



THE CITY OF DAYTONA BEACH

Redevelopment & Neighborhood Services Division

P.O. Box 2451

Daytona Beach, FL 32115-2451

PHONE: 386-971-8180

AGENDA

Midtown Redevelopment Board Meeting

6:00 PM - Tuesday, July 9, 2024

City Commission Chambers

1. CALL TO ORDER
2. ROLL CALL
3. INVOCATION
4. PLEDGE OF ALLEGIANCE TO THE FLAG
5. APPROVAL OF AGENDA
6. APPROVAL OF MINUTES
 - 6.A.
June 11, 2024 Meeting was canceled.
7. MIDTOWN PLAZA PLANNED DISTRICT - PLANNED DEVELOPMENT-REDEVELOPMENT DEV2022-164 (QUASI-JUDICIAL HEARING)
 - 7.A. A request by Robert A Merrill, Cobb Cole on behalf of QM Investments, LLC property owner) to approve a rezoning of 0.27 ± acres at 534, 536, 538, 540, 542 & 544 Dr. Mary McLeod Bethune Blvd. from Redevelopment Midtown - Neighborhood Center Mixed Use (RDM-2) zoning district to Planned Development-Redevelopment (PD-RD) zoning to allow for additional uses and all associated site improvements.
[Midtown Plaza Rezoning Staff Report DEV2022 164](#)
8. STAFF REPORTS
 - 8.A. Police Department - Captain Conde
 - 8.B. Code Compliance - Ms. Kirk
 - 8.C. Redevelopment Projects - Michele Toliver
9. PRESENTATION - SPOTLIGHT ON MIDTOWN
 - 9.A. Mr. Ben Spiller
Benny's Smoke and Vape, 519 W. International Speedway Blvd,
Daytona Beach, FL
 - 9.B. Mr. Zach Franckhauser, Business Developer
Ms. Kim Rivers, CEO

Trulieve, Inc., 812 W. International Speedway Blvd, Daytona Beach, FL

10. OLD BUSINESS
11. NEW BUSINESS
12. PUBLIC COMMENTS
13. BOARD COMMENTS
14. MEETING RECAP/FOLLOW-UPS FOR THE NEXT BOARD MEETING
15. ADJOURNMENT

NOTICES - Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the City Commission 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. For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8023 Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.



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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 City Commission meeting should contact the City Clerk's Office, 301 S. Ridgewood Ave, Room 210, Daytona Beach, FL 32114, Telephone: 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 7-1-1 or 1-800-955-8771.

Agenda Item 7 (Quasi-Judicial Hearing)
Planned Development-Redevelopment (PD-RD) Rezoning
DEV2022-164
Midtown Plaza Planned District

STAFF REPORT

DATE: July 1, 2024

TO: Midtown Redevelopment Board Members

FROM: Michele Toliver, Redevelopment Project Manager

PROJECT REQUEST

A request by Robert A. Merrill, Cobb Cole, on behalf of QM Investments, LLC (property owner), to rezone 0.27 +/- acres of land at 534, 536, 538, 540, 542 and 544 Dr. Mary McLeod Bethune Boulevard, from the Redevelopment Midtown – Neighborhood Center Mixed Use (RDM-2) zoning district to Planned Development-Redevelopment (PD-RD) zoning to allow additional uses and associated site improvements.

PROJECT LOCATION



Aerial View of the Property

The subject property is located at the northwest corner of Dr. Mary McLeod Bethune Boulevard and Walnut Street. The existing zoning on the property is Redevelopment Midtown – Neighborhood Center Mixed Use (RDM-2), and the Future Land Use (FLU) is Community Transitional (COMM-T). The adjacent zoning and land use classifications are illustrated in the table below and in the accompanying map series, *Attachment A*.

Land Use and Zoning Table:

	Existing Uses	Existing Future Land Use Designation	Existing Zoning Classification
Site	Midtown Plaza	COMM-T (Commercial Transitional)	RDM-2 (Redevelopment Midtown – Neighborhood Center Mixed Use)
North	Public Square or Plaza	COMM-T (Commercial Transitional)	RDM-2 (Redevelopment Midtown – Neighborhood Center Mixed Use)
South	Retail	COMM-T (Commercial Transitional)	RDM-2 (Redevelopment Midtown – Neighborhood Center Mixed Use)
East	Retail	COMM-T (Commercial Transitional)	RDM-2 (Redevelopment Midtown – Neighborhood Center Mixed Use)
West	Retail and Service	COMM-T (Commercial Transitional)	RDM-2 (Redevelopment Midtown – Neighborhood Center Mixed Use)

PROJECT HISTORY

Volusia County Property Appraiser’s records reflect that both properties were purchased in May 2019. Improvements to 536 Dr. Mary McLeod Bethune Boulevard were completed in 2021 and Midtown Café opened in January 2022.

PROJECT DESCRIPTION

The applicant is requesting to rezone the property from Redevelopment Midtown – Neighborhood Center Mixed Use (RDM-2) to Planned Development-Redevelopment (PD-RD) to expand the uses for the properties with associated site improvements. The proposed PD Plan is shown in *Attachment B*.

PROJECT ANALYSIS

Review of and the decision on a PD-RD rezoning application shall be based on compliance of the proposed zoning reclassification and the PD Plan/Agreement with the review standards in Section 3.4.D.3, Site-Specific Zoning District Map Amendment Review Standards, and the General Standards for All Planned Development Zoning Districts in Section 4.8.B of the LDC.

GENERAL PLANNED DEVELOPMENT DISTRICT PURPOSES

The Planned Development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:

- a. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;*
- b. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;*
- c. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;*
- d. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and*
- e. Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, wetlands, surface waters, floodplains, and historic features.*

D. Planned Development - Redevelopment (PD-RD).

1. Purpose. The Planned Development - Redevelopment (PD-RD) District is established and intended to provide the planning and design flexibility needed to accommodate urban infill and high-intensity mixed-use development and encourage the use of innovative and creative design that will achieve high quality urban design and a high level of energy efficiency and environmental sensitivity, and otherwise contribute to the City's goals and objectives for its Redevelopment Areas.

Site-Specific Zoning District Map Amendment Review Standards

In determining whether to adopt or deny a proposed Site-Specific Zoning District Map Amendment, the City shall consider the following:

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;

Staff finds the proposed redevelopment furthers the goals, objectives, and policies of the City's Comprehensive Plan and the Midtown Redevelopment Master Plan as follows:

5.6 Land Use Objective

5.6.5 Properties located within the Redevelopment Area shall be developed in conformance with the objectives, policies, and land use designations of the Land Use Element of the City's Comprehensive Plan as it exists, or it may be amended from time to time.

City's Comprehensive Plan

GOAL 1- To encourage public and private cooperative efforts that result in: the creation of environmentally and economically sound and aesthetically pleasing new development and rehabilitated projects; the stimulation and attraction of private investment in redevelopment areas; increased employment opportunities, better service to residents and tourists; and improvements in the tax base consistent with the adopted Redevelopment Area Plans.

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

The development standards for a PD District shall comply with the development standards of Article 6: Development Standards and Article 7: Subdivision Standards, or any modifications of those standards established in the PD Plan/Agreement. The applicant is requesting modifications to these standards, as summarized below and detailed in the attached Modification/Benefit Letter (*Attachment C*).

The Applicant has identified waivers for the following requirements in the LDC:

- ✓ Section 6.2. – (Parking Standards)
- ✓ Section 6.4. and 6.15.A.5 (Landscaping)
- ✓ Section 6.10.E.1.g – (Signage)
- ✓ Section 5.2.B.18.b.ii.(h). – Use Standards
(Commercial: Eating and Drinking Establishments)
- ✓ Section 3.3.C.4 and 5.4.C.4.b. – Standard Procedures
(Application Submittal and Acceptance)

If the requested LDC modifications are granted, the proposed PD agreement will not conflict with the LDC.

iii. Addresses a demonstrated community need;

The applicant has provided a Waiver/Benefit Letter (*Attachment C*) that details the proposed public benefits to the project and addresses the standard for a demonstrated community need.

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

The PD zoning district designation and the PD Plan/Agreement will further the compatibility with existing and proposed uses surrounding the subject property and is the appropriate zoning district that will promote improvements to the property.

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

The standards established in the PD Agreement and the LDC will result in a logical and orderly development pattern for the subject property.

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

Providing certainty of the uses at the property and additional landscaping will have a positive effect 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 Technical Review Team (TRT) has reviewed the proposed development plan and offers no objection to the proposed uses and the conceptual development plan.

Staff has reviewed the requested development for impacts to public facilities as part of the rezoning and offers no objection to the proposed uses and the conceptual development plan.

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

Adverse impacts to the natural environment are not anticipated with the approval of this 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.

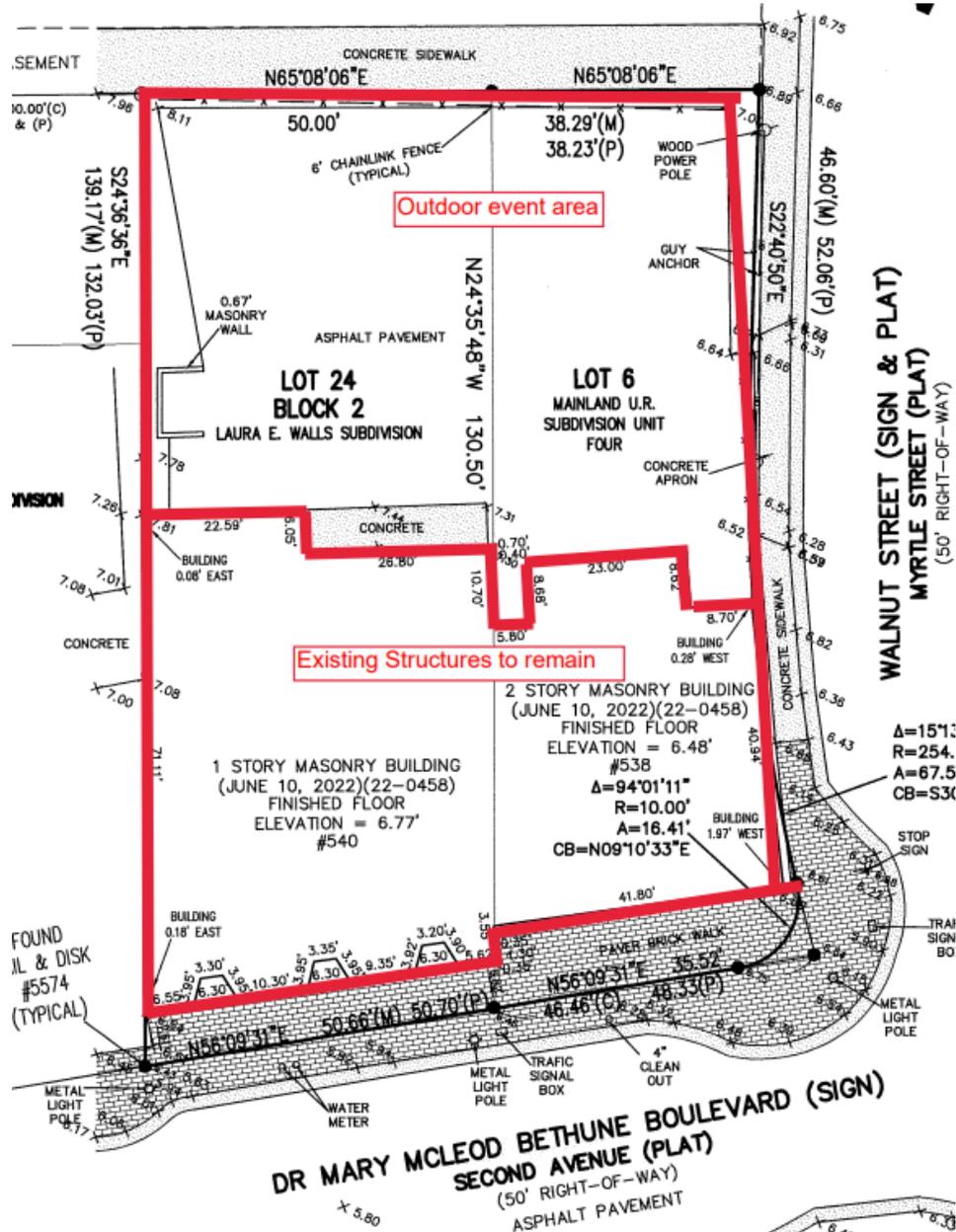
The current zoning designation for the property is RDM-2 and limits further expansion of the uses and development standards. The applicant has requested to rezone the property to a PD-RD zoning district and requests LDC modifications necessary to accommodate the development plan for the property.

Planned Development Zoning Districts Review Standards

Before approving a Planned Development (PD) zoning district classification, the City Commission shall find that the application for the PD zoning district, as well as the PD Plan/Agreement included as part of the application, shall comply with the following standards.

1. PD Plan/Agreement

The PD Plan/Agreement includes an overall development. The PD Plan is shown below (*Attachment B*):



The City’s TRT has reviewed the proposed PD Plan development for compliance with the Midtown Plaza PD and the City’s Redevelopment design guidelines and has found them acceptable. The applicant has also requested the modifications below to the LDC in conjunction with the proposed development plan for the property and in the Modification/Benefit Letter (*Attachment C*).

Parking:

Parking area associated with off-street parking relating to residential uses above ground-floor retail, may utilize public parking spaces located in the vicinity of the site through an off-site parking agreement. Based on the existing site conditions, the Applicant shall not be required to meet the requirements for off-street parking spaces under LDC Section 6.2.

Landscaping:

Landscaping shall be provided consistent with the planting areas illustrated in the PD Plan. Based on existing site conditions, the Applicant is requesting a waiver from the requirements for minimum perimeter and building landscaping requirements under the LDC Section 6.4. The applicant has discussed the built-out nature of the property and the inability to meet the minimum landscaping requirements as it relates to the tree preservation requirements. The Applicant proposes to use the clustering of landscaping materials around the building to ensure an aesthetically pleasing development that protects the survivability of the landscaping materials.

Based on the review of the existing site conditions, the applicant is requesting a waiver from the requirements for tree preservation under LDC Section 6.15.A.4 and 6.15.A.5. The applicant is proposing to maintain and supplement planting areas within the Planned District that will help ensure green space and buffering.

Signage:

The applicant is requesting that off-site advertising for uses within the Planned District shall be permitted as a modification to LDC Section 6.10.E.1.g to allow signage to serve both properties located within the Planned District and be located on either parcel.

Use Standards:

The applicant is requesting a waiver from LDC Section 5.2.B.18.b.ii.(h) to allow for the use of live entertainment as a temporary use associated with a restaurant use subject to the standards outlined in the proposed PD Agreement.

Special Events:

The applicant is requesting a waiver from LDC Section 3.3.C.4 to allow the temporary uses as a part of the existing retail/restaurant use, or potential development.

The applicant is requesting a waiver from LDC Section 5.4.C.4.b. to allow year-round activation of the site in accordance with the proposed PD Agreement.

2. Consistency with City Plans

If adopted by the City Commission, the PD zoning district designation and the PD Plan/Agreement will be consistent with the Comprehensive Plan and the land use objective found in the Midtown Redevelopment Plan.

3. Compatibility with Surrounding Areas

Staff has reviewed the proposed development plan and has found it to be compatible with the surrounding area. The applicant has conducted a neighborhood meeting, as required by the LDC. A summary of the neighborhood meeting prepared by the applicant is shown in *Attachment D*.

4. Development Phasing Plan

Development of the Property may occur in multiple phases, but it is not required. In the event that development is phased, the order, size, and configuration of phases may be modified, and 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. In the alternative Developer may construct the infrastructure necessary for full buildout, including parking, of the Property during the construction of any phase. 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 may 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.

5. Conversion Schedule

Not applicable.

6. On-Site Public Facilities

Not applicable.

7. Uses

The following are the proposed uses in the PD Plan subject to compliance with the Use-Specific standards, unless otherwise modified in the PD Agreement, in Article 5 of the LDC:

- Household Living Uses
 - ✓ Live/Work Unit
 - ✓ Multifamily dwelling
 - ✓ Upper story dwelling (above non-residential use) – limited to two units; prior to development this use within the Property and if required by the LDC, Owner shall provide the City proof of either (1) on-site off-street parking to support the proposed use, or (2) an off-site parking agreement to support the residential use.
 - ✓ Open Live/Work Unit
- Open Space Uses
 - ✓ Community Garden
 - ✓ Park or Greenway
- Other Institutional Uses:
 - ✓ Club or Lodge
- Animal Care Uses
 - ✓ Animal Grooming
- Business Support Service Uses
 - ✓ Business Service Center
 - ✓ Parcel Services
 - ✓ Travel Agency
- Eating and Drinking Establishments
 - ✓ Boutique Bar

- ✓ Craft Distillery
- ✓ Micro-brewery
- ✓ Micro-winery
- ✓ Hookah Lounge Area* (*This use may be permitted as an accessory use to an open operating Eating and Drinking Establishment Use; subject to the operational standards set forth in the City's Code of Ordinances.)
- ✓ Restaurant without drive-in or drive-through service, subject to the following conditions:
 1. Live or recorded music may be played indoors or outdoors, without constraints on the size of performance area, in a manner that is ancillary, subordinate, and complimentary to the use, subject to compliance with noise regulations, including sound amplification permitting requirements.
- ✓ Ghost Kitchen – facilities that are designed and built to current code and sanitary standards with running water, appropriate plumbing, and surfaces that are suitable for food production. These facilities must meet minimum construction and operation standards in the food preparation and adjacent areas so that food business operators can comply with local, state, or federal regulations when processing food. This facility is intended to provide single or shared-use commercial kitchens and may have multiple food preparation areas, cold and dry storage, professional-grade equipment, and an existing sanitation program so that food businesses may operate, and may include areas for sale of food and goods to the public, and designated eating areas. This use may function as a restaurant incubator space including the provision of multiple business licenses associated with one property, but shall not include the manufacturing of food for off -premise consumption which would fall under the definition of Food Processing (without slaughtering) in the LDC.
- Office Uses
 - ✓ Business services offices (which may include co-working office space)
 - ✓ Professional services office (which may include co-working space)
 - ✓ Other office facility
- Retail Sales and Services Uses
 - ✓ Antique Store
 - ✓ Art gallery
 - ✓ Art, crafts, music, dance, photography, or martial arts studio/school
 - ✓ Bank or financial institution without drive-through service
 - ✓ Book or Media Shop
 - ✓ Cigar Lounge
 - ✓ Drug store or pharmacy without drive-through service
 - ✓ Florist Shop
 - ✓ Gift Shop or Stationary store
 - ✓ Grocery Store
 - ✓ Jewelry store
 - ✓ Laundromat
 - ✓ Meat, poultry, or seafood market
 - ✓ Personal and household good repair establishment
 - ✓ Personal services establishment
 - ✓ Personal and household good repair establishment
 - ✓ Other retail sales and services

- TEMPORARY USES – subject to applicable Code of Ordinances provisions on sound amplification and noise, and applicable requirements of the City’s Land Development Code. If hosted outdoors, such use shall be limited to the Outdoor Event Area.
 - ✓ Outdoor art display and sales
 - ✓ Outdoor Fitness Activities, such as meditation, yoga classes, and similar activities
 - ✓ Outdoor Games of Skills, including Jenga, oversize chess, lawn games
 - ✓ Comedy shows
 - ✓ Poetry Readings
 - ✓ Trivia nights
 - ✓ Outdoor music and live entertainment
 - ✓ Outdoor bar
 - ✓ Festivals and show, including Art Shows, Food and Wine Shows (including sale and display from food truck vendors within an enclosed area within the property), Fashion Shows

All temporary uses will be subject to the following standards:

- (a) Outdoor Operating times shall be limited to Monday through Thursday between the hours of 9 a.m. and 9 p.m., Fridays and Saturdays between the hours of 9 a.m. and 12 a.m. and Sundays between hours of the primary business located on the property.
- (b) Any temporary signage posted on the Property in association with the use must strictly comply with the LDC.
- (c) One or more tents may be temporarily set up within the Outdoor Event Area during operating hours, subject to compliance with permitting requirements.
- (d) Live or recorded music may be played within the Outdoor Event Area in a manner that is ancillary, subordinate, and complimentary to the use, subject to compliance with noise regulations, including sound amplification permitting requirements.
- (e) No outside storage shall be permitted in association with the use, other than overnight storage of event materials on Saturday evening (when the use will also continue on Sunday). At all other times, and during severe weather, all tents, equipment, and goods and other materials temporarily shall be promptly removed from the temporary use area.
- (f) For standalone temporary events within the Property, the following review standards will apply:

At least thirty (30) days prior to utilization of the space, Owner will provide the City a copy of the event layout demonstrating the following: (1) access, (2) parking area, (3) temporary structure locations, and (4) emergency access routes, which the City’s permitting department, police, and fire departments will review for life safety issues and compliance with the following standard – the activity will not result in the following:

- (1) Damage to public or private property, beyond normal wear and tear;
- (2) Injury to persons;
- (3) Public or private disturbance or nuisances;
- (4) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
- (5) Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; or
- (6) Other adverse effects upon the public health, safety, or welfare.

Activities within the Property may not be held on a continuous basis extending beyond ten (10) days, although there shall be no limitation to the number of days per year an event may be held. City Commission shall retain the right to revoke the ability to host activities upon a finding of good cause that the Property has violated the conditions outlined above.

8. Densities/Intensities

The maximum height for a building is 45 feet. The maximum FAR is 3.0 or 35,8643.60 sq. ft.

9. Dimensional Standards

The PD Agreement provides the following criteria which apply to the development on the Property:

- *Maximum building height: 45 feet (“ft.”).*
- *Minimum building setbacks:*
 - Front: 5 ft.*
 - Street Side: 15 ft.*
 - Interior Side: 5 ft.*
 - Rear: 5 ft.*
- *Maximum front building setbacks: 20 ft.*
- *Maximum lot coverage: 80 percent (“%”)*
- *Maximum floor area ratio (“FAR”): 3.0*
- *Maximum density: subject to Future Land Use*

10. Development Standards

All development in a PD district shall comply with the development standards in Article 6: Development Standards, and Article 7: Subdivision Standards, or any modifications of those standards established in the PD Plan/Agreement as consistent with City plans, the objective of the particular type of development standard, the purpose of the particular PD district, and any additional limitations or requirements set forth in Sections 4.8.C and 4.8.D for the particular type of PD district. The applicant has requested modifications to the requirements in the LDC, as shown below.

LDC Modifications (*Attachment B*)

Parking Standards

Section 6.4. of the LDC sets forth minimum perimeter and building landscaping requirements, in addition to the required buffer between incompatible uses – the landscape and perimeter buffer requirements do not apply within the RDM2 zoning classification. The applicant has discussed the built-out nature of the property and the inability to meet the minimum landscaping requirements set forth in the LDC as it relates to tree preservation requirements, and after discussion with City Staff, the Applicant requests a waiver from these requirements to the extent they conflict with the landscaping illustrated by photos within the proposed development plan. The Applicant proposes to use the clustering of landscaping materials around the building to ensure an aesthetically pleasing development that protects the survivability of the landscaping materials.

As a part of the review of existing landscaping within the property, the Applicant is requesting a waiver from the requirement for tree preservation under 6.15.A.5 (which states that at least six diameter inches of existing trees shall be retained and preserved for every 2,500 square feet of the total development site)

and a minimum canopy coverage of 15% within the site under 6.15.A.4, due to review of existing conditions. The Applicant is proposing to maintain and supplement planting areas within the Planned District that will help ensure green space and buffering.

Signage

The Applicant is also requesting that off-site advertising for uses within the Planned District shall be permitted as a modification to 6.10.E.1.g. of the LDC to allow signage to serve both properties located within the Planned District to be located on either parcel.

Use Standards

Under LDC Section 5.2.B.18.b.ii.(h)., live entertainment associated with a restaurant is required to meet certain size and timing standards. The Applicant is requesting a waiver to this section to allow for use of the property for temporary uses subject to the standards outlined in the proposed PD Agreement.

Special Events

Under LDC Section 3.3.C.4 and Section 5.4.C.4.b., Special Events, certain conditions apply that would restrict temporary uses within the site. The LDC states that special events may be permitted outdoors on properties in use as shopping centers, public, semi-public, or institutional uses – the request is to permit the temporary uses as a part of the existing retail/restaurant use, or potential redevelopment. The LDC also notes special events shall be limited to a maximum duration of 14 days per site per calendar year. The Applicant is requesting a revision to this requirement to allow year-round activation of the site in accordance with the proposed Agreement, which can occur more frequently than 14 days. As the PD Agreement permits these uses outright, we believe this is a similar review to the exemption in Section 3.3.C.4, which exempts from permit review “any organized special event conducted at sites or facilities typically intended and used for such activities as permitted uses.”

RECOMMENDATION

Provided all LDC modifications are accepted, Staff recommends approval to rezone .27± acres of land, located at 534, 536, 538, 540, 542, and 544 Dr. Mary McLeod Bethune Boulevard from Redevelopment Midtown Neighborhood Center Mixed Use (RDM-2) to Planned Development- Redevelopment (PD-RD) zoning to allow for additional uses and associated site improvements.

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

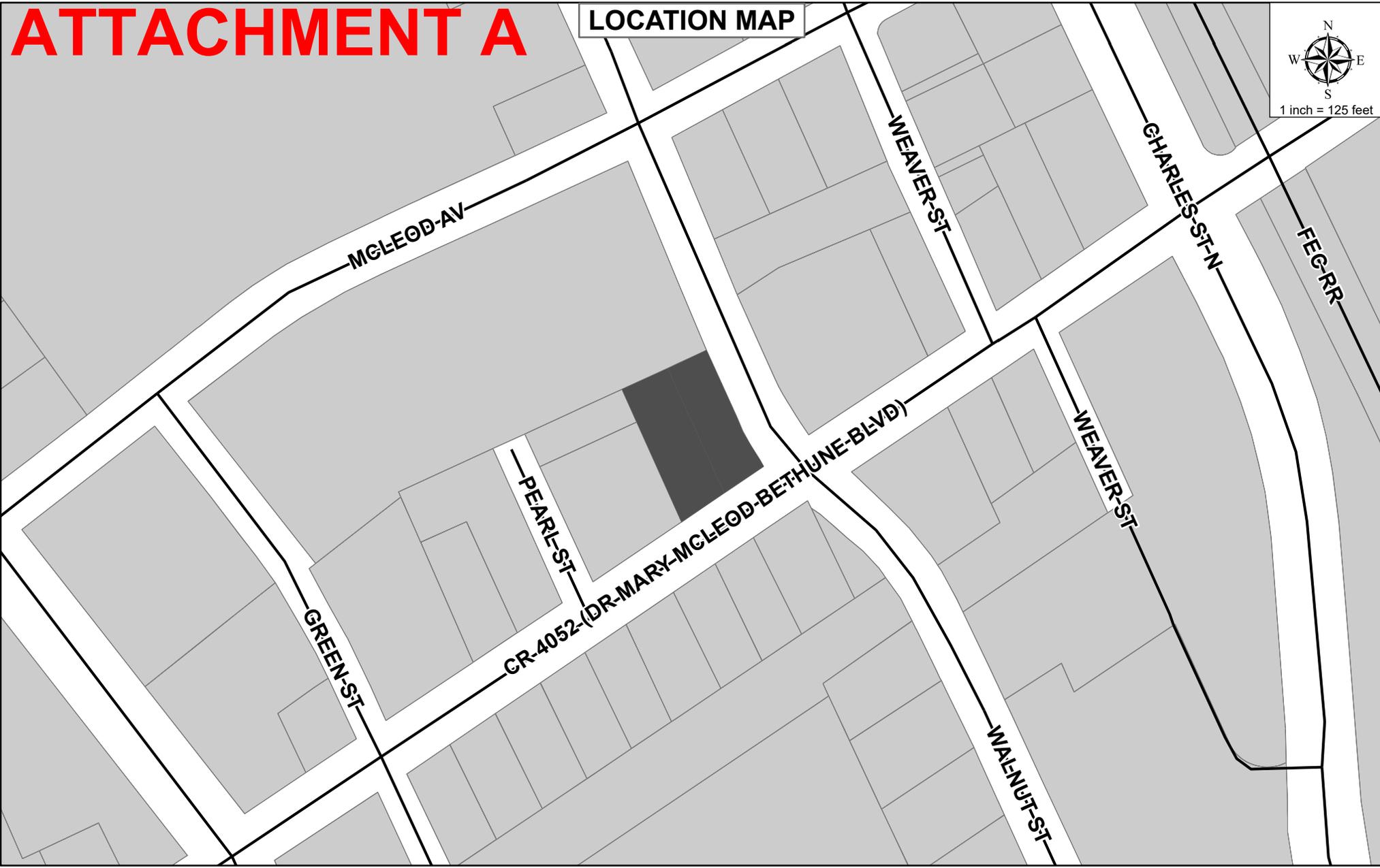
The item is tentatively scheduled to be heard by the Planning Board on July 25, 2024. The item is tentatively scheduled to be heard by the City Commission for 1st reading on **September 4, 2024**, and second reading (public hearing) on **September 18, 2024**.

ATTACHMENT A

LOCATION MAP



1 inch = 125 feet



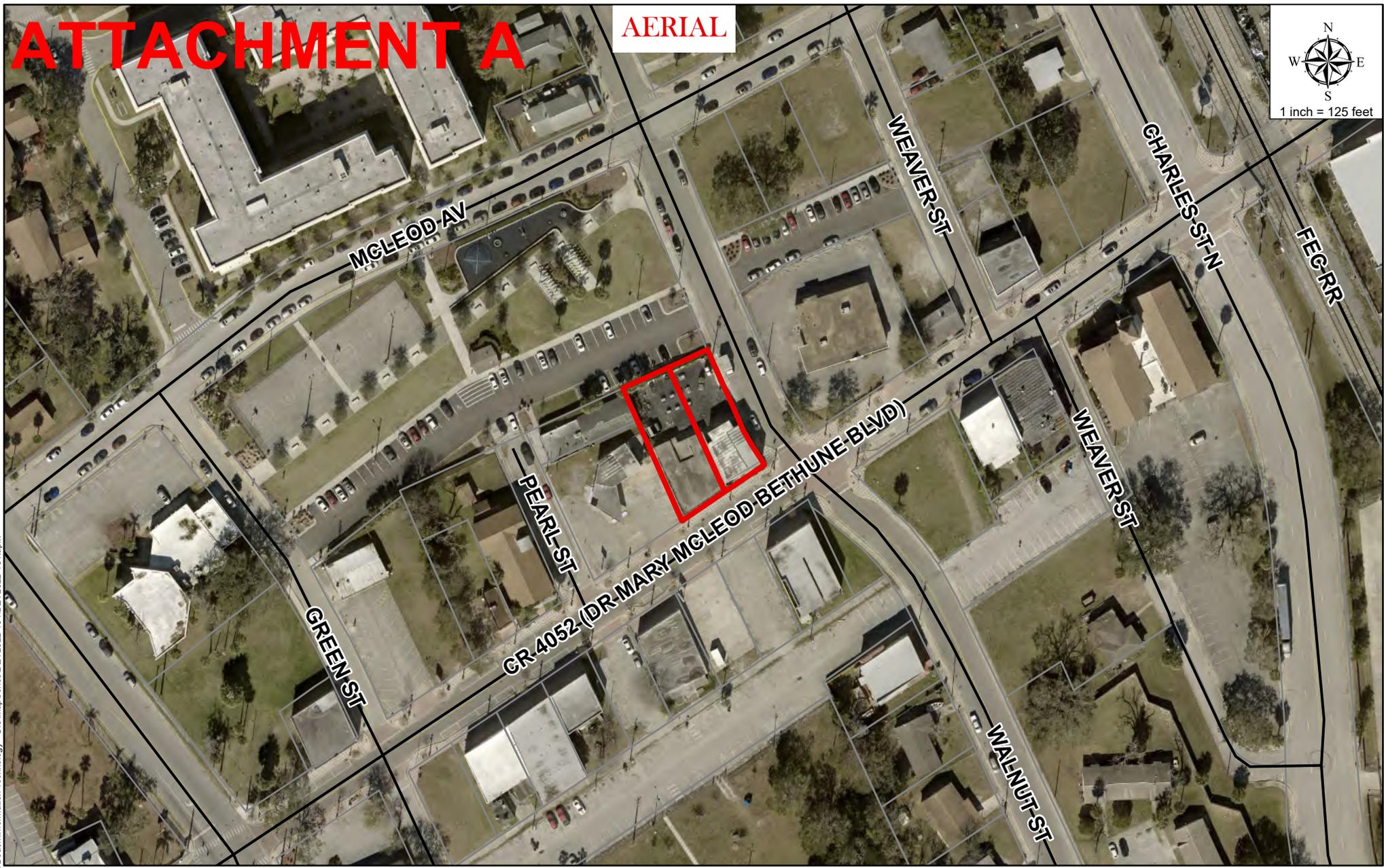
DEV2022-164 MIDTOWN PLAZA PD-RD - REZONING LOCATION MAP

City of Daytona Beach Map disclaimer:

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ATTACHMENT A

AERIAL



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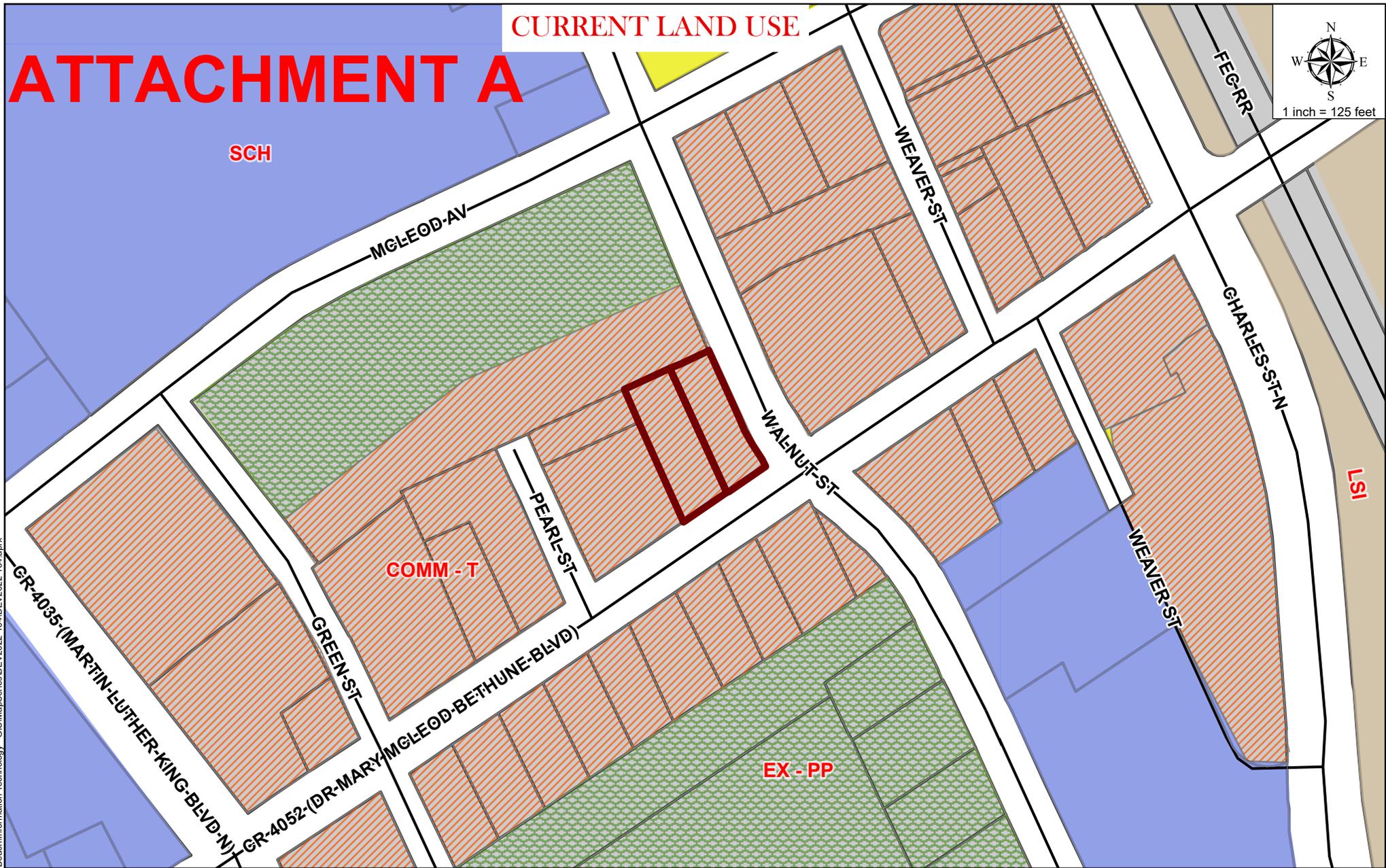
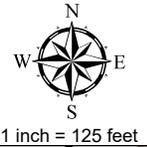


DEV2022-164 MIDTOWN PLAZA PD-RD - REZONING AERIAL MAP

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ATTACHMENT A

CURRENT LAND USE

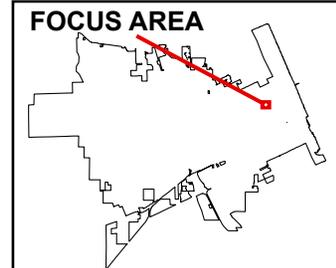


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DEV2022-164 MIDTOWN PLAZA PD-RD - REZONING CURRENT LAND USE MAP

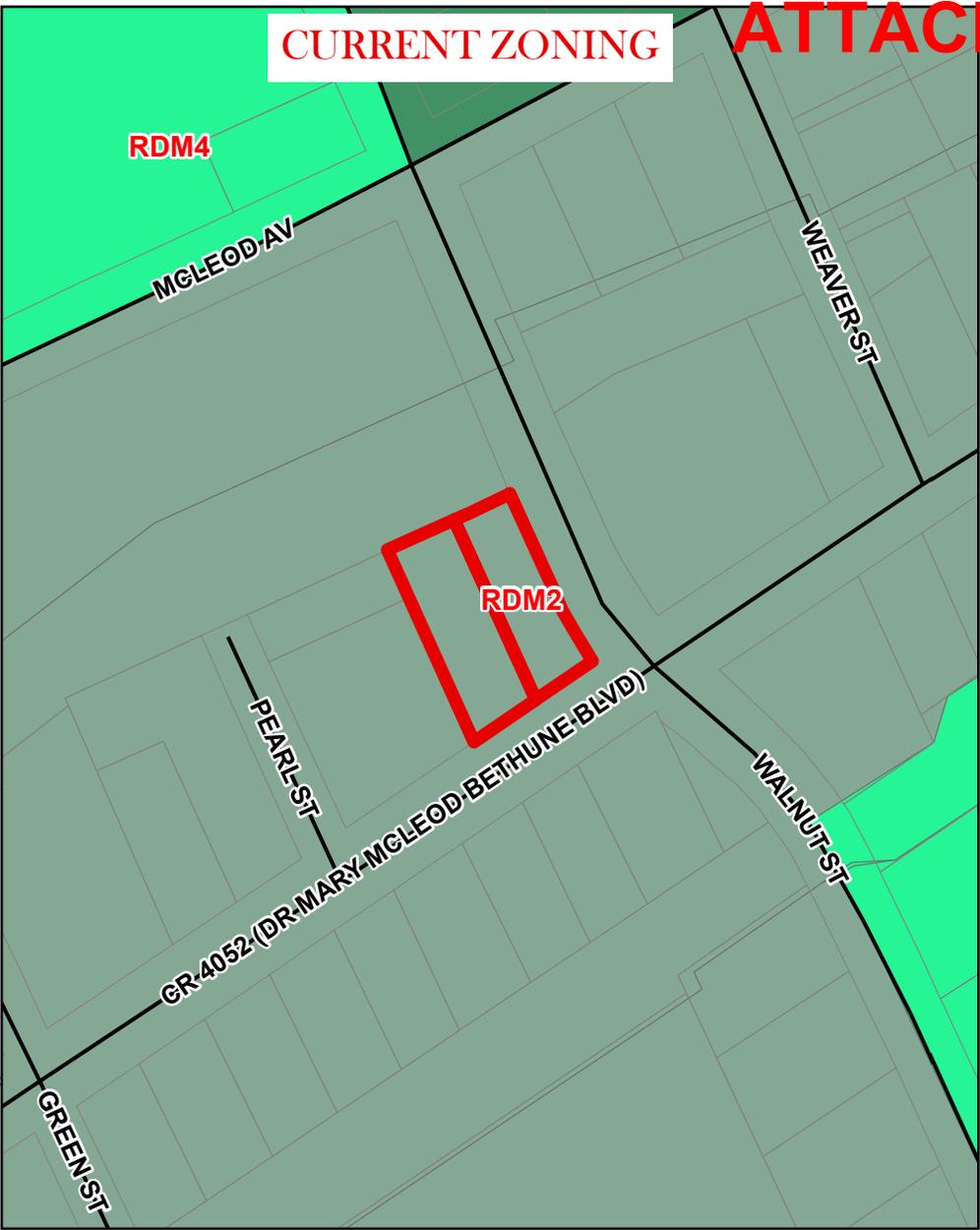
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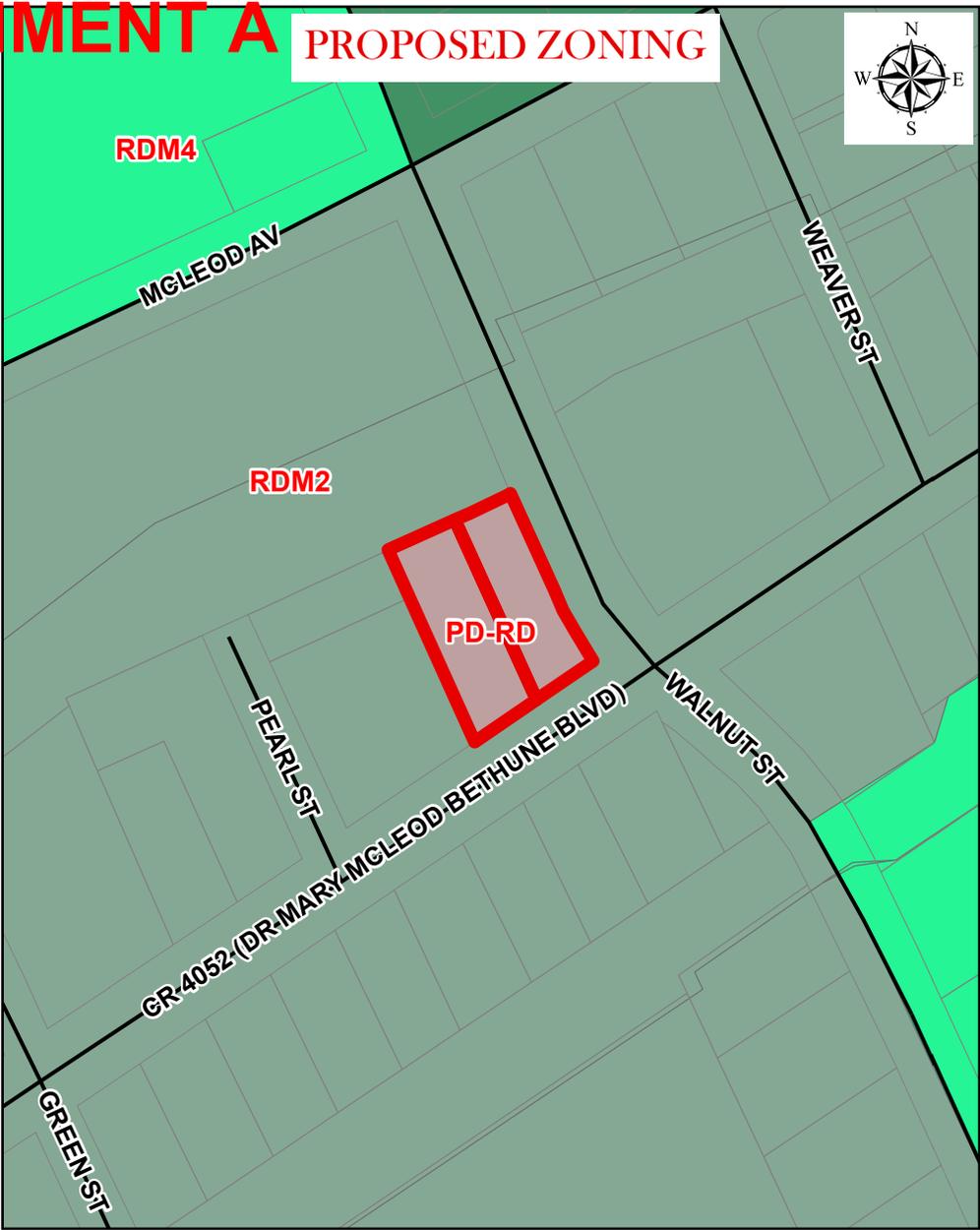
CURRENT ZONING

ATTACHMENT A

PROPOSED ZONING



1 inch = 125 feet

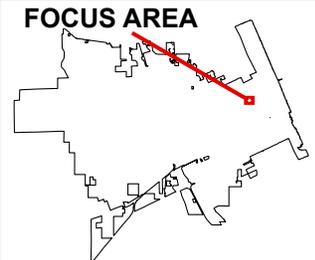


1 inch = 125 feet



DEV2022-164
MIDTOWN PLAZA PD-RD - REZONING
CURRENT AND PROPOSED
ZONING MAP

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ATTACHMENT B



SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

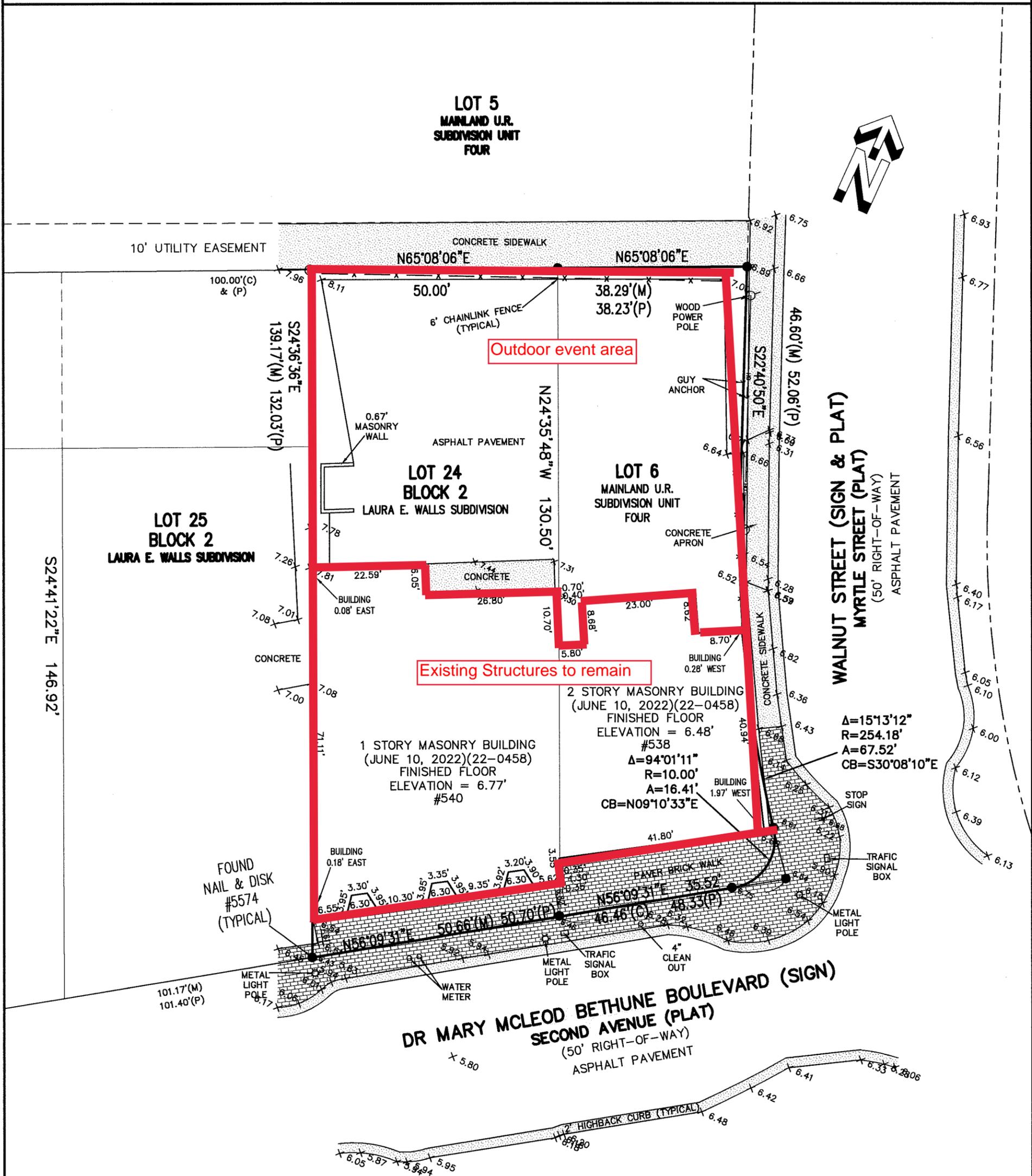
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PORT ORANGE, FL. 32127

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FOR: QM INVESTMENTS, LLC

DESCRIPTION: LOT 6, MAINLAND U. R. SUBDIVISION UNIT FOUR, RECORDED IN MAP BOOK 26, PAGE 119, AND LOT 24, BLOCK 2, LAURA E. WALLS SUBDIVISION, AS RECORDED IN MAP BOOK 4, PAGE 7, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

JOB # 22-0458

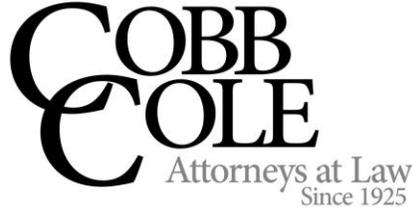
SCALE: 1"=20'

FIELD BOOK: 1376 PAGE(S): 53

BOUNDARY SURVEY

ABBREVIATIONS	SHEET 1 OF 2
(P) PLATTED DIMENSION	LEGEND ● IRON ROD WITH CAP ○ IRON PIPE □ CONCRETE MONUMENT ■ PERMANENT REFERENCE MONUMENT △ PERMANENT CONTROL POINT (R) RADIAL LINE (NR) NON-RADIAL LINE ○ EXISTING ELEVATION □ PROPOSED ELEVATION
(M) MEASURED DIMENSION	
(C) CALCULATED DIMENSION	
ID IDENTIFICATION	
A/C AIR CONDITIONER	
R/W RIGHT OF WAY	
CL CENTERLINE	
D CENTRAL ANGLE	
R RADIUS	
L ARC LENGTH	
CB CHORD BEARING	
FP&L CO. FLORIDA POWER & LIGHT COMPANY	
N.G.V.D. NATIONAL GEODETIC VERTICAL DATUM	
U.S.C. & G.S. UNITED STATES COAST AND GEODETIC SURVEY	

ATTACHMENT C



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149 South Ridgewood Avenue, Suite 700
Daytona Beach, Florida 32114
(386) 255-8171 | CobbCole.Com

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
Anthony E. Aguanno
Baylee D. Bunyard
Anne M. Kehrlri
James P. Love III
Alanna V. Smith

OF COUNSEL
Larry D. Marsh

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

July 1, 2024

VIA HAND DELIVERY

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

Re: Midtown Plaza PD-G Rezoning – Modifications and Benefits Letter –
DEV2022-164

Dear Dennis:

As you know, it is the Firm's pleasure to represent QM Investments LLC ("Applicant") in connection with their application for Planned Development-General Rezoning of property located at 538 & 540 Dr. Mary Bethune Blvd., Daytona Beach, FL 32114 (the "Property"). The Applicant intends to promote additional uses for the existing buildings on the property. The Daytona Beach Land Development Code (LDC) requires Planned Development rezoning applicants to provide a letter detailing any and all code waivers needed to construct their project, as well as the public benefits of the project which are proposed to compensate for the needed waivers.

We recognize the importance of the standards contained in the City's LDC and have made every commercial reasonable effort to bring forward a project consistent with the LDC. However, in this case, the project requires certain minor LDC waivers which are balanced against many significant public benefits.

Public Benefit

The proposed expansion of the existing space will provide multiple benefits to the City of Daytona Beach. It will provide the opportunity to create additional jobs associated with the additional uses for the property. The proposed additional uses will help attract new businesses to the area, providing an increased benefit to the City as a whole. Overall, the proposed development will provide new local economic activity and tax revenue for the City and will contribute to creating a sense of place and community within the area.

Waivers We have identified the need for waivers from the following LDC requirements:

Parking Standards:

Section 6.2. of the LDC sets forth the standards for off-street parking spaces within a development. The Applicant is requesting a waiver from this requirement to allow for redevelopment of the property to meet the standards of the LDC for commercial uses within this area of the City, and to waive the requirement for off-street parking relating to residential uses above ground-floor retail, which may utilize public parking spaces located in the vicinity of the site through an off-site parking agreement.

Landscaping:

Section 6.4. of the LDC sets forth minimum perimeter and building landscaping requirements, in addition to the required buffer between incompatible uses – the landscape and perimeter buffer requirements do not apply within the RDM2 zoning classification. The applicant has discussed the built-out nature of the property and the inability to meet the minimum landscaping requirements set forth in the LDC as it relates to tree preservation requirements, and after discussion with City Staff, the Applicant requests a waiver from these requirements to the extent they conflict with the landscaping illustrated by photos within the proposed development plan. The Applicant proposes to use the clustering of landscaping materials around the building to ensure an aesthetically pleasing development that protects the survivability of the landscaping materials.

As a part of the review of existing landscaping within the property, the Applicant is requesting a waiver from the requirement for tree preservation under 6.15.A.5 (which states that at least six diameter inches of existing trees shall be retained and preserved for every 2,500 square feet of the total development site) and a minimum canopy coverage of 15% within the site under 6.15.A.4, due to review of existing conditions. The Applicant is proposing to maintain and supplement planting areas within the Planned District that will help ensure green space and buffering.

Signage:

The Applicant is also requesting that off-site advertising for uses within the Planned District shall be permitted as a modification to 6.10.E.1.g. of the LDC to allow signage to serve both properties located within the Planned District to be located on either parcel.

Use Standards:

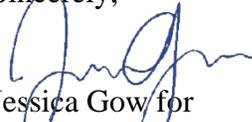
Under LDC Section 5.2.B.18.b.ii.(h)., live entertainment associated with a restaurant is required to meet certain size and timing standards. The Applicant is requesting a waiver to this section to allow for use of the property for temporary uses subject to the standards outlined in the proposed PD Agreement.

Special Events:

Under LDC Section 3.3.C.4 and Section 5.4.C.4.b., Special Events, certain conditions apply that would restrict temporary uses within the site. The LDC states that special events may be permitted outdoors on properties in use as shopping centers, public, semi-public, or institutional uses – the request is to permit the temporary uses as a part of the existing retail/restaurant use, or potential redevelopment. The LDC also notes special events shall be limited to a maximum duration of 14 days per site per calendar year. The Applicant is requesting a revision to this requirement to allow year-round activation of the site in accordance with the proposed Agreement,

which can occur more frequently than 14 days. As the PD Agreement permits these uses outright, we believe this is a similar review to the exemption in Section 3.3.C.4, which exempts from permit review “any organized special event conducted at sites or facilities typically intended and used for such activities as permitted uses.”

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jessica Gow', written over the printed name.

Jessica Gow for

Robert A. Merrell III

Direct Dial (386) 323-9263

Email Rob.Merrell@CobbCole.com

Fax (386) 944-7955

ATTACHEMENT D



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Memorandum

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

To: Dennis Mrozek, Planning Director, City of Daytona Beach

From: Jessica L. Gow, Esq.

Date: September 7, 2023

Client/Matter #: 49210-QM Investment, LLC-Midtown Café

Subject: Neighborhood Meeting Summary –August 23, 2023

A neighborhood meeting was held at the Midtown Café at 540 Dr Mary McLeod Bethune Blvd, Daytona Beach, FL on August 23, 2023, at 6:00 p.m.

Jessica Gow and Alanna Smith were in attendance to explain the request. Several interested citizens attended the meeting. See the attached sign-in sheet. Ms. Gow gave an overview of the request to the interested neighbors.

Neighbors were all in support of the rezoning. One neighbor stated that it was a fantastic idea and that he is looking forward to new ideas and renovations in the area; several neighbors agreed.

One neighbor asked about the redevelopment of the neighboring parcels. Ms. Gow noted that there were no current plans for redevelopment of the adjacent structure, but that they were looking for tenants. Another neighbor asked about the perimeter landscaping and fencing of the site – Ms. Gow noted that the current landscaping would be memorialized and promoted.

Several citizens had questions about the hours for the outside area. They wanted to know how late events could run, and whether the hours could be extended for certain special events taking place locally, such as Bethune Cookman's Homecoming or Biketoberfest. Ms. Gow explained the proposed hours of operation and that certain events, such as Biketoberfest, were subject to separate approvals by the City.

Neighbors were eager for the request to get approved. They inquired about the timeline for approval, and whether anything could be done to temporarily allow for outdoor use during the waiting period. Ms. Gow stated that the process could take another few months, but that if an opportunity for a special event arose, the property owner could utilize the City's current special event approval process.

Ms. Gow thanked the neighbors for their attendance

I have included the list of property owners to whom we sent the Invitation to Neighborhood Meeting, a copy of the Invitation, and a photo of the sign 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.

Jessica.

MIDTOWN PLAZA

PLANNED-DEVELOPMENT GENERAL REZONING

DEV2022-164

NEIGHBORHOOD MEETING

MIDTOWN CAFE

540 DR. MARY BETHUNE BLVD., DAYTONA BEACH, FL 32114

August 23, 2023

6:00 P.M.

SIGN IN SHEET

NAME

ADDRESS

PHONE OR EMAIL

Ronnie Mack 318 N. Caroline St. ronniemack06@gmail.com

Jessica Gow 149 S. Ridgewood Jessica.Gow@cobbcoble.com

Alanna Smith 149 S. Ridgewood alanna.smith@cobbcoble.com

Nels Pate B-CU 640 Pr. Mary McLeod Bethune Ave patenecookman.edu

George Engram, Jr 515 Dr. Bethune Blvd. New Mt Zion M.B. Church Nmzmbo@gmail.com

Pierre Louis 130 S. Franklin St. pirolouis@ptd.net

Sandy Murphy 136 Park Ave smurphy@ptd.net

Kim Koi 621 College Park Dr kkoif7@yahoo.com

Cassie Gonyer 221 College Park Dr. gonyerscience@gmail.com

Colleen Calnan 419 Ribault Ave colleen@calnanrecreation.com

Marcus Lewis 357 Parkway St. shaylajanea215@gmail.com

Shayla Lewis 357 Parkway St. ↗

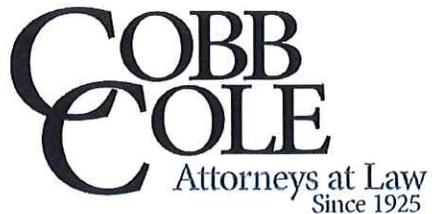
NAME

ADDRESS

PHONE OR EMAIL

Barbara Jones	7930 Marsh, Deland	bjones0724@yahoo.com
Anne Ruby	137 Park Ave DB 32118	617-223-1094 aruby@guait.com
Adriana Abuchcar	221 College Park Dr 32114	813-922-9027
Charles Guarric	Hometown news	386 235 0708
Jomardrick Wilcox	301 N Frederick Ave	386. 214. 6281
DARREYL NATTIEL	561 3RD AVE	786-346-1964
Wesley McEwen	186 Bent Tree Dr	386-301-6073
Ernest Brown	1022 Glyn Dr.	561. 827. 7258
CHESTER McNORTON	649 Magnolia Dr	386. 391. 7586

Scott W. Cichon
Robert A. Merrell III
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W. Warren Cole, Jr.
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149 South Ridgewood Avenue, Suite 700
Daytona Beach, Florida 32114
(386) 255-8171
CobbCole.com

August 11, 2023

INVITATION TO NEIGHBORHOOD MEETING

Dear Neighbor:

The law firm of Cobb Cole has the pleasure of representing QM Investments, LLC, the owner of the property located at 538 & 540 Dr. Mary Bethune Blvd., Daytona Beach, FL, as shown on the attached map. The owner is requesting to rezone the property to allow additional uses and permit the activation of the outdoor areas associated with the site, as shown on the attached conceptual plan.

As future neighbors to the redevelopment, we would like to invite you to discuss the project at the neighborhood meeting on **Wednesday, August 23, 2023, at 6:00 p.m.** at 540 Dr. Mary Bethune Blvd., Daytona Beach, FL 32114.

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. 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 white background.

Robert A. Merrell III

Direct Dial (386) 323-9263
Email Rob.Merrell@CobbCole.com
Fax (386) 323-9207

RAM: JLG/tmn
Enclosures



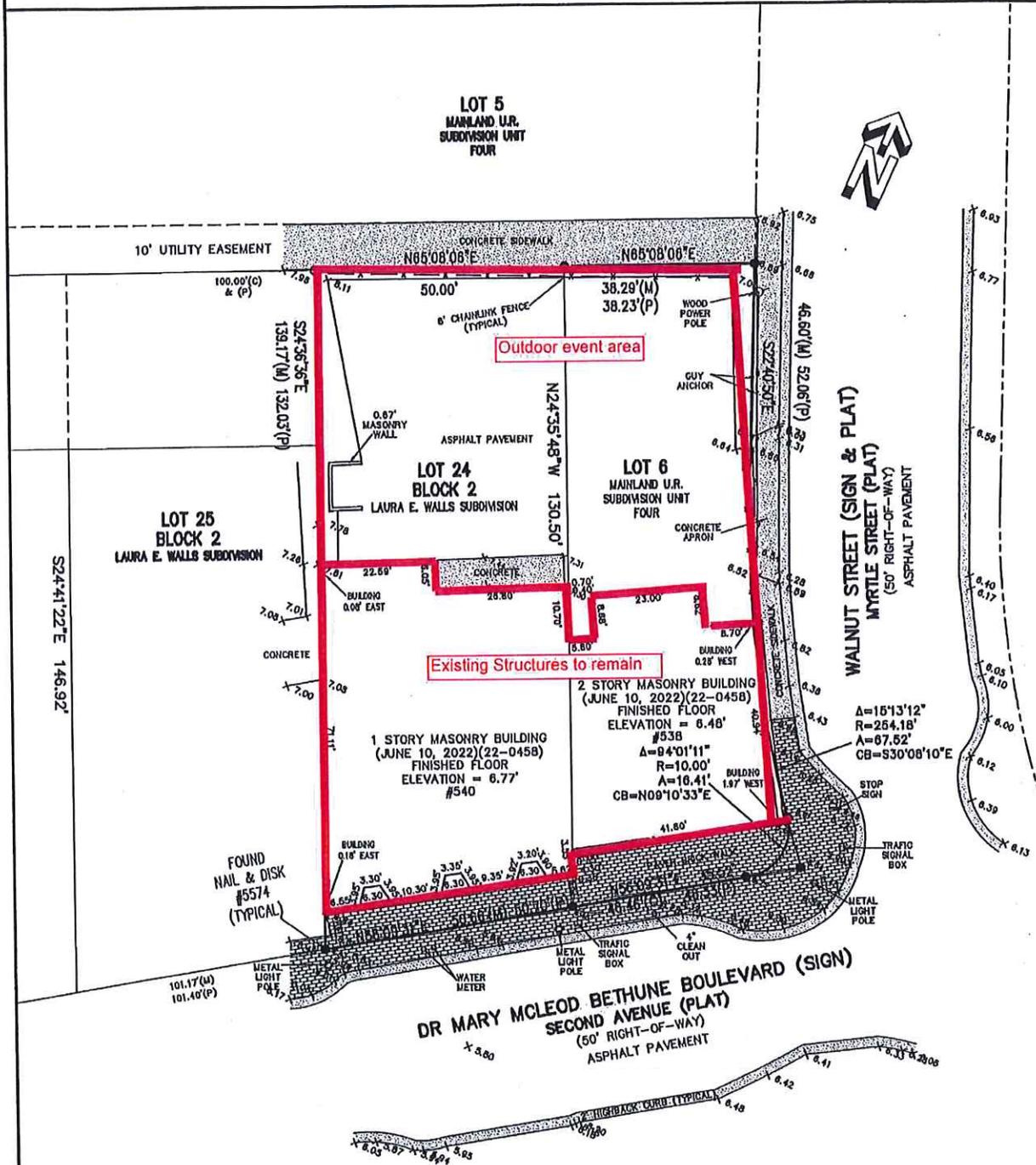
SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

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PORT ORANGE, FL 32127
(386) 761-5385

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FOR: QM INVESTMENTS, LLC
 DESCRIPTION: LOT 6, MAINLAND U. R. SUBDIVISION UNIT FOUR, RECORDED IN MAP BOOK 26, PAGE 119, AND LOT 24, BLOCK 2, LAURA E. WALLS SUBDIVISION, AS RECORDED IN MAP BOOK 4, PAGE 7, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

JOB # 22-0458

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FIELD BOOK: 1376 PAGE(S): 53

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R	RADIUS		
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H.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM		
U.S.C. & G.S.	UNITED STATES COAST AND GEODETIC SURVEY		

HYMES BARBARA J T
612 BYRON ST
DAYTONA BEACH, FL 32114

PRIDE JOHNNY E
550 DR MARY M BETHUNE BLVD
DAYTONA BEACH, FL 32114

COVINGTON & ASSOCIATES INC
532 DR MARY M BETHUNE BLVD
DAYTONA BEACH, FL 32114

BROCKINGTON DEBORAH
1258 ESSEX RD
DAYTONA BEACH, FL 32114

NEW MT ZION MISSNRY BAPTIST CH
PO BOX 863
DAYTONA BEACH, FL 32115

CITY OF DAYTONA BEACH
PO BOX 2451
DAYTONA BEACH, FL 32115

PERALTA REAL ESTATE INVESTMENTS
330 SWEETWATER SPRINGS ST
DEBARY, FL 32713

BARBARA J JONES
2930 MARSH RD
DELAND, FL 32724

WHITE IRVIN
340 GARDEN ST
DAYTONA BEACH, FL 32114

LLOYD WILLIE MAE EST %CYNTHIA B LLOYD
1956 HADDON ST
HOUSTON, TX 77019

BETHUNE-COOKMAN COLLEGE INC 640
DR M MCLEOD BETHUNE BLVD
DAYTONA BEACH, FL 32114

WILLIAMS WILBERT
325 WALNUT ST
DAYTONA BEACH, FL 32114

IVEY TIMOTHY
1001 GREAT OAKS DR
DAYTONA BEACH, FL 32117

NYQUIST B ANDERS TR
1805 - 19TH PL NO 100
VERO BEACH, FL 32960

HEARD PATRICIA H
822 VERNON ST
DAYTONA BEACH, FL 32114

HARRIS GWENDOLYN L
236 WALNUT ST
DAYTONA BEACH, FL 32114

ANDERSON LILLIE M EST
328 WALNUT ST
DAYTONA BEACH, FL 32114

JED INVESTMENT PROPERTIES LLC
PO BOX 10915
DAYTONA BEACH, FL 32120

HINES SHANNON TR
1652 STOCKING ST
DAYTONA BEACH, FL 32117

INNOVATIVE FACTOR CORP
2253 BEARDSLEY
APOPKA, FL 32703

AUSTIN VICTOR
108 IDA DR
MAULDIN, SC 29662

MOORE REGINALD E
209 N KEECH ST
DAYTONA BEACH, FL 32114

FLOYD ERNESTINE
324 WEAVER ST
DAYTONA BEACH, FL 32114

C-29 LLC
1656 WIMBERLY CIR
DAYTONA BEACH, FL 32117

WILLIAMS SCHOWONDA DENISE
4127 OLD TRAFFORD WAY
ORLANDO, FL 32810

BARBARA J JONES
2930 MARSH RD
DELAND, FL 32724

GIBSON GREGORY J
1605 PROSPECT ST
TRENTON, NJ 08636

NEIGHBORHOOD MEETING NOTICE

A NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON
8/23/23 AT 6:00 PM TO INTRODUCE THE

FOLLOWING APPLICATION FOR THIS PROPERTY:

PD-RD Rezoning De12022-164

THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION:

Onsite; 540 Dr Mary McLeod Bethune; D.B.R.

INTERESTED PARTIES CAN CONTACT Cobb Cole

AT 386/303-9244 FOR FURTHER INFORMATION

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INTERESTED PARTIES CAN CONTACT Cobb Cole

AT 386/323-9244 FOR FURTHER INFORMATION.