



The CITY OF DAYTONA BEACH

Planning Board Agenda

December 16, 2021

City Hall
Regular Meeting
Commission Chambers

301 South Ridgewood Avenue
Thursday, **December 16, 2021**
6:00 P.M.

NOTICE – Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by this Board at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.

	<p>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020</p>		<p>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</p>
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In accordance with the Americans with Disabilities Act (ADA), persons with a disability needing a special accommodation to participate in the Board meeting should contact the City Clerk's Office, 301 S. Ridgewood Ave, Room 210, Daytona Beach, FL 32114, Ph: (386) 671-8023, Email: clerk@codb.us not later than 72 hours prior to the proceedings. If you are hearing or voice impaired contact the relay operator at 1-800-955-9771.

1. **Call to Order**
2. **Roll Call**
3. **[Approval of the Minutes: November 18, 2021](#)**

New Items:

4. **[Tymber Creek Village – Preliminary Plat – DEV2020-102 \(Quasi-Judicial Hearing\)](#)**

A request by Jose Martinez, Boos Development Group, on behalf of Cardinal Servicing Company, LLC (property owner), to approve a preliminary plat for the development of the Tymber Creek Village mixed-use subdivision, to include one multifamily residential parcel and eight commercial outparcels on 61.4± acres of land, generally located in the northeast quadrant of the Tournament Drive and LPGA Boulevard intersection.

5. **Tomoka North – Preliminary Plat – DEV2020-095 (Quasi-Judicial Hearing)**

A request by Parker Mynchenberg, Parker Mynchenberg & Associates, Inc., on behalf of Crisp39-3 LLC (property owner), to approve a preliminary plat for the development of the Tomoka North subdivision, to include 10 lots, 5 parcels, and associated infrastructure on 178.9± acres generally located on Gateway North Drive and North Williamson Boulevard.

6. **1st Amendment to Beaches ISB – Planned Development-Redevelopment (PD-RD) Rezoning – DEV2021-123 (Quasi-Judicial Hearing)**

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of Beaches ISB, LLC, to approve the First Amendment to Beaches ISB Planned District (PD) Agreement to allow for Electronic Message Center (EMC) signage. The property is located at 301 E. International Speedway Boulevard (ISB) on the northeast quadrant of the ISB and Peninsula Drive.

7. **Other Business**

- a. Downtown/Balough Road Redevelopment Area Board Report
- b. Midtown Redevelopment Area Board Report
- c. Beachside Redevelopment Area Board Report
- d. Public Comments
- e. Staff Comments
- f. Board Members Comments

MINUTES

REGULAR MEETING – PLANNING BOARD

November 18, 2021

Minutes of the Regular Meeting of the Planning Board of The City of Daytona Beach, Florida, held on Thursday, October 28, 2021 at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

1. Call to Order

2. Roll Call.

Tony Barhoo (Vice Chair)	Present
Helen Humphreys	Present
Michael McLean	Present
James Newman	Present
Tony Servance (Chair)	Present
Milverton Robinson	Present
Cathy Washington (Secretary)	Present

Also Present:

- Ben Gross, Deputy City Attorney
- Dennis Mrozek, Planning Director
- Doug Gutierrez, Senior Planner
- Hannah Ward, Planner
- Paula Long, Planner
- Rose Askew, Planning Coordinator

3. Approval of Minutes

Approval of the Minutes of the October 28, 2021 Regular Planning Board Meeting held at City Hall, 301 South Ridgewood A venue, Daytona Beach, Florida.

Mr. Newman stated on page four, paragraph six says partial lines instead of parcel lines.

Mr. Robinson stated his name was spelled wrong on page 16.

Board Action

It was moved by Mr. McLean to approve the minutes as corrected, seconded by Mr. Barhoo. The motion passed 7-to-0 with the breakdown as follows:

Tony Barhoo (Vice Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Tony Servance (Chair)	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

New Items

4. **Gray Hawk Unit II at LPGA International – Preliminary Plat – DEV2021-051 (Quasi-Judicial Hearing)**

A request by Parker Mynchenberg, P.E. Parker Mynchenberg & Associates, Inc., on behalf of 5T Wealth Partners LP (property owner), to approve a preliminary plat for the development of 44 single family lots on 20± acres generally located North and West of northerly termination of Champions Drive within the LPGA International residential subdivision.

Staff Presentation

Paula Long, Planner, presented the staff report which was included as part of the packet. She stated the property is for the development of 44 single-family lots on 20± acres of land generally located North and West of northerly termination of Champions Drive within the LPGA International residential subdivision.

Mr. Robinson stated Ms. Long mentioned the Department of Environmental Protection. He asked at what point do they get the status report.

Ms. Long stated that does not occur until the site plan approval process.

Applicant Presentation

Kevin Lee, Parker Mynchenberg & Associates, on behalf of the applicant Grey Hawk Unit II, stated he was there to answer any questions.

Ms. Humphreys stated there is an exit off Spring berry Court, she stated on the new part there is one entrance/exit on LPGA.

Mr. Lee stated it is an extension of Champions Drive, so the entrance/exit is to the existing neighborhood, LPGA International just by Champions Drive. He stated it's just a road extension on the cul-de-sac. It ends in the cul-de-sac; it doesn't exit out of.

Ms. Humphreys asked if exits onto LPGA.

Mr. Lee stated no.

Ms. Humphreys asked where the entrances and exits are for the people living there.

Mr. Lee stated for this subdivision, the entrance is on Champions Drive.

Mr. Barhoo asked is there something that can be done to protect the wildlife.

Mr. Lee stated the area that is being developed is already cleared.

Mr. Barhoo asked if they would clear other land, because it looks like half of it is cleared.

Dennis Mrozek Planning Director, referred to a map, stated the cleared area is where the development will occur. He stated the tree areas won't be disturbed. He stated this was a property that was intended to be developed years ago, but this phase was never completed.

Mr. Barhoo stated he doesn't have a problem with the project, his concern is the more removal of the vegetation wildlife would run out into the road, accidents, etc. He asked if something could be done to keep the wildlife on one side of the road verse crossing the street.

Mr. Mrozek stated they can look into it.

Mr. Servance stated he has never seen a sign to caution of wild animals. He stated that might be something to consider.

Mr. Barhoo stated there is a bear sign near the bridge, but there's no deer sign.

Mr. Robinson stated those were also some of his concerns, the wildlife, the building, and subdivisions that are exploding on LPGA corridor. He stated nobody talks about the wildlife or habitat and what's being done to preserve it. He gave examples of the impact to animals and accidents. He stated he would like plans to say something about the impact and what's being done to the wildlife.

Ben Gross, Deputy City Attorney stated this is a quasi-judicial hearing and the applicant has a right to use their property subject to the board's regulations. He stated their regulations do not provide for review or denial based on wildlife impacts.

Mr. Robinson stated as a resident, he is expressing his concern for the wildlife and would like developers to consider preserving the wildlife.

Citizens Comments

No comments

Board Action

It was moved by Mr. Barhoo to approve the request per staff recommendations. Mr. Robinson seconded the motion in accordance with the staff report as presented. The motion passed 7-0 with the breakdown as follows:

Tony Barhoo (Vice Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Tony Servance (Chair)	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

5. One Daytona Pad A Multifamily – Site Plan – DEV2021-121 (Quasi-Judicial Hearing)

A request by Robert (Bobby) J. Ball, P.E., Zev Cohen & Associates, Inc., on behalf of Daytona Beach Property Holdings Retail LLC (property owner), to allow for the construction of a 155,000 square-foot (sf) multifamily residential building to include 122 multifamily residential units on 1.4± acres located at the northeast corner of the Daytona Blvd. and Checkered Flag Blvd. intersection.

Staff Presentation

Hannah Ward, Planner presented the staff report, which was included as part of the packet, to allow for the construction of a 155,000 square-foot (sf) multifamily residential building to include 122

multifamily residential units on 1.4± acres located at the northeast corner of the Daytona Blvd. and Checkered Flag Blvd. intersection. She stated as part of this site plan approval, they are requesting a six-story multifamily structure. It will include 102 dual 122 dwelling units, and that will make up a total of 404 of the 1350 multifamily dwelling units that are permitted within the one Daytona development.

Mr. Newman asked if this complied with the already agreed upon PD.

Ms. Ward replied, yes,

Mr. Gross asked Mr. Servance if he worked at the adjacent facility.

Mr. Servance replied, yes.

Mr. Gross stated as he understands from Mr. Mrozek, they are partnering in the development.

Mr. Mrozek stated they may have part ownership within the development.

Mr. Gross stated based on that, the chair asked if he had a conflict of interest. He stated that would mean Mr. Servance shouldn't vote but can discuss the matter and can continue to organize the meeting. He stated there is a form he would need to fill out.

Applicant Presentation

Bobby J. Ball, P.E., Zev Cohen & Associates, Inc., stated he was there to answer any questions.

Mr. Robinson asked if this was gated and what's the security.

Mr. Ball stated there will be some security components at the doors, but it's not gated within the compound.

Ms. Humphreys asked if there would be parking in the building.

Mr. Ball replied no, it's north and east of it as part of the complex entire parking.

Mr. Robinson asked if free parking would go away once the building was up.

Mr. Ball stated they have no plans to charge for parking.

Mr. Robinson asked about the garage.

Mr. Ball stated the parking at the bottom is for retail and the second floor is for hotel guest. He stated some of the guests in this development may also be able to park on the second floor.

Mr. Servance stated he was recusing himself from voting.

Citizens Comments

No comments

Board Action

It was moved by Mr. McLean to approve the request per staff recommendations. Ms. Washington seconded the motion in accordance with the staff report as presented. The motion passed 6-0 with the breakdown as follows:

Tony Barhoo (Vice Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Tony Servance (Chair)	Recused
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

6. Grand Preserve Retail – Site Plan – DEV2020-120 (Quasi-Judicial Hearing)

A request by Kimberly A. Buck, P.E., Alann Engineering Group, Inc., on behalf of Sunglow Construction, Inc. (property owner) to allow for the construction of a 5000± square-foot (sf) bank with drive-through service and two (2) additional shell office/retail buildings totaling approximately 19,000± sf on 3.2± acres located at the southeast corner of the Grand Preserve Way and LPGA Boulevard intersection.

Staff Presentation

Hanna Ward, Planner, presented the staff report, which was included as part of the packet, to allow for the construction of a 5000± square-foot (sf) bank with drive-through service and two (2) additional shell office/retail buildings totaling approximately 19,000± sf. She stated the property is vacant and undeveloped.

Mr. Newman inquired about a water drainage feature at the back of the property.

Ms. Ward stated it won't be affected by the site plan. She stated she would look at the attachments, but if anything, it's being expanded to accommodate what they're developing on the southern half.

Mr. Barhoo asked if the land was just being cleared off.

Mr. Mrozek stated they received an early clearing permit to be able to clear the site.

Ms. Ward stated contingent upon that, when they go through site plan they have to develop the required landscaping, meet the tree preservation requirements and the city scenic requirements.

Mr. Robinson asked, what happens if they've cleared the land and the City doesn't approve it.

Mr. Mrozek stated the land they cleared is consistent with the Land Development Code, they kept the perimeters intact. He stated when they come in, they will replant of the development with additional landscaping.

Mr. Barhoo stated, but they couldn't do it without prior approval,=.

Mr. Mrozek stated exactly.

Applicant Presentation

Joey Posey, Attorney for the landowner, stated he was there to answer any questions.

Mr. Robinson asked if they consider saving some of the tree when they clear land.

Mr. Posey replied yes and explained it’s usually scrub and not something pleasing or attractive. He stated they thought to create a footprint and they will make the esthetic planting occur as part of the development. He stated sometimes there are circumstances when it’s appropriate to save the trees.

Mr. Newman stated what is most esthetic still takes away from what is important to animal life and the environment. He stated, what they find esthetic isn’t always the right choice.

Citizens Comments

No Comments

Board Action

It was moved by Mr. McLean to approve the request per staff recommendations. Ms. Humphreys seconded the motion in accordance with the staff report as presented. The motion passed 7-0 with the breakdown as follows:

Tony Barhoo (Vice Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Tony Servance (Chair)	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

7. 1st Amendment to 900 North PD – Planned Development-General (PD-G) Rezoning – DEV2021-109 (Quasi-Judicial Hearing)

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of 900 North Atlantic Ave LLC, to approve the First Amendment to the 900 North Planned District (PD) Agreement to allow self-parking and expand prohibited parking on the Hard Rock Hotel’s satellite parking lot located at the southwest corner of the Jessamine Blvd. and North Atlantic Ave. intersection.

Staff Presentation

Hanna Ward, Planner presented the staff report, which was included as part of the packet, to allow self-parking and expand prohibited parking on the Hard Rock Hotel’s satellite parking lot located at the southwest corner of the Jessamine Blvd. and North Atlantic Ave.

Mr. Newman asked if this was strictly involved the satellite lot, and they’re increasing the types of vehicles that cannot park.

Ms. Ward stated yes.

Mr. Newman asked if affects the county lot.

Ms. Ward replied no.

Mr. Robinson asked if this was part of the redevelopment for beachside.

Ms. Ward state no, it's north of beachside redevelopment

Applicant Presentation

Robert A. Merrell III, Esq., Cobb Cole, stated as they were going through the process, they encountered some issues with the lot by virtue of meetings with the neighbors, so they put the restrictions on that were not part of the request.

Mr. Newman asked how it is going to be enforced and who can park there.

Mr. Merrell stated it will be gated.

Mr. Robinson asked when they get rid of the vehicles, where will they go.

Mr. Merrell stated they weren't supposed to be there. He stated the one exception were the guys with the jet ski event and they bring trailers. He stated they will be on beachside, so they won't interfere with the neighbors.

Mr. Robinson asked where they are going to go.

Mr. Merrell stated across the street, they have another parking lot.

Mr. Mrozek stated the Hard Rock Hotel has additional parking on the other side of the street, so it's not going to be near the neighbors.

Mr. Robinson stated he's trying to identify the lot.

Mr. Merrell stated it's directly south of the hotel.

Mr. Robinson asked if that was the county parking lot.

Mr. Merrell stated there's a county parking lot and there's a Hard Rock.

Mr. Mrozek identified the lot on a map.

Citizens Comments

Tracey Remark, 815 N. Oleander Avenue stated the request was by the neighbors and Mr. Merrell and Mr. Abbas listened and responded to the neighbors.

Board Action

It was moved by Mr. Barhoo to approve the request per staff recommendations. Mr. Robinson seconded the motion in accordance with the staff report as presented. The motion passed 7-to-0 with the breakdown as follows:

Tony Barhoo (Vice Chair) Yea

Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Tony Servance (Chair)	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

8. Derby Plaza – Small Scale Comprehensive Plan Amendment DEV2021-147 (Legislative Hearing)

A request by The City of Daytona Beach Planning Division for approval of a Small-Scale Comprehensive Plan Map Amendment, changing the Future Land Use Map designation for 4.9+/- Acres from Level 1 Residential (L1-R) to Low Intensity Commercial (LIC).

Staff Presentation

Doug Gutierrez, Principal Planner, presented the staff report, which was included as part of the packet, to correct inconsistent Future Land Use (FLU) designations. He stated the property is located east of Derbyshire, South of Ninth Street. He stated the property is currently fully developed.

Mr. Newman asked if this was a non-conforming use.

Mr. Gutierrez stated no. it's inconsistent with the FLU. He stated it's residential for single-family, but the plaza has been there for years and they're fixing it.

Citizens Comments

No comments

Board Action

It was moved by Mr. McLean to approve the request per staff recommendations. Ms. Humphreys seconded the motion in accordance with the staff report as presented. The motion passed 7-to-0 with the breakdown as follows:

Tony Barhoo (Vice Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Tony Servance (Chair)	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

9. Land Development Code Text Amendment – Place of Worship, Distance Separation, DEV2021-151 (Legislative Hearing)

A request by the Development and Administrative Services Department, Planning Division, to amend Article 5, Section 5.2.B.13 of the Land Development code amending the Use Specific Standards for Places of Worship allowed as a Special Use.

Staff Presentation

Dennis Mrozek, Planning Director, presented the staff report, which was included as part of the packet, amending the use specific standards for places of worship allowed as a special use.

Citizens Comments

No comments

Board Action

It was moved by Mr. Barhoo to approve the request per staff recommendations. Ms. Humphreys seconded the motion in accordance with the staff report as presented. The motion passed 7-to-0 with the breakdown as follows:

Tony Barhoo (Vice Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea
James Newman	Yea
Tony Servance (Chair)	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

10. Other Business

A. Downtown/Ballogh Road Redevelopment Area Board Report

No comments

B. Midtown Redevelopment Area Board Report

Mr. Servance stated they don't have a representative for that board. He stated they need one per the guidelines.

Mr. Newman stated he's not available for that post.

Mr. Servance asked Mr. Newman if he was available for any board. He asked what about Ballough Road Board.

Mr. Newman stated that was closer to his home and made more sense.

Mr. Servance suggested Ms. Washington represent the Midtown Board and Mr. Newman represent Ballough Road Board.

Ben Gross, Deputy City Attorney stated the Commission needs to make the final decision, but this would go forward as a recommendation to relocate Ms. Washington and place Mr. Newman on the Beachside Board. He stated they should have a recommendation to the Commission as a formal vote.

It was moved by Ms. Humphreys to approve the request per the board recommendations. Mr. Robinson seconded the motion. The motion passed 7-to-0 with the breakdown as follows:

Tony Barhoo (Vice Chair)	Yea
Helen Humphreys	Yea
Michael McLean	Yea

James Newman	Yea
Tony Servance (Chair)	Yea
Milverton Robinson	Yea
Cathy Washington (Secretary)	Yea

C. Main Street/South Atlantic Redevelopment Area Board Report

No comments

D. Public Comments

Tracey Remark, 815 N. Oleander Avenue stated her concerns regarding things being done right the first time and not having to go back to fix it. She referred to ADU's and the Hard Rock Hotel. She stated the board was doing a great job.

E. Staff Comments

Mr. Mrozek stated the City Staff wrapped up the third day of walks through the City. He gave a summary of where they walked. He stated it gave the City Manager a good opportunity to work with staff as they walked through the community, speaking with residents, business owners and getting input. He stated it gave great awareness to the residents on what staff can do, but also for staff and what they can do for the residents.

F. Board Member Comments

Mr. Newman stated as a resident on the walk on Beach Street, it was promising and exciting. He stated it was nice to have the give and take with staff.

10. Adjournment

There being no further discussion or comments the meeting was adjourned at 7:09 p.m.

Tony Servance
Chair

ATTEST:

Cathy Washington
Secretary

Agenda Item 4 (Quasi-Judicial Hearing)
Major Subdivision Preliminary Plat
DEV2020-102
Tymer Creek

STAFF REPORT

DATE: December 8, 2021
TO: Planning Board Members
FROM: Steven E. Bapp, AICP, Planner

PROJECT REQUEST

A request by Jose Martinez, Boos Development Group, on behalf of Cardinal Servicing Company, LLC (property owner), to approve a preliminary plat for the development of the Tymer Creek Village mixed-use subdivision, to include one multifamily residential parcel and eight commercial outparcels on 61.4± acres of land.

PROJECT LOCATION

The subject property is generally located in the northeast quadrant of the Tournament Drive and LPGA Boulevard intersection.



Aerial View of the Property

The zoning on the property is Planned Development – General (PD-G). The Future Land Use is Mixed Use (MU). The adjacent land use and zoning classifications are shown in the table below.

Table 1: Land Use and Zoning

	Existing Uses	Future Land Use Designation	Existing Zoning Classification
Site	Vacant Undeveloped	Low Intensity Urban (LIU)	Planned Development – General (PD-G)
North	Single-Family Residential and FPL Electric Sub-Station	Mixed Use (MU) & Potentially Environmentally Significant (PES)	Planned Development – General (PD-G) & Agricultural (AG)
South	Gray Hawk at LPGA International	Level 1 Residential (L1-R)	Planned Development-General (PD-G) & Single Family Residential - 5 (SFR-5)
East	Single-Family Residential	Level 1 Residential (L1-R)	Planned Development – General (PD-G) & Single Family Residential - 5 (SFR-5)
West	Single-Family Residential	Low Intensity Urban (LIU)	Planned Development-General (PD-G)

A development order approving a Major Subdivision Preliminary Plat authorizes the submittal of an application for approval of a Final Plat for the subdivision or an approved phase of the subdivision, in accordance with the Land Development Code (LDC). The proposed Major Subdivision Preliminary Plat (*Attachment A*) will allow the applicant to move forward with the Final Plat approval process, which is required before the subdivision of land (whether improved or unimproved).

PROJECT DESCRIPTION

On August 19, 2020, the City Commission (CC) approved the Tymber Creek Planned District Agreement. This application is a major subdivision preliminary plat to allow one multifamily residential parcel and eight commercial outparcels on 61.4± acres of land.

PROJECT ANALYSIS

The purpose of a Subdivision Plat is to provide a uniform means for the approval of divisions of land and to ensure, in conjunction with Article 7 (Subdivision and Infrastructure) of the LDC, that subdivisions promote the health, safety, convenience, order, prosperity, and welfare of the present and future inhabitants of the city by:

- a) Providing for the orderly growth and development of the city;

- b) Coordinating streets and roads within proposed subdivisions with the city's street system and transportation plans, and with other public facilities;
- c) Providing rights-of-way for streets and utility easements;
- d) Avoiding congestion and overcrowding, and encouraging the proper arrangement of streets in relation to existing or planned streets;
- e) Ensuring there is adequate open space and recreation facilities to serve development; and
- f) Ensuring there is proper recordation of land ownership or property owners' association records, where applicable.

Major Subdivision Preliminary Plat Review Standards

An application for a Major Subdivision Preliminary Plat shall be approved only on a finding that there is competent substantial evidence in the record that the proposed subdivision and associated development complies with:

i. The standards in Article 7: Subdivision and Infrastructure;

Staff has found this Preliminary Plat is compliant with all lot dimension, access, and infrastructure requirements outlined in Article 7 of the Land Development Code subject to the Tymber Creek Planned District Agreement.

ii. Applicable standards in Article 6: Development Standards;

Staff has found this Preliminary Plat is compliant with the standards of the Land Development Code Article 6: Development Standards subject to the Tymber Creek Planned District Agreement.

iii. All other applicable standards in this Code;

Staff has found this Preliminary Plat is compliant with all other applicable standards in the city's Land Development Code subject to the Tymber Creek Planned District Agreement.

iv. All requirements or conditions of any prior applicable development orders; and

The subject Preliminary Plat has been reviewed by staff and found to be consistent with the Tymber Creek Planned District Agreement.

v. All other applicable City regulations.

Staff has found the Preliminary Plat is in compliance with all applicable City regulations. Therefore, approval of the subject Preliminary Plat will allow the applicant to move forward with the Final Plat approval process.

The City's Technical Review Team (TRT) has reviewed the proposed Major Subdivision Preliminary Plat and has found it to be compliant with the subdivision requirements in the LDC.

Major Subdivision Preliminary Plat plans must be reviewed by the Planning Board prior to City Commission action. A development order approving a Major Subdivision Preliminary Plat authorizes the submittal of an application for approval of a Final Plat for the subdivision of an approved phase of the subdivision. Final Plats require approval from the City Commission only. The Final Plat empowers the subdivision of land; however, it does not act as a site plan approval.

A development order approving a Major Subdivision Preliminary Plat shall automatically expire if an application for approval of a Final Plat for the subdivision, or an approved phase of the

subdivision, is not submitted within two years after the date of the development order, or an extension of this time period that is authorized in accordance with the LDC.

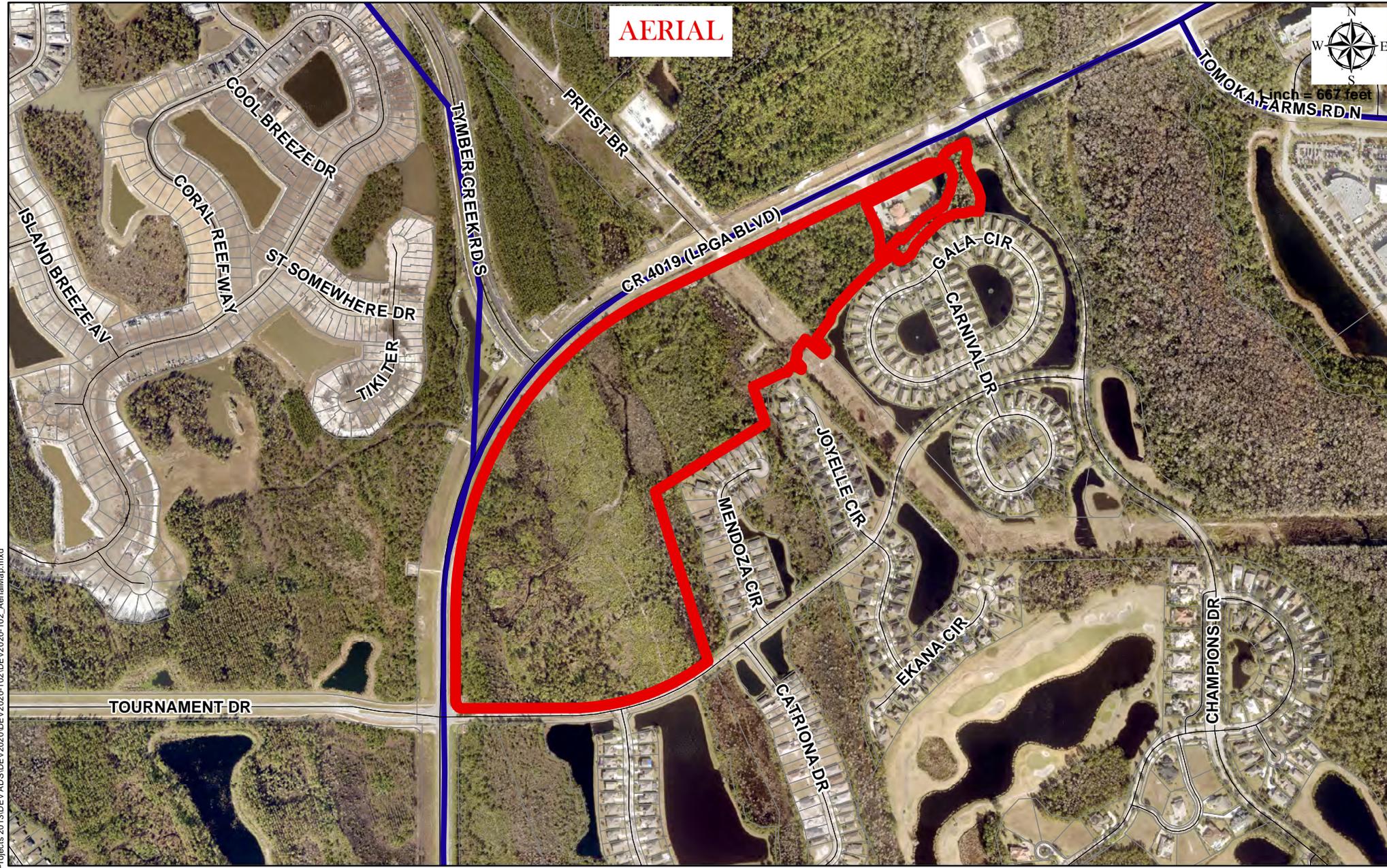
RECOMMENDATION

Staff recommends approval of the Major Subdivision Preliminary Plat for the Tymber Creek Development to allow one multifamily residential parcel and eight commercial outparcels on 61.4± acres of land.

A majority vote of the Planning Board members, present and voting, is required to recommend approval to the City Commission.

The item is tentatively scheduled for final approval by the City Commission on February 2, 2022.

AERIAL



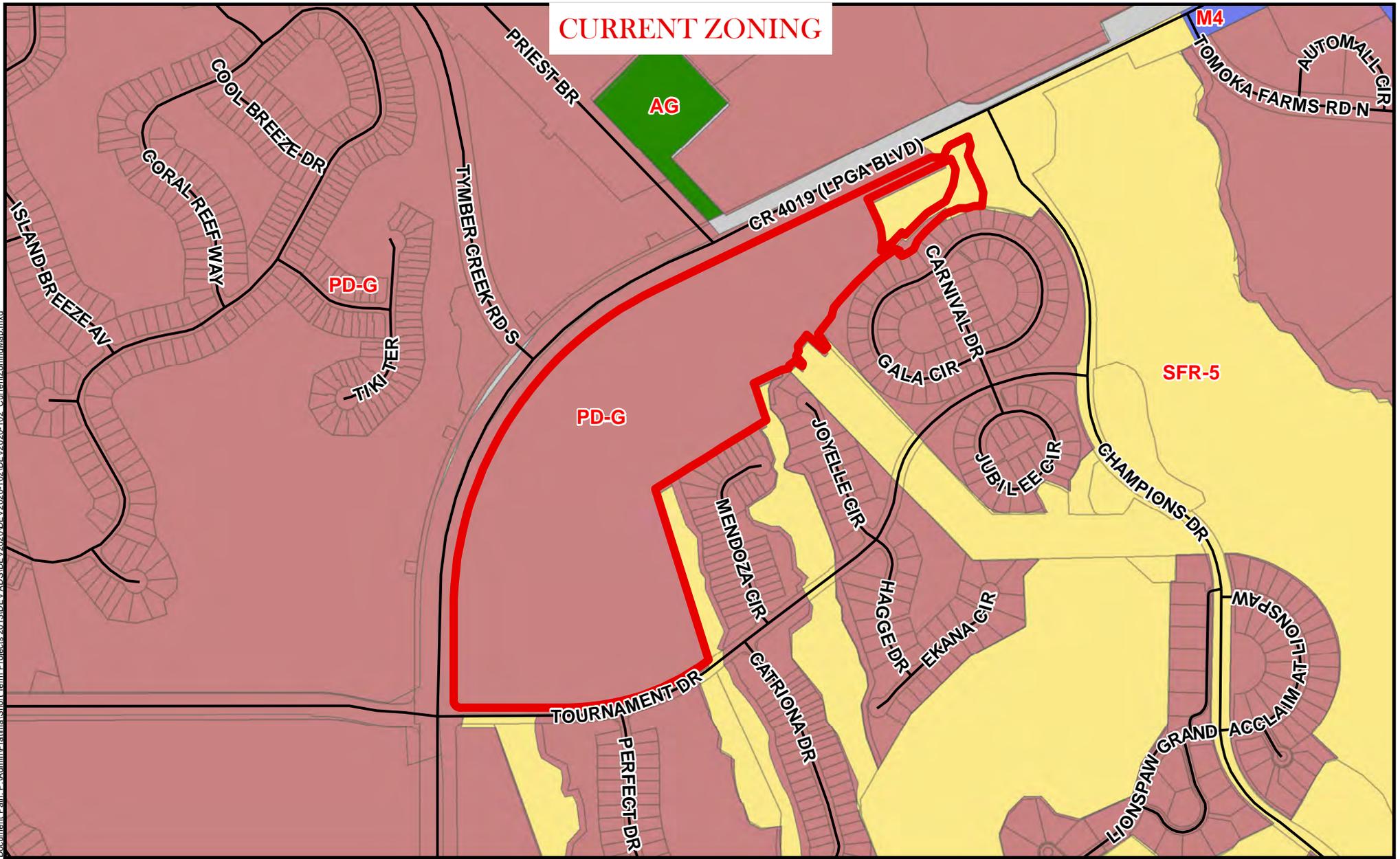
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**DEV2020-102
MAJOR PRELIMINARY PLAT
AERIAL MAP**

City of Daytona Beach Map disclaimer:
These maps were developed and produced by the City of Daytona Beach GIS. They are provided for reference only and are not intended to show map scale accuracy or all inclusive map features. As indicated, the accuracy of the map has not been verified and it should be used for informational purposes only. Any possible discrepancies should be brought to the attention of City Engineering and or Development Services.

CURRENT ZONING



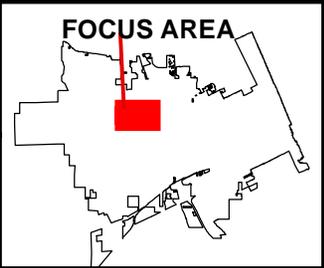
1 inch = 667 feet



DEV2020-102 MAJOR PRELIMINARY PLAT CURRENT & PROPOSED ZONING MAP

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FUTURE LAND USE



Document Path: P:\Admin\Prattima\Short Term Projects 2013\DEV\AD\DEV\2020\DEV\2020-102\DEV\2020-102_Future Land Use Map.mxd

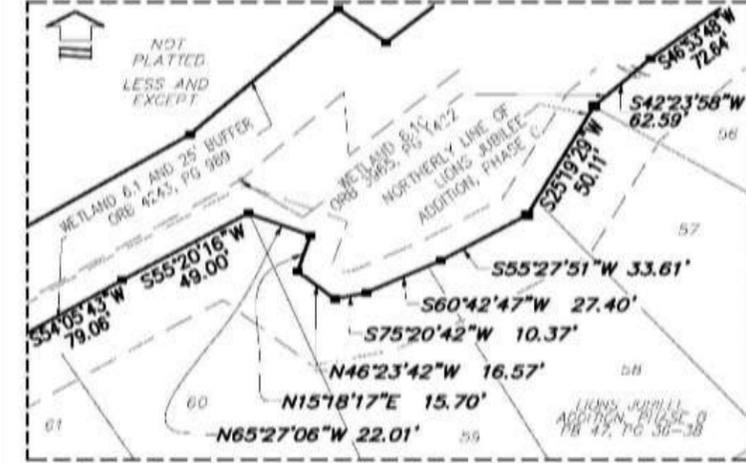
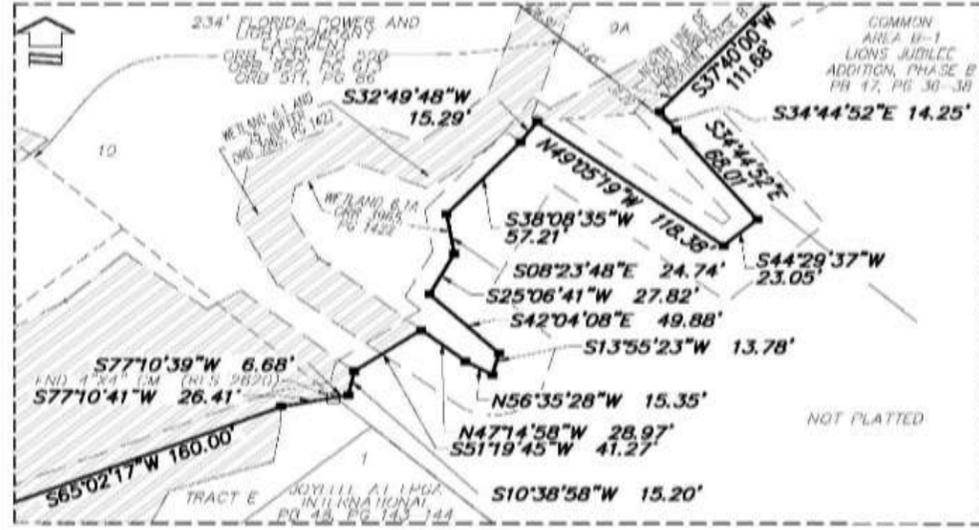
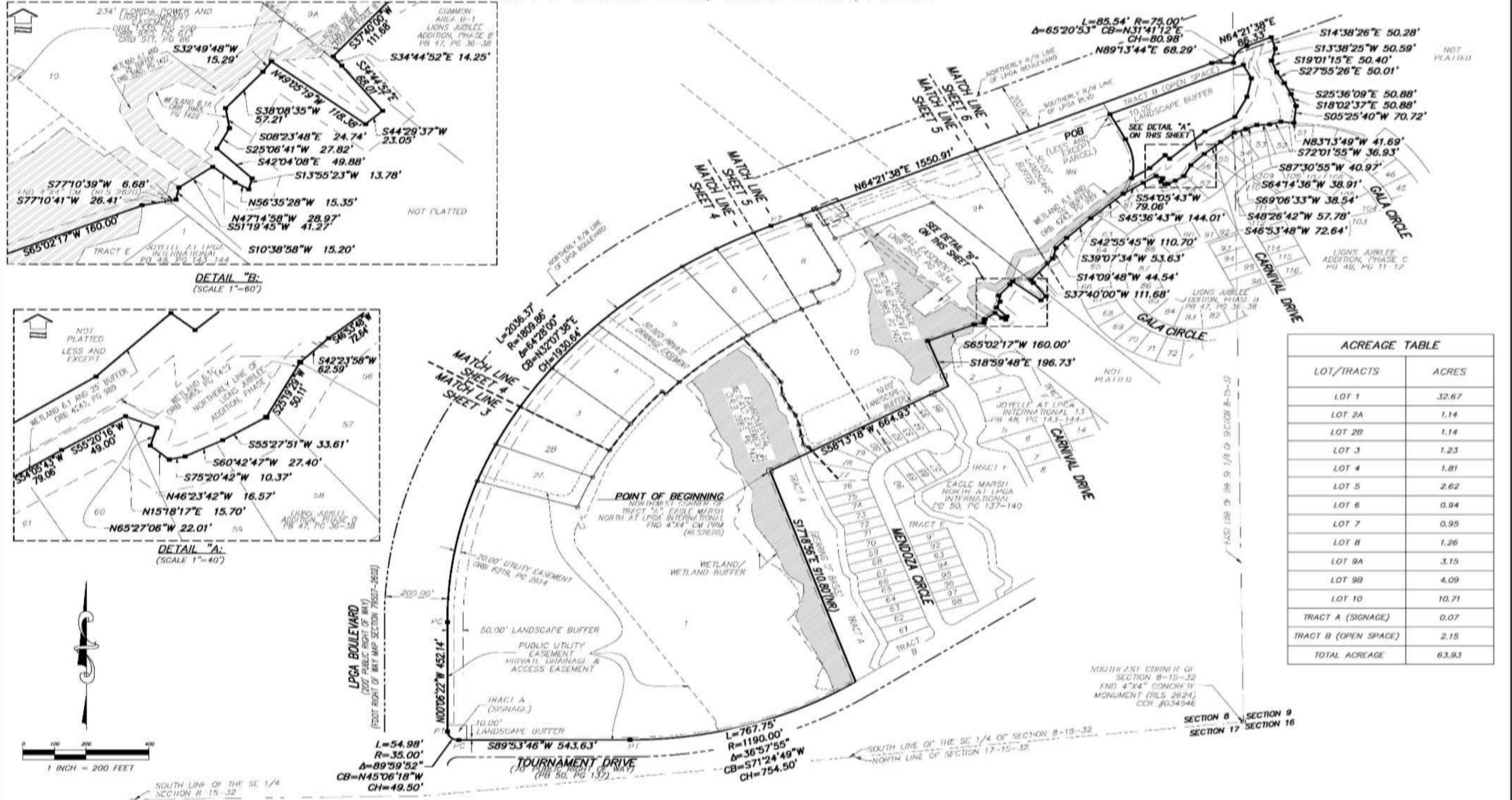


DEV2020-102 MAJOR PRELIMINARY PLAT FUTURE LAND USE MAP

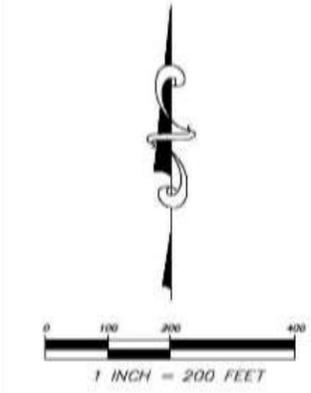
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TYMBER CREEK VILLAGE

LOCATED IN SECTIONS 8 AND 9, TOWNSHIP 15 SOUTH, RANGE 32 EAST,
CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA.



ACREAGE TABLE	
LOT/TRACTS	ACRES
LOT 1	32.67
LOT 2A	1.14
LOT 2B	1.14
LOT 3	1.23
LOT 4	1.81
LOT 5	2.62
LOT 6	0.94
LOT 7	0.95
LOT 8	1.26
LOT 9A	3.15
LOT 9B	4.09
LOT 10	10.71
TRACT A (SIGNAGE)	0.07
TRACT B (OPEN SPACE)	2.15
TOTAL ACREAGE	63.93



131 WEST KALEY STREET
ORLANDO, FLORIDA 32806
PHONE: 321.354.9826 FAX: 407.648.9104
WWW.DEWBERRY.COM
CERTIFICATE OF AUTHORIZATION NO. LB 8011

SHEET INDEX
SHEET 1: COVER SHEET/LEGEND
SHEET 2: KEY SHEET/PLAT BOUNDARY/ACREAGE TABLE
SHEETS 3 - 6: DETAIL SHEETS

NOTICE
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

Agenda Item 5 (Quasi-Judicial Hearing)
Major Subdivision Preliminary Plat
DEV2020-095
Tomoka North (FKA O'Connor Capital)

STAFF REPORT

DATE: December 9, 2021
TO: Planning Board Members
FROM: Hannah Ward, Planner

PROJECT REQUEST

A request by Parker Mynchenberg, PE, Parker Mynchenberg & Associates, Inc. on behalf of Crisp39-3, LLC (property owner), to approve a preliminary plat for the development of the Tomoka North (FKA O'Connor Capital) mixed-use subdivision on 178.9± acres of land.

PROJECT LOCATION

The subject property is generally located in the northwest quadrant of the Williamson Boulevard and LPGA Boulevard intersection.



Aerial View of the Property

The zoning on the property is Planned Development – General (PD-G). The Future Land Use is Mixed Use (MU). The adjacent land use and zoning classifications are shown in the table below.

Table 1: Land Use and Zoning

	Existing Uses	Future Land Use Designation	Existing Zoning Classification
Site	Vacant Undeveloped	Mixed Use (MU) & Potentially Environmentally Significant (PES)	Planned Development – General (PD-G)
North	Advent Health & Vacant Undeveloped	Mixed Use (MU) & Potentially Environmentally Significant (PES)	Planned Development – General (PD-G)
South	ATC, Buc-ee's Stonewood, Intracoastal Bank, Wendy's, 7-Eleven and Vacant Undeveloped	Mixed Use (MU) & Interchange Commercial (IC)	Planned Development-General (PD-G)
East	The Cottages at Daytona Beach, Sands Parc Apartments and Vacant Undeveloped	Office Transition (OT), Mixed Use (MU) & Potentially Environmentally Significant (PES)	Planned Development – General (PD-G)
West	Vacant Undeveloped	Low Intensity Urban (LIU) & Potentially Environmentally Significant (PES)	Volusia County (VC)

A development order approving a Major Subdivision Preliminary Plat authorizes the submittal of an application for approval of a Final Plat for the subdivision or an approved phase of the subdivision, in accordance with the Land Development Code (LDC). The proposed Major Subdivision Preliminary Plat (*Attachment A*) will allow the applicant to move forward with the Final Plat approval process, which is required before the subdivision of land (whether improved or unimproved).

PROJECT DESCRIPTION

On March 20, 2019, the City Commission (CC) approved the O'Connor Capital Planned District Agreement. This application is a major subdivision preliminary plat for a mixed-use subdivision on 178.9± acres of land. The applicant provided a concept plan for the development (*Attachment B*).

PROJECT ANALYSIS

The purpose of a Subdivision Plat is to provide a uniform means for the approval of divisions of land and to ensure, in conjunction with Article 7 (Subdivision and Infrastructure) of the LDC, that subdivisions promote the health, safety, convenience, order, prosperity, and welfare of the present and future inhabitants of the city by:

- a) Providing for the orderly growth and development of the city;
- b) Coordinating streets and roads within proposed subdivisions with the city's street system and transportation plans, and with other public facilities;
- c) Providing rights-of-way for streets and utility easements;
- d) Avoiding congestion and overcrowding, and encouraging the proper arrangement of streets in relation to existing or planned streets;
- e) Ensuring there is adequate open space and recreation facilities to serve development; and
- f) Ensuring there is proper recordation of land ownership or property owners' association records, where applicable.

Major Subdivision Preliminary Plat Review Standards

An application for a Major Subdivision Preliminary Plat shall be approved only on a finding that there is competent substantial evidence in the record that the proposed subdivision and associated development complies with:

i. The standards in Article 7: Subdivision and Infrastructure;

Staff has found this Preliminary Plat is compliant with all lot dimension, access, and infrastructure requirements outlined in Article 7 of the Land Development Code subject to the O'Connor Capital Planned District Agreement.

ii. Applicable standards in Article 6: Development Standards;

Staff has found this Preliminary Plat is compliant with the standards of the Land Development Code Article 6: Development Standards subject to the O'Connor Capital Planned District Agreement.

iii. All other applicable standards in this Code;

Staff has found this Preliminary Plat is compliant with all other applicable standards in the city's Land Development Code subject to the O'Connor Capital Planned District Agreement.

iv. All requirements or conditions of any prior applicable development orders; and

The subject Preliminary Plat has been reviewed by staff and found to be consistent with the O'Connor Capital Planned District Agreement.

v. All other applicable City regulations.

Staff has found the Preliminary Plat is in compliance with all applicable City regulations. Therefore, approval of the subject Preliminary Plat will allow the applicant to move forward with the Final Plat approval process.

The City's Technical Review Team (TRT) has reviewed the proposed Major Subdivision Preliminary Plat and has found it to be compliant with the subdivision requirements in the LDC.

Major Subdivision Preliminary Plat plans must be reviewed by the Planning Board prior to City Commission action. A development order approving a Major Subdivision Preliminary Plat authorizes the submittal of an application for approval of a Final Plat for the subdivision of an approved phase of the subdivision. Final Plats require approval from the City Commission only. The Final Plat empowers the subdivision of land; however, it does not act as a site plan approval.

A development order approving a Major Subdivision Preliminary Plat shall automatically expire if an application for approval of a Final Plat for the subdivision, or an approved phase of the subdivision, is not submitted within two years after the date of the development order, or an extension of this time period that is authorized in accordance with the LDC.

RECOMMENDATION

Staff recommends approval of the Major Subdivision Preliminary Plat for the Tomoka North Development a mixed-use subdivision on 178.9± acres of land.

A majority vote of the Planning Board members, present and voting, is required to recommend approval to the City Commission.

The item is tentatively scheduled for final approval by the City Commission on February 2, 2022.

LOCATION MAP



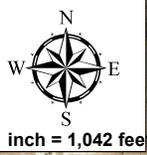
Document Path: P:\Admin\Pratt\ma\Short Term Projects 20\3\DEV AD\DEV2020\DEV2020-095\DEV2020-095_LocationMap.mxd



DEV2020-095 PRELIMINARY PLAT LOCATION MAP

City of Daytona Beach Map disclaimer:
These maps were developed and produced by the City of Daytona Beach GIS. They are provided for reference only and are not intended to show map scale accuracy or all inclusive map features. As indicated, the accuracy of the map has not been verified and it should be used for informational purposes only. Any possible discrepancies should be brought to the attention of City Engineering and or Development Services.

AERIAL MAP



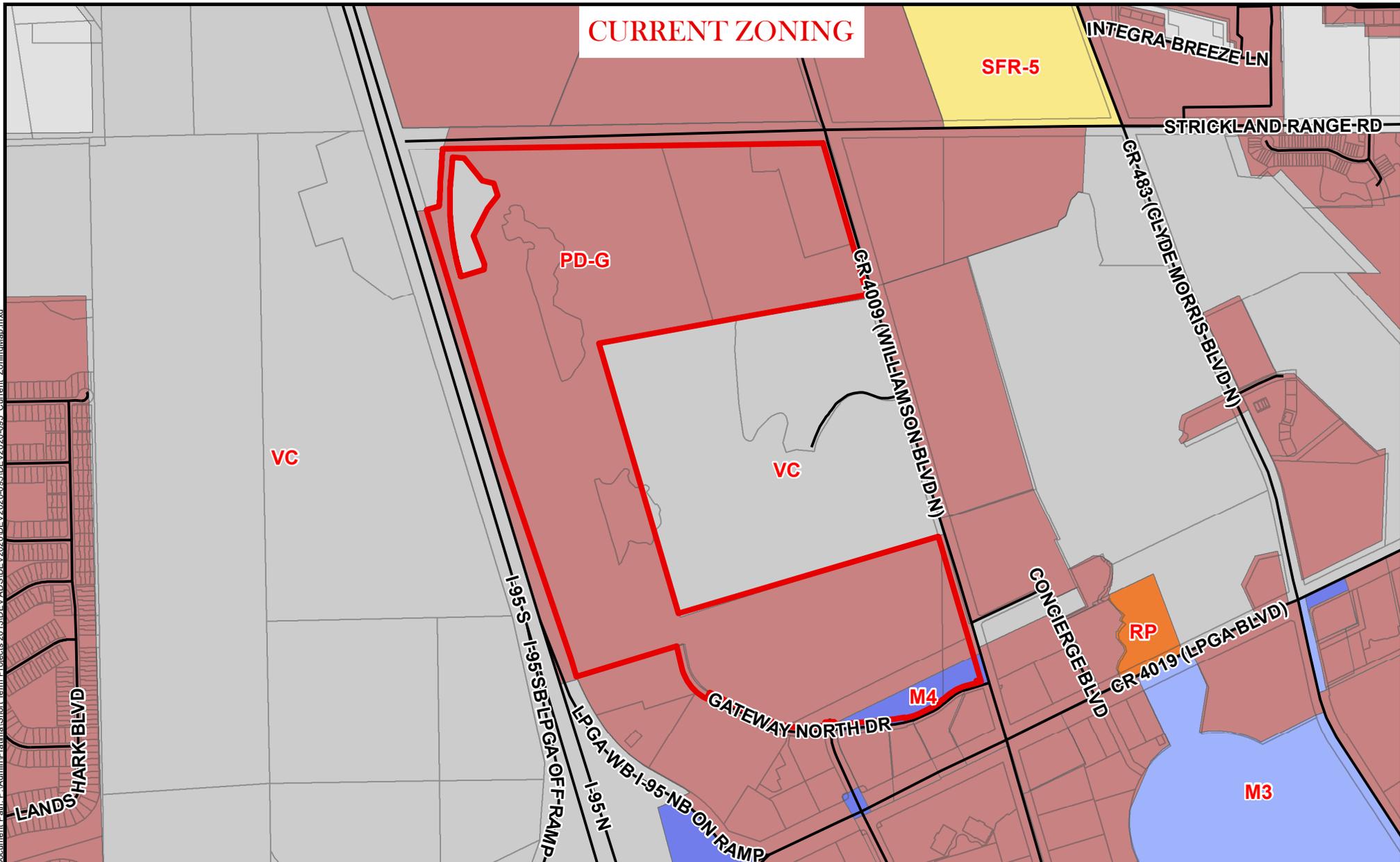
Document Path: P:\Admin\Pratt\ma\Short Term Projects 20\3\DEV AD\DEV2020\DEV2020-095\DEV2020-095 AerialMap.mxd



DEV2020-095 PRELIMINARY PLAT REZONING AERIAL MAP

City of Daytona Beach Map disclaimer:
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1 inch = 1,042 feet

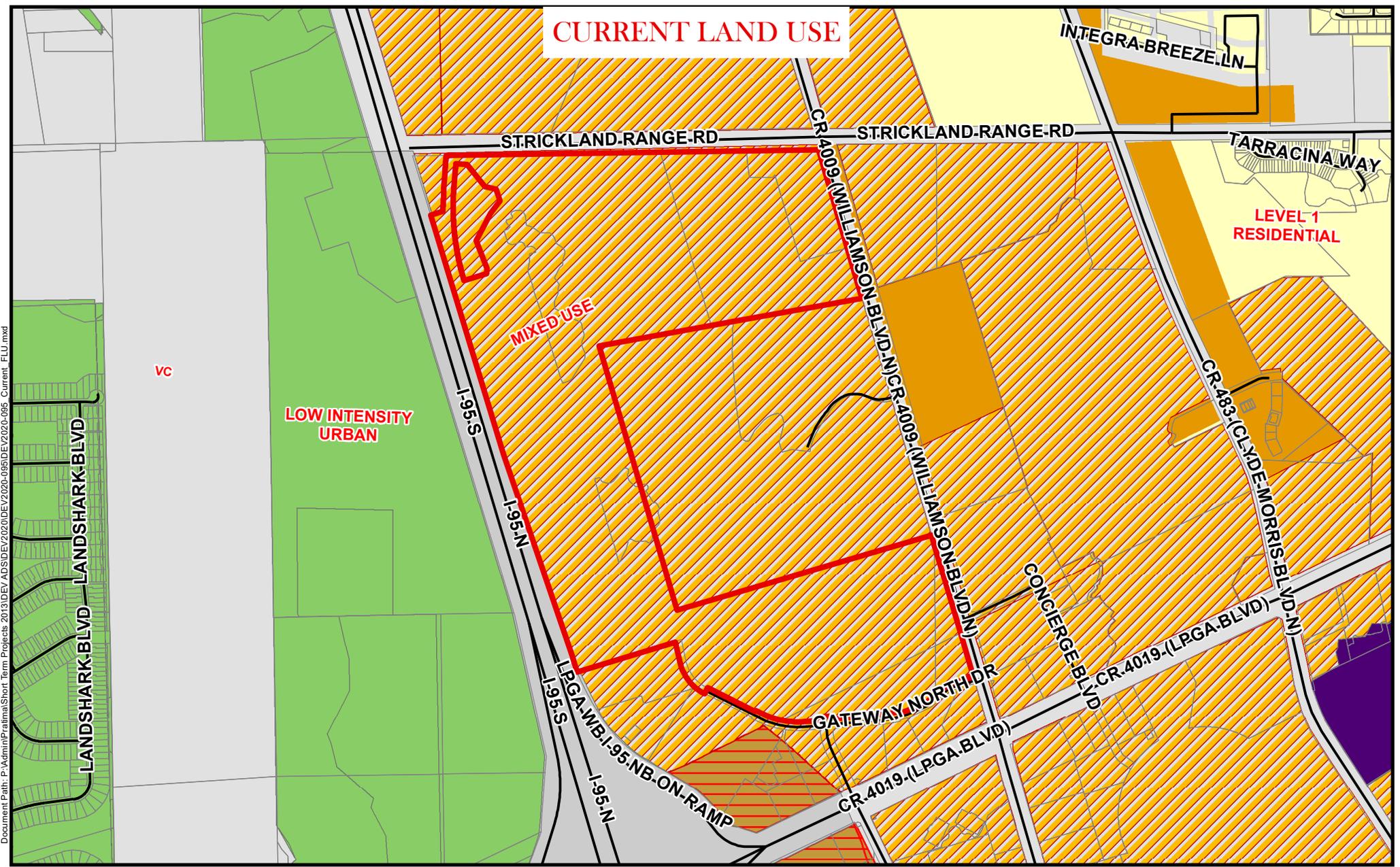


**DEV2020-095
PRELIMINARY PLAT
CURRENT AND PROPOSED ZONING MAP**

City of Daytona Beach Map disclaimer:

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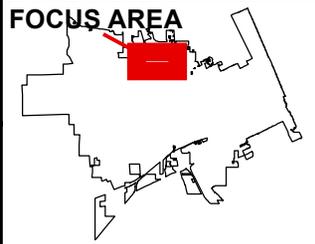


1 inch = 200 feet



**DEV2020-095
PRELIMINARY PLAT
PROPOSED FUTURE LAND USE**

City of Daytona Beach Map disclaimer:
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TOMOKA NORTH

A PORTION OF SECTIONS 3 & 4, TOWNSHIP 15 SOUTH, RANGE 32 EAST,
CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA

MAP BOOK: ___ PAGE: ___

ATTACHMENT A

LEGAL DESCRIPTION:

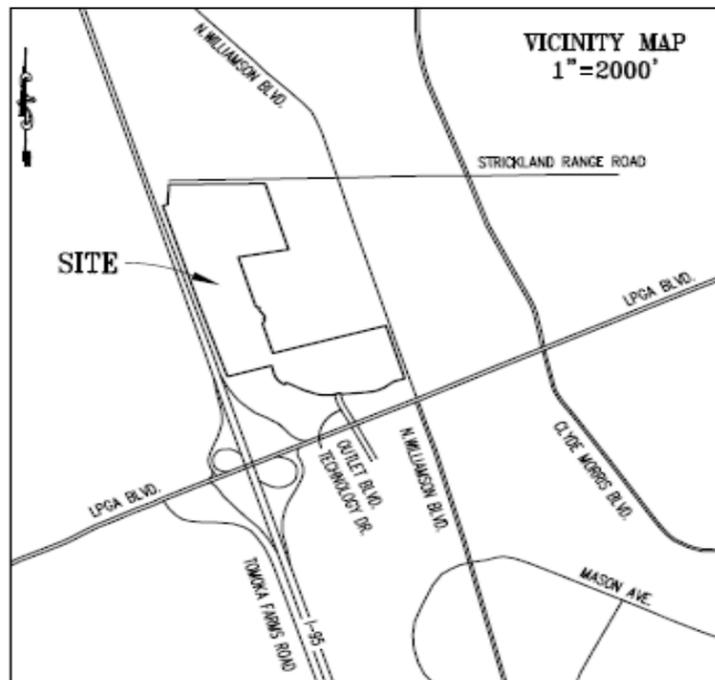
A PORTION OF PARCEL 34 AND PARCEL 41, LYING WITHIN SECTIONS 3 AND 4, TOWNSHIP 15, SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, AS DESCRIBED IN THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 4785, PAGE 4805 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 95 (STATE ROAD 9) WITH THE NORTH LINE OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 32 EAST; THENCE S16°53'56"E ALONG SAID EASTERLY RIGHT OF WAY LINE, 130.15 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF FLOMICH AVENUE EXTENSION; A 125.00 FOOT RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 367, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE N89°16'32"E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 254.31 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, N89°16'13"E, 1,726.89 FEET; THENCE S16°20'49"E, 1496.10 FEET TO THE NORTH LINE OF THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 4442, PAGE 4396, SAID PUBLIC RECORDS; THENCE S79°44'19"W ALONG SAID NORTH LINE, 920.17 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY; THENCE ALONG THE WEST LINE OF SAID PROPERTY, S16°25'10"E, 1129.15 FEET TO A POINT ON THE NORTHERLY LINE OF THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 4047, PAGE 505 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE CONTINUING ALONG SAID NORTHERLY LINE THE FOLLOWING 14 CALLS: N77°11'51"E, 22.94 FEET; THENCE S45°29'16"E, 19.45 FEET; THENCE S75°20'53"E, 30.25 FEET; THENCE S11°05'05"E, 19.26 FEET; THENCE S40°04'31"W, 28.47 FEET; THENCE S38°11'48"E, 51.91 FEET; THENCE S36°22'10"E, 45.99 FEET; THENCE S35°52'22"E, 53.39 FEET; THENCE S47°15'00"E, 15.49 FEET; THENCE S05°22'39"E, 50.94 FEET; THENCE S89°29'31"W, 21.16 FEET; THENCE S46°31'28"E, 28.29 FEET; THENCE S15°02'27"W, 56.98 FEET; THENCE S28°30'39"W, 52.45 FEET TO A POINT ON THE WESTERLY LINE OF AFORESAID PROPERTY RECORDED IN OFFICIAL RECORDS BOOK 4442, PAGE 4396 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY LINE, THENCE S16°25'10"E, 663.66 FEET TO THE SOUTHWEST CORNER OF OFFICIAL RECORDS BOOK 4442, PAGE 4396; THENCE ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 4442, PAGE 4396, N73°34'50"E, 215.35 FEET TO A POINT ON AFORESAID WESTERLY RIGHT OF WAY LINE OF WILLIAMSON BOULEVARD; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, S16°25'24"E, 1198.77 FEET TO THE NORTH RIGHT OF WAY LINE OF GATEWAY NORTH DRIVE, A 70.00 FOOT RIGHT OF WAY PER OFFICIAL RECORDS BOOK 6289, PAGE 938, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING 21 CALLS: S73°34'36"W, 22.50 FEET; THENCE N16°25'24"W, 15.00 FEET; THENCE S73°34'36"W, 10.00 FEET; THENCE S16°25'24"E, 15.00 FEET; THENCE S73°34'36"W, 112.65 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 325.00 FEET AND CENTRAL ANGLE OF 23°32'20"; THENCE IN A WESTERLY DIRECTION ALONG THE ARC OF SAID CURVE, 133.52 FEET; THENCE S50°02'18"W, 104.82 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 275.00 FEET AND CENTRAL ANGLE OF 14°12'11"; THENCE IN A WESTERLY DIRECTION ALONG THE ARC OF SAID CURVE, 68.17 FEET; THENCE S64°14'26"W, 65.59 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 775.00 FEET AND CENTRAL ANGLE OF 11°30'24"; THENCE IN A WESTERLY DIRECTION ALONG THE ARC OF SAID CURVE, 155.64 FEET; THENCE N14°15'10"W, 10.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 765.00 FEET AND CENTRAL ANGLE OF 09°02'46" WITH A CHORD BEARING S80°16'13"W, 120.65 FEET; THENCE IN A WESTERLY DIRECTION ALONG THE ARC OF SAID CURVE, 120.78 FEET; THENCE S84°47'31"W, 408.62 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET AND CENTRAL ANGLE OF 90°00'00"; THENCE IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE, 39.27 FEET; THENCE N64°47'31"E, 70.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET AND CENTRAL ANGLE OF 90°00'00" WITH A CHORD BEARING S39°47'31"W, 35.36 FEET; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE, 39.27 FEET; THENCE S84°47'31"W, 99.70 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 665.00 FEET AND CENTRAL ANGLE OF 31°42'58"; THENCE IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE, 368.11 FEET; THENCE N63°29'31"W, 48.71 FEET; THENCE S26°30'29"W, 10.00 FEET; THENCE N63°29'31"W, 429.29 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 320.41 FEET AND CENTRAL ANGLE OF 51°10'07" WITH A CHORD BEARING N37°53'58"W, 276.81 FEET; THENCE IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE AND THE EASTERLY LINE OF THE PLAT OF 95-LPGA SUBDIVISION RECORDED IN MAP BOOK 61, PAGE 12 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, 288.24 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE, N12°18'24"W, 171.03 FEET TO THE NORTHEAST CORNER OF SAID PLAT; THENCE ALONG THE NORTH LINE OF SAID 95-LPGA, S73°07'25"W, 676.54 FEET TO THE EASTERLY RIGHT OF WAY LINE OF I-95 (S.R. 9) PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 79002-2424 AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 2095.46 FEET AND CENTRAL ANGLE OF 04°32'37" WITH A CHORD BEARING N20°18'58"W, 166.13 FEET; THENCE IN A NORTHERLY DIRECTION ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT OF WAY LINE OF I-95, 166.18 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, N18°02'39"W, 1496.14 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, N16°53'56"W, 2237.51 FEET TO THE SOUTHWEST CORNER OF THAT FLORIDA DEPARTMENT OF TRANSPORTATION WATER RETENTION AREA, PARCEL NO. 100 - PART A, AS DESCRIBED IN OFFICIAL RECORDS BOOK 4194, PAGE 1536 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE AND ALONG THE SOUTH LINE OF SAID PARCEL 100 - PART A, N73°05'16"E, 92.33 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 100 - PART A AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 2133.49 FEET AND CENTRAL ANGLE OF 05°04'28" WITH A CHORD BEARING N02°30'20"E, 188.89 FEET; THENCE IN A NORTHERLY DIRECTION ALONG THE ARC OF SAID CURVE AND THE EAST LINE OF SAID PARCEL 100 - PART A, 188.95 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE, N05°02'34"E, 125.10 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 2033.50 FEET AND CENTRAL ANGLE OF 03°27'35"; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE, 122.79 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

(D.R.B. 4194, PAGE 1536 - PART B) A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4035, PAGE 3550 AS RECORDED IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, ALSO LYING IN SECTION 4, TOWNSHIP 15 SOUTH, RANGE 32 EAST OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT A FOUND 4X4 CONCRETE MONUMENT STAMPED 5&A F.D.O.T. BEING THE NORTHWEST CORNER OF SAID SECTION 4, LYING ON THE NORTH RIGHT OF WAY LINE OF FLOMICH AVENUE EXTENSION (A 125 FOOT RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 367, PAGE 68 OF SAID PUBLIC RECORDS); THENCE N89°16'32"E, ALONG THE NORTH LINE OF SAID SECTION 4 AND ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID FLOMICH AVENUE EXTENSION, 1156.55 FEET TO THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 9, INTERSTATE 95 (A 300 FOOT LIMITED ACCESS RIGHT-OF-WAY AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 79002-2436); THENCE LEAVING SAID NORTH LINE, S16°53'44"E ALONG SAID EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 9, 1229.15 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 9, N73°05'16"E, 100.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 2156'19" AND CENTRAL ANGLE OF 21°56'19" WITH A CHORD BEARING N05°50'35"W, 773.87 FEET; THENCE IN A NORTHERLY DIRECTION ALONG THE ARC OF SAID CURVE, 776.62 FEET; THENCE N05°02'34"E, 125.10 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 2133.49 FEET AND CENTRAL ANGLE OF 01°10'37" WITH A CHORD BEARING N04°27'16"E, 43.82 FEET; THENCE IN A NORTHERLY DIRECTION ALONG THE ARC OF SAID CURVE, 43.82 FEET; THENCE S86°09'07"E, 90.00 FEET; THENCE S38°56'45"E, 229.12 FEET; THENCE S76°24'41"E, 91.13 FEET; THENCE S18°53'23", 100.52 FEET; THENCE S38°13'58"W, 127.78 FEET; THENCE S27°17'19"W, 245.00 FEET; THENCE S21°04'03"E, 238.70 FEET; THENCE S03°31'23"W, 41.45 FEET; THENCE S73°06'16"W, 188.47 FEET TO THE POINT OF BEGINNING.

CONTAINING: 7,689,239 Sq.Ft. or 176.52 Acres



SHEET INDEX:

SHEET 1	COVER AND LEGAL
SHEET 2	NOTES AND DETAILS
SHEET 3	OVERALL PLAT

ABBREVIATIONS

Δ	DELTA OR CENTRAL ANGLE
R	RADIUS
L	ARC LENGTH
CB	CHORD BEARING
C	CHORD LENGTH
LS	LICENSED BUSINESS
LS	LAND SURVEYOR
R/W	RIGHT OF WAY
ORB	OFFICIAL RECORDS BOOK
PG	PAGE
C.A.	COMMON AREA
SURWMD	ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT
U.E.	UTILITY EASEMENT
PRC	POINT OF REVERSE CURVE

LEGEND

■	DENOTES PERMANENT REFERENCE MONUMENT 4"x4" CONCRETE MONUMENT STAMPED PRM LS 3019.
△	DENOTES NAIL & CAP STAMPED POP LB3019.
	DENOTES PC / PT

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT CRSP 39-3, LLC, A FLORIDA LIMITED LIABILITY COMPANY BEING THE OWNER IN FEE SIMPLE OF THE LANDS SHOWN ON THE ATTACHED PLAT, ENTITLED, TOMOKA NORTH, LOCATED IN THE CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA, DOES HEREBY DEDICATE SAID REAL PROPERTY FOR PROPER PURPOSES AND USES AND DEDICATE OTHER INTERESTS AS SET FORTH IN THIS PLAT.

TRACTS A, B, C, E, F, G, H, I, J, AND K ARE HEREBY DEEDED IN FEE AS COMMON AREA TO TOMOKA NORTH PROPERTY OWNERS ASSOCIATION, INC., A FLORIDA CORPORATION.

DRAINAGE FACILITIES WITHIN TRACTS A, B, C ARE TO BE MAINTAINED BY TOMOKA NORTH PROPERTY OWNERS ASSOCIATION, INC., A FLORIDA CORPORATION.

THE LIFT STATION TRACT "D" IS GRANTED IN FEE TO THE CITY OF DAYTONA BEACH.

A DRAINAGE AND ACCESS EASEMENT WITHIN TRACTS A, B, & C IS GRANTED TO THE CITY OF DAYTONA BEACH WHICH SHALL HAVE NO MAINTENANCE OBLIGATIONS.

TOMOKA LAKE BLVD. AND TECHNOLOGY BLVD. ARE HEREBY CONVEYED AND DEDICATED TO THE CITY OF DAYTONA BEACH FOR PUBLIC ROAD PURPOSES.

IN WITNESS WHEREOF, _____ HAS CAUSED THESE PRESENTS TO BE SIGNED THIS ____ DAY OF _____, 2021.

SIGNED AND SEALED IN THE PRESENCE OF:

BY: CRSP 39 SPV LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SOLE MEMBER	BY: CRSP 39-3 LLC, A FLORIDA LIMITED LIABILITY COMPANY
PRINT NAME _____	SCOTT BULLOCK, MANAGER
BY: CTD TRS CRSP 39 LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS MANAGER	ATTESTED BY: _____
PRINT NAME _____	
BY: CTD REALTY GROWTH, INC. (100% CONSOLIDATED TOMOKA LAND CO.), A MARYLAND CORPORATION, ITS SOLE MEMBER	
PRINT NAME _____	

STATE OF: FLORIDA
COUNTY OF: VOLUSIA

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF [] PHYSICAL PRESENCE OR [] ONLINE NOTARIZATION, THIS ____ DAY OF _____, 2021, BY _____ AS _____ CTD REALTY GROWTH, INC. (100% CONSOLIDATED TOMOKA LAND CO.), A MARYLAND CORPORATION, AS SOLE MEMBER OF CTD TRS CRSP 39 LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE MANAGER OF CRSP 39 SPV LLC, A FLORIDA LIMITED LIABILITY COMPANY, THE SOLE MEMBER OF CRSP 39-3 LLC, A FLORIDA LIMITED LIABILITY COMPANY. HE () IS PERSONALLY KNOWN TO ME OR () HAS PRODUCED _____ AS IDENTIFICATION.

SEAL _____ SIGNATURE _____
PRINT NAME _____
NOTARY PUBLIC
STATE OF FLORIDA AT LARGE
TITLE/RANK:
MY COMMISSION EXPIRES:
COMMISSION NUMBER: _____

CERTIFICATE OF APPROVAL BY THE CITY OF DAYTONA BEACH ENGINEER

THIS IS TO CERTIFY THAT ON _____ THIS PLAT WAS APPROVED.

CITY ENGINEER _____

CERTIFICATE OF CLERK

I HEREBY CERTIFY THAT I HAVE EXAMINED THE FOREGOING PLAT AND FIND IT COMPLIES IN FORM WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND WAS FILED FOR RECORD.

ON _____, AT _____

CLERK OF THE CIRCUIT COURT _____ FILE NUMBER _____
IN AND FOR VOLUSIA COUNTY, FLORIDA.

CERTIFICATE OF APPROVAL BY THE CITY OF DAYTONA BEACH SURVEYOR

I HEREBY CERTIFY THAT I HAVE EXAMINED THE FOREGOING PLAT AND FIND IT CONFORMS TO CHAPTER 177, FLORIDA STATUTES.

JAMES M. DURN, PSM _____ DATE _____
SOUTHEASTERN SURVEY & MAPPING CORP.
6500 ALL AMERICAN BLVD.
ORLANDO, FLORIDA 32810-4350

CERTIFICATE OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING A LICENSED AND REGISTERED SURVEYOR AND MAPPER, DOES HEREBY CERTIFY THAT ON FEBRUARY _____, 20____, THE SURVEY WAS COMPLETED OF THE LANDS SHOWN ON THE FOREGOING PLAT, THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS THEREIN DESCRIBED AND PLATTED; THAT SAID PLAT WAS PREPARED UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT THE SURVEY DATA COMPLIES WITH ALL OF THE REQUIREMENTS OF CHAPTER 177, PART I, FLORIDA STATUTES; AND THAT SAID LAND IS LOCATED IN THE CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA.

JEFF R. SHINES P.S.M. - FLORIDA PROFESSIONAL SURVEYOR _____ DATE _____
AND MAPPER, CERTIFICATE NO. 3578
SHINES & ASSOCIATES, INC. L.L.C. NO. 3019
3501 NOVA ROAD
PORT ORANGE, FLORIDA 32127

CERTIFICATE OF APPROVAL BY THE CITY OF DAYTONA BEACH MANAGER

THIS IS TO CERTIFY THAT ON _____ THIS PLAT WAS APPROVED BY THE CITY OF DAYTONA BEACH, FLORIDA.

CITY MANAGER _____



SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
3921 NOVA ROAD
PORT ORANGE, FL. 32127
(386) 761-5385
LICENSED BUSINESS CERTIFICATION NO. 3019

TOMOKA NORTH

A PORTION OF SECTIONS 3 & 4, TOWNSHIP 15 SOUTH, RANGE 32 EAST,
CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA

ATTACHMENT A

GENERAL NOTES:

- 1) "NOTICE" THIS PLAN, AS RECORDED IN ITS GRAPHIC FORM IS THE OFFICIAL DEVICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAN. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAN THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- 2) DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
- 3) BEARING STRUCTURE BASED ON NAD 83 FLORIDA STATE PLANE COORDINATE SYSTEM EAST ZONE, WITH THE BEARING ON THE WESTERLY RIGHT OF WAY LINE OF NORTH WILLIAMSON BOULEVARD BEING S16°25'24"E.
- 4) ■ DENOTES PERMANENT REFERENCE MONUMENT SET (4"x4" CONCRETE MONUMENT STAMPED PRM LB 3019).
- ▲ DENOTES NAIL & CAP SET (STAMPED POP LB 3019).
- 5) UTILITIES IN UTILITY EASEMENTS SHALL INCLUDE, BUT ARE NOT LIMITED TO: PUBLIC UTILITIES, NATURAL GAS, ELECTRIC (INCLUDING FLORIDA POWER & LIGHT CO.), TELEPHONE, AND CABLE TV.
- 6) ALL PLATTED EASEMENTS, EXCLUSIVE OF PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES. HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGE. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- 7) ALL LINES RADIAL UNLESS LABELED (R/C).
- 8) COORDINATE VALUES SHOWN HEREIN BASED UPON FLORIDA STATE PLANE COORDINATE SYSTEM (EAST ZONE) NAD 83 DATUM USING PUBLISHED CITY OF DAYTONA MONUMENTS RMR-07 AND RMR-01 TO CONTROL THIS PLAN.
- 9) NOTE: ALL MEASUREMENTS REFER TO HORIZONTAL PLANE IN ACCORDANCE WITH THE DEFINITION OF THE U.S. SURVEY FOOT OR METER ADOPTED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY. ALL MEASUREMENTS SHALL USE THE 39.37/70-1.3808333333 EQUATION FOR CONVERSION FROM A U.S. FOOT TO METERS.
- 10) PER F.S. 173.08(3) "WHEN A TRACT OR PARCEL OF LAND HAS BEEN SUBDIVIDED AND A PLAN THEREOF BEARING THE DEDICATION OF THE OWNERS OF RECORD AND MORTGAGEES HAVING A RECORD INTEREST IN THE LANDS SUBDIVIDED, AND WHEN THE APPROVAL OF THE GOVERNING BODY HAS BEEN SECURED AND RECORDED IN COMPLIANCE WITH THIS PART, ALL STREETS, ALLEYS, EASEMENTS, RIGHTS OF WAY, AND PUBLIC AREAS SHOWN ON SUCH PLAN, UNLESS OTHERWISE STATED, SHALL BE DEEMED TO HAVE BEEN DEDICATED TO THE PUBLIC FOR THE USES AND PURPOSES THEREIN STATED. HOWEVER, NOTHING HEREIN SHALL BE CONSTRUED AS CREATING AN OBLIGATION UPON ANY GOVERNING BODY TO PERFORM ANY ACT OF CONSTRUCTION OR MAINTENANCE WITHIN SUCH DEDICATED AREAS EXCEPT WHEN THE OBLIGATION IS VOLUNTARILY ASSUMED BY THE GOVERNING BODY."
- 11) THE PLATTED PROPERTY IS SUBJECT TO THE TERMS AND CONDITIONS OF TOMOKA NORTH COMMUNITY DEVELOPMENT DISTRICT "THE PD AGREEMENT," RECORDED AT OR BOOK 1378, PAGE 1771, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS THE PD AGREEMENT MAY HEREAFTER BE AMENDED.
- 12) MAINTENANCE OF THE POND AND LANDSCAPE AND IRRIGATION TO BE THE SOLE RESPONSIBILITY OF THE TOMOKA NORTH PROPERTY OWNERS ASSOCIATION.

13) THE 50 FT UTILITY EASEMENT FOR PARCELS A THRU F ARE HEREBY DEDICATED TO THE CITY OF DAYTONA BEACH FOR CITY WATER, SEWER, AND RESIDE SERVICE. AS A CONDITION OF THIS EASEMENT, THE ASSOCIATION AND ITS SUCCESSORS OR ASSIGNS SHALL BE RESPONSIBLE FOR ANY DAMAGE AND/OR RESTORATION OCCURRING TO THE EASEMENT AREA FROM THE OPERATION AND MAINTENANCE OF THE UTILITIES.

14) TRACTS A, B, C, E, F, G, H, L, J, K ARE COMMON AREAS AS REFERENCED IN THE PD AGREEMENT. THESE TRACTS ARE RESERVED FOR USE AS (IDENTIFY THE USE, SUCH AS OPEN SPACE, OPEN SPACE AND STORMWATER RETENTION, LANDSCAPING, RECREATIONAL, PARK, BUFFERS, ETC.) AND ANY FACILITIES OR IMPROVEMENTS INSTALLED OR CONSTRUCTED WITHIN THESE TRACTS, INCLUDING COMMON FACILITIES AS REFERENCED IN THE PD AGREEMENT, WILL BE OWNED AND MAINTAINED BY THE TOMOKA NORTH PROPERTY OWNERS ASSOCIATION, INC. AT THE ASSOCIATION'S COST, AS REQUIRED BY THE PD AGREEMENT AND WITHOUT RECOURSE TO THE CITY OF DAYTONA BEACH.

15) THE PROPERTY DESCRIBED IN THIS PLAN IS SUBJECT TO THE VIOLATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR TOMOKA NORTH DESCRIBED IN OFFICIAL RECORDS BOOK _____ PAGE _____ OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

16) TRACT M BILLBOARD AND TRACT N BILLBOARD TO BE RETAINED AND MAINTAINED BY DEVELOPER.

17) ALL STORMWATER DRAINAGE PIPING IN PARCEL INCLUDING RIGHT OF WAY SHALL BE OWNED AND MAINTAINED BY THE TOMOKA NORTH PROPERTY OWNERS ASSOCIATION INC.

ABBREVIATIONS	
Δ	DELTA OR CENTRAL ANGLE
R	RADIUS
L	ARC LENGTH
CB	CHORD BEARING
C	CHORD LENGTH
LB	LICENSED BUSINESS
LS	LAND SURVEYOR
R/W	RIGHT OF WAY
ORB	OFFICIAL RECORDS BOOK
PG	PAGE
C.A.	COMMON AREA
SURMWD	ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
U.E.	UTILITY EASEMENT
PRC	POINT OF REVERSE CURVE
POA	PROPERTY OWNERS ASSOCIATION

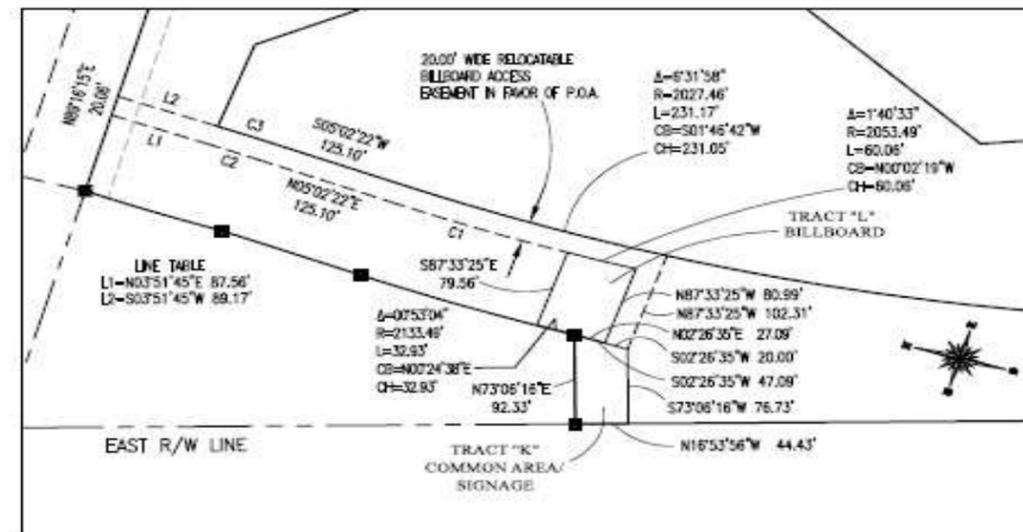
LEGEND	
■	DENOTES PERMANENT REFERENCE MONUMENT 4"x4" CONCRETE MONUMENT STAMPED PRM LB 3019.
▲	DENOTES NAIL & CAP STAMPED POP LB 3019.
	DENOTES PC / PT

CURVE TABLE

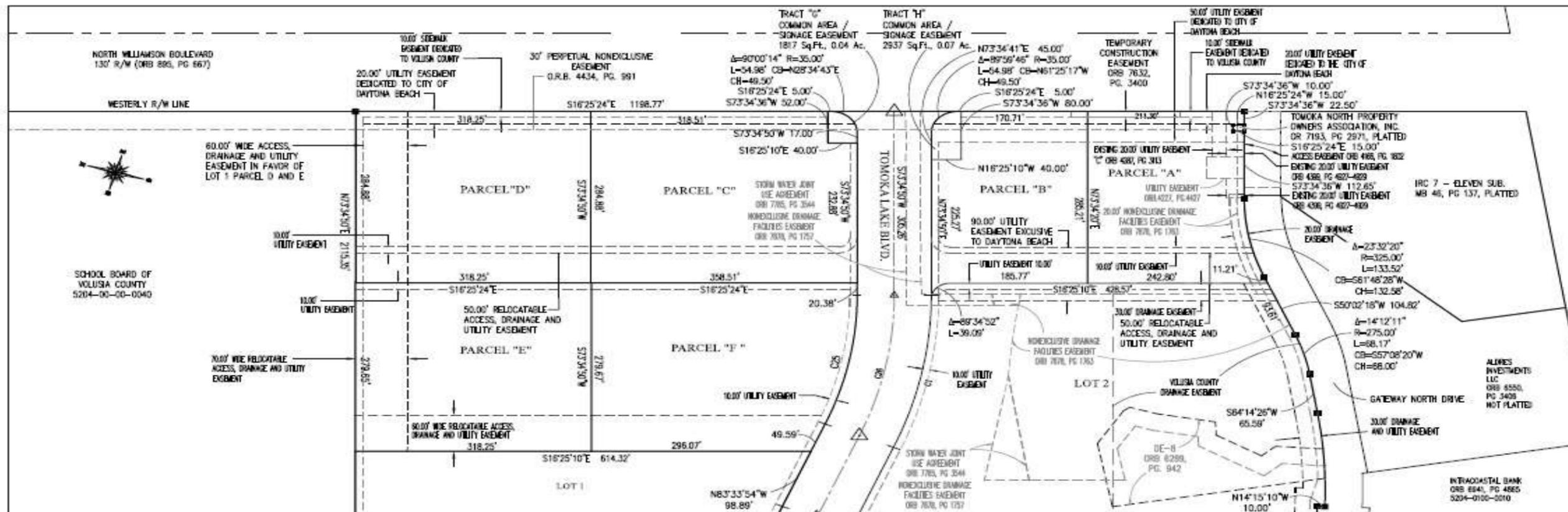
C1= Δ=47°25'
R=2053.49'
L=151.98'
CB=N02°35'10"E
CH=151.94'

C2= Δ=110°37'
R=2113.49'
L=43.41'
CB=N04°27'04"E
CH=43.41'

C3= Δ=110°37'
R=2133.49'
L=43.82'
CB=S04°27'04"W
CH=43.82'



NORTHWEST DETAIL
SCALE: 1"=100'



EASTERLY DETAIL
SCALE: 1"=100'



PREPARED BY:
SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

3921 NOVA ROAD
PORT ORANGE, FL 32127
(386) 761-5385
LICENSED BUSINESS CERTIFICATION NO. 3019

ATTACHMENT A

TOMOKA NORTH

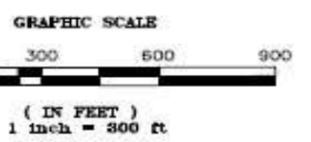
A PORTION OF SECTIONS 3 & 4, TOWNSHIP 15 SOUTH, RANGE 32 EAST,
CITY OF DAYTONA BEACH, VOLUSIA COUNTY, FLORIDA

ABBREVIATIONS

Δ	DELTA OR CENTRAL ANGLE
R	RADIUS
L	ARC LENGTH
CB	CHORD BEARING
C	CHORD LENGTH
LB	LICENSED BUSINESS
LS	LAND SURVEYOR
R/W	RIGHT OF WAY
ORB	OFFICIAL RECORDS BOOK
PG	PAGE
C.A.	COMMON AREA
SJRWMD	ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
U.E.	UTILITY EASEMENT
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LEGEND

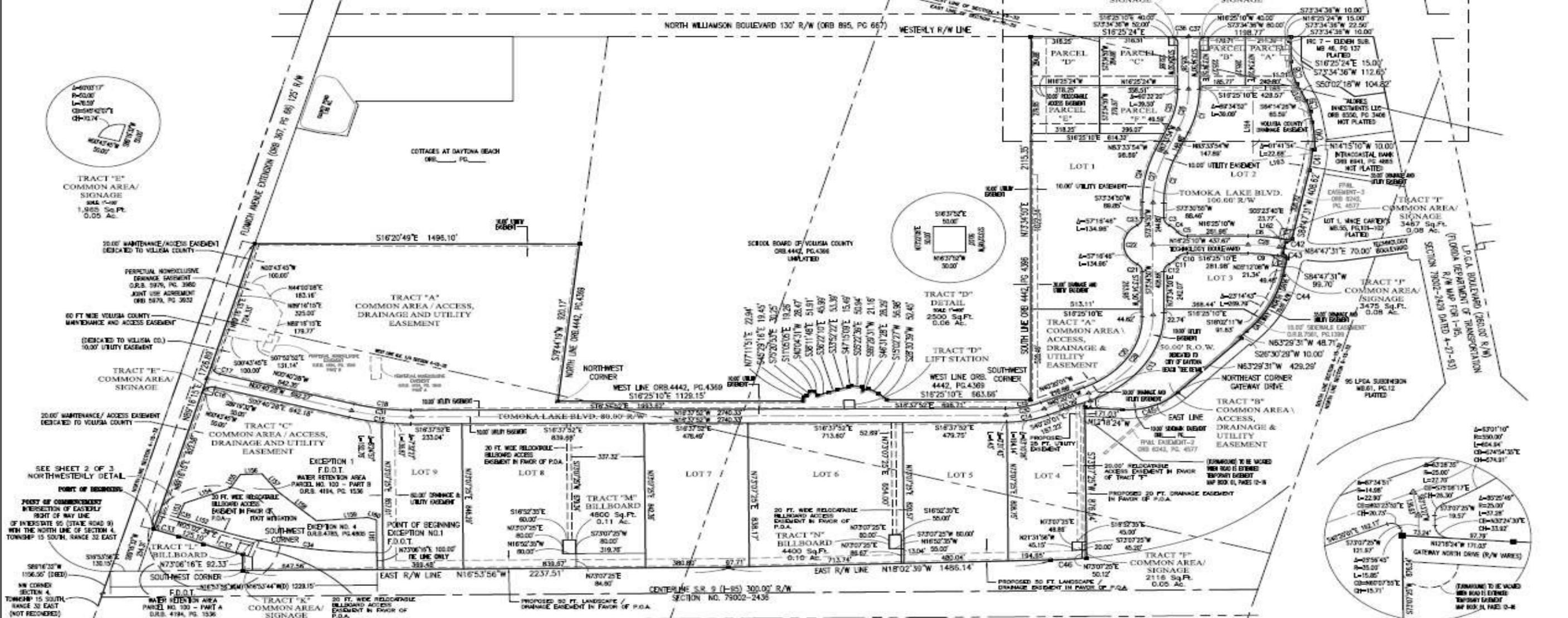
- DENOTES PERMANENT REFERENCE MONUMENT 4"x4" CONCRETE MONUMENT STAMPED PRM LB 3019.
- △ DENOTES NAIL & CAP STAMPED PCP LB3019.
- | DENOTES PC / PT



LINE	BEARING	DISTANCE
L102	N62°22'22"E	125.57
L103	S89°29'18"E	60.00
L104	S18°25'57"E	229.12
L105	S18°24'52"E	61.17
L106	S18°23'33"E	100.50
L107	S38°13'48"W	127.76
L108	S27°17'07"W	245.07
L109	S21°34'15"E	238.77
L110	S83°31'17"W	41.45
L111	S73°02'04"W	198.47
L112	S23°24'46"W	53.86
L113	N22°42'08"W	276.82
L114	N12°54'30"E	438.37
L115	S18°25'07"E	339.30

CURVE	BEARINGS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	850.00	259.28	257.56	S85°00'28"W	22°51'18"
C2	702.50	281.19	279.32	S84°58'30"W	22°52'18"
C3	49.75	51.54	49.28	S44°10'37"W	59°19'13"
C4	135.00	54.84	54.48	S28°35'15"W	23°18'28"
C5	50.12	51.48	48.25	S13°00'28"W	58°51'12"
C6	792.59	153.84	153.89	S10°52'43"E	11°02'53"
C7	25.32	39.70	39.75	S50°18'03"E	89°49'43"
C8	25.00	39.27	39.35	N39°47'41"E	89°59'39"
C9	700.00	137.04	136.82	N10°48'39"W	11°13'02"
C10	50.13	51.60	48.35	N45°54'18"W	58°58'11"
C11	135.00	54.84	54.48	N51°23'45"W	23°18'28"
C12	50.12	51.48	48.25	N75°58'32"W	58°51'12"
C13	550.00	604.84	574.91	N74°54'35"W	63°01'10"
C14	480.00	126.57	127.16	N28°28'57"W	23°42'09"
C15	1040.00	229.54	228.70	N38°39'10"W	15°27'24"
C16	50.00	78.49	70.74	N45°42'07"W	50°03'17"
C17	50.00	78.49	70.68	S44°17'53"W	59°56'43"
C18	880.00	257.35	256.49	S28°32'10"E	19°27'24"
C19	490.00	162.47	164.30	S48°28'37"E	23°42'09"
C20	450.00	519.04	490.74	S73°22'35"E	56°08'09"
C21	50.00	49.59	47.93	N44°46'27"E	57°18'46"
C22	135.00	259.92	227.16	N73°34'50"E	11°43'33.33"
C23	50.00	49.59	47.93	S77°45'47"E	57°18'46"
C24	800.00	319.11	317.50	N89°00'28"E	22°51'18"
C25	550.00	219.39	217.94	N89°00'28"E	22°51'18"
C26	440.00	182.02	180.73	N28°28'52"W	23°42'09"
C27	1000.00	278.50	277.60	N08°30'10"W	15°27'24"
C28	2133.49	188.99	188.89	N02°50'20"E	05°04'28"
C29	2033.50	172.79	172.77	N03°18'48"E	03°27'35"

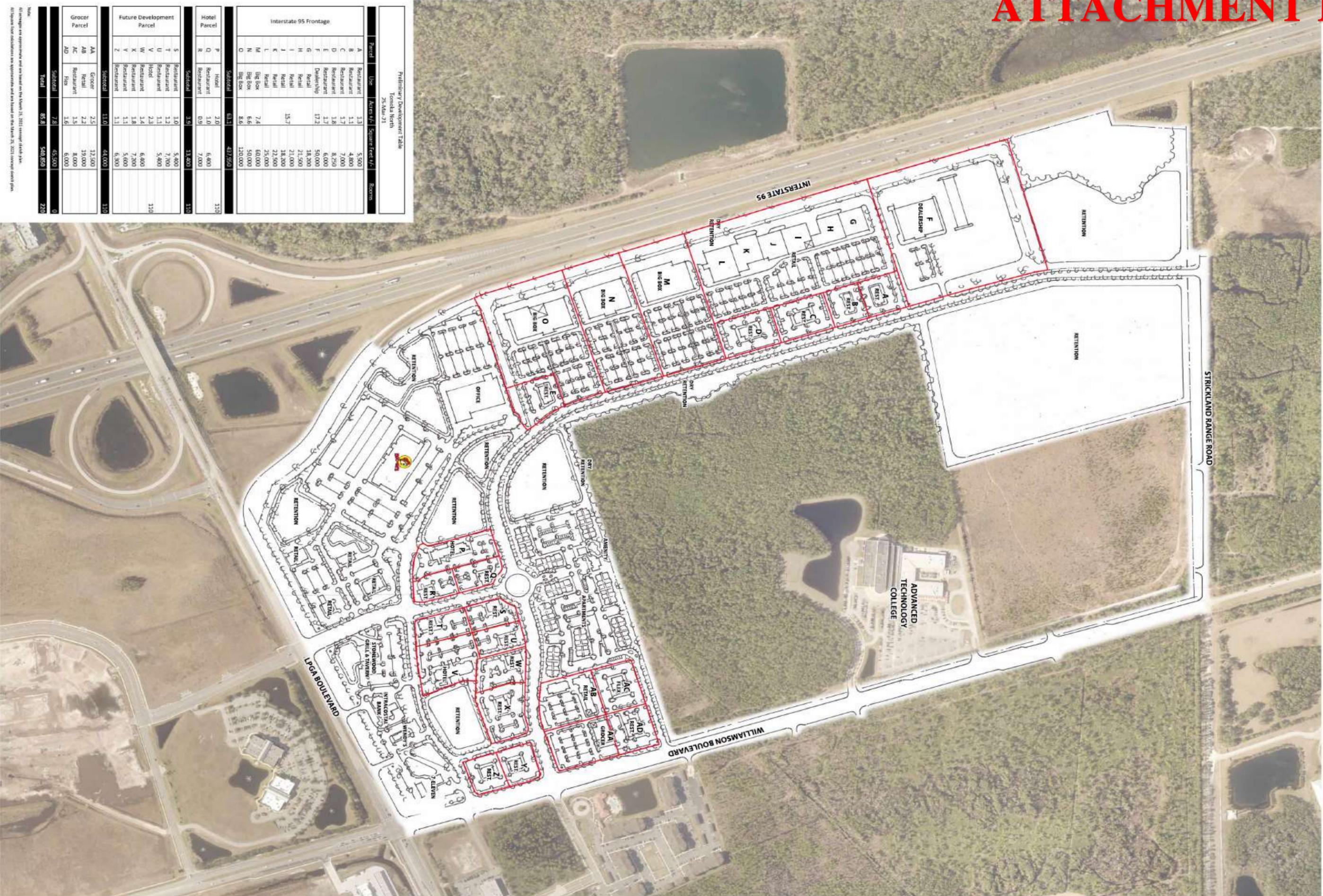
CURVE	BEARINGS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C30	2133.49	188.99	188.89	N02°50'20"E	05°04'28"
C31	2133.49	43.82	43.82	N04°27'06"E	01°10'37"
C32	35.00	54.98	49.59	N28°34'43"E	50°00'14"
C33	35.00	54.98	49.50	N61°25'17"W	59°59'48"
C34	325.00	133.52	132.58	S61°48'28"W	23°37'20"
C35	275.00	68.17	68.09	S57°08'20"W	14°12'11"
C36	775.00	155.84	155.39	S69°59'58"W	11°20'24"
C37	785.00	120.78	120.85	S68°16'13"W	09°02'48"
C38	25.00	39.27	39.36	N50°12'29"W	50°00'00"
C39	25.00	39.27	39.36	S38°47'31"W	50°00'00"
C40	550.00	366.11	363.43	N79°21'02"W	51°42'58"
C41	363.43	268.24	270.81	N37°53'58"W	51°11'07"
C42	2025.49	166.18	166.13	N20°18'58"W	04°32'37"



SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

3921 NOVA ROAD
PORT ORANGE, FL 32127
(386) 761-5385
LICENSED BUSINESS CERTIFICATION NO. 3018

ATTACHMENT B



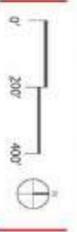
Preliminary Development Table
Tomoka North
25-Mar-21

Parcel	Use	Area (Ac.)	Square Feet (Ac.)	Rooms
A	Restaurant	1.3	5,500	
B	Restaurant	1.1	4,800	
C	Restaurant	1.7	7,000	
D	Restaurant	1.8	8,250	
E	Restaurant	1.7	6,000	
F	Deli/ship	17.2	50,000	
G	Retail		18,200	
H	Retail		21,500	
I	Retail	15.7	21,000	
J	Retail		18,200	
K	Retail		22,500	
L	Retail		25,000	
M	Big Box	7.4	60,000	
N	Big Box	6.6	50,000	
O	Big Box	8.6	120,000	
Subtotal				437,950
P	Hotel	2.0	6,400	110
Q	Restaurant	1.0	7,000	
R	Restaurant	0.9	7,000	
Subtotal				13,400
Total				451,350

Future Development Parcel	Schedule	Area (Ac.)	Square Feet (Ac.)	Rooms
S	Restaurant	1.0	5,400	
T	Restaurant	1.2	7,700	
U	Restaurant	1.1	5,400	
V	Hotel	2.3	6,400	110
W	Restaurant	1.4	6,400	
X	Restaurant	1.8	7,700	
Y	Restaurant	1.1	5,600	
Z	Restaurant	1.1	6,300	
Subtotal				110

Grocer Parcel	Schedule	Area (Ac.)	Square Feet (Ac.)	Rooms
AA	Grocer	2.5	12,500	
AB	Retail	2.2	19,000	
AC	Restaurant	1.5	8,000	
AD	Flex	1.6	6,000	
Subtotal				45,500
Total				220

Note:
All figures are approximate and subject to the dates 11, 2021 concept table plan.
All figures have been rounded up and are based on the dates 11, 2021 concept table plan.





The CITY OF DAYTONA BEACH

DEVELOPMENT AND ADMINISTRATIVE SERVICES DEPARTMENT/
PLANNING DIVISION

301 S. RIDGEWOOD AVENUE
DAYTONA BEACH, FLORIDA 32114
PHONE (386) 671-8120
FAX (386) 671-8130

MEMORANDUM

DATE: December 10, 2021

TO: Planning Board

FROM: Dennis Mrozek, AICP, Planning Director

SUBJECT: Redevelopment Board Meeting Minutes - 1st Amendment Beaches ISB Planned Development

Due to technical difficulties and time constraints the December 9, 2021 Beachside Redevelopment Board meeting draft minutes were not completed at the time the Planning Board packets were delivered. The draft meeting minutes will be provided to all Planning Board members on Monday, December 13, 2021.

(Quasi-Judicial Hearing)
Rezoning Amendment - Planned Redevelopment (PD-RD)
1st Amendment
DEV2021-123
Beaches ISB PD

STAFF REPORT

DATE: December 9, 2021
TO: Planning Board Members
FROM: Reed Berger, Redevelopment Director

PROJECT REQUEST

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of Beaches ISB, LLC, to approve the First Amendment to the Beaches ISB Planned District (PD) Agreement to allow Electronic Message Center (EMC) signs at 301 E. International Speedway Blvd.

PROJECT UPDATE

On December 8, 2021 the Beachside Redevelopment Board recommended approval (5-0). The staff report to the Redevelopment Board meeting is attached (Exhibit A). The minutes of the meeting will be sent under separate cover.

Attached is a revised Waivers & Benefits letter (Exhibit B) from the applicant in response to outstanding comments from the Technical Review Team and identified in staff's report.

RECOMMENDATION

Should all LDC modification requests be approved, the Beachside Redevelopment Board recommends approval of the 1st Amendment to the Beaches ISB PD to allow the proposed EMC signage.

The item is tentatively scheduled to be heard by the City Commission for first reading on January 19, 2022, and for second reading on February 2, 2022 (public hearing).

A majority vote of the Planning Board members present and voting is required to recommend approval to the City Commission.

Exhibit A

Rezoning Amendment - Planned Redevelopment (PD-RD)

1st Amendment

DEV2021-123

Beaches ISB PD

Redevelopment Board Staff Report & Minutes

**Rezoning Amendment - Planned Redevelopment (PD-RD)
1st Amendment
DEV2021-123
Beaches ISB PD**

STAFF REPORT

DATE: December 2, 2021
TO: Beachside Redevelopment Board Members
FROM: Reed Berger, Redevelopment Director

PROJECT REQUEST

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of Beaches ISB, LLC, to approve the First Amendment to the Beaches ISB Planned District (PD) Agreement to allow Electronic Message Center (EMC) signs at 301 E. International Speedway Blvd.

PROJECT LOCATION

The subject property is generally located at the northeast and northwest corners of International Speedway Blvd. and Peninsula Drive (301 E. International Speedway Blvd).



The adjacent land uses and zoning classifications for the parcels are shown in the table below and in the accompanying map series.

Table 1: Land Use and Zoning – EMC Signs

	Existing Uses	Existing Future Land Use Designation	Existing Zoning Classification
Site	Vacant Gas Station & Car Wash Gateway Restaurant, Church	Commercial Mixed Use	Planned Redevelopment (PD-RD)
North	Single Family Homes Office Building	Surfside Village	Redevelopment Beachside - Surfside Residential (RDB-6) Residential/Professional (RP)
South	7-11 Store, Henry’s Pizza Silver Coast Coins	Retail	Business Retail-2 (BR-2) Business Retail-1 (BR-1)
East	Vacant commercial buildings	Commercial Mixed Use	Business Retail-2 (BR-2)
West	Office Buildings	Commercial Mixed Use	Business Retail-1 (BR-1)

PROJECT DESCRIPTION

On May 5, 2021 the City Commission approved the Beaches ISB PD (Ord. 21-161) to allow for the redevelopment of the vacant Shell gas station located at the northeast corner of International Speedway Blvd. and Peninsula Drive into a new food and drinking establishment together with an upgraded car washing facility referred to as Beaches ISB. The PD plan includes future development of property located at the northwest corner of International Speedway Blvd. and Peninsula Drive, for additional parking and a range of other commercial and retail uses.

The applicant is now requesting the 1st Amendment to the Beaches ISB PD to allow for Electronic Message Center signage on three sides of the cupola structure as generally depicted below.



PROJECT ANALYSIS

Article 3 – Review Procedures, Section 3.4.D – Site-Specific Zoning District Map Amendment Review Standards, of the Land Development Code states that in determining whether to adopt or deny a proposed Site-Specific Zoning District Map Amendment, The City shall consider the following:

Site-Specific Zoning District Map Amendment Review Standards

a) Whether the applicant has provided, as part of the record of the public hearing on the application, competent substantial evidence that the proposed amendment:

i. Is consistent with and furthers the goals, objectives, and policies of the comprehensive plan and all other applicable City-adopted plans;

The City's TRT has reviewed the PD Amendment request and found it to be consistent with the City's Comprehensive Plan and all other applicable City-adopted plans.

ii. Is not in conflict with any portion of this Code;

The applicant has proposed modifications to the LDC standards for EMC signage, which are detailed in Attachment A. Staff has identified additional LDC waivers that should be included in a revised Waiver & Benefits Letter as follows:

1. Signs will be located within 1,000' of a single family dwelling.
2. Signs will include graphic displays.
3. Signs will exceed wall sign area permitted by LDC.

Staff has also identified the following revisions that should be included in the proposed PD amendment.

1. Add EMC standards that will apply to this project.
2. Add text that non-government sanctioned events shall not be permitted to be advertised on the proposed EMCs,
3. Replace Section 3 of Signage section with following:

Until [insert date that is one year from the date of approval of the Amendment]: Continuous scrolling and animation shall be temporarily permitted within the background of the EMC signage, and, static copy will be temporarily permitted to be changed at intervals of less than 60 seconds (but not less than 20 seconds).

a. These temporary permissions will automatically sunset on the date above unless the City Commission specifically extends these rights by amendment to this Agreement. Upon the sunset of these rights, the electronic message center signs must immediately and without need for prior notice from City, fully comply with LDC Section 6.10.J.6.b.xiii.

b. If at any time prior to the sunset date above the City Manager or designee notifies Owner in writing that that one or more of the EMC signs pose an undue distraction to vehicles travelling along International Speedway Blvd., Owner will within 3 business days of such notice cause the EMC sign to fully comply with LDC Section 6.10.J.6.b.xiii. In the event the EMC signage is found to be distracting to drivers, Owner shall be permitted to revise such signage to remove all continuous scrolling and animation or convert such signage to a standard wall sign.

c. In lieu of bringing the EMC sign into full compliance with LDC Section 6.10.J.6.b.xiii as required above, Owner will be permitted to replace the EMC sign with a standard wall sign.

The proposed amendment would not conflict with the City's LDC provided the proposed modifications and revisions to the Waiver & Benefits Letter and the PD amendment are approved.

iii. Addresses a demonstrated community need;

The proposed amendment to provide clear and timely information at the gateway to the World's Most Famous Beach including directional and other communication from the County and City governments such as public service announcements that will benefit visitors and residents arriving on the beachside.

iv. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;

The City's TRT has reviewed the PD Amendment request and found it to be acceptable.

The applicant has conducted a neighborhood meeting as required by The City's Land Development Code. A summary of the neighborhood meeting is provided as Attachment B.

v. Would result in a logical and orderly development pattern;

The City's TRT has reviewed the PD Amendment request and found it to be acceptable.

vi. Would not adversely affect the property values in the area;

Staff does not have any indication that the proposed amendment will have an adverse impact on the property values in the area.

vii. Would result in development that is adequately served by public facilities (roads, potable water, wastewater, solid waste, storm water, schools, parks, police, and fire and emergency medical facilities); and

The City's TRT has reviewed the PD Amendment request and found it to be acceptable.

viii. Would not result in significantly adverse impacts on the natural environment—including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and

Staff does not anticipate any adverse environmental impacts with the approval of this amendment request.

b) If the applicant demonstrates that the proposed amendment meets the criteria in subparagraph [a] above, whether the current zoning district designation accomplishes a legitimate public purpose.

The City's TRT has reviewed the PD Amendment request and found it to be acceptable.

RECOMMENDATION

Should all LDC modification requests be approved, staff recommends approval of the 1st Amendment to the Beaches ISB PD to allow the proposed EMC signage.

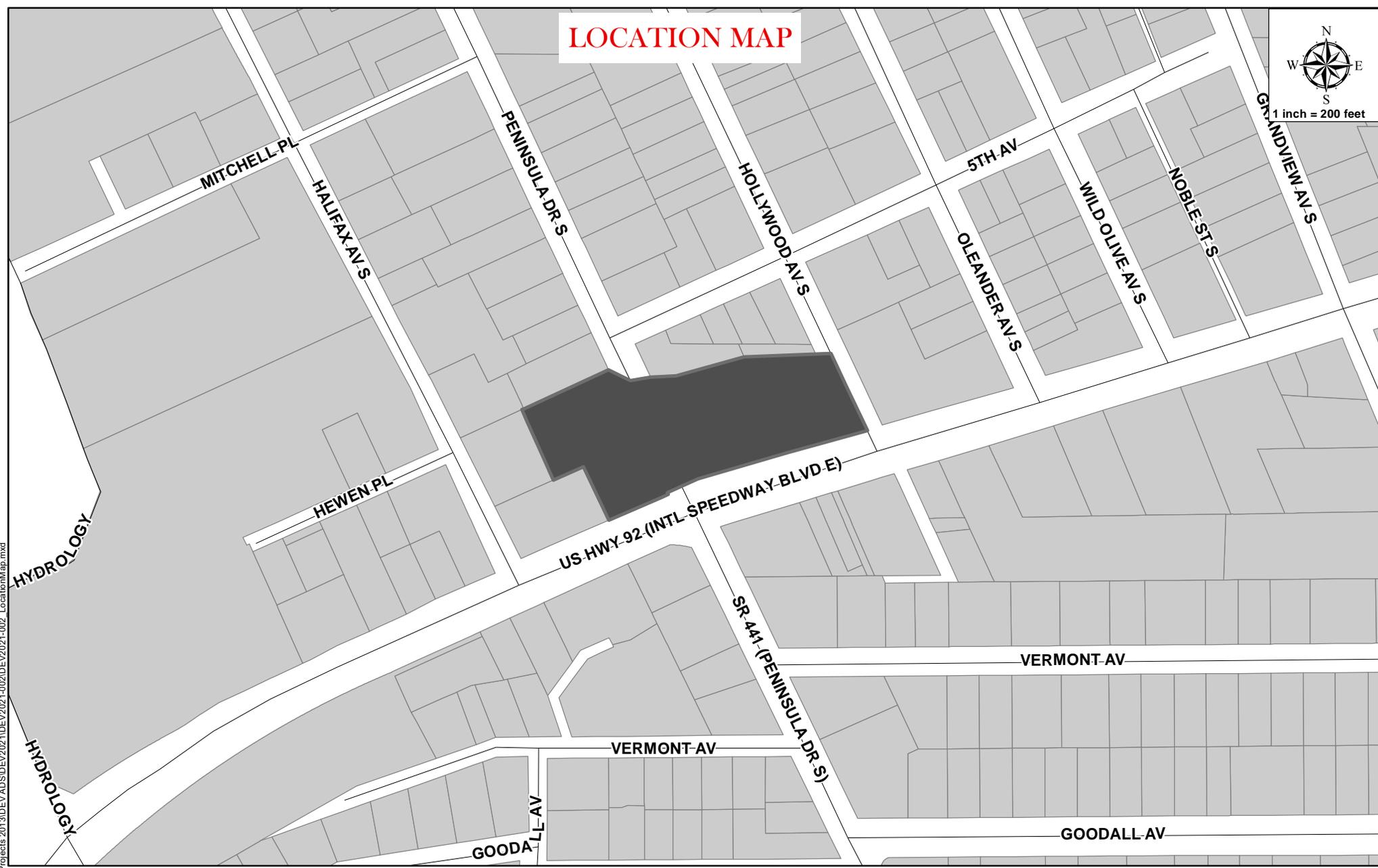
The item is tentatively scheduled to be heard by the Planning Board on December 16, 2021 and by the City Commission for first reading on January 19, 2022, and for second reading on February 2, 2022 (public hearing).

A majority vote of the Redevelopment Board members present and voting is required to recommend approval to the Planning Board and City Commission.

LOCATION MAP



1 inch = 200 feet



Document Path: P:\Admin\Pratt\ma\Short Term Projects 201-3\DEV AD\DEV2021-002\DEV2021-002\DEV2021-002_LocationMap.mxd



DEV2021-123 FIRST AMENDMENT TO BEACHES ISB PD - REZONING LOCATION MAP

City of Daytona Beach Map disclaimer:
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AERIAL MAP

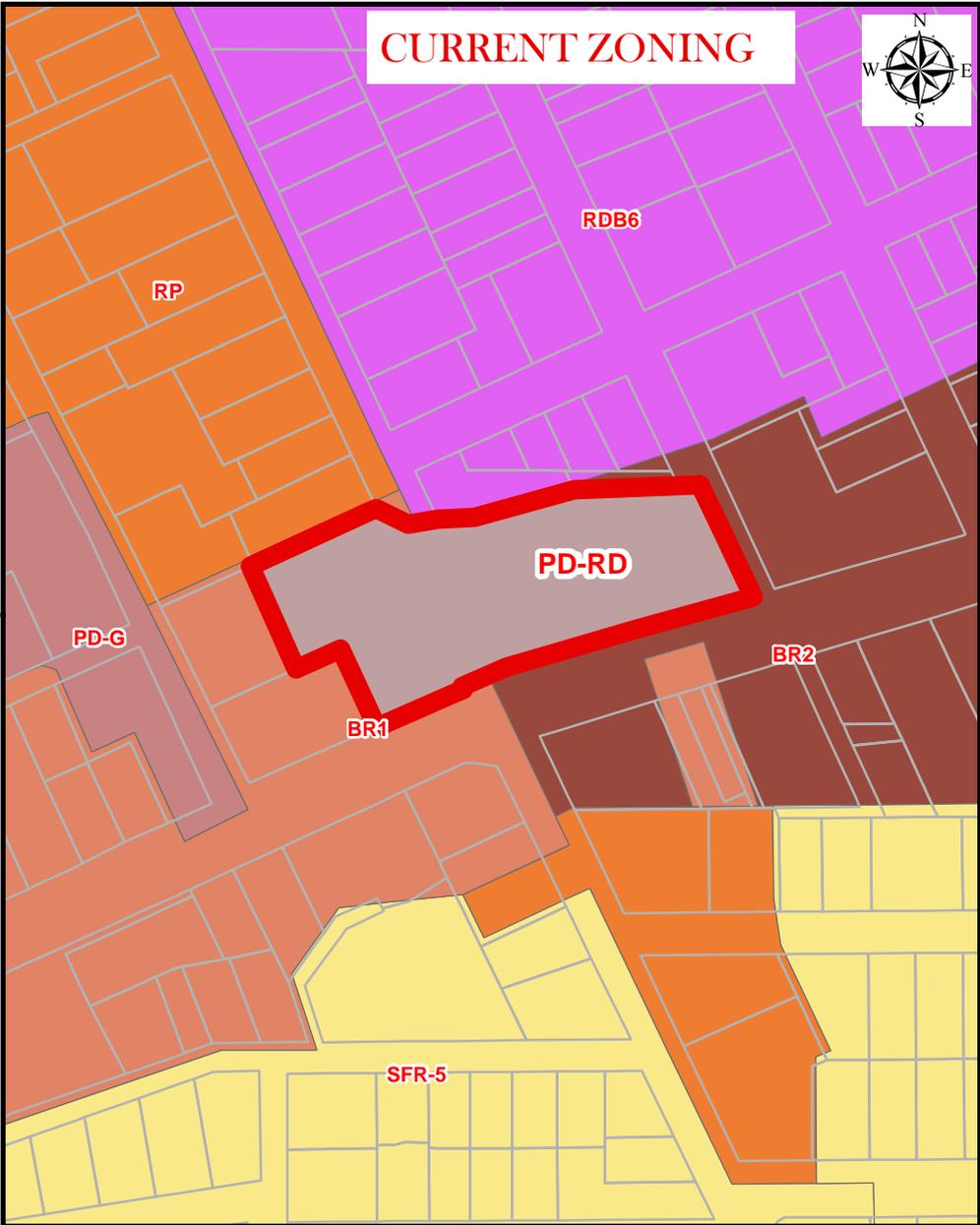


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DEV2021-123 FIRST AMENDMENT TO BEACHES ISB PD - REZONING AERIAL MAP

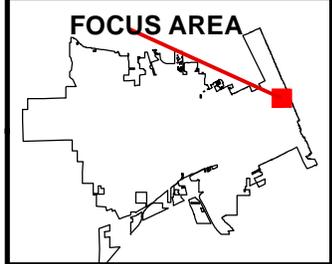
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1 inch = 200 feet



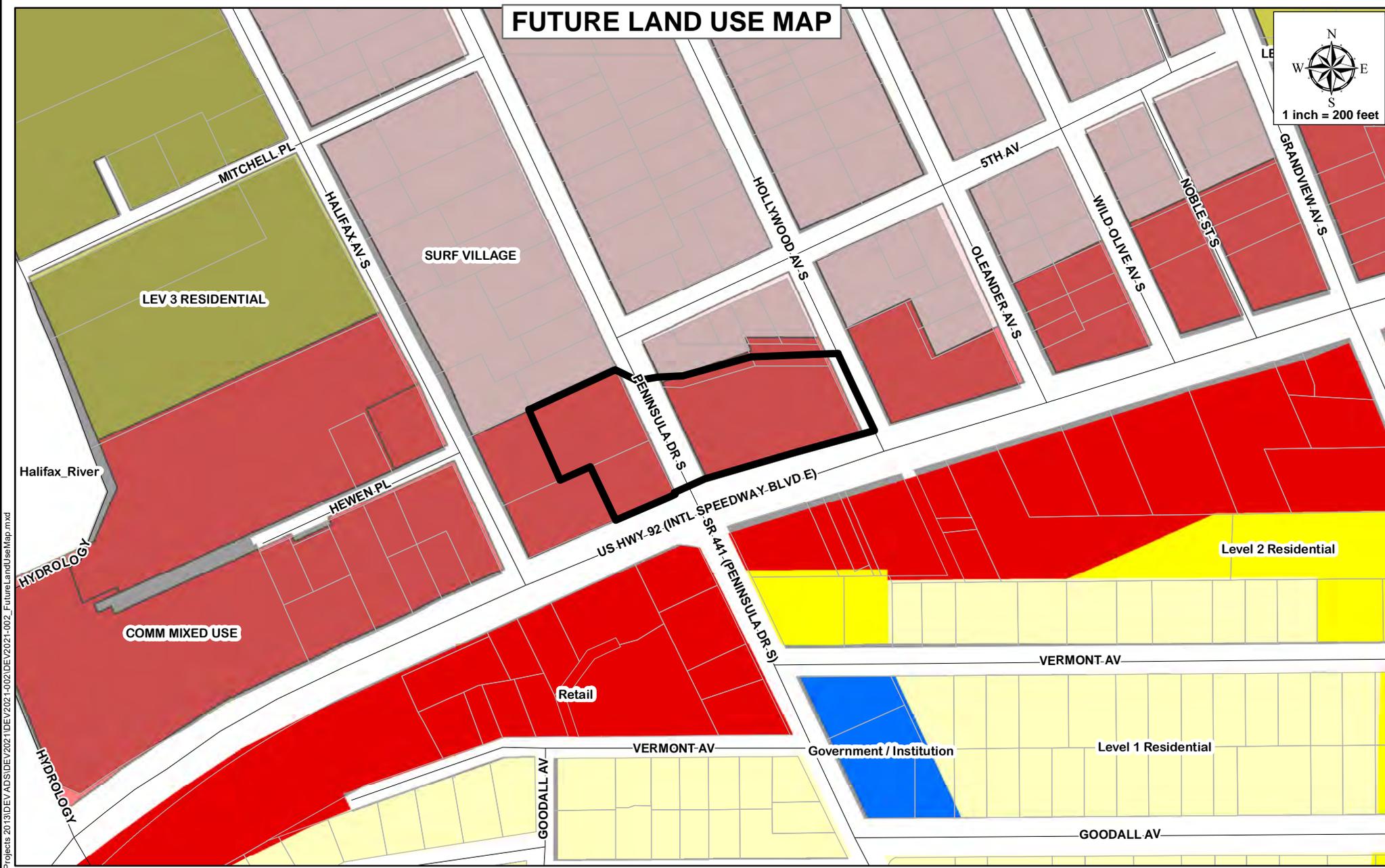
**DEV2021-123
FIRST AMENDMENT TO BEACHES ISB PD - REZONING
ZONING MAP**

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FUTURE LAND USE MAP



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DEV2021-123 PLANNED DEVELOPMENT FIRST AMENDMENT TO BEACHES ISB PD - REZONING

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Document Prepared By:
Robert Merrell, III, Esquire
Cobb Cole
149 S. Ridgewood Ave. Suite 700
Daytona Beach, FL 32114

Return Recorded Document To:
City of Daytona Beach Records Clerk
P.O. Box 2451
Daytona Beach, FL 32115-2451

**FIRST AMENDMENT TO BEACHES ISB
PLANNED DISTRICT AGREEMENT**

THIS FIRST AMENDMENT TO BEACHES ISB PLANNED DISTRICT AGREEMENT (“First Amendment”) made and entered into by and between The **CITY OF DAYTONA BEACH, FLORIDA**, a Florida municipal corporation located in Volusia County, Florida (“City”), and **BEACHES ISB LLC**, a Florida limited liability company (“Owner”), constitutes the First Amendment to the Planned District Agreement Property.

WHEREAS, the City and Owner entered into the Beaches ISB Planned District Agreement, recorded in Official Records Book 8044, Page 2487, Public Records of Volusia County, Florida (the “PD Agreement”); and

WHEREAS, the Owner proposes to amend the PD Agreement as set forth herein;

WHEREAS, the City is willing to grant the Developer's request, subject to the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City and Owner hereby agree to amend the PD Agreement as follows:

Section 10 of the PD Agreement is amended to read as follows: [additions shown in UNDERLINE, deletions shown in ~~STRIKETHROUGH~~]

10. SIGNAGE.

The amount and type of signage for the Property shall be developed in accordance with the LDC’s Business District Sign Schedule, ~~except as modified herein~~. The Property shall be permitted a maximum of (3) Electronic Message Center (“EMC”) wall signs located within the Eastern Block, with a maximum height above grade of 25 feet, a maximum sign height 6.5 feet, and a maximum sign area for each sign of 105 square feet per sign. The EMC signs for the property shall comply with the following standards:

1. The EMC signs shall not promote or advertise any off-site businesses, but shall be permitted to provide Public Service Announcements (PSAs) and other City and/or Volusia County governmental advisories, including the promotion of local events which benefit the community.
2. The EMC signs may not display graphics that might confuse or distract a motorist and cause a safety hazard. For example:
 - a. Signs cannot display words such as "Stop" or "Danger" in such a manner as to appear to require stopping or to imply the presence of danger.
 - b. Sign copy cannot imitate official signs (such as stop signs, exit signs, etc.)
 - c. Signs may not contain profanity or advertise adult uses, as defined in the City's LDC.
3. Continuous scrolling and animation shall be permitted within the background of the EMC signage, subject to the standards set forth herein. Text within the EMC sign shall be static. Static copy may be changed at intervals of not less than 20 seconds.
4. The City shall be permitted to review the proposed EMC signage to determine if such signage is posing an undue distraction to vehicles travelling along International Speedway Boulevard. In the event the EMC signage is found to be distracting to drivers, Owner shall be permitted to revise such signage to remove all continuous scrolling and animation or convert such signage to a standard wall sign.

NO OTHER MODIFICATIONS

Except as otherwise expressly provided for herein, the Agreement shall continue in full force and effect.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties hereto have set their hands, this ____ day of _____, 2021.

Signed, sealed and delivered in the presence of:

**THE CITY OF DAYTONA BEACH
FLORIDA, a Florida municipal
corporation**

By: _____
Derrick L. Henry, Mayor

Printed Name of Witness 1

Attest:

By: _____
Letitia LaMagna, City Clerk

Printed Name of Witness 2

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by DERRICK L. HENRY and LETITIA LAMAGNA, Mayor and City Clerk, respectively, of The City of Daytona Beach, Florida, a chartered municipal corporation, on behalf of the City. They are personally known to me and did not take an oath.

Notary Public
Commission No: _____

Signed, sealed and delivered in the presence of:

BEACHES ISB LLC, a Florida limited liability company

Witness 1

By: _____

Print Name of Witness 1

Name: Charles D. Duva, Member

Witness 2

Date: _____

Print Name of Witness 2

[Corporate Seal]

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this ____ day of _____, 2021, by Charles D. Duva as Authorized Member of Beaches ISB, LLC., referred to in this agreement as "OWNER." He or she is personally known to me or produced as identification and did not take an oath.

Notary Public
Commission No. _____

Approved as to legal form:

By: _____
Robert Jagger, City Attorney

2021-161

Document prepared by:
Robert A. Merrell III, Esq.
Cobb Cole Law Firm
149 S. Ridgewood Ave., Ste. 700
Daytona Beach, FL 32114

Return recorded document to:
City of Daytona Beach Records Clerk
P.O. Box 2451
Daytona Beach, FL 32115-2451

**BEACHES ISB PLANNED REDEVELOPMENT
DISTRICT AGREEMENT**

The **CITY OF DAYTONA BEACH, FLORIDA**, a Florida municipal corporation located in Volusia County, Florida ("City"), and **BEACHES ISB LLC**, a Florida limited liability company ("Owner"), hereby agree and covenant, and bind their heirs, successors, and assigns, as follows:

1. PROPERTY DESCRIPTION AND OWNERSHIP.

A. The property subject to this Agreement consists of approximately 1.38 +/- acres of real property ("Property") and is described in Exhibit "A", attached hereto and by reference made a part hereof. The Property is comprised of the 0.81 acre site located at the northeast corner of International Speedway Boulevard and S. Peninsula Avenue (the "Eastern Block") and the 0.57 acre site located at the northwest corner of International Speedway Boulevard and S. Peninsula Avenue (the "Western Block"), as shown on Exhibit "B" attached hereto.

B. As of the Effective Date of this Agreement, the Property is under the sole ownership of Owner.

2. EXHIBITS.

The Exhibits listed below are by reference made a part hereof, and copies or reduced size copies are attached hereto. Full-sized copies of the Exhibits shall be retained by the City Clerk and shall be controlling in case of any ambiguity in the Exhibits. In the event of a conflict between the graphic illustrations of any Exhibit and the textual provisions of this Agreement, the textual provisions shall control.

Exhibit A: Property Legal Description and Survey, rev. date 8/31/2020, prepared by Sliger & Associates, Inc.

Exhibit B: Planned Development (PD) Plan, rev. date 4/6/2021, prepared by Parker Mynchenberg & Associates, Inc.

Exhibit C: Utility Plan, rev. date 4/6/2021, prepared by Parker Mynchenberg & Associates, Inc.

Exhibit D: Landscape Plan, rev. date 4/6/2021, prepared by Parker Mynchenberg & Associates, Inc.

Exhibit E: Architectural Elevations, rev. date 12/18/2020, prepared by Hall & Ogle Architects, Inc.

3. DEVELOPMENT PLAN.

A. The Property is designated as the “**Beaches ISB Planned Redevelopment District Agreement**”.

B. The Property will be developed as a **Planned Development – Redevelopment (PD-RD)** pursuant to the City’s Land Development Code (LDC). Development shall be controlled by the LDC and the terms and provisions of this Agreement. In the event of a conflict between this Agreement and the LDC or other ordinances, this Agreement shall control.

C. Exhibit B (PD Plan) generally depicts a potential layout of buildings, parking areas, driveways, access points and other potential features or improvements to the Property. To the extent actual buildings, features, improvements and uses are shown on the PD Plan, they are shown only for illustrative purposes. Layout and quantity/scale of improvements may change based on the needs of a particular end user of the Property. Owner shall be permitted to relocate such buildings and uses as the market dictates, or as desired, so long as the relocation is otherwise consistent with this Agreement, the City’s Neighborhood Compatibility Standards, and the Future Land Use Designation set forth in the Comprehensive Plan. All changes shall be subject to the architectural and design standards in Section 8 of this Agreement.

D. **LOT DEVELOPMENT CRITERIA.** The following lot development criteria shall apply throughout the Property:

- (1) Maximum building height: N/A
- (2) Minimum lot area: N/A
- (3) Minimum lot width: N/A
- (4) Minimum lot depth: 100 feet (“ft.”)
- (5) Minimum building setbacks: N/A
- (6) Maximum building coverage: N/A
- (7) Minimum building separation: N/A
- (8) Minimum frontage along improved street: 20 ft.
- (9) Minimum open space: N/A
- (10) Maximum impervious surface area: N/A
- (11) Maximum Floor Area Ratio:
 - (a) Eastern Block 3.0

- (b) Western Block 1.0
- (12) Slopes within dry retention/wet detention pond(s) shall be 4:1 without a fence.
- (13) Retention and detention pond(s) shall count toward open space requirements.

E. SUBDIVISION/PLATTING. Owner shall cause the Property to be subdivided in accordance with the requirements of the LDC, except as provided herein. The Owner shall be permitted to process the division of the Property as a minor subdivision if consistent with the requirements of the LDC, subject to review by Development and Administrative Services Department. **No curb cuts or driveways are approved to parcels at this time.**

F. SITE PLAN REVIEW. All site plans shall be reviewed in accordance with the procedures established by the LDC, and be generally consistent with this Agreement and the PD Plan.

G. PHASING. Development of the Property may occur in multiple phases, but it is not required. If the development is phased, development of the Western Block as a stand-alone parking lot shall not occur prior to development of Eastern Block, but may occur in conjunction with or after development of the Eastern Block. The order, size, and configuration of phases may be modified, but each proposed phase shall be required to install all necessary infrastructure, including all necessary easements and dedications, in order to stand alone, with the support of previously built phases. Each phase shall be built so as to be consistent with applicable City standards and this Agreement. In the event of a conflict between this Agreement and other City standards, this Agreement shall control. Permits for development of phases or sub-phases shall be submitted for approval through the City's Site Plan process. Temporary staging of construction equipment and material shall be permitted on parcels in undeveloped phases during construction.

4. CONFORMANCE WITH COMPREHENSIVE PLAN; CONCURRENCY; PERMITS.

A. The City has determined that the Property is suitable in size, location, and character for the uses proposed, and that the uses proposed are consistent with the City's comprehensive plan.

B. Owner shall be responsible for obtaining all development permits required by the LDC and applicable federal and state laws. Owner specifically acknowledges that approval of this Agreement does not constitute a Concurrency Certificate as required by the LDC, and that Owner will be required to separately obtain a Concurrency Certificate and, where applicable, to enter into a proportionate fair share agreement. **Approval of this Agreement and exhibits is not a permit to begin clearing, to begin site work, or to begin construction without necessary permits.**

C. The City agrees to issue the required permits for development of the Property in the manner set forth in this Agreement and the LDC.

5. PERMITTED USES.

The following uses are permitted within the Property, subject to compliance with the Use-Specific Standards set forth in the LDC:

Eating and Drinking Establishments

- Bar or lounge (to be located a minimum of 150' from residential uses)
- Restaurant with drive-through service (only permitted on Eastern Block)
- Restaurant without drive-in or drive-through service
- Specialty eating or drinking establishment
- Craft distillery
- Micro-brewery
- Micro-winery

Health Care Uses

- Medical or dental clinic/office
- Medical or dental lab

Motor Vehicle Sales and Service Uses

- Car wash or auto detailing

Recreation and Entertainment Uses

- Auditorium or theater/amphitheater
- Bingo hall
- Cinema (including alcohol sales and service)
- Entertainment and amusement center (bowling, arcade, sports entertainment facility/sporting complex, trampoline activity facility/park, hockey arena, baseball park)

Retail Sales and Service Uses

- Antique store
- Art gallery
- Art, crafts, music, dance, photography, or martial arts studio/school
- Bank or financial institution with drive-through service
- Bank or financial institution without drive-through service
- Book or media shop
- Cigar lounge
- Convenience store
- Drug store or pharmacy with drive-through service (only permitted on Eastern Block)
- Drug store or pharmacy without drive-through service
- Dry cleaning or laundry drop-off establishment
- Florist shop
- Gift shop or stationary store
- Grocery store
- Home and building supply center
- Jewelry store
- Large retail sales establishment

- Lawn care, pool, or pest control service
- Liquor or package store
- Meat, poultry, or seafood market
- Personal and household goods repair establishment
- Personal services establishments (including massage, general spa services, health club)
- Secondhand retail store
- Other retail sales establishment

Motor Vehicle Sales and Service Uses

Parking Lot (as principal use) (only permitted on Western Block)

6. INFRASTRUCTURE.

A. **STORMWATER.** On-site stormwater retention/detention facilities will be constructed in conjunction with the development. The stormwater retention/detention facilities will be maintained at a level consistent with the standards of the St. John's River Water Management District and the City collection and transmission facilities shall be located pursuant to the approved site plan, or site plans approved for individual lots or structures.

B. **UTILITIES.** Water and sewer service shall be provided by the City. All utilities shall be constructed underground. Owner will also provide easements and grants for the installation, maintenance and upkeep of the public utilities including water, sewer, reclaim water, electrical and telephone, as well as cable television and fiber, if available. Water, sewer, and reclaim water infrastructure must be constructed to current City standards and consistent with this Agreement. Offsite extensions for water, sewer and reuse shall be provided as required and will be determined at the time of site plan. Owner shall be solely responsible for the cost of providing onsite utilities, and of extending any offsite water, sewer, and reuse utilities needed to provide service to the Property.

C. **ACCESS DRIVEWAYS/INTERNAL ROADWAYS.** Internal roadways shall be generally consistent with Exhibit B. However, Owner shall be permitted to modify the location and configuration of access driveways and internal roads and walkways so long as the modifications are otherwise consistent with this Agreement and the LDC. Access points for the Development may utilize curb cuts existing at the time of Approval of this Agreement. In the event that a car wash is developed on the Eastern Block, the development shall not be required to meet the minimum number of stacking spaces required for individual car wash bays. Two-way drive aisles developed within the Eastern Block shall be a minimum of twenty (20) feet wide.

D. **PARKING.** Parking areas shall be generally consistent with Exhibit B. Owner shall be permitted to relocate such parking fields and structures shown on Exhibit B so long as the relocation is otherwise consistent with this Agreement and the LDC. Minimum off-street parking shall be provided in accordance with the LDC, except as modified herein.

The Eastern Block may utilize any available parking in excess of LDC requirements on the adjacent Western Block of the Property. In the event that the Eastern Block is developed as shown on the attached Exhibits, only twenty-five (25) off-street parking spaces shall be required for the development.

E. **LANDSCAPING REQUIREMENTS.** Landscaping shall be provided consistent with the LDC unless otherwise provided herein. Clustering of typical landscape requirements shall be permitted so long as the net total landscape material as required herein is still met, including requirements related to interior parking lot and parking lot islands. Landscaping on the Property shall comply with the LDC's Neighborhood Compatibility Standards, except as modified herein. Where the Neighborhood Compatibility Standards require a wall and landscaping to be located on the property, this requirement may be met by the installation of a wall meeting the standards set forth in the LDC without the need for additional plantings. Coordination of landscaping shall be addressed during site plan review; however, the following landscaping shall be required for the Property's overall periphery:

- (1) Minimum perimeter landscaping strips:
 - (a) Eastern block:
 - (i) North – 4'
 - (ii) All other perimeters – 8'
 - (b) Western block, southern parcel:
 - (i) South: 8'
 - (ii) East: 6'
 - (iii) West/North: 0'
 - (c) Western block, northern parcel: 0'

7. **MAINTENANCE OF COMMON AREAS AND COMMON FACILITIES.**

A. As used in this Section:

(1) "Common facility" refers to any facility intended to be set aside for common ownership, use, or benefit, such as shared landscaping, parking, and signage. Common facilities do not include facilities such as public sidewalks or utilities that are formally accepted for public ownership by the City or other governmental agency. Common facilities do not include facilities that are subjected to a condominium form of ownership.

(1) "Common area" refers to a specific area of the Property where one or more common facilities are located, whether or not identified on Exhibit B.

B. Except as provided in Subsections C or D, prior to final plat approval or prior to issuance of the first certificate of occupancy within the development, whichever is earlier, Owner will:

(1) Form and incorporate a non-profit property owners' association to be responsible for operation, maintenance, and repair of common facilities. The association shall have authority to establish and assess dues and fees upon its members in order to recoup the cost of maintenance, and the power to

impose and enforce liens against those members who fail to pay such assessments. All persons purchasing property within the Planned District shall be members of the property owners' association. Owner may from time to time add additional covenants and restrictions or make changes in association by-laws as may be required to guarantee that the project will be developed in accordance with the policies outlined in this Agreement.

(2) Complete construction and installation of all common facilities (or, if the City specifically allows, all common facilities serving the first phase of development for the platted property); provided, that, for those common facilities that may be susceptible to damage due to remaining construction, the City may allow postponement of this requirement subject to Owner's provision of adequate assurances that the work will be done. For example, the City may require Owner to post a bond sufficient to cover 120% of the cost of such facilities according to certified estimates. Any bond shall be in a form approved by the City Attorney.

(3) Convey ownership or easement interests to all common areas to the property owners' association, sufficient to enable the property owner's association to carry out its responsibilities above with respect to common facilities.

C. Owner may opt to create separate property owners' associations for the Property, with each such association being solely responsible for ownership, maintenance, and repair of common facilities located within its respective Block.

D. With the City's prior approval, Owner may provide for recorded instruments such as restrictive covenants or recorded written agreements among one or more lot owners, to provide for the private maintenance and repair of common facilities. The City may approve such alternate arrangements administratively, without need to amend this Agreement. The City may reject any proposed alternate measure that the City determines is not adequate to ensure that common facilities will be maintained and repaired in a timely manner.

E. Under no circumstances shall the City be responsible for owning, maintaining, or repairing common facilities or common areas.

F. Nothing herein authorizes the location of common facilities on public right-of-way.

G. The plat(s) for the Property shall include such conveyances and notes as the City may require to give effect to the requirements of this Section, and to provide notice of these requirements.

8. ARCHITECTURAL AND DESIGN STANDARDS.

A. All buildings and accessory structures constructed within the Property shall be developed in compliance with the requirements of this section, and with the applicable provisions of the LDC relating to architectural standards where they do not conflict with the provisions of this section. Development of the Eastern Block shall be generally consistent with Exhibit E.

B. All of the following requirements shall be met within the Property:

(1) All buildings and accessory structures shall be consistent with a common architectural theme. The theme shall be established by harmoniously coordinating the general appearance of all buildings and accessory structures, including but not limited to: exterior wall finishes or materials; roof styles, slopes, and materials; colors; and architectural details and ornamentation.

(2) All structures shall complement one another and shall convey a sense of quality and permanence.

(3) Corporate prototype design and materials shall be permitted provided they comply with the provisions of this section. Lower grade materials, such as unfinished concrete and pre-fabricated metal, shall be prohibited.

(4) False or real windows shall be provided on all elevations visible from the public right-of-way in sufficient size and number to complement the proportions of the building.

(6) Through the LDC site plan review process, the City reserves the right to review the proposed construction of all buildings and structures, to recommend the substitution or inclusion of colors, materials, architectural details, and ornamentation, and to require or prohibit the use of the same to ensure compliance with the requirements of this section.

(9) No permanent outside display or storage shall be permitted unless adequately screened and approved by City staff.

(10) The physical appearance of all parking lot lighting fixtures shall be consistent.

9. ENVIRONMENTAL CONSIDERATIONS.

A. Development of the Property shall comply with the LDC's tree preservation requirements. Owner shall comply with all rules, statutes, and regulations pertaining to protected wildlife species, including but not limited to the rules and permitting requirements of the Florida Game and Freshwater Fish Commission concerning gopher tortoises.

B. To the extent that any wetlands existing on the Property will be impacted, they will only be impacted as permitted by the St. John's River Water Management District and any other agency with jurisdiction over the same. The City shall defer to the determinations made by such agencies regarding wetland impact.

10. SIGNAGE.

The amount and type of signage for the Property shall be developed in accordance with the LDC's Business District Sign Schedule.

11. EFFECTIVE DATE; COMPLETION SCHEDULE.

A. This Agreement shall be effective upon execution by both parties. The restrictions on

use and development imposed by this Agreement shall be binding upon all successors in interest in the Property, unless and until the City alters or eliminates such restrictions in the course of its actions as zoning authority.

B. Application shall be submitted for construction permits for the initial development of the Property, within five (5) years of the approval of this Agreement by the City Commission. The filing of an appeal of the land development order by any person shall toll the time for permitting until final resolution of the appeal. If development is phased, application for construction permits for subsequent phases shall be submitted within ten (10) years from the date of initial approval.

C. Construction of initial development shall be substantially complete within eight (8) years of the approval of this Agreement. Construction of any subsequent phase shall be substantially complete within fifteen (15) years of the initial approval of this Agreement.

D. One 12-month extension of the scheduled application dates may be permitted as a minor modification to this Agreement.

E. Failure to comply with the schedule set out above shall cause the development rights granted pursuant to this Agreement to lapse, unless the City Commission extends the deadlines (including new deadlines established pursuant to the minor modification above). The City Commission may extend such deadlines by ordinance, without need for formal amendment to this Agreement.

12. MINOR MODIFICATIONS.

A. The following may be administratively authorized as minor modifications to this Agreement:

B. Amendments to an Exhibit that are necessary for compliance with the provisions of this Agreement, the LDC, or extra-jurisdictional permitting requirements, and address technical considerations that could not reasonably be anticipated during the Planned Development approval process;

C. Have no material effect on the character of the approved PD district and/or the basic concept and terms of the PD Plan/Agreement. These may include, but are not limited to, the following:

- (1) Structural alterations that do not significantly affect the basic size, form, style, and appearance of principal structures;
- (2) Minor changes in the location and configuration of streets and driveways that do not adversely affect vehicular access and circulation on or off the site;
- (3) Minor changes in the location or configuration of buildings, parking areas, landscaping, or other site features;

- (4) Minor changes in the location and configuration of public infrastructure facilities that do not have a significant impact on the City's utility and stormwater management systems;
- (5) Increases of five (5) percent or less in the total number of parking spaces.

D. Modifications of up to 20% to any of the dimensional requirements and associated Exhibit revisions, where such modifications are necessary to address minor Exhibit errors or unanticipated conditions that reasonably need to be addressed to ensure the development plan can be implemented, EXCEPT:

- (1) Modifications, such as to floor area ratios, that increase intensity or density of the entire project or any phase by more than 2%;
- (2) Modifications that increase building height or decrease setbacks, yards, or landscaping along the perimeter of the Property by more than 10%;
- (3) Modifications that, when combined with previously approved minor and substantial modifications would result in a cumulative change of more than 20% of the original requirement for the area in question; and
- (4) Modifications that would unduly impact City-owned public utilities.

E. Requests for minor modifications shall be submitted in writing on forms provided by the City. Requests shall be reviewed pursuant to the general technical review process described in the LDC.

F. Denial of a requested minor modification shall be issued in writing to the applicant. Upon denial, or if more than 60 days elapses after the submittal of a completed application without a decision by the City, the applicant may apply for an amendment to the agreement.

G. Approved modifications shall be noted on the official plan documents.

13. AMENDMENTS.

A. Any revision to this Agreement other than a minor modification as described above shall require an amendment approved by the City Commission after review and recommendation by the Planning Board. Property Owners shall have the right to seek amendments to this Agreement, limited solely to their respective ownership interests in the Property, without the written consent of the other Owner. Requests for an amendment must be submitted in writing and, except as otherwise provided herein, shall be processed in accordance with the LDC. Notice of public hearings shall be provided as if the application is one to rezone property.

B. In recognition of the City's general police power authority to rezone and legislate land uses and zoning requirements, all signatories to this Agreement and all individual lot owners, fee

titleholders, mortgagees, or lien holders who now or hereafter own property subject to this Agreement, agree as follows:

- (1) Proposed amendments will be subject to the review procedures and standards set forth in LDC Section 3.4.F.10.
- (2) The City, and the owner of every lot within the Planned District that is directly impacted by the amendment, are necessary parties to the amendment.
- (3) The owners of all other lots within the Planned District that are not directly impacted by the amendment, are not necessary parties to the amendment.
- (4) If the POA referenced in section 7 of this Agreement is in existence at the time of submission of an application to amend this Agreement, the POA will be deemed to be an affected party with respect to the amendment as provided in LDC Section 3.4.F.10.
- (5) A lot is "directly impacted" for purposes of the provisions above, only when the amendment would revise the list of uses, dimensional requirements, architectural requirements, sign requirements, or other development or use requirements for that lot.

C. No property owner other than one who actually executes an amendment shall be deemed to have waived his or her right to challenge a proposed or executed amendment in the same manner that an affected property owner may challenge zoning or related lot specific changes for property which is not subject to a planned development agreement. Such challenges include: (i) objections to a proposed amendment before the City Planning Board or City Commission, (ii) seeking certiorari review or injunctive action in relation to the adoption of such amendment as provided by law, or (iii) consistency challenges as provided for in Section 163.3215, Fla. Stat., or any successor provision.

14. VARIANCES.

This Agreement shall not be deemed to prohibit any owner of property within the planned development from seeking or obtaining one or more variances from the requirements of this Agreement pursuant to the LDC. In addition to those entitled to notice pursuant to the LDC, notice of any public hearing to consider a proposed variance shall be provided to all persons owning property within the planned development. No such variance shall be deemed to require formal amendment to this Agreement.

15. POLICE POWER AND SOVEREIGN IMMUNITY NOT WAIVED.

Nothing contained in this Agreement shall be construed as a waiver of or contract with respect to the regulatory and permitting authority of the City as it now or hereafter exists under applicable laws, rules, and regulations. Further, nothing contained in this Agreement shall be construed as a waiver of or attempted waiver by the City of its sovereign immunity under the constitution and laws of the State of Florida.

16. COMPLETE AGREEMENT; AGREEMENT TO BE RECORDED.

A. This Agreement represents the complete understanding by and between the parties with respect to the development and use of the Property. Any and all prior agreements between the parties with respect to any subject comprehended by this Agreement is hereby voided and superseded by this Agreement.

B. This Agreement shall be recorded in the Public Records of Volusia County, Florida, at Owner's expense. The restrictions on use and development imposed by this Agreement shall be binding upon all successors in interest in the Property.

17. VENUE AND SEVERABILITY.

A. In the event of any claim, action, litigation, or proceeding under this Agreement, venue shall be in Volusia County, Florida.

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or otherwise unenforceable, such holding shall not affect the validity or enforceability of any other provision of this Agreement unless the holding so states.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto attached their hands and seals on the dates set forth below.

Signed, sealed and delivered in the presence of:

THE CITY OF DAYTONA BEACH, FLORIDA, a Florida municipal corporation

Nahed Iskander

Witness 1

Nahed Iskander

Print Name of Witness 1

By: Derrick L. Henry
Derrick L. Henry, Mayor

Attest: Letitia LaMagna
Letitia LaMagna, City Clerk

Date: 5-6-21

Kim L. Gadson

Witness 2

Kim L. Gadson

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 6 day of May, 2021 by Derrick L. Henry and Letitia LaMagna, Mayor and City Clerk, respectively, of The City of Daytona Beach, Florida, a chartered municipal corporation, on behalf of the City. They are personally known to me and did not take an oath.



Emerald McIntyre
Notary Public

Commission No: _____

Signed, sealed and delivered in the presence of:

BEACHES ISB LLC, a Florida limited liability company

Shawn Gallagher
Witness 1

SHAWN GALLAGHER

Print Name of Witness 1

By: *[Signature]*

Name: Charles D. Duva, Member

Christi L. Kwiat
Witness 2

Christi L. Kwiat

Print Name of Witness 2

Date: 4/8/2021

[Corporate Seal]

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 8 day of April, 2021, by Charles D. Duva as Authorized Member of Beaches ISB, LLC., referred to in this agreement as "OWNER." He or she is personally known to me or produced as identification and did not take an oath.

Joanne K Manser
Notary Public

Commission No. _____



Approved as to legal form:

By: *[Signature]*
Robert Jagger, City Attorney

EXHIBIT A

Property Legal Description and Surveys

DESCRIPTION:

The land referred to herein below is situated in the County of Volusia, State of Florida, and described as follows:

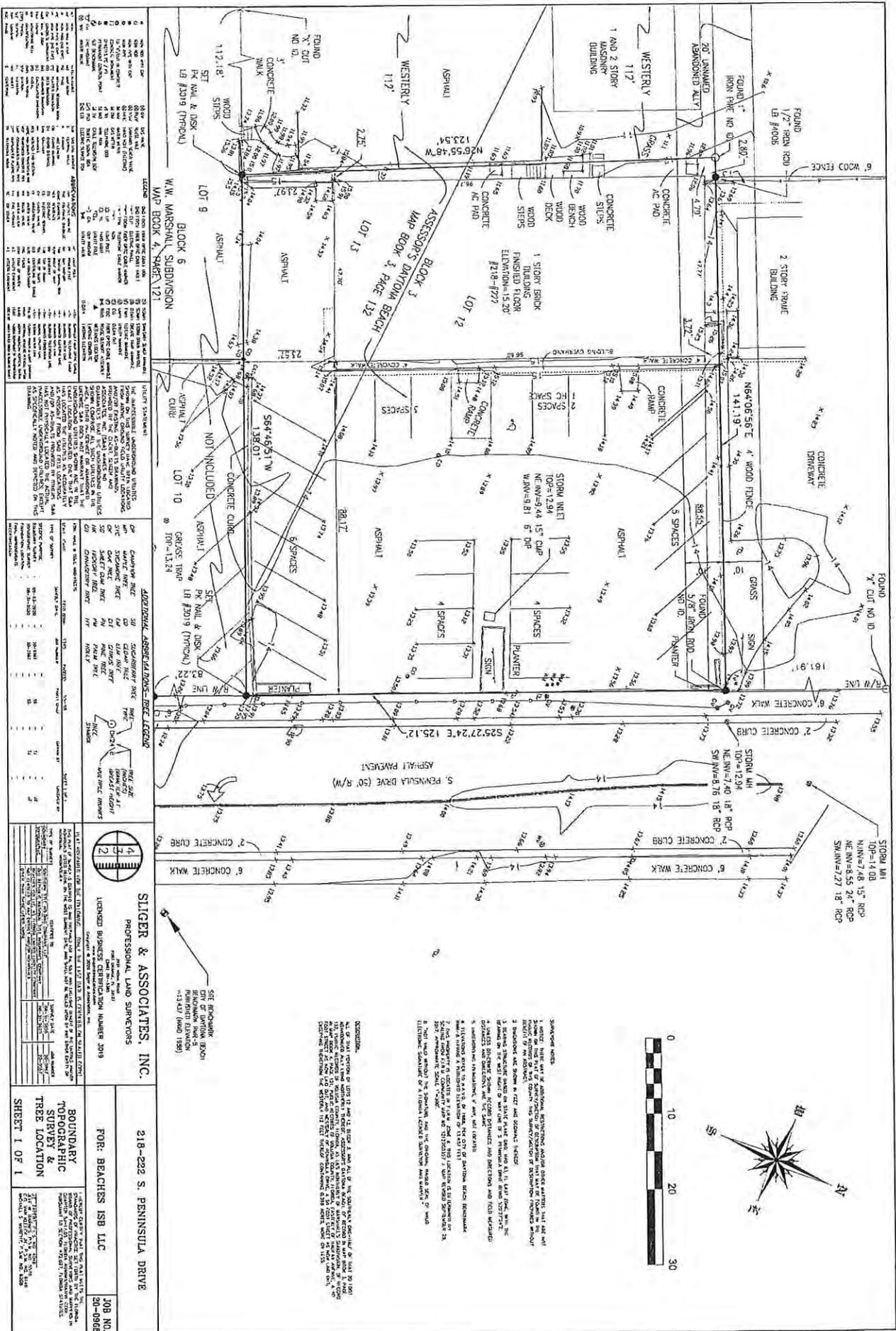
PART OF LOTS 11 AND 12, BLOCK 1, ASSESSOR'S SUBDIVISION IN DAYTONA BEACH, AS RECORDED IN MAP BOOK 3, PAGE 132, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF HOLLYWOOD AVENUE, A 50 FOOT STREET, AND THE NORTHERLY LINE OF BROADWAY, AN 80 FOOT STREET, AS BOTH ARE NOW OCCUPIED AND ESTABLISHED; THENCE SOUTH 73° 35' 00" WEST, ALONG SAID NORTHERLY LINE OF BROADWAY, A DISTANCE OF 113.11 FEET, TO A POINT THEREIN, SAID POINT BEING LOCATED 137.69 FEET EASTERLY OF SOUTH PENINSULA DRIVE, A 50 FOOT STREET, AS NOW LAID OUT; THENCE NORTH 24° 51' 00" WEST, A DISTANCE OF 113.62 FEET TO A POINT IN THE NORTHERLY LINE OF SAID LOT 12; THENCE EAST ALONG SAID NORTHERLY LINE, A DISTANCE OF 9.3 FEET TO A POINT THEREIN; THENCE NORTH 24° 51' 00" WEST, A DISTANCE OF 37.52 FEET TO A POINT IN THE NORTHERLY LINE OF THE SOUTHERLY ½ OF SAID LOT 11; THENCE EAST ALONG SAID NORTHERLY LINE, A DISTANCE OF 114 FEET TO A POINT IN THE WESTERLY LINE OF HOLLYWOOD AVENUE AFORESAID; THENCE SOUTH 24° 41' 00" EAST ALONG SAID WESTERLY LINE A DISTANCE OF 115.5 FEET TO THE POINT OF BEGINNING. AND LOT THIRTEEN (13), BLOCK ONE (1), ASSESSOR'S SUBDIVISION OF DAYTONA BEACH, ACCORDING TO MAP RECORDED IN MAP BOOK 3, PAGE 132, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING NORTH OF BROADWAY (AN 80 FOOT STREET AS NOW LAID OUT AND USED) AND EASTERLY OF PENINSULA DRIVE (A 50 FOOT STREET AS NOW EXISTS) SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID PENINSULA DRIVE 42.95 FEET NORTHERLY OF THE NORTHERLY LINE OF SAID BROADWAY; THENCE SOUTHERLY AND ALONG THE EASTERLY LINE OF SAID PENINSULA DRIVE 42.95 FEET TO THE NORTHERLY LINE OF SAID BROADWAY; THENCE EASTERLY ALONG SAID NORTHERLY LINE OF SAID BROADWAY 137.69 FEET TO A POINT; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT THIRTEEN (13), 149.66 FEET TO THE SAID POINT OF BEGINNING. TOGETHER WITH: ALSO: THAT PART OF LOT TWELVE (12), BLOCK ONE (1), ASSESSOR'S SUBDIVISION OF DAYTONA BEACH, ACCORDING TO THE PLAT OF RECORD THEREOF IN MAP BOOK 3, PAGE 132 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING EAST OF PENINSULA DRIVE, EXCEPT THE EASTERLY 113.11 FEET THEREOF, AS MEASURED FROM HOLLYWOOD AVENUE, A 50 FOOT STREET AS NOW LAID OUT, ALONG THE NORTHERLY LINE OF BROADWAY, AN 80 FOOT STREET AS NOW LAID OUT, AND EXCEPTING ALSO THAT PART THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF LOT 11, BLOCK 1, ASSESSOR'S SUBDIVISION OF DAYTONA BEACH, ACCORDING TO THE PLAT OF RECORD THEREOF IN MAP BOOK 3, PAGE 132, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, WITH THE EASTERLY LINE OF PENINSULA DRIVE, A 50 FOOT

STREET AS NOW LAID OUT; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 11, A DISTANCE OF 43.27 FEET TO A POINT; THENCE NORTHEASTERLY AND PERPENDICULAR TO PENINSULA DRIVE, A DISTANCE OF 105.08 FEET TO A POINT ON THE WESTERLY LINE OF THE EASTERLY 125 FEET OF SAID LOT 11; THENCE SOUTHEASTERLY AND PARALLEL WITH PENINSULA DRIVE, A DISTANCE OF 48.84 FEET TO A POINT ON THE SOUTH LINE OF LOT 11, AFOREMENTIONED; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 11, A DISTANCE OF 9.51 FEET TO A POINT; SOUTHEASTERLY AND PARALLEL WITH PENINSULA DRIVE, A DISTANCE OF 15.17 FEET TO A POINT; THENCE SOUTHWESTERLY AND PERPENDICULAR TO PENINSULA DRIVE, A DISTANCE OF 81.38 FEET TO A POINT; THENCE NORTHWESTERLY AND PARALLEL WITH PENINSULA DRIVE, A DISTANCE OF 30 FEET TO A POINT; THENCE WESTERLY A DISTANCE OF 61.22 FEET TO A POINT ON THE EASTERLY LINE OF PENINSULA DRIVE, AFOREMENTIONED, SAID POINT BEING 20 FEET SOUTHEASTERLY FROM THE POINT OF BEGINNING AS MEASURED ALONG THE EASTERLY LINE OF SAID PENINSULA DRIVE; THENCE NORTHWESTERLY ALONG THE EASTERLY LINE OF PENINSULA DRIVE, A DISTANCE OF 20 FEET TO THE POINT OF BEGINNING. __ALSO: A PART OF LOTS ELEVEN (11) AND TWELVE (12), BLOCK ONE (1), ASSESSOR'S SUBDIVISION OF DAYTONA BEACH, FLORIDA, AS RECORDED IN PLAT BOOK 3, PAGE 132, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF LOT 11, BLOCK 1, ASSESSOR'S SUBDIVISION OF DAYTONA BEACH, ACCORDING TO THE PLAT OF RECORD THEREOF IN MAP BOOK 3, PAGE 132, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, WITH THE EASTERLY LINE OF PENINSULA DRIVE, A 50 FOOT STREET AS NOW LAID OUT; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 11, A DISTANCE OF 43.27 FEET TO A POINT; THENCE NORTHEASTERLY AND PERPENDICULAR TO PENINSULA DRIVE, A DISTANCE OF 105.08 FEET TO A POINT ON THE WESTERLY LINE OF THE EASTERLY 125 FEET OF SAID LOT 11; THENCE SOUTHEASTERLY AND PARALLEL WITH PENINSULA DRIVE, A DISTANCE OF 48.84 FEET TO A POINT ON THE SOUTH LINE OF LOT 11, AFOREMENTIONED; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 11, A DISTANCE OF 9.51 FEET TO A POINT; SOUTHEASTERLY AND PARALLEL WITH PENINSULA DRIVE, A DISTANCE OF 15.17 FEET TO A POINT; THENCE SOUTHWESTERLY AND PERPENDICULAR TO PENINSULA DRIVE, A DISTANCE OF 81.38 FEET TO A POINT; THENCE NORTHWESTERLY AND PARALLEL WITH PENINSULA DRIVE, A DISTANCE OF 30 FEET TO A POINT; THENCE WESTERLY A DISTANCE OF 61.22 FEET TO A POINT ON THE EASTERLY LINE OF PENINSULA DRIVE, AFOREMENTIONED, SAID POINT BEING 20 FEET SOUTHEASTERLY FROM THE POINT OF BEGINNING AS MEASURED ALONG THE EASTERLY LINE OF SAID PENINSULA DRIVE; THENCE NORTHWESTERLY ALONG THE EASTERLY LINE OF PENINSULA DRIVE, A DISTANCE OF 20 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.38 ACRES, MORE OR LESS

Eastern Block Survey

Western Block Survey



NO.	DESCRIPTION	DATE	BY
1
2
3
4
5
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NO.	DESCRIPTION	DATE	BY
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NO.	DESCRIPTION	DATE	BY
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SLIGER & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 LICENSED BUSINESS CERTIFICATION NUMBER 2019
 218-222 S. PENNSULIA DRIVE
 FOR: BEACHES ISB LLC
 JOB NO. 20-0968

BOUNDARY
 TOPOGRAPHIC
 SURVEY &
 TREE LOCATION
 SHEET 1 OF 1

SEE EROSION
 DIV. OF PENNSULIA
 REGULATION 10A-1-1
 (1-1-2017) (MAY 1989)

DISCREPANCY
 IN THE TOTAL
 DISTANCE OF THE
 CLOSURE OF THE
 SURVEY IS 0.00
 FEET. THIS IS
 WITHIN THE
 TOLERANCE OF
 ONE PART IN
 50,000.

3. ALL DISTANCES
 ARE IN FEET
 UNLESS
 OTHERWISE
 SPECIFIED.

4. THE SURVEY
 WAS MADE
 IN ACCORDANCE
 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
 PENNSULIA
 SURVEYING
 REGULATIONS
 OF 1964.

5. THE SURVEY
 WAS MADE
 IN ACCORDANCE
 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
 PENNSULIA
 SURVEYING
 REGULATIONS
 OF 1964.

6. THE SURVEY
 WAS MADE
 IN ACCORDANCE
 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
 PENNSULIA
 SURVEYING
 REGULATIONS
 OF 1964.

7. THE SURVEY
 WAS MADE
 IN ACCORDANCE
 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
 PENNSULIA
 SURVEYING
 REGULATIONS
 OF 1964.

8. THE SURVEY
 WAS MADE
 IN ACCORDANCE
 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
 PENNSULIA
 SURVEYING
 REGULATIONS
 OF 1964.

9. THE SURVEY
 WAS MADE
 IN ACCORDANCE
 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
 PENNSULIA
 SURVEYING
 REGULATIONS
 OF 1964.

10. THE SURVEY
 WAS MADE
 IN ACCORDANCE
 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
 PENNSULIA
 SURVEYING
 REGULATIONS
 OF 1964.

11. THE SURVEY
 WAS MADE
 IN ACCORDANCE
 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
 PENNSULIA
 SURVEYING
 REGULATIONS
 OF 1964.

12. THE SURVEY
 WAS MADE
 IN ACCORDANCE
 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
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 SURVEYING
 REGULATIONS
 OF 1964.

13. THE SURVEY
 WAS MADE
 IN ACCORDANCE
 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
 PENNSULIA
 SURVEYING
 REGULATIONS
 OF 1964.

14. THE SURVEY
 WAS MADE
 IN ACCORDANCE
 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
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 SURVEYING
 REGULATIONS
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15. THE SURVEY
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 IN ACCORDANCE
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 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
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 REGULATIONS
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16. THE SURVEY
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 AND THE
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17. THE SURVEY
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 ACT OF 1964
 AND THE
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 REGULATIONS
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18. THE SURVEY
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 ACT OF 1964
 AND THE
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19. THE SURVEY
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 WITH THE
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 ACT OF 1964
 AND THE
 PENNSULIA
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20. THE SURVEY
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 ACT OF 1964
 AND THE
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21. THE SURVEY
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 IN ACCORDANCE
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 ACT OF 1964
 AND THE
 PENNSULIA
 SURVEYING
 REGULATIONS
 OF 1964.

22. THE SURVEY
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 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
 PENNSULIA
 SURVEYING
 REGULATIONS
 OF 1964.

23. THE SURVEY
 WAS MADE
 IN ACCORDANCE
 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
 PENNSULIA
 SURVEYING
 REGULATIONS
 OF 1964.

24. THE SURVEY
 WAS MADE
 IN ACCORDANCE
 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
 PENNSULIA
 SURVEYING
 REGULATIONS
 OF 1964.

25. THE SURVEY
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 IN ACCORDANCE
 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
 PENNSULIA
 SURVEYING
 REGULATIONS
 OF 1964.

26. THE SURVEY
 WAS MADE
 IN ACCORDANCE
 WITH THE
 PENNSULIA
 SURVEYING
 ACT OF 1964
 AND THE
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 SURVEYING
 REGULATIONS
 OF 1964.

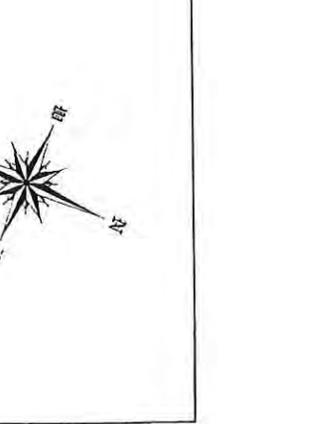
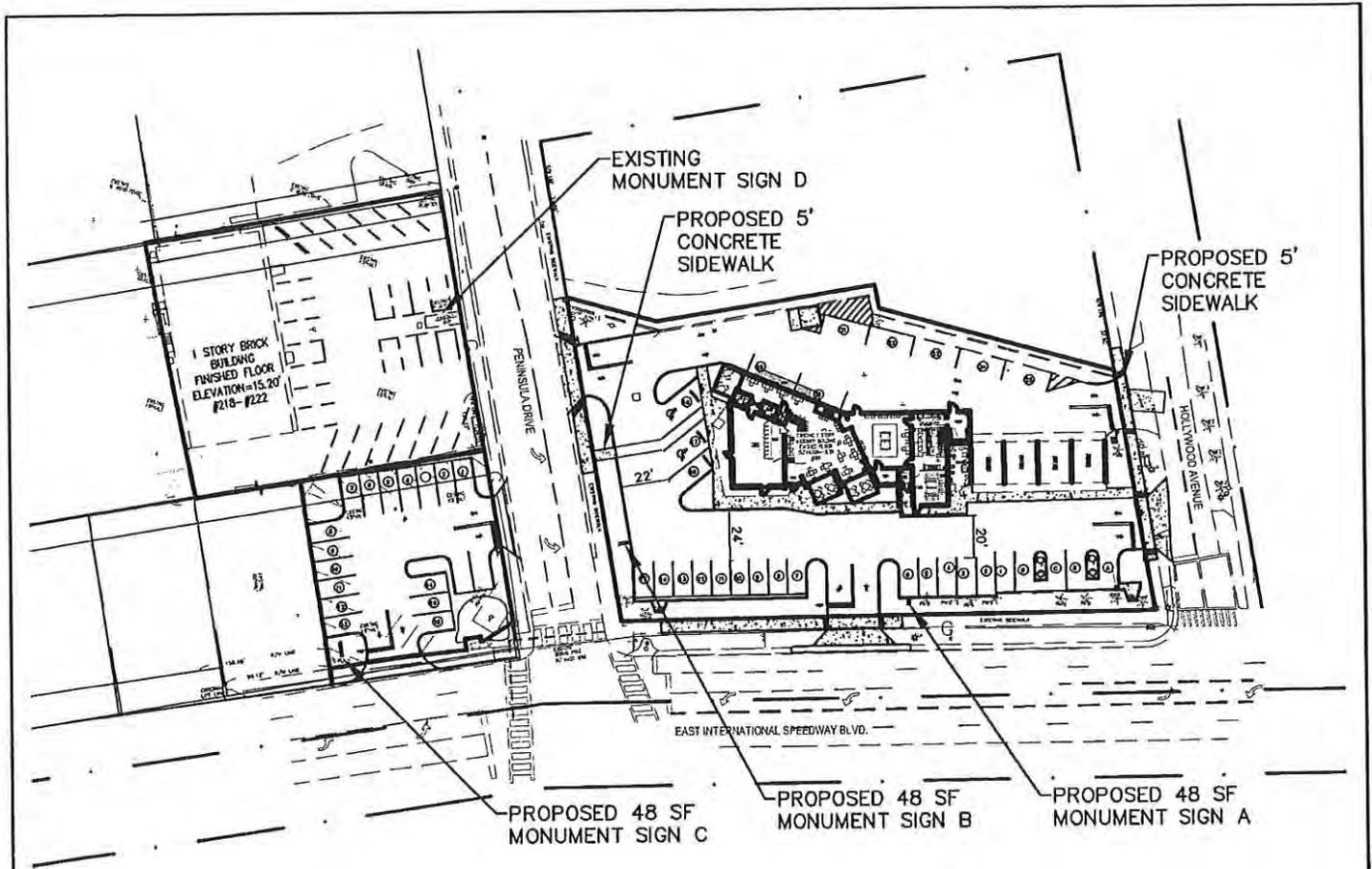


EXHIBIT B
Planned Development (PD) Plan



218-222 S. PENINSULA DRIVE
SITE AREA = 0.398 ACRES

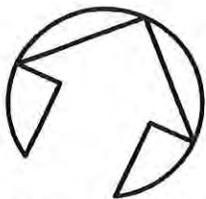
219 E. INTERNATIONAL SPEEDWAY BLVD.
SITE AREA = 0.184 ACRES

301 E. INTERNATIONAL SPEEDWAY BLVD.
SITE AREA = 0.812 ACRES

PARKING REQUIRED:
 RESTAURANT
 1,200 SF X (1 SPACE/50 SF) = 24
 PACKAGE STORE
 800 SF X (3.5 SPACES/1,000 SF) = 2.8
 CAR WASH
 1,280 SF X (3.5 SPACES/1,000 SF) = 4.48
 10% VOTRAN REDUCTION = -3 SPACES
 TOTAL REQUIRED = 28 SPACES

PARKING PROVIDED:

STANDARD	23
HANDICAP	2
TOTAL PARKING	25



GRAPHIC SCALE



SCALE: 1" = 80'

BEACHES ISB PD PLAN

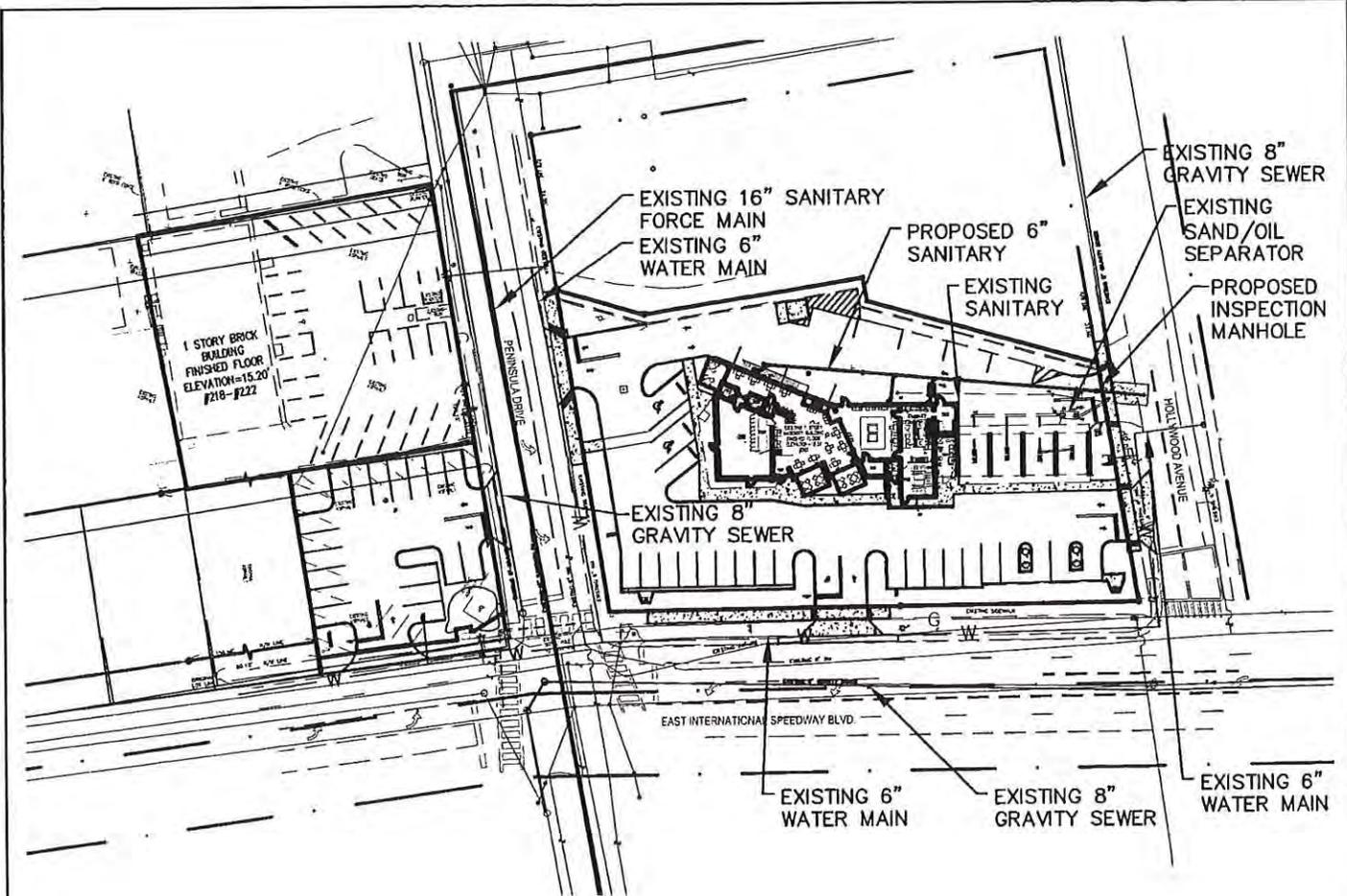
PARKER MYNCHENBERG & ASSOCIATES, INC.

PROFESSIONAL ENGINEERS * LANDSCAPE ARCHITECTS
 1729 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117
 (386) 677-6891 FAX (386) 677-2114 E-MAIL: info@parkermynchenberg.com
 CERTIFICATE OF AUTHORIZATION NUMBER 00003910

12/02/2020
 REV 02/18/2021
 REV 03/16/2021
 REV 04/06/2021

EXHIBIT B

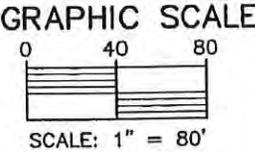
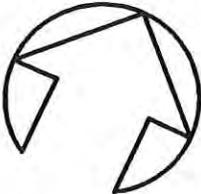
Exhibit C
Utility Plan



1 STORY BRICK BUILDING
FINISHED FLOOR
ELEVATION=15.20'
#218-#222

**BEACHES ISB
UTILITY PLAN**
**PARKER MYNCHENBERG
& ASSOCIATES, INC.**

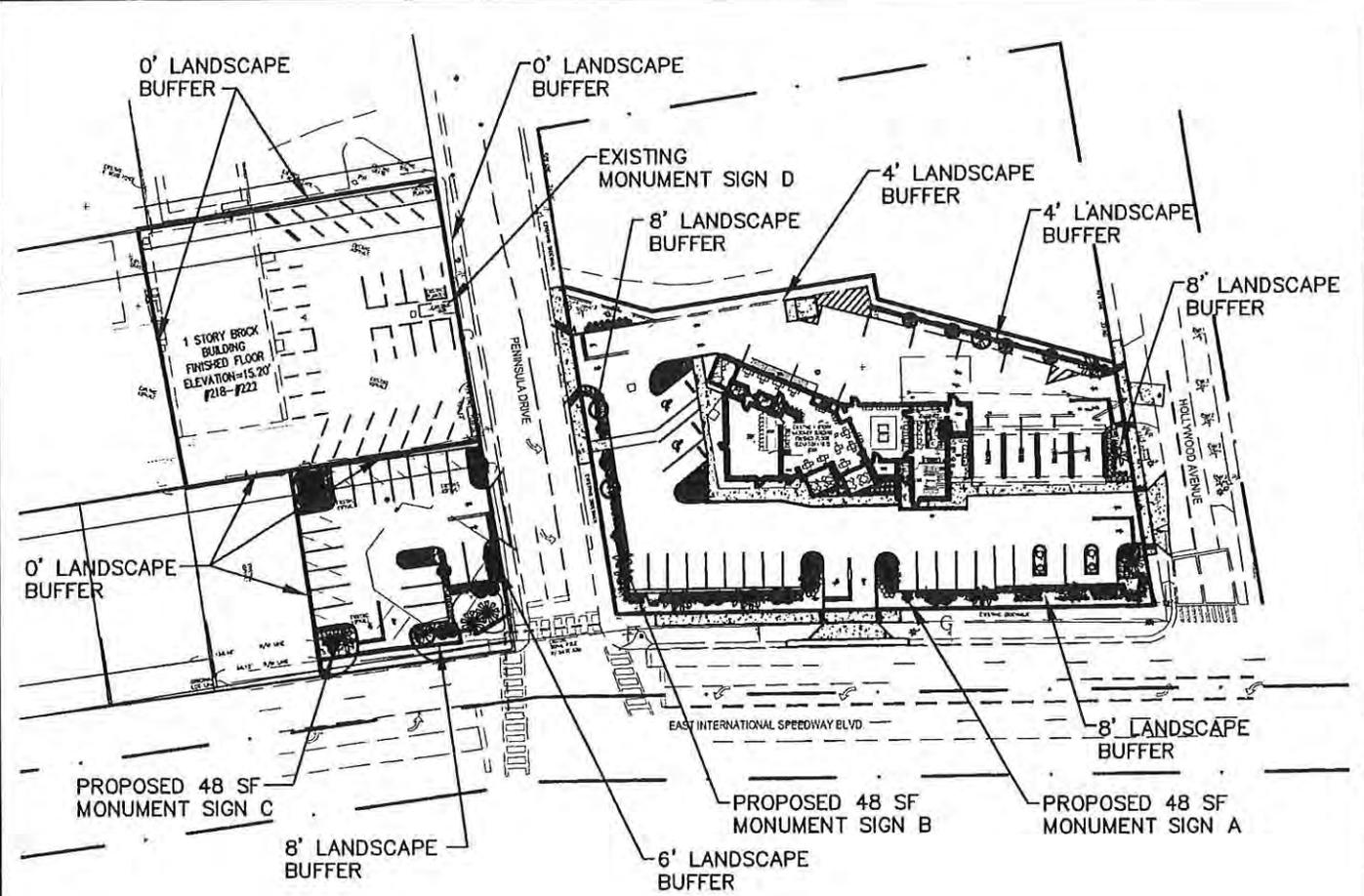
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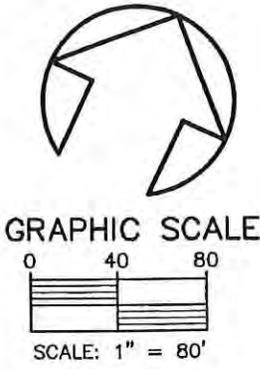
EXHIBIT C

Exhibit D
Landscape Plan



**BEACHES ISB
LANDSCAPE PLAN
PARKER MYNCHENBERG
& ASSOCIATES, INC.**

PROFESSIONAL ENGINEERS * LANDSCAPE ARCHITECTS
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12/02/2020
REV 02/18/2021
REV 03/16/2021
REV 04/06/2021

EXHIBIT D

BEACHES PLANT LIST (301 E. ISB)

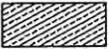
SYMBOL	ABB.	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
	TA	142	TRACHELOSPERMUM ASIATICUM	YELLOW STAR JASMINE	1 GAL., 12"-15" SPD. 20" O.C.
	IVS	125	ILEX VOMITORIA "SCHILLINGS"	DWARF YAUPON HOLLY	3 GAL., 24" O.C. 10" HT., MIN.
	PT	110	PITTOSPORUM TOBIRA "GREEN"	GREEN PITTOSPORUM	3 GAL., 30" O.C. 24" HT., MIN.
	VS	36	VIBURNUM SUSPENSUM	SANDANKWA VIBURNUM	3 GAL., 30" O.C. 24" HT., MIN.
	RI	138	RAPHIOLEPIS INDICA	INDIAN HAWTHORN	3 GAL., 24" O.C. 10" HT. MIN.
	KR	10	ROSA "RADRAZZ"	KNOCKOUT ROSE "RED"	3 GAL; 24" O.C.
	ZP*	25	ZAMIA PUMILA	COONTIE	2 GAL., 24" O.C.
	PM	25	PODOCARPUS MACROPHYLLA	YEW PODOCARPUS	3 GAL., 24" O.C. 24" HT., MIN.
	LI	5	LAGERSTROEMIA INDICA	GRAPE MYRTLE	15 GAL. MIN., MULTI-TRUNK 6'-8' HT.
	LL	11	LIGUSTUM LUCIDUM	LIGUSTRUM TREE	15 GAL. MIN., MULTI-TRUNK 5' HT.
	QV	2	QUERCUS VIRGINIANA	LIVE OAK	30 GAL., 10'-11' HT. 2" MIN. CAL.
	PR	2	PHOENIX ROEBELENI	PYGMY DATE PALM	4'-6' HT. MIN. 4'-6' SPD. (TRIPLE HEAD)
	PD	5	PHOENIX DACTYLIFERA "MEDJOO"	MEDJOO DATE PALM	15' C.T. - MATCHED
	SP	15	SABAL PALMETTO	SABAL PALM	14'-16' CLEAN TRUNK
	MG	1	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	30 GAL., 8'-9' HT., 2.5" MIN. CAL.
SOD			BAHIA / ST. AUGUSTINE		

BEACHES ISB LANDSCAPE PLAN PARKER MYNCHENBERG & ASSOCIATES, INC.

PROFESSIONAL ENGINEERS * LANDSCAPE ARCHITECTS
1729 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117
(386) 677-6891 FAX (386) 677-2114 E-MAIL: info@parkermynchenberg.com
CERTIFICATE OF AUTHORIZATION NUMBER 00003910

12/02/2020
REV 02/18/2021
REV 03/16/2021
REV 04/06/2021

EXHIBIT D

FUTURE PLANT LIST (219 E. ISB)					
SYMBOL	ABB.	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
	TA	143	TRACHELOSPERMUM ASIATICUM	YELLOW STAR JASMINE	1 GAL., 12"-15" SPD. 20" O.C.
	PT	45	PITTOSPORUM TOBIRA "GREEN"	GREEN PITTOSPORUM	3 GAL., 30" O.C. 24" HT., MIN.
	VS	20	VIBURNUM SUSPENSUM	SANDANKWA VIBURNUM	3 GAL., 30" O.C. 24" HT., MIN.
	RI	27	RAPHIOLEPIS INDICA	INDIAN HAWTHORN	3 GAL., 24" O.C. 10" HT. MIN.
	ZP*	24	ZAMIA PUMILA	COONTIE	2 GAL., 24" O.C.
	LI	6	LAGERSTROEMIA INDICA	CRAPE MYRTLE	15 GAL. MIN., MULTI-TRUNK 6'-8' HT.
	LL	2	LIGUSTUM LUCIDUM	LIGUSTRUM TREE	15 GAL. MIN., MULTI-TRUNK 5' HT.
	QV	1	QUERCUS VIRGINIANA	LIVE OAK	30 GAL., 10'-11' HT. 2" MIN. CAL.
	PD	2	PHOENIX DACTYLIFERA "MEDJOOOL"	MEDJOOOL DATE PALM	15' C.T. - MATCHED
	SP	2	SABAL PALMETTO	SABAL PALM	14'-16' CLEAN TRUNK
	MG	2	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	30 GAL., 8'-9' HT., 2.5" MIN. CAL.
SOD			BAHIA / ST. AUGUSTINE		

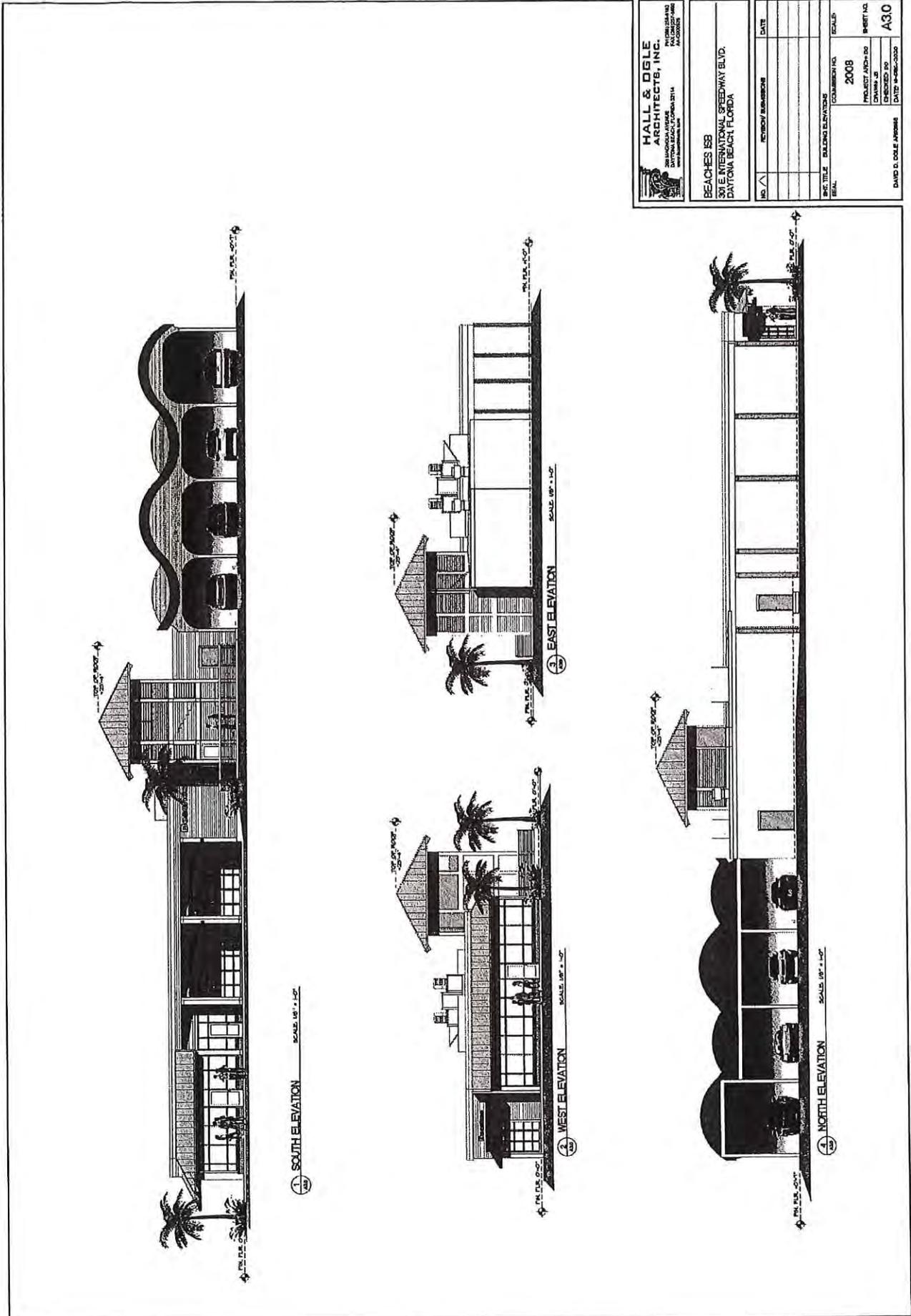
**BEACHES ISB
LANDSCAPE PLAN
PARKER MYNCHENBERG
& ASSOCIATES, INC.**

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12/02/2020
REV 02/18/2021
REV 03/16/2021
REV 04/06/2021

EXHIBIT D

Exhibit E
Architectural Elevations



HALL & OGLE ARCHITECTS, INC.
 301 E. INTERNATIONAL SPEEDWAY BLVD.
 DAYTONA BEACH, FLORIDA 32114
 WWW.HALLANDOGLE.COM

BEACHES 158
 301 E. INTERNATIONAL SPEEDWAY BLVD.
 DAYTONA BEACH, FLORIDA

NO.	REVISION / SUBMISSION	DATE

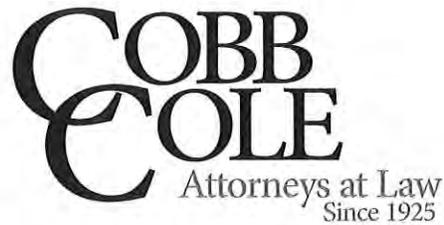
PROJECT NO.	2008	SHEET NO.	A30
PROJECT AND/OR DRAWING	BEACHES 158	DRAWING NO.	A30
DATE		DATE	

DAVID D. OGLE ARCHITECT

Attachment A

Waiver & Benefits Letter

Scott W. Cichon
Robert A. Merrell III
John P. Ferguson
Mark A. Watts
Heather Bond Vargas
Michael J. Woods
Raymond L. Schumann
Kathleen L. Crotty
Michael O. Sznajstajler
Matthew S. Welch
Robert E. Doan
William A. Rice
Douglas J. Collins
Sara E. Glover
Holly W. Zitzka
Jessica L. Gow
Nika K. Hosseini
Sydney V. Cichon



Daytona Beach • DeLand

149 South Ridgewood Avenue, Suite 700
Daytona Beach, Florida 32114
(386) 255-8171
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OF COUNSEL
Larry D. Marsh

RETIRED
Thomas S. Hart

William M. Cobb
(1881-1939)
Thomas T. Cobb
(1916-2004)
W. Warren Cole, Jr.
(1926-2008)

October 28, 2021

VIA HAND DELIVERY

Dennis L. Mrozek
Planning Director
City of Daytona Beach
301 S. Ridgewood Avenue, Room 240
Daytona Beach, FL 32114

Re: Waiver & Benefits Letter
Beaches ISB First Amendment to Planned District Agreement
DEV2021-123

Dear Mr. Mrozek:

As you know, Cobb Cole has the pleasure of representing Beaches ISB, LLC (“Applicant”) in connection with their application for the First Amendment to the Beaches ISB Planned District Agreement. The Developer is underway with the development of a mixed-use project on the 1.39+/- acre property located northeast of the intersection of International Speedway Boulevard and South Peninsula Drive in Daytona Beach, FL (the “Property”) and is requesting an amendment to the Planned District Agreement to allow for Electronic Message Center signage to be included in the redevelopment of the site. As required by the City of Daytona Beach’s Land Development Code (“LDC”), this letter will detail the public benefits of the development as well as the proposed LDC modifications.

Development Summary/Public Benefits. The project will redevelop existing, underutilized lots on the Property for a variety of uses that will serve the residents and visitors of the Daytona Beach community. These proposed uses will include additional office, retail and commercial uses on site. Under the Main Street Redevelopment Area Plan, the goal of the Main Street Redevelopment Area is to allow for redevelopment that results in aesthetically pleasing new development and rehabilitation projects. The proposed development will allow for the rehabilitation of an existing car wash facility along International Speedway Boulevard while creating additional recreational amenities for residents in the form of a new eating and drinking establishment, in addition to a range of potential commercial and retail uses.

This proposed development will foster economic development within the area and result in an increased ad valorem tax base for the City of Daytona Beach, in addition to meeting the following redevelopment area goals:

- Facilitate public and private cooperative efforts to achieve appropriately scaled, aesthetically pleasing, and environmentally sensitive new development – the proposed development will include unique architectural design that will provide for a vibrant, active entryway into the World’s Most Famous Beach. The nature and scale of the development is intended to compliment adjacent uses while revitalizing an important corridor of the City.
- Remove or rehabilitate structures which are blighting influences causing physical or environmental deterioration – the proposed redevelopment of the site will include the removal of existing, outdated structures in exchange for architecturally pleasing development. The redevelopment will revitalize blighted areas within the City and result in the closure of existing code enforcement matters associated with former ownership of the site.
- Create a magnetic place for people, a place of high design quality which exudes an electric feeling of a memorable destination with high quality hotels and commercial mixed use projects along Atlantic Avenue – the proposed development is intended to act as a catalyst for the revitalization of the gateway to Daytona’s beachside and encourage additional redevelopment projects within the surrounding area.

The proposed Electronic Message Center (“EMC”) signage will provide aesthetically pleasing advertising opportunities for the site and will facilitate resident and visitor navigation. Further, the proposed EMC sign would permit the advertisement of Public Service Announcements (PSAs) and other City and/or Volusia County governmental advisories, which will promote the public education of ongoing events and emergency conditions.

LDC Modifications. The Applicants recognize the importance of the standards set forth in the LDC and have made every reasonable effort to bring forward a project consistent with the LDC. As more particularly described below, the Project requires certain minor code waivers to allow for flexibility in design and development, which are balanced against the public benefits of the proposed development.

EMC Signage Standards

Section 6.10 of the LDC sets forth certain requirements for development of EMC signage within a property. Given the unique nature of the project and the proposed EMC signage, waivers to certain requirements under this section are required. Below please find the list of requested waivers from the EMC signage standards being requested by this Amendment:

1. Electronic message center signs are permitted only on sites consisting of at least eight contiguous acres with at least 650 contiguous linear feet of frontage on an arterial street. Property or frontage is contiguous where it is separated only by a public road.
 - a. *The entire Planned District is approximately 1.39 acres. The Applicant is requesting a waiver from this requirement to allow for the establishment of EMC signage on the property.*

2. Only one sign is permitted within the same development or contiguous parcel of property under single ownership, control, or use. For purposes of this paragraph, property is contiguous where it is separated only by a public road.
 - a. *The Applicant is requesting a waiver from this requirement to allow for the development of 3 EMC signs within the property, which will act as wall signage in a centralized location within the proposed car wash/restaurant development.*
3. Signs shall be constructed as monument signs with a maximum height of eight feet above grade.
 - a. *The Applicant is requesting a waiver from this requirement to allow for the development of the EMC signage as wall signs within the development.*
4. The display screen area shall not exceed 50 percent of the sign cabinet.
 - a. *The Applicant is requesting a waiver from this requirement to allow for use of the entire sign area for display. The sign is designed to comprise the digital screen only, with no additional decorative elements.*
5. Landscaping shall be provided in accordance with requirements in Section 6.10.J.7, Ground Signs.
 - a. *The Applicant is requesting a waiver from this requirement, as the signs will be located on walls.*
6. Sign copy may change only at intervals of not less than 60 seconds. Continuous scrolling, animation, or flashing of lights is prohibited.
 - a. *The Applicant is requesting a waiver from this requirement to allow for the change of sign copy every twenty (20) seconds. The proposed change in copy area will provide enough time to prevent driver distraction and allow for changes in signage to promote the restaurant and other governmental events, as proposed under the First Amendment to the Planned District Agreement.*
7. The background of the display screen shall be limited to one single solid color.
 - a. *The Applicant is requesting a waiver from this requirement to allow for continuous scrolling and animation within the background of the EMC signage, with any text required to be static.*
8. No off-site advertising is permitted.
 - a. *The Applicant is requesting a waiver from this requirement to allow for the advertisement of Public Service Announcements (PSAs) and other City and/or Volusia County governmental advisories, including the promotion of local events which benefit the community.*

This project will provide additional commercial uses which will support the revitalization of a gateway area of the City. Through the Planned Development process, the Applicant is intending to develop a well-planned and visually pleasing project that meets the requirements and policies of the Comprehensive Plan. The Applicants respectfully request approval of the First Amendment to the Planned District Agreement and the proposed modifications.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert A. Merrell III".

Robert A. Merrell III

Direct Dial (386) 323-9263

Email Rob.Merrell@CobbCole.com

Fax (386) 944-7955

Attachment B

Neighborhood Meeting Documents

Memorandum



Daytona Beach • DeLand

Post Office Box 2491
Daytona Beach, Florida 32115-2491
(386) 255-8171
CobbCole.com

To: Dennis Mrozek, Planning Director, City of Daytona Beach
From: Deborah D. LaCroix, CLA
Date: November 2, 2021
Client/Matter #: Beaches ISB – 1st Amendment to Planned District
DEV2021-123
Subject: Neighborhood Meeting Summary – November 1, 2021

A neighborhood meeting was held onsite at the Beaches restaurant project property on November 1, 2021 at 6:00 p.m.

Rob Merrell and Debi LaCroix were in attendance and explained the Planned District Amendment request and showed the signage location video. Several interested neighbors attended the meeting. See the attached sign-in sheet.

Mr. Merrell provided an overview of the proposed request.

Ms. LaCroix reported that this request is targeting the December, 2021 Redevelopment Board and Planning Board and the February, 2022 City Commission dates.

The neighbors assembled were in support of the amendment request.

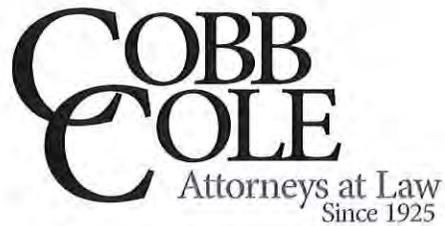
I have included the list of property owners to whom we sent the Invitation to Neighborhood Meeting, a copy of the Invitation, and photos of the signs we posted on the property.

We look forward to this item being scheduled for the Planning Board, and the City Commission at their next available meetings.

Thanks.

Deb.

Scott W. Cichon
Robert A. Merrell III
John P. Ferguson
Mark A. Watts
Heather Bond Vargas
Michael J. Woods
Raymond L. Schumann
Kathleen L. Crotty
Michael O. Sznajstajler
Matthew S. Welch
Robert E. Doan
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Douglas J. Collins
Sara E. Glover
Holly W. Zitzka
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Sydney V. Cichon



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OF COUNSEL
Larry D. Marsh

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Thomas S. Hart

William M. Cobb
(1881-1939)
Thomas T. Cobb
(1916-2004)
W. Warren Cole, Jr.
(1926-2008)

October 20, 2021

INVITATION TO NEIGHBORHOOD MEETING

Dear Neighbor:

Cobb Cole has the pleasure of representing Beaches ISB, LLC (Owner) with respect to an Amendment to an approved Planned District on their property located at 301 E. International Speedway Boulevard, in Daytona Beach, as depicted on the attached map. Owner intends to amend the approved Planned District to allow Electronic Message Center signage as wall signage along the top of roof architectural element, as shown on the proposed building images attached here.

As our neighbors to the development, we would like to invite you to a neighborhood meeting on, **Monday, November 1, 2021 at 6:00 p.m. onsite at 301 E. International Speedway Boulevard, Daytona Beach, FL.**

You may provide written comments or questions regarding this request by email to Debi.LaCroix@CobbCole.com or by letter to Debi LaCroix, CLA, Cobb Cole, 149 S. Ridgewood Avenue, Suite 700, Daytona Beach, FL 32114. Comments/Questions received by November 1, 2021 at 12:00 Noon, will be presented during the meeting and become part of the record reported to the City of Daytona Beach. Please include your name, address and contact information in your correspondence.

We look forward to your attendance at this meeting and discussing the proposed project.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Merrell III", is written over a light blue background.

Robert A. Merrell III

Direct Dial (386) 323-9263
Email Rob.Merrell@CobbCole.com
Fax (386) 323-9206

RAM/JLG/ddl
Enclosures

Beaches Beaches

RE-IMAGINED

Beaches Beaches

RE-IMAGINED



Beaches

REIMAGINED

Beaches

REIMAGINED



Debi LaCroix

From: Debi LaCroix
Sent: Monday, November 1, 2021 2:58 PM
To: Trish Helmer
Subject: RE: Questions about 301 E International Speedway Boulevard

Good afternoon.

Please see our responses in red below.

We will provide these questions to the City with our summary of the meeting.

Thanks.

Deb.

1. From the map I see S Peninsula Drive and the landmarks but it doesn't show me where this building is in relation to our place, so could you please clarify that? **The property is located at the intersection of International Speedway Boulevard and S. Peninsula Drive. From International Speedway Boulevard, the property is located one block east of your roadway, S. Halifax Avenue.**
2. How will this amendment effect our property for the good, bad, or indifferent? **The property is currently approved for and under construction for the development of a restaurant/car wash development known as "Beaches ISB." The proposed amendment is only intended to modify the allowable types of signage on the property to advertise the use. We do not foresee any impact on your property based on the proposed amendment.**
3. Since we can't be at the meeting, once you answer my questions, if we do or don't like the consequences can we voice our opinion before the meeting to be voiced there? **The project will go through a public hearing process that will provide multiple opportunities for residents to discuss the project and voice any questions. Notice of the meetings will be posted on the City's website. You will also receive a direct mailed notice of the public hearing before City Commission for final approval.**

Thanks in advance for your prompt response.

Rich and Trish Helmer

From: Trish Helmer <firsttrisca@yahoo.com>
Sent: Wednesday, October 27, 2021 12:46 PM
To: Debi LaCroix <Debi.Lacroix@cobbcole.com>
Subject: Questions about 301 E International Speedway Boulevard

Hi, I recently bought a condo at 144 S Halifax Ave. We received your letter about the neighborhood meeting. Since we won't be down there until after the meeting we have some questions.

1. From the map I see S Peninsula Drive and the landmarks but it doesn't show me where this building is in relation to our place, so could you please clarify that?
2. How will this amendment effect our property for the good, bad, or indifferent?

3. Since we can't be at the meeting, once you answer my questions, if we do or don't like the consequences can we voice our opinion before the meeting to be voiced there?

Thanks in advance for your prompt response.

Rich and Trish Helmer

Notice: The information contained in this email transmission is intended by the sender for the use of the named individual or entity to which it is directed and may contain information that is privileged or otherwise confidential. It is not intended for transmission to, or receipt by, anyone other than the named addressee (or a person authorized to deliver it to the named addressee). It should not be copied or forwarded to any unauthorized persons. If you have received this electronic mail transmission in error, please delete it from your system without copying or forwarding it, and notify the sender of the error by reply email or by calling Cobb Cole at 386-255-8171, so that we can update our address records accordingly.

5309-02-01-0140/5309-02-01-0141/5309-02-01-0142
Enrique & Liliana Zahn
336 E. International Speedway Blvd.
Daytona Beach, FL 32118

5309-13-07-0091/5309-13-07-0200/5309-13-07-0090
City of Daytona Beach
301 S. Ridgewood Avenue
Daytona Beach, FL 32114

5309-02-03-0110/5309-02-03-0130
Promotional Research, Inc.
P.O. Box 11183
Daytona Beach, FL 32120

5309-13-01-0010
Kyle S. Cramer
303 Vermont Avenue
Daytona Beach, FL 32118

5309-02-03-0101/5309-02-03-0090
Dunn & Crouch LLC
155 S. Halifax Dr.
Daytona Beach, FL 32118

5309-13-07-0110
Minh Le Bieu & Men Thi Dang
312 S. Peninsula Dr.
Daytona Beach, FL 32118

5309-11-00-0121
Silvana Skoko
306 5th Avenue
Daytona Beach, FL 32118

5309-13-07-0020
State of Florida DOT c/o R/W Records Mgmt MS1 551
719 S. Woodland Blvd.
DeLand, FL 32720-6834

5309-11-00-0100
Christine L. Cokal
225 Manhattan Ave.
Daytona Beach, FL 32118

5309-13-06-0070
Daytona International LLC
211 E. International Speedway Blvd.
Daytona Beach, FL 32118

5309-02-03-0102
Eric Brinkerhoff
154 S. Peninsula Dr.
Daytona Beach, FL 32118

5308-05-00-0045/5309-13-06-0030/5309-13-06-0050
Daytona Bluetide Group, LP
P.O. Box 3587
Orlando, FL 32802

5309-11-00-0090
Alicija Kondrat
309 5th Avenue
Daytona Beach, FL 32118

5309-02-03-0100
Jacob L. Armanious
P.O. Box 265566
Daytona Beach, FL 32126-5566

5309-02-03-0111/5309-02-03-0112
Laurie A. Borasky Gigliotti
124 Flamingo Ave.
Daytona Beach, FL 32118

5309-13-07-0190/5309-13-07-0050/5309-13-07-0130
City of Daytona Beach
301 S. Ridgewood Avenue
Daytona Beach, FL 32114

5309-13-06-0040
Mary Jo Bezdek Tr, Josephine E. Milton Rev Trust
125 Hidden Creek Dr.
Ellisville, MO 63011

5308-04-00-0010
Daytona Bluetide Group LP
315 E. Robinson St., Ste. 600
Orlando, FL 32801

5309-01-30-0020
Steven H. Kipp
309 Vermont Avenue
Daytona Beach, FL 32118

5309-13-07-0021/5309-13-07-0060
City of Daytona Beach
301 S. Ridgewood Avenue
Daytona Beach, FL 32114

5309-02-01-0110
Christina Maria Pierelli
207 S. Peninsula Dr.
Daytona Beach, FL 32118

5309-11-00-0130
Theresa A. Drahovsky
901 Catalpa Rd.
Warminster, PA 18974

5309-02-01-0230/5309-02-01-0145
City of Daytona Beach
P.O. Box 2451
Daytona Beach, FL 32115-2451

5309-11-00-0110
Paul M. Gworek
314 5th Street
Daytona Beach, FL 32118

5309-11-00-0140
John A. Page
29 Baytree Ct. E.
Saint Simons Island, GA 31522

5309-02-03-0091
Diane M. Davis
149 S. Halifax Ave.
Daytona Beach, FL 32118

5309-13-06-0020
Daytona Lands I, Inc.
163 E. International Speedway Blvd.
Daytona Beach, FL 32118

5309-45-00-0370
Stephen L. Critz
144 S. Halifax Ave., Unit 37
Daytona Beach, FL 32118

5309-45-00-0440
Michael J. Merkle
144 S. Halifax Ave., Unit 44
Daytona Beach, FL 32118-4454

5309-45-00-0520
Kenneth Sims & Anne Scherer
2705 Scales Ct.
Jeffersonville, IN 47130

5309-02-01-0111
Thomas M. Dahl
208 S. Hollywood Ave.
Daytona Beach, FL 32118

5309-02-01-0130
7-Eleven Inc. Tax Dept 23423
P.O. Box 711
Dallas, TX 75221-0711

5309-11-00-0080
Christopher R. Mason
117 Inlet Harbor Road
Ponce Inlet, FL 32127

5309-11-00-0111
Mary H. Hamilton
310 5th Ave.
Daytona Beach, FL 32118

5309-13-07-0100
Jay F. & Margaret L. McBride
222 Broadway Ave.
Daytona Beach, FL 32118-4651

5309-11-00-0070
Jennifer L. Diaz
150 S. Hollywood Ave.
Daytona Beach, FL 32118

5309-45-00-0250
Anthony & Paulanne Maddaloni
590 Read Rd. RR 6
ST. CATHERINES, ON L2R 7L6 CANADA

5309-45-00-0420
Kenneth A. Wright III
144 Halifax Ave., Unit 42
Daytona Beach, FL 32118

5309-45-00-0480
Maria A. Summerlin
144 S. Halifax Ave., #48
Daytona Beach, FL 32118

5309-45-00-0820
Roger & Jennifer Mader
3634 Lotticks Ln., NE
Corydon, IN 47112

5309-45-00-0880
Barbara Jean Laderman & Joseph Brian Sakal
52 Centre St.
Natick, MA 01760

5309-45-00-0120
Karen S. Fanning
144 S. Halifax Ave., #12
Daytona Beach, FL 32118

5309-45-00-0310
A. Wayne Cunningham, Jr.
6102 Dovecrest Trl.
Lakeland, FL 33810-1864

5309-45-00-0720
James F. Richardson
76 Brook Ln.
Berlin, MA 01503

5309-45-00-0020
Richard Merle Safranic
4939 E. Calla Rd.
New Middletown, OH 44442

5309-45-00-0330
Dale & Geeya Sickler
118 Longbranch Rd.
Winter Park, FL 32792

5308-04-00-0020
Daytona Bluetide Group LP
P.O. Box 3587
Orlando, FL 32802

5309-45-00-0010
Cindy Lindsay
1087 Union Valley Rd.
Wimilford, NJ 07480

5309-45-00-0110
Diane Harney
144 S. Halifax Ave., #11
Daytona Beach, FL 32118

5309-45-00-0270
Glenn & Roxanne Hammett
676 Otterhole Rd.
West Milford, NJ 07480-3015

5309-11-00-0160
Michael Kalicharan
660 Moss Point Cove Ct.
DeBary, FL 32713

5309-45-00-0190
Gerald Mordis
144 S. Halifax Ave., Unit 19
Daytona Beach, FL 32118

5309-45-00-0680
Kelvin Lee
2231 Oriole Ln.
Daytona Beach, FL 32119

5309-45-00-0800
Jim & Kim Miller
144 S. Halifax Ave., Unit 80
Daytona Beach, FL 32118

5309-45-00-0210
Julia A. Summerlin
144 S. Halifax Ave., Apt. 21
Daytona Beach, FL 32118

5309-45-00-0340
James Marvin
144 S. Halifax, Unit 34
Daytona Beach, FL 32118

5309-02-03-0081
Stemmler Properties LLC
5768 Sweetwater Blvd.
Port Orange, FL 32127 4706

5309-45-00-0080
Richard & Patricia Helmer
8607 Soule Rd.
Holland Patent, NY 13354

5309-45-00-0170
Holly E. Rousseau
144 S. Halifax Ave., #17
Daytona Beach, FL 32118

5309-45-00-0001
Halifax Villas Condo Association
144 S. Halifax Ave.
Daytona Beach, FL 32118

5309-11-00-0060
Noeleen Foster
321 Manhattan Ave.
Daytona Beach, FL 32118

5309-45-00-0040
Steven W. Boerger
926 Maxine Dr.
Fort Wayne, IN 46807

5309-45-00-0160
Robert Eric Frazier
144 S. Halifax, Unit 16
Daytona Beach, FL 32118

5309-45-00-0320
Edward & Muriel T. Wenger
85 Edgewater Place
Edgewater, NJ 07020-1205

5309-45-00-0540
Steven T. & Gisela M. Egner
144 S. Halifax Ave., #54
Daytona Beach, FL 32118

5309-11-00-0150
Catherine Dobies
155 S. Peninsula Dr.
Daytona Beach, FL 32118

5309-45-00-0230
James & Karen Collins
144 S. Halifax Ave., Unit 23
Daytona Beach, FL 32118

5309-45-00-0300
Curtis Christopher Mowry
144 S. Halifax Ave., Unit 30
Daytona Beach, FL 32118

5309-45-00-0380
Wanda Butler
144 S. Halifax Ave., Unit 38
Daytona Beach, FL 32118

5309-45-00-0050
Charles A. Brewer & Lois Hossler
2147 Sheaffer Road
Elizabethtown, PA 17022

5309-45-00-0030
Gary Dutcher
144 S. Halifax Ave., Apt. 3
Daytona Beach, FL 32118

5309-45-00-0070
Marina Gendel
144 S. Halifax, Apt. 7
Daytona Beach, FL 32118

5309-45-00-0180
Mary Ann Silvester
144 S. Halifax Ave., Unit 18
Daytona Beach, FL 32118

5309-45-00-0460
Robin Hock Smith
4205 N. Lions Ave.
Broken Arrow, OK 74012

5309-45-00-0740
Jeffrey Paul Kerschner
144 S. Halifax Ave., No. 74
Daytona Beach, FL 32118

5309-45-00-0140
James D. Dunn Sr. & Susan Dunn
144 S. Halifax Ave., Unit 14
Daytona Beach, FL 32118

5309-45-00-0240
Suzanne Michelle Myers
144 S. Halifax Ave., #24
Daytona Beach, FL 32118

5309-45-00-0360
Arthur L. Leisey
144 S. Halifax Ave., Apt. 36
Daytona Beach, FL 32118

5309-45-00-0860
Albert W. Lischner III & Diane Lischner
146 W. Bryceton Rd.
Pittsburgh, PA 15236

5309-45-00-0060
Richard Douglas
144 S. Halifax Ave., #6
Daytona Beach, FL 32118

5309-45-00-0100
Wesley D. Powers
144 S. Halifax Ave., Unit 10
Daytona Beach, FL 32118

5309-45-00-0350
Clayton Camboim
13037 Mulberry Park Dr.
Orlando, FL 32821

5309-45-00-0660
Brian Puentes
144 S. Halifax Ave., Apt. 66
Daytona Beach, FL 32118

5309-02-03-0080
Thomas W. Brown, Tr/Thomas W. & Virginia Brown Trust
1 Braddock Ave.
Daytona Beach, FL 32118

5309-45-00-0090
Halifax Villas Association, Inc.
144 S. Halifax Ave.
Daytona Beach, FL 32118-4477

5309-45-00-0280
Jacob Jeffrey Mollerus
299 Saranac Ave.
Buffalo, NY 14216

5309-45-00-0580
Herman & Maria Held
144 S. Halifax, Unit 58
Daytona Beach, FL 32118

5309-45-00-0840
Mixary Sorondo
144 S. Halifax Ave., Unit 84
Daytona Beach, FL 32118

5309-45-00-0560
Michael & Siegrid Martensen
Heuwisch 7
NEUENKIRCHEN 25792 GERMANY

5309-45-00-0220
Michael V. Zucco
144 S. Halifax Ave., Unit 22
Daytona Beach, FL 32118

5309-45-00-0200
Susan M. Fenimore
609 N. Paca St., Unit 1
Baltimore, MD 21201

5309-45-00-0640
Paul J. Thomas
144 S. Halifax Ave., Unit 64
Daytona Beach, FL 32118

5309-45-00-0780
Robert Hallock
144 S. Halifax Ave., Apt. 78
Daytona Beach, FL 32118

5309-11-00-0050
Gregory Wolfenden
306 E. Greentree Ln.
Lake Mary, FL 32746

5309-45-00-0130
Robert & Debra Seifert
4364 South Nepal Court
Centennial, CO 80015

5309-45-00-0400
Edward Lucas Tr, Barbara Lucas Tr.
P.O. Box 1505
Diamond City, AR 72630

5309-45-00-0600
Daniel P. Stang
144 S. Halifax, #60
Daytona Beach, FL 32118

5309-45-00-0150
Elene M. Kelsey
144 S. Halifax Ave., Unit 15
Daytona Beach, FL 32118

5309-45-00-0700
David R. Smith
21705 Chibaw Rd.
Astor, FL 32102

5309-45-00-0290
Jayme Dickey, Tr.
144 S. Halifax Ave., Unit 29
Daytona Beach, FL 32118

5309-45-00-0390
Edward P. Richards
144 S. Halifax Ave., Unit 39
Daytona Beach, FL 32118

5309-45-00-0500
Victor A. & Yvonne M. Delia
9312 Lochwood Pl.
Tinley Park, IL 60487

5309-45-00-0620
Steffan Peuss
144 S. Halifax Ave., Unit 62
Daytona Beach, FL 32118

5309-13-01-0040
Michael A. & Amanda Trim
319 Vermont Ave.
Daytona Beach, FL 32118

5309-07-25-0010
Jesse James Jarvis
413 5th Ave.
Daytona Beach, FL 32118

5309-02-01-0242
Perry & Helen F. Kostidakis
71 Riverside Dr.
Ormond Beach, FL 32176-6513

5309-07-22-0030
NDR Capital Group, LLC
130 Park Dr.
Bal Harbour, FL 33154

5309-02-01-0240
William Helfrich Bittorf and William Henry Bittorf
P.O. Box 222
Pierson, FL 32180

5309-13-01-0030
Jason Peter & Angie Marie Mara
315 Vermont Ave.
Daytona Beach, FL 32118

5309-07-25-0210/5309-07-25-0220
Gary L. Morrison, Tr./Morrison Family Joint Trust
5554 West Bayshore dr.
Port Orange, FL 32127

5309-45-00-0260
Anthony P. & Joyce A. Jeanette
112 Shoal Creek Cir.
Daytona Beach, FL 32114

5309-45-00-0760
Robert V. & Sandra M. Urban
10030 Savage Rd.
Holland, NY 14080

5309-07-22-0010
Shihyen Hsu
2020 Hanscom Dr.
South Pasadena, CA 91030

5309-07-22-0060
James A. Koliopulos, Tr./James A. Koliopulos Liv Trust
1015 John Anderson Dr.
Ormond Beach, FL 32176-4120

5309-02-01-0146
William Helfrich Bittorf and William Henry Bittorf
P.O. Box 222
Pierson, FL 32180

5309-13-01-0050
Maria & Jose Mariscal
405 Vermont Ave.
Daytona Beach, FL 32118

5309-07-22-0040
Nancy Braun
305 S.W. 3rd St.
Delray Beach, FL 33444

5309-07-22-0020
Christina Ramdoolar
3475 N.W. 62nd Ave.
Ocala, FL 34481

5309-07-22-0100
Titan Development Partners LLC
4095 S.W. 67th Ave.
Miami, FL 33155

NEIGHBORHOOD MEETING NOTICE

A NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON
11/1/21 AT 6:00 PM TO INTRODUCE THE

FOLLOWING APPLICATION FOR THIS PROPERTY:

PD Amendment DEW2021-123

THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION:

Onsite - 301 E. 15B, DB, FL

INTERESTED PARTIES CAN CONTACT Cobb Cole

AT 386 323-9244 FOR FURTHER INFORMATION.

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PD Amendment Dev 2021-123

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Onsite - 301 E. 15B DR FL

INTERESTED PARTIES CAN CONTACT Cabb Cole

AT 386/333-9244 FOR FURTHER INFORMATION.

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PD Amendment Dev 2021-123

THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION:

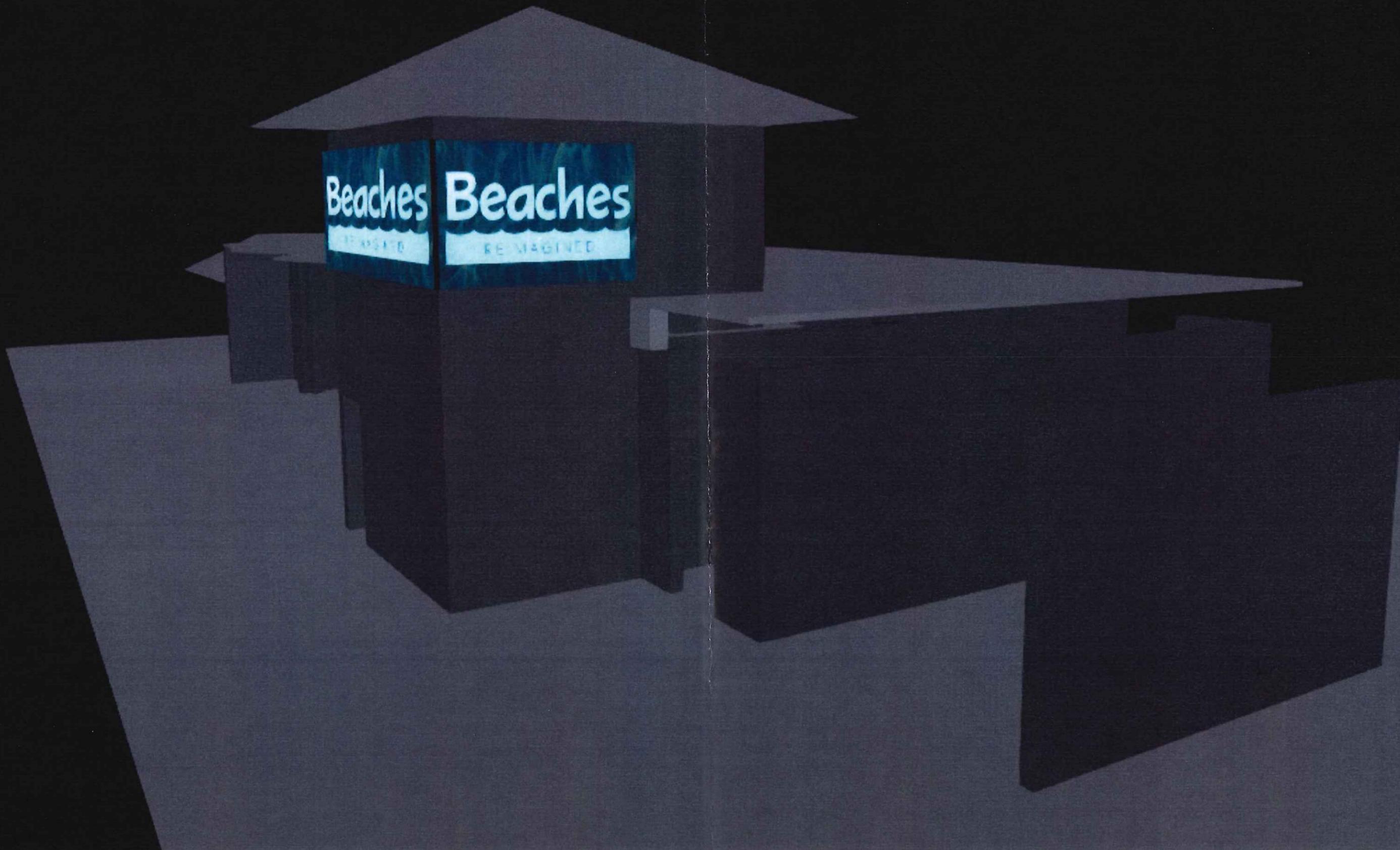
Onsite - 301 E. 15th, DB FL Cobb Cole

INTERESTED PARTIES CAN CONTACT _____ FOR FURTHER INFORMATION.

AT 386 323-9244

Beaches
RE-IMAGINED

Beaches
RE-IMAGINED



Beaches
REIMAGINED

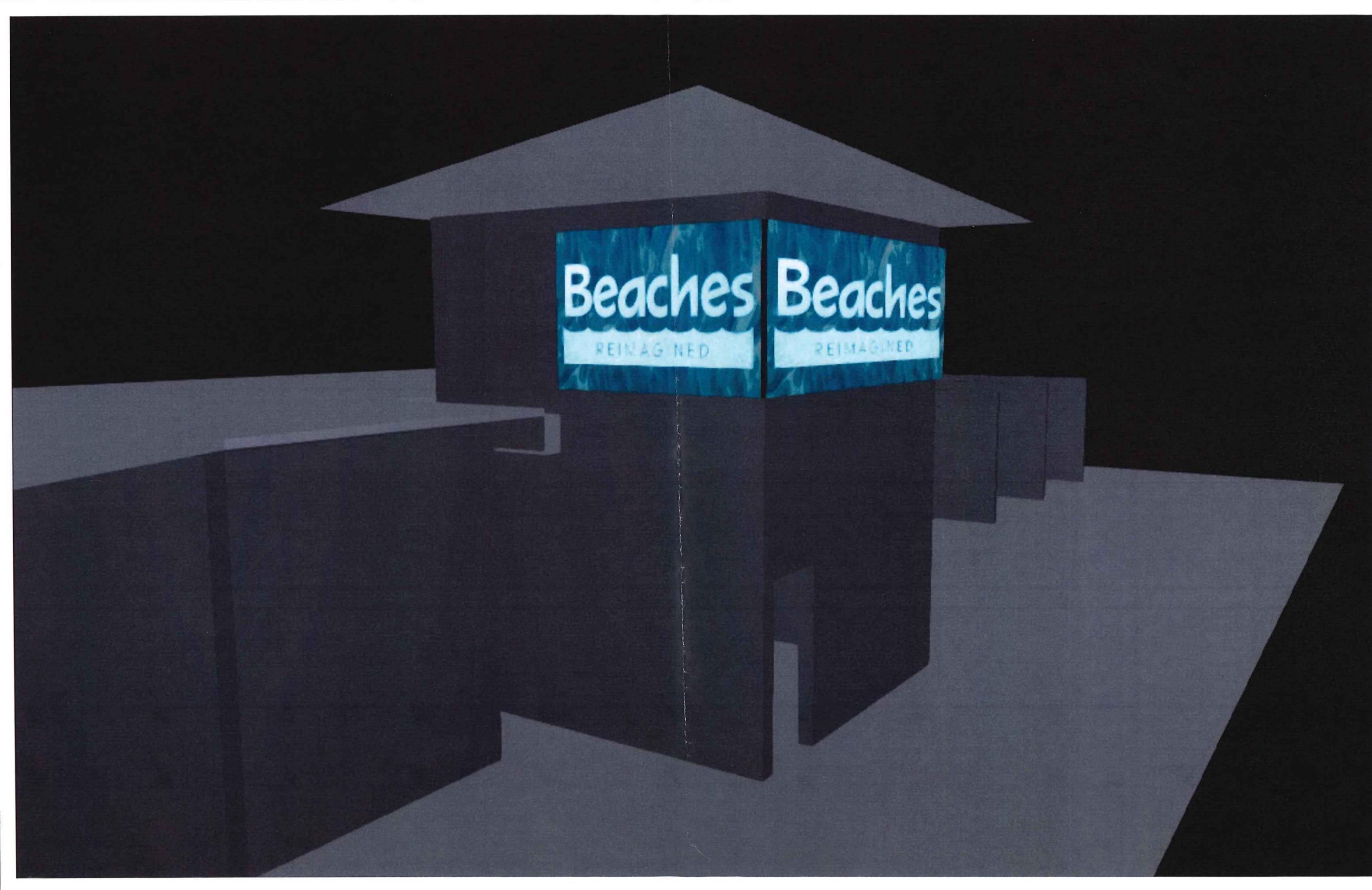
Beaches
REIMAGINED

Beaches

REIMAGINED

Beaches

REIMAGINED





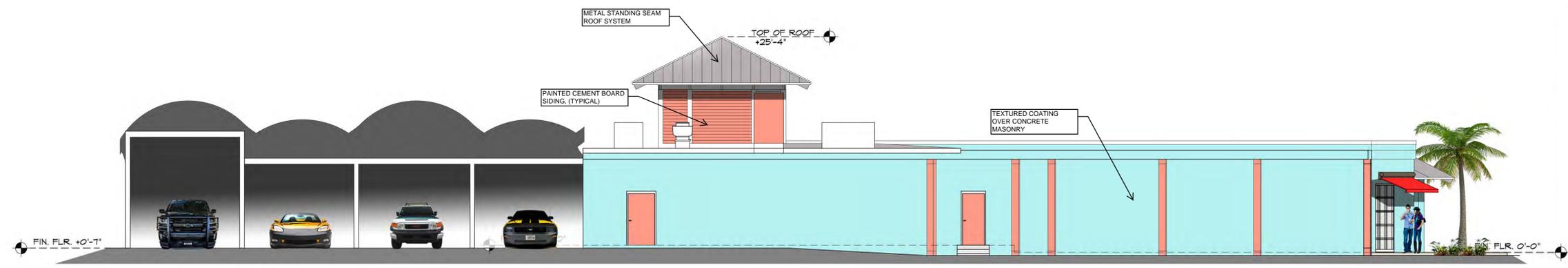
1 SOUTH ELEVATION SCALE: 1/8" = 1'-0"



2 WEST ELEVATION SCALE: 1/8" = 1'-0"



3 EAST ELEVATION SCALE: 1/8" = 1'-0"



4 NORTH ELEVATION SCALE: 1/8" = 1'-0"

HALL & OGLE ARCHITECTS, INC.
208 MAGNOLIA AVENUE
DAYTONA BEACH, FLORIDA 32114
www.hoarchitects.com
PH (386) 255-6163
FAX (386) 257-5650
AA-C000925

BEACHES ISB
301 E. INTERNATIONAL SPEEDWAY BLVD.
DAYTONA BEACH, FLORIDA

NO. △	REVISION/ SUBMISSIONS	DATE

SHT. TITLE	BUILDING ELEVATIONS	
SEAL	COMMISSION NO. 2008	SCALE:
	PROJECT ARCH: DO	SHEET NO.
	DRAWN: JB	A3.0
	CHECKED: DO	
	DATE: 18-DEC-2020	
DAVID D. OGLE AR93986		

Beachside Redevelopment Area (Main Street and South Atlantic)

Public Works Projects

Earl Street Sidewalk Improvements

- Description/Commission District:
 - Replacement /Installation of sidewalks on both sides of Earl Street between N. Halifax Ave. and Oleander Ave. to meet ADA and City standards.
 - Zone 3
 - Main Street Redevelopment CRA
- Progress
 - Preliminary design completed
- Upcoming Work (1 week look-ahead)
 - TBD
- Risks/Challenges
 - Limited ROW (30 feet) between N. Halifax and N. Peninsula Dr.
 - Traffic patterns between N. Halifax and Oleander Dr. may be affected by design
 - The Greek Orthodox Church has constructed a fence at ROW line on the property at Earl and Halifax limiting sidewalk options at this location.
- Schedule
 - Final design completion: TBD
 - Bid Date: TBD
- Project Costs
 - Design Cost : (Survey \$6,579 , in-house engineering design effort)
 - Construction Cost Est (Planning level/limited design): \$290,000
- Summary
 - Awaiting funding

Peabody Auditorium Restrooms (Updated)

- Commission District/Description:
 - Rose Room Patio restroom remodel and Women's main lobby restroom remodel and expansion for the Peabody Auditorium
 - Zone 3 (Quanita May)
 - Redevelopment Area: Main Street Redevelopment Area
- Progress
 - Race and Recreation Grant was approved for \$287,500.00 for the project.
 - Project has been sent to Purchasing on 11.15.21 for final approval for publishing for bidding.
- Schedule:
 - Project to be out for bid Nov 2021
- Pending Work:
 - Bid set production by consultants
 - Bid set production by architect
- Risks/Challenges:
 - None at this time
- Project Cost:

- Restroom remodels (women and patio restroom) \$300K
- Summary:
 - Peabody Auditorium women's restroom expansion and expansion of existing Rose Room patio restrooms for men's use.

Peabody HVAC Chiller Plant (Updated)

- Commission District/Description:
 - Zone 3
 - Main Street CRA
 - Project consist of replacing and upgrading the chiller plant HVAC system
- Progress
 - Chiller Plant Study completed by Simes & Rosch 7/28/2020
 - Funding approved
 - Alternative HVAC technologies have been considered to lower project costs, recommendation is to proceed with original scope
 - Bid set reviewed and final set to be issued to City.
- Schedule
 - Engineer design services – Aug./Sept., 2021, extended to 11/21
 - ITB – January 6, 2022
 - Contract award –Jan/Feb 22
 - Construction, install, start-up – Feb 2022 to May 2022
- Project Costs
 - Project budget set at \$1,500,000.00
- Summary
 - Alternative project scopes were considered and evaluated. Current plan is to place the new chiller plant in east parking lot. The new HVAC system will provide reliability, efficiency, noise reduction, and redundancy. Bid set review to be completed.

Rose Room Patio Canopy (Updated)

- Commission District/Description:
 - Outdoor patio shade structure for the Peabody Auditorium
 - Zone 3 (Quanita May)
 - Redevelopment Area: Main Street Redevelopment Area
- Progress
 - Punchlist items being completed
 - Gutter proposal due by 11.19.21 for box gutter along front fascia
- Schedule:
 - Contract has a 60-day construction duration
 - Project punch list items to be completed mid-Nov/21
- Pending Work:
 - Construction Administration as project progresses.
- Risk/Challenges:
 - None at this time
- Project Cost:

- Patio shade structure / cover: \$47,600.
- Summary:
 - A new shade canopy over the existing patio space adjacent to the Rose Room at the Peabody Auditorium.

Peninsula Club Electrical System Renovation

- Commission District/Description:
 - Zone 3
 - South Atlantic CRA
 - Project consist of replacement of main electrical panel, branch circuits and electrical fixtures.
- Progress
 - Electrical floor plan was developed and reviewed by City electrician
 - SOW created for bid from Economy Electric
 - Proposal from Economy Electric received.
 - Emergency memo was created and pending a funding source.
- Project Costs
 - \$24,000.00 - estimated
 - \$32,310.00 - Proposal received
- Summary
 - The Public Works electrician expressed concerns over the conditions of the outdated electrical wiring and devises. Technical Services, Economy Electric and the City electrician reviewed the site and identified the areas that are not safe and require renovations to the electrical system to eliminate any electrical and fire risks.

Peabody DX HVAC Replacement

- Commission District/Description:
 - Zone 3
 - Main Street CRA
 - Project consist of replacing 2 small air conditioning systems for the Elevator Equipment Room and the 2nd Floor Bathrooms
- Progress
 - Two HVAC systems were not repairable, and they are beyond their life expectancy (1995 and 1996)
 - Proposal from EMCOR was approved PO was issued.
 - Equipment was installed and pending electrical and controls work.
- Project Costs
 - \$24,845.00
- Summary
 - The Technical Services Public Works staff was asked to evaluate the non-repairable HVAC units. It was determined that the units are beyond their life expectancy and will be replace under the Continuing Service contract with EMCOR/MSI. Equipment installed and pending electrical and controls installation.

E. ISB Streetscape

- Commission District/Description:
 - Zone 6, Main St and S. Atlantic Redevelopment Areas
 - City completing the power undergrounding and secondary power conversions. The FDOT is completing design, permit and construct roadway improvements along E. ISB between the Halifax River and Atlantic Ave.
- Schedule
 - 100% FPL Power Conversion Design – July 2022

- 100% Secondary Power Conversion Design – Aug 2022
- FPL construction anticipated Dec 2022 and Secondary Power to be complete Jan 2023
- Project Cost
 - City contributed \$750,00 towards the FDOT design project. The Secondary power conversion design and permitting is \$99,000, and FPL cost to be determined.
- Summary
 - FDOT Design consultant submitted 100% design plans the week of Oct 18th, City provided review comments on Nov 3rd.
 - Coordination meeting between FPL, FDOT and City held on Nov 2nd and Nov 3rd, regarding FPL equipment placement and needed easements, next one is scheduled for Dec 3rd.
 - City requested a proposal from a continuing surveying services consultant to prepare legal descriptions and sketches for the potential easements. Once survey work is complete, need to follow up with secondary power conversion design consultant (SGM).
 - Need to start making contact with potential property owners regarding FPL equipment easements.
 - FDOT has identified construction funding becoming available for the streetscape component in FY 2023. City to fund the underground power (primary and secondary) conversion construction.
 - Project is steadily progressing.

Exhibit B

Rezoning Amendment - Planned Redevelopment (PD-RD)

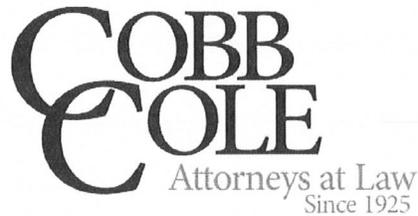
1st Amendment

DEV2021-123

Beaches ISB PD

Revised Waiver & Benefits Letter

Scott W. Cichon
Robert A. Merrell III
John P. Ferguson
Mark A. Watts
Heather Bond Vargas
Michael J. Woods
Raymond L. Schumann
Kathleen L. Crotty
Michael O. Sznajstajler
Matthew S. Welch
Robert E. Doan
William A. Rice
Douglas J. Collins
Sara E. Glover
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Nika K. Hosseini
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OF COUNSEL
Larry D. Marsh

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Thomas S. Hart

William M. Cobb
(1881-1939)
Thomas T. Cobb
(1916-2004)
W. Warren Cole, Jr.
(1926-2008)

December 7, 2021

VIA HAND DELIVERY

Dennis L. Mrozek
Planning Director
City of Daytona Beach
301 S. Ridgewood Avenue, Room 240
Daytona Beach, FL 32114

Re: Waiver & Benefits Letter
Beaches ISB First Amendment to Planned District Agreement
DEV2021-123

Dear Mr. Mrozek:

As you know, Cobb Cole has the pleasure of representing Beaches ISB, LLC ("Applicant") in connection with their application for the First Amendment to the Beaches ISB Planned District Agreement. The Developer is underway with the development of a mixed-use project on the 1.39+/- acre property located northeast of the intersection of International Speedway Boulevard and South Peninsula Drive in Daytona Beach, FL (the "Property") and is requesting an amendment to the Planned District Agreement to allow for Electronic Message Center signage to be included in the redevelopment of the site. As required by the City of Daytona Beach's Land Development Code ("LDC"), this letter will detail the public benefits of the development as well as the proposed LDC modifications.

Development Summary/Public Benefits. The project will redevelop existing, underutilized lots on the Property for a variety of uses that will serve the residents and visitors of the Daytona Beach community. These proposed uses will include additional office, retail and commercial uses on site. Under the Main Street Redevelopment Area Plan, the goal of the Main Street Redevelopment Area is to allow for redevelopment that results in aesthetically pleasing new development and rehabilitation projects. The proposed development will allow for the rehabilitation of an existing car wash facility along International Speedway Boulevard while creating additional recreational amenities for residents in the form of a new eating and drinking establishment, in addition to a range of potential commercial and retail uses.

This proposed development will foster economic development within the area and result in an increased ad valorem tax base for the City of Daytona Beach, in addition to meeting the following redevelopment area goals:

- Facilitate public and private cooperative efforts to achieve appropriately scaled, aesthetically pleasing, and environmentally sensitive new development – the proposed development will include unique architectural design that will provide for a vibrant, active entryway into the World’s Most Famous Beach. The nature and scale of the development is intended to compliment adjacent uses while revitalizing an important corridor of the City.
- Remove or rehabilitate structures which are blighting influences causing physical or environmental deterioration – the proposed redevelopment of the site will include the removal of existing, outdated structures in exchange for architecturally pleasing development. The redevelopment will revitalize blighted areas within the City and result in the closure of existing code enforcement matters associated with former ownership of the site.
- Create a magnetic place for people, a place of high design quality which exudes an electric feeling of a memorable destination with high quality hotels and commercial mixed use projects along Atlantic Avenue – the proposed development is intended to act as a catalyst for the revitalization of the gateway to Daytona’s beachside and encourage additional redevelopment projects within the surrounding area.

The proposed Electronic Message Center (“EMC”) signage will provide aesthetically pleasing advertising opportunities for the site and will facilitate resident and visitor navigation. Further, the proposed EMC sign would permit the advertisement of Public Service Announcements (PSAs) and other City and/or Volusia County governmental advisories, which will promote the public education of ongoing events and emergency conditions.

LDC Modifications. The Applicants recognize the importance of the standards set forth in the LDC and have made every reasonable effort to bring forward a project consistent with the LDC. As more particularly described below, the Project requires certain minor code waivers to allow for flexibility in design and development, which are balanced against the public benefits of the proposed development.

EMC Signage Standards

Section 6.10 of the LDC sets forth certain requirements for development of EMC signage within a property. Given the unique nature of the project and the proposed EMC signage, waivers to certain requirements under this section are required. Below please find the list of requested waivers from the EMC signage standards being requested by this Amendment:

1. Electronic message center signs are permitted only on sites consisting of at least eight contiguous acres with at least 650 contiguous linear feet of frontage on an arterial street. Property or frontage is contiguous where it is separated only by a public road.
 - a. *The entire Planned District is approximately 1.39 acres. The Applicant is requesting a waiver from this requirement to allow for the establishment of EMC signage on the property.*

2. Only one sign is permitted within the same development or contiguous parcel of property under single ownership, control, or use. For purposes of this paragraph, property is contiguous where it is separated only by a public road.
 - a. *The Applicant is requesting a waiver from this requirement to allow for the development of 3 EMC signs within the property, which will act as wall signage in a centralized location within the proposed car wash/restaurant development.*
3. Signs shall not be located within 1,000 linear feet of a conforming single-family detached dwelling, as measured along each side of the right-of-way.
 - a. *The Applicant is requesting a waiver from this requirement to allow for the development of 3 EMC signs within the property, which will act as wall signage in a centralized location within the proposed car wash/restaurant development.*
4. Signs shall be constructed as monument signs with a maximum height of eight feet above grade.
 - a. *The Applicant is requesting a waiver from this requirement to allow for the development of the EMC signage as wall signs within the development.*
5. The display screen area shall not exceed 50 percent of the sign cabinet.
 - a. *The Applicant is requesting a waiver from this requirement to allow for use of the entire sign area for display. The sign is designed to comprise the digital screen only, with no additional decorative elements.*
6. Landscaping shall be provided in accordance with requirements in Section 6.10.J.7, Ground Signs.
 - a. *The Applicant is requesting a waiver from this requirement, as the signs will be located on walls.*
7. Sign copy may change only at intervals of not less than 60 seconds. Continuous scrolling, animation, or flashing of lights is prohibited.
 - a. *The Applicant is requesting a waiver from this requirement to allow for the change of sign copy every twenty (20) seconds. The proposed change in copy area will provide enough time to prevent driver distraction and allow for changes in signage to promote the restaurant and other governmental events, as proposed under the First Amendment to the Planned District Agreement.*
8. The background of the display screen shall be limited to one single solid color.
 - a. *The Applicant is requesting a waiver from this requirement to allow for continuous scrolling and animation within the background of the EMC signage, with any text required to be static.*
9. No off-site advertising is permitted.
 - a. *The Applicant is requesting a waiver from this requirement to allow for the advertisement of Public Service Announcements (PSAs) and other City and/or Volusia County governmental advisories, including the promotion of local events which benefit the community.*

Section 6.10 of the LDC further sets forth a maximum sign area for Business District signage and requires that wall signage not project further than 12 inches. The Applicant is requesting a waiver from these requirements to allow for development of the larger sign area on the property and in the event that the proposed EMC signage extends beyond 12' at the proposed locations within the property.

This project will provide additional commercial uses which will support the revitalization of a gateway area of the City. Through the Planned Development process, the Applicant is

intending to develop a well-planned and visually pleasing project that meets the requirements and policies of the Comprehensive Plan. The Applicants respectfully request approval of the First Amendment to the Planned District Agreement and the proposed modifications.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Robert A. Merrell III

Direct Dial (386) 323-9263
Email Rob.Merrell@CobbCole.com
Fax (386) 944-7955