boulevard Bridge and park below bridge.



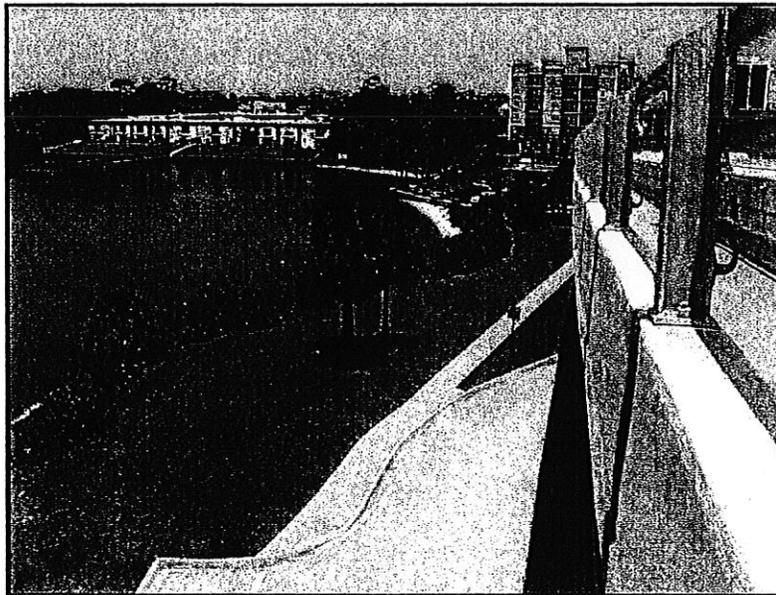
View looking north at subject from the Seabreeze Boulevard Bridge and park below bridge.

A SUBMERGED TRACT OF LAND  
LOCATED WITHIN THE HALIFAX RIVER  
IN THE CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA

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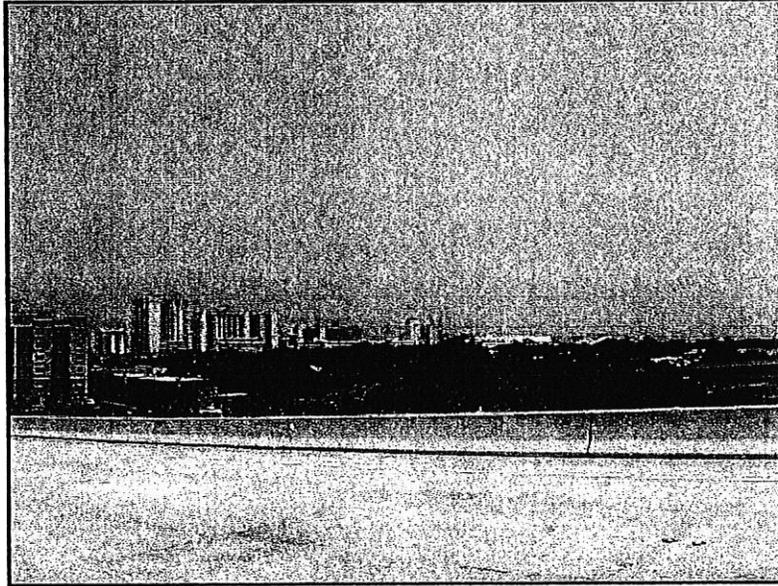


View looking west/northwest from the Seabreeze Boulevard Bridge and park below toward western shore of the Halifax River (subject on right of photo).

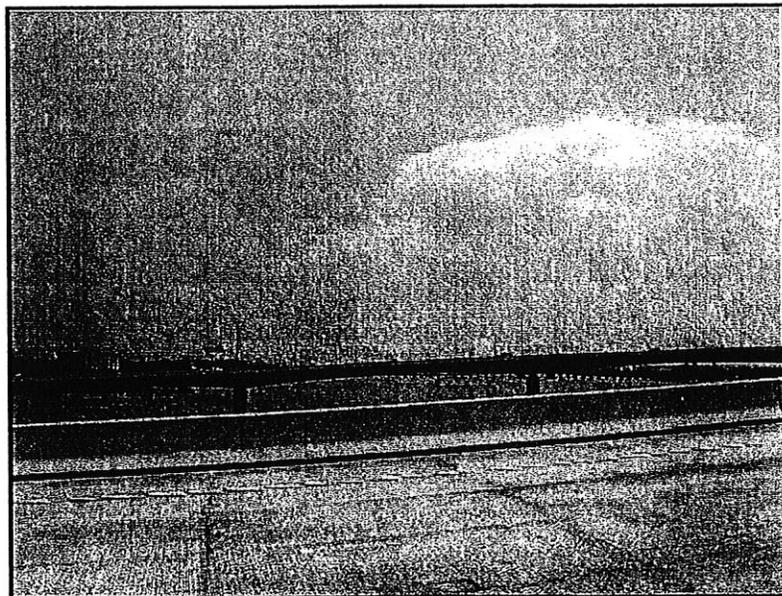


View looking northeast from the Seabreeze Boulevard Bridge and park below toward eastern shore of the Halifax River (subject to left of photo)

A SUBMERGED TRACT OF LAND  
LOCATED WITHIN THE HALIFAX RIVER  
IN THE CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA



View looking southeast across the Seabreeze Boulevard Bridge  
from the Halifax River (subject directly behind photo).



View looking south across the Seabreeze Boulevard Bridge  
from the Halifax River (subject directly behind photo).

**Francis, Sandy**

---

**From:** Askew, Rose  
**Sent:** Wednesday, August 22, 2012 9:27 AM  
**To:** Francis, Sandy  
**Cc:** Walton, Richard; Mrozek, Dennis; Benderson, James  
**Subject:** RE: DEV 2012-083  
**Attachments:** 08-23-12 PB Mtg Legal Ad.pdf

Good morning Sandy,

The staff report on the Web is the latest version. The Planning Board Legal Ad is attached. A traffic analysis was not submitted with this request.

Have a great day.

Rose

---

**From:** Francis, Sandy  
**Sent:** Wednesday, August 22, 2012 9:01 AM  
**To:** Askew, Rose  
**Subject:**

Good Morning Ms. Rose!

She asked if she could have these before 5 pm today....would that be possible?

*Sandy Francis*

City Clerk Office  
301 S. Ridgewood Ave, Suite 210  
Daytona Beach, Fl. 32114

 386-671-8027

 [franciss@codb.us](mailto:franciss@codb.us)

 visit our website at <http://www.codb.us>

*Every day is a gift, that's why they call it the present.*



**Re: Thanks for Marina Meeting on 8/12/10**

Sunday, August 15, 2010 4:13 PM

**From:** "Rich Zahn" <rzahn@zmgconstruction.com>

**To:** kellyremark@yahoo.com

Yes on the Riparian rights around the proposed owned bottom.

I will get with our legal guy and confirm on the FDOT contract. However, my agreement with the City would require the park to be built no matter what as part of the proposed zoning change.

We have to build the marina. Otherwise the upland is in trouble in the future. The lowered values have killed our ability to refi.

The Marina will save the day if approved...

Best regards,

Rich

---

**From:** Kelly Remark <kellyremark@yahoo.com>

**To:** RZAHN@ZMGCONSTRUCTION.com <RZAHN@ZMGCONSTRUCTION.com>

**Sent:** Sun Aug 15 12:03:25 2010

**Subject:** Thanks for Marina Meeting on 8/12/10

Dear Richard,

Thanks for taking the time, including the drive, to meet with Weegie and myself about the proposed Overlook Marina. You've done a wonderful job turning the buildings around. I was jotting down your answers to my questions so fast that afterwards, in clarifying my notes, I found I couldn't read my own writing on two items. One - riparian rights of Cobblestone...I believe you said the way the rights work is ability to reach the channel. As long as they can navigate around marina to channel, their rights are preserved. Correct? Second, when you were explaining your "buy right" contract with the state DOT for the spoil land you said there were clauses/penalties(?)[I think you used another term] insuring payment approximating the price to the DOT even if you didn 't close. Correct? I appreciate the follow-up.

Sincerely, Tracey Remark

# NOTICE OF PUBLIC HEARING

Aug 10, 2012 - To Property Owners Within 500 Feet

Dear Property Owner:

The Planning Board and City Commission of the City of Daytona Beach will meet and hold public hearings at City Hall, Commission Chambers, Room 290, 301 South Ridgewood Avenue, Daytona Beach, Florida, on the following proposal:

## **DEV2012-083 – Overlook RPUD: Rezoning, Residential Planned Unit Development Amendment**

A request by Pete Zahn, P.E., Zahn Engineering, Inc., on behalf of Richard Zahn, Daytona Seabreeze, LLC, to rezone 11.26 ± acres of land located at 100 and 101 Seabreeze Boulevard, amending the approved Overlook Residential Planned Unit Development (RPUD) adding 8.04± acres of land to the existing 3.22± acre RPUD for a total of 11.26 acres, to allow for a marina and related activities as permitted uses in the RPUD.

### **Scheduled Meeting Dates:**

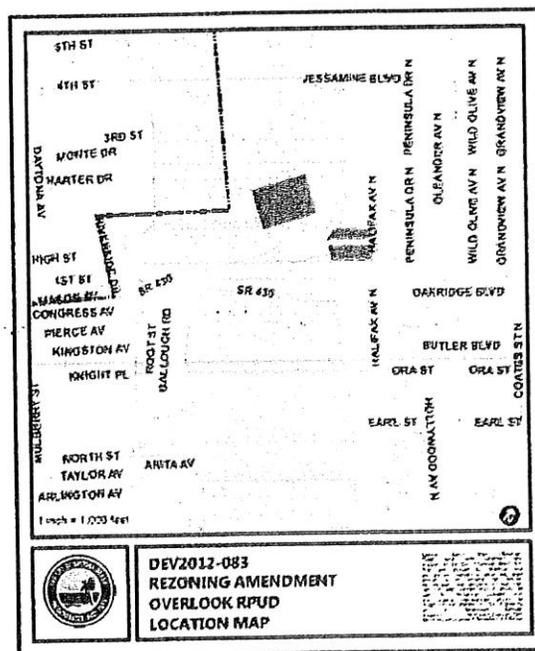
#### **Planning Board, Public Hearing**

6:00 p.m., Thursday, August 23, 2012

#### **City Commission, Public Hearing 2<sup>nd</sup> Reading**

6:00 p.m., Wednesday, October 17, 2012

The City's Land Development Code requires that the applicant notify all property owners within a 500' radius of the site. All interested persons may appear at the hearing and be heard regarding the proposal. Anyone wishing to appeal a final decision of the City will need a record of the proceedings and may wish to ensure that a verbatim record of the proceedings is made, including any testimony or evidence presented. The City does not prepare or provide a verbatim record of the proceedings.



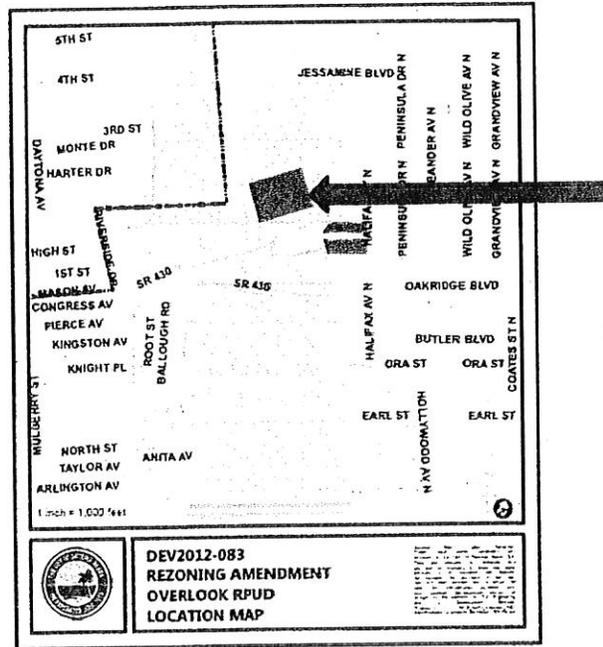
**PROPOSED OVERLOOK MARINA**  
**INVITATION TO NEIGHBORHOOD MEETING**

AUGUST 21, 2012, 6:30 P.M.  
837 N OLEANDER AVENUE  
HALIFAX GARDEN CLUB

Dear Property Owner,

On **Tuesday, August 21, 2012 at 6:30 p.m.**, at the next Seabreeze / University Neighborhood Watch Meeting, the group will hear:

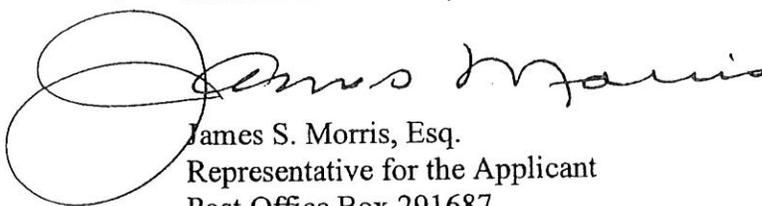
A presentation and discussion by Daytona Seabreeze, LLC and Seabreeze Daytona Marina, LLC regarding zoning to allow a 236 slip marina located on submerged land located west of the Overlook site and north of the bridge. The property is owned by Seabreeze Daytona Marina, LLC. The proposal will be on the Planning Board agenda for Thursday, August 23, 2012.



The meeting will be held at 6:30 p.m. at the Halifax Garden Club building located at 837 N. Oleander Avenue, Daytona Beach.

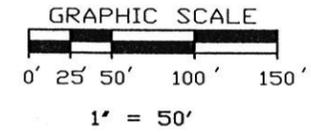
Sincerely,

JAMES S. MORRIS, P.A.



James S. Morris, Esq.  
Representative for the Applicant  
Post Office Box 291687  
Port Orange, FL 32129  
386-310-8785, telephone  
386-310-8783, facsimile  
jim@jamesmorrispa.com

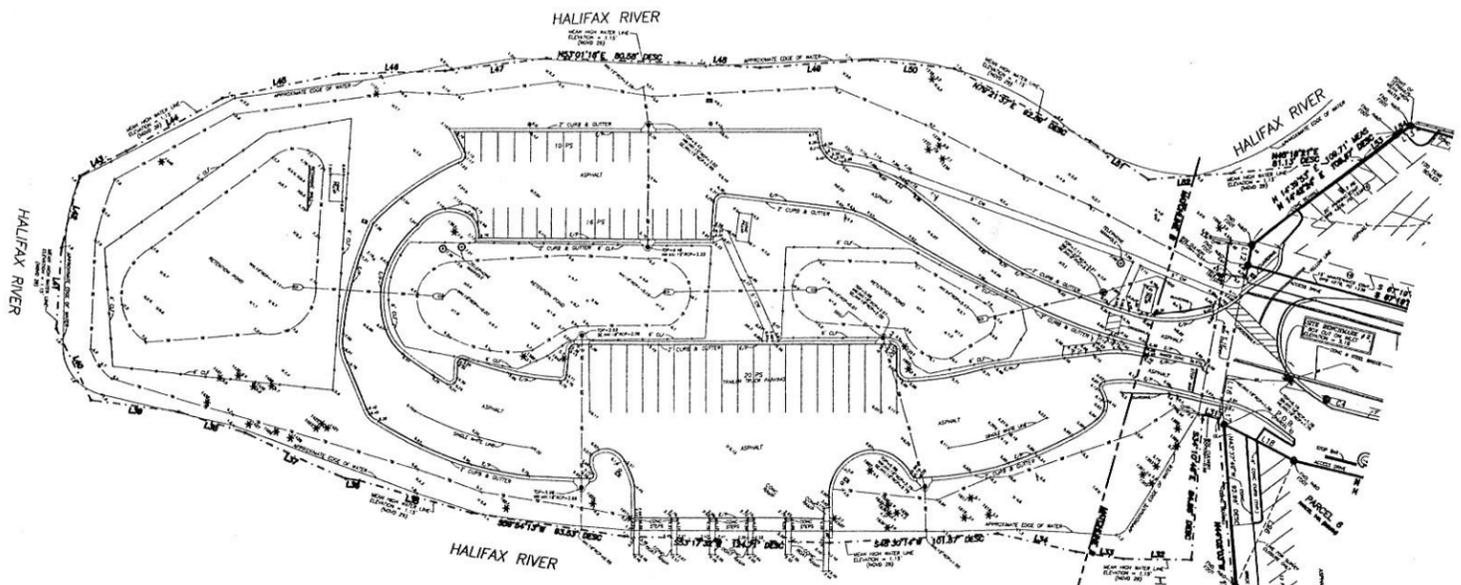
# BOUNDARY AND MEAN HIGH WATER SURVEY



- LEGEND**
- - AIR RELEASE VALVE
  - ⊕ - AUTO SPRINKLER
  - BB - BOTTOM OF BANK
  - BC - BACK OF CURB
  - BP - BACKFLOW PREVENTER
  - BLK - BLOCK
  - BFP - BACK FLOW PREVENTER
  - BM - BENCHMARK
  - BP - BURIED POWER CABLE
  - CALC - CALCULATED
  - CM - CALCULATED & MEASURED
  - CA - CENTRAL ANGLE
  - CBM - CONCRETE BLOCK WALL
  - CC - COVERED CONCRETE
  - CF - CONCRETE FLOUSE
  - CHW - CONCRETE HEAD WALL
  - CLF - CHAIN LINK FENCE
  - CL - CENTERLINE
  - CM - CONCRETE MONUMENT
  - CMP - CORRUGATED METAL PIPE
  - CO - CLEAN OUT
  - CONC - CONCRETE
  - COVD - COVERED
  - CP - CONCRETE PAD
  - CW - CONCRETE WALKWAY
  - DAM - DEED/DESC & MEASURED
  - DE - DRAINAGE EASEMENT
  - DESC - DESCRIPTION
  - DI - DOT INLET
  - DP - DUMPSTER PAD
  - DW - DRIVEWAY
  - EM - ELECTRIC METER
  - EB - ELECTRICAL BOX
  - ESMT - EASEMENT
  - EP - EDGE OF PAVEMENT
  - FIRM - FLOOD INSURANCE RATE MAP
  - FFE - FINISHED FLOOR ELEVATION
  - FI - FIRE HYDRANT
  - FL - FLOW LINE
  - FL - FLOOD LIGHT
  - FO - FOUND
  - FOC - FIBER OPTIC CABLE
  - FP - FLAG POLE
  - GL - GAS LINE
  - GM - GAS METER
  - GW - GUY WIRE ANCHOR
  - HP - HANDICAP PARKING
  - INV - INVERT ELEVATION
  - IP - IRON PIPE
  - IR - IRON ROD
  - IS - STORM JUNCTION BOX
  - LA - ARC LENGTH
  - LA - LIGHT POLE
  - LSA - LANDSCAPED AREA
  - MEAS - MEASURED
  - MF - METAL FENCE
  - ML - METAL LID
  - MS - METAL SHED
  - MS - MITERED END SECTION
  - MW - MONITORING WELL
  - NAE & DIS - NAD 83 & DISCONTINUED
  - NGVD - NATIONAL GEODETIC VERTICAL DATUM
  - NTS - NOT TO SCALE
  - OE - OVERHEAD ELECTRIC
  - OL - ON LINE
  - ORB - OPTICAL RECORDS BOOK
  - OW - OVERHEAD WIRE
  - OWK - OVERHEAD WALKWAY
  - PB - PLAT BOOK
  - PC - POINT OF CURVATURE
  - PDOT - PER DEPARTMENT OF TRANSPORTATION E/W MAP
  - PEP - PER ENGINEERING PLANS
  - PI - PAGE
  - PI - POINT OF INTERSECTION
  - PLM - PLAT & MEASURED
  - POB - POINT OF BEGINNING
  - POC - POINT OF COMMENCEMENT
  - PP - POWER POLE
  - PS - PARKING SPACES
  - PT - POINT OF TANGENCY
  - PVC - PLASTIC PIPE
  - CR - CURVE RADIUS
  - RP - RAMP
  - RCP - REINFORCED CONCRETE PIPE
  - R/W - RIGHT OF WAY
  - SM - SANITARY MANHOLE
  - SN - SIGN
  - SNF - SINK HOLE FENCE
  - SE - SPOT ELEVATION
  - SD - STORM/DRAIN LINE
  - SM - STORM MANHOLE
  - T - UNDERGROUND TELEPHONE
  - TI - TIE
  - TI - TOP OF BANK
  - TP - TRAFFIC POLE
  - TS - TRAFFIC SIGN
  - TR - TRANSFORMER/JUNCTION BOX
  - TR - TELEPHONE RISER
  - TSB - TRAFFIC SIGNAL BOX
  - TSM - TRAFFIC SIGNAL WIRE
  - TV - CABLE TV RISER
  - TYP - TYPICAL
  - UE - UTILITY EASEMENT
  - UP - UTILITY POLE
  - WL - WATER LINE
  - WF - WOOD FENCE
  - WLF - WETLAND FLAG
  - WS - WOOD SHED
  - WV - WATER VALVE
  - WM - WATER METER
  - # - NUMBER
  - (#) - EASEMENT NUMBER

APPROXIMATE CENTERLINE OF CHANNEL

PARCEL 1  
PER DB 412, PG 200



SHEET 3 OF 3 SHEETS

**Current BOUNDARY SURVEY DATE:** 10-1-09  
per Florida Statutes 61G17-6.003 2d

DATE	REVISION	BY
12-30-09	ADDED MEAN HIGH WATER LINE	GLT
11-15-09	ADDED SOUNDINGS AND PARCEL 1	RCJ
10-1-09	UPDATE SURVEY	GLT
12-12-07	REVISED PER COMMENTS	TRKI
10-8-07	RESURVEY - UPDATE TITLE	DCM
7/20/07	RESURVEY - UPDATE TITLE	SAH
11/17/06	ADDED C.O.B.D. BUILDING LINE	TRKI
5/26/06	REVISED PER CLIENTS COMMENTS	KB
5/19/06	REVISED TO ALTA/ACSM LAND TITLE SURVEY	KB

**BOUNDARY & LOCATION SURVEY**

SCALE: 1" = 30'	CF: #5-15-33REVISED	JOB#: 23222 <i>28431</i>
FIELD DATE: 11/14/05		DRAWN BY: JCB
PREPARED FOR: <b>ZMG CONSTRUCTION, INC.</b>		
LOCATION: 100 SEABREEZE BOULEVARD (05-15-33-01-04-0010) 101 SEABREEZE BOULEVARD (05-15-33-01-03-0000) DAYTONA BEACH, FLORIDA		FILE NUMBER: 5-15-33

**ACCURIGHT SURVEYS**  
of Orlando Inc., LB 4475  
2012 E. Robinson St.  
Orlando, Florida 32803  
PHONE (407) 894-6314 FAX (407) 897-3777

THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS REQUIRED BY CHAPTER 61G17-6, FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.322 OF THE FLORIDA STATUTES.

ROBERT C. JOHNSON PSM 5551

\*NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER\*



**MARINA SLIPS:**

50' = 42 SLIPS
45' = 28 SLIPS
40' = 16 SLIPS
35' = 90 SLIPS
30' = 60 SLIPS
TOTAL: 236 SLIPS
PARKING REQUIRED: 236 SLIPS @
1 SP / 4 SLIPS = 59 SPACES

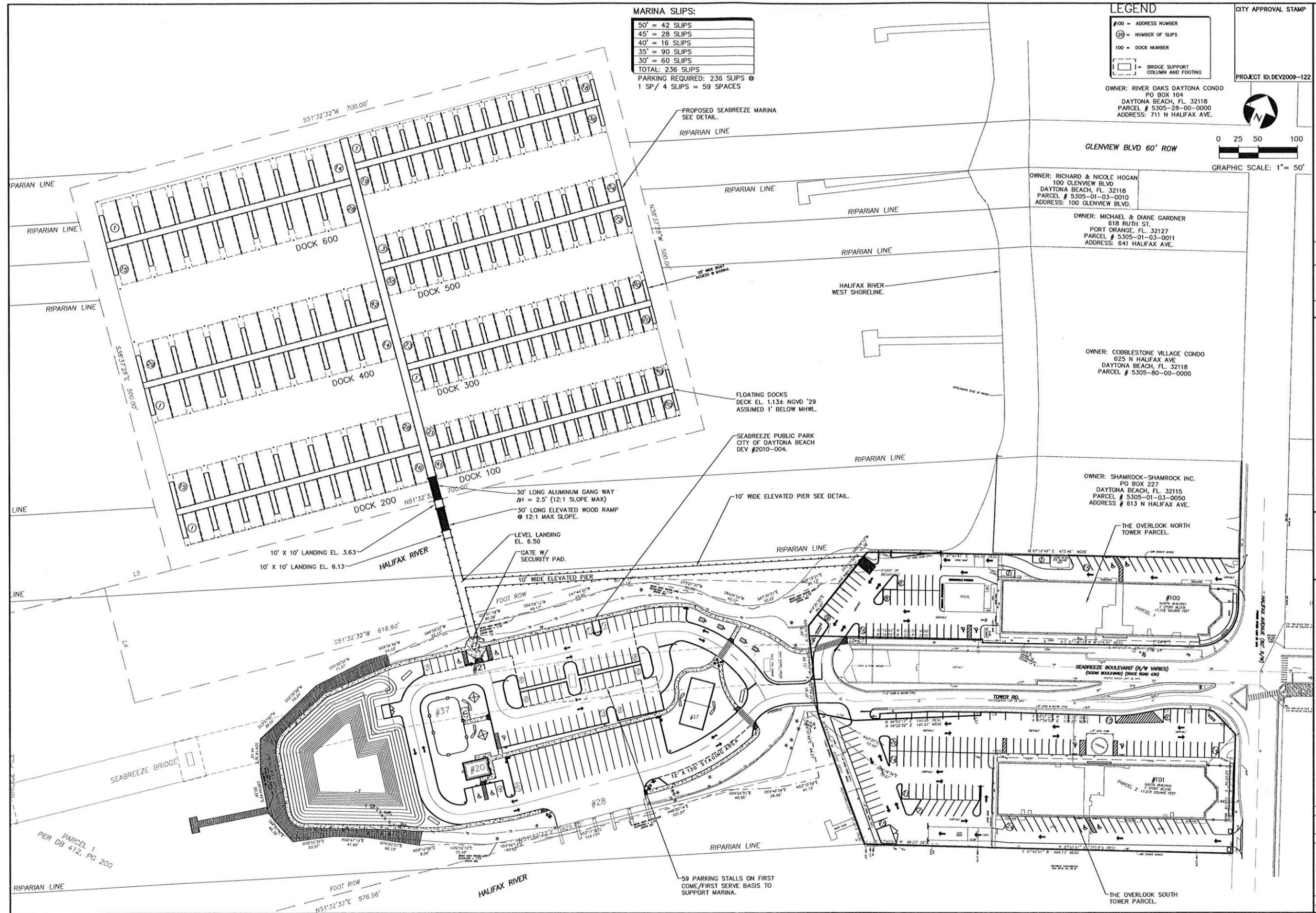
**LEGEND**

- #100 = ADDRESS NUMBER
- (20) = NUMBER OF SLIPS
- 100 = DOCK NUMBER
- [Symbol] = BRIDGE SUPPORT COLUMN AND FOOTING

**CITY APPROVAL STAMP**

PROJECT ID: DEV2009-122

0 25 50 100  
GRAPHIC SCALE: 1" = 50'



OWNER: RICHARD & NICOLE HOGAN  
100 GLENVIEW BLVD  
DAYTONA BEACH, FL 32118  
PARCEL # 5305-01-03-0010  
ADDRESS: 100 GLENVIEW BLVD.

OWNER: MICHAEL & DIANE GARDNER  
618 RUTH ST.  
PORT ORANGE, FL 32127  
PARCEL # 5305-01-03-0011  
ADDRESS: 641 HALIFAX AVE.

OWNER: COBBLESTONE VILLAGE CONDO  
625 N HALIFAX AVE  
DAYTONA BEACH, FL 32118  
PARCEL # 5305-80-00-0000

OWNER: SHAMROCK-SHAMROCK INC.  
PO BOX 227  
DAYTONA BEACH, FL 32115  
PARCEL # 5305-01-03-0050  
ADDRESS # 613 N HALIFAX AVE.

**ZAHN ENGINEERING, INC.**  
240 SOUTH PALMETTO AVENUE  
DAYTONA BEACH, FLORIDA 32114  
PH: 386-252-0000 FAX: 386-252-6050

**THE OVERLOOK • SEABREEZE MARINA**  
**OVERALL DEVELOPMENT PLAN**

NO.	DATE	APPR.	REVISION
1	JUNE 2010	GPC	ADDED COMMENTS DATED MAY 2009
2	JUNE 2010	GPC	ADDED COMMENTS DATED MAY 2009
3	JUNE 2010	GPC	ADDED COMMENTS DATED MAY 2009
4	APRIL 2010	GPC	ADDED COMMENTS DATED NOV 2009

SCALE: 1" = 50'  
DESIGNED BY: GPC  
DRAWN BY: RJM  
DATE: 8-6-09

PROJECT NUMBER: **0916**  
0916-ODP-DIM  
NOT VALID WITHOUT EMBOSSED SEAL EB-0005290

SH. C3 of 9

**MARINA SLIPS:**

50'	= 42 SLIPS
45'	= 28 SLIPS
40'	= 16 SLIPS
35'	= 90 SLIPS
30'	= 60 SLIPS
TOTAL: 236 SLIPS	
PARKING REQUIRED: 236 SLIPS	
1 SP/ 4 SLIPS = 59 SPACES	

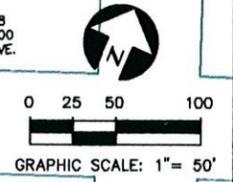
**LEGEND**

- #00 = ADDRESS NUMBER
- ⊙ = NUMBER OF SLIPS
- 100 = DOCK NUMBER
- [ ] = BRIDGE SUPPORT COLUMN AND FOOTING

CITY APPROVAL STAMP

PROJECT ID: DEV2009-122

OWNER: RIVER OAKS DAYTONA CONDO  
 PO BOX 104  
 DAYTONA BEACH, FL 32118  
 PARCEL # 5305-28-00-0000  
 ADDRESS: 711 N HALIFAX AVE.



OWNER: RICHARD & NICOLE HOGAN  
 100 GLENVIEW BLVD  
 DAYTONA BEACH, FL 32118  
 PARCEL # 5305-01-03-0010  
 ADDRESS: 100 GLENVIEW BLVD.

OWNER: MICHAEL & DIANE GARDNER  
 618 RUTH ST.  
 PORT ORANGE, FL 32127  
 PARCEL # 5305-01-03-0011  
 ADDRESS: 641 HALIFAX AVE.

OWNER: COBBLESTONE VILLAGE CONDO  
 625 N HALIFAX AVE  
 DAYTONA BEACH, FL 32118  
 PARCEL # 5305-80-00-0000

OWNER: SHAMROCK-SHAMROCK INC.  
 PO BOX 227  
 DAYTONA BEACH, FL 32115  
 PARCEL # 5305-01-03-0050  
 ADDRESS: 613 N HALIFAX AVE.

THE OVERLOOK NORTH  
 TOWER PARCEL.

NO.	DATE	APPR.	REVISION
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 DAYTONA BEACH, FLORIDA 32114  
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**THE OVERLOOK • SEABREEZE MARINA**  
**OVERALL DEVELOPMENT PLAN**

PROJECT NUMBER  
**0916**  
 0916-00P-DM  
 NOT VALID WITHOUT  
 EMBOSSED SEAL  
 EB-0006290

