



The City of Daytona Beach
AGENDA
Planning Board Meeting
6:00 PM - Thursday, July 25, 2024
City Commission Chambers
Website: www.codb.us

	Page
1. CALL TO ORDER	
2. ROLL CALL	
3. APPROVAL OF MINUTES	
3.A. Approval of the Minutes of the June 27, 2024 Planning Board Meeting held at 301 S. Ridgewood Avenue, Daytona Beach, FL 32114.	5 - 11
3 - PB 06272024	
4. NEW ITEMS	
4.A. THE OVERLOOK - LARGE-SCALE COMPREHENSIVE PLAN AMENDMENT DEV2023-054 (LEGISLATIVE HEARING)	12 - 90
A request by Michael Chimento III, Chimento Law, on behalf of Daytona Seabreeze, LLC, to approve a Large-Scale Comprehensive Plan (SSCPA) for 3.2± acres of property, amending Neighborhood B policies, to allow 263 dwelling units or 74 dwelling units/acre. The Property is located at 100 and 101 Seabreeze Boulevard, north and south of Seabreeze Boulevard and west of Halifax Avenue.	
4A - THE OVERLOOK - LSCPA	
4.B. THE OVERLOOK - 3RD AMENDMENT DEV2023-055 (QUASI JUDICIAL HEARING)	91 - 114
A request by Michael Chimento III, Chimento Law, on behalf of Daytona Seabreeze, LLC, to rezone 3.2± acres of property, from Planned Development-General (PD-G), to PDG, to increase residential density, and modify parking. The Property is located at 100 and 101 Seabreeze Boulevard, north and south of Seabreeze Boulevard and west of Halifax Avenue.	
4B - THE OVERLOOK - 3RD AMENDMENT	

- 4.C. 530 BEACH STREET - SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT DEV2024-103 (LEGISLATIVE HEARING)** 115 - 142
- A request by Mark Karet, AICP – Zev Cohen & Associates, Inc., on behalf of MHD Real Estate, LLC, for approval of a Small-Scale Comprehensive Plan Amendment, amending the Future Land Use Map (FLUM) Designation for 1.34± acres of property, from Level 2 Residential (L2-R) to Local Service Industry (LSI), to bring the current use in compliance with the Future Land Use (FLU). The Property is located at 530 N. Beach Street on the NW corner of N. Beach Street and Arlington Avenue.
- [4C - 530 BEACH STREET - SSCPA](#)
- 4.D. KINGSTON - SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT DEV2024-169 (LEGISLATIVE HEARING)** 143 - 185
- A request by Joey Posey, Esq., Storch Law Firm, on behalf of TD&R Land Trust 4485, for approval of a Small-Scale Comprehensive Plan Amendment (SSCPA), amending the Future Land Use Map (FLUM) for 0.25± acres of property, from Office Transition (OT) to Local Service Industry (LSI). The Property is currently vacant land, and the proposed use is for a personal storage building. The Property is located at the southeast corner of Kingston Avenue and Segrave Street.
- [4D - KINGSTON - SSCPA](#)
- 4.E. KINGSTON PLANNED DEVELOPMENT-GENERAL - REZONING DEV2024-167 (QUASI JUDICIAL HEARING)** 186 - 196
- A request by Joey Posey, Esq., Storch Law Firm, on behalf of TD&R Land Trust 4485, to rezone 0.25± acres of property, from Residential Professional (RP) to Local Industry (M1). The Property is currently vacant land, and the proposed use is for a personal storage building. The Property is generally located at the southeast corner of Kingston Avenue and Segrave Street.
- [4E - KINGSTON M1 - REZONING](#)
- 4.F. MIDTOWN PLAZA - PLANNED DEVELOPMENT-REDEVELOPMENT - REZONING DEV2022-164 (QUASI-JUDICIAL HEARING)** 197 - 231
- A request by Robert A Merrill, Cobb Cole on behalf of QM Investments, LLC, to rezone 0.27 ± acres at 534, 536, 538, 540, 542 & 544 Dr. Mary McLeod Bethune Boulevard, from Redevelopment Midtown - Neighborhood Center Mixed Use (RDM-2), to Planned Development-Redevelopment (PD-RD), to allow for additional uses and all associated site improvements.
- [4F - MIDTOWN PLAZA PD-RD - REZONING](#)
- 4.G. DAYTONA STATE COLLEGE - SPECIAL USE PERMIT DEV2023-429 (QUASI-JUDICIAL HEARING)** 232 - 262
- A request by Robert Merrell III, Esq., Cobb Cole Law Firm, on behalf of Daytona State College, Inc., to allow for a special use permit for 6.0± acres of

property, to allow for a multipurpose sports and entertainment field with associated parking and site improvements.

[4G - DAYTONA STATE COLLEGE - SPECIAL USE PERMIT](#)

4.H. DAYTONA BEACH CONVENTION HOTEL & CONDOMINIUMS - 4TH AMENDMENT DEV2021-170 (QUASI-JUDICIAL HEARING)

263 - 318

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of PDA Trading, Inc for approval of the Fourth amendment to the Daytona Beach Convention Hotel & Condominiums Planned District Agreement, to allow for development of a sub-phase within Phase 3 of the development comprised of potential retail, parking, and event space, identifying timing of such improvements; and allowing for the replacement of associated exhibits. The property is located generally at the northeast corner of Oakridge Boulevard and North Atlantic Avenue.

[4H - DB CONVENTION HOTEL CONDO - 4TH AMENDMENT](#)

4.I. AFFORDABLE HOUSING CHANGES - LDC TEXT AMENDMENT DEV2024-264 (LEGISLATIVE HEARING)

319 - 335

A request by the Growth Management and Planning Department to amend Article 6 (Development Standards), Section 6.22 (Affordable Housing), of the Land Development Code, to include provisions to determine eligibility for the waiver or reimbursement of development and impact fees for affordable housing projects.

[4I - AFFORDABLE HOUSING LDC TEXT AMENDMENT](#)

5. OTHER BUSINESS

- a. Downtown/Balough Road Redevelopment Area Board Report
- b. Midtown Redevelopment Area Board Report
- c. Beachside Redevelopment Area Board Report
- d. Affordable Housing Advisory Committee (AHAC) Report
- e. Public Comments
- f. Staff Comments
- g. Board Members Comments

6. ADJOURNMENT

NOTICES - Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Planning 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. 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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Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons with a disability needing a special accommodation to participate in the Planning Board 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.

MINUTES
REGULAR MEETING – PLANNING BOARD
June 27, 2024

Minutes of the Regular Meeting of the Planning Board for the City of Daytona Beach, Florida, held on Thursday, June 27, 2024, at 6:00 p.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

1. Call to Order

Mr. McLean, Chair, called the meeting to order

2. Roll Call

Board Members Present:

Tony Barhoo	Present
Michael McLean Chair	Present
James Newman	Present
Milverton Robinson	Present
Tony Servance	Present
Cathy Washington	Present
Vernon Weatherholtz Vice Chair	Present

Staff Present:

Dennis Mrozek, Planning Director
David Russell, Assistant City Attorney
Doug Gutierrez, Planning Manager
Danalee Petyk, Senior Planner
Vanessa Trimble, Planning Technician
Luci Brito, Office Specialist

3. Approval Of Minutes – May 23, 2024

Approval of the Minutes of the May 23, 2024, Planning Board Meeting held at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

A motion was made by Mr. Barhoo and seconded by Mr. McLean to approve the minutes. The motion carried (7-0) as follows:

Tony Barhoo	Yes
Michael McLean Chair	Yes
James Newman	Yes

Milverton Robinson	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz Vice Chair	Yes

4. Items

A. 2nd Amendment to Karis Cold Storage PD Rezoning - DEV2023-580 (Quasi-Judicial Hearing)

A request by Jessica Gow, Esq., Cobb Cole Law Firm, on behalf of KCS ICEBOX DAB1, LLC (property owner), to amend the Karis Cold Storage Planned District (PD) Agreement to modify and clarify landscaping requirements, removing the internal lot line boundaries. The subject property is located at 1094 S. Williamson Blvd., along the west side of Williamson Blvd. and east side of Interstate-95 (I-95), approximately 0.3 miles south of the Williamson Blvd. and Bellevue Ave. intersection.

Staff Presentation:

Danalee Petyk, Senior Planner presented the staff report which was included as part of the packet. A request by Cobb Cole Law Firm, on behalf of KCS ICEBOX DAB1, LLC (property owner), to amend the Karis Cold Storage Planned District (PD) Agreement to modify and clarify landscaping requirements, removing the internal lot line boundaries.

Staff finds the requested rezone meets the criteria in Sections 3.4.D.3 and 4.8.B, Land Development Code. Staff recommends the Planning Board forward the 2nd amendment to the Karis Planned Development (PD) Agreement to the City Commission with a recommendation of approval.

Mr. Barhoo asked if they were removing any trees.

Ms. Petyk stated no trees would be removed, only relocated.

Mr. Newman asked for clarification on the location of the access road.

Mr. Mrozek identified the access road on an exhibit in the staff report.

Applicant presentation:

Jessica Gow, Esq., Cobb Cole Law Firm, on behalf of KCS ICEBOX DAB1, LLC (property owner), to amend the Karis Cold Storage Planned District (PD) Agreement to modify and clarify landscaping requirements, removing the internal lot line boundaries.

A motion was made by Mr. Barhoo, seconded by Mr. Newman, to approve the 2nd Amendment to Karis Cold Storage PD Rezoning - DEV2023-580. The motion carried (7-0) with the breakdown as follows:

Tony Barhoo	Yes
Michael McLean Chair	Yes
James Newman	Yes
Milverton Robinson	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz Vice Chair	Yes

B. 1st amendment to Afshari LPGA PD Rezoning - DEV2024-005 (Quasi-Judicial Hearing)

A request by Jessica Gow, Esq., Cobb Cole, on behalf of Afshari LPGA, LLC, to amend the Afshari LPGA Planned District Agreement, to allow for additional institutional and commercial uses, and associated site improvements. The subject property is generally located on the northeast corner of LPGA Blvd. and Concierge Blvd.

Staff Presentation:

Danalee Petyk, Senior Planner presented the staff report which was included as part of the packet. A request by Cobb Cole Law Firm, on behalf of Afshari LPGA, LLC, to amend the Afshari LPGA Planned District Agreement, to allow for additional institutional and commercial uses, and associated site improvements. The subject property is generally located on the northeast corner of LPGA Blvd. and Concierge Blvd.

Staff finds the requested rezone meets the criteria in Sections 3.4.D.3 and 4.8.B, Land Development Code. Staff recommends the Planning Board forward the 1st amendment to the Afshari LPGA Planned Development (PD) Agreement to the City Commission with a recommendation of approval.

Mr. McLean asked if the applicant decided to build something beyond the scope of the PD would they have to request another PD modification.

Ms. Petyk stated anything beyond the PD the applicant would have to apply for another amendment.

Mr. Robinson was concerned about the waiver for signage.

Mr. McLean stated the board has approved many waivers for signage in the past.

Mr. Barhoo was having issues with the number of waivers the applicant was requesting. He also wanted the offsite parking clarified.

Ms. Petyk stated the offsite parking would remain within their PD.

Mr. Weatherholtz asked if the applicant would have adequate parking for whatever they decided to build.

Mr. Mrozek stated when the site plan is submitted, they will have to meet all the parking requirements in the LDC.

Mr. Newman asked if the increase in signage was for the integrated sign.

Ms. Petyk stated that the increase in signage was for the integrated sign plan.

Applicant Presentation:

Jessica Gow, Esq., Cobb Cole, on behalf of Afshari LPGA, LLC, to amend the Afshari LPGA Planned District Agreement, to allow for additional institutional and commercial uses, and associated site improvements. The subject property is generally located on the northeast corner of LPGA Blvd. and Concierge Blvd.

A motion was made by Ms. Washington seconded by Mr. Newman, to approve the 1st amendment to Afshari LPGA PD Rezoning - DEV2024-005. The motion carried (5-2) with the breakdown as follows:

Tony Barhoo,	No
Michael McLean Chair	Yes
James Newman	Yes
Milverton Robinson	No
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz Vice Chair	Yes

C. Sunglow Mini-Storage Site Plan - DEV2023-455 (Quasi-Judicial Hearing)

A request by Philip Hollis, Flagship Companies Group, LLC, on behalf of Sunglow Construction, to approve a Major Site Plan to allow construction of a self-storage facility, offices, and flex space. The property is generally located west of Wesley Street, and north of LPGA Boulevard.

Staff Presentation:

Doug Gutierrez, Planning Manger presented the staff report which was included as part of the packet. A request by Philip Hollis, Flagship Companies Group, LLC, on behalf of Sunglow Construction, to approve a Major Site Plan to allow construction of a self-storage facility, offices, and flex space. The property is generally located west of Wesley Street, and north of LPGA Boulevard.

Staff find the proposed Major Site Plan meets the review standards of the Land Development Code. Staff recommends the Planning Board approve the Major Site Plan for Sunglow Mini-Storage to allow to allow for a self-storage facility, offices, and flex space on ±13.2 acres.

Applicant Presentation:

Philip Hollis, Flagship Companies Group, LLC, on behalf of Sunglow Construction, to approve a Major Site Plan to allow construction of a self-storage facility, offices, and flex space.

Mr. Robinson asked what the outcome was with the residents which were having issues with the project.

Mr. Hollis stated all issues had been resolved.

A motion was made by Ms. Washington seconded by Mr. Newman, to approve the Sunglow Mini-Storage Site Plan - DEV2023-455. The motion carried (7-0) with the breakdown as follows:

Tony Barhoo,	Yes
Michael McLean Chair	Yes
James Newman	Yes
Milverton Robinson	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz Vice Chair	Yes

D. Proportionate Far Share Process LDC Text Amendment - DEV2024-006 (Legislative Hearing)

A request by the Growth Management and Planning Department to amend Article 2 (Administrative Authorities) and Article 3 (Review Standards) of the Land Development Code, to modify the approval process for transportation Proportionate Share Agreements and include additional Staff responsibilities for review and approval of certain contracts and instruments.

Staff Presentation:

Dennis Mrozek, Planning Director, presented the staff report which was included as part of the packet. A request by the Growth Management and Planning Department to amend Article 2 (Administrative Authorities) and Article 3 (Review Standards) of the Land Development Code, to modify the approval process for transportation Proportionate Share Agreements and include additional Staff responsibilities for review and approval of certain contracts and instrument.

Staff recommends approval of the request to modify the approval process for transportation Proportionate Share Agreements and include additional Staff responsibilities for review and approval of certain contracts and instruments.

Mr. Robinson asked what recourse applicants would have if they did not agree with the amount presented by the city.

Mr. Russell stated the applicant could initiate litigation, but the project would not move forward till the matter was resolved.

A motion was made by Ms. Washington seconded by Mr. Newman, to approve the Proportionate Far Share Process LDC Text Amendment - DEV2024-006. The motion carried (7-0) with the breakdown as follows:

Tony Barhoo,	Yes
Michael McLean Chair	Yes
James Newman	Yes
Milverton Robinson	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz Vice Chair	Yes

E. Signage in Public Parks LDC Text Amendment - DEV2024-382 (Legislative Hearing)

A request by the Growth Management and Planning Department on behalf of the Public Works Department to amend Article 6 (Development Standards), Section 6.10 (Signage), of the Land Development Code (LDC), to exempt non-commercial informational signage installed by the City in City parks or on City properties, or on City buildings, from LDC signage standard.

Staff Presentation:

Dennis Mrozek, Planning Director, presented the staff report which was included as part of the packet. A request by the Growth Management and Planning Department on behalf of the Public Works Department to amend Article 6 (Development Standards), Section 6.10 (Signage), of the Land Development Code (LDC), to exempt non-commercial informational signage installed by the City in City parks or on City properties, or on City buildings, from LDC signage standards.

A motion was made by Ms. Washington seconded by Mr. Newman, to approve Signage in Public Parks LDC Text Amendment - DEV2024-382 The motion carried (7-0) with the breakdown as follows:

Tony Barhoo,	Yes
Michael McLean Chair	Yes
James Newman	Yes
Milverton Robinson	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz Vice Chair	Yes

5. Other Business

- A. Downtown /Ballough Road Redevelopment Area Board Report
- B. Midtown Redevelopment Area Board Report
- C. Beachside Redevelopment Area Board Report
- D. Affordable Housing Advisory Committee (AHAC) Report
- E. Public Comments
- F. Staff Comments
- G. Board Members Comments

The meeting was adjourned at 7:03 P.M.

Michael McLean, Chair

Luci Brito, Secretary

DRAFT

Agenda Item 4A (Quasi-Judicial Hearing)
Large Scale Comprehensive Plan Amendment
DEV2023-054
Overlook LSCPA

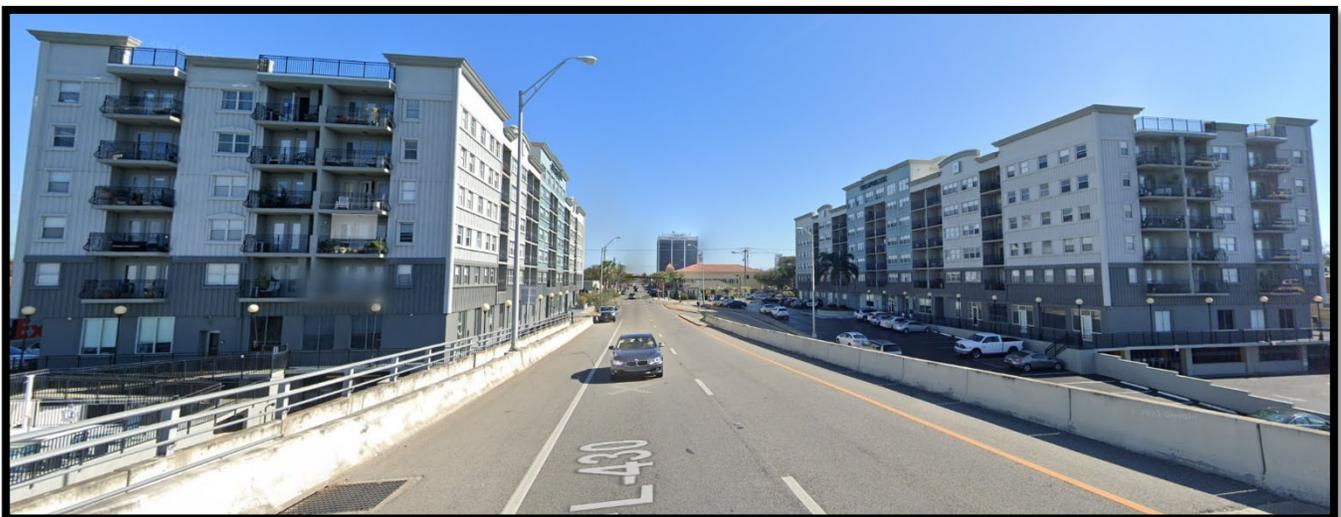
STAFF REPORT

MEETING DATE: July 25, 2024, Planning Board
REPORT DATE: July 12, 2024
SUBJECT: DEV2023-054 Overlook LSCPA
APPLICANT: Michael D. Chiumento, III, Esq. Chiumento Law, PLLC
OWNER: Daytona Seabreeze, LLC
STAFF: Doug Gutierrez, AICP, Planning Manager

SUMMARY OF REQUEST

This request is for approval of a Large-Scale Comprehensive Plan Amendment (LSCPA) to the Neighborhood B policies 3.22 +/- acre subject property. The Property is located at 100 and 101 Seabreeze Blvd. The Applicant desires to allow for a greater density of development of the property. Currently there are 227 units, and the amendment would allow an additional 9 units for a total 236 units by utilizing the ground floor commercial section. The Applicant is also applying for a rezoning amending the Planned Development – General (PD-G).

Staff recommendation: Staff finds that the large-scale amendment is consistent with the Comprehensive Plan, does not represent urban sprawl and the City has available capacity to serve the demand on available water and sewer.



SITE INFORMATION

Location: 100 & 101 Seabreeze Blvd.
Parcel No(s): 530501040010 & 530501030060
Property Size: ± 3.22 acres
Existing Zoning: Retail (R)
Existing Future Land Use: Planned Development – General (PD-G)

Adjacent Land Use and Zoning: *Existing uses listed in the table below are not intended to be an all-inclusive list, but a general summary of types of uses near the subject property.*

	Existing Use(s)	Future Land Use Designation	Existing Zoning Classification
Site	Multi-Family	Retail	PD-G
North	Multi Family	Retail	PD-G
South	Multi Family	Retail	RP
East	Parking/Park/Halifax River	Park	BR-1
West	Mixed Uses	Retail	BR-1



Aerial View of the Property

PROJECT DESCRIPTION**Proposed Amendment to Neighborhood B creating Issue (I), Policy (1).**

(I) Issue: [The 3.22 +/- acre property located at 100 and 101 Seabreeze Boulevard in the City of Daytona Beach, subject to the Overlook Residential Planned Unit Development Agreement \(the "Property"\) is suitable for several uses including, but not limited to: multifamily development.](#)

(1) Policy: [The Property shall be limited to a maximum of 236 units \(approximately 74 dwelling units per acre\).](#)

PROJECT ANALYSIS**Neighborhood Input**

A neighborhood meeting was held on site at 100 Seabreeze Blvd., Daytona Beach, Florida, on October 4, 2023, at 6:00 p.m. Two representatives from the applicant's company, property manager and attorney attended along with two (2) interested residents and were generally in support of the project. (Neighborhood meeting summary Attachment A).

Impact Analysis

Urban services necessary to serve this site and the concurrency process requires that adequate capacity be available for development prior to the approval of final development orders.

The following are results for water, wastewater and traffic impacts that could be generated by the property by the most intense land use allowed under the current land use map designation and the proposed land use change. Detailed data and analysis are in the attached project analysis provided by the applicant (Attachment B).

The City's potable water treatment plant has sufficient capacity (24.0 MGD) to accommodate the proposed Future Land Use designation. The current maximum daily flow is 14.61 MGD with a current reserve of 2.51 MGD and the proposed amendment results in a possible net increase in demand of 0.0327 MGD.

The City's wastewater treatment plant servicing this site has sufficient capacity (15.0 MGD) to accommodate the proposed Future Land Use designation. The current maximum monthly annual daily flow is 8.9 MGD with a current permitted reserve of 2.31 MGD and the proposed amendment results in a possible net increase in demand of 0.0327 MGD.

The current future land use Average Daily Trip (ADT) generation is 1,036 and PM Peak Hour Trips is 89 trips. The proposed Future Land Use Map Amendment Average Daily Trip (ADT) generation is 1,079 trips and PM Peak Hour Trips is 92 trips will result in a theoretical net increase of ADT 43 trips and PM Peak Hour Trips 3 trips from the maximum allowed by the current land use.

Urban Sprawl

In general terms and as directed by Florida Statutes and rules of the Florida Administrative Code, key urban sprawl indicators include leapfrog development, premature development, and development that does not make efficient use of urban services. Local governments are responsible for ensuring that their actions do not further urban sprawl. Consistency with Urban Sprawl Rule Section 163.3177(6)(a)(9)(b), Florida Statutes, provides that plan amendments

shall be determined to discourage the proliferation of urban sprawl if they incorporate a development pattern or urban form that achieves four or more of the following:

- (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

Response: The Amendment will allow for multi-family residential development. The development will direct economic growth and the associated land development to an area that will complement the existing residential, retail, and commercial developments in the vicinity of the Property, thereby minimizing adverse impacts to natural resources and ecosystems.

- (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Response: The Property is located in an area where public infrastructure and services are available, thereby promoting the efficient and cost-effective provision of such infrastructure and services.

- (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

Response: The Amendment will allow for additional multi-family residential units on the Property. The development will provide a range of housing options and is centrally located in a connected area of Seabreeze Boulevard with accessible sidewalks, bike paths, cross walks, and other alternative transportation opportunities that will promote these alternative modes of transportation to a mix of existing developments in the surrounding area.

- (IV) Promotes conservation of water and energy.

Response: The proximity of the Property to existing development will provide for an efficient integration of infrastructure and services to the additional development that will require less water and energy than developments in wholly undeveloped areas.

- (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

Response: N/A

- (VI) Preserves open space and natural lands and provides for public open space and recreation needs.

Response: The proposed additional development will incorporate the existing open space and recreation that is currently available on the Property. Therefore, no negative impact to open space and natural lands are expected.

- (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

Response: The proposed additional development of the Property will direct additional economic growth to the surrounding area and will further complement the existing commercial and retail developments in the vicinity of the Property.

- (VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

Response: The proposed additional development of the Property adds to the Property's currently existing innovative development pattern as the Property is situated near office buildings and tourist services facilities. The proximity of Property, and the proposed additional multifamily dwelling units provides for the furtherance of an existing transit-oriented development.

The proposed Amendment promotes a development pattern and urban form that achieves seven of the preceding eight general policies. Accordingly, the proposed Amendment exceeds the urban sprawl standards set forth in Section 163.3177(6)(a)(9)(b), Florida Statutes.

Consistency with the Comprehensive Plan Goals, Objectives and Policies

Objectives and Policies of the Comprehensive Plan that are relevant to this application are listed below:

Future Land Use Element

Goal 1: To achieve a future land use pattern that provides for sufficient supply of land to meet growth demands, ensures that land uses are located in a rational and efficient manner, and promotes economic development.

Response: *The parcel is located in an area of Daytona Beach with high rates of tourism and a need for additional housing infrastructure to provide for Daytona Beach's growing population while highlighting the City's world famous beaches. The market is oversaturated with hotels and similar developments, leaving a void of dynamic residential developments for individuals and families who live and work in the area. Creating the opportunity to develop the Property into one suitable for multi-family housing or other similar uses ensures a consistent and compatible future land use pattern that also provides for the increasing population in the area. Seabreeze Boulevard is located near a major economic area for Daytona Beach and encouraging multifamily housing will fulfill the need for additional residences. The proposed Amendment ensures compatibility with adjacent land uses.*

Policy 1.2.1 The Land Development Code shall be maintained in a manner that will cause future major traffic generators to be located in close proximity to thoroughfares, which have the capacity to carry the additional traffic generated by such developments. All future rezoning shall be consistent with this policy.

Response: *This Amendment will locate the development within the thoroughfare of Seabreeze Boulevard which has adequate capacity to carry the traffic to be generated by the additional development.*

Objective 1.5 Residential. The City shall maintain an adequate supply of residential land which will provide a wide range of housing opportunities. (Ordinance #09-278).

Response: *The Amendment meets Objective 1.5 by providing a development with the opportunity for numerous uses, including multi-family residential uses. The Property is currently developed with 227 multi-family dwellings located on the property. The commercial component of the Property is not utilized and has not been utilized. The addition of the nine (9) additional*

dwelling units contributes to the diversity of housing in Daytona Beach by offering a variety of housing options for residents.

Objective 1.5.4: The City shall continue to permit affordable and workforce housing (based on the type of construction and appearance criteria) in all residential areas of the City. The type of manufactured housing that is typically identified with the term "mobile home" shall be located in areas specifically and currently dominated by "mobile home use." (Ordinance #09-278).

Response: *The Amendment meets Objective 1.5.4 in that the Amendment allows up to nine (9) additional multi-family units to be constructed on the Property in lieu of the presently existing commercial space that is unutilized.*

Objective 2.2 Uses Inconsistent with City's Character. Improve land values and upgrade uses incompatible with the community's character Citywide with highest priority placed on upgrading International Speedway Boulevard, Mason Avenue, Atlantic Avenue and Ridgewood Avenue. Measurability shall be an increase in overall property assessment on International Speedway Boulevard (east of Nova Road) and on North Ridgewood Avenue. (Ordinance #09-278)

Response: *The Property is currently underutilized with respect to the first-floor commercial that was originally proposed in the original PD agreement. The ability to create additional multifamily uses will allow the Property to achieve its highest and best use while also providing additional housing in this area.*

Objective 2.3 Infrastructure. Adequate public water, sewer and drainage shall be provided for 100 percent of new developments; existing infrastructure deficiencies will be corrected to the extent that is financially feasible.

Response: *The Amendment will allow for new development to support the mixture of uses that surround the Property. The new development will include adequate public water, sewer, and drainage.*

Policy 2.3.5 All requests for development shall be reviewed to ensure that the potential impact of the proposed development does not degrade water supply capacity and public facility capacity, and that the appropriate department and/or provider is notified. A building permit or development order shall not be granted if adequate capacity is not available. (Ordinance #11-239)

Response: *The potential impacts of the proposed development will not degrade the water supply capacity and public facility capacity.*

Transportation Element (Traffic Section)

Objective 1.7 Future Land Use Controls: Maintain a land use pattern that supports and is compatible with the function of the roadway system that is designed to serve it. Higher trip generators are to be located adjacent to and at the intersections of arterial roadways with lower trip generators located adjacent to collector and local streets.

Response: *This Amendment will result in an ultimate decrease in PM Peak hour traffic than what is currently provided for under PD Agreement that is currently in place. Residential dwelling units produce a lower trip generation rate than commercial use.*

Housing Element

Objective 1.1 New Construction: Assist the private sector in providing the necessary additional housing units to support the planning horizon population projection.

Response: *Objective 1.1 seeks to ensure adequate housing exists to accommodate the projected increase in the Daytona Beach population. The Amendment conforms to this objective by allowing the construction of additional multi-family residential dwellings*

Policy 1.1.1. Utilize the Future Land Use Map and zoning map to assure a continued supply of vacant, underutilized, or redevelopable land designated for a diversity of housing types, including single-family, multi-family and manufactured housing.

Response: *The Amendment is consistent with Policy 1.1.1 by providing additional development of multi-family residential dwelling units. The Property is currently underutilized in connection with the currently permitted commercial uses on the first floor. Multi-family housing contributes to the diversity of housing in Daytona Beach by offering a variety of housing options for residents.*

RECOMMENDATION

Staff finds that the large-scale amendment is consistent with the Comprehensive Plan, does not represent urban sprawl and the City has available capacity to serve the demand on available water and sewer.

Based on staff analysis and review, the proposed Neighborhood B amendment limiting the density to a maximum of 236 units from the previous 227 units appears to meet criteria for the proposed amendment.

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

The item is tentatively scheduled to be heard by the City Commission for first reading and transmittal on September 4, 2024 and the second reading (public hearing) is to be scheduled at the next available City Commission meeting subsequent to DEO and VGMC review.

LOCATION MAP



1 inch = 250 feet



Page 19 of 335

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DEV2023-054 THE OVERLOOK SSCPA LOCATION MAP

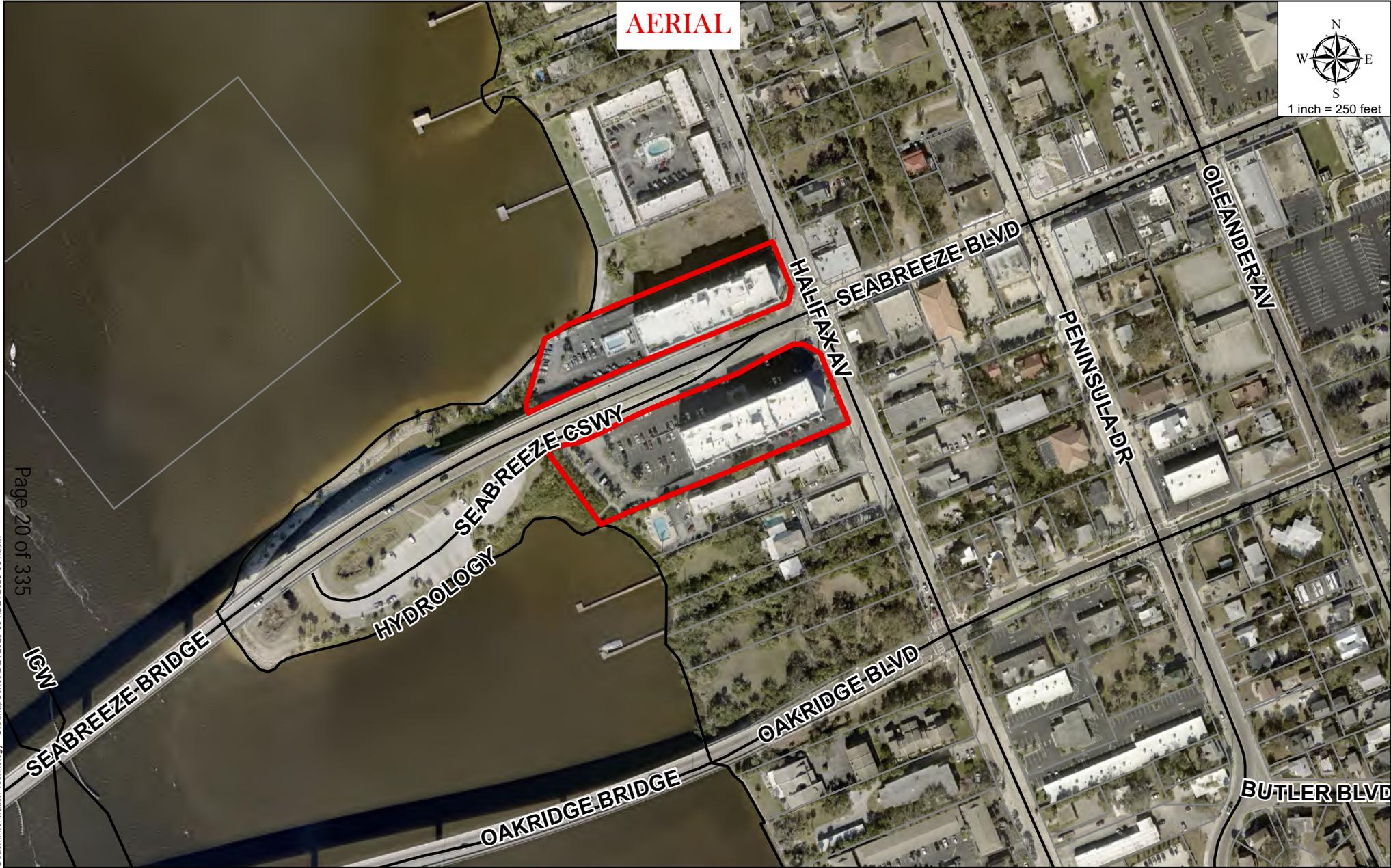
City of Daytona Beach Map disclaimer:
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Agenda Item #4.A.

AERIAL



1 inch = 250 feet



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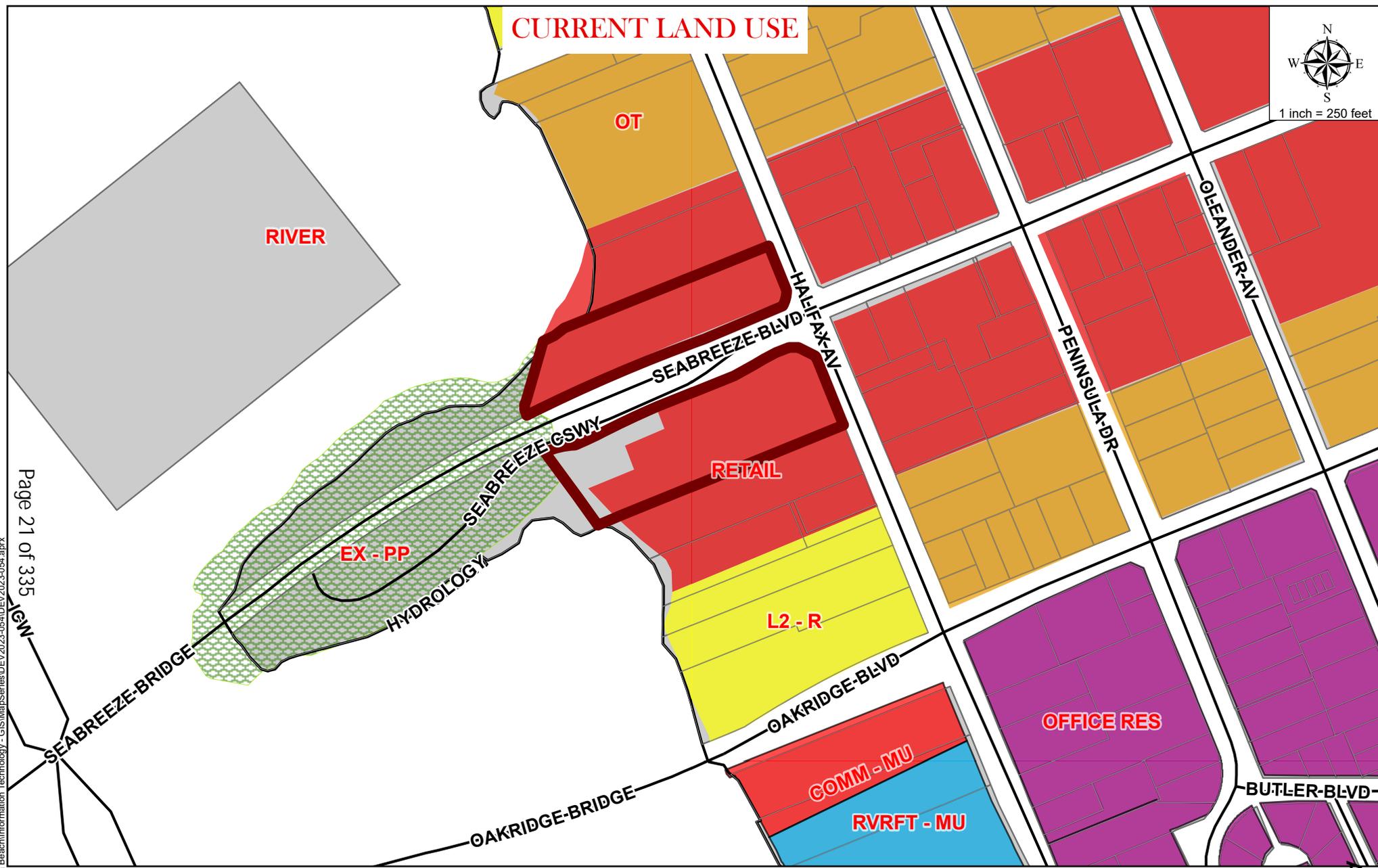
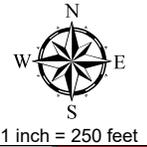
DEV2023-054 THE OVERLOOK SSCPA AERIAL MAP

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Agenda Item #4.A.

CURRENT LAND USE



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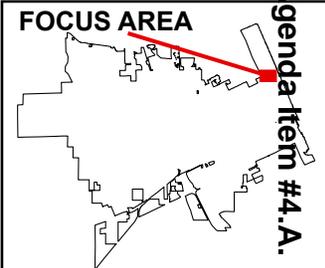
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DEV2023-054 THE OVERLOOK SSCPA CURRENT LAND USE MAP

City of Daytona Beach Map disclaimer:

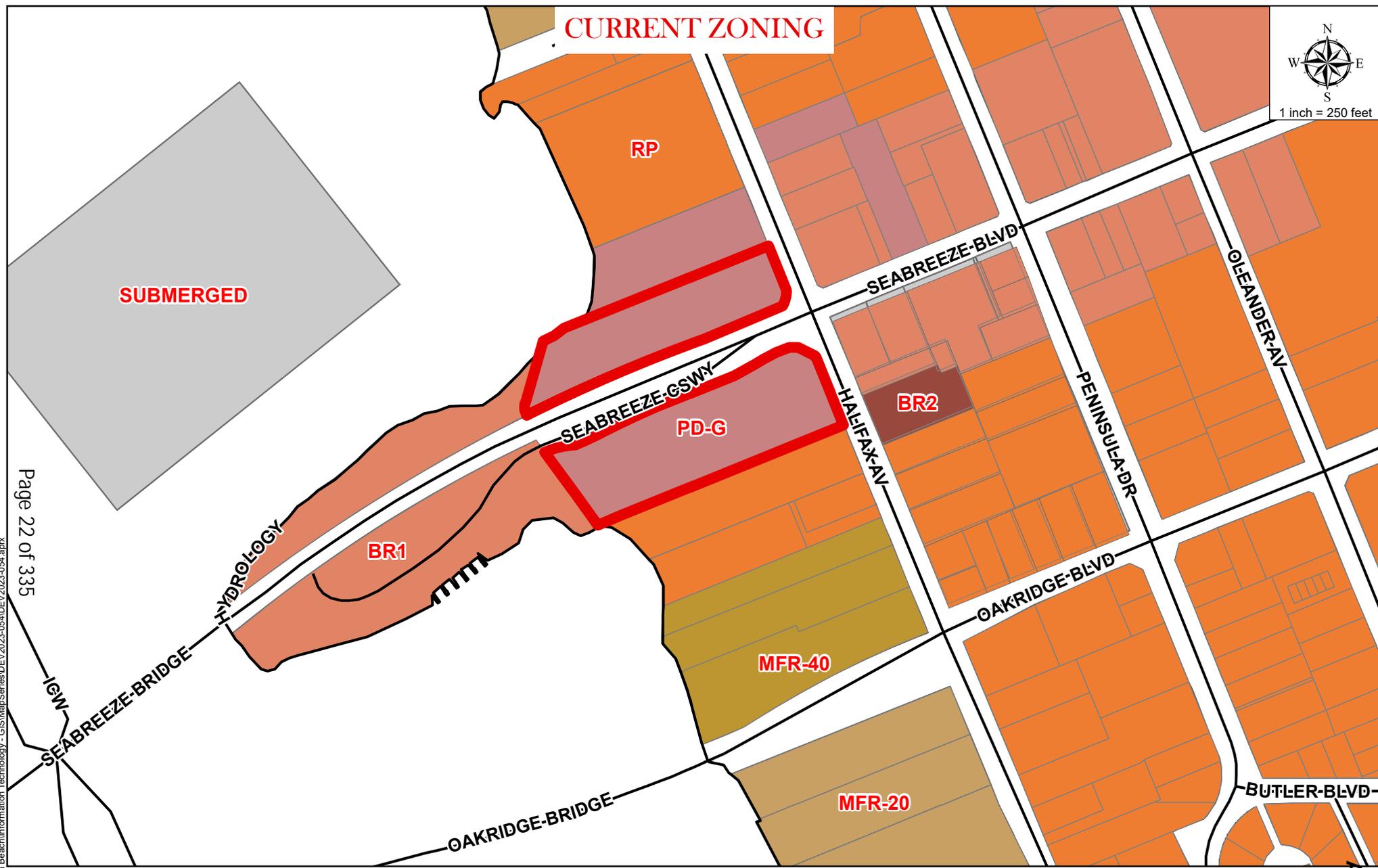
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CURRENT ZONING



1 inch = 250 feet



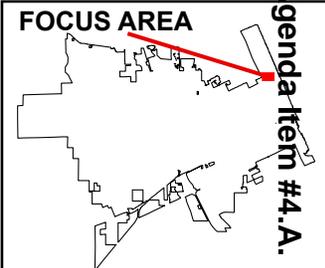
Page 22 of 335

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DEV2023-054 THE OVERLOOK SSCPA CURRENT ZONING MAP

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Agenda Item #4.A.



School Board of Volusia County

Ms. Jamie M. Haynes, Chairman
Mrs. Anita Burnette, Vice Chairman
Mr. Ruben Colón
Mr. Carl Persis
Mrs. Jessie Thompson

Carmen J. Balgobin, Ed.D
Superintendent of Schools

September 29, 2023

Mr. Michael D. Chiumento III, Esq.
Chiumento Law
145 City Pl, Suite 301
Palm Coast, FL 32164

RE : The Overlook – City of Daytona Beach
School Concurrency Case # 23-09-06-001-X

Dear Mr. Chiumento:

District staff reviewed the information regarding the residential project known as The Overlook associated with 3.2 +/- acres of property. The property is located at or near the intersection of Seabreeze Blvd and N Atlantic Ave within Daytona Beach city limits. Information provided in the school concurrency application indicates the development activity will consist of nine (9) multi-family units.

Pursuant to the First Amendment to the Interlocal Agreement for Public School Facility Planning in effect since July 1, 2007, a residential project of equal to or less than ten (10) units receives an exemption status from school concurrency. Please note, however, that should there be changes in project information such as an increase in the number of dwelling units, a school concurrency review could be required, and the project would be subject to current regulation at that time.

Regardless of the exemption status, all residential projects are required to be reported to the school district for inclusion in the School Concurrency Management System. Thank You for submitting as required.

Should you need additional information, please contact me at (386) 947-8786 ext. 50709.

Sincerely,

Leineriza V. Divina
Coordinator, Planning

CC: Carmen J. Balgobin, Ed.D, Superintendent of Schools
Ron Young, Director of Planning & Construction
Douglas M. Gutierrez, AICP, Principal Planner, City of Daytona Beach
James F. Roberts, VCSB Planning Services Project File

Michael D. Chimento
Michael D. Chimento III
William J. Bosch
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Kareen Movsesyan
Jared T. Trent
Sydney L. Nix
Eric R. Sloan, *of-counsel*
Andrew C. Grant, *of-counsel*
Thomas R. Pycraft, *of-counsel*

Vincent L. Sullivan, Esq.
Partner
vsullivan@legalteamforlife.com



**CHIUMENTO
LAW**

145 City Place, Suite 301
Palm Coast, FL 32164
Tel. (386) 445-8900
Fax: (386) 445-6702

2 Camino Del Mar
Palm Coast, FL 32137

By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

MEMORANDUM

TO: City of Daytona Beach
CC: Daytona Seabreeze, Caroline McNeil, and File
FROM: Vincent Sullivan *VS*
SUBJECT: DEV 2023-054 and DEV 2023-055
DATE: October 9, 2023

City of Daytona Beach,

On Wednesday October 4, 2023, the Applicant on DEV2023-054 and DEV2023-055 conducted a neighborhood informational meeting at the subject Property. As is noted by the attached sign in sheet, there were only two (2) neighborhood members present at the meeting. Further present at the meeting was two (2) individuals from the Applicant’s company, the Building Manager, and myself.

During the neighborhood meeting, the attendees asked several questions regarding the two aforementioned applications. Below is a reproduction of those questions and the Applicant’s response in *italics* directly beneath the question.

Please let us know if the City of Daytona Beach has any questions regarding this matter.

- How many bedrooms will the new units be?
 - *The largest floorplan option will be 2 bedrooms.*
- How many new units are you requesting?
 - *In total, nine (9).*
- Do the existing units have washer and dryer facilities in them?
 - *No.*
- Will the new units have washer and dryer facilities in them?

- *If we can get them to fit in the space, yes.*
- Have you already made applications to the City yet?
 - *Yes.*
- What do the applications ask for?
 - *One application is to amend the comprehensive plan to allow for 71 dwelling units per acre. The second application is to amend the PD agreement to allow for the additional nine (9) units and remove the submerged property and language about boat slips.*
- What is going to happen with the submerged property?
 - *At this time, nothing is going to happen with the submerged property because the slips allocated to this project have been taken back by the City and returned to the City's slip inventory.*
- Are you requesting a waive of the code limiting the number of unrelated people that can live in a unit?
 - *Since the largest unit will be a two (2) bedroom unit, no because we would be in compliance without the need for a waiver.*
- Will there ever be any commercial in either of the buildings?
 - *No, if this amendment to the PD Agreement is approved, there will be no space for commercial uses in either building.*

Michael D. Chiumento
Michael D. Chiumento III
William J. Bosch
Vincent L. Sullivan
Diane A. Vidal
Kareen Movsesyan
Jared T. Trent
Sydney L. Nix
Eric R. Sloan, *of-counsel*
Andrew C. Grant, *of-counsel*

*Michael D. Chiumento III
Managing Partner
Michael3@legalteamforlife.com*



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5048 N. Ocean Shore Blvd.
Palm Coast, FL 32137

By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

September 20, 2023

**RE: 100 and 101 Seabreeze Blvd., Daytona Beach, Florida
Overlook at Daytona
Neighborhood Meeting**

Dear Neighbor:

Daytona Seabreeze, LLC is the owner of the property described in Exhibit "A" attached hereto. Currently the Owner, has an application for Comprehensive Plan Amendment into the City the County to change the existing six (6) commercial units into residential units.

We will be having a neighborhood meeting on **Wednesday, October 4, 2023 at 6:00 p.m.** in the **Northside Clubroom, 1st floor at 101 Seabreeze Blvd., Daytona Beach, FL 32118** to answer any of your questions. It is open to the public.

Sincerely,

Vincent L. Sullivan, Esq.
Partner
VLS/cm

Enclosure

EXHIBIT "A"

**100 and 101 Seabreeze Blvd., Daytona Beach, Florida
Overlook at Daytona**



<u>Owner Name</u>	<u>Address</u>	<u>CITY, STATE, ZIP</u>
634 HALIFAX PROPERTIES LLC	4096 COLUMNS DR	MARIETTA, GA 30067
ASCHERL F J & MARLENE B	PO BOX 368	NEW SMYRNA BEACH, FL 32170
BAKALICH JAMES E	615 N PENINSULA DR	DAYTONA BEACH, FL 32118
BASH VITALY	220 HETT AVE	STATEN ISLAND, NY 10306
BAYER MICHAEL	519 N PENINSULA DR	DAYTONA BEACH, FL 32118
BURKE DEBORAH L	625 N HALIFAX DR UNIT B36	DAYTONA BEACH, FL 32118
CC POST HOUSE LLC TR	827 CENTER AVE STE 3	HOLLY HILL, FL 32117
CHIOVERA CHRISTOPHER JOHN	625 N HALIFAX UNIT 2	DAYTONA BEACH, FL 32118
COBBLESTONE VILLAGE CONDO ASSO	625 N HALIFAX AVE	DAYTONA BEACH, FL 32118
COLON JOSE E	108 JULIETTE ST	HOPETOWN, NJ 08862
CONKLIN FREDERICK S JR	625 N HALIFAX AVE B30	DAYTONA BEACH, FL 32118
CUDE BOBBY LEE EST	519 N HALIFAX AVE	DAYTONA BEACH, FL 32118
CUPOLO MELANIE D	24 WELLESLEY ST W APT 1411	Toronto, ON
DAYTONA SEABREEZE LLC	3424 PEACHTREE RD NE #300	ATLANTA, GA 30326
DELGADO ALICIA	529 PENINSULA DR	DAYTONA BEACH, FL 32118
DOUEK JUNE	13071 SEA SIDE HARBOUR DR	NORTH FORT MYERS, FL 33903
DUARTE DENISE	625 N HALIFAX AVE UNIT B32	DAYTONA BEACH, FL 32118
DUBACH JOHN C	281 SOFTWOOD DR	HOBART, IN 46342
EASTBANK CONDO ASSOC	525 N HALIFAX AVE	DAYTONA BEACH, FL 32118
EASTMAN ROGER M	1525 ARROWHEAD DR	COSHOCTON, OH 43812
EILETS NORMAN	625 N HALIFAX AVE #26	DAYTONA BEACH, FL 32118
FENG WENQIAN	1719 SHADYREST CT	LAKE MARY, FL 32746
FLORIDA LIFESTYLE HOMES & LAND INC	250 PALM COAST PKWY NE STE 607-508	PALM COAST, FL 32137
GENDRON JOSEPH ROGER JR	625 N HALIFAX AVE UNIT B 5	DAYTONA BEACH, FL 32118
HALSEA PARTNERS	523 N HALIFAX AVE	DAYTONA BEACH, FL 32118
HENRY ANDREW G SR TR	625 N HALIFAX AVE UNIT C23	DAYTONA BEACH, FL 32118
INOSE LLC	67 NICHOLAS CT	ORMOND BEACH, FL 32174
JACKSON GORDON	305 HIGH WOODS TRL	FORT WORTH, TX 76112
JD BUSINESS ADVISORS LLC	625 N HALIFAX AVE UNIT C19	DAYTONA BEACH, FL 32118
JONES GLENN W	321 CORNELL DR	DAYTONA BEACH, FL 32118
KASTURI SAROJ K	3 WILD CREEK WAY	ORMOND BEACH, FL 32174
KENYON PHILLIP BLAKE	525 N HALIFAX AVE UNIT 2	DAYTONA BEACH, FL 32118
KNIGHT JANELLE S	625 N HALIFAX DR UNIT B17	DAYTONA BEACH, FL 32118
KONARIK TRAVIS	PO BOX 10388	DAYTONA BEACH, FL 32120
KOTARA CHRISTOPHER ROBERT	525 N HALIFAX AVE UNIT #7	DAYTONA BEACH, FL 32118
KRASKI SUZANNE H	283 LINDEN ST	ORMOND BEACH, FL 32174
LEITE LINDA L	625 N HALIFAX AVE #11	DAYTONA BEACH, FL 32118
LETENDRE RENE	11046 HERITAGE RD	Brampton, ON
LINDQUIST-KESSLER ARTHUR	950 S CHERRY ST STE 710	DENVER, CO 80246
LOCKWOOD CHARLES A & JUNE M	5519 BENNETTS CORNERS RD	CAMILLUS, NY 13031
LPLH PROPERTY HOLDINGS LLC	2379 BEVILLE RD	DAYTONA BEACH, FL 32119
MCGUINNESS JOHN N	625 N HALIFAX AVE APT 14	DAYTONA BEACH, FL 32118
MCKENDRICK ROBERT S	525 N HALIFAX AVE UNIT 8	DAYTONA BEACH, FL 32118
MDA BUILDINGLLC	536 N HALIFAX AVE STE 100	DAYTONA BEACH, FL 32118
MEIVES ROBERT D	195 E STANFORD ST	BARTOW, FL 33830
MILLSPAUGH THEODORE CAMPBELL	4538 S PENINSULA DR	PONCE INLET, FL 32127
MYMADRIGAL LLC	PO BOX 731681	ORMOND BEACH, FL 32174
NIKOLZ NICK	2523 E 16TH ST APT 3	BROOKLYN, NY 11235
OASIS MANAGEMENT MASTER INC	1 GOODALL AVE	DAYTONA BEACH, FL 32118
OMID LLC	763 N BEACH ST	ORMOND BEACH, FL 32174
PARKER REBECCA LAUREN	625 N HALIFAX AVE UNIT 12	DAYTONA BEACH, FL 32118

PATEL ASHOKKUMAR J TR
PATEL DEENA A TR
POTVIN BRENDA SUE
PRIEST DANA
PRIMEDIA COMMUNICATIONS CORP
RAWNSLEY DOUGLAS G
REEN JOHN CHRISTOPHER
REISCH DONNA J
RIMOLA ALFONSO
ROSSER CHRISTOPHER
SEABREEZE BOULEVARD CORP
SEABREEZE DAYTONA MARINA LLC
SHAMROCK-SHAMROCK INC
SINGH PHYLLIS J
STATE OF FLORIDA DOT
SULLIVAN HENRIETTE E TR
SUSSMANS INC
TITAN DEVELOPMENT PARTNERS LLC
TL REAL PROPERTY LLC
UNIVERSAL ELITE INVESTMENTS INC
WALSH CONSULTING GROUP IN
WELLS MICHAEL H
WYLIE SUSAN L
XYNIDIS ELAINE
XYNIDIS ELAINE TR

625 N HALIFAX AVE UNIT 35
625 N HALIFAX AVE 1
2066 HAYFIELD WAY
1044 KIRKWOOD ST
2 SECOND PL
625 N HALIFAX AVE UNIT B33
268 CHICAGAMI TR
625 N HALIFAX AVE UNIT 22
525 N HALIFAX AVE UNIT 10
625 N HALIFAX AVE UNIT 7
222 SEABREEZE BLVD
3424 PEACHTREE RD NE #300
PO BOX 227
3606 S PENINSULA DR UNIT 104
719 S WOODLAND BLVD
625 N HALIFAX AVE #18
303 SEABREEZE BLVD
4095 SW 67TH AVE
2090 SW 55TH STREET RD
3901 W CHARLESTON BLVD STE 166
629 N PENINSULA DR
625 N HALIFAX AVE UNIT 29
108 LAUREL VALLEY CT
521 N HALIFAX AVE
521 N HALIFAX AVE

DAYTONA BEACH, FL 32118
DAYTONA BEACH, FL 32118
APOPKA, FL 32712
DUBUQUE, IA 52001
BROOKLYN, NY 11231
DAYTONA BEACH, FL 32118
MEDFORD LAKES, NJ 08055
DAYTONA BEACH, FL 32118
DAYTONA BEACH, FL 32118
DAYTONA BEACH, FL 32118
DAYTONA BEACH, FL 32118
ATLANTA, GA 30326
DAYTONA BEACH, FL 32115
PORT ORANGE, FL 32127
DELAND, FL 32720
DAYTONA BEACH, FL 32118
DAYTONA BEACH, FL 32118
MIAMI, FL 33155
OCALA, FL 34471
LAS VEGAS, NV 89102
DAYTONA BEACH, FL 32118
DAYTONA BEACH, FL 32124
DAYTONA BEACH, FL 32114
DAYTONA BEACH, FL 32118
DAYTONA BEACH, FL 32118

OVERLOOK AT DAYTONA DAYTONA BEACH Small Scale Comprehensive Plan Amendment

1. APPLICANT INFORMATION

1.1 Applicant Name and Address

Daytona Seabreeze, LLC
3424 Peachtree Road, Suite 300
Atlanta, GA 30326

1.2 Primary Contact for Applicant

Corey B. May
300 South Park Ave, Suite 200
Winter Park, FL 32789
Office: (813) 867-2606
Corey.may@cortland.com

With Copy to

Clayton Doolittle
300 South Park Ave, Suite 200
Winter Park, FL 32789
Office: (813) 867-2606
clayton.doolittle@cortland.com

3 Applicant's Authorized Representatives

Michael D. Chiumento, III, Esq.
Chiumento Law, PLLC
145 City Place, Suite 301
Palm Coast, FL 32164
Office: (386) 445-8900
Fax: (386) 445-6702
Michael3@legalteamforlife.com

2. Property Information

2.1 Nature of Applicant's Interest

The Applicant, Daytona Seabreeze, LLC, is requesting a Small Scale Comprehensive Plan Text Amendment (the "Amendment") to the Neighborhood B policies to allow for a greater density of development of the property described in Section 2.3 (the "Property").

2.2 Size of the Property and Survey

The size of the Property is 3.22 +/- acres. See the copy of the Survey attached as **Exhibit A**.

2.3 Legal Description

See the Legal Description and copies of Property Appraiser Information Cards and Warranty deed attached hereto as **Exhibit B**.

2.4 Parcel Identification Numbers

5305-01-04-0010
5305-01-03-0060

2.5 General Location

The Property is located at 100 and 101 Seabreeze Blvd., Daytona Beach, Florida 32118. See Location Map attached hereto as **Exhibit C**.

2.6 Access & Frontage

Street access and vehicular circulation is provided via public and private rights of way within the Property. The Property has frontage along Seabreeze Boulevard.

3. Land Use Information

3.1 Aerial Photography

See the attached **Exhibit D**

3.2 Existing Development

The Property is currently developed as a multi-family residential building, with associated ancillary structures such as parking and amenities. Further, the first floor of the two buildings currently erected on the Property are designated as commercial uses.

3.3 Current Zoning

Currently the zoning designation is PD-G. A copy of the existing zoning map is attached hereto as **Exhibit E**. Concurrently with this application, Applicant has submitted an application to amend the current PD agreement which governs the Property.

3.4 Future Land Use Map Designation

The current FLU designation is Retail. A copy of the current Future Land Use Map is attached hereto as **Exhibit F**.

3.5 Future Land Use Text Amendment

The existing FLU designation of Retail permits residential uses with densities that do not exceed 66 units per acre. In order to adequately accommodate the proposed development, the proposed FLU Element text amendment for Neighborhood B will incorporate an additional issue and policy limiting the density on the Property to 236 dwelling units, which amounts to approximately 74 dwelling units per acre.

Neighborhood B

(I) Issue: The 3.22 +/- acre property located at 100 and 101 Seabreeze Boulevard in the City of Daytona Beach, subject to the Overlook Residential Planned Unit Development Agreement (the "Property") is suitable for several uses including, but not limited to: multifamily development.

(1) Policy: The Property shall be limited to a maximum of 236 units (approximately 74 dwelling units per acre).

4. Consistency and Compatibility

4.1 Consistency with Plan Goals, Policies, and Objectives of the Daytona Beach Comprehensive Plan.

The proposed amendment is consistent with several of the Goals, Policies and Objectives of the Comprehensive Plan, as outlined below. This amendment will allow development with uses that are consistent and compatible with the surrounding area. In addition to these factors, the amendment is also consistent with the following provisions of the Daytona Beach Comprehensive Plan:

Future Land Use Element

Goal 1: To achieve a future land use pattern that provides for sufficient supply of land to meet growth demands ensures that land uses are located in a rational and efficient manner, and promotes economic development.

The parcel is located in an area of Daytona Beach with high rates of tourism and a need for additional housing infrastructure to provide for Daytona Beach's growing population while highlighting the City's world famous beaches. The market is oversaturated with hotels and similar developments, leaving a void of dynamic residential developments for individuals and families who live and work in the area. Creating the opportunity to develop the Property into one suitable for multi-family housing or other similar uses ensures a consistent and compatible future land use pattern that also provides for the increasing population in the area. Seabreeze Boulevard is located near a major economic area for Daytona Beach and encouraging multi-family housing will fulfill the need for additional residences. The proposed Amendment ensures compatibility with adjacent land uses.

Policy 1.2.1 The Land Development Code shall be maintained in a manner that will cause future major traffic generators to be located in close proximity to thoroughfares, which have the capacity to carry the additional traffic generated by such developments. All future rezoning shall be consistent with this policy.

This Amendment will locate the development within the thoroughfare of Seabreeze Boulevard which has adequate capacity to carry the traffic to be generated by the additional development.

Objective 1.5 Residential. The City shall maintain an adequate supply of residential land which will provide a wide range of housing opportunities. (***Ordinance #09-278***).

The Amendment meets Objective 1.5 by providing a development with the opportunity for numerous uses, including multi-family residential uses. The Property is currently developed with 227 multi-family dwellings located on the property. The commercial component of the Property is not utilized and has not been utilized. The addition of the nine (9) additional dwelling units contributes to the diversity of housing in Daytona Beach by offering a variety of housing options for residents.

Objective 1.5.4 The City shall continue to permit affordable and workforce housing (based on the type of construction and appearance criteria) in all residential areas of the City. The type of manufactured housing that is typically identified with the term "mobile home" shall be located in areas specifically and currently dominated by "mobile home use." (***Ordinance #09-278***).

The Amendment meets Objective 1.5.4 in that the Amendment allows up to nine (9) additional multi-family units to be constructed on the Property in lieu of the presently existing commercial space that is unutilized.

Objective 2.2 Uses Inconsistent with City's Character. Improve land values and upgrade uses incompatible with the community's character Citywide with highest priority placed on upgrading International Speedway Boulevard, Mason Avenue, Atlantic Avenue and Ridgewood Avenue.

Measurability shall be an increase in overall property assessment on International Speedway Boulevard (east of Nova Road) and on North Ridgewood Avenue. (*Ordinance #09-278*)

The Property is currently underutilized with respect to the first floor commercial that was originally proposed in the original PD agreement. The ability to create additional multi-family uses will allow the Property to achieve its highest and best use while also providing additional housing in this area.

Objective 2.3 Infrastructure. Adequate public water, sewer and drainage shall be provided for 100 percent of new developments; existing infrastructure deficiencies will be corrected to the extent that is financially feasible.

The Amendment will allow for new development to support the mixture of uses that surround the Property. The new development will include adequate public water, sewer, and drainage.

Policy 2.3.5 All requests for development shall be reviewed to ensure that the potential impact of the proposed development does not degrade water supply capacity and public facility capacity, and that the appropriate department and/or provider is notified. A building permit or development order shall not be granted if adequate capacity is not available. (*Ordinance #11-239*)

The potential impacts of the proposed development will not degrade the water supply capacity and public facility capacity.

Transportation Element (Traffic Section)

Objective 1.7 Future Land Use Controls: Maintain a land use pattern that supports and is compatible with the function of the roadway system that is designed to serve it. Higher trip generators are to be located adjacent to and at the intersections of arterial roadways with lower trip generators located adjacent to collector and local streets.

This Amendment will result in an ultimate decrease in PM Peak hour traffic than what is currently provided for under PD Agreement that is currently in place. Residential dwelling units produce a lower trip generation rate than a commercial use.

Housing Element

Objective 1.1 New Construction: Assist the private sector in providing the necessary additional housing units to support the planning horizon population projection.

Objective 1.1 seeks to ensure adequate housing exists to accommodate the projected increase in the Daytona Beach population. The Amendment conforms to this objective by allowing the construction of additional multi-family residential dwellings.

Policy 1.1.1. Utilize the Future Land Use Map and zoning map to assure a continued supply of vacant, underutilized, or redevelopable land designated for a diversity of housing types, including single-family, multi-family and manufactured housing.

The Amendment is consistent with Policy 1.1.1 by providing additional development of multi-family residential dwelling units. The Property is currently underutilized in connection with the currently permitted commercial uses on the first floor. Multi-family housing contributes to the diversity of housing in Daytona Beach by offering a variety of housing options for residents.

4.2 Consistency with Urban Sprawl Rule

Section 163.3177(6)(a)(9)(b), Florida Statutes, provides that plan amendments shall be determined to discourage the proliferation of urban sprawl if they incorporate a development pattern or urban form that achieves four or more of the following:

- (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

Response: The Amendment will allow for a multi-family residential development. The development will direct economic growth and the associated land development to an area that will complement the existing residential, retail, and commercial developments in the vicinity of the Property, thereby minimizing adverse impacts to natural resources and ecosystems.

- (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Response: The Property is located in an area where public infrastructure and services are available, thereby promoting the efficient and cost-effective provision of such infrastructure and services.

- (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

Response: The Amendment will allow for additional multi-family residential units on the Property. The development will provide a range of housing options and is centrally located in a connected area of Seabreeze Boulevard with accessible sidewalks, bike paths, cross walks, and other alternative transportation opportunities

that will promote these alternative modes of transportation to a mix of existing developments in the surrounding area.

- (IV) Promotes conservation of water and energy.

Response: The proximity of the Property to existing development will provide for an efficient integration of infrastructure and services to the additional development that will require less water and energy than developments in wholly undeveloped areas.

- (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

Response: N/A

- (VI) Preserves open space and natural lands and provides for public open space and recreation needs.

Response: The proposed additional development will incorporate the existing open space and recreation that is currently available on the Property. Therefore, no negative impact to open space and natural lands are expected.

- (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

Response: The proposed additional development of the Property will direct additional economic growth to the surrounding area and will further complement the existing commercial and retail developments in the vicinity of the Property.

- (VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

Response: The proposed additional development of the Property adds to the Property's currently existing innovative development pattern as the Property is situated nearby office buildings and tourist services facilities. The proximity of Property, and the proposed additional multifamily dwelling units provides for the furtherance of an existing transit-oriented development.

The proposed Amendment promotes a development pattern and urban form that achieves seven of the preceding eight general policies. Accordingly, the proposed Amendment exceeds the urban sprawl standards set forth in Section 163.3177(6)(a)(9)(b), Florida Statutes.

4.3 Land Use Compatibility Analysis

The proposed Amendment seeks to amend certain issues and policies within Neighborhood B of the Future Land Use Element of the Comprehensive Plan. The proposed Amendment will not negatively alter the character that exists in the area at the present time. The Amendment is intended to allow for improved planning and coordination for development of the Property. The primary use of the Property will be providing additional housing opportunities to residents of the City of Daytona Beach.

The additional uses contemplated by this Amendment and permitted through the future rezoning of the Property are consistent with the existing development in the vicinity of the Property. As further detailed in Section 5 below, the proposed Amendment allows the development of the Property in a manner consistent with the Comprehensive Plan. As the Amendment will not change the existing Future Land Use on the Property, the Amendment is consistent with the existing Future Land Use. For an overview of the existing Future Land Use, please refer to the existing Future Land Use map attached as **Exhibit F**.

5. Concurrency Analysis

5.1 Traffic Data and Analysis

Please see the attached **Exhibit H** traffic memorandum and parking analysis. **Exhibit H** was prepared by Luke Transportation Engineering Consultants. The parking analysis was prepared by Chiumento Law.

5.2 Sanitary Sewer Data and Analysis

5.2.1 Sewer Facilities

The City of Daytona Beach Bethune Point Water Reclamation Facility Waste Water Treatment Plant will accommodate the waste from this project is located at 101 Fremont Court. This plant has a capacity of 13 MGD. The current maximum monthly average annual daily flow over 12 months is 8.9 MGD.

5.2.2 Sanitary Sewer Demand from the Current FLUM Designation

The current sanitary sewer demand is calculated as follows using the Florida Administrative Code, Chapter 62-6.008 and the City of Daytona Beach recommended standards:

Table 5.2.2

Land Use	Area (AC)	Max Density (DU/AC)	Development Potential (units)	Max FAR	Development Potential (SF)	Estimated Flow (GPD)	Average Daily Flow (GPD)	Peak Daily Flow (GPD)
Retail	3.22	71	227	58	8,689	300/Unit 5/100 sq ft	68,100	204,300

1. Flow estimates per FAC 62-6.008
2. Max Density and FAR based on City of Daytona Beach Land Development Code

5.2.3 Sanitary Sewer Demand from the proposed FLUM Designation

Table 5.2.3A – Proposed FLUM Sanitary Sewer Demand

Land Use	Area (AC)	Max Density (DU/AC)	Development Potential (units)	Max FAR	Development Potential (SF)	Estimated Flow (GPD)	Average Daily Flow (GPD)	Peak Daily Flow (GPD)
Retail	3.22	74	236	58	0	300	70,800	212,400

1. Flow estimates per FAC 62-6.008 & City of Daytona Beach Utilities Department Standard Details, updated June 2022.

5.2.4 Change in Sanitary Sewer Usage

The proposed FLUM increases the average daily flow by 32,700 GPD or 0.0327 MGD. These calculations are preliminary and based on City of Daytona Beach Utilities Department Standards.

5.2.5 Impacts on LOS

The impact to the current level of service is minimal.

5.3 Potable Water Data Analysis

5.3.1 Potable Water Facilities

The City of Daytona Beach's Water Treatment Plant is located at 3651 LPGA Boulevard. The capacity of the plant is 24.0 MGD. The current maximum monthly average daily flow is 14.06 MGD.

5.3.2 Potable Water Demand from the Current FLUM Designation

Table 5.3.2 – Current FLUM Potable Water Demand

Land Use	Area (AC)	Max Density (DU/AC)	Development Potential (units)	Max FAR	Development Potential (SF)	Estimated Flow (GPD)	Average Daily Flow (GPD)	Peak Daily Flow (GPD)
Retail	3.22	71	227	58	8,689	300/Unit 5/100 sq ft	68,100	204,300

1. Flow estimates per FAC 62-6.008 & City of Daytona Beach Land Development Code
2. Max Density and FAR based on City of Daytona Beach Land Development Code

5.3.3 Potable Water Demand from the Proposed FLUM Designation

Table 5.3.3A – Proposed FLUM Potable Water Demand

Land Use	Area (AC)	Max Density (DU/AC)	Development Potential (units)	Max FAR	Development Potential (SF)	Estimated Flow (GPD)	Average Daily Flow (GPD)	Peak Daily Flow (GPD)
Retail	3.22	74	236	58	0	300	70,800	212,400

1. Flow estimates per FAC 62-6.008 & City of Daytona Beach Utilities Department Standard Details, updated June 2022.

5.3.4 Change in Potable Water Usage

The proposed FLUM increases the average daily flow by 32,700 GPD or 0.0327 MGD. These calculations are preliminary and based on City of Daytona Beach Utilities Department Standards.

5.3.5 Impacts on LOS

The impact on the current level of service is minimal.

5.4 Stormwater Data and Analysis

The subject Property consists of two previously developed parcels with 99% impervious surface. The current proposed site plan will not change the impervious surface area. As such, stormwater treatment and attenuation will remain as designed, and approved, for the proposed development.

5.5 Solid Waste Data and Analysis

The Solid Waste Disposal within the City of Daytona Beach is provided by Waste Management with a collection contract with Waste Pro. Waste Management has sufficient capacity to accommodate the proposed FLUM designation.

5.6 Wellfield Protection Zones

This site does not lie within any wellfield protection zones.

5.7 Reclaimed Water

Reclaimed water is not available at the subject site.

6. Environmental Analysis

6.1 Surface Water and Wetlands

The subject property is a previously developed site that does not contain wetlands or surface water features which are jurisdictional to the local and state regulatory agencies. See **Exhibits I and J** attached.

6.2 Vegetative Cover

The entire site was previously developed and is currently in compliance with the applicable land development code in effect at the time of development.

6.3 Flood Zone

Per FIRM Panel 12127C0357J, effective 9/29/2017, the site is located primarily within FEMA flood zone X, an area determined to be of minimal flood hazard. A small portion of the eastern boundary of the site is in flood zone AE (EL 5), areas subject to inundation by the 1-percent-annual-chance flood event with additional hazards due to storm-induced velocity wave action. See **Exhibit L** attached.

6.4 Listed Animal and Plant Species

There are no known listed animal or plant species located on the site and due to the site's urban location and currently developed state, none are anticipated.

7. Conclusion

The proposed amendment is consistent with the City of Daytona Comprehensive Plan as detailed herein. The amendment will permit the efficient integration of planning and management of the Property. The proposed amendment will ensure that the subsequent rezoning of the Property will not include any inconsistent uses with those currently anticipated throughout this area. The amendment will allow for the further development of a multi-family residential project in an appropriate location where it will be consistent with surrounding uses and the current existing uses.

EXHIBIT A

SURVEY

EXHIBIT B

PROPERTY APPRAISER INFORMATION CARDS AND DEED



Volusia County Property Appraiser
 123 W. Indiana Ave., Rm. 102
 DeLand, FL 32720
 Phone: (386) 736-5901 Web: vcpa.vcgov.org

Property Summary

Alternate Key: 3382811
Parcel ID: 530501040010
Township-Range-Section: 15 - 33 - 05
Subdivision-Block-Lot: 01 - 04 - 0010
Business Name: THE OVERLOOK AT DAYTONA
Owner(s): DAYTONA SEABREEZE LLC - FS - Fee Simple - 100%
Mailing Address On File: 3424 PEACHTREE RD NE #300
 ATLANTA GA 30326
Physical Address: 100 SEABREEZE BLVD, DAYTONA BEACH 32118
Building Count: 1
Living Units: 110
Neighborhood: 7006 - APARTMENT - 100+ UNITS
Subdivision Name:
Property Use: 0300 - MFR >10 UNITS
Tax District: 204-DAYTONA BEACH
2022 Final Millage Rate: 18.1733
Homestead Property: No
Agriculture Classification: No
Short Description: N 200 FT OF LOT 1 BLK 4 EAST DAYTONA PER OR 1652 PG 348 EXC
 R/W & EXC NEW R/W IN N 29.71 FT ON W/L PER OR 3480 PG 1316 P
 ER OR 5621 PG 3280-3289 PER OR 5854 PG 0001

Property Values

Tax Year:	2023 Working	2022 Final	2021 Final
Valuation Method:	1-Market Oriented Cost	1-Market Oriented Cost	1-Market Oriented Cost
Improvement Value:	\$10,645,164	\$9,373,495	\$7,808,116
Land Value:	\$1,368,000	\$1,710,000	\$1,567,500
Just/Market Value:	\$12,013,164	\$11,083,495	\$9,375,616

Working Tax Roll Values by Taxing Authority

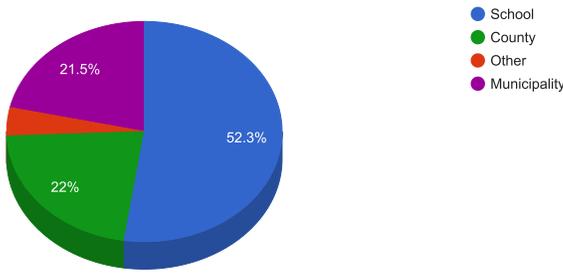
Values shown below are the 2023 WORKING TAX ROLL VALUES that are subject to change until certified. Millage Rates below that are used in the calculation of the Estimated Taxes are the 2022 FINAL MILLAGE RATES. The Just/Market listed below is not intended to represent the anticipated selling price of the property and should not be relied upon by any individual or entity as a determination of current market value.

Tax Authority	Just/Market Value	Assessed Value	Ex/10CAP	Taxable Value	Millage Rate	Estimated Taxes
0017 CAPITAL IMPROVEMENT	\$12,013,164	\$12,013,164	\$0	\$12,013,164	1.5000	\$18,019.75
0012 DISCRETIONARY	\$12,013,164	\$12,013,164	\$0	\$12,013,164	0.7480	\$8,985.85
0011 REQ LOCAL EFFORT	\$12,013,164	\$12,013,164	\$0	\$12,013,164	3.2340	\$38,850.57
0050 GENERAL FUND	\$12,013,164	\$4,800,047	\$7,213,117	\$4,800,047	4.8499	\$23,279.75
0055 LIBRARY	\$12,013,164	\$4,800,047	\$7,213,117	\$4,800,047	0.4635	\$2,224.82
0520 MOSQUITO CONTROL	\$12,013,164	\$4,800,047	\$7,213,117	\$4,800,047	0.1781	\$854.89
0530 PONCE INLET PORT AUTHORITY	\$12,013,164	\$4,800,047	\$7,213,117	\$4,800,047	0.0760	\$364.80
0058 VOLUSIA ECHO	\$12,013,164	\$4,800,047	\$7,213,117	\$4,800,047	0.2000	\$960.01
0057 VOLUSIA FOREVER	\$12,013,164	\$4,800,047	\$7,213,117	\$4,800,047	0.2000	\$960.01
0065 FLORIDA INLAND NAVIGATION DISTRICT	\$12,013,164	\$4,800,047	\$7,213,117	\$4,800,047	0.0320	\$153.60
0100 HALIFAX HOSPITAL AUTHORITY	\$12,013,164	\$4,800,047	\$7,213,117	\$4,800,047	0.8606	\$4,130.92
0060 ST JOHN'S WATER MANAGEMENT DISTRICT	\$12,013,164	\$4,800,047	\$7,213,117	\$4,800,047	0.1974	\$947.53
0210 DAYTONA BEACH	\$12,013,164	\$4,800,047	\$7,213,117	\$4,800,047	5.4300	\$26,064.26
0211 DAYTONA BEACH I&S 2004	\$12,013,164	\$4,800,047	\$7,213,117	\$4,800,047	0.2038	\$978.25
					18.1733	\$126,775.00

Non-Ad Valorem Assessments

Project	#Units	Rate	Amount
			Estimated Ad Valorem Tax: \$126,775.00
			Estimated Non-Ad Valorem Tax: \$0.00
			Estimated Taxes: \$126,775.00
			Estimated Tax Amount without SOH/10CAP © \$218,318.83

Where your tax dollars are going:



Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	County Exemptions	County Taxable	HX Savings
2022	\$1,710,000	\$9,373,495	\$11,083,495	\$4,363,679	\$0	\$4,363,679	\$0
2021	\$1,567,500	\$7,808,116	\$9,375,616	\$3,966,981	\$0	\$3,966,981	\$0
2020	\$1,567,500	\$7,598,823	\$9,166,323	\$3,606,346	\$0	\$3,606,346	\$0
2019	\$1,100,000	\$5,963,588	\$7,063,588	\$3,278,496	\$0	\$3,278,496	\$0
2018	\$990,000	\$5,008,488	\$5,998,488	\$2,980,451	\$0	\$2,980,451	\$0
2017	\$856,000	\$4,389,180	\$5,245,180	\$2,708,585	\$0	\$2,708,585	\$0
2016	\$856,000	\$3,998,520	\$4,854,520	\$2,462,350	\$0	\$2,462,350	\$0
2015	\$802,500	\$3,694,972	\$4,497,472	\$2,238,500	\$0	\$2,238,500	\$0
2014	\$574,467	\$1,460,533	\$2,035,000	\$2,035,000	\$0	\$2,035,000	\$0

Land Data

#	Land Use	Ag	Type	Units	Acres	Sq Feet	FF	Depth	Rate	Just Value
1	0300-MULTI FAM - OVER 10	N	U-UNIT	114					12,000	\$1,368,000
Total Land Value:										\$1,368,000

Building(s) - Commercial

Card (Bldg) #1

Structure Code:	B - REINFORCED CONCRETE	Base RCN	\$15,202,405
Class:	-	Percent Good	55.8 %
Grade:	300	Total RCNLD	\$8,482,946
Built / Effective Year:	1964 / 1990	Market (NBHD) Factor	1.25
Total / Business Area	141833 / 139753	Cost Value	\$10,603,683

Summary of Commercial Sections Data

Line #	From-To Floor	Section Finish	Stories	Area	Total Area	Business Area	Year Blt
1	01 -01	28C - PARKING GARAGE	1	29,103	29,103	29,103	
2	01 -01	03B - APARTMENT, GOOD QUALITY	1	462	462	462	
3	01 -01	FOP - PORCH, OPEN FINISHED	1	32	32	N/A	
4	01 -01	FOP - PORCH, OPEN FINISHED	1	32	32	N/A	
5	01 -01	FOP - PORCH, OPEN FINISHED	1	32	32	N/A	
6	01 -01	FOP - PORCH, OPEN FINISHED	1	32	32	N/A	
7	01 -01	FOP - PORCH, OPEN FINISHED	1	36	36	N/A	
8	01 -01	03B - APARTMENT, GOOD QUALITY	1	6,448	6,448	6,448	
9	01 -05	03B - APARTMENT, GOOD QUALITY	5	17,240	86,200	86,200	
10	01 -01	FOP - PORCH, OPEN FINISHED	1	72	72	N/A	
11	01 -01	FOP - PORCH, OPEN FINISHED	1	144	144	N/A	
12	01 -01	FOP - PORCH, OPEN FINISHED	1	60	60	N/A	
13	01 -01	FOP - PORCH, OPEN FINISHED	1	72	72	N/A	
14	01 -01	FOP - PORCH, OPEN FINISHED	1	60	60	N/A	
15	01 -01	FOP - PORCH, OPEN FINISHED	1	60	60	N/A	
16	01 -01	FOP - PORCH, OPEN FINISHED	1	72	72	N/A	
17	01 -01	FOP - PORCH, OPEN FINISHED	1	60	60	N/A	

3480 / 1316	1990073216	04/15/1990	WD-WARRANTY DEED	UNQUALIFIED	IMPROVED	\$5,000,000
3228 / 0530	1988152387	11/15/1988	WD-WARRANTY DEED	UNQUALIFIED	IMPROVED	\$5,300,000
3224 / 0222	1988148336	11/15/1988	WD-WARRANTY DEED	UNQUALIFIED	IMPROVED	\$100

ATTACHMENT "B"

Agenda Item #4.A.

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

Legal Description	Millage Group	Township-Range-Section	Subdivision-Block-Lot	Date Created
N 200 FT OF LOT 1 BLK 4 EAST DAYTONA PER OR 1652 PG 348 EXC R/W & EXC NEW R/W IN N 29.71 FT ON W/L PER OR 3480 PG 1316 PER OR 5621 PG 3280-3289 PER OR 5854 PG 0001	204	15 - 33 - 05	01 - 04 - 0010	28-DEC-81

Permit Summary

NOTE: Permit data does not originate from the Volusia County Property Appraiser's office. For details or questions concerning a permit, please contact the building department of the tax district in which the property is located.

Date	Number	Description	Amount
07/12/2021	C2107-038	CHANGE OUT INTERIOR PANEL & CIRCUIT BREAKERS W/NEW	\$0
06/18/2021	C2106-144	CHANGE OUT OF EXISTING SYSTEM UNIT 410	\$0
02/12/2021	C2102-060	CHANGE OUT INTERIOR PANEL & CIRCUIT BREAKERS W/NEW	\$1,995
06/12/2017	C1706-051	RENOVATION/REPAIRS - THE OVERLOOK - (EARLY START)	\$961,000
12/20/2016	C1612-123	REROOF	\$188,650
08/31/2012	20120831018	IMPACT CITY	\$0
05/15/2012	C1110-121	NEW RENTAL UNITS 120, 122, 135	\$93,000
07/08/2011	C1106-074	REDEVELOPMENT OF INTERIOR SPACER	\$80,000
03/18/2011	C1103-042	INTERIOR DEMO ONLY	\$2,600
05/16/2007	0705-076		\$0
05/16/2007	0705-077		\$0
04/25/2007	0704-137		\$0
02/13/2007	0702-082		\$0
11/06/2006	C0611-030		\$0
09/11/2006	0609-038		\$0
10/14/2004	043439		\$16,000
02/01/1989	890403	AWNINGS EGD/MCG/DLF	\$15,287
01/01/1988	880150	REROOF EBB/GSC/KC 050289	\$100,000
09/01/1985	851338	REPAIR DOORS	\$1,800



Volusia County Property Appraiser
 123 W. Indiana Ave., Rm. 102
 DeLand, FL 32720
 Phone: (386) 736-5901 Web: vcpa.vcgov.org

Property Summary

Alternate Key: 3382803
Parcel ID: 530501030060
Township-Range-Section: 15 - 33 - 05
Subdivision-Block-Lot: 01 - 03 - 0060
Business Name: THE OVERLOOK AT DAYTONA
Owner(s): DAYTONA SEABREEZE LLC - FS - Fee Simple - 100%
Mailing Address On File: 3424 PEACHTREE RD NE #300
 ATLANTA GA 30326
Physical Address: 101 SEABREEZE BLVD, DAYTONA BEACH 32118
Building Count: 1
Living Units: 108
Neighborhood: 7006 - APARTMENT - 100+ UNITS
Subdivision Name:
Property Use: 0300 - MFR >10 UNITS
Tax District: 204-DAYTONA BEACH
2022 Final Millage Rate: 18.1733
Homestead Property: No
Agriculture Classification: No
Short Description: S 12 FT OF LOT 5 & LOT 6 EXC PART IN ST BLK 3 EAST DAYTONA P
 ER OR 3480 PG 1316 PER OR 5621 PG 3280-3289 PER OR 5854 PG 0
 001

Property Values

Tax Year:	2023 Working	2022 Final	2021 Final
Valuation Method:	1-Market Oriented Cost	1-Market Oriented Cost	1-Market Oriented Cost
Improvement Value:	\$10,436,418	\$9,311,860	\$7,734,815
Land Value:	\$1,356,000	\$1,695,000	\$1,553,750
Just/Market Value:	\$11,792,418	\$11,006,860	\$9,288,565

Working Tax Roll Values by Taxing Authority

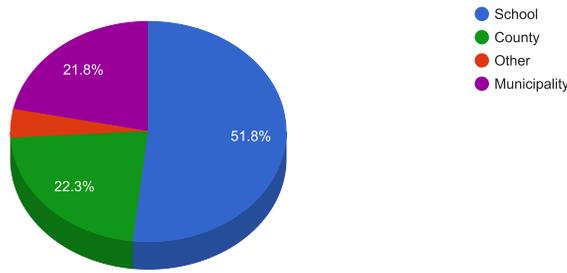
Values shown below are the 2023 WORKING TAX ROLL VALUES that are subject to change until certified. Millage Rates below that are used in the calculation of the Estimated Taxes are the 2022 FINAL MILLAGE RATES. The Just/Market listed below is not intended to represent the anticipated selling price of the property and should not be relied upon by any individual or entity as a determination of current market value.

Tax Authority	Just/Market Value	Assessed Value	Ex/10CAP	Taxable Value	Millage Rate	Estimated Taxes
0017 CAPITAL IMPROVEMENT	\$11,792,418	\$11,792,418	\$0	\$11,792,418	1.5000	\$17,688.63
0012 DISCRETIONARY	\$11,792,418	\$11,792,418	\$0	\$11,792,418	0.7480	\$8,820.73
0011 REQ LOCAL EFFORT	\$11,792,418	\$11,792,418	\$0	\$11,792,418	3.2340	\$38,136.68
0050 GENERAL FUND	\$11,792,418	\$4,824,015	\$6,968,403	\$4,824,015	4.8499	\$23,395.99
0055 LIBRARY	\$11,792,418	\$4,824,015	\$6,968,403	\$4,824,015	0.4635	\$2,235.93
0520 MOSQUITO CONTROL	\$11,792,418	\$4,824,015	\$6,968,403	\$4,824,015	0.1781	\$859.16
0530 PONCE INLET PORT AUTHORITY	\$11,792,418	\$4,824,015	\$6,968,403	\$4,824,015	0.0760	\$366.63
0058 VOLUSIA ECHO	\$11,792,418	\$4,824,015	\$6,968,403	\$4,824,015	0.2000	\$964.80
0057 VOLUSIA FOREVER	\$11,792,418	\$4,824,015	\$6,968,403	\$4,824,015	0.2000	\$964.80
0065 FLORIDA INLAND NAVIGATION DISTRICT	\$11,792,418	\$4,824,015	\$6,968,403	\$4,824,015	0.0320	\$154.37
0100 HALIFAX HOSPITAL AUTHORITY	\$11,792,418	\$4,824,015	\$6,968,403	\$4,824,015	0.8606	\$4,151.55
0060 ST JOHN'S WATER MANAGEMENT DISTRICT	\$11,792,418	\$4,824,015	\$6,968,403	\$4,824,015	0.1974	\$952.26
0210 DAYTONA BEACH	\$11,792,418	\$4,824,015	\$6,968,403	\$4,824,015	5.4300	\$26,194.40
0211 DAYTONA BEACH I&S 2004	\$11,792,418	\$4,824,015	\$6,968,403	\$4,824,015	0.2038	\$983.13
					18.1733	\$125,869.06

Non-Ad Valorem Assessments

Project	#Units	Rate	Amount
			Estimated Ad Valorem Tax: \$125,869.06
			Estimated Non-Ad Valorem Tax: \$0.00
			Estimated Taxes: \$125,869.06
			Estimated Tax Amount without SOH/10CAP © \$214,307.15

Where your tax dollars are going:



Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	County Exemptions	County Taxable	HX Savings
2022	\$1,695,000	\$9,311,860	\$11,006,860	\$4,385,468	\$0	\$4,385,468	\$0
2021	\$1,553,750	\$7,734,815	\$9,288,565	\$3,986,789	\$0	\$3,986,789	\$0
2020	\$1,553,750	\$7,532,509	\$9,086,259	\$3,624,354	\$0	\$3,624,354	\$0
2019	\$1,080,000	\$5,836,082	\$6,916,082	\$3,294,867	\$0	\$3,294,867	\$0
2018	\$972,000	\$4,907,717	\$5,879,717	\$2,995,334	\$0	\$2,995,334	\$0
2017	\$864,000	\$4,402,929	\$5,266,929	\$2,723,031	\$0	\$2,723,031	\$0
2016	\$864,000	\$4,013,878	\$4,877,878	\$2,475,483	\$0	\$2,475,483	\$0
2015	\$810,000	\$3,713,610	\$4,523,610	\$2,250,439	\$0	\$2,250,439	\$0
2014	\$554,400	\$1,491,454	\$2,045,854	\$2,045,854	\$0	\$2,045,854	\$0

Land Data

#	Land Use	Ag	Type	Units	Acres	Sq Feet	FF	Depth	Rate	Just Value
1	0300-MULTI FAM - OVER 10	N	U-UNIT	113					12,000	\$1,356,000
Total Land Value:										\$1,356,000

Building(s) - Commercial

Card (Bldg) #1

Structure Code:	B - REINFORCED CONCRETE	Base RCN	\$14,830,998
Class:	-	Percent Good	55.8 %
Grade:	300	Total RCNLD	\$8,275,698
Built / Effective Year:	1963 / 1990	Market (NBHD) Factor	1.25
Total / Business Area	142135 / 140361	Cost Value	\$10,344,623

Summary of Commercial Sections Data

Line #	From-To Floor	Section Finish	Stories	Area	Total Area	Business Area	Year Blt
1	01 -01	28C - PARKING GARAGE	1	29,103	29,103	29,103	
2	01 -01	11C - RETAIL STORE	1	7,171	7,171	7,171	
3	01 -01	FOP - PORCH, OPEN FINISHED	1	64	64	N/A	
4	01 -01	FOP - PORCH, OPEN FINISHED	1	32	32	N/A	
5	01 -01	FOP - PORCH, OPEN FINISHED	1	44	44	N/A	
6	01 -01	FOP - PORCH, OPEN FINISHED	1	66	66	N/A	
7	01 -01	FOP - PORCH, OPEN FINISHED	1	39	39	N/A	
8	01 -01	11D - LAUNDROMAT	1	420	420	420	
9	01 -01	FOP - PORCH, OPEN FINISHED	1	96	96	N/A	
10	01 -01	FOP - PORCH, OPEN FINISHED	1	192	192	N/A	
11	01 -01	FOP - PORCH, OPEN FINISHED	1	72	72	N/A	
12	01 -01	FOP - PORCH, OPEN FINISHED	1	144	144	N/A	
13	01 -01	FOP - PORCH, OPEN FINISHED	1	144	144	N/A	
14	01 -01	FOP - PORCH, OPEN FINISHED	1	144	144	N/A	
15	01 -01	FOP - PORCH, OPEN FINISHED	1	72	72	N/A	
16	01 -01	FOP - PORCH, OPEN FINISHED	1	72	72	N/A	
17	01 -01	FOP - PORCH, OPEN FINISHED	1	144	144	N/A	

3732 / 2615	1992035150	03/15/1992	QC-QUIT CLAIM DEED	UNQUALIFIED	IMPROVED	\$100
3480 / 1316	1990073216	04/15/1990	WD-WARRANTY DEED	UNQUALIFIED	IMPROVED	\$5,500,000
3228 / 0530	1988152387	11/15/1988	WD-WARRANTY DEED	UNQUALIFIED	IMPROVED	\$5,300,000
3224 / 0222	1988148336	11/15/1988	WD-WARRANTY DEED	UNQUALIFIED	IMPROVED	\$100

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

Legal Description	Millage Group	Township-Range-Section	Subdivision-Block-Lot	Date Created
S 12 FT OF LOT 5 & LOT 6 EXC PART IN ST BLK 3 EAST DAYTONA PER OR 3480 PG 1316 PER OR 5621 PG 3280-3289 PER OR 5854 PG 0001	204	15 - 33 - 05	01 - 03 - 0060	28-DEC-81

Permit Summary

NOTE: Permit data does not originate from the Volusia County Property Appraiser's office. For details or questions concerning a permit, please contact the building department of the tax district in which the property is located.

Date	Number	Description	Amount
12/02/2021	C2107-155	INSTALL NEW 2TON HVAC SYSTEM #401	\$0
09/18/2017	C1708-134	CONCRETE RESTORATION, WALKWAYS,DRIVEWAY AND GARAGE	\$213,000
06/29/2017	C1706-165	RENOVATION OVERLOOK NORTH TOWER	\$122,500
05/12/2017	C1705-078	DEMO COMMERCIAL SHED	\$10,000
11/16/2011	C1110-124	SCREEN WALL TO HIDE HCAV EQUIPMENT	\$2,500
09/06/2011	C1107-031	REPAIR FIRE DMGD WIRES TO HEAT & WATER HTR	\$0
08/12/2011	C1107-014	INTERIOR BULD OUT	\$59,000
03/17/2011	C1103-045	INTERIOR DEMO ONLY	\$2,000
01/31/2011	C1012-004	INT RENOVATIONS UNITS 145, 150 & 155	\$120,000
05/01/2008	0804-137	FIRE ALARM RENOVATION	\$2,500
04/30/2008	0702-084	ALTERATION	\$63,500
04/28/2008	0803-060	RENOVATION	\$21,000
04/18/2008	0802-083	SPRINKLER SYSTEM	\$42,000
02/05/2008	0711-051	COMM SWIMMING POOL	\$56,000
01/30/2008	0801-100	INTERIOR ALTERATION	\$48,800
09/15/2006	C0609-060	RENOVATION	\$315,000
07/28/2006	C0607-127		\$0
07/20/2006	C0607-086		\$0
07/12/2006	C0607-045		\$0
07/11/2006	C0607-039		\$0
12/22/1994	94-1760	ADDITIONS/ALTERATION	\$5,500
02/01/1989	890404	AWNINGS EGD/MCG/DLF	\$15,287
09/01/1985	851360	REPAIR DOORS	\$5,000
06/01/1983	830800	REPAIR TO GARAGE	\$7,600

 THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:

Joy P. Ewertz, Esq.
THE LAW OFFICES OF JOY P. EWERTZ, P.A.
37 North Orange Avenue, Suite 500
Orlando, FL 32801
(407) 481-0966

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made and executed this 26 day of May, 2006, by SEABREEZE DAYTONA, LLC a Florida limited liability company, whose mailing address is 1575 Northside Drive Building 100, Suite 200, Atlanta, Georgia 30318 (hereinafter referred to as the "Grantor") to DAYTONA SEABREEZE, LLC, a Florida limited liability company, whose mailing address 688 Florida Central Parkway, Longwood, Florida 32752 (hereinafter referred to as the "Grantee"):

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, partnerships [including joint ventures], public bodies and quasi-public bodies.)

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee all that certain land situate in Volusia County, Florida, more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter referred to as the "Property").

Tax Parcel ID Nos.: 5305-01-03-0050
5305-01-03-0060
5305-01-04-0010

TOGETHER with all of the Grantor's interest in and to all tenements, hereditaments, easements and appurtenances, including riparian rights, if any, belonging or in anywise appertaining to the Property.

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

AND the Grantor hereby covenants with and warrants to the Grantee that the Grantor is lawfully seized of the Property in fee simple; that the Grantor has good right and lawful authority to sell and convey the Property; the Grantor hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through and under Grantor; and that the Property is free and clear of all encumbrances except for taxes for 2006 and subsequent years, and encumbrances, easements, restrictions, reservations of record, and all matters that would be discovered by a physical

inspection of the Property or by a current and accurate survey of the Property; provided, however, that the reference herein shall not act to reimpose the same.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name, by its proper officer thereunto duly authorized, on the day and year first above written.

Signed, sealed and delivered
in the presence of:

[Signature]
Signature
Jessie Wright
Print/Type Name

[Signature]
Signature
Robert H. West
Printed/Typed Name

SEABREEZE DAYTONA, LLC,
a Florida limited liability company

By: JLC Suncoast Realty II, LLC,
a Georgia limited liability
company, its sole member

By: [Signature]
Name: Lee Walker
Its: Manager

STATE OF Georgia)
COUNTY OF Fulton)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared Lee Walker as Manager of JLC Suncoast Realty II, LLC, a Georgia limited liability company, the sole member of **SEABREEZE DAYTONA, LLC**, a Florida limited liability company, and that he/she acknowledged executing the same on behalf of said company, and in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in him/her by said company.

WITNESS my hand and official seal in the County and State last aforesaid this day of May, 2006.

[Signature]
Notary Signature
Amy K. Wall
Print Name



EXHIBIT "A"

PARCEL 1:

LOT 6, AND THE SOUTHERLY 12 FEET OF LOT 5, BLOCK 3, EAST DAYTONA, AS PER MAP RECORDED IN MAP BOOK 2, PAGE 106, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPT THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6, AND THENCE GO WESTERLY ALONG THE NORTHERLY LINE OF SEABREEZE BOULEVARD, A DISTANCE OF 50.03 FEET TO A POINT, SAID POINT BEING THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 50 FEET; THENCE EASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 73.57 FEET TO A POINT IN THE WESTERLY LINE OF HALIFAX AVENUE, SAID POINT BEING THE POINT OF TANGENCY OF AFORESAID CURVE; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF HALIFAX AVENUE, A DISTANCE OF 50.03 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

COMMENCE AT THE NORTHEAST CORNER OF BLOCK 4, EAST DAYTONA, AS THE SAME APPEARS IN MAP BOOK 2, PAGE 106, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE SOUTH 67 DEGREES 40 MINUTES 47 SECONDS WEST ALONG THE SOUTHERLY LINE OF SEABREEZE BOULEVARD, A DISTANCE OF 49.97 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 67 DEGREES 40 MINUTES 47 SECONDS WEST ALONG THE SOUTHERLY LINE OF SEABREEZE BOULEVARD A DISTANCE OF 274.57 FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF SEABREEZE BRIDGE CAUSEWAY; THENCE SOUTH 22 DEGREES 19 MINUTES 13 SECONDS EAST ALONG THE SAID EASTERLY CAUSEWAY RIGHT-OF-WAY LINE A DISTANCE OF 70 FEET TO A POINT; THENCE SOUTH 67 DEGREES 40 MINUTES 47 SECONDS WEST, A DISTANCE OF 81.55 FEET TO A POINT; THENCE SOUTH 22 DEGREES 19 MINUTES 13 SECONDS WEST, A DISTANCE OF 50 FEET TO A POINT; THENCE WESTERLY AND PARALLEL TO THE CENTER LINE OF SAID CAUSEWAY SIX FEET, MORE OR LESS, TO THE PRESENT EASTERLY SHORE LINE OF THE HALIFAX RIVER; THENCE SOUTHEASTERLY ALONG THE EASTERLY SHORE LINE OF THE HALIFAX RIVER TO A POINT WHICH IS 200 FEET SOUTHERLY MEASURED FROM AND AT A RIGHT ANGLE TO THE NORTH LINE OF SAID BLOCK 4; THENCE NORTH 67 DEGREES 40 MINUTES 47 SECONDS EAST AND PARALLEL TO THE NORTH LINE OF SAID BLOCK 4 A DISTANCE OF 372.7 FEET, MORE OR LESS, TO A POINT IN THE WESTERLY LINE OF NORTH HALIFAX AVENUE; THENCE NORTH 22 DEGREES 22 MINUTES 13 SECONDS WEST ALONG THE WESTERLY LINE OF SAID NORTH HALIFAX AVENUE, A DISTANCE OF 150.03 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 50 FEET; THENCE WESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 78.51 FEET TO THE POINT OF BEGINNING.

LESS THAT PORTION TAKEN FOR RIGHT-OF-WAY DESCRIBED AS FOLLOWS:

COMMENCE AT A 3/4 INCH IRON PIPE MARKING THE SOUTHWEST CORNER OF LOT 13, BLOCK 5, RESUBDIVISION OF BLOCK 5, EAST DAYTONA, AS RECORDED IN MAP BOOK 2, PAGE 102, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 22 DEGREES 27 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF HALIFAX AVENUE, 214.41 FEET TO THE INTERSECTION OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 3B, ASSESSOR'S SUBDIVISION AS RECORDED IN MAP BOOK 3, PAGE 138, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE SOUTH 67 DEGREES 40 MINUTES 05 SECONDS WEST ALONG SAID EASTERLY EXTENSION, 59.08 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 3B; THENCE NORTH 22 DEGREES 24 MINUTES 55 SECONDS WEST ALONG THE WEST LINE OF HALIFAX AVENUE, 695.74 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 67 DEGREES 34 MINUTES 38 SECONDS WEST, 40.46 FEET TO THE POINT OF INTERSECTION WITH A NONTANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 43.50 FEET, AND A CHORD BEARING SOUTH 76 DEGREES 50 MINUTES 19 SECONDS WEST; THENCE SOUTHWESTERLY

ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18 DEGREES 16 MINUTES 47 SECONDS, A DISTANCE OF 13.88 FEET; THENCE SOUTH 67 DEGREES 41 MINUTES 56 SECONDS WEST, 32.57 FEET TO THE POINT OF INTERSECTION WITH A TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 129.50 FEET, AND A CHORD BEARING SOUTH 61 DEGREES 23 MINUTES 50 SECONDS WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12 DEGREES 36 MINUTES 12 SECONDS, A DISTANCE OF 28.49 FEET; THENCE SOUTH 55 DEGREES 05 MINUTES 44 SECONDS WEST, 15.54 FEET TO THE POINT OF INTERSECTION WITH A TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 170.50 FEET, AND A CHORD BEARING SOUTH 61 DEGREES 33 MINUTES 35 SECONDS WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12 DEGREES 55 MINUTES 41 SECONDS, A DISTANCE OF 38.47 FEET; THENCE SOUTH 68 DEGREES 01 MINUTES 25 SECONDS WEST, 133.13 FEET TO THE POINT OF INTERSECTION WITH A TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1883.32 FEET, AND A CHORD BEARING SOUTH 67 DEGREES 29 MINUTES 32 SECONDS WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01 DEGREES 03 MINUTES 46 SECONDS, A DISTANCE OF 34.94 FEET TO THE EXISTING EASTERLY RIGHT-OF-WAY LINE AS RECORDED IN DEED BOOK 412, PAGE 200, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 22 DEGREES 16 MINUTES 08 SECONDS WEST ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE, 27.12 FEET TO THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 430; THENCE NORTH 67 DEGREES 15 MINUTES 38 SECONDS EAST ALONG SAID EXISTING SOUTHERLY RIGHT-OF-WAY LINE, 274.25 FEET TO THE POINT OF INTERSECTION WITH A TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 50.00 FEET, AND A CHORD BEARING SOUTH 67 DEGREES 34 MINUTES 38 SECONDS EAST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90 DEGREES 19 MINUTES 27 SECONDS, A DISTANCE OF 78.82 FEET TO THE CURVE'S END, AND THE POINT OF BEGINNING.

LEGAL DESCRIPTION - DIPLOMAT NORTH PARCEL 1A:

THAT CERTAIN PARCEL OF LANDS LYING WITHIN THE WESTERLY PROJECTION OF THE NORTHERLY LINE OF THE SOUTHERLY 12.00 FEET OF LOT 5 AND THE SOUTHERLY LINE OF LOT 6, BLOCK 3, EAST DAYTONA, AS PER MAP OR PLAT OF RECORD IN MAP BOOK 2, AT PAGE 106, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE COMMENCE AT THE SOUTHEASTERLY CORNER OF SAID LOT 6; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 6 AND/OR THE NORTHERLY RIGHT-OF-WAY LINE OF SEABREEZE BOULEVARD (FORMERLY OCEAN BOULEVARD, A 60 FOOT RIGHT-OF-WAY) SOUTH 67 DEGREES 40 MINUTES 47 SECONDS WEST, 270.00 FEET TO A POINT MARKING THE SOUTHWESTERLY CORNER OF SAID LOT 6 AS PER SAID MAP OR PLAT OF EAST DAYTONA AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED LANDS; THENCE CONTINUE SOUTH 67 DEGREES 40 MINUTES 47 SECONDS WEST ALONG THE WESTERLY PROJECTION OF THE SOUTHERLY LINE OF SAID LOT 6, BLOCK 3, 54.51 FEET; THENCE NORTH 22 DEGREES 19 MINUTES 13 SECONDS WEST ALONG THE EASTERLY LINE OF THAT CERTAIN STATE ROAD RIGHT-OF-WAY AS DESCRIBED IN DEED BOOK 412, AT PAGES 197 THRU 202, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, 70.00 FEET; THENCE SOUTH 67 DEGREES 40 MINUTES 47 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID STATE ROAD RIGHT-OF-WAY, 81.6 FEET; THENCE NORTH 22 DEGREES 19 MINUTES 13 SECONDS WEST ALONG SAID STATE ROAD RIGHT-OF-WAY 42.00 FEET; THENCE NORTH 67 DEGREES 40 MINUTES 47 SECONDS EAST ALONG THE WESTERLY PROJECTION OF THE NORTHERLY LINE OF THE SOUTHERLY 12.00 FEET OF SAID LOT 5, 140.00 FEET MORE OR LESS; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOTS 5 & 6, 112.1 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION - DIPLOMAT SOUTH PARCEL 2A:

THAT CERTAIN PARCEL OF LANDS LYING WESTERLY OF BLOCK 4, EAST DAYTONA, AS PER MAP OR PLAT OF RECORD IN MAP BOOK 2, AT PAGE 106, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY,

FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE COMMENCE AT THE NORTHEASTERLY CORNER OF SAID BLOCK 4; THENCE SOUTH 67 DEGREES 40 MINUTES 45 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SEABREEZE BOULEVARD (FORMERLY OCEAN BOULEVARD, A 60 FOOT RIGHT-OF-WAY) AS PER SAID MAP OR PLAT OF EAST DAYTONA, 49.97 FEET, THENCE CONTINUE SOUTH 67 DEGREES 40 MINUTES 47 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID SEABREEZE BOULEVARD, 274.57 FEET; THENCE SOUTH 22 DEGREES 19 MINUTES 13 SECONDS EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THAT CERTAIN STATE ROAD RIGHT-OF-WAY AS DESCRIBED IN DEED BOOK 412, AT PAGES 197 THRU 202, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, 70 FEET; THENCE SOUTH 67 DEGREES 40 MINUTES 47 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID STATE ROAD RIGHT-OF-WAY, 81.55 FEET; THENCE SOUTH 22 DEGREES 19 MINUTES 13 SECONDS EAST ALONG SAID STATE ROAD RIGHT-OF-WAY, 50.00 FEET; THENCE SOUTHWESTERLY ALONG SAID STATE ROAD RIGHT-OF-WAY LINE BEING THE ARC OF A CURVE CONCAVE TO THE LEFT HAVING A RADIUS OF 1282.69 FEET, AN ARC LENGTH OF 6.00 FEET MORE OR LESS TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED LANDS; THENCE SOUTHEASTERLY 87.2 FEET MORE OR LESS TO A POINT 200.00 FEET SOUTHERLY OF AS MEASURED PERPENDICULAR TO THE NORTHERLY LINE OF SAID BLOCK 4, SAID POINT ALSO BEING 372.7 FEET WESTERLY OF THE WESTERLY RIGHT-OF-WAY LINE OF HALIFAX AVENUE (A 60 FOOT RIGHT-OF-WAY) AS PER SAID MAP OR PLAT OF EAST DAYTONA; THENCE SOUTH 67 DEGREES 40 MINUTES 47 SECONDS WEST PARALLEL TO AND 200.00 FEET SOUTHERLY OF THE NORTHERLY LINE OF SAID BLOCK 4, 96.23 FEET MORE OR LESS; THENCE NORTHWESTERLY ALONG THE WESTERLY EDGE OF A CONCRETE SEAWALL AND/OR THE MEAN HIGH WATER LINE OF THE HALIFAX RIVER, 84.00 FEET MORE OR LESS TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT OF SAID STATE ROAD RIGHT-OF-WAY AS DESCRIBED IN DEED BOOK 412, AT PAGES 197 THRU 202, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT HAVING A RADIUS OF 1282.69 FEET, AN ARC LENGTH OF 87.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION PER O. R. 4278, PAGE 1242

PARCEL NO. 4A (NORTH)

A PORTION OF PARCEL 114 AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 79220-2510, AND RECORDED IN OFFICIAL RECORDS BOOK 3883, PAGE 991, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID PORTION LYING WITHIN THE AREA, AS DESCRIBED IN "RESOLUTION AUTHORIZING THE COUNTY OF VOLUSIA AND THE DAYTONA BEACH SPECIAL ROAD AND BRIDGE DISTRICT TO CONVEY BACK TO THE STATE OF FLORIDA AND THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND A PORTION OF SEABREEZE BRIDGE RIGHT-OF-WAY NO LONGER NEEDED FOR BRIDGE PURPOSES" AS RECORDED IN COUNTY COMMISSIONERS MINUTE BOOK 38, PAGE 455, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

DESCRIBED AS FOLLOW:

COMMENCE AT A ¾ INCH IRON PIPE MARKING THE SOUTHWEST CORNER OF LOT 13, BLOCK 5, RESUBDIVISION OF BLOCK 3, EAST DAYTONA, AS RECORDED IN MAP BOOK 2, PAGE 102, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 22 DEGREES 27 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF HALIFAX AVENUE, 214.41 FEET TO THE INTERSECTION OF THE EASTERLY EXTENSION OF THE SOUTH LINE LOT 3B, ASSESSOR'S SUBDIVISION AS RECORDED IN MAP BOOK 3, PAGE 138, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE SOUTH 67 DEGREES 40 MINUTES 05 SECONDS WEST ALONG SAID EASTERLY EXTENSION 59.08 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 3B; THENCE NORTH 22 DEGREES 24 MINUTES 55 SECONDS WEST ALONG THE WEST LINE OF HALIFAX AVENUE 695.74 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 50.00 FEET, AND A CHORD BEARING OF NORTH 67 DEGREES 34 MINUTES 38 SECONDS WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL

ANGLE OF 90 DEGREES 19 MINUTES 27 SECONDS, A DISTANCE OF 78.82 FEET TO THE END OF SAID CURVE, BRING ON THE SOUTHERLY EXISTING RIGHT-OF-WAY LINE OF STATE ROAD 430; THENCE SOUTH 67 DEGREES 15 MINUTES 38 SECONDS WEST ALONG SAID RIGHT OF WAY OF LINE, 274.25 FEET TO EASTERLY EXISTING RIGHT OF WAY LINE OF PARCEL 114, SECTION 79220-2510, AS DESCRIBED IN D. B. 412, PAGE 200 AND O.R. BOOK 3883, PAGE 991, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 22 DEGREES 16 MINUTES 08 SECONDS WEST ALONG SAID EASTERLY EXISTING RIGHT OF WAY LINE 60.03 FEET TO A POINT ON THE NORTHERLY EXISTING RIGHT OF WAY LINE OF SAID STATE ROAD 430; THENCE CONTINUE NORTH 22 DEGREES 16 MINUTES 08 SECONDS WEST, ALONG SAID EASTERLY EXISTING RIGHT OF WAY LINE, 4.50 FEET TO THE POINT OF BEGINNING, THENCE ALONG A LINE 9 FEET FROM AND PARALLEL WITH THE BRIDGE APPROACH RETAINING WALL SOUTH 67 DEGREES 19 MINUTES 55 SECONDS WEST, 220.77 FEET TO AN EXISTING SEAWALL: THENCE ALONG SAID SEAWALL THE FOLLOWING THREE (3) COURSES AND DISTANCES: NORTH 27 DEGREES 56 MINUTES 29 SECONDS WEST 12.55 FEET; THENCE NORTH 14 DEGREES 42 MINUTES 24 SECONDS EAST 109.67 FEET; THENCE NORTH 20 DEGREES 00 MINUTES 21 SECONDS EAST 10.40 FEET TO A SOUTHWESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 12 FEET OF LOT 5, BLOCK 3, EAST DAYTONA AS RECORDED IN MAP BOOK 2, PAGE 106, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 67 DEGREES 15 MINUTES 38 SECONDS EAST ALONG SAID EXTENSION 67.45 FEET TO SAID EASTERLY EXISTING RIGHT OF WAY LINE OF PARCEL 114; THENCE ALONG SAID EASTERLY EXISTING RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES: SOUTH 22 DEGREES 16 MINUTES 08 SECONDS EAST 41.33 FEET; THENCE NORTH 67 DEGREES 43 MINUTES 52 SECONDS EAST 81.60 FEET; THENCE SOUTH 22 DEGREES 16 MINUTES 08 SECONDS EAST 65.50 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION PER O. R. 4278, PAGE 1248:

PARCEL NO. 14A (SOUTH)

A PORTION OF PARCEL 114 AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 79220-2510, AND RECORDED IN OFFICIAL RECORDS BOOK 3883, PAGE 991, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID PORTION LYING WITHIN THE AREA AS DESCRIBED IN "RESOLUTION AUTHORIZING THE COUNTY OF VOLUSIA AND THE DAYTONA BEACH SPECIAL ROAD AND BRIDGE DISTRICT TO CONVEY BACK TO THE STATE OF FLORIDA AND THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND A PORTION OF THE SEABREEZE BRIDGE RIGHT OF WAY NO LONGER NEEDED FOR BRIDGE PURPOSES" AS RECORDED IN COUNTY COMMISSIONERS MINUTE BOOK 39, PAGE 81, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

DESCRIBED AS FOLLOWS:

COMMENCE AT A ¾ INCH IRON PIPE MARKING THE SOUTHWEST CORNER OF LOT 13, BLOCK 5, RESUBDIVISION OF BLOCK 5, EAST DAYTONA, AS RECORDED IN MAP BOOK 2, PAGE 102, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 22 DEGREES 27 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF HALIFAX AVENUE, 214.41 FEET TO THE INTERSECTION OF THE EASTERLY EXTENSION OF THE SOUTH LINE LOT 3B, ASSESSOR'S SUBDIVISION AS RECORDED IN MAP BOOK 3, PAGE 138, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE SOUTH 67 DEGREES 40 MINUTES 05 SECONDS WEST ALONG SAID EASTERLY EXTENSION 59.08 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 3B; THENCE NORTH 22 DEGREES 24 MINUTES 55 SECONDS WEST ALONG THE WEST LINE OF HALIFAX AVENUE 695.74 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 50.00 FEET, AND CHORD BEARING OF NORTH 67 DEGREES 34 MINUTES 38 SECONDS WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90 DEGREES 19 MINUTES 27 SECONDS, A DISTANCE OF 78.82 FEET TO THE END OF SAID CURVE, BEING ON THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF STATE ROAD 430; THENCE SOUTH 67 DEGREES 15 MINUTES 38 SECONDS WEST ALONG SAID RIGHT OF WAY LINE, 274.25 FEET TO EASTERLY EXISTING RIGHT OF WAY LINE OF PARCEL 114, SECTION 79220-2510, AS DESCRIBED IN

D.B. 412, PAGE 200 AND O. R BOOK 3383, PAGE 991, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE CONTINUE SOUTH 67 DEGREES 15 MINUTES 38 SECONDS WEST 81.55 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1402.39 FEET AND A CHORD BEARING OF SOUTH 64 DEGREES 33 MINUTES 20 SECONDS WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 24 MINUTES 36 SECONDS A DISTANCE OF 132.42 FEET TO AN EXISTING SEAWALL FOR THE END OF SAID CURVE; THENCE ALONG SAID SEAWALL THE FOLLOWING TWO (2) COURSES AND DISTANCES SOUTH 27 DEGREES 56 MINUTES 29 SECONDS EAST 16.48 FEET; THENCE SOUTH 43 DEGREES 37 MINUTES 49 SECONDS EAST 13.23 FEET TO THE SOUTHERLY LIMITS OF CONSTRUCTION LINE AS SHOWN ON SAID RIGHT OF WAY MAP SECTION 79220-2510 AND THE POINT OF BEGINNING; THENCE ALONG SAID LIMITS OF CONSTRUCTION LINE FOR THE FOLLOWING TWO (2) COURSES AND DISTANCE: NORTH 74 DEGREES 19 MINUTES 58 SECONDS EAST 46.95 FEET; THENCE NORTH 64 DEGREES 03 MINUTES 17 SECONDS EAST 160.96 FEET TO SAID EASTERLY EXISTING RIGHT OF WAY LINE OF PARCEL 114; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING FOUR (4) COURSES AND DISTANCES: SOUTH 22 DEGREES 16 MINUTES 08 SECONDS EAST 38.20 FEET; THENCE SOUTH 67 DEGREES 43 MINUTES 52 SECONDS WEST 81.60 FEET; THENCE SOUTH 22 DEGREES 16 MINUTES 08 SECONDS EAST 50.00 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1282.69 FEET AND A CHORD BEARING OF SOUTH 65 DEGREES 40 MINUTES 44 SECONDS WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04 DEGREES 06 MINUTES 16 SECONDS, A DISTANCE OF 91.88 FEET TO SAID EXISTING SEAWALL; THENCE NORTH 43 DEGREES 37 MINUTES 49 SECONDS WEST ALONG SAID SEAWALL 92.96 FEET TO THE POINT OF BEGINNING.

AND

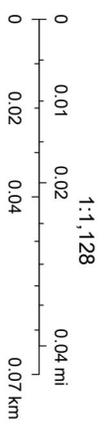
THE SOUTH 35 FEET OF LOT 4, BLOCK 3, AND THE NORTH 88 FEET OF LOT 5, BLOCK 3, EAST DAYTONA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 106, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

EXHIBIT C
LOCATION MAP

Volusia County Property Appraiser



3/20/2023, 6:20:45 PM
Parcel

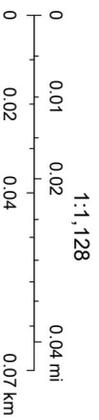


Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N
 Robinson, NCEAS, NLS, OS, NMA, Geodatasystemen,
 Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the
 GIS user community, Esri Community Maps Contributors,

Volusia County Property Appraiser



3/20/2023, 6:20:00 PM
Parcel



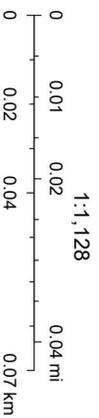
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasystem, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors,

EXHIBIT D
AERIAL MAP

Volusia County Property Appraiser



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Parcel

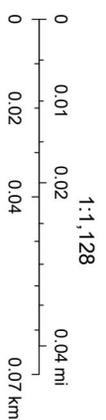


Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasystem, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors,

Volusia County Property Appraiser



3/20/2023, 6:20:00 PM
Parcel



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasystem, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors,

EXHIBIT E

EXISTING ZONING MAP

New

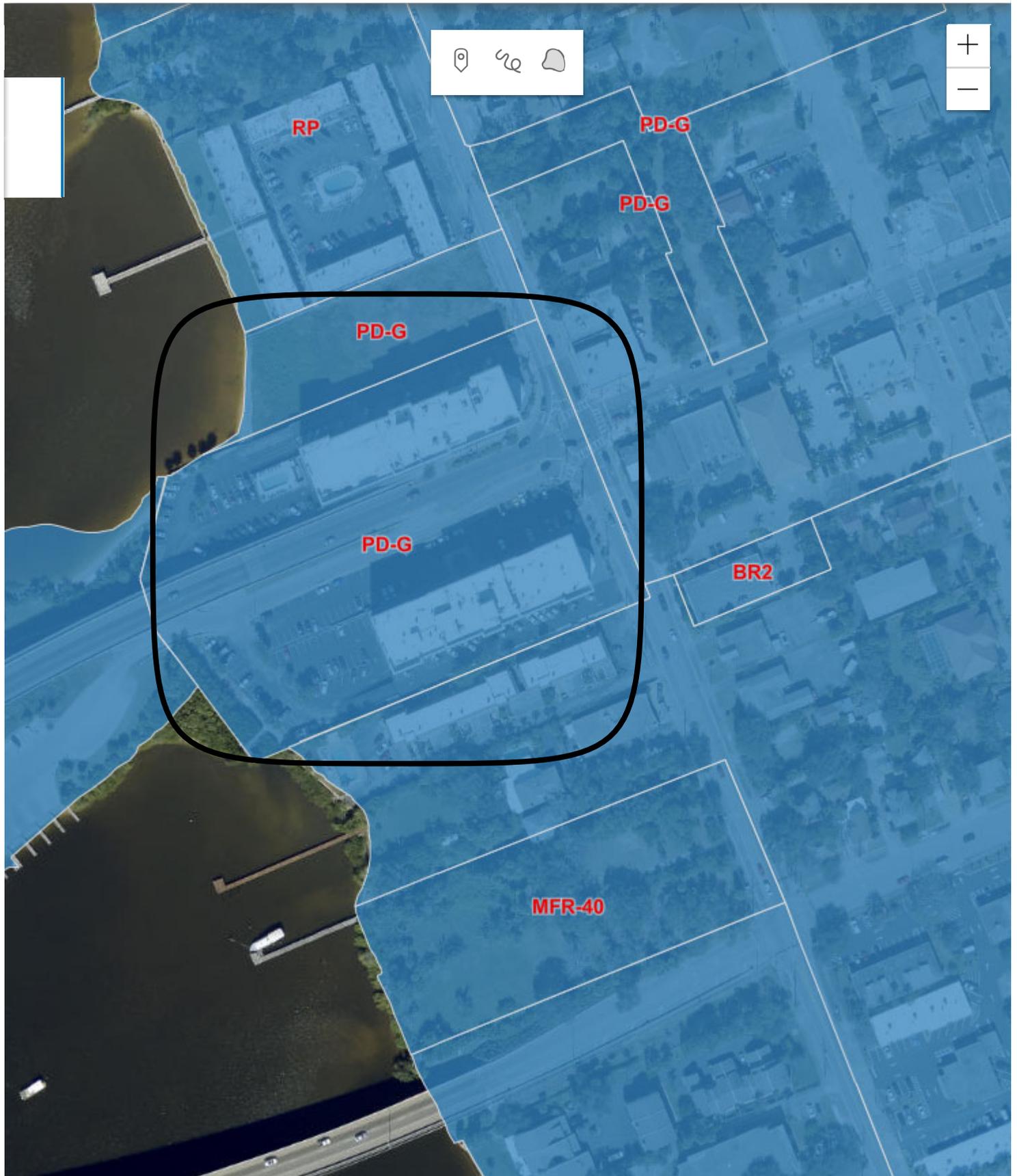


EXHIBIT F

EXISTING FUTURE LAND USE MAP

Zoning and Planning

The City of Daytona Beach homepage   

- Current Zoning
- Future Land Use
- Redevelopment Zones
- Development Reviews
- Aerials

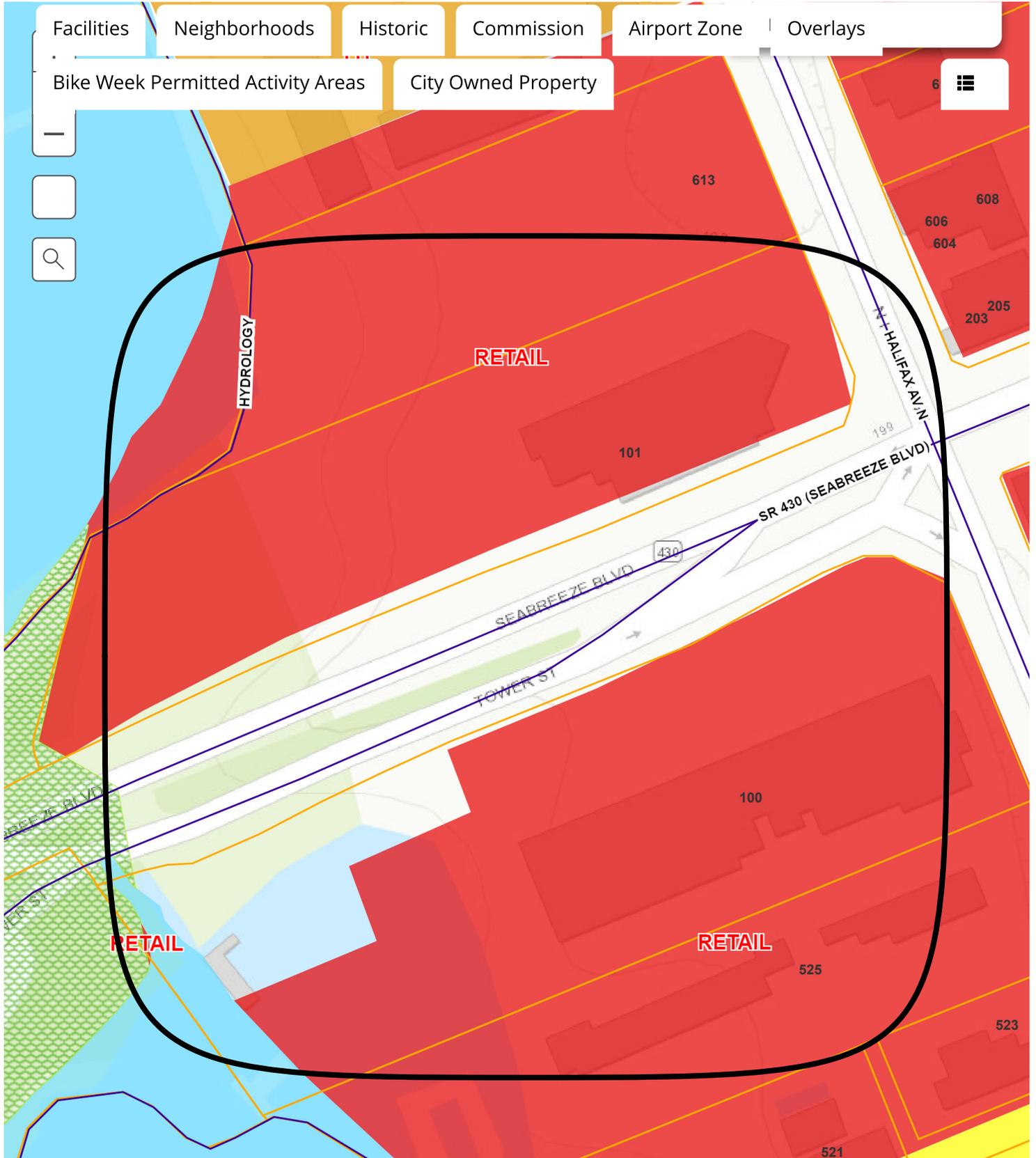


EXHIBIT G

PROPOSED FUTURE LAND USE MAP

Zoning and Planning

The City of Daytona Beach homepage   

Current Zoning Future Land Use Redevelopment Zones Development Reviews Aerials

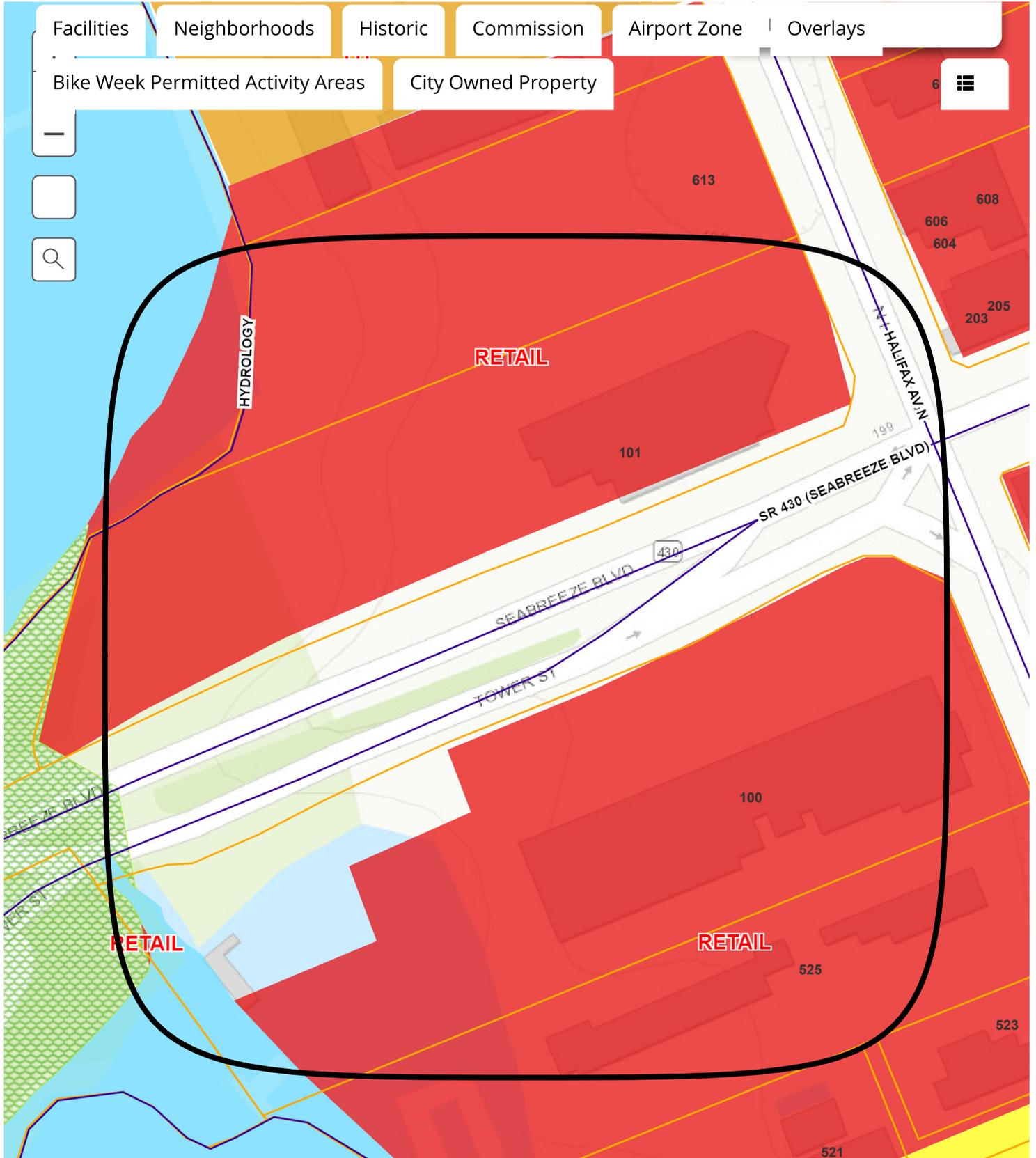


EXHIBIT H

TRANSPORTATION MEMO AND PARKING ANALYSIS

MEMORANDUM

TO: Julian Lemon
FROM: J. Anthony Luke, P.E.
DATE: January 16, 2023
RE: Overlook Daytona, Daytona Beach, Florida
Trip Generation Comparison for Proposed Land Use Conversion (LTEC #23-0301)

This summarizes a comparison of the trip generation characteristics for the existing and proposed land use conversion for a portion of the existing Overlook at Daytona development. The Overlook Daytona site is located at 100 Seabreeze Boulevard in Daytona Beach, Florida, near the intersection of Seabreeze Boulevard & North Halifax Avenue. The Overlook Daytona development contains 227 existing apartment units and includes limited amount of retail space that is currently unused. The Overlook Daytona owner proposes to convert the limited, unused retail space (7,879 square feet) to nine (9) apartment units. The approach and assumptions used to prepare this trip generation comparison was discussed over a 12/19/22 virtual meeting with Dennis Mrozek and Jim Morris (City staff).

For comparison, the standards from the trip generation formulas for Multi-Family Mid-rise Housing (Land Use Code/LUC 221) and Strip Retail Plaza, <40k sq ft (LUC 822) from the Institute of Transportation Engineers (ITE) Trip Generation Report (11th Edition). The attached Table 1 provides a comparison of the weekday daily and PM peak hour trips for the "before" use of retail space (7,879 square feet) and the "after" use of nine (9) apartment units.

As shown, the proposed Overlook at Daytona land use conversion is estimated to result in a reduction of trips over the daily and peak hour conditions:

Retail Use

Daily Trip Generation: 429 trips
P.M. Peak Hour Trip Generation: 52 trips

Apartments Use

Daily Trip Generation: 43 trips
P.M. Peak Hour Trip Generation: 3 trips

Please contact me if you have any questions.

Attachment

TABLE 1
Estimated Trip Generation

Land Use	ITE Code ²	Size	Trip Generation Rates ¹						Trips Generated								
			Daily	A.M. Peak Hour			P.M. Peak Hour			Daily	A.M. Peak Hour			P.M. Peak Hour			
				Total	Enter	Exit	Total	Enter	Exit		Total	Enter	Exit	Total	Enter	Exit	
Multifamily Housing (Mid-Rise) [No-rail]	221 / E	227 Dwelling Units	4.565	0.389	0.089	0.300	0.391	0.239	0.152	1,036	88	20	68	89	54	35	
Multifamily Housing (Mid-Rise) [No-rail]	221 / E	236 Dwelling Units	4.573	0.391	0.090	0.301	0.391	0.239	0.152	1,079	92	21	71	92	56	36	
	Difference:	9								Difference:	43	4	1	3	3	2	1
Strip Retail Plaza (<40k)	822 / R	7,879 x 1000 Sq Ft	54.450	2.360	1.416	0.944	6.590	3.295	3.295	429	18	11	7	52	26	26	

¹ - Trip Generation Rates from 11th Edition of ITE Trip Generation Report

² - E = Fitted Curve Equation / R = average Rate

Michael D. Chiumento
Michael D. Chiumento III
William J. Bosch
Vincent L. Sullivan
Diane A. Vidal
Kareen Movsesyan
Eric R. Sloan, *of-counsel*
Andrew C. Grant, *of-counsel*

Vincent L. Sullivan, Esq.
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Fax: (386) 445-6702

5048 N. Ocean Shore Blvd.
Palm Coast, FL 32137

By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

April 7, 2023

Via Hand Delivery & E-Portal Submittal

City of Daytona Beach
301 S. Ridgewood Ave.,
Daytona Beach, FL 32114

Re: Parking Analysis for Overlook at Daytona

Dear City of Daytona Beach,

My name is Vincent Sullivan and this Firm and I have the pleasure of representing the owner's of the Overlook at Daytona. In the pre-application TRC meeting, City Staff requested that the Applicant provide a more detailed outline of the parking located at the Overlook and show it's compliance with the PD Agreement and the Land Development Code.

The City of Daytona Beach Land Development Code Section 4.8(C)(4) requires that all Planned Development zoning districts comply with Article 6, unless otherwise modified. The current version of the PD agreement between the Applicant and the City modifies the Land Development Code Article 6 parking requirements. Section 3(E) of the PD Agreement requires the following parking regulations:

- 1) 1 stall for studios;
- 2) 1 stall for 1 bedroom units;
- 3) 1.5 stall for 2 bedroom units; and
- 4) 2 stall for 3 bedroom units

Based on the Survey completed by Commercial Due Diligence Services on April 29, 2021, there are a total of 313 parking spaces. The parking space breakdown is as follows:

293 Total Standard Spaces
15 Total Handicap Spaces
5 Total Motorcycle Spaces
313 Total Parking Spaces

Currently there are 227 units on the property. The current unit breakdown of the property is as follows:

Page 2 of 2

Studio: 0
1 Bedroom: 145
2 Bedroom: 73
3 Bedroom: 9

The Applicant proposes to add nine (9) units raising the total unit count to 236. The Applicant proposes adding three (3) 1 Bedroom units and six (6) 2 Bedroom units. The table below is a breakdown of the current units and required parking spaces and compares it to the proposed use and required parking spaces.

Unit Size	Current Number of Units	Stalls Required	Proposed Number of Units	Stalls Required
Studio	0	0	0	0
1 Bedroom	145	145	148	148
2 Bedroom	73	110	79	119
3 Bedroom	9	18	9	18
Total Stalls		273		285

Based on the current unit size mix, the Applicant exceeds the number of required parking spaces as outlined in the current PD Agreement. Further, based on the proposed addition of 1 Bedroom and 2 Bedroom units, the Applicant still exceeds the required minimum number of parking spaces.

We trust the above outline clarifies the Applicant’s compliance with the parking requirement as outlined in the current and proposed PD Agreement. If the City of Daytona Beach has any questions about the foregoing or the enclosed, please do not hesitate to contact me or my office. I can be reached most easily at vsullivan@legalteamforlife.com.

Sincerely,

Vincent L. Sullivan, Esq.

Enclosure: As Noted
CC: File
Client

EXHIBIT I
SOILS MAP

Search

Map Unit Legend

Volusia County, Florida (FL127)

Volusia County, Florida (FL127)

Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
40	Palm Beach-Urban land-Padla complex, 0 to 8 percent slopes	7.8	67.4%
99	Water	3.8	32.6%
Totals for Area of Interest		11.5	100.0%

Soil Map


 Scale (not to scale)





Warning: Soil Map may not be valid at this scale.

[FOIA](#) | [Accessibility Statement](#) | [Privacy Policy](#) | [Non-Discrimination Statement](#) | [Information Quality](#) | [USA.gov](#) | [White House](#)

EXHIBIT J

SURFACE WATER & WETLANDS MAP

Wetlands



March 20, 2023

Wetlands

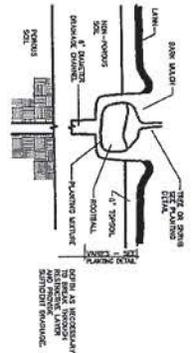
-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland
-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond
-  Lake
-  Other
-  Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

U.S. Fish and Wildlife Service, National Standards and Support Team.
 wetlands_team@fws.gov

EXHIBIT K

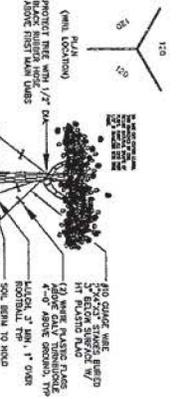
VEGETATION COVER MAP



- DESIGNER, ENGINEER/ARCHITECT, LANDSCAPE ARCHITECTS**
1. TO PROVIDE THE DESIGN FOR THE CHANNEL AS SHOWN.
 2. TO PROVIDE THE DESIGN FOR THE CHANNEL AS SHOWN.
 3. TO PROVIDE THE DESIGN FOR THE CHANNEL AS SHOWN.
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DRAINAGE CHANNEL DETAIL

NOT TO SCALE



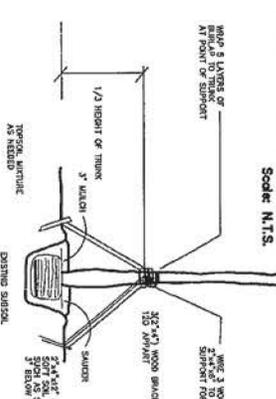
- NOTE:**
1. CONTRACTOR SHALL PROVIDE ALL PLANTING MATERIALS AND LABOR.
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 10. CONTRACTOR SHALL PROVIDE ALL PLANTING MATERIALS AND LABOR.

TREE PLANTING DETAIL

NOT TO SCALE

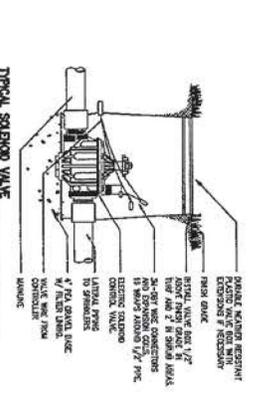
PALM PLANTING DETAIL

Scale: N.T.S.



- NOTE:**
1. CONTRACTOR SHALL PROVIDE ALL PLANTING MATERIALS AND LABOR.
 2. CONTRACTOR SHALL PROVIDE ALL PLANTING MATERIALS AND LABOR.
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 8. CONTRACTOR SHALL PROVIDE ALL PLANTING MATERIALS AND LABOR.
 9. CONTRACTOR SHALL PROVIDE ALL PLANTING MATERIALS AND LABOR.
 10. CONTRACTOR SHALL PROVIDE ALL PLANTING MATERIALS AND LABOR.

TYPICAL SLOPE VALVE

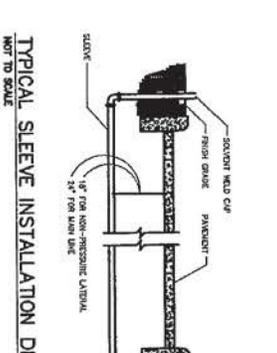


- NOTE:**
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 10. CONTRACTOR SHALL PROVIDE ALL PLANTING MATERIALS AND LABOR.

TYPICAL H-PIPE SPRAY SPRINKLER



- NOTE:**
1. CONTRACTOR SHALL PROVIDE ALL PLANTING MATERIALS AND LABOR.
 2. CONTRACTOR SHALL PROVIDE ALL PLANTING MATERIALS AND LABOR.
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 10. CONTRACTOR SHALL PROVIDE ALL PLANTING MATERIALS AND LABOR.



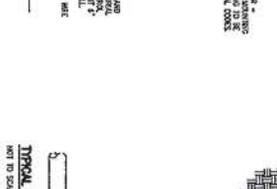
TYPICAL SLEEVE INSTALLATION DETAIL

NOT TO SCALE



TYPICAL WALL MOUNT CONTROLLER

NOT TO SCALE



TYPICAL H-PIPE SPRAY SPRINKLER

NOT TO SCALE

THE STERN DESIGN GROUP, P.A.
 1000 BROADWAY, SUITE 1000
 NEW YORK, NY 10018
 TEL: 212-693-1000
 FAX: 212-693-1001
 WWW.STERNDG.COM

EXHIBIT D
 SHEET 13 OF 33

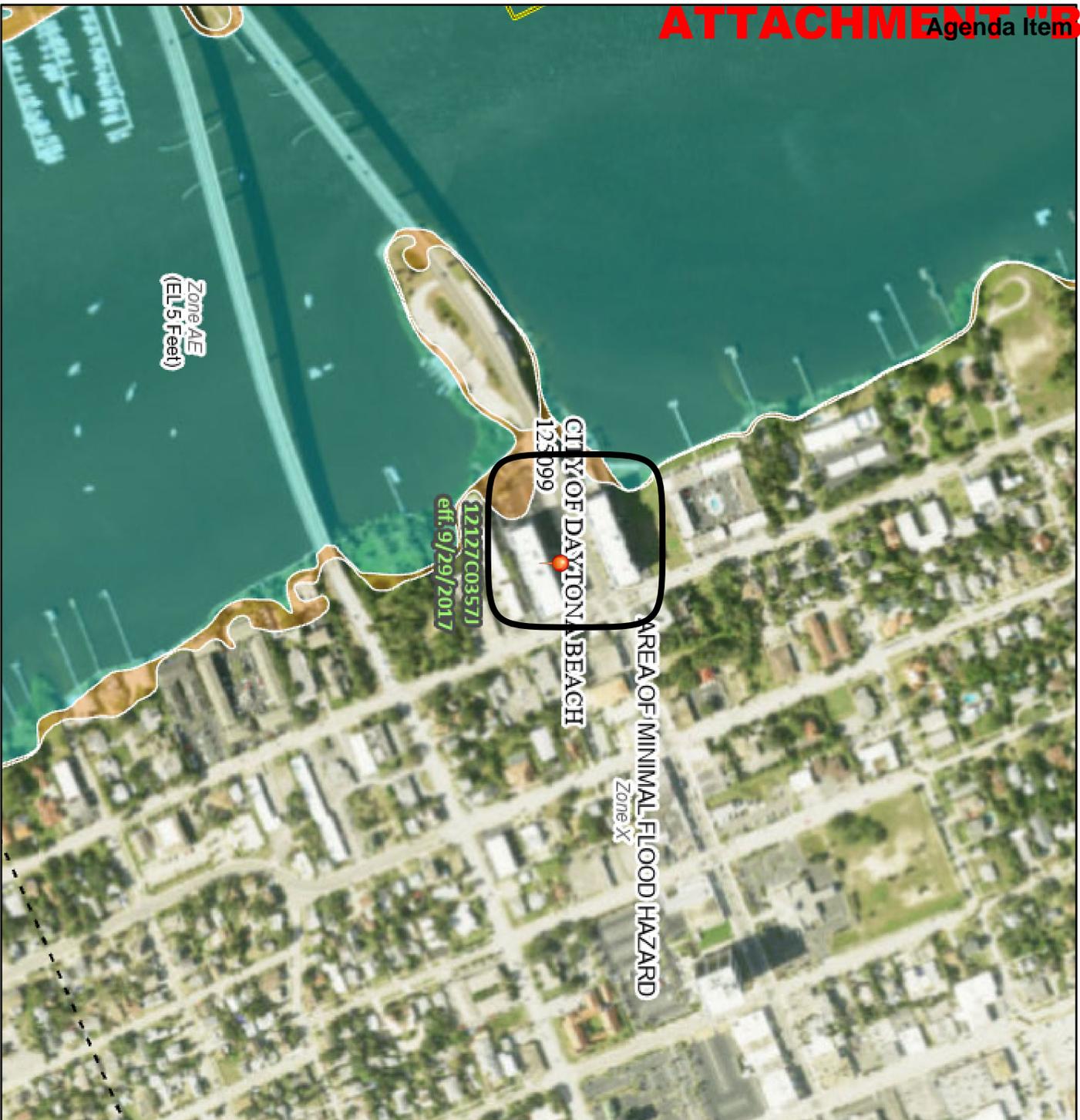
SEABREEZE MARINA • THE OVERLOOK
 LANDSCAPE DETAILS

ZAHN ENGINEERING, INC.
 240 SOUTH PALMETTO AVENUE
 WEST PALM BEACH, FL 33411
 TEL: 561-833-3333
 FAX: 561-833-3334
 WWW.ZAHNENG.COM

NOT RELEASED FOR CONSTRUCTION

EXHIBIT L

FLOOD ZONE MAP



Legend

SEE HIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	<ul style="list-style-type: none"> Without Base Flood Elevation (BFE) Zone A, V, A99 With BFE or Depth Zone AE, AO, AH, VE, AR Regulatory Floodway
-----------------------------------	---

OTHER AREAS OF FLOOD HAZARD	<ul style="list-style-type: none"> 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance Flood with average depth less than one foot or with drainage areas of less than one square mile Zone X Future Conditions 1% Annual Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levees. See Notes. Zone X Area with Flood Risk due to Levee Zone D
------------------------------------	--

OTHER AREAS	<ul style="list-style-type: none"> NO SCREEN Area of Minimal Flood Hazard Zone X Effective LOMRs Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES	<ul style="list-style-type: none"> Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall

OTHER FEATURES	<ul style="list-style-type: none"> 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation 17.5 Coastal Transect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary Coastal Transect Baseline Profile Baseline Hydrographic Feature
-----------------------	---

MAP PANELS	<ul style="list-style-type: none"> Digital Data Available No Digital Data Available Unmapped
-------------------	---

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 3/20/2023 at 5:32 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unnumbered areas cannot be used for regulatory purposes.

Agenda Item 4B (Quasi-Judicial Hearing)
Planned Development-General (PD-G) Amendment
DEV2023-055
3rd Amendment to The Overlook PD

STAFF REPORT

MEETING DATE: July 25, 2024, Planning Board
REPORT DATE: July 11, 2024
SUBJECT: DEV2023-055 3rd Amendment to The Overlook PD
APPLICANT: Michael D. Chiumento, III, Chiumento Law
OWNER: Daytona Seabreeze, LLC
STAFF: Danalee Petyk, AICP, Senior Planner

SUMMARY OF REQUEST

This request is an amendment to The Overlook Planned Development (PD) Agreement to increase the residential density and modify parking. The revisions to the PD Amendment include the following modifications and additions:

- Update the Development Plans, Architectural Drawings, and Survey to account for the increase in residential units and modified parking
- Modify the lot criteria for setbacks and maximum building coverage
- Modify the parking section to clarify the parking requirements have been met based on the residential units proposed
- Remove the language related to a marina as a principal use

This request has a concurrent Large Scale Comprehensive Plan Amendment (LSCPA) (DEV2023-054) to adopt a neighborhood policy to allow the increase in density at this location. Approval of this PD Amendment is contingent upon adoption of the LSCPA.

No waivers or modifications from the Land Development Code are requested as part of this amendment.

A majority vote by the Planning Board members present and voting is required to forward a recommendation to the City Commission. The item is tentatively scheduled to be heard by the City Commission for 1st reading on September 4, 2024, and will be scheduled for a 2nd reading when the concurrent LSCPA returns from transmittal review.

Staff recommendation: Staff finds the requested rezone meets the criteria in Sections 3.4.D.3 and 4.8.B, Land Development Code. Staff recommends the Planning Board forward the 3rd amendment to The Overlook Planned Development (PD) Agreement to the City Commission with a recommendation of approval.

SITE INFORMATION

Location: North and South of Seabreeze Boulevard directly west of Halifax Avenue

Parcel No(s): 5305-01-04-0010 and 5305-01-03-0060

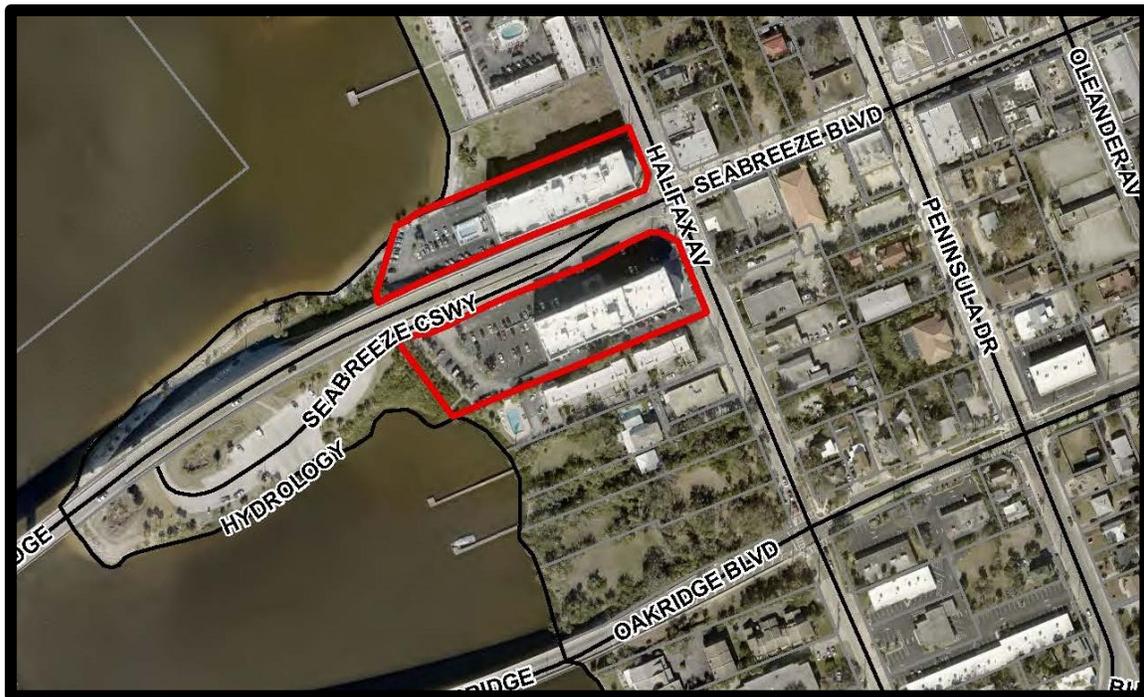
Property Size: ± 3.22 acres

Existing Zoning: The Overlook Planned Development (PD)

Existing Future Land Use: Retail (MU)

Adjacent Land Use and Zoning: Existing uses listed in the table below are not intended to be an all-inclusive list, but a general summary of types of uses near the subject property.

	Existing Use(s)	Future Land Use Designation	Existing Zoning Classification
Site	Commercial and Residential	Retail	PD-G
North	Vacant	Retail	PD-G
South	Residential	Retail	RP
East	Commercial	Retail	BR1
West	Halifax River	N/A	BR1



Aerial View of the Property

PROJECT DESCRIPTION AND HISTORY

The original Planned Development (PD) for The Overlook was approved in 2010 to allow for a residential development with a mix of commercial uses on ± 3.22 acres. The 1st amendment to the PD Agreement, approved in 2012, added a marina as a permitted principal use. The 2nd amendment, approved in 2014, extended the construction completion schedule related to this marina use. In 2015, the marina use was abandoned and never developed and subsequently, Ordinance 15-145 was adopted which repealed the 1st amendment in its entirety, removing the marina as a permitted principal use and thus making the 2nd amendment ineffective.

The property is currently developed as a mixed use with approximately 227 multi-family residential units and commercial office spaces on the first floor. The applicant is requesting the 3rd amendment to The Overlook to convert these commercial spaces into additional residential units bringing the total residential unit yield to 236.

The changes proposed to the PD Agreement to accommodate this increase in residential units are as follows:

- *Update the Development Plans, Architectural Drawings, and Survey to account for the increase in residential units and modified parking* – The amendment includes an update to the development plan coversheet to reflect the change in residential units and parking counts; revised first floor plans for the north and south towers to show the location of the additional residential units; and an updated survey. The revised development plan cover sheet and architectural floor plans are shown in *Attachment A*.
- *Modify the lot criteria for setbacks and maximum building coverage* – The amendment proposes to revise the lot criteria guiding the development as follows:
 - Remove the additional 0.5 foot of setback for every additional foot in height over 35 feet for the rear setback. The rear setback will remain 25 feet.
 - Increase the maximum building coverage from 30% to 33%
- *Modify the parking section to clarify the parking requirements have been met based on the residential units proposed* – The applicant has added language to the parking section of the PD Agreement confirming compliance with the existing PD’s parking requirements with the existing parking on site even with the increase in residential units. The applicant has also provided a parking analysis (*Attachment B*) stating the same. The unit mix and parking requirements are as follows:

Unit Size	Required Parking Per Unit	Number of Units (with increase)	Total Parking Stalls Required
Studio	1	0	0
1 Bedroom	1	148	148
2 Bedroom	1.5	79	119
3 Bedroom	2	9	18
Total		236 Units	285 Parking Stalls

With the existing 291 standard parking spaces on site, the parking requirements would be satisfied.

- *Remove the language related to a marina as a principal use* – As discussed in the section for the history of this project, a marina use was previously contemplated and then rescinded for this PD. As such, this amendment proposes to remove the language referring to marina as a permitted principal use to conform with the previous actions.

PROJECT ANALYSIS

According to Section 3.4.D.3, *Site-Specific Zoning District Amendment Review Standards*, Land Development Code (LDC), the City shall consider the criteria below when determining whether to adopt or deny a proposed Site-Specific Zoning District Map Amendment. In addition, the City Commission must find applications for a PD zoning district classification in compliance with Section 4.8.B, *General Standards for All Planned Development Districts*, LDC, before approving said PD zoning district classification. The analysis of the proposed Planned Development – General zoning classification is below.

Site-Specific Zoning District Map Amendment Review Standards

Per Section 3.4.D.3, LDC, 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;

A concurrent Large Scale Comprehensive Plan Amendment (LSCPA) to update the neighborhood policies and allow the increase in density is being considered with this amendment. If the LSCPA is adopted, this amendment would be consistent with the Comprehensive Plan.

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

The development standards for a PD District must comply with Article 6: Development Standards and Article 7: Subdivision Standards in the LDC. No modifications to the LDC standards are proposed as part of this amendment and it is not in conflict with any portion of the LDC

iii. Addresses a demonstrated community need;

The applicant proposes the amendment to increase the residential density on an existing residential development. No other substantial changes are proposed and the community need was contemplated previously with the original rezone to allow for a residential planned development on this property; therefore, staff does not object to the amendment demonstrating it meets this criterion.

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

The proposed amendment does not change the overall intent of the existing residential PD; therefore, it remains compatible with the surrounding land uses.

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

The standards proposed in the PD Agreement and the LDC would result in a logical and orderly development pattern for the property and the surrounding area. Staff finds the proposed amendment meets this criterion.

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

The proposed amendment does not change the overall intent of the existing residential PD; therefore, Staff does not have any indication there will be 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 proposed amendment does not change the overall potential impacts of the existing PD; therefore, Staff has no objection in relation to the impacts to public facilities.

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

The development is required to go through the site plan review process and provide environmental assessments and appropriate permitting from environmental agencies. Staff does not find any indication the development would not result in significant adverse impacts to the natural environment. The amendment meets this criterion.

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 Planned Development – General (PD-G) zoning designation on the property remains unchanged as part of this amendment request.

Planned Development Zoning Districts Review Standards

Amendments to Planned Developments shall be reviewed in accordance with the additional review standards outlined in Sections 4.8.B.2 and 3 for review of planned development districts. The analysis of the proposed amendment with these standards is below.

2. Consistency with City Plans

If the concurrent LSCPA is adopted by the City Commission, the amendment to the PD Agreement will be consistent with the Comprehensive Plan.

3. Compatibility with Surrounding Areas

The proposed amendment to the PD Agreement would allow for an interior conversion to existing buildings on the property. This would not change the overall intent of the previously approved PD and would not adversely affect its compatibility with the surrounding area.

Neighborhood Meeting

The applicant conducted a neighborhood meeting on October 9, 2023, as required by the LDC. A summary of the neighborhood meeting prepared by the applicant is in *Attachment C*.

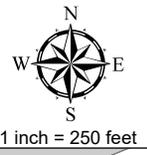
RECOMMENDATION

Staff finds the requested rezone meets the criteria in Sections 3.4.D.3 and 4.8.B, Land Development Code. Staff recommends the Planning Board forward the 3rd amendment to The Overlook Planned Development (PD) Agreement to the City Commission with a recommendation of approval.

A majority vote by the Planning Board members present and voting is required to forward a recommendation to the City Commission.

The item is tentatively scheduled to be heard by the City Commission for 1st reading on **September 4, 2024**, and will be scheduled for a 2nd reading when the concurrent LSCPA returns from transmittal review.

LOCATION MAP



Page 97 of 335

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DEV2023-055 THE OVERLOOK - 3RD AMENDMENT LOCATION MAP

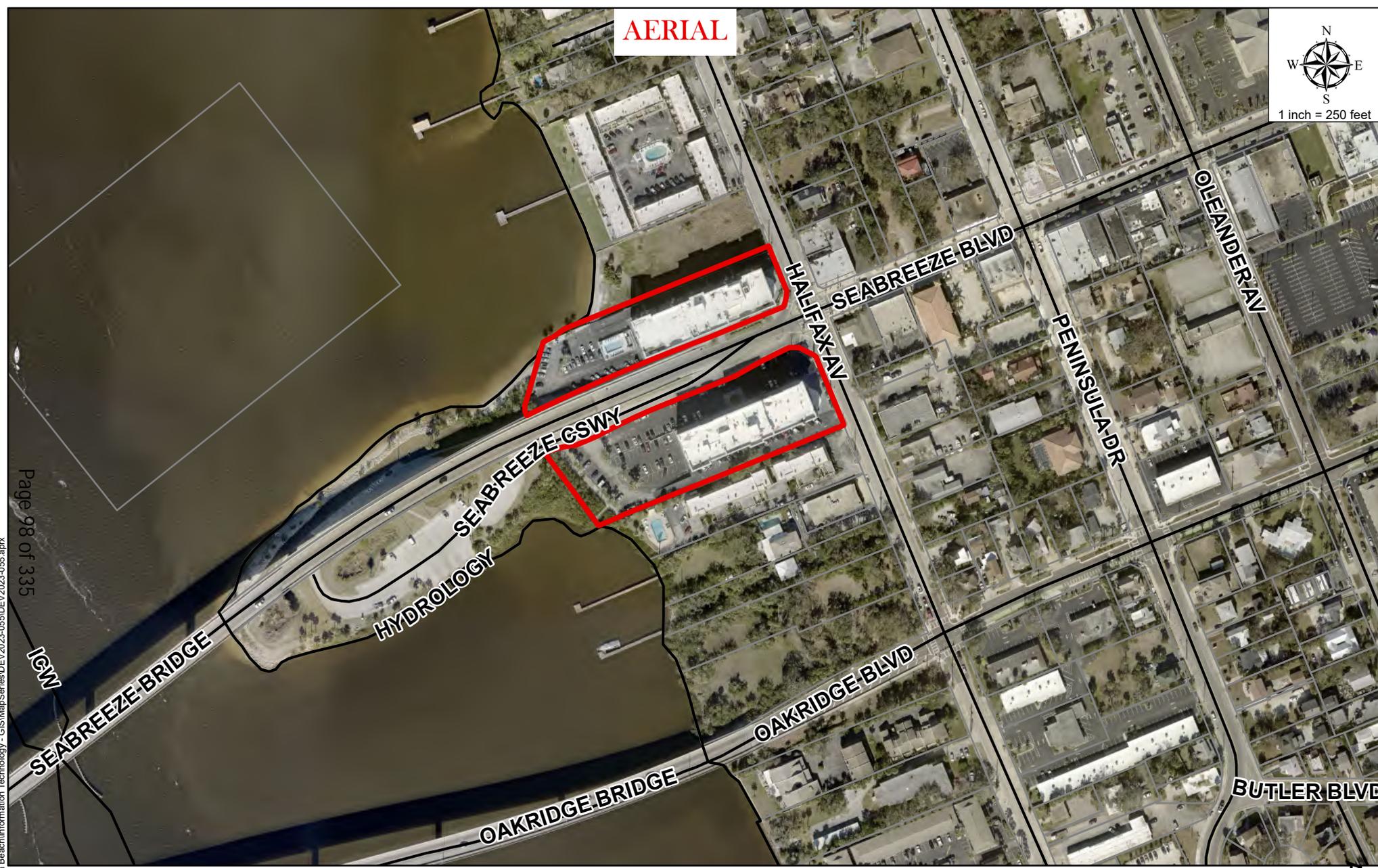
City of Daytona Beach Map disclaimer:
This map was developed and produced by the City of Daytona Beach GIS. The map is provided for reference only and are not intended to show map scale accuracy or all inclusive map features. As indicated, the accuracy of the map has not been verified and it should be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

Agenda Item #4.B.

AERIAL



1 inch = 250 feet



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Document Path: C:\Users\lsamm\City of Daytona Beach\Information Technology - GIS\MapSeries\DEV2023-055\DEV2023-055.aprx

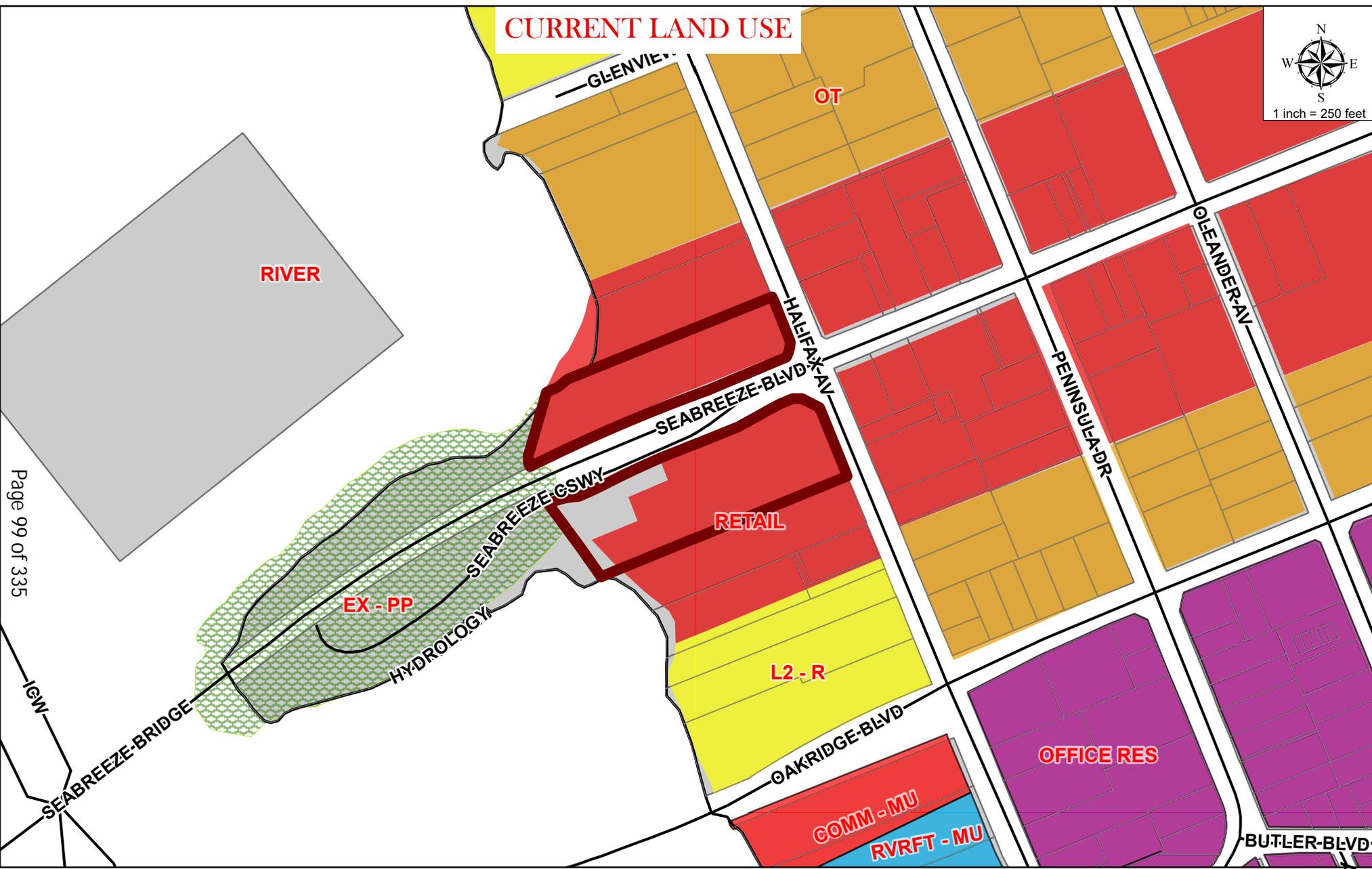
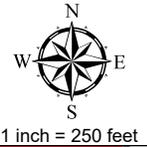


**DEV2023-055
THE OVERLOOK - 3RD AMENDMENT
AERIAL MAP**

City of Daytona Beach Map disclaimer:
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Agenda Item #4.B.

CURRENT LAND USE



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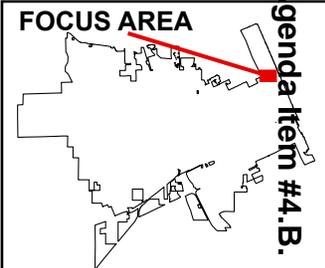
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DEV2023-055 THE OVERLOOK - 3RD AMENDMENT CURRENT LAND USE MAP

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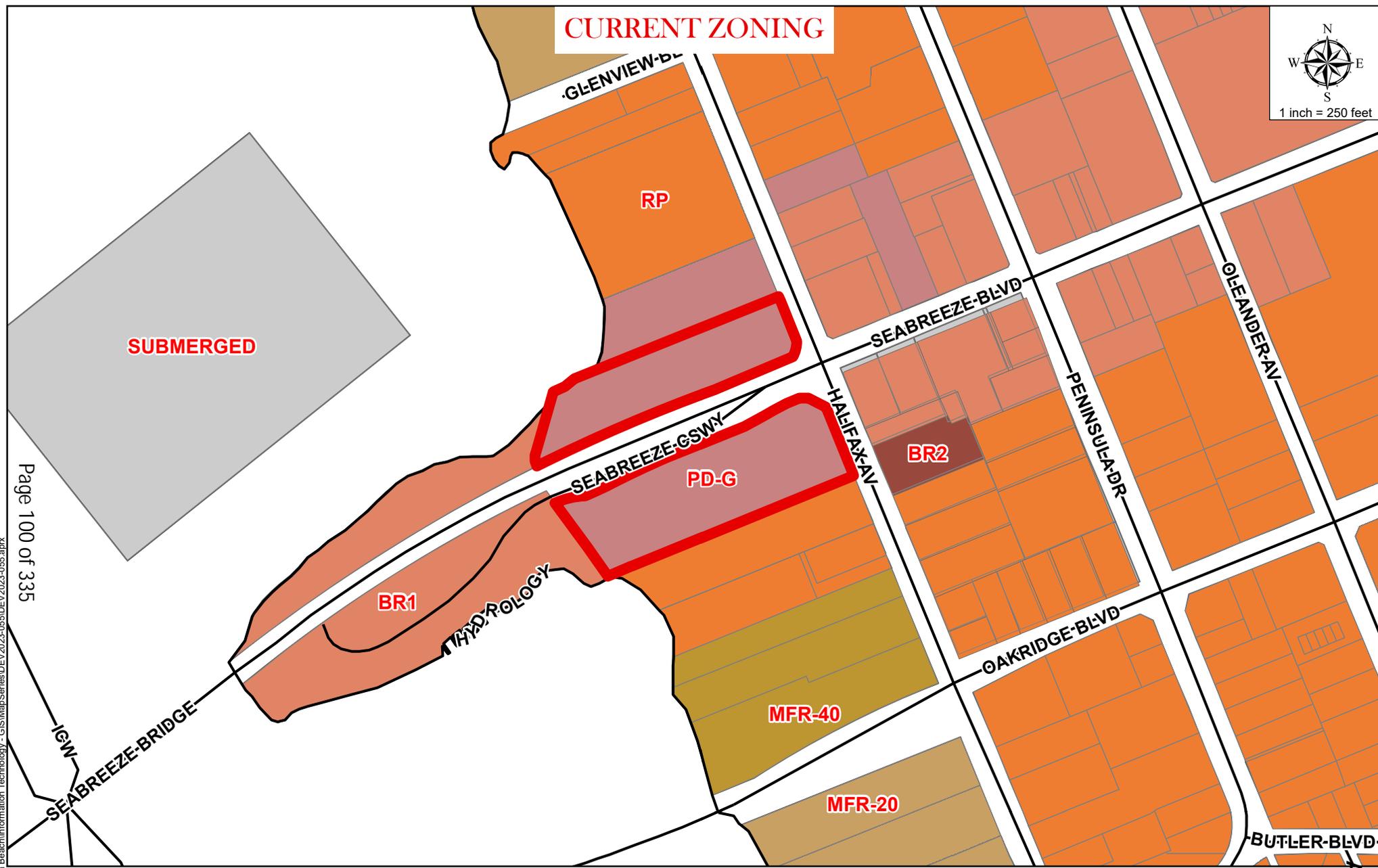
CURRENT ZONING



SUBMERGED

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DEV2023-055 THE OVERLOOK - 3RD AMENDMENT CURRENT ZONING MAP

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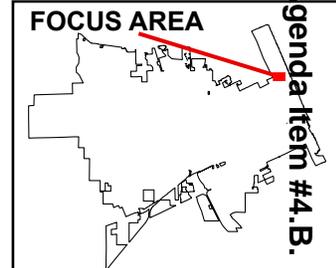


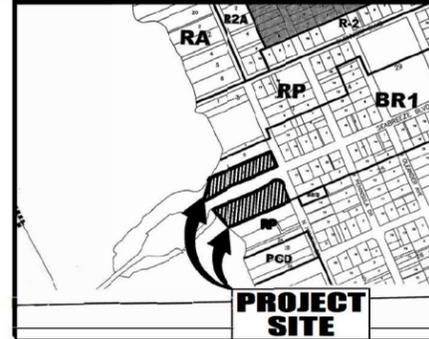
Exhibit B

DEVELOPMENT PLANS FOR THE OVERLOOK RPUD

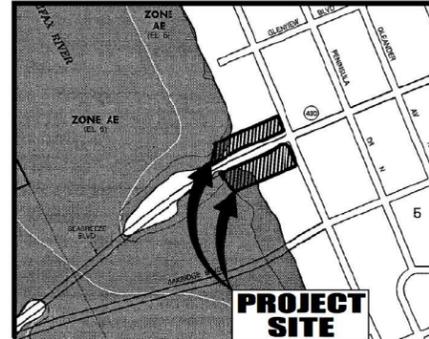
DAYTONA BEACH, FLORIDA OCTOBER 2010 (Updated January 2024)

CITY APPROVAL STAMP

ZONING MAP: SCALE: 1" = 600'



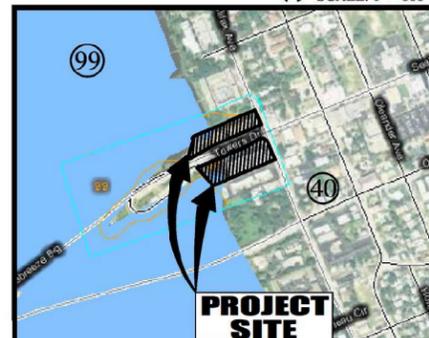
FEMA MAP: SCALE: 1" = 600'



VICINITY MAP: SCALE: 1" = 600'



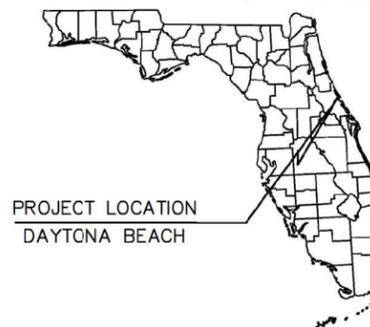
SOILS MAP: SCALE: 1" = 600'



INDEX OF SHEETS

- C1. COVER
C2. GENERAL NOTES AND LEGAL DESCRIPTION
C3. OVERALL DEVELOPMENT PLAN
C4. SIGNAGE PROGRAM
C5. CONSTRUCTION DETAILS
L1. SCREEN WALL PLANTERS
L2. LANDSCAPE PLAN
L3. LANDSCAPE DETAILS
A3.2 NORTH TOWER FRONT & REAR ELEVATIONS
A3.3 NORTH TOWER LEFT & RIGHT ELEVATIONS
A3.4 NORTH TOWER 1ST FLOOR PLAN RENOVATIONS
A3.5 SOUTH TOWER FRONT & REAR ELEVATIONS
A3.6 SOUTH TOWER LEFT & RIGHT ELEVATIONS
A3.7 SOUTH TOWER 1ST FLOOR PLAN RENOVATIONS
S1. SURVEY (TOWER SITE)

CITY OF DAYTONA BEACH VOLUSIA COUNTY, FLORIDA



PROJECT LOCATION DAYTONA BEACH

SITE DATA:

Table with columns: ZONING, FUTURE LAND USE, RESIDENTIAL UNITS, AREA, DENSITY, PARKING, EXISTING ZONING, PROPOSED. Includes data for PD-G, Commercial Retail, 213 units, 3.22 AC, etc.

Table with columns: Unit Size, Number of Units, Spaces. Includes rows for Studio, 1 BR, 2 BR, 3 BR, and Total.

Table with columns: SE, AC, %. Includes sections for NORTH TOWER, SOUTH TOWER, and NORTH & SOUTH TOWER with detailed area breakdowns.

Table with columns: EXISTING, PROPOSED. Includes rows for MIN. FRONT, MIN. SIDE, MIN. REAR, MAX. BUILDING HEIGHT, MAX. LOT COVERAGE.

- 1. SCS SOIL TYPE: 40 PALM BEACH, HYDROLOGIC GROUP A & 99 WATER
2. PARCEL LOCATED IN FLOOD ZONE 'X' (AREAS OUTSIDE 500 YR FLOOD PLAIN) & AE (EL. 5.0) AS SHOWN ON FLOOD INSURANCE RATE MAP VOLUSIA COUNTY, FL PANEL # 357 OF 930 MAP # 12127C0357 G, DATED APRIL 15, 2002
3. TAX PARCEL NUMBER(S): 5305-01-03-0060 & 5305-01-04-0010
4. SITE ADDRESS: 100 & 101 SEABREEZE BLVD. DAYTONA BEACH

ADDRESS LABELS:

ADDRESS NUMBERS SHALL BE ARABIC NUMERALS. NUMBERS SHALL BE IN A COLOR CONTRASTING WITH THE STRUCTURE OR BACKGROUND SURFACE, AND NOT BE LESS THAN SIX (6) INCHES IN HEIGHT.

THE ADDRESS NUMBERS SHALL BE AFFIXED HORIZONTALLY IN A CONSPICUOUS PLACE ON THE PRINCIPAL BUILDING SO THAT THE NUMBERS ARE CLEARLY LEGIBLE FROM THE ROADWAY ON WHICH IT IS ADDRESSED.

IF NO BUILDINGS ARE PRESENT WHERE ADDRESS NUMBERS ARE ASSIGNED THEN THE ADDRESS NUMBERS SHALL BE POSTED HORIZONTALLY AT LEAST FOUR (4) FEET ABOVE THE GROUND LEVEL IN A CONSPICUOUS PLACE AT SUCH AREAS AND LOCATED TWO (2) FEET OFF THE SIDE OF THE ROADWAY FRONTING THE ADDRESS AREAS.

F.A.R. CALCULATIONS:

TOTAL GROSS FLOOR AREA = 34,310 SF X 7 STORIES = 240,170 SF.
TOTAL LOT AREA = 490,385 SF.
F.A.R. = 2.04 < 3

PERMITS REQUIRED:

Table with columns: AGENCY, PERMIT, STATUS. Includes City of Daytona Beach, Site Plan, After Rezoning.

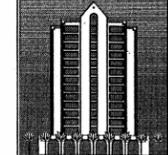
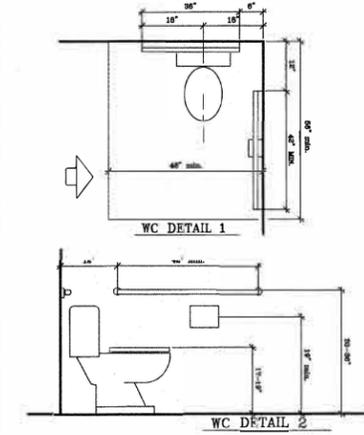
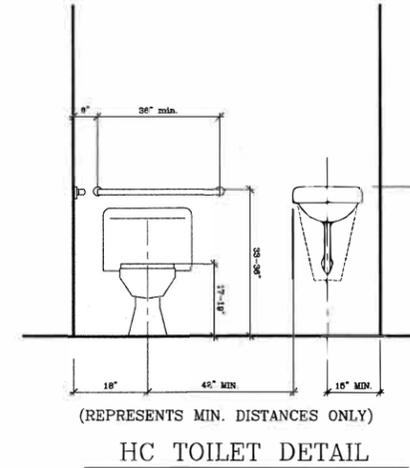
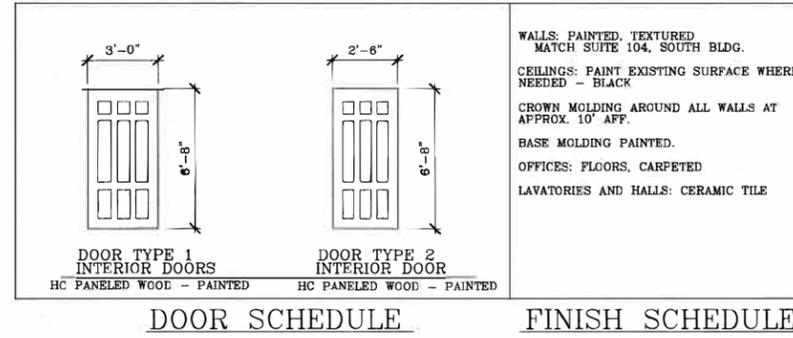
GENERAL NOTES:

- 1. BOUNDARY AND TOPOGRAPHIC SURVEYS PERFORMED BY ACCURIGHT SURVEYS INC. JOB 5-15-33, DATED 11-14-05, ELEVATIONS (EXISTING/PROP.) REFER TO NGVD '29.
2. AREAS WITHIN THE PUBLIC RIGHT-OF-WAY AND OFF SITE WHICH HAVE BEEN DISTURBED BY CONSTRUCTION SHALL BE CLEARED OF ALL DEBRIS, REGRADED AND SOODED W/ BAHIA SO AS TO RESTORE THE AREA TO A STABILIZED AND PLANTED STATE.
3. ALL MATERIALS (PIPES, STRUCTURES, ETC.) AND ALL CONSTRUCTION METHODS IN AND OUT OF THE RIGHT-OF-WAY SHALL CONFORM TO THE LATEST EDITIONS OF THE FDOT DESIGN STANDARDS, FDOT STANDARD SPECIFICATIONS FOR ROAD & BRIDGE CONSTRUCTION, THE FDOT UTILITY ACCOMMODATIONS MANUAL AND THE FLORIDA BUILDING CODE.
4. SIDEWALK SPECIFICATIONS:
4" FDOT CLASS 1 PORTLAND CEMENT CONCRETE (2500 PSI @ 28 DAYS) W/ 6" CLEAN STABILIZED SAND SUBGRADE (MIN. 98% COMPACTION PER AASHTO T-99)
6" THICK @ DRIVEWAYS (3000 PSI @ 28 DAYS) W/ 12" SUBGRADE IN 6" LIFTS.
EXPANSION AND CONTRACTION JOINTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH FDOT DESIGN INDEX # 310.
5. PAVEMENT SPECIFICATIONS: (ASPHALT / CONCRETE)
CONCRETE:
6" FDOT CLASS 1 PORTLAND CEMENT CONCRETE (3000 PSI @ 28 DAYS MAX. 5" SLUMP)
10" CLEAN STABILIZED SAND SUBGRADE (MIN. 98% COMPACTION, AASHTO T-180)
EXPANSION AND CONTRACTION JOINTS SHALL BE INSTALLED IN ACCORDANCE WITH PCA RECOMMENDATION
ASPHALT:
1 1/2" TYPE S-II ASPHALTIC CONCRETE STRUCTURAL COURSE (MIN. 98% COMPACTION, NUCLEAR DENSITY BACK SCATTER METHOD)
6" LIMEROCK BASE (LBR 100 MIN. 98% COMPACTION, AASHTO T-180)
8" STABILIZED SUBGRADE (LBR 40 MIN. 98% COMPACTION, AASHTO T-180)
6. CONTRACTOR SHALL PROVIDE VERTICAL AND HORIZONTAL "AS-BUILT" INFORMATION CONTAINING AT A MINIMUM: BUILDING LOCATION, TYPICAL PARKING STALL WIDTHS AND LENGTHS, PAVEMENT AND SIDEWALK WIDTHS, CROSS SLOPES AND DRAINAGE DIRECTIONS, BUILDING FINISHED FLOOR ELEVATION, PAVEMENT, SIDEWALK AND STORMWATER AREA SPOT GRADES, UTILITY LOCATIONS AND TOP OF PIPE GRADES. ADDITIONAL INFORMATION MAY BE NEEDED FOR CITY. A CERTIFICATION TO THIS EFFECT SIGNED AND SEALED BY A P.L.S. SHALL GO TO THE OWNER (OWNERS BANK IF REQUIRED), CITY AND ENGINEER.
7. ALL TRAFFIC CONTROL DEVICES, INCLUDING SIGNS AND PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES".
8. PAVEMENT SHALL BE PAINT STRIPED AND WHEEL STOPPED AS SHOWN WHERE NOTED. THERMOPLASTIC WITH GLASS SPHERES STRIPING SHALL BE USED. RIGHT-OF-WAY PAINT STRIPING SHALL BE THERMOPLASTIC WITH GLASS SPHERES IN ACCORDANCE WITH F.D.O.T. INDEX #7346. RIGHT-OF-WAY REFLECTIVE PAVEMENT MARKERS (RPM'S) SHALL BE INSTALLED (WHEN REQUIRED) IN ACCORDANCE WITH F.D.O.T. INDEX # 17352.
9. OWNER: DAYTONA SEABREEZE LLC
P. O. BOX 522230
LONGWOOD, FL 32752-2250
407-865-5771
CONTACT: RICHARD ZAHN
SURVEYOR: ACCURIGHT SURVEYS OF ORLANDO INC.
2012 E. ROBINSON ST.
ORLANDO, FL 32803
407-884-6314
CONTACT: FRANK RAYMOND
LANDSCAPE ARCHITECT: STERN DESIGN GROUP
1685 PROMENADE CIRCLE
PORT ORANGE, FL 32129
386-788-3786
CONTACT: JAN STERN
WATER/SEWER SERVICE: CITY OF DAYTONA BEACH
301 S. RIDGEWOOD AVE.
DAYTONA BEACH FL. 32114
386-258-3110
ELECTRIC: FLORIDA POWER & LIGHT CO.
3000 SPRUCE CREEK ROAD
PORT ORANGE FLORIDA, FL. 32127
386-322-3414
TELEPHONE: BELLSOUTH
900 N. NOVA RD.
DAYTONA BEACH, FL. 32117
386-252-7782
GAS: TECO PEOPLES GAS
1722 RIDGEWOOD AVE.
HOLLY HILL, FL. 32117
386-671-2220
CABLE: BRIGHT HOUSE NETWORK
1475 S. NOVA RD.
DAYTONA BEACH, FL. 32114
386-780-9941



ZAHN ENGINEERING, INC.
240 SOUTH PALMETTO AVENUE DAYTONA BEACH, FLORIDA 32114
PHONE: (386) 252-0020 FAX: (386) 252-6050
COMPANY WEBSITE: ZAHNENG.COM
THE OVERLOOK RPUD / #0916.3

Exhibit C - A3.4



STANLEY P. HOELLE
ARCHITECT
3000 ROSIE AVE. SUITE 100
DAYTONA BEACH, FLORIDA 32114 386 615-2281

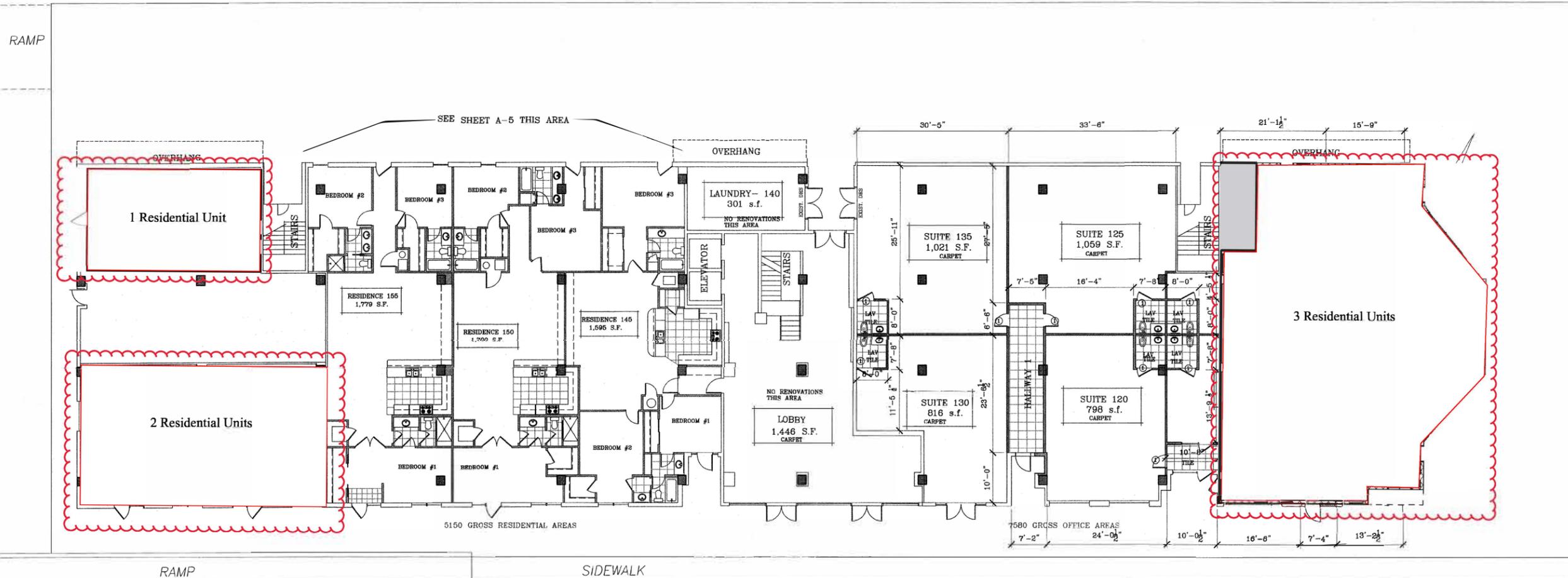
REVISED: 5/13/2024

DESIGNED BY: [blank]

CHECKED BY: [blank]

DATE: [blank]

THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE WITH AND MEETS THE REQUIREMENTS OF THE 2004 EDITION OF THE FLORIDA BUILDING CODE, WITH 2006 SUPPLEMENTS, THE ELECTRICAL BUILDING CODE 2004, MECHANICAL BUILDING CODE 2004, THE PLUMBING BUILDING CODE 2004 AND THE FIRE SAFETY CODE 2004.



PROPOSED FLOOR PLAN
SCALE: 3/32" = 1'-0"

PROPOSED FLOOR PLAN RENOVATIONS
OVERLOOK NORTH BUILDING RENOVATIONS
101 SEABREEZE BLVD.
DAYTONA BEACH, FLORIDA

STANLEY P. HOELLE
ARCHITECT

DRAWN BY: TB

CHECKED BY: [blank]

SCALE: AS NOTED

DATE: 8/30/08

A3.4

Michael D. Chiumento
Michael D. Chiumento III
William J. Bosch
Vincent L. Sullivan
Diane A. Vidal
Kareen Movsesyan
Eric R. Sloan, *of-counsel*
Andrew C. Grant, *of-counsel*

Vincent L. Sullivan, Esq.
Partner
VSullivan@legalteamforlife.com



145 City Place, Suite 301
Palm Coast, FL 32164
Tel. (386) 445-8900
Fax: (386) 445-6702

5048 N. Ocean Shore Blvd.
Palm Coast, FL 32137

By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

April 7, 2023

Via Hand Delivery & E-Portal Submittal

City of Daytona Beach
301 S. Ridgewood Ave.,
Daytona Beach, FL 32114

Re: Parking Analysis for Overlook at Daytona

Dear City of Daytona Beach,

My name is Vincent Sullivan and this Firm and I have the pleasure of representing the owner's of the Overlook at Daytona. In the pre-application TRC meeting, City Staff requested that the Applicant provide a more detailed outline of the parking located at the Overlook and show it's compliance with the PD Agreement and the Land Development Code.

The City of Daytona Beach Land Development Code Section 4.8(C)(4) requires that all Planned Development zoning districts comply with Article 6, unless otherwise modified. The current version of the PD agreement between the Applicant and the City modifies the Land Development Code Article 6 parking requirements. Section 3(E) of the PD Agreement requires the following parking regulations:

- 1) 1 stall for studios;
- 2) 1 stall for 1 bedroom units;
- 3) 1.5 stall for 2 bedroom units; and
- 4) 2 stall for 3 bedroom units

Based on the Survey completed by Commercial Due Diligence Services on April 29, 2021, there are a total of 313 parking spaces. The parking space breakdown is as follows:

293 Total Standard Spaces
15 Total Handicap Spaces
5 Total Motorcycle Spaces
313 Total Parking Spaces

Currently there are 227 units on the property. The current unit breakdown of the property is as follows:

Page 2 of 2

Studio: 0
1 Bedroom: 145
2 Bedroom: 73
3 Bedroom: 9

The Applicant proposes to add nine (9) units raising the total unit count to 236. The Applicant proposes adding three (3) 1 Bedroom units and six (6) 2 Bedroom units. The table below is a breakdown of the current units and required parking spaces and compares it to the proposed use and required parking spaces.

Unit Size	Current Number of Units	Stalls Required	Proposed Number of Units	Stalls Required
Studio	0	0	0	0
1 Bedroom	145	145	148	148
2 Bedroom	73	110	79	119
3 Bedroom	9	18	9	18
Total Stalls		273		285

Based on the current unit size mix, the Applicant exceeds the number of required parking spaces as outlined in the current PD Agreement. Further, based on the proposed addition of 1 Bedroom and 2 Bedroom units, the Applicant still exceeds the required minimum number of parking spaces.

We trust the above outline clarifies the Applicant’s compliance with the parking requirement as outlined in the current and proposed PD Agreement. If the City of Daytona Beach has any questions about the foregoing or the enclosed, please do not hesitate to contact me or my office. I can be reached most easily at vsullivan@legalteamforlife.com.

Sincerely,



Vincent L. Sullivan, Esq.

Enclosure: As Noted
CC: File
Client

Michael D. Chimento
Michael D. Chimento III
William J. Bosch
Vincent L. Sullivan
Diane A. Vidal
Kareen Movsesyan
Jared T. Trent
Sydney L. Nix
Eric R. Sloan, *of-counsel*
Andrew C. Grant, *of-counsel*
Thomas R. Pycraft, *of-counsel*

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Partner
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CHIUMENTO LAW

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Palm Coast, FL 32164
Tel. (386) 445-8900
Fax: (386) 445-6702

2 Camino Del Mar
Palm Coast, FL 32137

By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

MEMORANDUM

TO: City of Daytona Beach

CC: Daytona Seabreeze, Caroline McNeil, and File

FROM: Vincent Sullivan *V/S*

SUBJECT: DEV 2023-054 and DEV 2023-055

DATE: October 9, 2023

City of Daytona Beach,

On Wednesday October 4, 2023, the Applicant on DEV2023-054 and DEV2023-055 conducted a neighborhood informational meeting at the subject Property. As is noted by the attached sign in sheet, there were only two (2) neighborhood members present at the meeting. Further present at the meeting was two (2) individuals from the Applicant's company, the Building Manager, and myself.

During the neighborhood meeting, the attendees asked several questions regarding the two aforementioned applications. Below is a reproduction of those questions and the Applicant's response in *italics* directly beneath the question.

Please let us know if the City of Daytona Beach has any questions regarding this matter.

- How many bedrooms will the new units be?
 - *The largest floorplan option will be 2 bedrooms.*
- How many new units are you requesting?
 - *In total, nine (9).*
- Do the existing units have washer and dryer facilities in them?
 - *No.*
- Will the new units have washer and dryer facilities in them?

- *If we can get them to fit in the space, yes.*
- Have you already made applications to the City yet?
 - *Yes.*
- What do the applications ask for?
 - *One application is to amend the comprehensive plan to allow for 71 dwelling units per acre. The second application is to amend the PD agreement to allow for the additional nine (9) units and remove the submerged property and language about boat slips.*
- What is going to happen with the submerged property?
 - *At this time, nothing is going to happen with the submerged property because the slips allocated to this project have been taken back by the City and returned to the City's slip inventory.*
- Are you requesting a waive of the code limiting the number of unrelated people that can live in a unit?
 - *Since the largest unit will be a two (2) bedroom unit, no because we would be in compliance without the need for a waiver.*
- Will there ever be any commercial in either of the buildings?
 - *No, if this amendment to the PD Agreement is approved, there will be no space for commercial uses in either building.*

Michael D. Chiumento
Michael D. Chiumento III
William J. Bosch
Vincent L. Sullivan
Diane A. Vidal
Kareen Movsesyan
Jared T. Trent
Sydney L. Nix
Eric R. Sloan, *of-counsel*
Andrew C. Grant, *of-counsel*

*Michael D. Chiumento III
Managing Partner
Michael3@legalteamforlife.com*



**CHIUMENTO
LAW**

145 City Place, Suite 301
Palm Coast, FL 32164
Tel. (386) 445-8900
Fax: (386) 445-6702

5048 N. Ocean Shore Blvd.
Palm Coast, FL 32137

By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

September 20, 2023

**RE: 100 and 101 Seabreeze Blvd., Daytona Beach, Florida
Overlook at Daytona
Neighborhood Meeting**

Dear Neighbor:

Daytona Seabreeze, LLC is the owner of the property described in Exhibit "A" attached hereto. Currently the Owner, has an application for Comprehensive Plan Amendment into the City the County to change the existing six (6) commercial units into residential units.

We will be having a neighborhood meeting on **Wednesday, October 4, 2023 at 6:00 p.m.** in the **Northside Clubroom, 1st floor at 101 Seabreeze Blvd., Daytona Beach, FL 32118** to answer any of your questions. It is open to the public.

Sincerely,

Vincent L. Sullivan, Esq.
Partner
VLS/cm

Enclosure

EXHIBIT "A"

**100 and 101 Seabreeze Blvd., Daytona Beach, Florida
Overlook at Daytona**



<u>Owner Name</u>	<u>Address</u>	<u>CITY, STATE, ZIP</u>
634 HALIFAX PROPERTIES LLC	4096 COLUMNS DR	MARIETTA, GA 30067
ASCHERL F J & MARLENE B	PO BOX 368	NEW SMYRNA BEACH, FL 32170
BAKALICH JAMES E	615 N PENINSULA DR	DAYTONA BEACH, FL 32118
BASH VITALY	220 HETT AVE	STATEN ISLAND, NY 10306
BAYER MICHAEL	519 N PENINSULA DR	DAYTONA BEACH, FL 32118
BURKE DEBORAH L	625 N HALIFAX DR UNIT B36	DAYTONA BEACH, FL 32118
CC POST HOUSE LLC TR	827 CENTER AVE STE 3	HOLLY HILL, FL 32117
CHIOVERA CHRISTOPHER JOHN	625 N HALIFAX UNIT 2	DAYTONA BEACH, FL 32118
COBBLESTONE VILLAGE CONDO ASSO	625 N HALIFAX AVE	DAYTONA BEACH, FL 32118
COLON JOSE E	108 JULIETTE ST	HOPETOWN, NJ 08862
CONKLIN FREDERICK S JR	625 N HALIFAX AVE B30	DAYTONA BEACH, FL 32118
CUDE BOBBY LEE EST	519 N HALIFAX AVE	DAYTONA BEACH, FL 32118
CUPOLO MELANIE D	24 WELLESLEY ST W APT 1411	Toronto, ON
DAYTONA SEABREEZE LLC	3424 PEACHTREE RD NE #300	ATLANTA, GA 30326
DELGADO ALICIA	529 PENINSULA DR	DAYTONA BEACH, FL 32118
DOUEK JUNE	13071 SEA SIDE HARBOUR DR	NORTH FORT MYERS, FL 33903
DUARTE DENISE	625 N HALIFAX AVE UNIT B32	DAYTONA BEACH, FL 32118
DUBACH JOHN C	281 SOFTWOOD DR	HOBART, IN 46342
EASTBANK CONDO ASSOC	525 N HALIFAX AVE	DAYTONA BEACH, FL 32118
EASTMAN ROGER M	1525 ARROWHEAD DR	COSHOCTON, OH 43812
EILETS NORMAN	625 N HALIFAX AVE #26	DAYTONA BEACH, FL 32118
FENG WENQIAN	1719 SHADYREST CT	LAKE MARY, FL 32746
FLORIDA LIFESTYLE HOMES & LAND INC	250 PALM COAST PKWY NE STE 607-508	PALM COAST, FL 32137
GENDRON JOSEPH ROGER JR	625 N HALIFAX AVE UNIT B 5	DAYTONA BEACH, FL 32118
HALSEA PARTNERS	523 N HALIFAX AVE	DAYTONA BEACH, FL 32118
HENRY ANDREW G SR TR	625 N HALIFAX AVE UNIT C23	DAYTONA BEACH, FL 32118
INOSE LLC	67 NICHOLAS CT	ORMOND BEACH, FL 32174
JACKSON GORDON	305 HIGH WOODS TRL	FORT WORTH, TX 76112
JD BUSINESS ADVISORS LLC	625 N HALIFAX AVE UNIT C19	DAYTONA BEACH, FL 32118
JONES GLENN W	321 CORNELL DR	DAYTONA BEACH, FL 32118
KASTURI SAROJ K	3 WILD CREEK WAY	ORMOND BEACH, FL 32174
KENYON PHILLIP BLAKE	525 N HALIFAX AVE UNIT 2	DAYTONA BEACH, FL 32118
KNIGHT JANELLE S	625 N HALIFAX DR UNIT B17	DAYTONA BEACH, FL 32118
KONARIK TRAVIS	PO BOX 10388	DAYTONA BEACH, FL 32120
KOTARA CHRISTOPHER ROBERT	525 N HALIFAX AVE UNIT #7	DAYTONA BEACH, FL 32118
KRASKI SUZANNE H	283 LINDEN ST	ORMOND BEACH, FL 32174
LEITE LINDA L	625 N HALIFAX AVE #11	DAYTONA BEACH, FL 32118
LETENDRE RENE	11046 HERITAGE RD	Brampton, ON
LINDQUIST-KESSLER ARTHUR	950 S CHERRY ST STE 710	DENVER, CO 80246
LOCKWOOD CHARLES A & JUNE M	5519 BENNETTS CORNERS RD	CAMILLUS, NY 13031
LPLH PROPERTY HOLDINGS LLC	2379 BEVILLE RD	DAYTONA BEACH, FL 32119
MCGUINNESS JOHN N	625 N HALIFAX AVE APT 14	DAYTONA BEACH, FL 32118
MCKENDRICK ROBERT S	525 N HALIFAX AVE UNIT 8	DAYTONA BEACH, FL 32118
MDA BUILDINGLLC	536 N HALIFAX AVE STE 100	DAYTONA BEACH, FL 32118
MEIVES ROBERT D	195 E STANFORD ST	BARTOW, FL 33830
MILLSPAUGH THEODORE CAMPBELL	4538 S PENINSULA DR	PONCE INLET, FL 32127
MYMADRIGAL LLC	PO BOX 731681	ORMOND BEACH, FL 32174
NIKOLZ NICK	2523 E 16TH ST APT 3	BROOKLYN, NY 11235
OASIS MANAGEMENT MASTER INC	1 GOODALL AVE	DAYTONA BEACH, FL 32118
OMID LLC	763 N BEACH ST	ORMOND BEACH, FL 32174
PARKER REBECCA LAUREN	625 N HALIFAX AVE UNIT 12	DAYTONA BEACH, FL 32118

PATEL ASHOKKUMAR J TR
PATEL DEENA A TR
POTVIN BRENDA SUE
PRIEST DANA
PRIMEDIA COMMUNICATIONS CORP
RAWNSLEY DOUGLAS G
REEN JOHN CHRISTOPHER
REISCH DONNA J
RIMOLA ALFONSO
ROSSER CHRISTOPHER
SEABREEZE BOULEVARD CORP
SEABREEZE DAYTONA MARINA LLC
SHAMROCK-SHAMROCK INC
SINGH PHYLLIS J
STATE OF FLORIDA DOT
SULLIVAN HENRIETTE E TR
SUSSMANS INC
TITAN DEVELOPMENT PARTNERS LLC
TL REAL PROPERTY LLC
UNIVERSAL ELITE INVESTMENTS INC
WALSH CONSULTING GROUP IN
WELLS MICHAEL H
WYLIE SUSAN L
XYNIDIS ELAINE
XYNIDIS ELAINE TR

625 N HALIFAX AVE UNIT 35
625 N HALIFAX AVE 1
2066 HAYFIELD WAY
1044 KIRKWOOD ST
2 SECOND PL
625 N HALIFAX AVE UNIT B33
268 CHICAGAMI TR
625 N HALIFAX AVE UNIT 22
525 N HALIFAX AVE UNIT 10
625 N HALIFAX AVE UNIT 7
222 SEABREEZE BLVD
3424 PEACHTREE RD NE #300
PO BOX 227
3606 S PENINSULA DR UNIT 104
719 S WOODLAND BLVD
625 N HALIFAX AVE #18
303 SEABREEZE BLVD
4095 SW 67TH AVE
2090 SW 55TH STREET RD
3901 W CHARLESTON BLVD STE 166
629 N PENINSULA DR
625 N HALIFAX AVE UNIT 29
108 LAUREL VALLEY CT
521 N HALIFAX AVE
521 N HALIFAX AVE

DAYTONA BEACH, FL 32118
DAYTONA BEACH, FL 32118
APOPKA, FL 32712
DUBUQUE, IA 52001
BROOKLYN, NY 11231
DAYTONA BEACH, FL 32118
MEDFORD LAKES, NJ 08055
DAYTONA BEACH, FL 32118
DAYTONA BEACH, FL 32118
DAYTONA BEACH, FL 32118
DAYTONA BEACH, FL 32118
ATLANTA, GA 30326
DAYTONA BEACH, FL 32115
PORT ORANGE, FL 32127
DELAND, FL 32720
DAYTONA BEACH, FL 32118
DAYTONA BEACH, FL 32118
MIAMI, FL 33155
OCALA, FL 34471
LAS VEGAS, NV 89102
DAYTONA BEACH, FL 32118
DAYTONA BEACH, FL 32124
DAYTONA BEACH, FL 32114
DAYTONA BEACH, FL 32118
DAYTONA BEACH, FL 32118

Agenda Item 4C (Quasi-Judicial Hearing)
Small Scale Comprehensive Plan Amendment
DEV2024-103
530 N Beach Street Warehouse SSCPA

STAFF REPORT

MEETING DATE: July 25, 2024, Planning Board
REPORT DATE: July 18, 2024
SUBJECT: DEV2024-103 530 N Beach Street Warehouse SSCPA
APPLICANT: Mark Karet, AICP – Zev Cohen & Associates, Inc.
OWNER: MHD Real Estate, LLC
STAFF: Doug Gutierrez, AICP, Planning Manager

SUMMARY OF REQUEST

This request is for approval of a Small-Scale Comprehensive Plan Amendment (SSCPA) of the Future Land Use Map (FLUM) for the 1.34 +/- acre subject property. The Property is located at 530 N. Beach Street on the NW corner of N. Beach Street and Arlington Avenue. The Applicant desires to change the FLUM from Level 2 Residential (L2-R) to Retail (R).

Staff recommendation: Staff finds that the small-scale amendment is consistent with the Comprehensive Plan, does not represent urban sprawl and the City has available capacity to serve the demand on available water and sewer.



SITE INFORMATION

Location: 530 N. Beach Street on the NW corner of N. Beach Street and Arlington Avenue.

Parcel No(s): 533830000010

Property Size: ± 1.34 acres

Existing Zoning: Local Industry (M-1)

Existing Future Land Use: Level 2 – Residential (L2-R)

Proposed Future Land Use: Retail (R)

Adjacent Land Use and Zoning: *Existing uses listed in the table below are not intended to be an all-inclusive list, but a general summary of types of uses near the subject property.*

	Existing Use(s)	Future Land Use Designation	Existing Zoning Classification
Site	Vacant	L2-R	M-1
North	Automotive repair, servicing and parts	OT	M-1
South	Commercial	LSI	M-1 & RP
East	Automotive repair, servicing and parts	Com-MU & Park	M-1
West	Residential	L2-R	MFR-20



Aerial View of the Property

PROJECT DESCRIPTION

Proposed Amendment to the Future Land Use Map. The subject property is 1.34 acres ± and contains a vacant 40,279 sf building built in 1956 with an addition built in 1974.

The applicant requests to amend the Future Land Use Map designation for the property in order to have the current zoning in compliance with the Future Land Use (FLU). The proposed amendment is to change from the current Level 2- Residential (L2-R) to Retail (R). This is an appropriate Future Land Use along N. Beach Street, which is compatible with the current M-1 zoning.

PROJECT ANALYSIS**Conformance with Comprehensive Plan**

The applicant has requested that the Future Land Use Element future land use designation for this property be amended to Retail (R). Policy 1.1.13 describes the Retail (R) designation as shown below.

Policy 1.1.2 RETAIL: An area composed primarily of retail establishments, but typically containing other commercial uses including amusements located in planned zoning districts. The floor area ratio shall not exceed 3 and the residential density shall not exceed 40 dwelling units per acre.

Neighborhood Input

A neighborhood meeting was held on site at 530 N Beach Street, Daytona Beach, Florida, on June 26, 2024, from 6:15 p.m. to 6:45 p.m. Mark Karet and Emilio O'Brien attended along with ten (10) interested residents and were generally in support of the project. (Neighborhood meeting summary Attachment A).

Impact Analysis

Urban services necessary to serve this site and the concurrency process requires that adequate capacity be available for development prior to the approval of final development orders.

The following are results for water, wastewater and traffic impacts that could be generated by the property by the most intense land use allowed under the current land use map designation and the proposed land use change. Detailed data and analysis are in the attached project analysis provided by the applicant (Attachment B).

The City's potable water treatment plant has sufficient capacity (24.0 MGD) to accommodate the proposed Future Land Use designation. The current maximum daily flow is 14.61 MGD with a current reserve of 2.51 MGD and the proposed amendment results in a possible net decrease in demand of 5,705 Avg. GPD.

The City's wastewater treatment plant servicing this site has sufficient capacity (15.0 MGD) to accommodate the proposed Future Land Use designation. The current maximum monthly annual daily flow is 9.3 MGD with a current permitted reserve of 2.31 MGD and the proposed amendment results in a possible net decrease in demand of 5,705 Avg. GPD.

The current future land use Average Daily Trip (ADT) generation is 196 and PM Peak Hour Trips is 18 trips. The proposed Future Land Use Map Amendment Average Daily Trip (ADT) generation is 289 trips and PM Peak Hour Trips 48 trips will result in a theoretical net increase

of ADT 93 trips and PM Peak Hour Trips 30 trips from the maximum allowed by the current land use.

Urban Sprawl

In general terms and as directed by Florida Statutes and rules of the Florida Administrative Code, key urban sprawl indicators include leapfrog development, premature development, and development that does not make efficient use of urban services. Local governments are responsible for ensuring that their actions do not further urban sprawl. This amendment does not represent leapfrog development. It is located in an area of commercial and residential uses with existing urban services that are suitable for the exiting development. Central water and sewer services have the capacity to serve the subject property and the property is accessible through the existing road network. The traffic generation calculations presented in this staff report indicate average daily trips will decrease if the proposed amendment is approved.

Consistency with the Comprehensive Plan Goals, Objectives and Policies

Objectives and Policies of the Comprehensive Plan that are relevant to this application are listed below:

Future Land Use Element

Goal 1: To achieve a future land use pattern that provides for sufficient supply of land to meet growth demands, ensures that land uses are located in a rational and efficient manner, and promotes economic development.

Response: The proposed future land use will resolve an inconsistency between the current future land use and zoning. The continued use of this property as industrial will create new job opportunities and promote economic development.

Policy 1.4.3 Although light industrial development is highest priority, the City shall also assist in the development of high quality family tourist/entertainment complexes; i.e. resort hotels, amusement parks, marinas, performing arts theaters, and other cultural facilities by maintaining appropriate development incentives.

Response: Approval of the proposed comprehensive plan amendment to Retail will complement this policy, acknowledging light industrial development as one of the highest priority in the City's Comprehensive Plan.

RECOMMENDATION

Staff finds that the small-scale amendment is consistent with the Comprehensive Plan, does not represent urban sprawl and the City has available capacity to serve the demand on available water and sewer.

Based on staff analysis and review, the proposed Future Land Use Map amendment from Level 2 Residential (L-2R) to Retail (R) appears to meet criteria for the proposed amendment.

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

The item is tentatively scheduled to be heard by the City Commission for first reading on September 4, 2024 and for second reading (public hearing) for approval on September 18, 2024.

LOCATION MAP



1 inch = 250 feet



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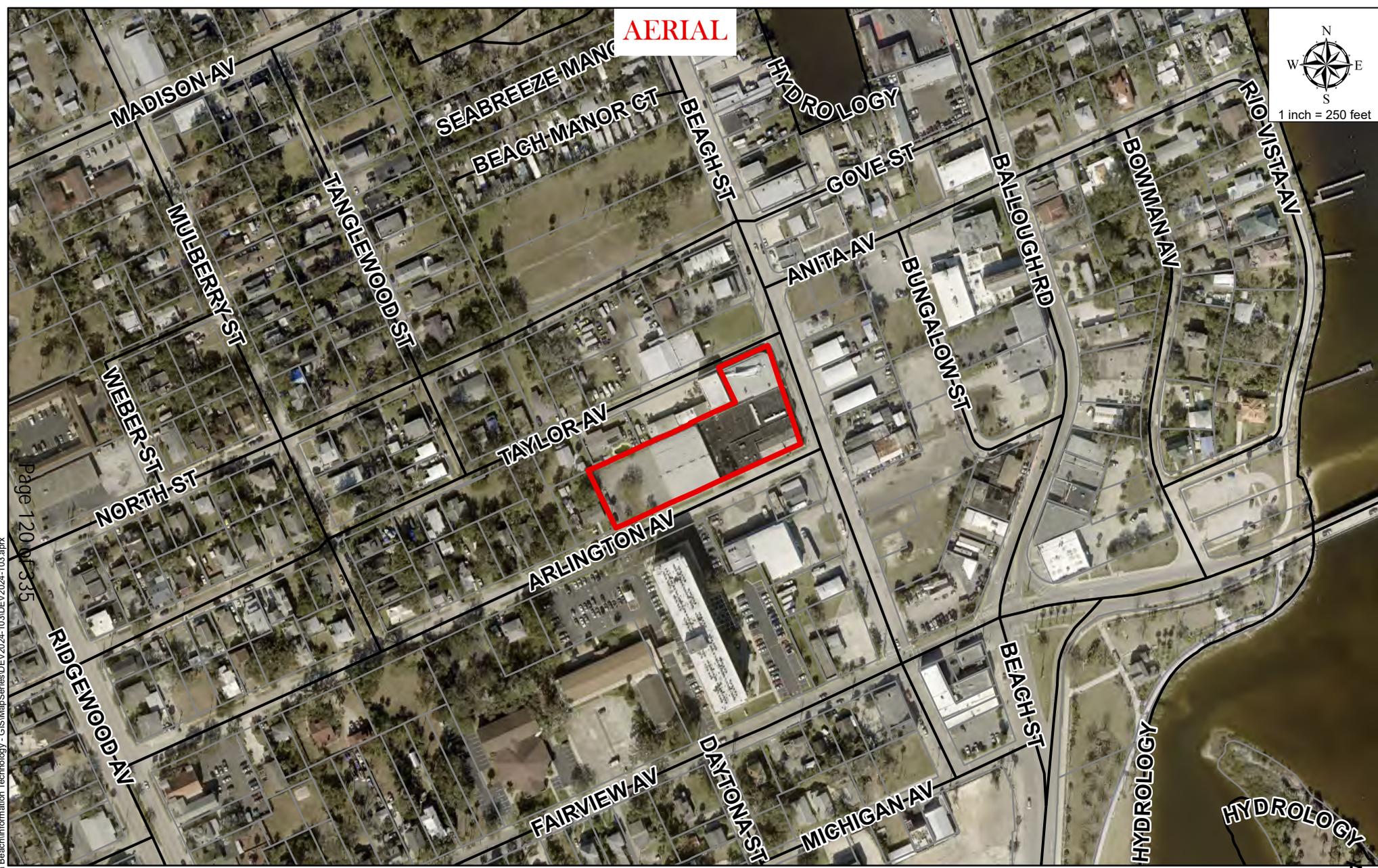
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DEV2024-103 530 BEACH STREET - SSCPA LOCATION MAP

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Agenda Item #4.C.



AERIAL



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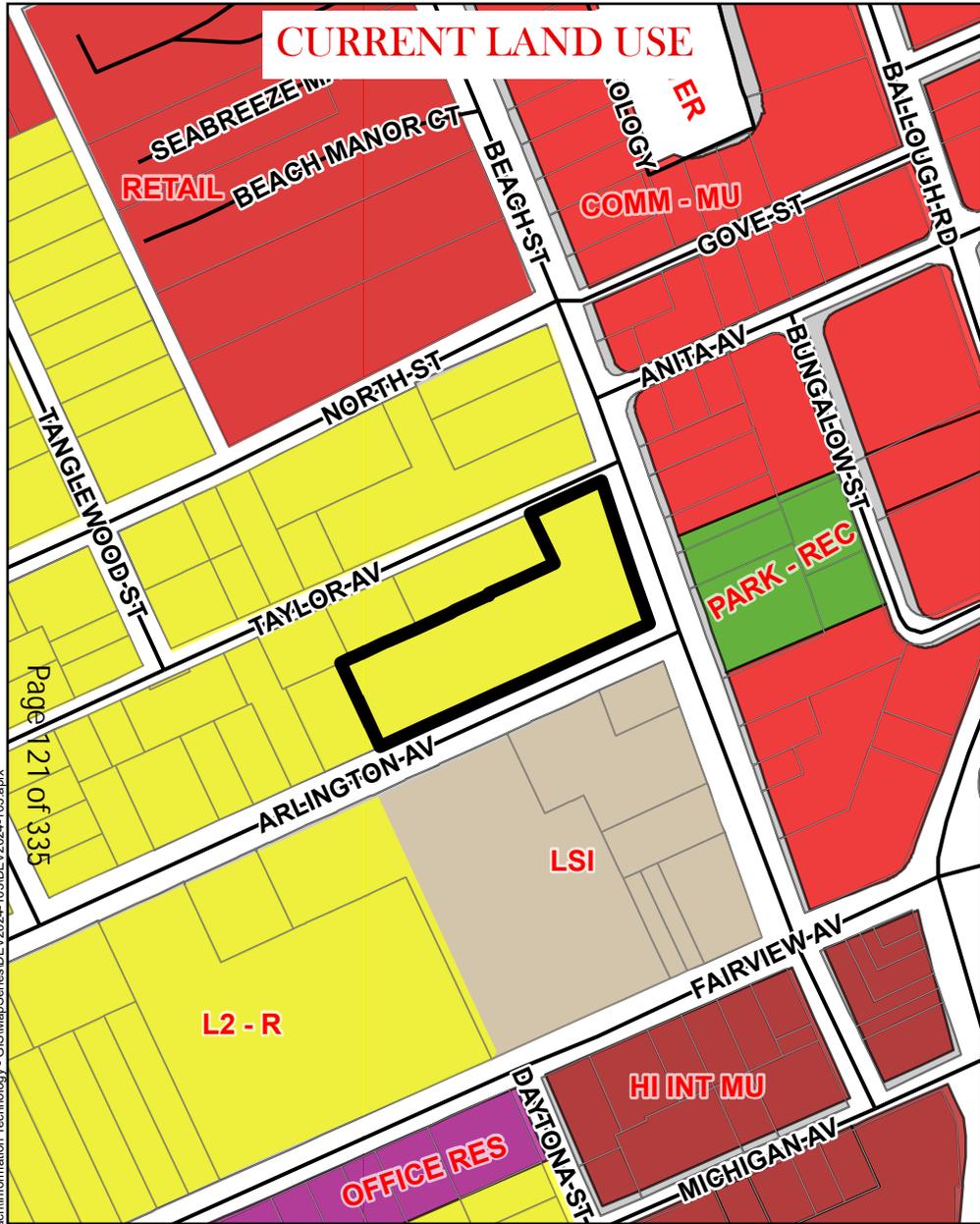


**DEV2024-103
530 BEACH STREET - SSCPA
AERIAL MAP**

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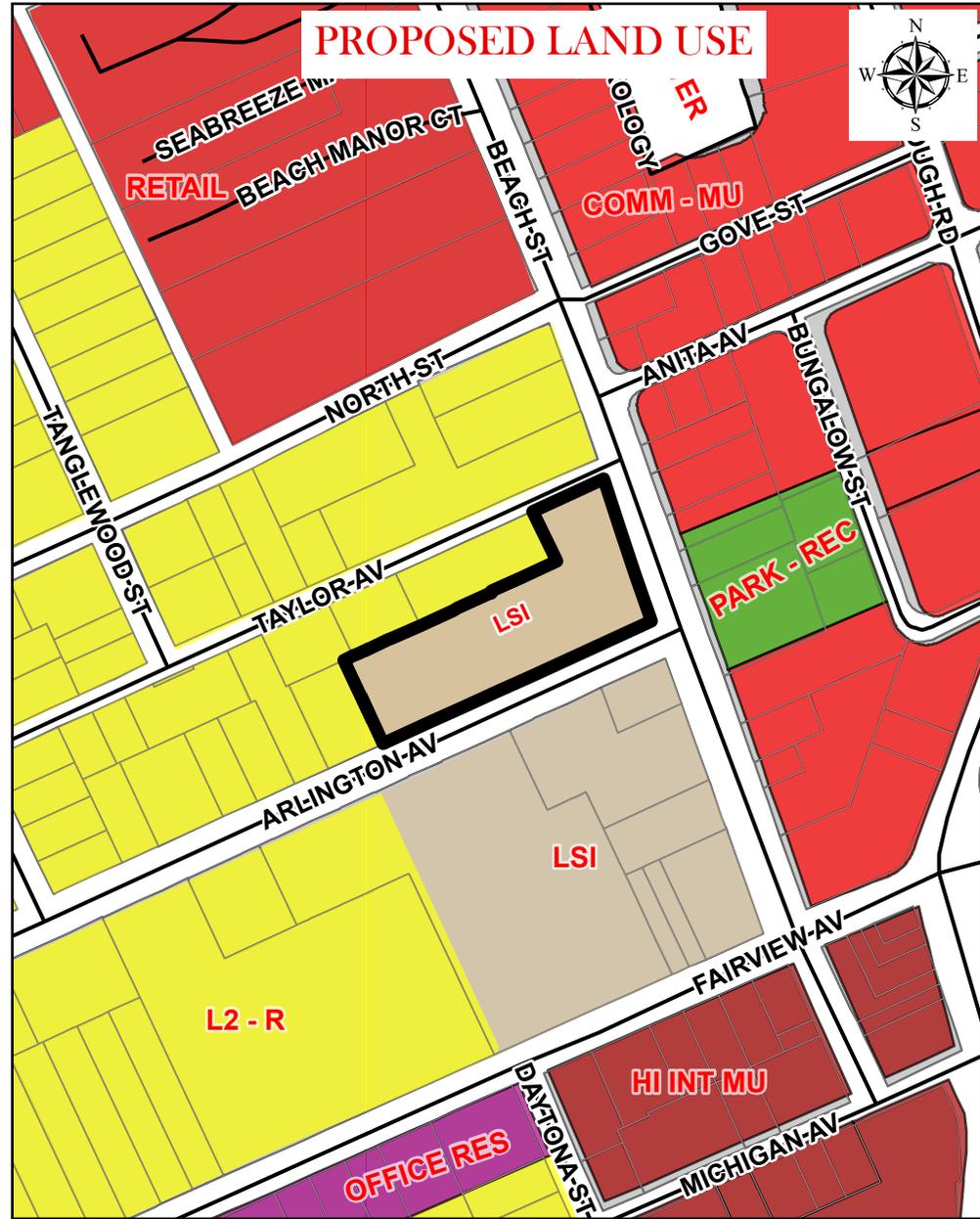
Agenda Item #4.C.

CURRENT LAND USE



1 inch = 250 feet

PROPOSED LAND USE



1 inch = 250 feet

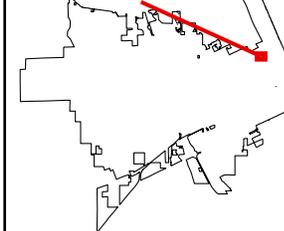


DEV2024-103
530 BEACH STREET - SSCPA
CURRENT AND PROPOSED
LAND USE MAP

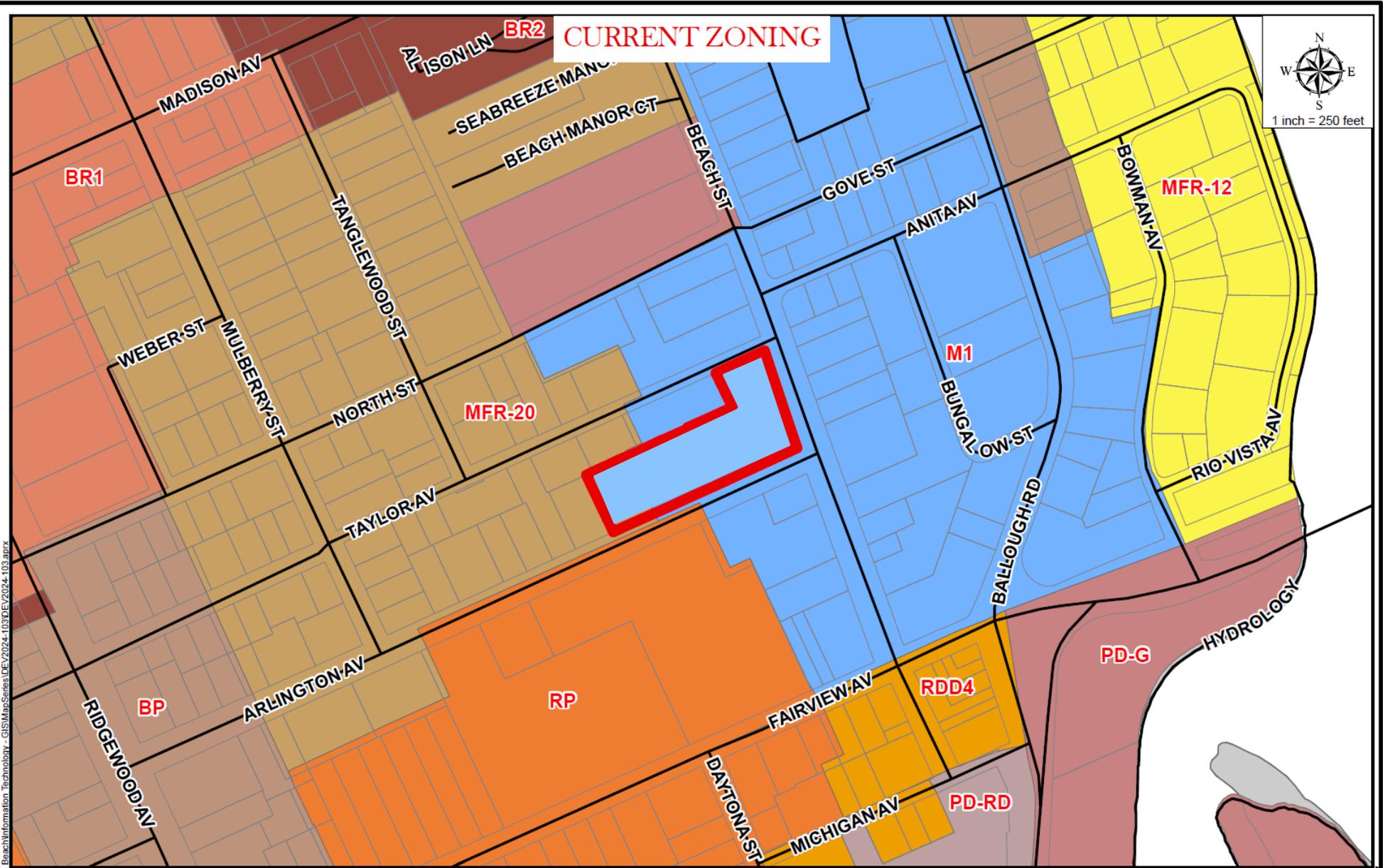
City of Daytona Beach Map disclaimer:

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FOCUS AREA

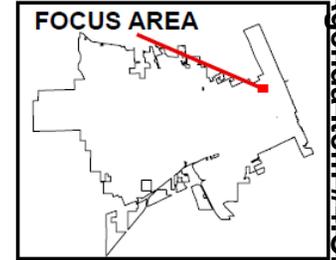


Agenda Item #4.C.



DEV2024-103
530 BEACH STREET - SSCPA
CURRENT ZONING MAP

City of Daytona Beach Map disclaimer:
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Memorandum

To: Dennis Mrozek, Planning Director, City of Daytona Beach
From: Emilio A. O'Brien, Planner II
Date: June 27, 2024
Project: Beach Street Warehouse Planned Development-General Rezoning
[DEV 2024-115] [ZC 23308]
Subject: Neighborhood Meeting

A neighborhood meeting was held on site at 530 N Beach Street, Daytona Beach, Florida, on June 26, 2024, from 6:15 p.m. to 6:45 p.m. Mark Karet and Emilio O'Brien attended along with ten (10) interested residents (see attached sign-in sheet). The discussions held at the neighborhood meeting are summarized below.

❖ **Introductions**

- Mark Karet and Emilio O'Brien, Planners with Zev Cohen & Associates, Inc.

❖ **Project Background/History**

- Constraints/obstacles
- Comprehensive Planning Amendment
- PD Rezoning

❖ **Neighborhood Meeting – Requirement of the Daytona Beach Planning Board**

❖ **Open Floor**

- **Resident:** The PD rezoning approval would bring the property into compliance with the new tenant(s).
- **Resident:** Will the building be subdivided? If so, how many tenants will occupy it?
- **Resident:** What type of tenant, end user, or business will occupy the building?
- **Mark Karet:** There is a development agreement outlining development criteria, dimensional standards, and permitted uses. Much of the property is currently zoned Local Industry (M-1). The quantity and type of tenants that will occupy the building in the future are unknown at this time; however, most of the uses listed in the PD agreement were transferred from the M-1 base zoning district, except those omitted by city staff. Therefore, the prospective end user will operate based on the uses permitted within the proposed Planned Development District.
- **Mark Karet:** The subject property is currently zoned as M-1 and Multifamily Residential-20 (MFR-20). The existing off-street parking area is located on a portion of the property zoned MFR-20. Rezoning the property to the proposed Planned Development-General (PD-G) category would consolidate the site's zoning.

- **Resident:** There was a previous tenant in the area (not necessarily at this location) who had an industrial operation that used to generate a lot of noise.
- **Resident:** Will this project improve drainage and address flooding issues in this area?
- **Mark Karet:** This project will have no adverse impacts on the surrounding properties regarding drainage and flooding.
- **Mark Karet:** The building will be renovated, and the site will be improved. The proposed mural shown on 'Exhibit C' is just an example of what the mural and faux windows may look.
- **Resident:** Is the subject property within a redevelopment area?
- **Mark Karet:** No, this specific property is not within a redevelopment district; however, the properties on the other side of N Beach Street are.
- **Resident:** Would the developer need to go through the PD rezoning process if the property had not been abandoned?
- **Mark Karet:** It's likely they wouldn't need to undergo the PD rezoning process if a business had been operational in the facility within six months of the closure of the previous business.
- **Resident:** What are the remaining steps in the PD rezoning process?
- **Mark Karet:** After this neighborhood meeting, we hope to be on the agenda for the upcoming Planning Board meeting. The Planning Board will then recommend the project to the City Commission. Subsequently, we will undergo two readings at the City Commission, after which they will vote to approve or deny the project.

Sign-In Sheet

JOHN J. NICHOLSON	386-265-8019
JOSEPH JAEGER	386-295-4983
TOM RUSSELL	386-316-3711
FRANK ABRAMS	
Barbara ELLS	386 334 0245
Sherry Graham	386-631-5740
Virginia Snyder	386-341-3799
Eric Showalter	814-529-1124
Walter Beddard	386 547-1727
Robert Fordham JR	386-262-4287

**NEIGHBORHOOD MEETING REQUIREMENTS
THE CITY OF DAYTONA BEACH, FLORIDA**

I, the undersigned, hereby certify that I have mailed to the following named property owners whose property is within 500 feet of that property which is the subject of an application for a Planned Development (PD) pursuant to the Land Development Code (LDC) of The City of Daytona Beach, Florida, a notice containing the time, date, location, and general nature of the development proposal. I, the undersigned, also hereby certify that I have posted notice of the neighborhood meeting on the property which is the subject of an application for a Planned Development (PD). The mailed notices were sent at least ten (10) days prior to the neighborhood meeting date. The posted notices were posted on the affected property, visible from each adjoining right-of-way, at least ten (10) days prior to the neighborhood meeting date.

This form, a certified copy of the mailing list (obtained from the Volusia County Property Appraiser's Office), photos of the posted notices, and a written summary of the neighborhood meeting complying with Section 3.3.B of the LDC must be submitted to City Staff at least 14 days before the application is reviewed by an advisory board or decision-making board (if no advisory board is involved).

Project Number DEV 2024-115 Hearing Date 6/26/24
Typed/Printed Name Jill Eckstein
Signature (sign after reading) [Signature]
Address 300 Interchange Blvd. St. C Ormond Beach, FL 32174

STATE OF FLORIDA
COUNTY OF Florida

The foregoing instrument was acknowledged before me this 14th day of June, 2024, by Jill Eckstein, who is personally known to me or has produced _____.

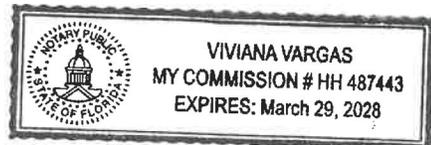
FLORIDA

PRINTED

[Signature]

NOTARY PUBLIC - STATE OF
Viviana Vargas

NAME OF NOTARY - TYPED OR
COMMISSION # HH 487443



OWNER1 CAREOF	MAILADDR1	MAILCITY MAILSTATE MAILZIP
CMN PROPERTIES INC	2441 PALMETTO CIR	SOUTH DAYTONA, FL 32119
U S BLINDS INVESTMENTS LLC	2027 N HALIFAX AVE	DAYTONA BEACH, FL 32118
MCCARTHY WILLIAM	2335 DURRANCE LN	ORMOND BEACH, FL 32174
D&J GLOBAL HOLDING LLC	7901 4TH ST N STE 300	SAINT PETERSBURG, FL 33702
SALVATION ARMY	1555 LPGA BLVD	DAYTONA BEACH, FL 32117
PAGNOTTI JOSEPH	2 SEA OATS TER	ORMOND BEACH, FL 32176
CJLG ENTERPRISES LLC	541 N BEACH ST	DAYTONA BEACH, FL 32114
CJLG ENTERPRISES LLC	541 N BEACH ST	DAYTONA BEACH, FL 32114
SILVESTRI JOHN PAUL	114 ANITA AVE	DAYTONA BEACH, FL 32114
FLIS HOLDINGS LLC	106 ANITA AVE	DAYTONA BEACH, FL 32114
KANE DONALD R TR	101 UNIVERSITY BLVD	DAYTONA BEACH, FL 32818
555 NORTH BEACH STREET LLC	1201 S ORLANDO AVE STE 370	WINTER PARK, FL 32789
SALVATION ARMY	1555 LPGA BLVD	DAYTONA BEACH, FL 32117
540 B LLC	600 BALLOUGH RD	DAYTONA BEACH, FL 32114
540 B LLC	600 BALLOUGH RD	DAYTONA BEACH, FL 32114
SALVATION ARMY	1555 LPGA BLVD	DAYTONA BEACH, FL 32117
SALVATION ARMY	1555 LPGA BLVD	DAYTONA BEACH, FL 32117
SALVATION ARMY	1555 LPGA BLVD	DAYTONA BEACH, FL 32117
LOS MAES LLC	114 TAYLOR AVE	DAYTONA BEACH, FL 32114
GONZALES BENILDA	76 WYE DR	ORMOND BEACH, FL 32176
GORKA JENNIFER L	1073 BUCCANEER LN	MANAHAWKIN, NJ 08050
CATANZARO SALVATORE	1317 OSPREY NEST LN	PORT ORANGE, FL 32128
MJNB LLC	115 N PRESSVIEW AVE	LONGWOOD, FL 32750
NOMAD PROPERTIES INC	436 N PENINSULA DR	DAYTONA BEACH, FL 32118
WHITE TONYA	132 TAYLOR AVE	DAYTONA BEACH, FL 32114
ALVAREZ GUILLERMO	160 PONCE DE LEON DR	ORMOND BEACH, FL 32176
SOUTHTRUST FINANCIAL LLC	11801 NW 12TH DR	CORAL SPRINGS, FL 33071
BEACH DEVELOPMENT GROUP LL	1690 DUNLAWTON AVE STE 12	PORT ORANGE, FL 32127
BURSON EUGENE	1127 LILLY AVE NE	CANTON, OH 44730
GORKA JENNIFER L	1073 BUCCANEER LN	MANAHAWKIN, NJ 08050
SCHERZER DAVID	142 ARLINGTON AVE	DAYTONA BEACH, FL 32114
SCHERZER DAVID	142 ARLINGTON AVE	DAYTONA BEACH, FL 32114
HUDSON CHRISTOPHER LEE	PO BOX 265245	DAYTONA BEACH, FL 32126
LARSEN MATTHEW J	548 TANGLEWOOD ST	DAYTONA BEACH, FL 32114
LARSEN MATTHEW J	548 TANGLEWOOD ST	DAYTONA BEACH, FL 32114
EDWARDS MELINDA	PO BOX 3209	DELAND, FL 32723
SCHUTZ JOHN	PO BOX 771031	WINTER GARDEN, FL 34777
LYNCH TISH E	155 TAYLOR AVE	DAYTONA BEACH, FL 32114
CENTRAL BAPTIST CHURCH OF	152 FAIRVIEW AVE	DAYTONA BEACH, FL 32114
CENTRAL MANOR APARTMENTS IN	136 W FAIRVIEW AVE	DAYTONA BEACH, FL 32114
STIDHAM GROUP LLC	2509 N PENINSULA DR	DAYTONA BEACH, FL 32118
MIRA 528 LLC	437 N HALIFAX AVE	DAYTONA BEACH, FL 32118
BEDDARD WALTER S	996 MILLICANT CIR	PORT ORANGE, FL 32127

509 BEACH LLC	600 BALLOUGH RD	DAYTONA BEACH, FL 32114
509 BEACH LLC	600 BALLOUGH RD	DAYTONA BEACH, FL 32114
509 BEACH LLC	600 BALLOUGH RD	DAYTONA BEACH, FL 32114
CENTRAL BAPTIST CHURCH OF TH	142 FAIRVIEW AVE	DAYTONA BEACH, FL 32114
DRUMMOND ANDREW	4026 WICKHAM AVE	BRONX, NY 10466
NORSESIAN CANDICE	67 CARRIAGE CREEK W	ORMOND BEACH, FL 32174
TOCE DANIEL G	PO BOX 25	SOUTH WINDSOR, CT 06074
CAMERON GEORGE F	512 N BEACH ST	DAYTONA BEACH, FL 32114
MJNB LLC	115 N PRESSVIEW AVE	LONGWOOD, FL 32750
ALVAREZ GUILLERMO	160 PONCE DE LEON DR	ORMOND BEACH, FL 32176

NEIGHBORHOOD MEETING NOTICE

A NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON
6-26-24 AT 6:00 PM TO INTRODUCE THE
FOLLOWING APPLICATION FOR THIS PROPERTY:

PD REZONING DEV 2024-115

THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION:

530 N, BEACH STREET, DAYTONA BEACH, FL

INTERESTED PARTIES CAN CONTACT MARK KARET, AICP

AT 386-677-2482 FOR FURTHER INFORMATION.

NEIGHBORHOOD MEETING NOTICE

A NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON
 6-26-24 AT 10:00 AM TO INTRODUCE THE
 FOLLOWING APPLICATION FOR THIS PROPERTY:
 DU RESUBMITTING 08/1/2024-25
 THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION:
 590 N. BEACH STREET, CALEXIA, CA 92521, B.
 INTERESTED PARTIES CAN CONTACT [NAME] AT [PHONE NUMBER]
 AT 909-477-9462 FOR FURTHER INFORMATION



NEIGHBORHOOD MEETING NOTICE
A NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON
[illegible] AT [illegible] TO INTRODUCE THE
FOLLOWING APPLICATION FOR THIS PROPERTY:
[illegible]
THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION:
[illegible]
INTERESTED PARTIES CAN CONTACT [illegible]
[illegible] FOR FURTHER INFORMATION.

Request:

MHD Real Estate, LLC is the contract purchaser of the property with plans to close on the property prior to final approval of this request for a small-scale future land use map amendment from **Level 2 Residential** to **Retail** for this 1.34± acre site. The Tax Parcel Identification Number for the property is 533830000010.

Location:

The property is located at 530 N. Beach Street on the northwest corner of the intersection of N. Beach Street and Arlington Avenue. See the attached aerial location map.

Existing Use of Subject Property:

The subject property contains a vacant 40,279 SF building originally built in 1956 with an addition constructed in 1974. Previously, this property was associated with retail sales, warehousing, and light manufacturing activities. Vehicular access to the site is provided by one driveway on N. Beach Street and two driveways on Arlington Ave. Pedestrian access is provided via sidewalks along N. Beach Street and Arlington Ave.

Surrounding Existing Land Uses:

These are the current, existing land uses in the vicinity of the subject property.

North: Robbins Radiator Works (Zoned M1, Vehicle repair and servicing), Robbins Depot (Zoned M1, Automotive parts sales and installation), Single Family Home (Zoned MFR-20, Single-family detached dwelling).

South: Two businesses with unknown uses (Zoned M1).

East: Walt's Automotive and Transmission (Zoned M1, Vehicle repair and servicing), Greens Air Conditioning Refrigeration (Zoned M1, General industrial services), Cam2 Blue Blood Racing (Zoned M1, Vehicle repair and servicing).

West: Single Family Home (Zone MFR-20, Single-family detached dwelling).

Flood Zone:

Zone AE and Zone X are located on the subject property. See the attached FEMA Flood Map.

Current Future Land Use Designation & Zoning Classification:

FLU: L2-R (Level 2 Residential)

This area is also found in Daytona Beach's comprehensive plan Neighborhood D.

Zoning: M1 (Local Industry).

23308 SCCPA Beach Street Warehouse

See the attached Existing Future Land Use and Zoning Maps.

Proposed Future Land Use Designation & Zoning Classification:

FLU: R (Retail)

See the attached Proposed Future Land Use and Zoning Maps.

Comprehensive Plan Consistency:

The proposed amendment is a consistent with the following Goals Objectives and Policies in the Daytona Beach Comprehensive Plan:

FLU Element

GOAL 1:

To achieve a future land use pattern that provides for sufficient supply of land to meet growth demands ensures that land uses are located in a rational and efficient manner and promotes economic development.

- Approval of the proposed comprehensive plan amendment to Retail will resolve an inconsistency between the current future land use and zoning. The continued use of this property as light industrial will create new job opportunities and promote economic development for years to come.

Policy 1.4.3:

Although light industrial development is highest priority, the City shall also assist in the development of high-quality family tourist/entertainment complexes, i.e. resort hotels, amusement parks, marinas, performing arts theaters, and other cultural facilities by maintaining appropriate development incentives.

- Approval of the proposed comprehensive plan amendment to Retail will complement this policy, acknowledging light industrial development as one of the highest priority in the City's Comprehensive Plan.

GOAL 5:

Ensure that unique and specific neighborhood issues are addressed in a manner that provides neighborhood improvement and protection.

- Approval of the proposed comprehensive plan amendment to Retail will ensure this unique and specific neighborhood issue is addressed in a manner providing economic improvement and increase protection. Vacant/abandoned property is associated with a deteriorating public safety situation, and approval of this request will assist in

23308 SCCPA Beach Street Warehouse

overcoming existing protection issues. This property has been underutilized and with the proposed investments, an over 40,000 square foot business will once again contribute productively to Neighborhood D and the City.

Neighborhood D, Development Policies (h) Issue:

The underutilization of properties along the western side of North Beach Street is an impediment to redevelopment within the Ballough Road Redevelopment Area and this Neighborhood. The City should develop strategies and encourage redevelopment to address the issues of existing blight and provide commercial and residential opportunities for redevelopment.

- Approval of the proposed comprehensive plan amendment to Retail will assist the City in addressing the issues of existing blight on the western side of North Beach Street, and by doing so, Ballough Road Redevelopment Area and Neighborhood D will achieve another objective in revitalizing this area. The current underutilized property is proposed to be improved with a mural and provide economic improvement for the community.

Impact Assessment:

The following calculations summarize approximate conditions for each municipal service analyzed. To determine the impact assessment, ZCA utilized the adopted future land use theoretical maximum development potential to determine the existing impacts. Therefore, the impacts discussed in this assessment do not necessarily reflect the actual density or intensity of development that the subject property will yield or that the applicant is proposing.

Dwelling Units (Density):

Existing (L2R): 26 units
Proposed (R): 52 units
Density Net Change: 26 units

Population:

Existing (L2R): 55 persons
Proposed (R): 110
Net Change: 52 persons

Note: Based on 2.11 person per household 2018-2022 ACS 5-year estimates.

Commercial Gross Floor Area (Intensity):

Existing (L2R): 0 allowed in Level 2 Residential
Proposed (R): 175,111.2 SF
Intensity Net Change: 175,111.2 SF

Retail FAR = 3.0 (43,560 X 1.34 AC = 175,111.2 SF)

23308 SCCPA Beach Street Warehouse

Potable Water

Existing (L2R): 8,040 gpd (300 gallons/unit/day)
Proposed (R): 2,334.8 gpd (30 gpd plus 10 gpd/1,000 sq. ft.)
Net Change: -5,705.2 gal/day
Facility Capacity: 24,000,000 gallons per day
Average Daily Usage: 13,100,000 gallons per day
Capacity Available: **Yes**

The proposed future land use designation "Retail", at the theoretical maximum intensity would generate a demand for 2,334.8 gallons of water per day, a decrease of 5,705.2 gallons per day from the current future land use map designation. The City's water plant has a facility production capacity of 24,000,000 gallons per day, with an average daily flow in FY 2024 of 13,100,000 gallons of water treated. The actual potable water consumed will be evaluated and met as part of the site plan review and concurrency requirements.

Note: Flow estimates based on information from Robin Cook, Regulatory Compliance Manager on February 14, 2024.

Sanitary Sewer

Existing (L2R): 8,040 gpd (300 gallons/unit/day)
Proposed (R): 2,334.8 gpd (30 gpd plus 10 gpd/1,000 sq. ft.)
Net Change: -5,705.2 gal/day
Bethune Point Facility Capacity: 13,000,000 gallons per day
Bethune Point Average Daily Usage: 5,500,000 gallons per day
Capacity Available: **Yes**

The proposed future land use designation "Retail", at the theoretical maximum intensity would generate a demand for 2,334.8 gallons of water per day, a decrease of 5,705.2 gallons per day from the current future land use map designation. The City's Bethune Point Wastewater Plant has a facility intake capacity of 13,000,000 gallons per day, with an average daily flow in FY 2024 of 5,500,000 gallons of wastewater treated. The actual sanitary sewer flows generated will be evaluated and met as part of the site plan review and concurrency requirements.

Note: Flow estimates based on information from Jason Camara, Bethune Point Superintendent on February 14, 2024.

Solid Waste:

Existing (L2R): 327.76 lbs./day (12.23lbs/household/day)
Proposed (R): 201.4 lbs./day (5lbs./1000 sq. ft./day) Net
Change: -126.36 lbs./day

23308 SCCPA Beach Street Warehouse

Facility Capacity: The Volusia County’s Tomoka Farms Road Landfill is a 3,400-acre Class 1 landfill and it is estimated to have excess capacity through 2052.

Capacity Available: **Yes**

At the maximum allowed density, the current land use designations would create 327.76 pounds of solid waste per day. The proposed “Retail” future land use map classification at maximum intensity will produce 201.4 pounds of solid waste per day resulting in the reduction of 126.36 pounds of solid waste per day if the proposed comprehensive plan amendment was approved. The Tomoka Landfill is the County’s permitted landfill. This facility has a permitted landfill area of 3,400 acres and has capacity until the year 2052.

Note: Solid waste estimates based on Cal-Recycle tables for solid waste rates based on type of land use.

Traffic/Daily Trips:

Existing Generation:

Use	ITE Code	Units	Weekday ADT		AM Peak Hour		PM Peak Hour	
			Factor	Trip Ends	Factor	Trip Ends	Factor	Trip Ends
Multi-Family Low-Rise	220	26.8	7.32	196.18	0.56	15.01	0.67	17.96

Proposed Generation:

Use	ITE Code	KSF	Weekday ADT		AM Peak Hour		PM Peak Hour	
			Factor	Trip Ends	Factor	Trip Ends	Factor	Trip Ends
General Light Industrial	110	58.37	4.96	289.52	0.92	53.70	0.83	48.43

Difference between CPA	+ 93.34	+38.69	+30.47
------------------------	---------	--------	--------

The density for the current land use designation would create an annual average daily trip volume of 196.18 trips per day and a PM peak volume of 17.96 trips. The proposed “Retail” future land use map designation will generate a theoretical maximum annual average daily trip volume of 289.52 trips and a PM peak volume of 48.43 trips. The proposal would result in an increase of 93.34 daily trips and an increase of 30.47 PM peak volume trips. The actual traffic volumes generated on the site will be evaluated and met as part of the site plan review and concurrency requirements.

Note: Traffic estimates derived from the ITE, Traffic Generation Manual, 10th Edition.

Legend
Subject Site (±1.34 ac)
Volusia County Parcels



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

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Aerial Map
Beach Street Warehouse PD
Daytona Beach, Florida

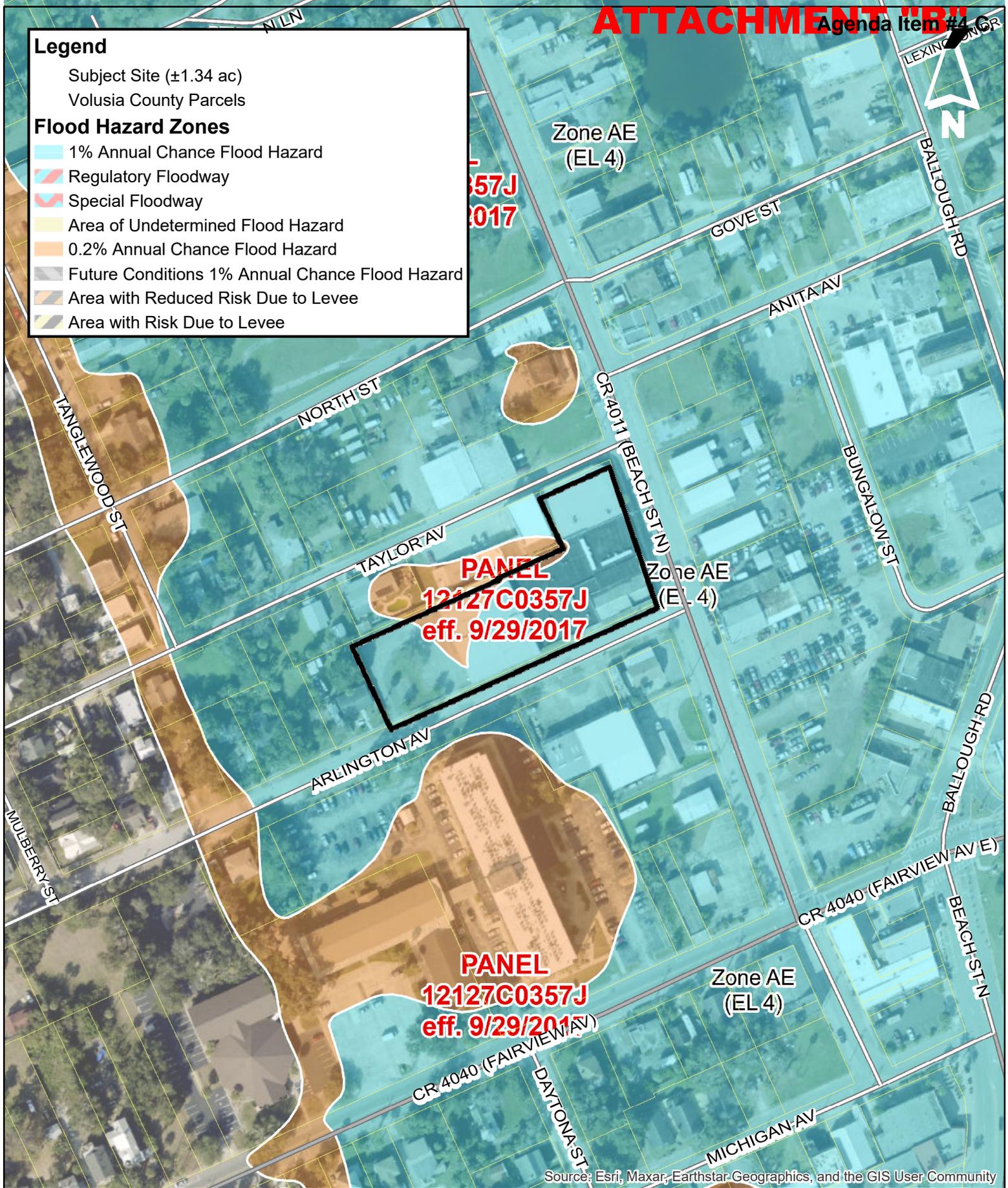
ZEV COHEN
ASSOCIATES INC
300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482

Legend

- Subject Site (±1.34 ac)
- Volusia County Parcels

Flood Hazard Zones

- 1% Annual Chance Flood Hazard
- Regulatory Floodway
- Special Floodway
- Area of Undetermined Flood Hazard
- 0.2% Annual Chance Flood Hazard
- Future Conditions 1% Annual Chance Flood Hazard
- Area with Reduced Risk Due to Levee
- Area with Risk Due to Levee



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

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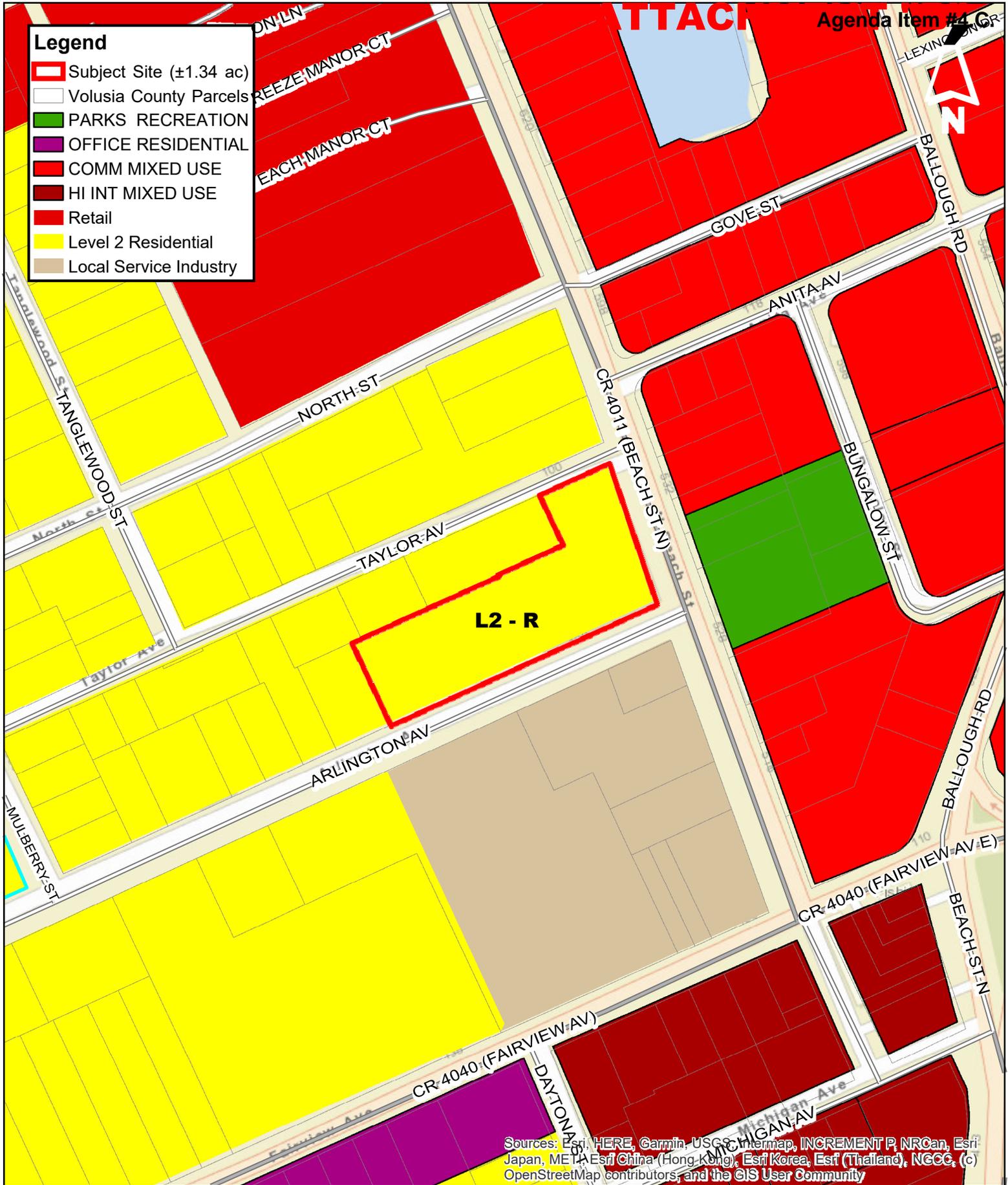
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FEMA Flood Map
 Beach Street Warehouse PD
 Daytona Beach, Florida

300 Interchange Blvd
 Ormond Beach, FL 32174
 ph 386-677-2482

Legend

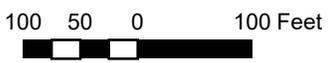
- Subject Site (±1.34 ac)
- Volusia County Parcels
- PARKS RECREATION
- OFFICE RESIDENTIAL
- COMM MIXED USE
- HI INT MIXED USE
- Retail
- Level 2 Residential
- Local Service Industry



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, MEIT, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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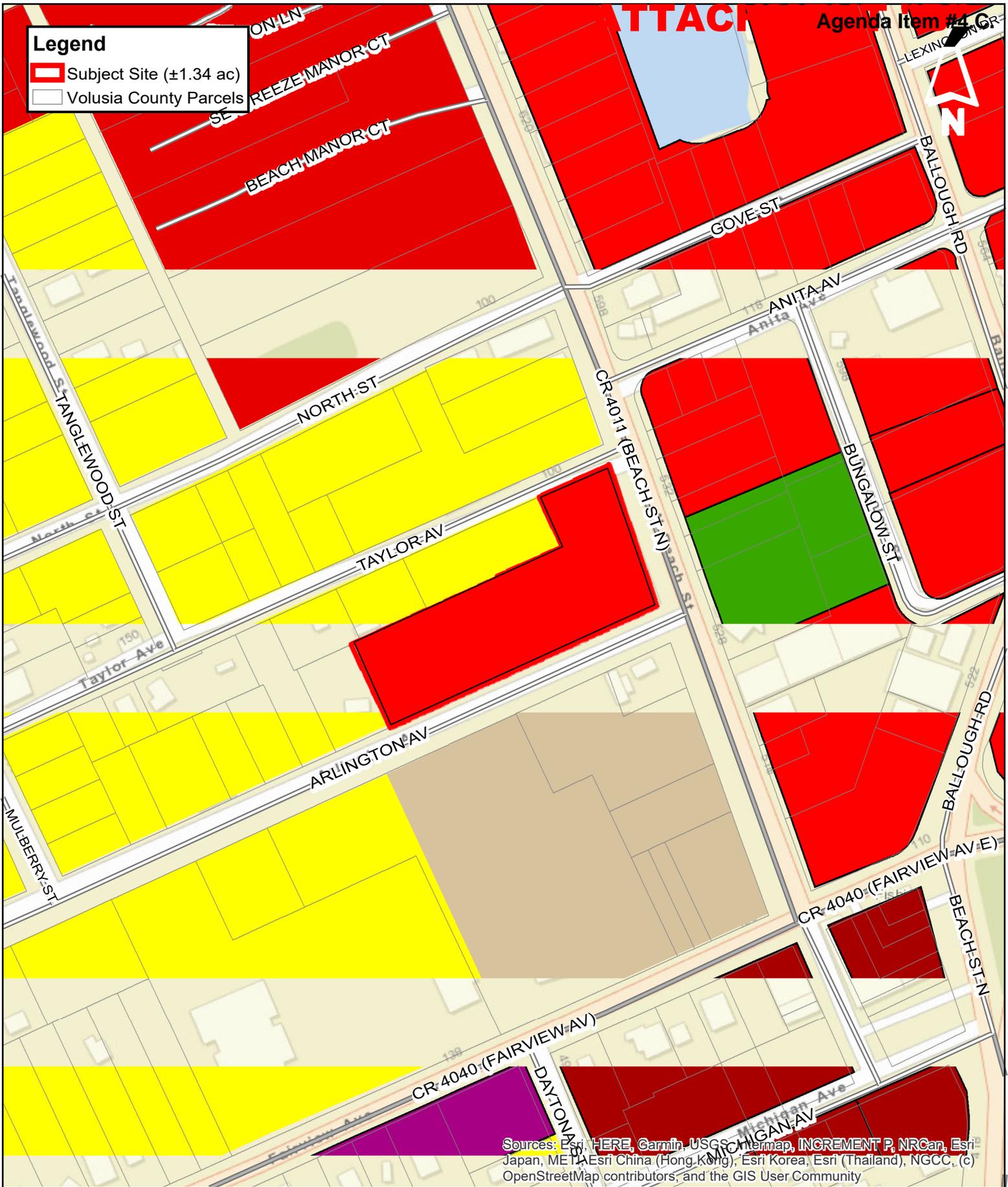


Existing Future Land Use Map
Beach Street Warehouse PD
Daytona Beach, Florida

ZEV COHEN
 & ASSOCIATES INC
 300 Interchange Blvd
 Ormond Beach, FL 32174
 ph 386-677-2482

Legend

- Subject Site (±1.34 ac)
- Volusia County Parcels



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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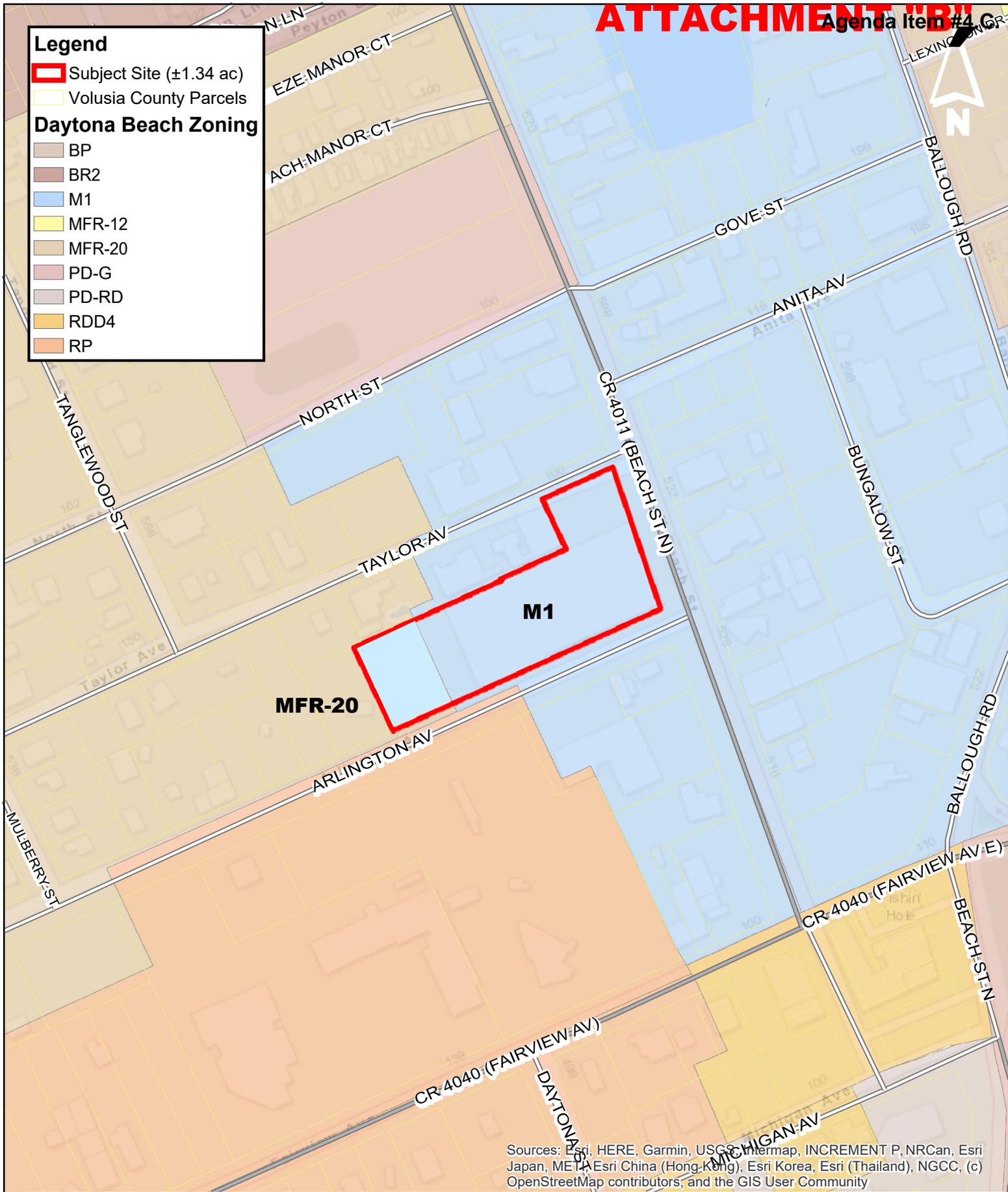
Proposed Future Land Use Map
Beach Street Warehouse PD
Daytona Beach, Florida



300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482

Legend

- Subject Site (±1.34 ac)
 - Volusia County Parcels
- Daytona Beach Zoning**
- BP
 - BR2
 - M1
 - MFR-12
 - MFR-20
 - PD-G
 - PD-RD
 - RDD4
 - RP



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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Existing Zoning Map
Beach Street Warehouse PD
Daytona Beach, Florida

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 & ASSOCIATES INC
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 Ormond Beach, FL 32174
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Agenda Item 4D (Quasi-Judicial Hearing)
**Small Scale Comprehensive Plan
Amendment DEV2024-169
Kingston Avenue SSCPA**

STAFF REPORT

MEETING DATE: July 25, 2024, Planning Board
REPORT DATE: July 13, 2024
SUBJECT: DEV2024-169 Kingston Avenue SSCPA
APPLICANT: Joey Posey, Esq., Storch Law Firm
OWNER: Billie Jo Kaler, Land Trust
STAFF: Doug Gutierrez, AICP, Planning Manager

SUMMARY OF REQUEST

This request is for approval of a Small-Scale Comprehensive Plan Amendment (SSCPA) of the Future Land Use Map (FLUM) for the 0.25 +/- acre subject property. The Property is located at the southeast corner of Kingston Avenue and Segrave Street. The Applicant desires to change the FLUM from Office Transition (OT) to Local Service Industry (LSI). The Applicant is also applying for a rezoning from Residential Professional (RP) to Local Industry (M1). The Property is currently vacant land, and the proposed use is for a personal storage building.

A majority vote by the Planning Board members present and voting is required to approve the Major Site Plan.

Staff recommendation: Staff finds that the small-scale amendment is consistent with the Comprehensive Plan, does not represent urban sprawl and the City has available capacity to serve the demand on available water and sewer.

Based on staff analysis and review, the proposed Future Land Use Map amendment from Office Transition (OT) to Local Service Industry (LSI) and Neighborhood Issue i, Policy 1 limiting uses appears to meet criteria for the proposed amendment.



SITE INFORMATION

Location: Southeast corner of Kingston Avenue and Seagrave St.

Parcel No(s): 533808000210

Property Size: ± 0.25 acres

Existing Zoning: Residential Professional (RP)

Proposed Zoning: Local Industry (M-1)

Existing Future Land Use: Office Transitional (OT)

Existing Future Land Use: Local Service Industry (LSI)

Adjacent Land Use and Zoning: *Existing uses listed in the table below are not intended to be an all-inclusive list, but a general summary of types of uses near the subject property.*

	Existing Use(s)	Future Land Use Designation	Existing Zoning Classification
Site	Vacant	OT	RP
North	Vacant	OT	RP
South	Res/Warehouse/Commercial	OT	M-1
East	Residential	OT	RP
West	Industrial	LSI	M-1



Aerial View of the Property

PROJECT DESCRIPTION

Proposed Amendment to the Future Land Use Map. The subject property is 0.25 acres ± the applicant requests to amend the Future Land Use Map designation for the property to permit the proposed zoning in compliance with the Future Land Use (FLU). The proposed amendment is to change from the current Office Transition (OT) to Local Service Industry (LSI). Concurrent with the SSCPA the applicant is applying for a rezoning to Local Industry (M-1).

Proposed Amendment to Neighborhood D. Adding Issue (i) Policy 1:

(i) Issue: Kingston Avenue west of Ridgewood Avenue serves as a transitional area between residential and more intense commercial and industrial uses; therefore, the City shall encourage uses compatible with the surrounding residential areas.

(1) Policy: Use of Parcel No. 5338-08-00-0210 shall be limited to self-storage, restaurant without drive through, personal services, business/professional service and medical/dental office related uses and including those uses customary and accessory to same.

PROJECT ANALYSIS

Conformance with Comprehensive Plan The applicant has requested that the Future Land Use Element future land use designation for this property be amended to Local Service Industry (LSI). Policy 1.1.13 describes the Local Service Industry (LSI) designation as shown below.

Policy 1.1.2 LOCAL SERVICE INDUSTRY: An area generally containing industrial and service-related activities catering to local markets. Floor area ratio shall not exceed 1.

The proposed Neighborhood Policy will limit the uses to ones that would be compatible and reduce negative impacts to the residential area.

Neighborhood Input

A neighborhood meeting was held on site at the Holiday Inn located at 137 Automall Cir, Daytona Beach, FL 32124 on May 30, 2024, at 6:00 p.m. Joey Posey, Esq., attended along with two (2) interested residents and were generally in support of the project. (Neighborhood meeting summary Attachment A).

Impact Analysis

Urban services necessary to serve this site and the concurrency process requires that adequate capacity be available for development prior to the approval of final development orders.

The following are results for water, wastewater and traffic impacts that could be generated by the property by the most intense land use allowed under the current land use map designation and the proposed land use change. Detailed data and analysis are in the attached project analysis provided by the applicant (Attachment B).

The City's potable water treatment plant has sufficient capacity (24.0 MGD) to accommodate the proposed Future Land Use designation. The current maximum daily flow is 14.61 MGD with a current reserve of 2.51 MGD and the proposed amendment results in a possible net decrease in demand of 372 Avg. GPD.

The City's wastewater treatment plant servicing this site has sufficient capacity (15.0 MGD) to accommodate the proposed Future Land Use designation. The current maximum monthly annual daily flow is 9.3 MGD with a current permitted reserve of 2.31 MGD and the proposed amendment results in a possible net decrease in demand of 372 Avg. GPD.

The current future land use Average Daily Trip (ADT) generation is 103 and PM Peak Hour Trips is 83 trips. The proposed Future Land Use Map Amendment Average Daily Trip (ADT) generation is 48 trips and PM Peak Hour Trips 7 trips will result in a theoretical net decrease of ADT 76 trips and PM Peak Hour Trips 55 trips from the maximum allowed by the current land use.

Urban Sprawl

In general terms and as directed by Florida Statutes and rules of the Florida Administrative Code, key urban sprawl indicators include leapfrog development, premature development, and development that does not make efficient use of urban services. Local governments are responsible for ensuring that their actions do not further urban sprawl. This amendment does not represent leapfrog development. It is located in an area of commercial and residential uses with existing urban services that are suitable for the exiting development. Central water and sewer services have the capacity to serve the subject property and the property is accessible through the existing road network. The traffic generation calculations presented in this staff report indicate average daily trips will decrease if the proposed amendment is approved.

Consistency with the Comprehensive Plan Goals, Objectives and Policies

Objectives and Policies of the Comprehensive Plan that are relevant to this application are listed below:

Response: *This amendment is consistent with the with Plan Goals, Policies and Objectives of the Daytona Beach Comprehensive Plan. The Property is proposed to be used for a personal storage building, which will have little to no impact on the surrounding area.*

RECOMMENDATION

Staff finds that the small-scale amendment is consistent with the Comprehensive Plan, does not represent urban sprawl and the City has available capacity to serve the demand on available water and sewer.

Based on staff analysis and review, the proposed Future Land Use Map amendment from Office Transition (OT) to Local Service Industry (LSI) and Neighborhood Issue i, Policy 1 limiting uses appears to meet criteria for the proposed amendment.

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

The item is tentatively scheduled to be heard by the City Commission for first reading on September 4, 2024 and for second reading (public hearing) for approval on September 18, 2024.

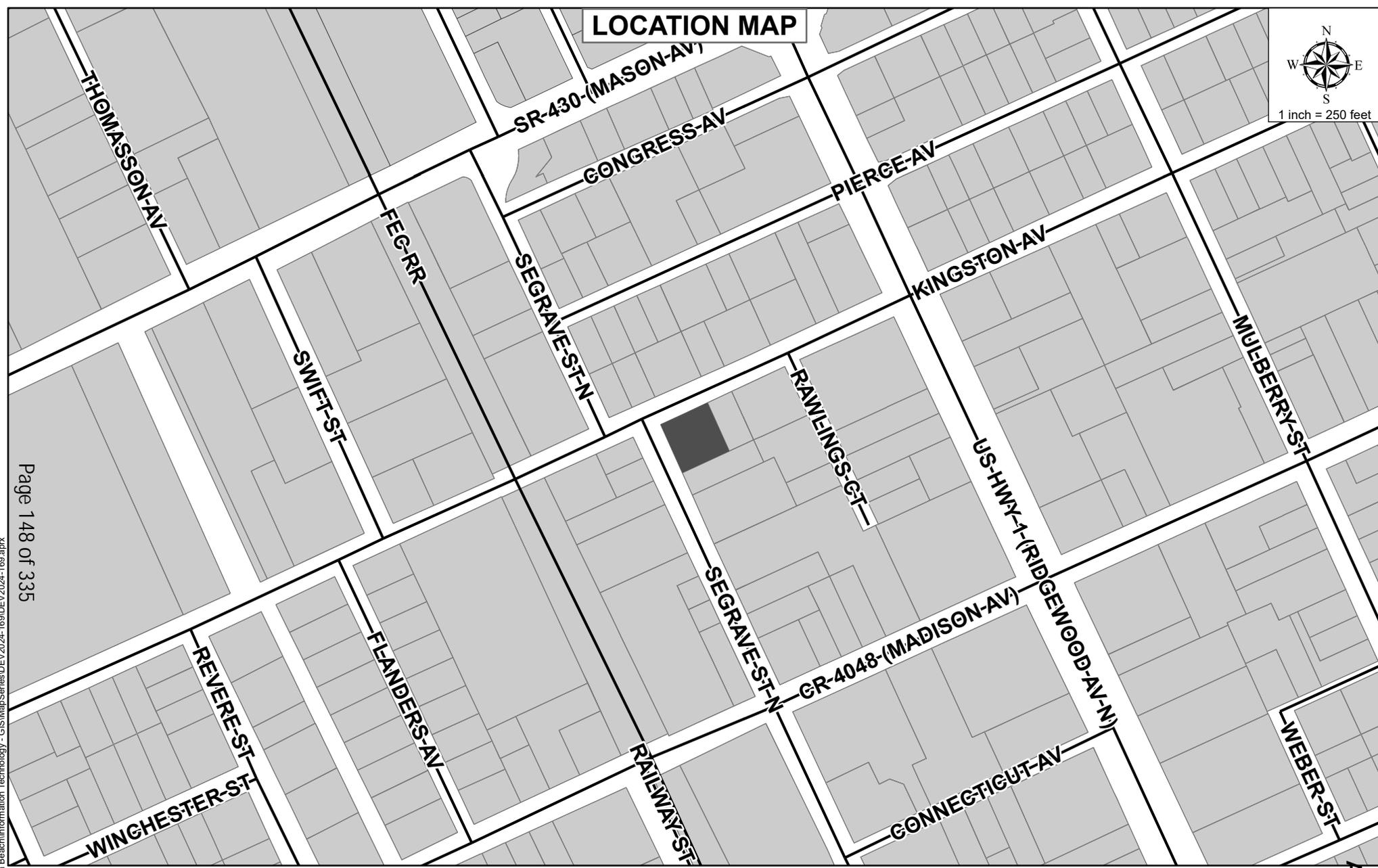
**SUMMARY OF NEIGHBORHOOD MEETING FOR
VACANT LAND, KINGTON AVENUE / DEV2023-401**

A neighborhood meeting was held at 6:00 P.M. on May 30, 2024, at the Holiday Inn on LPGA Blvd., in Daytona Beach, to discuss the requested change in the zoning classification for Parcel No. 5338-08-00-0210 from Residential Professional (RP) to Local Industry (M1), and a small-scale future land use map amendment to change from Office Transition (OT) to Local Service Industry (LSI), which will allow the property to be used for a storage/warehouse building. In attendance at the meeting was A. Joseph Posey of Storch Law Firm, attorney for the property owner. A sign-in sheet was provided, and two neighbors were in attendance for the meeting.

Mr. Posey began by giving a quick presentation that explained the rezoning and future land use requests. Mr. Posey then opened up the meeting to questions, however, no questions were provided. The neighbors in attendance appeared satisfied with the presentation.

Mr. Posey ended the meeting at approximately 6:37 P.M.

LOCATION MAP



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DEV2024-169
KINGSTON - SSCPA
LOCATION MAP

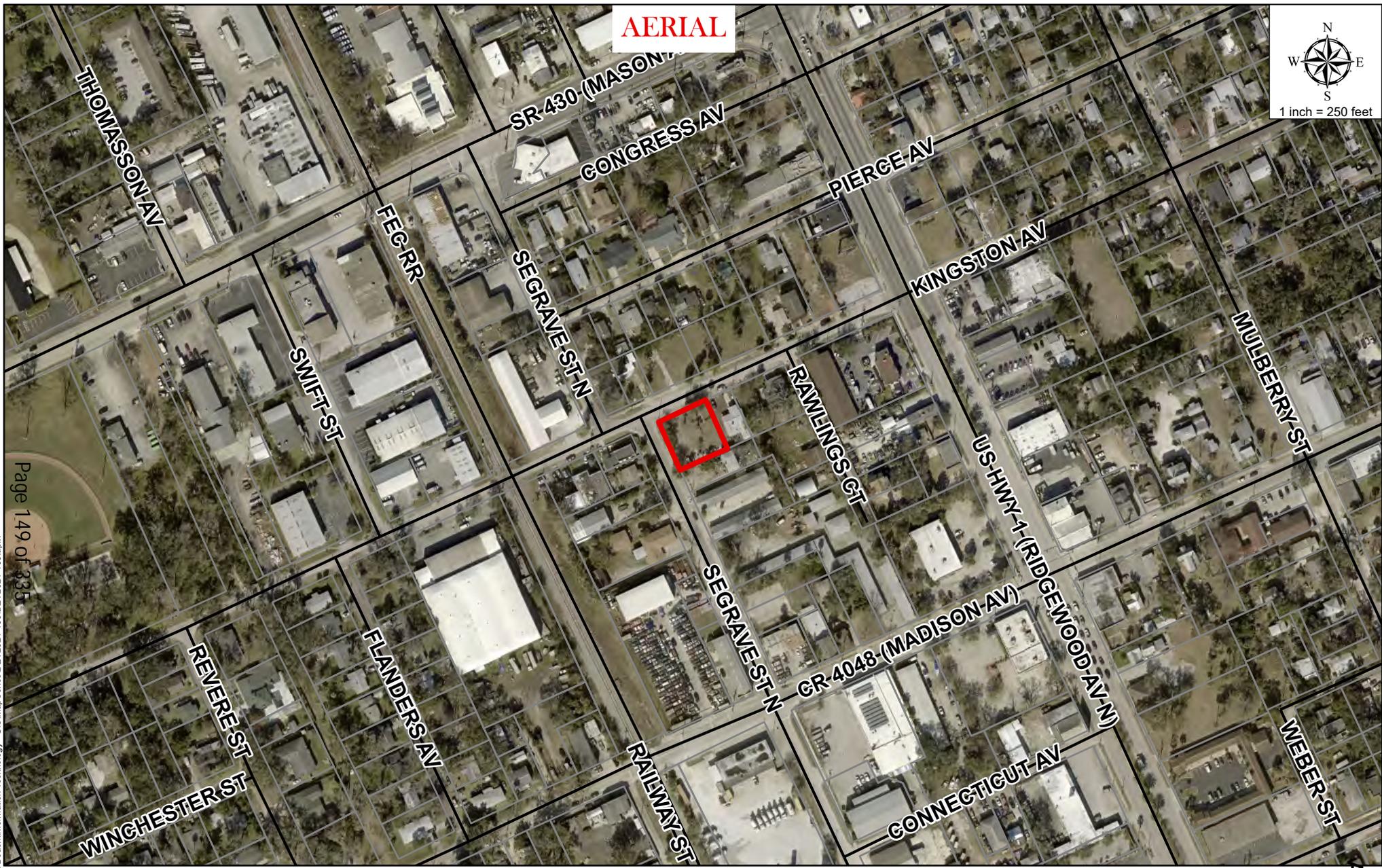
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Agenda Item #4.D.

AERIAL



1 inch = 250 feet



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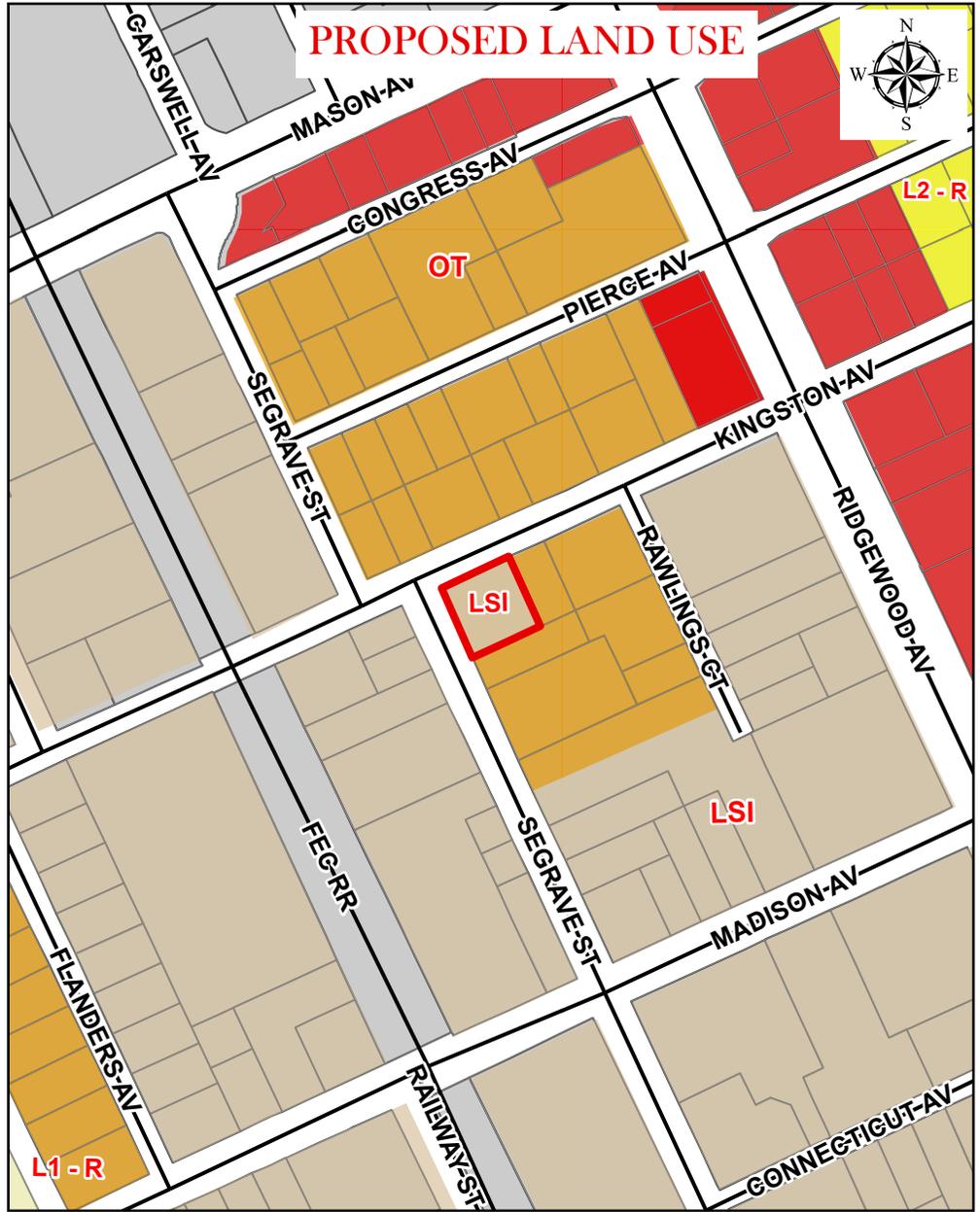
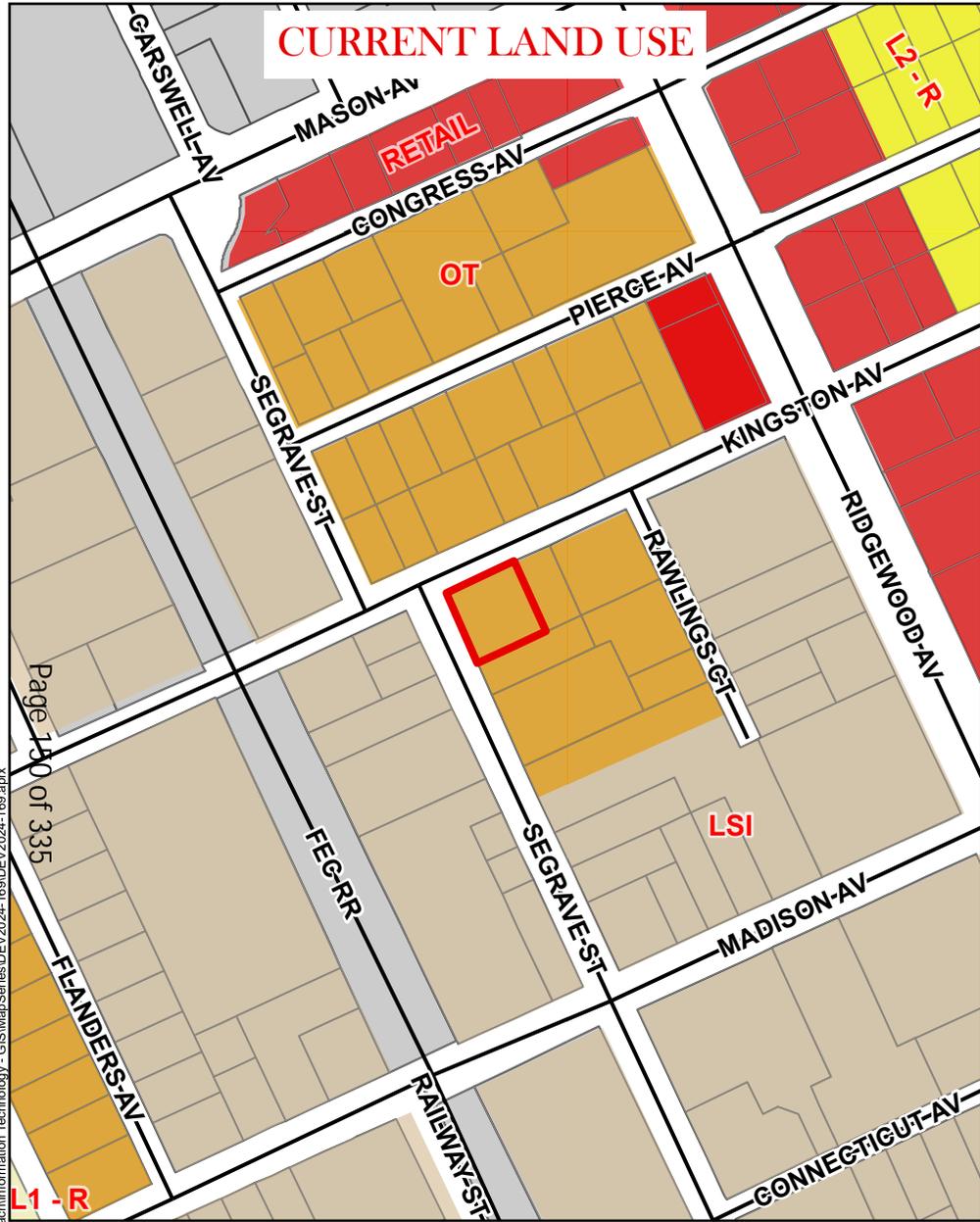
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DEV2024-169 KINGSTON - SSCPA AERIAL MAP

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Agenda Item #4.D.



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1 inch = 250 feet

1 inch = 250 feet



DEV2024-169 KINGSTON - SSCPA CURRENT AND PROPOSED LAND USE MAP

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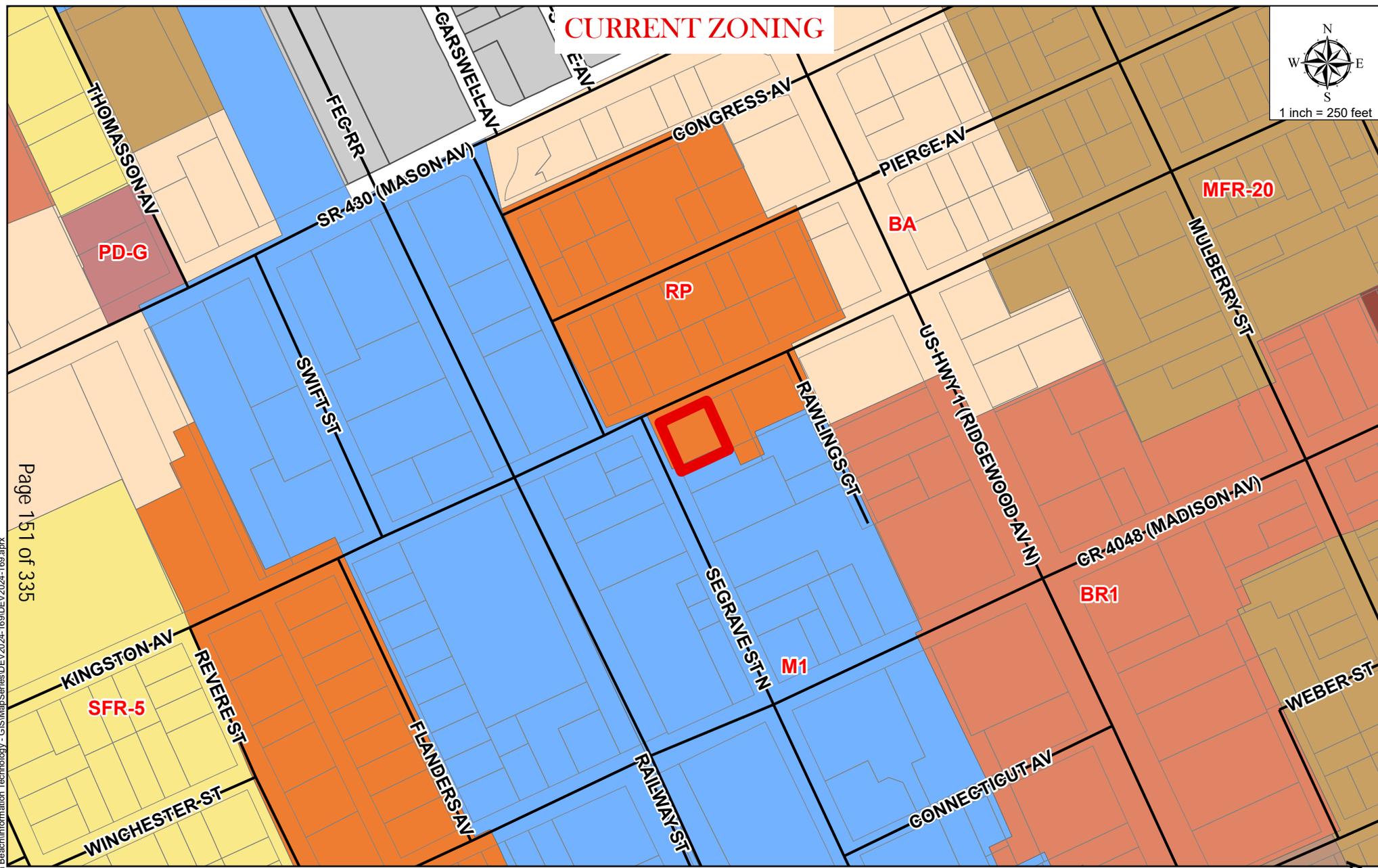
FOCUS AREA

Agenda Item #4.D.

CURRENT ZONING



1 inch = 250 feet



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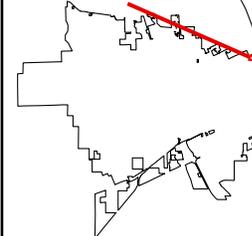


DEV2024-169 KINGSTON - SSCPA CURRENT ZONING MAP

City of Daytona Beach Map disclaimer:

This map was developed and produced by the City of Daytona Beach GIS. The map is 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. Map discrepancies should be brought to the attention of City Engineering and or Development Services.

FOCUS AREA



Agenda Item #4.D.

NOTICE OF NEIGHBORHOOD MEETING

WHEN: May 30, 2024, at 6:00 p.m.
WHERE: Holiday Inn LPGA, 137 Automall Circle, Daytona Beach, FL 32124
REQUEST: Rezoning/Future Land Use Amendment
Vacant land, Kington Avenue

Dear Neighbor:

You are invited to our neighborhood meeting regarding the applications submitted by the Storch Law Firm on behalf of the property owner for Parcel Number: 5338-08-00-0210 to change the zoning from Residential Professional (RP) to Local Industry (M1). An additional application has been submitted for a small-scale future land use map amendment to change from Office Transition (OT) to Local Service Industry (LSI). The proposed use for the property is storage/warehouse.



You are receiving this notice because your property is within a 500-foot radius of the subject property located at the southeast corner of Kingston Avenue and Seagrave Street. The neighborhood meeting will be held at the Holiday Inn LPGA, at the address, date and time set forth above.

For those unable to attend the meeting, written comments or questions may be sent to our office and those received by the above meeting date will be presented at the meeting. Please include your name, address and contact information in your correspondence.

In accordance with the American Disabilities Act (ADA), any persons needing a special accommodation to participate in these proceedings should contact the City Clerk's Office at (386) 671-8020 no later than three days prior to the proceedings.

Please feel free to contact our office anytime Monday thru Friday from 9:00 AM to 5:00 PM by phone at (386) 238-8383 or by email at joey@storchlawfirm.com should you have any questions. THANK YOU.

Sign In

6:37 PM (END)
6:00 PM (START)

NAME	CONTACT INFO
- Anne Rulag Sandy Murphy	617-223-1094 717-203-4765

**PARCEL NO. 5338-08-00-0210
DAYTONA BEACH, FLORIDA**

**SMALL SCALE COMPREHENSIVE PLAN
FUTURE LAND USE MAP AMENDMENT**

July 3, 2024

1 APPLICANT INFORMATION

1.1 Applicant Name

Billy Jo J. Kaler, as Trustee of the TD&R Land Trust 4485

1.2 Applicant's Authorized Representative

Storch Law Firm
420 S. Nova Rd.
Daytona Beach, FL 32114
Phone: (386) 238-8383
Fax: (386) 238-0988
joey@storchlawfirm.com

2 PROPERTY INFORMATION

2.1 Nature of Applicant's Interest

The applicant, Billy Jo J. Kaler, as Trustee of the TD&R Land Trust 4485, is requesting a Small-Scale Comprehensive Plan Future Land Use Map (FLUM) Amendment for the subject property described in Section 2.3 (the "Property"). The Property is currently located in the City of Daytona Beach Office Transition (OT) FLUM designation. The Applicant desires to change the FLUM to City of Daytona Beach Local Service Industry (LSI), which is the same as properties to the east across Segrave Street. The Applicant is also applying to the City concurrently for a rezoning from Residential Professional (RP) to Local Industry (M1). The Property is currently vacant land, and the proposed use is for a personal storage building.

2.2 Size of Property and Survey

The size of the subject property is +/- 0.248 acres. See the copy of the Boundary Survey attached as Exhibit "A".

2.3 Legal Description

The Legal Description is as follows:

Lots 21 and 22, Ridgewood Park, according to the map or plat thereof as recorded in Plat Book 5, Page 76, Public Records of Volusia County, Florida.

Copy of the Property Information Card is attached as Exhibit "B".

2.4 Parcel Identification Number

Parcel No. 5338-08-00-0210

2.5 General Location

The Property is located in the City of Daytona Beach at the southeast corner of Kingston Avenue and Segrave Street. See Location Map attached as Exhibit "C".

2.6 Frontage

The Property has approximately 100 feet of frontage on Kingston Avenue and approximately 100 feet of frontage on Segrave Street.

2.7 Access

The Property has direct access to Kingston Avenue and Segrave Street.

3 LAND USE INFORMATION

3.1 Existing Development

The Property is vacant, cleared land that appears to have had a structure in the past. See Aerial Photo attached as Exhibit "D".

3.2 Current Zoning

The property is currently zoned City of Daytona Beach Residential Professional (RP). See attached Exhibit "E" Zoning Map.

3.3 Future Land Use Map Designation

The Property is currently located in the City of Daytona Beach Office Transition (OT) FLUM designation. See attached Exhibit "F" Future Land Use Map.

3.4 Proposed Future Land Use Map Designation

The proposed FLUM designation is City of Daytona Beach Local Service Industry (LSI).

3.5 Comprehensive Plan Amendment

The Property is currently located in the City of Daytona Beach Office Transition (OT) FLUM designation. The Applicant desires to change the FLUM to City of Daytona Beach Local Service Industry (LSI). The Property is vacant, and the proposed development is a personal storage building. Also, the Applicant is proposing a neighborhood policy in the City of Daytona Beach Comprehensive

Plan for Neighborhood D to limit development of the Property to commercial storage and warehouse related uses as specified in Exhibit "H".

4 CONSISTENCY AND COMPATIBILITY

4.1 Consistency with Plan Goals, Policies and Objectives of the Daytona Beach Comprehensive Plan

Response: This amendment is consistent with the with Plan Goals, Policies and Objectives of the Daytona Beach Comprehensive Plan. The Property is proposed to be used for a personal storage building, which will have little to no impact on the surrounding area.

4.2 Consistency with Urban Sprawl Rule

Section 163.3177(6)(a)(9)(b), Florida Statutes, provides that plan amendments shall be determined to discourage the proliferation of urban sprawl if it incorporates development patterns or urban forms that achieves **four or more** of the following:

- (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

Response: The proposed amendment is for a vacant property in an urban setting that is vacant but mostly cleared, with grass as groundcover. Accordingly, there will be no adverse impacts to natural resources and ecosystems.

- (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Response: The Property is already served by public infrastructure and services, so no inefficient or costly extension of services is required.

- (III) Promotes walkable and connected communities and provide for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrians, bicycle, and transit if available.

Response: The Property is located in an existing urban area with adjacent, existing sidewalks along the Kingston Avenue and Segrave Street frontages, which supports a connected, walkable community.

- (IV) Promotes conservation of water and energy.

Response: The Property's location within an existing urban setting will provide for an efficient integration of the new personal storage building into the existing

community and infrastructure. This efficiency will require less water and energy than a new development farther afield on vacant, undeveloped land.

- (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique and prime farmlands and soils.

Response: *The property is not within an agricultural area.*

- (VI) Preserves open space and natural lands and provides for public open space and recreation needs.

Response: *The Property is in an existing urban neighborhood and will not be used for residential purposes.*

- (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

Response: *The Property is in a transitional area, with both existing residential and light industrial uses consistent with the existing Future Land Use Map designation in the Comprehensive Plan. The proposed FLUM amendment is consistent with the surrounding land use pattern.*

- (VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit oriented developments or new towns as defined in s. 163.3164.

Response: *N/A*

4.3 Land Use Compatibility Analysis

The proposed amendment is compatible with existing nearby land uses and will not negatively alter the character that exists in the area at the present time. The proposed Local Service Industry (LSI) FLUM designation is the same as on the adjacent property to the west across Segrave Street. Additional areas of LSI property are located approximately a half a block away to the south and east. In addition, the adjacent property to the south that is within the Office Transition (OT) FLUM designation has a Local Industry (M1) zoning, which is the same zoning the applicant is seeking for the Property and is consistent with LSI FLUM designation.

5 CONCURRENT ANALYSIS

5.1 Traffic Data and Analysis

5.1.1 Trip Generation for the Current FLUM Designation

See section entitled Traffic Data and Analysis in the attached Exhibit "G".

5.1.2 Trip Generation for the Proposed FLUM Designation

See section entitled Traffic Data and Analysis in the attached Exhibit "G".

5.1.3 Change in Trip Generation

Based on the Traffic Data and Analysis in Exhibit "G", Daily Trips will decrease possible Daily Trips by 53% to 48 trips. AM Peak Hour Trips will decrease by 53% to 6 trips, and PM Peak Hour Trips will decrease by 91% to 7 trips.

5.1.4 Trip Distribution

See section entitled Traffic Data and Analysis in the attached Exhibit "G".

5.1.5 Impact on the 5 Year Level of Services (LOS)

See section entitled Traffic Data and Analysis in the attached Exhibit "G".

5.2 Sanitary Sewer Data and Analysis

5.2.1 Sewer Facilities

The City of Daytona Beach Wastewater Treatment Plant that will accommodate the waste from this project is located at 3651 LPGA Boulevard. The maximum monthly ADF is 9.3 MGD with a current permitted reserve of 2.31 MGD.

5.2.2 Sanitary Sewer Demand from the Current FLUM Designation

The current sanitary sewer demand is calculated as shown in the Sanitary Sewer Data and Analysis section of the attached Exhibit "G" using the Florida Administrative Code, Chapter 64E-6.008 and the City of Daytona Beach recommended standards.

5.2.3 Sanitary Sewer Demand from the Proposed FLUM Designation

Proposed sanitary sewer demand is calculated as shown in the Sanitary Sewer Data and Analysis attached in Exhibit "G".

5.2.4 Change in Sanitary Sewer Usage

Based on the Sanitary Sewer Data and Analysis in Exhibit "G", the proposed FLUM designation will reduce the possible Average Daily Flow by 16% to 450 gal/day and Peak Flow by 16% to 1,350 gal/day.

5.2.5 Impacts on LOS

The existing potential flow to the plant will be reduced with the proposed change. Therefore, there will be no significant impact to the current level of service.

5.3 Potable Water Data and Analysis

5.3.1 Potable Water Facilities

The City of Daytona Beach's Water Treatment Plant is located at 3651 LPGA Boulevard. This plant has a maximum daily flow of 14.61 MGD with a current permitted reserve capacity of 2.51 MGD.

5.3.2 Potable Water Demand from the Current FLUM Designation

The current potable water demand is calculated as shown in the Potable Water Data and Analysis section of the attached Exhibit "G" utilizing the Florida Administrative Code 64E-6.008 (Standard Engineering Practice utilizes sewer flows to represent estimated water demands) and the City of Daytona Beach recommended standards.

5.3.3 Potable Water Demand from the Proposed FLUM Designation

The proposed potable water demand is calculated as shown in the Potable Water Data and Analysis section of the attached Exhibit "G".

5.3.4 Change in Potable Water Use

Based on the Potable Water Data and Analysis in Exhibit "G", the proposed FLUM designation will reduce the possible Average Daily Flow by 20% to 470 gal/day and Peak Flow by 20% to 1,410 gal/day.

5.3.5 Impacts on LOS

The existing potential potable water demand on the plant will be reduced with the proposed change. Therefore, there will be no significant impact to the current level of service.

5.4 Stormwater Data and Analysis

The Property is being proposed as the site of a personal storage building. The site will be developed in accordance with all local, State and Federal regulations.

5.5 Solid Waste Data and Analysis

The nearest solid waste landfill (Tomoka Landfill operated by Volusia County) is 3,400 acres and will not reach capacity until the year 2052. The Tomoka Landfill has sufficient capacity to accommodate the proposed FLUM designation.

5.6 Wellfield Protection Zones

This site does not lay within any Wellfield Protection Zones.

5.7 Reclaimed Water

Reclaimed water is not currently available at subject site.

6 ENVIRONMENTAL ANALYSIS

6.1 Surface Water and Wetlands, Vegetative Cover, Flood Zone, and Listed Animal and Plant Species

The Property is a vacant lot in an urban area with minimal tree cover and outside of the 100-year flood plain. Therefore, the above criteria are not applicable to the proposed FLUM designation change. In addition, the site will be developed in accordance with all local, State and Federal regulations.

**EXHIBIT A
SURVEY FOR PROPERTY**

EXHIBIT B
PROPERTY INFORMATION CARD - PARCEL NO
533808000210



Volusia County Property Appraiser
 123 W. Indiana Ave., Rm. 102
 DeLand, FL. 32720
 Phone: (386) 736-5901 Web: vcpa.vcgov.org

Property Summary

Alternate Key: 3482051
Parcel ID: 533808000210
Township-Range-Section: 15 - 33 - 38
Subdivision-Block-Lot: 08 - 00 - 0210
Owner(s): KALER BILLIE JO J TR - TR - Trust - 100%
 TD&R LAND TRUST 4485 - TR - Trust - 100%
Mailing Address On File: PO BOX 730111
 ORMOND BEACH FL 32173 0111
Physical Address: KINGSTON AVE, DAYTONA BEACH 32114
Building Count: 0
Neighborhood: 2264 - MAINLAND DB EAST (S OF MASON & W OF US1)
Subdivision Name: RIDGEWOOD PARK KINGSTON
Property Use: 0000 - VACANT RES
Tax District: 204-DAYTONA BEACH
2023 Final Millage Rate: 17.9279
Homestead Property: No
Agriculture Classification: No
Short Description: LOTS 21 & 22 RIDGEWOOD PARK KINGSTON PER OR 8511 PG 4780

Property Values

Tax Year:	2024 Working	2023 Final	2022 Final
Valuation	1-Market Oriented	1-Market Oriented	1-Market Oriented
Method:	Cost	Cost	Cost
Improvement	\$0	\$0	\$0
Value:	\$27,043	\$27,043	\$14,317
Land Value:	\$27,043	\$27,043	\$14,317
Just/Market Value:			

Working Tax Roll Values by Taxing Authority

Values shown below are the 2024 WORKING TAX ROLL VALUES that are subject to change until certified. Millage Rates below that are used in the calculation of the Estimated Taxes are the 2023 FINAL MILLAGE RATES. The Just/Market listed below is not intended to represent the anticipated selling price of the property and should not be relied upon by any individual or entity as a determination of current market value.

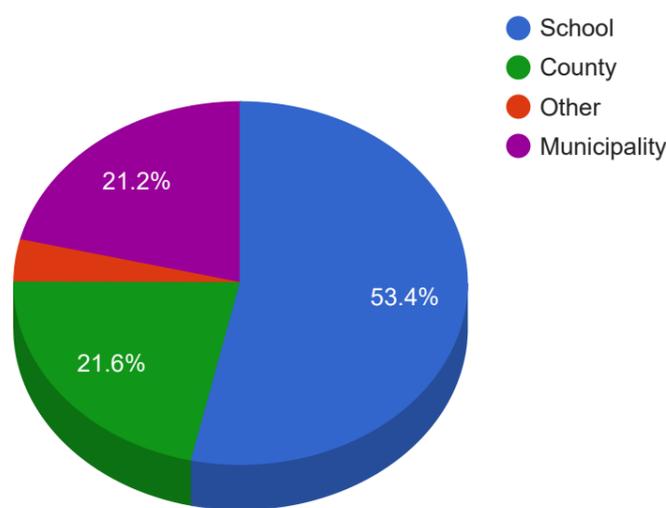
Tax Authority	Just/Market Value	Assessed Value	Exemption Value	Net Taxable Value	Millage Rate	Estimated Taxes
● CAPITAL 0017 IMPROVEMENT	\$27,043	\$27,043	\$0	\$27,043	1.5000	\$40.56
● DISCRETIONARY 0012	\$27,043	\$27,043	\$0	\$27,043	0.7480	\$20.23
● REQ LOCAL 0011 EFFORT	\$27,043	\$27,043	\$0	\$27,043	3.1610	\$85.48
● GENERAL FUND 0050	\$27,043	\$10,342	\$16,701	\$10,342	3.3958	\$35.12
● LIBRARY 0055	\$27,043	\$10,342	\$16,701	\$10,342	0.4209	\$4.35

0520	MOSQUITO CONTROL	\$27,043	\$10,342	\$16,701	\$10,342	0.1781	\$1.84	
0530	PONCE INLET PORT AUTHORITY	\$27,043	\$10,342	\$16,701	\$10,342	0.0692	\$0.72	
0053	PUBLIC SAFETY FUND	\$27,043	\$10,342	\$16,701	\$10,342	1.4541	\$15.04	
0058	VOLUSIA ECHO	\$27,043	\$10,342	\$16,701	\$10,342	0.2000	\$2.07	
0057	VOLUSIA FOREVER	\$27,043	\$10,342	\$16,701	\$10,342	0.2000	\$2.07	
0065	FLORIDA INLAND NAVIGATION DISTRICT	\$27,043	\$10,342	\$16,701	\$10,342	0.0288	\$0.30	
0100	HALIFAX HOSPITAL AUTHORITY	\$27,043	\$10,342	\$16,701	\$10,342	0.7878	\$8.15	
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	\$27,043	\$10,342	\$16,701	\$10,342	0.1793	\$1.85	
0210	DAYTONA BEACH	\$27,043	\$10,342	\$16,701	\$10,342	5.4300	\$56.16	
0211	DAYTONA BEACH I&S 2004	\$27,043	\$10,342	\$16,701	\$10,342	0.1749	\$1.81	
							17.9279	\$275.75

Non-Ad Valorem Assessments

Project	#UnRateAmount	Estimated Ad Valorem Tax:	\$275.75
		Estimated Non-Ad Valorem Tax:	\$0.00
		Estimated Taxes:	\$275.75
		Estimated Tax Amount without SOH/10CAP	\$484.82

Where your tax dollars are going:



Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	County Exemptions	County Taxable	HX Savings
2023	\$27,043	\$0	\$27,043	\$9,402	\$0	\$9,402	\$0
2022	\$14,317	\$0	\$14,317	\$8,547	\$0	\$8,547	\$0
2021	\$14,317	\$0	\$14,317	\$7,770	\$0	\$7,770	\$0
2020	\$14,317	\$0	\$14,317	\$7,064	\$0	\$7,064	\$0

2019	\$11,135	\$0	\$11,135	\$6,422	\$0	\$6,422	\$0
2018	\$7,424	\$0	\$7,424	\$5,838	\$0	\$5,838	\$0
2017	\$5,303	\$0	\$5,307	\$5,307	\$0	\$5,307	\$0
2016	\$5,307	\$0	\$5,307	\$5,307	\$0	\$5,307	\$0
2015	\$5,837	\$0	\$5,837	\$5,837	\$0	\$5,837	\$0

Land Data

#	Land Use	Ag	Type	Units	Acres	Sq Feet	FF	Depth	Rate	Just Value
1	0001-VAC PVD THRU .49 AC	N	F- FRONT FOOT				105.0	103	300	\$27,043
Total Land Value:										\$27,043

Miscellaneous Improvement(s)

#	Type	Year	Area	Units	L x W	Depreciated Value
Total Miscellaneous Value:						\$0

Sales History

NOTE: This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description and/or recorded and indexed with the Clerk of the Court.

Book/Page	Instrument No.	Sale Date	Deed Type	Qualified/Unqualified	Vacant/Improved	Sale Price
8511 / 4780	2024018414	01/30/2024	CT-CERTIFICATE OF TITLE	UNQUALIFIED	VACANT	\$21,700

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

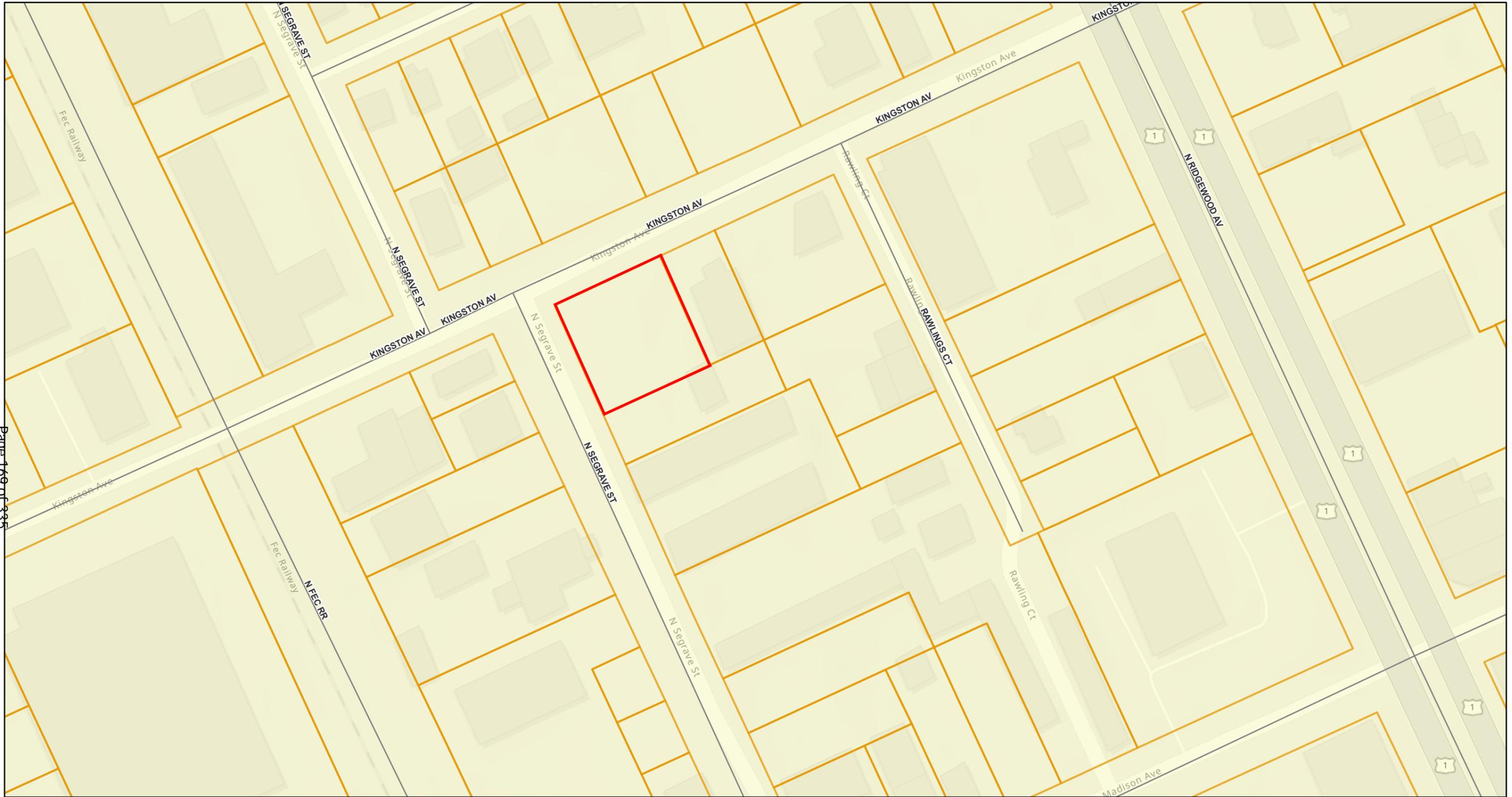
Legal Description	Millage Group	Township-Range-Section	Subdivision-Block-Lot	Date Created
LOTS 21 & 22 RIDGEWOOD PARK KINGSTON PER OR 8511 PG 4780	204	15 - 33 - 38	08 - 00 - 0210	29- DEC- 81

Permit Summary

NOTE: Permit data does not originate from the Volusia County Property Appraiser's office. For details or questions concerning a permit, please contact the building department of the tax district in which the property is located.

Date	Number	Description	Amount
06/06/2001	010714	SFR DEMOLITION	\$0

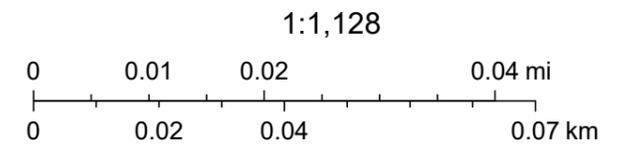
**EXHIBIT C
GENERAL LOCATION**



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3/6/2024, 3:22:33 PM

- Parcel
- Streets
- DAYTONA BEACH
- Parcel Text
- Cities
- County Boundary
- Subject Property



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, TomTom,

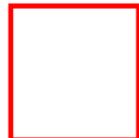
**EXHIBIT D
AERIAL**

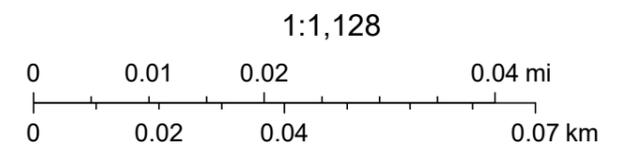


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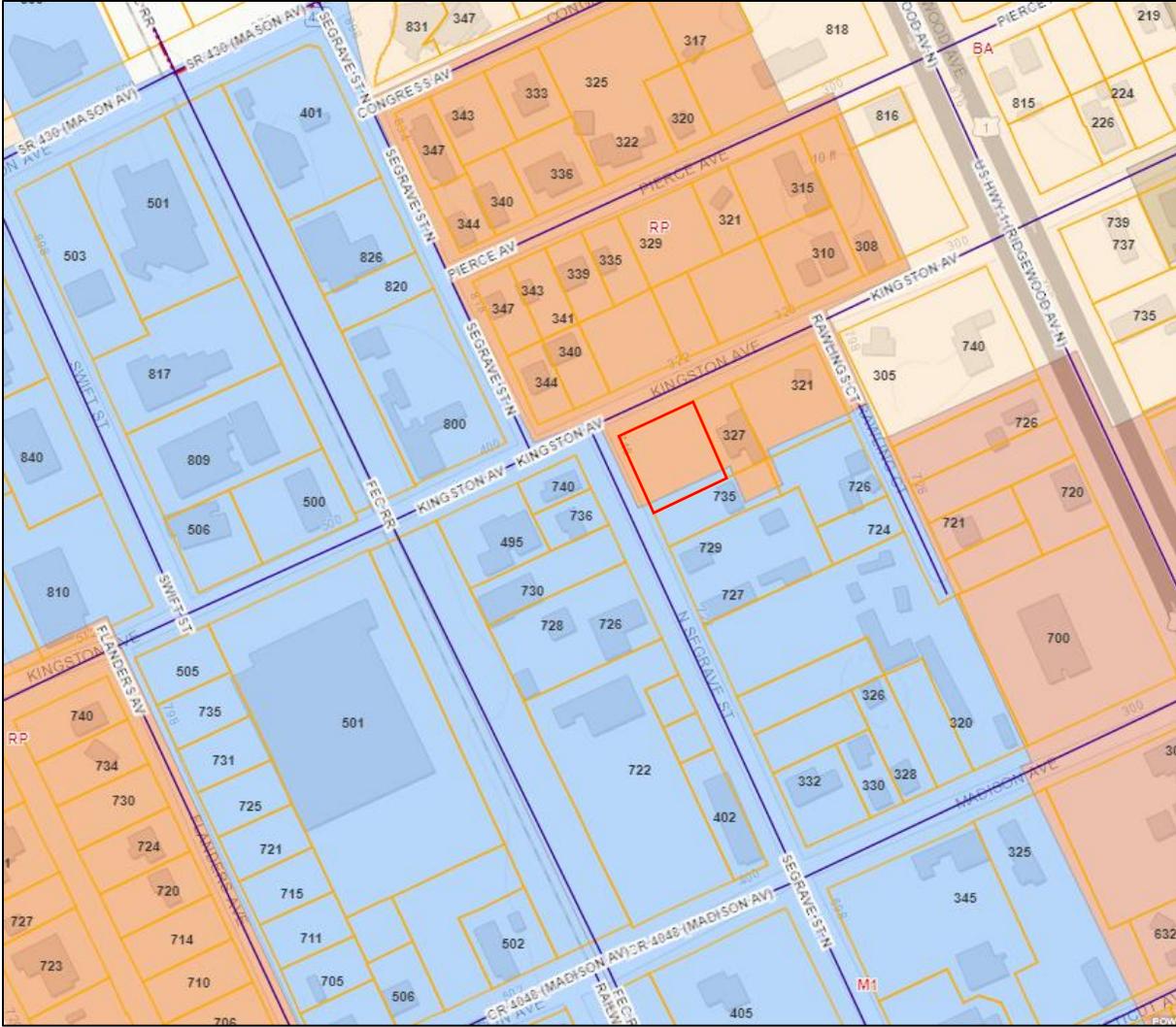
-  Parcel
-  Streets
- Parcel Text
-  County Boundary

 Subject Property



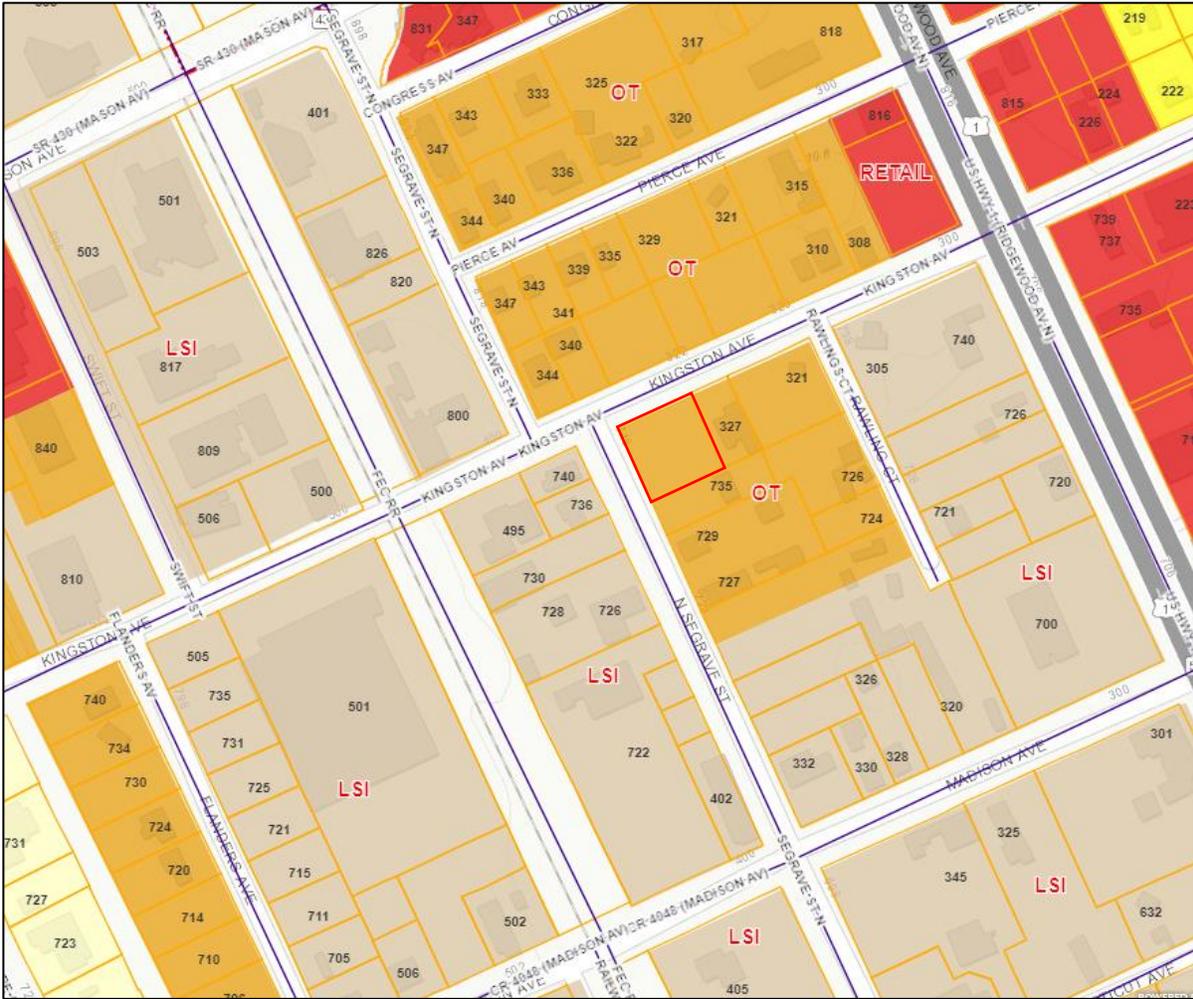
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Volusia GIS, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri,

**EXHIBIT E
ZONING MAP**



 Subject Property

**EXHIBIT F
FLU MAP**



Subject Property

**EXHIBIT G
FACILITY DEMAND COMPARISON AND
ANALYSIS**



NEWKIRK ENGINEERING, INC.

CIVIL ENGINEERING - TRANSPORTATION - CEI - LANDSCAPE ARCHITECTURE

1230 N US HWY 1, SUITE 3, ORMOND BEACH, FLORIDA 32174 386-872-7794

February 15, 2024

Ms. Hannah B. Ward, Planner
 City of Daytona Beach Planning Department
 301 South Ridgewood Avenue
 Daytona Beach, Florida 32115

Re: Rezoning Parcel 533808000210
Kingston Avenue, Daytona Beach, FL 32114
Facility Demand Analysis

Dear Ms. Ward:

Potable Water Data and Analysis

Current Potable Water Demand						
Zoning	Building (SF)	Current Units	Type of Use	Per Capital Flow (gal/day)	Average Daily Flow (gal/day)	Peak Flow (gal/day) (Average x 3)
RP	3,596	N/A	Professional Office	0.165	594	1,782

Proposed Potable Water Demand						
Zoning	Building (SF)	Employees	Type of Use	Per Capital Flow (gal/day)	Average Daily Flow (gal/day)	Peak Flow (gal/day) (Average x 3)
M1	6,900	10	Light Industrial	16.5 gpd/employee + 3.3 loading bay x 100 gpd	470	1,410

Sanitary Sewer Data and Analysis

Current Sanitary Sewer Demand						
Zoning	Building (SF)	Current Units	Type of Use	Per Capital Flow (gal/day)	Average Daily Flow (gal/day)	Peak Flow (gal/day) (Average x 3)
RP	3,596	NA	Professional Office	0.15	540	1,620

Proposed Sanitary Sewer Demand						
Zoning	Building (SF)	Employees	Type of Use	Per Capital Flow (gal/day)	Average Daily Flow (gal/day)	Peak Flow (gal/day) (Average x 3)
M1	6,900	10	Light Industrial	15 gpd/employee + 3 loading bay x 100 gpd	450	1,350

Traffic Data and Analysis

Current Traffic Demand						
Use	Building (SF)	Current Units	Type of Use ITE	Daily Trips	AM Peak Hour Trips	PM Peak Hour Trip
Professional Office	3,596	NA	ITE 710 (Equations)	103	13	83

Proposed Traffic Demand						
Use	Building (SF)	Current Units	Type of Use	Daily Trips	AM Peak Hour Trips	PM Peak Hour Trip
Light Industrial	6,900	NA	ITE 110 Light Industrial	48	6	7

If you have any questions or need additional information, please feel free to call or email me at Harry@Newkirk-Engineering.com.

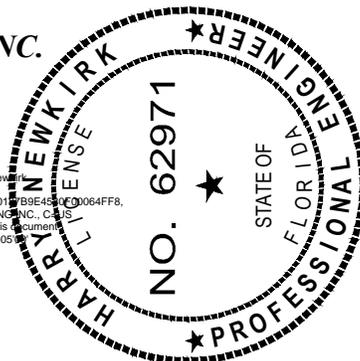
Sincerely,

NEWKIRK ENGINEERING, INC.

Harry Newkirk



Digitally signed by Harry Newkirk
DN: CN=Harry Newkirk,
dnQualifier=A01410D000001B9E450C00064FF8,
O=NEWKIRK ENGINEERING, INC., C=US
Reason: I have reviewed this document
Date: 2024.02.15 10:08:13-0500



**HARRY H. NEWKIRK,
P.E. FL. REG. NO. 62971**

Harry Newkirk, PE No. 62971
President/CEO of Newkirk Engineering, Inc.

ATTACHMENT "B"

Description/ITE Code	Units	ITE Vehicle Trip Generation Rates								Expected Units	Total Generated Trips			Total Distribution of Generated Trips						
		(peak hours are for peak hour of adjacent street traffic unless highlighted)									Daily	AM Hour	PM Hour	AM In	AM Out	Pass-By	PM In	PM Out	Pass-By	
		Weekday	AM	PM	Pass-By	AM In	AM Out	PM In	PM Out											
Lodge/Fraternal Organization591	Employees	46.90	2.10	4.05		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0	
Hospital 610	KSF ²	16.50	1.12	1.14		59%	41%	42%	58%		0	0	0	0	0	0	0	0	0	
Hospital 610	Beds	11.81	1.14	1.31		71%	29%	36%	64%		0	0	0	0	0	0	0	0	0	
Hospital 610	Employees	5.20	0.33	0.33		72%	28%	31%	69%		0	0	0	0	0	0	0	0	0	
Nursing Home 620	Beds	2.37	0.17	0.22		NA	NA	33%	67%		0	0	0	NA	NA	0	0	0	0	
Nursing Home 620	Employees	6.55	0.19	0.80		69%	31%	NA	NA		0	0	0	0	0	0	NA	NA	0	
Nursing Home 620	KSF ²	7.58	0.55	0.74		71%	29%	52%	48%		0	0	0	0	0	0	0	0	0	
Clinic 630	KSF ²	31.45	NA	5.18		NA	NA	NA	NA		0	NA	0	NA	NA	0	NA	NA	0	
Clinic 630	Employees	7.75	0.90	1.23		50%	50%	41%	59%		0	0	0	0	0	0	0	0	0	
Animal/Veterinary Hospital/Clinic 640	KSF ²	NA	4.08	4.72		72%	28%	39%	61%		0	0	0	0	0	0	0	0	0	
General Office 710 (Equation)	KSF ²	Equations					88%	12%	17%	83%	3.6	103	13	83	12	2	0	14	69	0
General Office 710	KSF ²	11.01	1.55	1.49		88%	12%	17%	83%		0	0	0	0	0	0	0	0	0	
Corporate Headquarters 714	KSF ²	7.98	1.49	1.40		93%	7%	10%	90%		0	0	0	0	0	0	0	0	0	
Corporate Headquarters 714	Employees	2.33	0.45	0.38		93%	7%	11%	89%		0	0	0	0	0	0	0	0	0	
Single Tenant Office Bldg 715	KSF ²	11.57	1.80	1.73		89%	11%	15%	85%		0	0	0	0	0	0	0	0	0	
Single Tenant Office Bldg 715	Employees	3.62	0.53	0.50		89%	11%	15%	85%		0	0	0	0	0	0	0	0	0	
Medical Dental Office 720	KSF ²	36.13	2.30	3.46		79%	21%	27%	73%		0	0	0	0	0	0	0	0	0	
Medical Dental Office 720	Employees	8.91	0.53	1.06		79%	21%	34%	66%		0	0	0	0	0	0	0	0	0	
Government Office Building 730	KSF ²	68.93	5.88	1.21		84%	16%	31%	69%		0	0	0	0	0	0	0	0	0	
Government Office Building 730	Employees	11.95	1.02	1.91		84%	16%	74%	26%		0	0	0	0	0	0	0	0	0	
State Motor Vehicles Dept. 731	KSF ²	166.02	9.84	17.09		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0	
State Motor Vehicles Dept. 731	Employees	44.54	2.64	4.58		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0	
US Post Office 732	KSF ²	108.19	8.21	11.12		52%	48%	51%	49%		0	0	0	0	0	0	0	0	0	
US Post Office 732	Employees	28.32	2.01	2.84		52%	48%	51%	49%		0	0	0	0	0	0	0	0	0	
Gov. Office Complex 733	KSF ²	27.92	2.21	2.85		89%	11%	31%	69%		0	0	0	0	0	0	0	0	0	
Gov. Office Complex 733	Employees	7.75	0.61	0.79		89%	11%	31%	69%		0	0	0	0	0	0	0	0	0	
Office Park 750	KSF ²	11.42	1.71	1.48		89%	11%	14%	86%		0	0	0	0	0	0	0	0	0	
Office Park 750	Employees	3.50	0.43	0.39		92%	8%	15%	85%		0	0	0	0	0	0	0	0	0	
Office Park 750	Acres	195.11	25.65	28.28		92%	8%	15%	85%		0	0	0	0	0	0	0	0	0	
R&D Center 760	KSF ²	8.11	1.22	1.07		83%	17%	15%	85%		0	0	0	0	0	0	0	0	0	
R&D Center 760	Employees	2.77	0.43	0.41		86%	14%	10%	90%		0	0	0	0	0	0	0	0	0	
R&D Center 760	Acres	79.61	16.77	15.44		84%	16%	12%	88%		0	0	0	0	0	0	0	0	0	
Business Park 770	KSF ²	12.76	1.43	1.29		84%	16%	23%	77%		0	0	0	0	0	0	0	0	0	
Business Park 770	Employees	4.04	0.45	0.39		85%	15%	22%	78%		0	0	0	0	0	0	0	0	0	
Business Park 770	Acres	149.79	18.86	16.84		85%	15%	20%	80%		0	0	0	0	0	0	0	0	0	
Building Materials/Lumber 812	KSF ²	45.16	2.60	4.49		67%	33%	47%	53%		0	0	0	0	0	0	0	0	0	
Building Materials/Lumber 812	Employees	32.12	2.42	2.77		62%	38%	51%	49%		0	0	0	0	0	0	0	0	0	
Free Standing Discount Superstore 815	KSF ²	53.13	1.67	4.61	28%	56%	44%	49%	51%		0	0	0	0	0	0	0	0	0	
Specialty Retail Center 814	KSF ²	44.32	6.84	2.71		48%	52%	44%	56%		0	0	0	0	0	0	0	0	0	
Specialty Retail Center 814	Employees	22.36	NA	NA		NA	NA	NA	NA		0	NA	NA	NA	NA	0	NA	NA	0	
Free-Standing Discount Store 815	KSF ²	57.24	1.06	5.00	17%	68%	32%	50%	50%		0	0	0	0	0	0	0	0	0	
Free-Standing Discount Store 815	Employees	28.84	0.51	3.48	17%	66%	34%	50%	50%		0	0	0	0	0	0	0	0	0	
Hardware/Paint Store 816	KSF ²	51.29	1.08	4.84	26%	NA	NA	47%	53%		0	0	0	NA	NA	0	0	0	0	
Hardware/Paint Store 816	Employees	53.21	1.13	5.05	26%	NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0	
Hardware/Paint Store 816	Acres	545.77	11.54	51.79	26%	NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0	
Nursery (Garden Center) 817	KSF ²	36.08	1.31	3.80		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0	
Nursery (Garden Center) 817	Employees	22.13	0.69	1.99		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0	
Nursery (Garden Center) 817	Acres	96.21	2.59	7.52		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0	
Nursery (Wholesale) 818	KSF ²	39.00	2.40	5.17		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0	
Nursery (Wholesale) 818	Employees	23.40	0.34	0.47		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0	
Nursery (Wholesale) 818	Acres	19.50	0.26	0.45		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0	
Shopping Center 820 (Equation)	KSF ²	Equations					34%	61%	39%	49%	51%	0	0	0	0	0	0	0	0	
Shopping Center 820 Rate	KSF ²	42.94	1.00	3.73		34%	61%	39%	49%	51%	0	0	0	0	0	0	0	0	0	
Factory Outlet Center 823	KSF ²	26.59	0.67	2.29		73%	27%	47%	53%		0	0	0	0	0	0	0	0	0	

ATTACHMENT "B"

Description/ITE Code	Units	ITE Vehicle Trip Generation Rates <small>(peak hours are for peak hour of adjacent street traffic unless highlighted)</small>								Expected Units	Total Generated Trips			Total Distribution of Generated Trips					
		Weekday	AM	PM	Pass-By	AM In	AM Out	PM In	PM Out		Daily	AM Hour	PM Hour	AM In	AM Out	Pass-By	PM In	PM Out	Pass-By
		Fast Food with Drive Thru 934	KSF ²	496.12	49.35	33.48	50%	51%	49%		52%	48%	0	0	0	0	0	0	0
Fast Food with Drive Thru 934	Seats	19.52	1.32	0.94	50%	53%	47%	53%	47%	0	0	0	0	0	0	0	0	0	
Fast Food Drive Thru Only 935	KSF ²	NA	NA	153.85	89%	NA	NA	54%	46%	0	NA	0	NA	NA	0	0	0	0	
Coffee/Donut Shop w/o Drive Thru 934	KSF ²	NA	117.23	40.75		51%	49%	50%	50%	0	0	0	0	0	0	0	0	0	
Coffee/Donut Shop w/ Drive Thru 937	KSF ²	818.58	110.75	42.93		51%	49%	50%	50%	0	0	0	0	0	0	0	0	0	
Coffee/Donut Drive Thru Only 938	KSF ²	1800.00	303.33	75.00	89%	50%	50%	50%	50%	0	0	0	0	0	0	0	0	0	
Bread/Bagel Shop w/o Drive Thru 939	KSF ²	NA	70.22	28.00		47%	53%	50%	50%	0	0	0	0	0	0	0	0	0	
Bread/Bagel Shop w/ Drive Thru 940	KSF ²	NA	36.92	19.56		50%	50%	50%	50%	0	0	0	0	0	0	0	0	0	
Quick Lube Vehicle Shop 941	Service Bays	40.00	3.00	5.19		67%	33%	55%	45%	0	0	0	0	0	0	0	0	0	
Automobile Care Center 942	Service Bays	12.48	1.52	2.17		68%	32%	NA	NA	0	0	0	0	0	0	NA	NA	0	
Automobile Care Center 942	KSF ²	15.86	2.94	3.38		65%	35%	50%	50%	0	0	0	0	0	0	0	0	0	
Automobile Parts & Service Center 94	KSF ²	NA	NA	4.46		NA	NA	42%	58%			0	NA	NA	0	0	0	0	
Gasoline/Service Station 944	Fuel Position	168.56	12.16	13.87	42%	51%	49%	50%	50%	0	0	0	0	0	0	0	0	0	
Serv.Station w/ Conven.Mkt 945	Fuel Position	162.78	10.16	13.38	56%	50%	50%	50%	50%	0	0	0	0	0	0	0	0	0	
Serv.Stat.w/Conv.Mkt.&Carwash 946	Fuel Position	152.84	11.93	13.94		51%	49%	51%	49%	0	0	0	0	0	0	0	0	0	
Self-Service Carwash 947	Stalls	108.00	8.00	5.54		50%	50%	51%	49%	0	0	0	0	0	0	0	0	0	
Automated Car Wash 948	KSF ²	NA	NA	14.12		NA	NA	51%	49%	0	NA	0	NA	NA	0	0	0	0	
											103	13	83	12	2	0	14	69	0

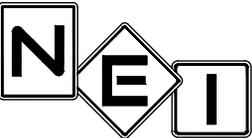
RED Rates = CAUTION - Use Carefully - Small Sample Size
Green Rates = Peak Hour of Generator - (no peak rate for the rush hour of adjacent street traffic)
Blue Rates = Saturday Daily total - (no weekday daily rate)

*Pass-By % are Rates from Weekay PM Peak Period
 *The Total Pass-By Trips will be Distributed: 50% IN / 50 % OUT

NA = Not Available KSF² = Units of 1,000 square feet
 DU = Dwelling Unit Fuel Position = the number of vehicles that could be fueled simultaneously
 Occ.Room = Occupied Room

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15-Feb-24



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Civil Engineering,
Transportation, CEI &
Landscape Architecture

Agency Item #4.D

ATTACHMENT "B"

Description/ITE Code	Units	ITE Vehicle Trip Generation Rates								Expected Units	Total Generated Trips			Total Distribution of Generated Trips					
		(peak hours are for peak hour of adjacent street traffic unless highlighted)									Daily	AM Hour	PM Hour	AM In	AM Out	Pass-By	PM In	PM Out	Pass-By
		Weekday	AM	PM	Pass-By	AM In	AM Out	PM In	PM Out										
Waterport/Marine Terminal 010	Acres	11.93	NA	NA		NA	NA	NA	NA		0	NA	NA	NA	NA	0	NA	NA	0
Waterport/Marine Terminal 010	Berths	171.52	NA	NA		NA	NA	NA	NA		0	NA	NA	NA	NA	0	NA	NA	0
Commercial Airport 021	Employees	13.40	0.82	0.80		55%	45%	54%	46%		0	0	0	0	0	0	0	0	0
Commercial Airport 021	Avg Flights/Day	104.73	5.40	5.75		54%	46%	45%	55%		0	0	0	0	0	0	0	0	0
Commercial Airport 021	Com. Flights/Day	122.21	6.43	6.88		55%	45%	54%	46%		0	0	0	0	0	0	0	0	0
General Aviation Airport 022	Employees	14.24	0.69	1.03		83%	17%	45%	55%		0	0	0	0	0	0	0	0	0
General Aviation Airport 022	Avg. Flights/Day	1.97	0.24	0.30		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0
General Aviation Airport 022	Based Aircraft	5.00	0.24	0.37		83%	17%	45%	55%		0	0	0	0	0	0	0	0	0
Truck Terminal 030	Acres	81.90	7.28	6.55		41%	59%	43%	57%		0	0	0	0	0	0	0	0	0
Truck Terminal 030	Employees	6.99	0.66	0.55		40%	60%	47%	53%		0	0	0	0	0	0	0	0	0
Park&Ride w/ Bus Service 090	Parking Spaces	4.50	0.72	0.62		81%	19%	23%	77%		0	0	0	0	0	0	0	0	0
Park&Ride w/ Bus Service 090	Acres	372.32	48.81	43.75		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0
Park&Ride w/ Bus Service 090	Occ. Spaces	9.62	1.26	0.81		69%	31%	28%	72%		0	0	0	0	0	0	0	0	0
Light Rail Station w/ Park. 093	Parking Space	2.51	1.07	1.24		80%	20%	58%	42%		0	0	0	0	0	0	0	0	0
Light Rail Station w/ Park. 093	Occ. Spaces	3.91	1.14	1.33		80%	20%	58%	42%		0	0	0	0	0	0	0	0	0
General Light Industrial 110	KSF ²	6.97	0.92	0.97		88%	12%	12%	88%	6.9	48	6	7	6	1	0	1	6	0
General Light Industrial 110	Acres	51.80	7.51	7.26		83%	17%	22%	78%		0	0	0	0	0	0	0	0	0
General Light Industrial 110	Employees	3.02	0.44	0.42		83%	17%	21%	79%		0	0	0	0	0	0	0	0	0
General Heavy Industrial 120	KSF ²	1.50	0.51	0.19		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0
General Heavy Industrial 120	Acres	6.75	1.98	2.16		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0
General Heavy Industrial 120	Employees	0.82	0.51	0.88		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0
Industrial Park 130	KSF ²	6.96	0.84	0.86		82%	18%	21%	79%		0	0	0	0	0	0	0	0	0
Industrial Park 130	Acres	63.11	8.55	8.84		83%	17%	21%	79%		0	0	0	0	0	0	0	0	0
Industrial Park 130	Employees	3.34	0.47	0.46		86%	14%	20%	80%		0	0	0	0	0	0	0	0	0
Manufacturing 140	KSF ²	3.82	0.73	0.73		78%	22%	36%	64%		0	0	0	0	0	0	0	0	0
Manufacturing 140	Acres	38.88	7.44	8.35		93%	7%	53%	47%		0	0	0	0	0	0	0	0	0
Manufacturing 140	Employees	2.13	0.40	0.36		73%	27%	44%	56%		0	0	0	0	0	0	0	0	0
Warehousing 150	KSF ²	3.56	0.30	0.32		79%	21%	25%	75%		0	0	0	0	0	0	0	0	0
Warehousing 150	Acres	57.23	10.03	8.69		72%	28%	35%	65%		0	0	0	0	0	0	0	0	0
Warehousing 150	Employees	3.89	0.51	0.59		72%	28%	35%	65%		0	0	0	0	0	0	0	0	0
Mini Warehouse 151	KSF ²	2.50	0.15	0.26		59%	41%	51%	49%		0	0	0	0	0	0	0	0	0
Mini Warehouse 151	Storage Units	0.25	0.02	0.02		67%	33%	NA	NA		0	0	0	0	0	0	NA	NA	0
Mini Warehouse 151	Acres	35.43	2.62	3.45		NA	NA	52%	48%		0	0	0	NA	NA	0	0	0	0
Mini Warehouse 151	Employees	61.90	5.26	6.04		67%	33%	52%	48%		0	0	0	0	0	0	0	0	0
High-Cube Warehouse 152	KSF ²	1.44	0.09	0.10		65%	35%	33%	67%		0	0	0	0	0	0	0	0	0
Utilities 170	KSF ²	NA	0.80	0.76		NA	NA	45%	55%		0	0	0	NA	NA	0	0	0	0
Utilities 170	Employees	NA	0.76	0.76		90%	10%	15%	85%		0	0	0	0	0	0	0	0	0
Single Family Homes 210	DU	9.57	0.75	1.01		25%	75%	63%	37%		0	0	0	0	0	0	0	0	0
Single Family Homes 210	Acres	26.04	2.06	2.74		31%	69%	66%	34%		0	0	0	0	0	0	0	0	0
Single Family Homes 210	Persons	2.55	0.21	0.28		31%	69%	66%	34%		0	0	0	0	0	0	0	0	0
Single Family Homes 210	Vehicles	6.02	0.51	0.67		31%	69%	66%	34%		0	0	0	0	0	0	0	0	0
Apartment 220	DU	6.65	0.51	0.62		20%	80%	65%	35%		0	0	0	0	0	0	0	0	0
Apartment 220	Persons	3.31	0.28	0.40		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0
Apartment 220	Vehicles	5.10	0.46	0.60		NA	NA	NA	NA		0	0	0	NA	NA	0	NA	NA	0
Low Rise Apartment 221	Occ.DU	6.59	0.46	0.58		21%	79%	65%	35%		0	0	0	0	0	0	0	0	0
High Rise Apartment 222	DU	4.20	0.30	0.35		25%	75%	61%	39%		0	0	0	0	0	0	0	0	0
Mid-Rise Apartment 223	DU	NA	0.30	0.39		31%	69%	58%	42%		0	0	0	0	0	0	0	0	0
Rental Townhouse 224	DU	NA	0.70	0.72		33%	67%	51%	49%		0	0	0	0	0	0	0	0	0
Resd. Condo/Townhouse 230	DU	5.81	0.44	0.52		17%	83%	67%	33%		0	0	0	0	0	0	0	0	0
Resd. Condo/Townhouse 230	Persons	2.49	0.19	0.24		16%	84%	67%	33%		0	0	0	0	0	0	0	0	0
Resd. Condo/Townhouse 230	Vehicles	3.34	0.24	0.32		16%	84%	66%	34%		0	0	0	0	0	0	0	0	0
Low Rise Resd. Condo 231	DU	NA	0.67	0.78		25%	75%	58%	42%		0	0	0	0	0	0	0	0	0
High Rise Resd. Condo 232	DU	4.18	0.34	0.38		19%	81%	62%	38%		0	0	0	0	0	0	0	0	0
Luxury Condo/Townhouse 233	Occ. DU	NA	0.56	0.55		23%	77%	63%	37%		0	0	0	0	0	0	0	0	0
Mobile Home Park 240	Occ. DU	4.99	0.44	0.59		20%	80%	62%	38%		0	0	0	0	0	0	0	0	0
Mobile Home Park 240	Persons	2.46	0.20	0.26		18%	82%	63%	37%		0	0	0	0	0	0	0	0	0

ATTACHMENT "B"

Description/ITE Code	Units	ITE Vehicle Trip Generation Rates								Expected Units	Total Generated Trips			Total Distribution of Generated Trips					
		(peak hours are for peak hour of adjacent street traffic unless highlighted)									Daily	AM Hour	PM Hour	AM In	AM Out	Pass-By	PM In	PM Out	Pass-By
		Weekday	AM	PM	Pass-By	AM In	AM Out	PM In	PM Out										
Fast Food with Drive Thru 934	KSF ²	496.12	49.35	33.48	50%	51%	49%	52%	48%	0	0	0	0	0	0	0	0	0	0
Fast Food with Drive Thru 934	Seats	19.52	1.32	0.94	50%	53%	47%	53%	47%	0	0	0	0	0	0	0	0	0	0
Fast Food Drive Thru Only 935	KSF ²	NA	NA	153.85	89%	NA	NA	54%	46%	0	NA	0	NA	NA	0	0	0	0	0
Coffee/Donut Shop w/o Drive Thru 934	KSF ²	NA	117.23	40.75		51%	49%	50%	50%	0	0	0	0	0	0	0	0	0	0
Coffee/Donut Shop w/ Drive Thru 937	KSF ²	818.58	110.75	42.93		51%	49%	50%	50%	0	0	0	0	0	0	0	0	0	0
Coffee/Donut Drive Thru Only 938	KSF ²	1800.00	303.33	75.00	89%	50%	50%	50%	50%	0	0	0	0	0	0	0	0	0	0
Bread/Bagel Shop w/o Drive Thru 939	KSF ²	NA	70.22	28.00		47%	53%	50%	50%	0	0	0	0	0	0	0	0	0	0
Bread/Bagel Shop w/ Drive Thru 940	KSF ²	NA	36.92	19.56		50%	50%	50%	50%	0	0	0	0	0	0	0	0	0	0
Quick Lube Vehicle Shop 941	Service Bays	40.00	3.00	5.19		67%	33%	55%	45%	0	0	0	0	0	0	0	0	0	0
Automobile Care Center 942	Service Bays	12.48	1.52	2.17		68%	32%	NA	NA	0	0	0	0	0	0	NA	NA	0	0
Automobile Care Center 942	KSF ²	15.86	2.94	3.38		65%	35%	50%	50%	0	0	0	0	0	0	0	0	0	0
Automobile Parts & Service Center 94	KSF ²	NA	NA	4.46		NA	NA	42%	58%			0	NA	NA	0	0	0	0	0
Gasoline/Service Station 944	Fuel Position	168.56	12.16	13.87	42%	51%	49%	50%	50%	0	0	0	0	0	0	0	0	0	0
Serv.Station w/ Conven.Mkt 945	Fuel Position	162.78	10.16	13.38	56%	50%	50%	50%	50%	0	0	0	0	0	0	0	0	0	0
Serv.Stat.w/Conv.Mkt.&Carwash 946	Fuel Position	152.84	11.93	13.94		51%	49%	51%	49%	0	0	0	0	0	0	0	0	0	0
Self-Service Carwash 947	Stalls	108.00	8.00	5.54		50%	50%	51%	49%	0	0	0	0	0	0	0	0	0	0
Automated Car Wash 948	KSF ²	NA	NA	14.12		NA	NA	51%	49%	0	NA	0	NA	NA	0	0	0	0	0
											48	6	7	6	1	0	1	6	0

RED Rates = CAUTION - Use Carefully - Small Sample Size
Green Rates = Peak Hour of Generator - (no peak rate for the rush hour of adjacent street traffic)
Blue Rates = Saturday Daily total - (no weekday daily rate)

*Pass-By % are Rates from Weekay PM Peak Period
 *The Total Pass-By Trips will be Distributed: 50% IN / 50 % OUT

NA = Not Available **KSF²** = Units of 1,000 square feet
DU = Dwelling Unit **Fuel Position** = the number of vehicles that could be fueled simultaneously
Occ.Room = Occupied Room

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Civil Engineering,
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**EXHIBIT H
NEIGHBORHOOD POLICY**

Neighborhood D

Development Policies:

...

- (i) **Issue:** Kingston Avenue west of Ridgewood Avenue serves as a transitional area between residential and more intense commercial and industrial uses; therefore, the City shall encourage uses compatible with the surrounding residential areas.
- (1) **Policy:** Use of Parcel No. 5338-08-00-0210 shall be limited to self-storage, restaurant without drive through, personal services, business/professional service and medical/dental office related uses, and including those uses customary and accessory to same.

Agenda Item 4E (Quasi-Judicial Hearing)
Planned Development-General (PD-G) Rezoning
DEV2024-167
Kingston Rezoning to M-1

STAFF REPORT

MEETING DATE: July 25, 2024, Planning Board
REPORT DATE: July 13, 2024
SUBJECT: DEV2024-167 Kingston M-1 Rezone
APPLICANT: Joey Posey, Esq., Storch Law Firm
OWNER: Billie Jo Kaler, Land Trust
STAFF: Doug Gutierrez, AICP, Planning Manager

SUMMARY OF REQUEST

This request is for a rezone of ± 0.25 acres of land from Residential Professional (RP) to Local Industry (M-1).

A majority vote by the Planning Board members present and voting is required to forward a recommendation to the City Commission. The item is tentatively scheduled to be heard by the City Commission for 1st reading on September 4, 2024, and for 2nd reading on September 18, 2024.

Staff recommendation: Staff finds the requested rezone meets the criteria in Sections 3.4.D.3 and 4.8.B, Land Development Code. Staff recommends the Planning Board forward the rezone of ± 0.25 acres from Residential Professional (RP) to Local Industry (M-1) to the City Commission with a recommendation of approval.

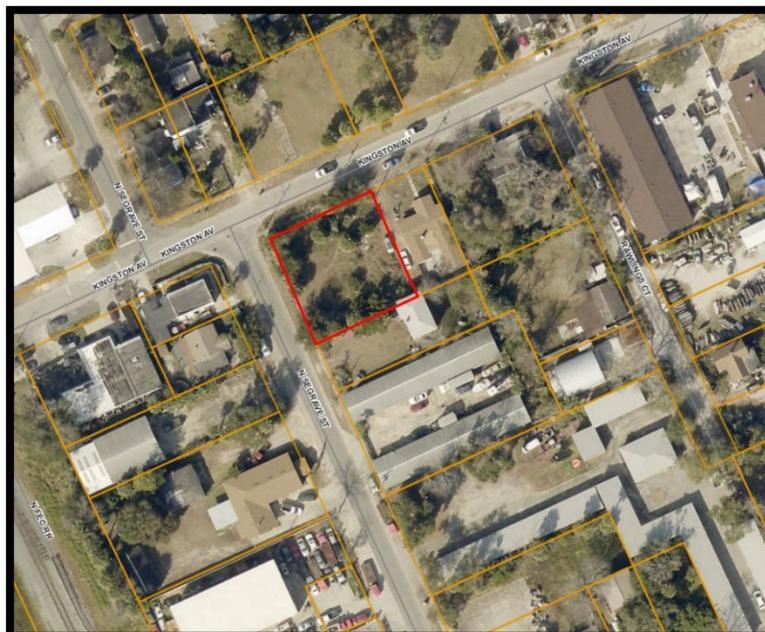


SITE INFORMATION

Location: Southeast corner of Kingston Avenue and Seagrave Street.
Parcel No(s): 533808000210
Property Size: ± 0.25 acres
Existing Zoning: Residential Professional (RP)
Proposed Zoning: Local Industry (M-1)
Existing Future Land Use: Office Transitional (OT)
Existing Future Land Use: Local Service Industry (LSI)

Adjacent Land Use and Zoning: *Existing uses listed in the table below are not intended to be an all-inclusive list, but a general summary of types of uses near the subject property.*

	Existing Use(s)	Future Land Use Designation	Existing Zoning Classification
Site	Vacant	OT	RP
North	Vacant	OT	RP
South	Res/Warehouse/Commercial	OT	M-1
East	Residential	OT	RP
West	Industrial	LSI	M-1



Aerial View of the Property

PROJECT DESCRIPTION

This will be a rezoning of one parcel from Residential Professional (RP) to Local Industry (M-1). The lot has a total acreage of 0.25± acre and is on the Southeast corner of Kingston Avenue and Seagrave Street. The property has a Future Land Use of Office Transition, the property owner has a concurrent Small-Scale Amendment to Local Service Industry (LSI) that is compatible with the proposed zoning of the property. The applicant is seeking to rezone the property to M-1 to allow for personal Self Storage use. The Small-Scale Amendment includes a Neighborhood Policy that limits the uses typically permitted in the M-1 zoning category to uses compatible with the surrounding area, such as self-storage, restaurant without drive through, personal services, business/professional service and medical/dental office related uses. The current zoning does not permit self-storage use, but the proposed zoning does support the use.

PROJECT ANALYSIS

According to Section 3.4.D.3, *Site-Specific Zoning District Amendment Review Standards*, LDC, the City shall consider the criteria below when determining whether to adopt or deny a proposed Site-Specific Zoning District Map Amendment. I

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:

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 proposed rezoning, if approved, is not in conflict with the goals, objectives, and policies of the City's comprehensive plan or other applicable City-adopted plans. The proposed zoning is compatible with the proposed Future Land Use and is adjacent to a parcel containing the proposed zoning designation.

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

The proposed rezoning of the parcel within this request is not in conflict with any portion of the Land Development Code. The City's Technical Review Team (TRT) has reviewed the rezoning request and found it to be consistent with the Land Development Code.

iii. Addresses a demonstrated community need.

The City's Technical Review Team (TRT) has reviewed the rezoning request and found it to meet this criterion.

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

The proposed use is consistent with the existing uses of the surrounding area. A residential neighborhood with a single-family pattern of development is located to the east of the subject parcel.

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

The proposed amendment would be consistent with the pattern of development of the area. The City's TRT has reviewed the rezoning amendment request and found it to be acceptable. Any development would be required to meet all LDC standards.

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

Staff does not have any indication the proposed development would have an adverse 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 property can be served adequately by public facilities. The rezoning approval does not constitute a Transportation Concurrency Certificate.

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 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 City's TRT has reviewed the rezoning amendment request and found it to be acceptable.

Neighborhood Meeting

A neighborhood meeting was held on site at the Holiday Inn located at 137 Automall Cir, Daytona Beach, FL 32124 on May 30, 2024, at 6:00 p.m. Joey Posey, Esq., attended along with two (2) interested residents and were generally in support of the project. (Neighborhood meeting summary Attachment A).

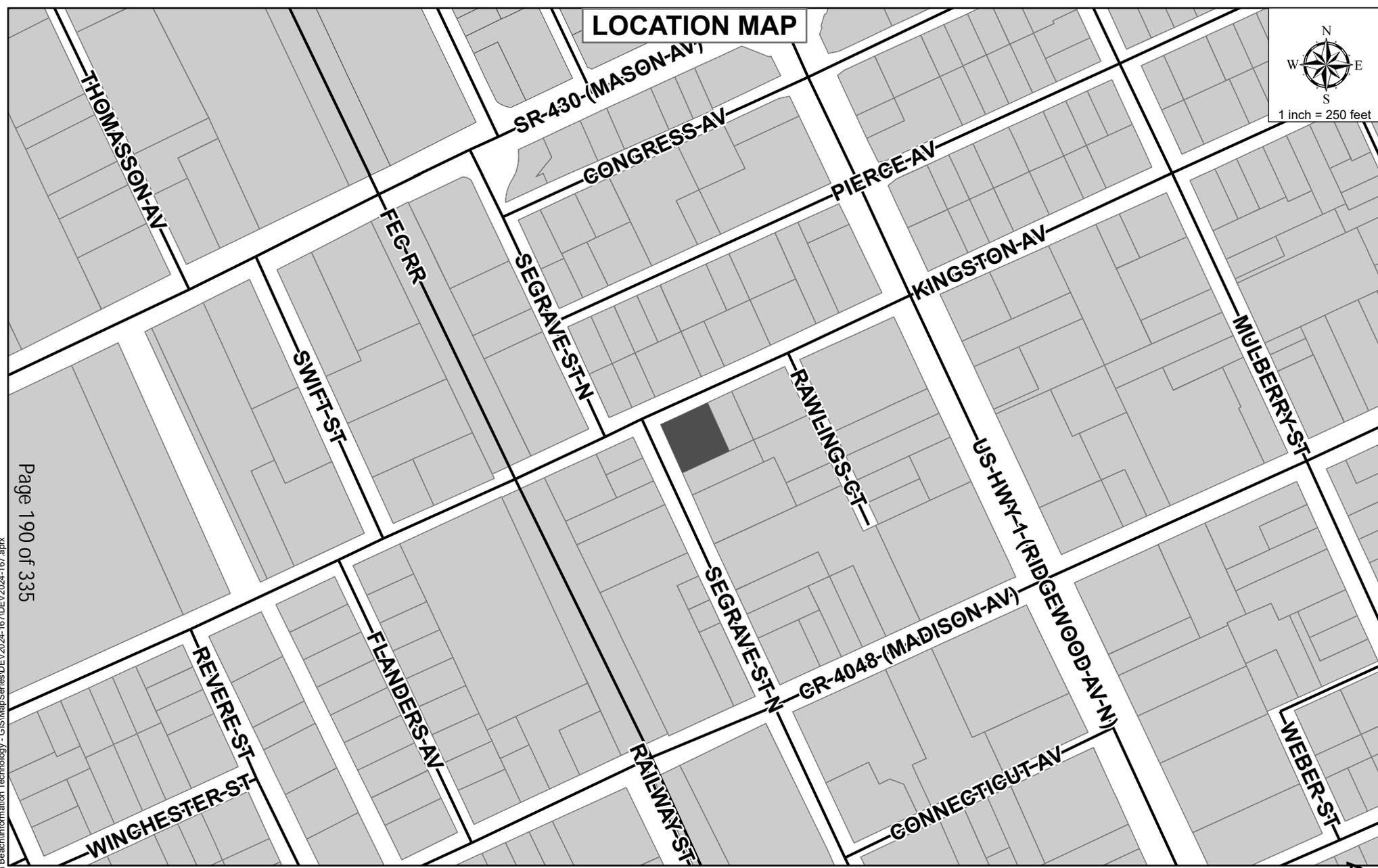
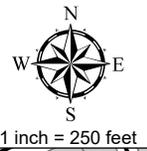
RECOMMENDATION

Staff finds the requested rezone meets the criteria in Sections 3.4.D.3 and 4.8.B, Land Development Code. Staff recommends the Planning Board forward the rezone of ± 0.25 acres from Residential Professional (RP) to Local Industry (M-1) to the City Commission with a recommendation of approval.

A majority vote by the Planning Board members present and voting is required to forward a recommendation of approval to the City Commission.

The item is tentatively scheduled to be heard by the City Commission for 1st reading on September 4, 2024, and for 2nd reading on September 18, 2024.

LOCATION MAP



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DEV2024-167 KINGSTON M1 - REZONING LOCATION MAP

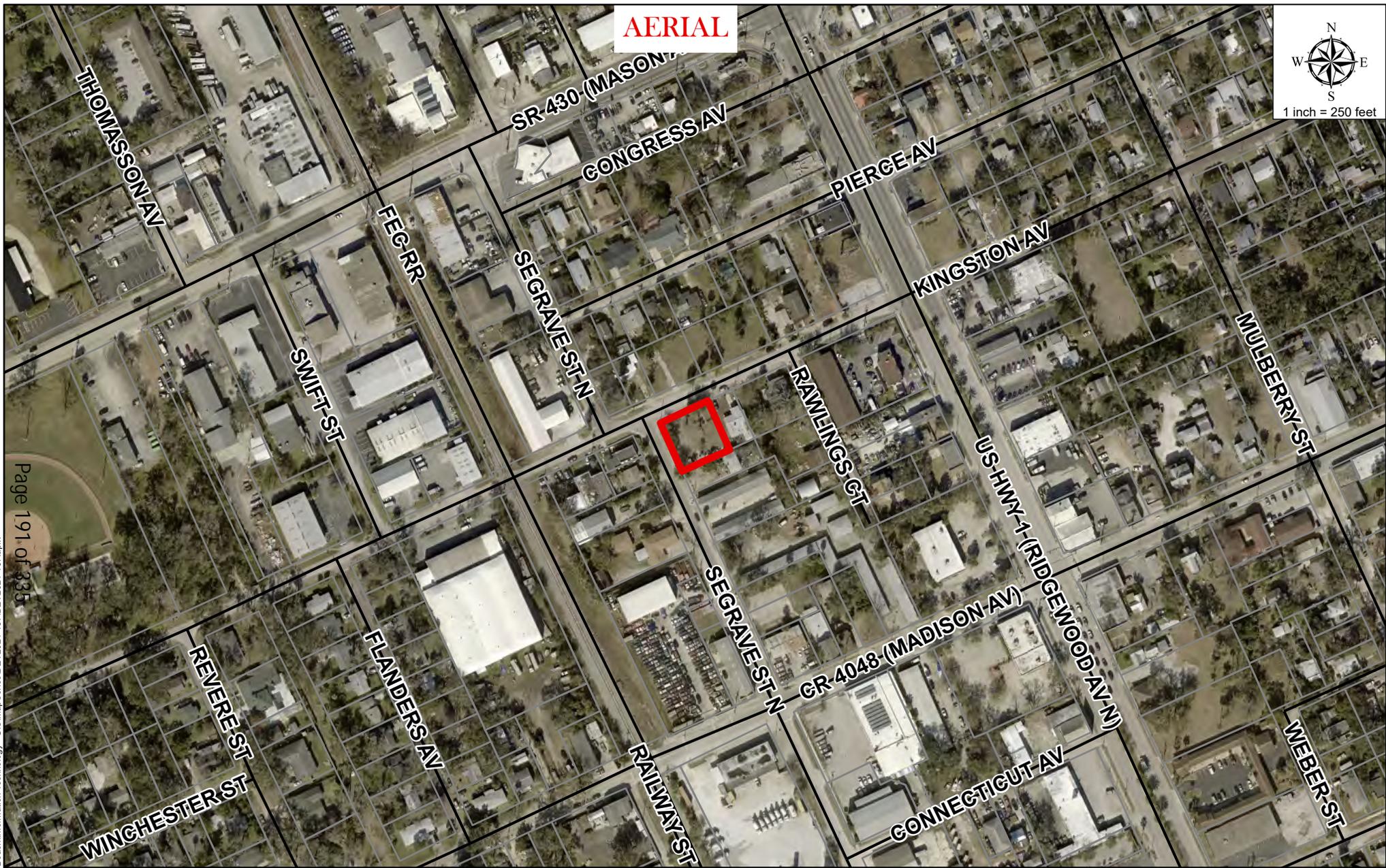
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Agenda Item #4.E.

AERIAL



1 inch = 250 feet



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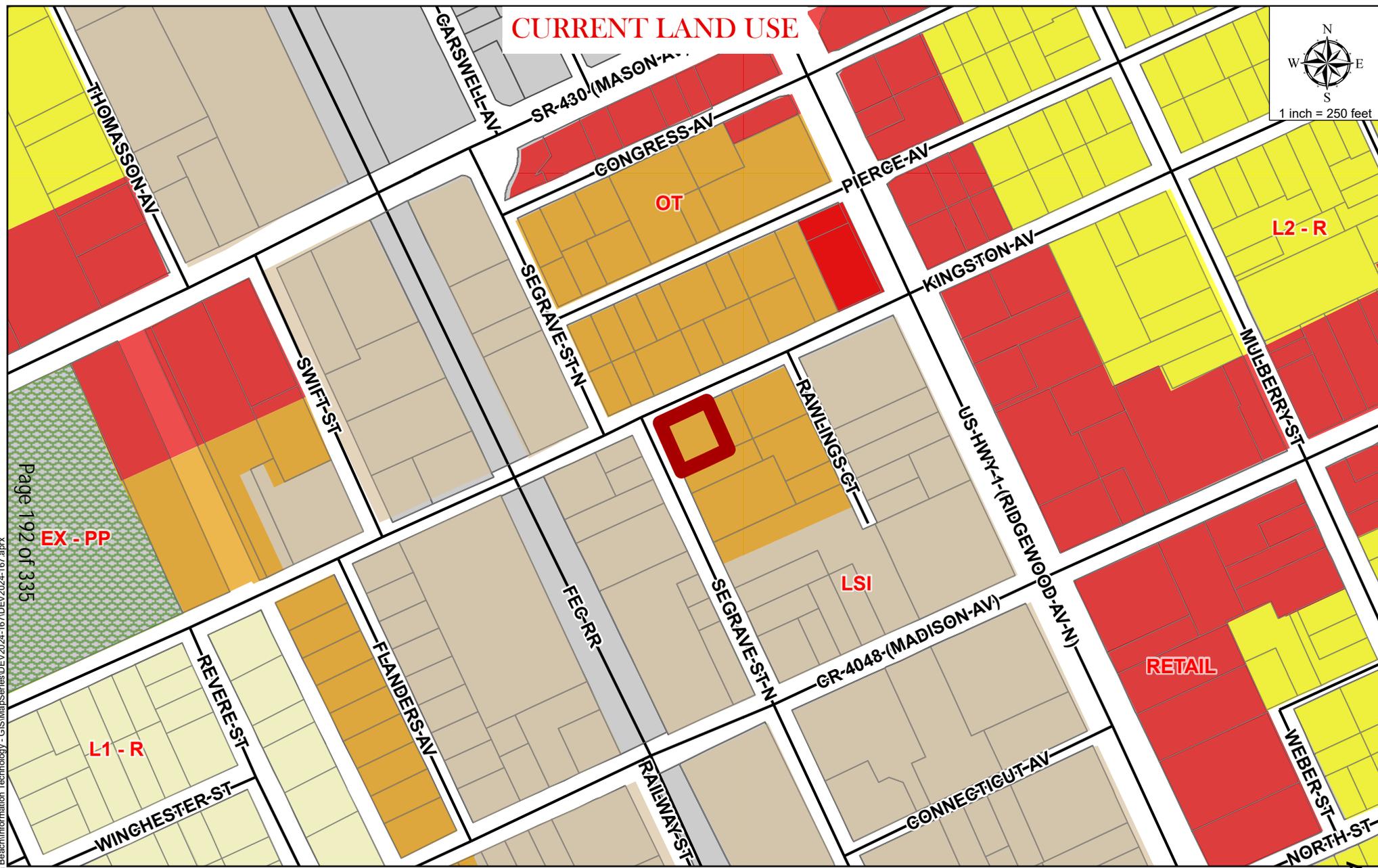
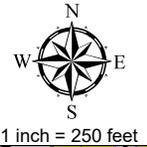
DEV2024-167 KINGSTON M1 - REZONING AERIAL MAP

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Agenda Item #4.E.

CURRENT LAND USE

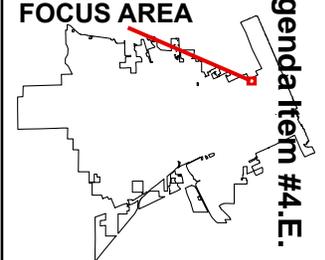


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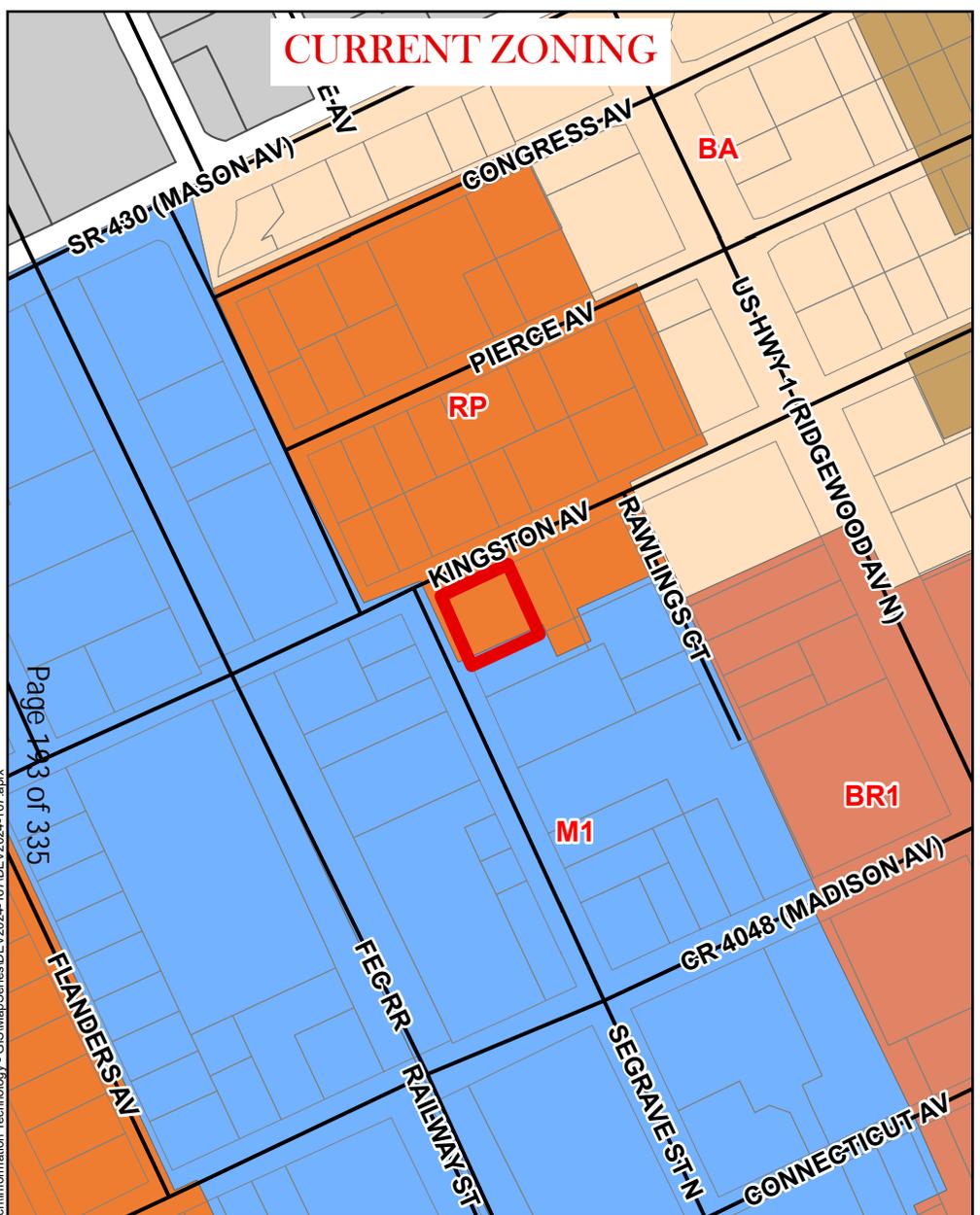


DEV2024-167 KINGSTON M1 - REZONING CURRENT LAND USE MAP

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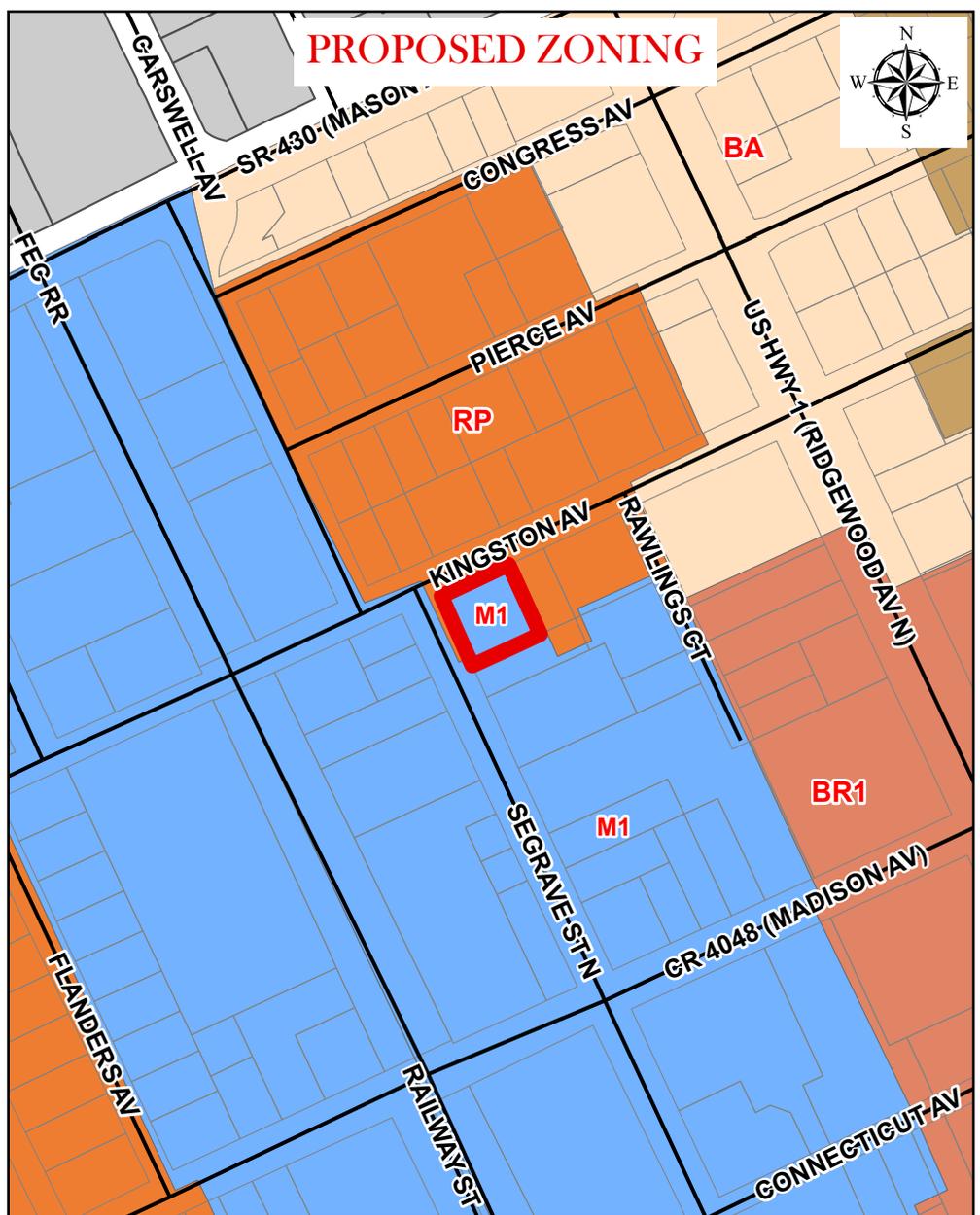


CURRENT ZONING



1 inch = 250 feet

PROPOSED ZONING



1 inch = 250 feet

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DEV2024-167 KINGSTON M1 - REZONING CURRENT AND PROPOSED ZONING MAP

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FOCUS AREA

Agenda Item #4.E.

**SUMMARY OF NEIGHBORHOOD MEETING FOR
VACANT LAND, KINGTON AVENUE / DEV2023-401**

A neighborhood meeting was held at 6:00 P.M. on May 30, 2024, at the Holiday Inn on LPGA Blvd., in Daytona Beach, to discuss the requested change in the zoning classification for Parcel No. 5338-08-00-0210 from Residential Professional (RP) to Local Industry (M1), and a small-scale future land use map amendment to change from Office Transition (OT) to Local Service Industry (LSI), which will allow the property to be used for a storage/warehouse building. In attendance at the meeting was A. Joseph Posey of Storch Law Firm, attorney for the property owner. A sign-in sheet was provided, and two neighbors were in attendance for the meeting.

Mr. Posey began by giving a quick presentation that explained the rezoning and future land use requests. Mr. Posey then opened up the meeting to questions, however, no questions were provided. The neighbors in attendance appeared satisfied with the presentation.

Mr. Posey ended the meeting at approximately 6:37 P.M.

NOTICE OF NEIGHBORHOOD MEETING

WHEN: May 30, 2024, at 6:00 p.m.
WHERE: Holiday Inn LPGA, 137 Automall Circle, Daytona Beach, FL 32124
REQUEST: Rezoning/Future Land Use Amendment
Vacant land, Kington Avenue

Dear Neighbor:

You are invited to our neighborhood meeting regarding the applications submitted by the Storch Law Firm on behalf of the property owner for Parcel Number: 5338-08-00-0210 to change the zoning from Residential Professional (RP) to Local Industry (M1). An additional application has been submitted for a small-scale future land use map amendment to change from Office Transition (OT) to Local Service Industry (LSI). The proposed use for the property is storage/warehouse.



You are receiving this notice because your property is within a 500-foot radius of the subject property located at the southeast corner of Kingston Avenue and Seagrave Street. The neighborhood meeting will be held at the Holiday Inn LPGA, at the address, date and time set forth above.

For those unable to attend the meeting, written comments or questions may be sent to our office and those received by the above meeting date will be presented at the meeting. Please include your name, address and contact information in your correspondence.

In accordance with the American Disabilities Act (ADA), any persons needing a special accommodation to participate in these proceedings should contact the City Clerk's Office at (386) 671-8020 no later than three days prior to the proceedings.

Please feel free to contact our office anytime Monday thru Friday from 9:00 AM to 5:00 PM by phone at (386) 238-8383 or by email at joey@storchlawfirm.com should you have any questions. THANK YOU.

Sign In

6:37 PM (END)
6:00 PM (START)

NAME	CONTACT INFO
- Anne Rulag Sandy Murphy	617-223-1094 717-203-4765

Agenda Item 4F (Quasi-Judicial Hearing)
Planned Development-Redevelopment (PD-RD) Rezoning
 DEV2022-164
 Midtown Plaza Planned Development

MEMORANDUM

MEETING DATE: July 25, 2024, Planning Board
MEMO DATE: July 11, 2024
SUBJECT: DEV2022-164 Midtown Plaza PD
APPLICANT: Robert A. Merrill, Cobb Cole
OWNER: QM Investments, LLC
STAFF: Michele Toliver, Redevelopment Project Manager
 Danalee Petyk, AICP, Senior Planner

SUMMARY OF REQUEST

This request is for a rezone of \pm 0.27 acres of land from Redevelopment Midtown – Neighborhood Center Mixed Use (RDM-2) to Planned Development-Redevelopment (PD-RD) to allow additional commercial uses and associated site improvements on the property.

The subject property is in the Midtown Redevelopment Area. Pursuant to the requirements of the Land Development Code, Section 3.3.G – Advisory Board Review and Recommendation, the rezone request is subject to review by the Midtown Redevelopment Board.

Please refer to the staff report dated July 1, 2024, for the Midtown Redevelopment Board’s meeting held July 9, 2024. Draft minutes from the Midtown Redevelopment Board are attached for your information. A detailed presentation was provided to the board describing the rezone request from RDM-2 to PD-G. Please note the waiver and benefits letter provided by the applicant was updated after the Midtown Redevelopment Board meeting to correct a reference to the Land Development Code and is provided as an attachment to this memo.

The Midtown Redevelopment Board voted 6 – 0 to recommend approval of this request.

A majority vote by the Planning Board members present and voting is required to forward a recommendation to the City Commission. The item is tentatively scheduled to be heard by the City Commission for 1st reading on September 4, 2024, and for 2nd reading on September 18, 2024.

Staff recommendation: Staff supports the Midtown Redevelopment Board’s recommendation for approval and finds the requested rezone meets the criteria in Sections 3.4.D.3 and 4.8.B, Land Development Code. Staff recommends the Planning Board forward the rezone of \pm 0.27 acres from Redevelopment Midtown – Neighborhood Center Mixed Use (RDM-2) to Planned

Development-Redevelopment (PD-RD) to the City Commission with a recommendation of approval.

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.

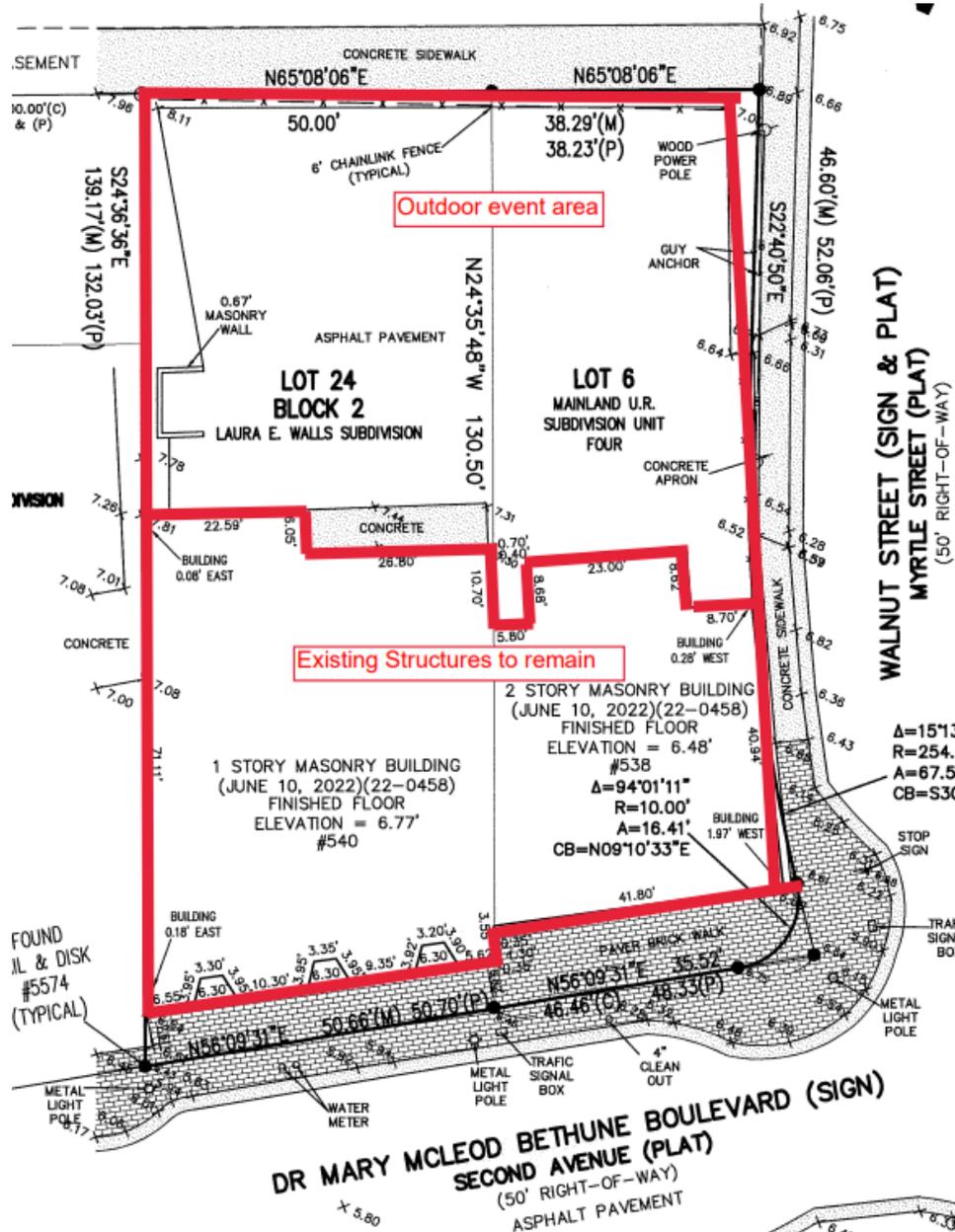
The current zoning designation for the property is RDM-2 and limits further expansion of the uses and development standards. The applicant has requested to rezone the property to a PD-RD zoning district and requests LDC modifications necessary to accommodate the development plan for the property.

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*)

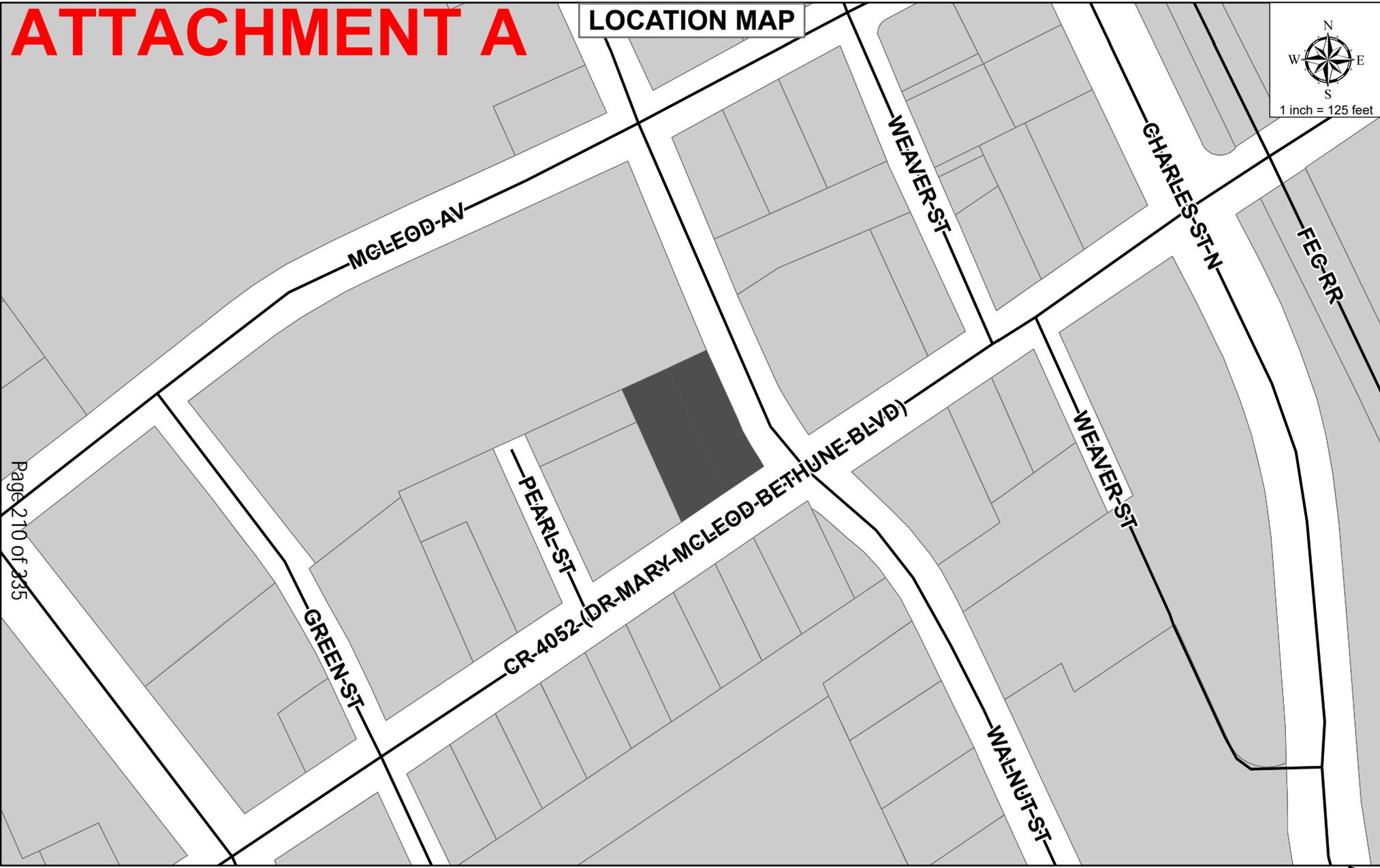
Parking Standards

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)

ATTACHMENT A

LOCATION MAP



Page 210 of 335

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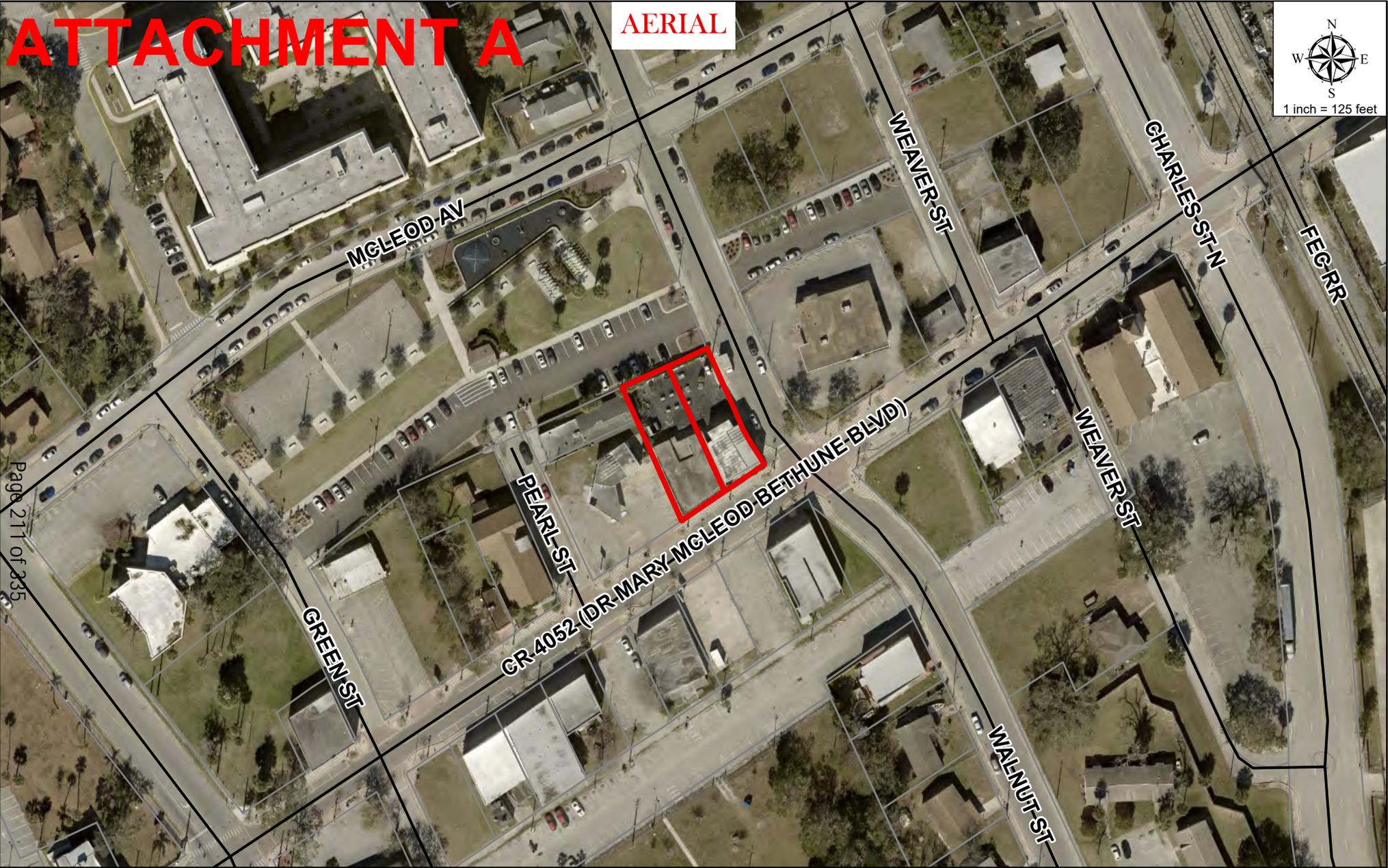
DEV2022-164 MIDTOWN PLAZA PD-RD - REZONING LOCATION MAP

City of Daytona Beach Map disclaimer:
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Agenda Item #4.F.

ATTACHMENT A

AERIAL



Page 211 of 335

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

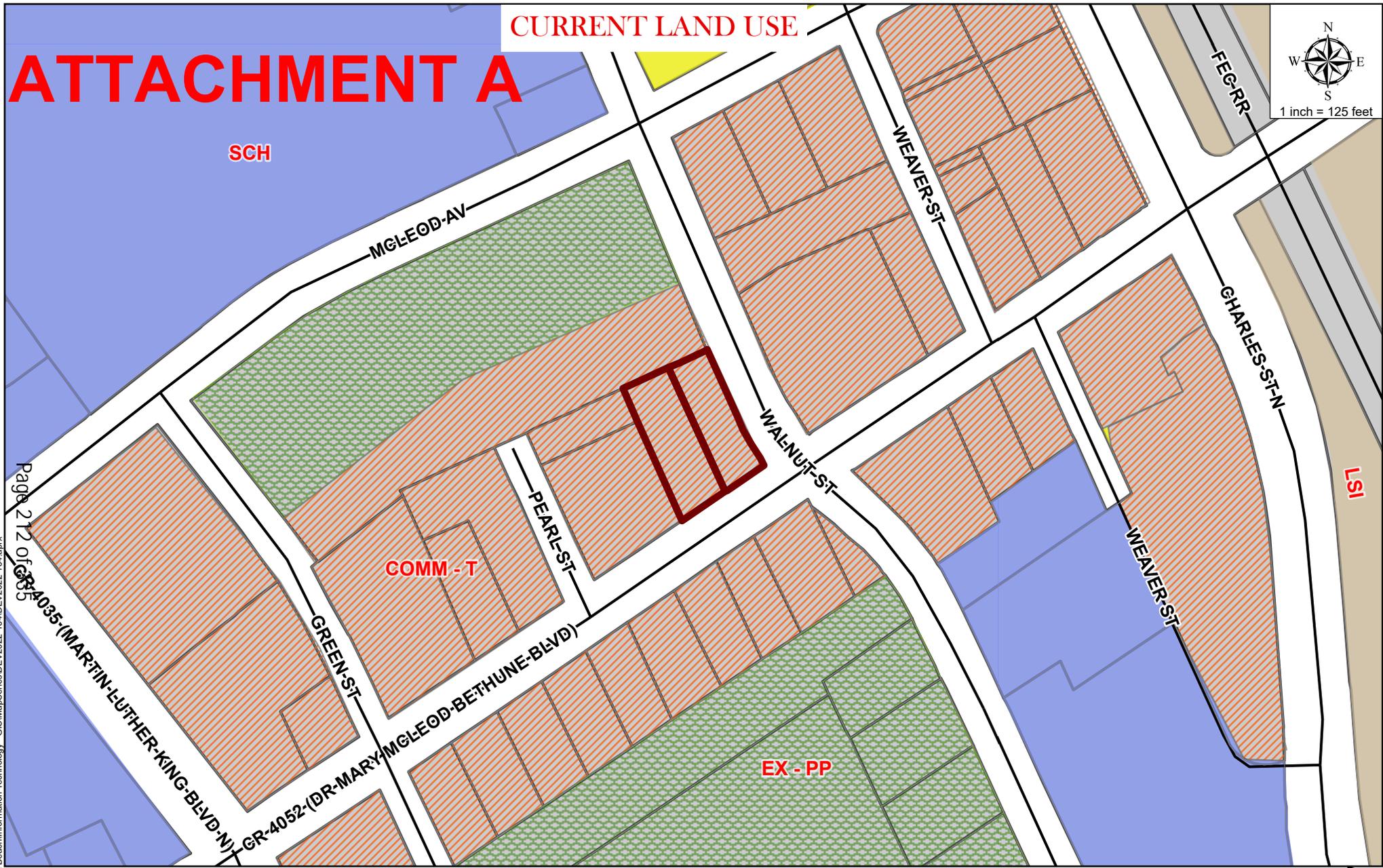
City of Daytona Beach Map disclaimer:

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Agenda Item #4.F.

ATTACHMENT A

CURRENT LAND USE



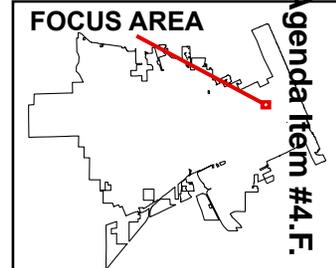
Page 2 of 5

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

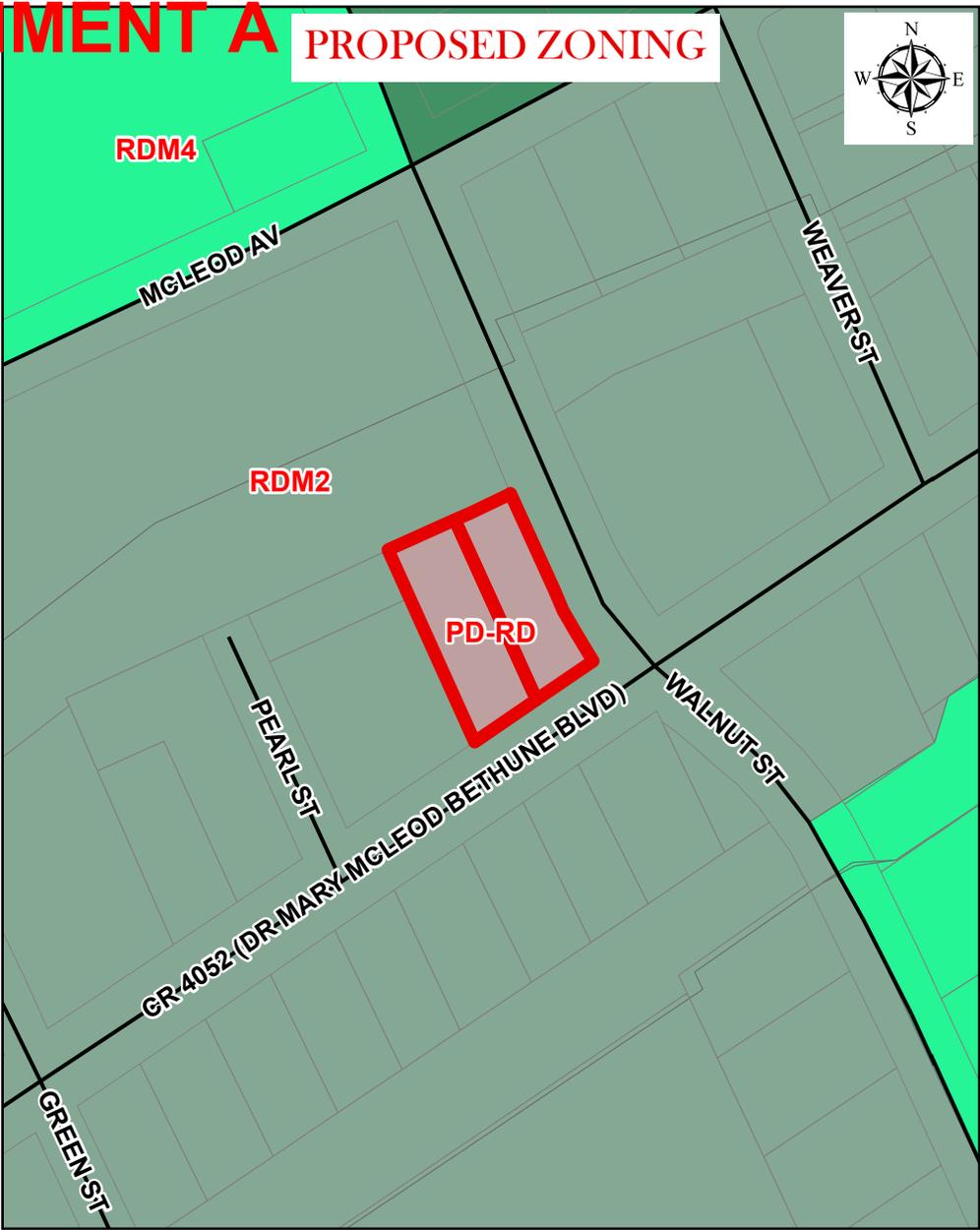
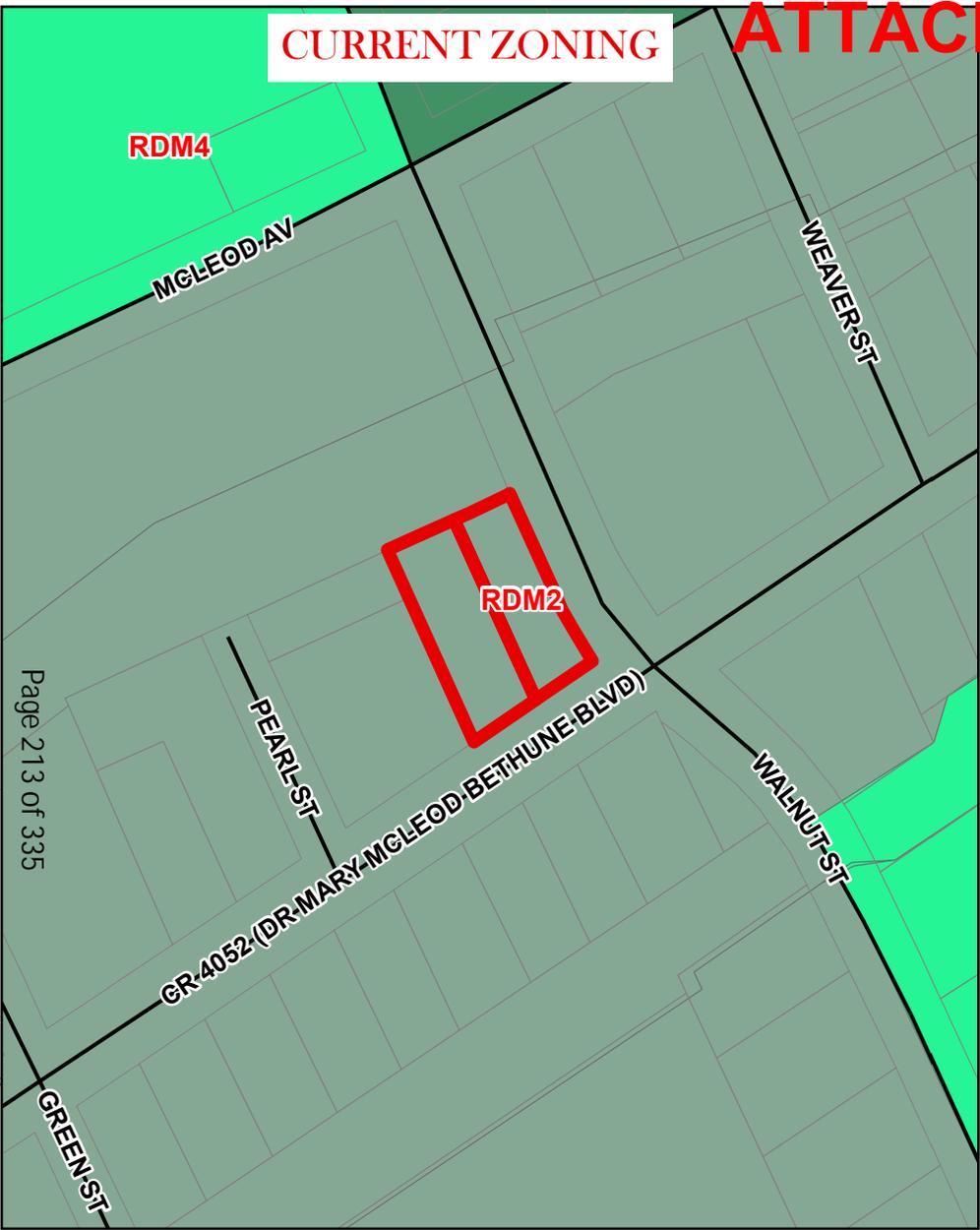
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CURRENT ZONING

ATTACHMENT A

PROPOSED ZONING



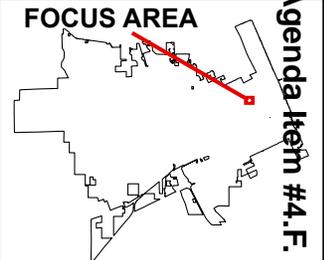
1 inch = 125 feet

1 inch = 125 feet



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

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Agenda Item #4.F.

ATTACHMENT B



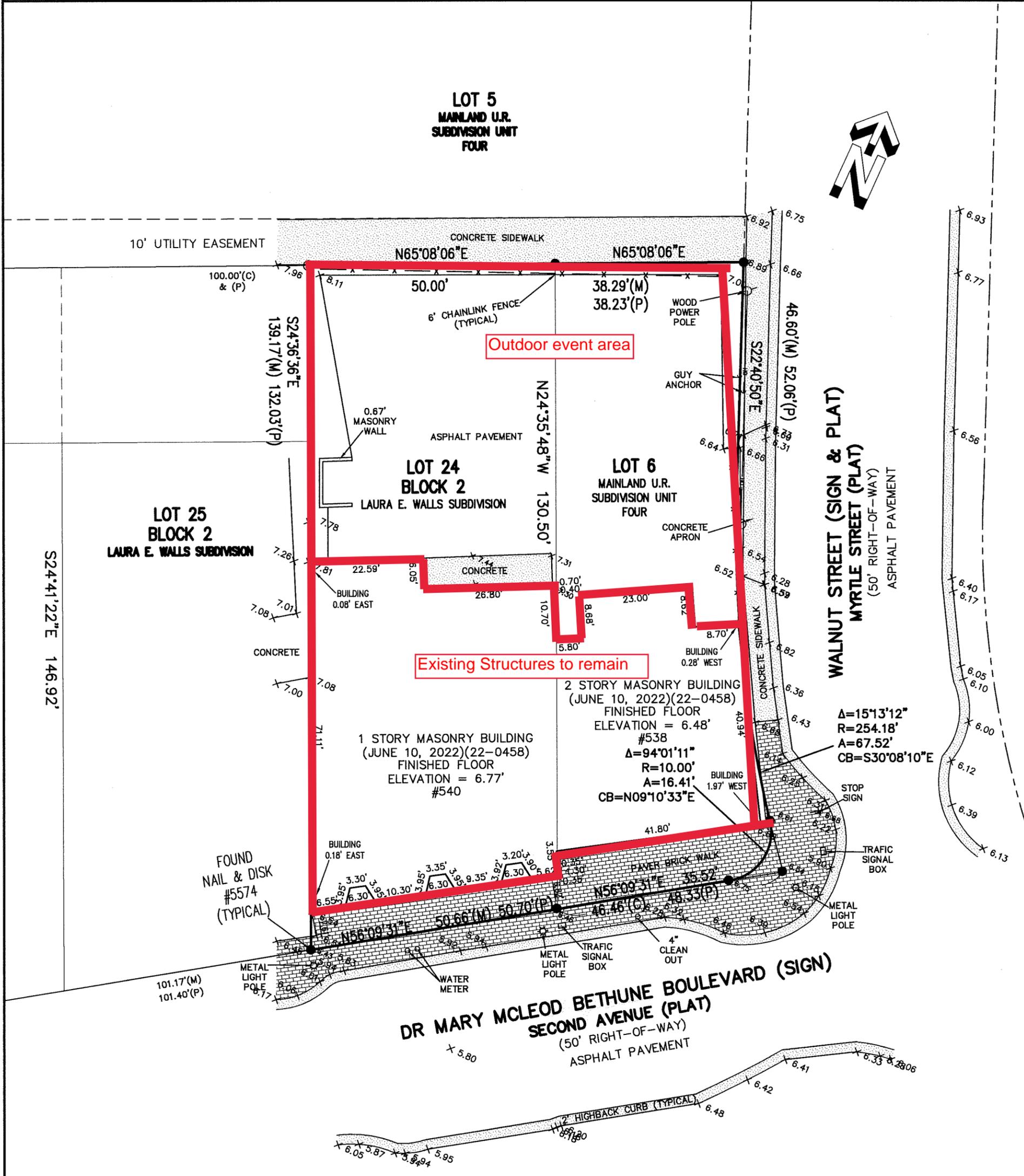
SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

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(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

SCALE: 1"=20'

FIELD BOOK: 1376 PAGE(S): 53

BOUNDARY SURVEY

ABBREVIATIONS		SHEET 1 OF 2
(P) (D) (M) (C) ID A/C R/W CL D R L CB FP&L CO. N.G.V.D. U.S.C. & G.S.	PLATTED DIMENSION DEEDED DIMENSION MEASURED DIMENSION CALCULATED DIMENSION IDENTIFICATION AIR CONDITIONER RIGHT OF WAY CENTERLINE CENTRAL ANGLE RADIUS ARC LENGTH CHORD BEARING FLORIDA POWER & LIGHT COMPANY NATIONAL GEODETIC VERTICAL DATUM UNITED STATES COAST AND GEODETIC SURVEY	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

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**.



Daytona Beach • DeLand

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

Memorandum

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

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE OR EMAIL</u>
Ronnie Mack	318 N. Caroline St.	conniemack06@gmail.com
Jessica Gow	149 S. Ridgewood	JessicaGow@cobbcocole.com
Alanna Smith	149 S. Ridgewood	alanna.smith@cobbcocole.com
Nels Pate	B-CU 640 Pr. Mary McLeod Bethune Ave	pate@cookman.edu
George Engram, Jr	515 Dr. Bethune Blvd. New Mt Zion M.B. Church	Nmzmbo@gmail.com
Pierre Louis	130 S. Franklin St	pierrelouis@ptd.net
Sandy Murphy	136 Park Ave	smurphy@ptd.net
Kim Koi	621 College Park Dr	kkoi77@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.	→

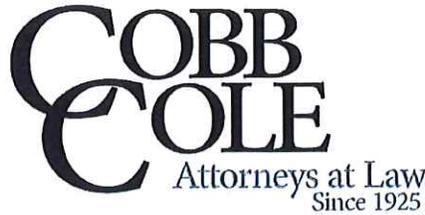
NAME

ADDRESS

PHONE OR EMAIL

Barbara Jones	7930 Marsh, Deland	bjones0724@yahoo.com
Anne Ruby	137 Park Ave DB 32118	617-223-1094 aeruby@guail.com
Adriana Abuchcar	221 College Park Dr 32114	813-922-9027
Charles Guarric	Hometown news	386 230 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	2022 Glyn Dr.	561. 827. 7258
CHESTER McNORTON	649 Magnolia Dr	386. 391. 7586

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
Brandon T. Byers
Baylee D. Bunyard
Anne M. Kehrli
James P. Love III



OF COUNSEL
Larry D. Marsh

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

Daytona Beach • DeLand

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,

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

RAM: JLG/tmn
Enclosures



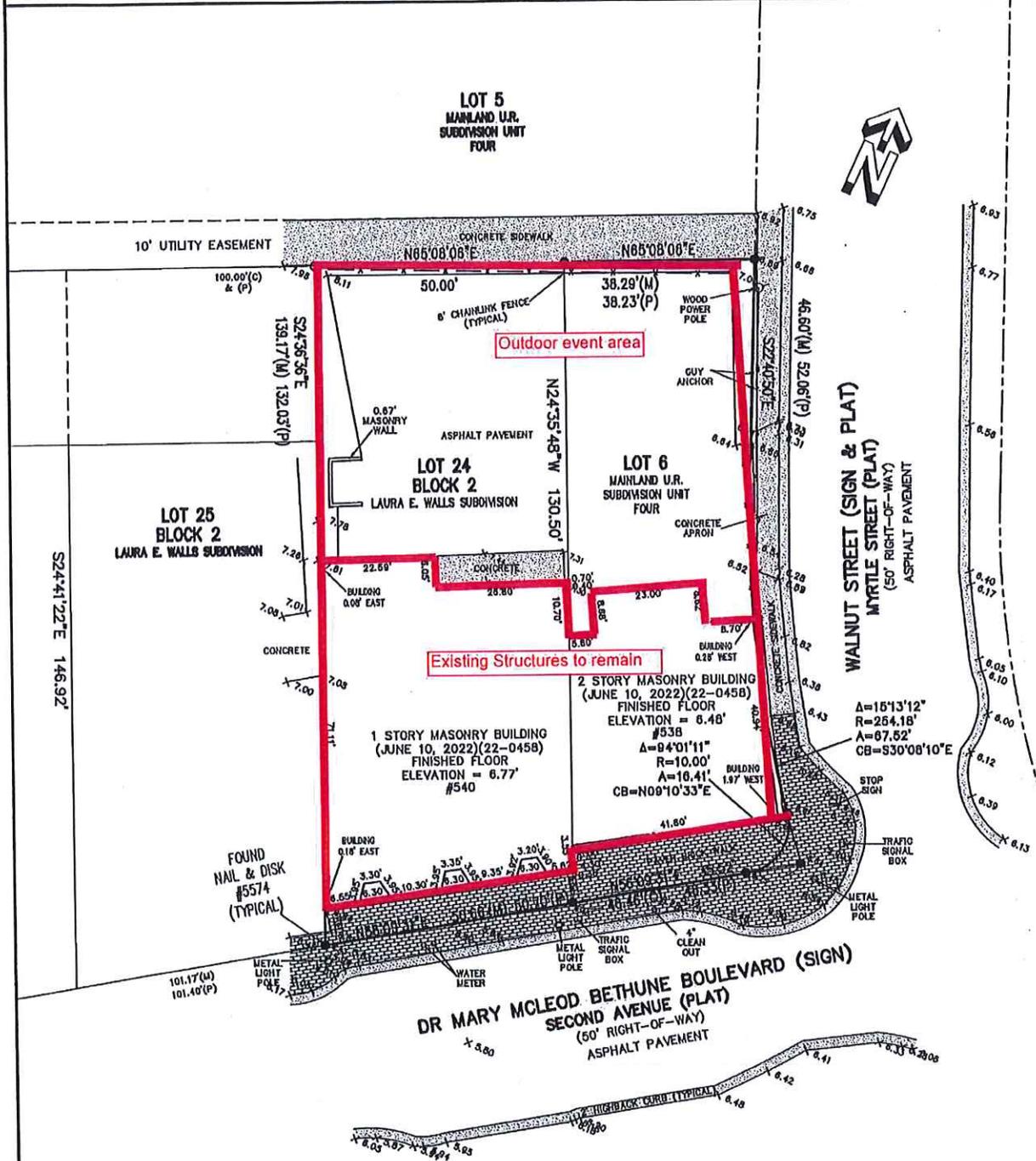
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PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

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FOR: QM INVESTMENTS, LLC

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JOB # 22-0458

SCALE: 1"=20'

FIELD BOOK: 1376 PAGE(S): 53

BOUNDARY SURVEY

ABBREVIATIONS		SHEET 1 OF 2	
(P)	PLATTED DIMENSION	●	IRON ROD WITH CAP
(D)	DEEDED DIMENSION	○	IRON PIPE
(M)	MEASURED DIMENSION	■	CONCRETE MONUMENT
(C)	CALCULATED DIMENSION	▣	PERMANENT REFERENCE MONUMENT
ID	IDENTIFICATION	△	PERMANENT CONTROL POINT
A/G	AIR CONDITIONER	(R)	RADIAL LINE
R/W	RIGHT OF WAY	(NR)	NON-RADIAL LINE
CL	CENTERLINE	○	EXISTING ELEVATION
D	CENTRAL ANGLE	□	PROPOSED ELEVATION
R	RADIUS		
L	ARC LENGTH		
CB	CHORD BEARING		
FP&L CO.	FLORIDA POWER & LIGHT COMPANY		
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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AT 386/323-9244 FOR FURTHER INFORMATION

**MIDTOWN REDEVELOPMENT BOARD
MINUTES OF THE REGULAR MEETING
Tuesday, July 9, 2024**

The regular meeting of the Midtown Redevelopment Board was held Tuesday, July 9, 2024, at 6:00 p.m. in the City Commission Chambers, Daytona Beach City Hall, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

Board Members Present

Ms. Renee Richardson, Chair
Ms. Davita Bonner, Vice Chair
Ms. Joan Sheppard
Ms. Cathy Washington (Ex-Officio)
Mr. Lynn Thompson
Mrs. Tangela Hardy
Pastor Eddie Lake

Staff Members Present

Ms. Michele Toliver, Redevelopment Project Manager
Mr. David Russell, Assistant City Attorney
Sergeant Booth, Daytona Beach Police Department
Mrs. Mandana Carry, Office Specialist III

1. Call to Order

Ms. Richardson called the meeting to order at 6:00 p.m.

2. Roll Call

Mrs. Carry called roll and listed members as present above.

3. Invocation

Pastor Lake gave the invocation.

4. Pledge of Allegiance

The Pledge of Allegiance was stated.

5. Approval of Agenda

A motion was made to approve the agenda by Mr. Thompson, Seconded by Ms. Sheppard.
The motion was carried 6-0.

6. Approval of Minutes

A motion was made to approve the minutes from May 14, 2024, by Mr. Thompson, seconded by Ms. Sheppard. The motion was carried 6-0.

7. MIDTOWN PLAZA PLANNED DISTRICT-PLANNED DEVELOPMENT-REDEVELOPMENT DEV2022-164(QUASI-JUDICIAL HEARING)

Ms. Toliver presented a request by Robert A. Merrell of Cobb Cole on behalf of QM Investments, LLC, the property owner, to rezone approximately 0.27 ± acres of land located at 534, 536, 538, 540, 542 and 544 Dr. Mary Mcleod Bethune Boulevard. The applicant requested to change the zoning from Redevelopment Midtown-Neighborhood Center Mixed Use to Planned Development-Redevelopment to allow additional uses and site improvements.

Ms. Sheppard inquired about the permit review, expressing her belief that all permits should be reviewed to ensure they comply with regulations.

Ms. Toliver responds that staff will review the permits, but they won't undergo the regular review process.

Mr. Thompson raised concerns about a business located near this property that occasionally causes problems and attracts large crowds. He is concerned that approving this request might set a precedent, potentially leading to more live entertainment and similar issues in the area. He emphasized the need for controls to prevent these problems as they aim to improve the neighborhood.

Ms. Toliver explained that any property owner in the area, or elsewhere in the city, can apply for a planned development to add live entertainment, but it must go through staff review and be presented to the Board.

Pastor Lake asks if there were any unresolved questions from property owners at neighborhood meetings and whether the 20 attendees reflect decent engagement.

Ms. Toliver confirms that this is considered good engagement for the area.

Mr. Russell explained that special events currently require a permit and are limited to 14 days. However, the applicant wants to hold events for up to 10 days each without needing a formal special event permit every time. These events would still undergo a safety review by the police and fire departments.

Ms. Sheppard inquired if the law department conducted an impact study and provided their input.

Ms. Toliver responded that a special review was done, particularly due to the request for hookah use, and the police department has reviewed it.

Ms. Sheppard then asked if there are plans to increase police presence.

Jessica Gow expressed support for the property's mission, noting their dedication to improving the property and engaging with the community. She explained that the

modifications aim to fit the existing structures into compliance, similar to a previous project with U-Haul, as older buildings often don't meet current code requirements.

Ms. Gow highlighted the rear area behind the two buildings and the modifications to allow year round temporary events and specific operating hours. She add that for large events with tents or tables, a layout must be provided to the city staff, fire, and police departments for review 30 days in advance.

Ms. Gow emphasized the importance of public benefit in planned developments, highlighting community engagement and space upgrades. She noted that the neighborhood meeting was well-attended. Another exciting aspect is the transition of Midtown Café to a catering approach over the summer, with plans for a "ghost kitchen," a restaurant incubator space similar to what Dahlia's restaurant offered under a Planned Development agreement.

Ms. Richardson asked if Midtown Café would remain in the same area.

Ms. Gow confirmed it would occupy one of the buildings in the adjacent space. She added that the property owner has no guaranteed redevelopment plans. However, past discussions included potential retail or restaurant space with a dwelling unit above.

Ms. Toliver added that the property owner has applied for a grant to replacing the roof, windows, and doors.

Ms. Hardy inquired about measures to prevent 18-year-olds from purchasing from the outside bar at events.

Ms. Gow clarified that the outside bar will be an extension of the restaurant, requiring a caterer with the appropriate liability. Otherwise, the licensed restaurant area would extend to include the event space, ensuring compliance and liability coverage for alcohol service.

PUBLIC COMMENTS

Pierre Louis, 130 S Franklin Street, commented in favor of the request and commended the property owner.

John Nicholson, 413 N Grandview Avenue, stated that he doesn't want to oppose the request but is concerned about restrictions on the property. He supported more entertainment and wanted the operating hours to extend to 2 a.m.

Ms. Hardy asked whether the time of operations was requested by the owners or mandated by the city.

Ms. Toliver stated that it was requested by the property owner. While staff provides feedback on safety and other issues, the operating hours are set by the owners.

Ms. Richardson asked about the current closing time for businesses that host night events.

Ms. Toliver responded that the standard closing time is midnight, but specific businesses can apply for extended hours permits, allowing them to stay open until 2 a.m.

Amaya Albury, 538 Dr. Mary McLeod Bethune, stated support for the request and she will open her business at the property. She shared her excitement, her professional background and her goals for improving the area.

BOARD ACTION

A motion was made to recommend approval to the planning board by Mr. Thompson, seconded by Ms. Sheppard. The motion was carried 6-0.

8. Staff Reports

8a. Police Department- Captain Conde

Sergeant Booth presented crime statistics from May 14 to the present. He highlighted their traffic initiative for July to focus on the Dunn Ave corridor to increase police presence and reduce crime in the city's center.

Ms. Sheppard inquired about statistics on breaking and entering.

Sergeant Booth stated that he would gather the information and relay it to Captain Conde.

8b. Code Compliance – Ms. Kirk

Not in attendance.

8c. Redevelopment Projects- Ms. Toliver

Ms. Toliver mentioned the upcoming Army Corps of Engineers community meeting for the flood study meeting on July 16, the Choice Neighborhood Grant public meeting on July 23, the mobile food drop event on July 11, and the summer food program from June 3 to August 9, 2024.

Ms. Toliver reported that on June 17th, the City, supported by CRA funds through Midtown, successfully closed on the acquisition of the former Shiloh church and surrounding properties.

She noted ongoing negotiations for other properties in Midtown. She also mentioned that other plans include developing a streetscape and kiosk on Dr. Mary McLeod Bethune Blvd., which will require an RFP process. Ms. Toliver stressed that these efforts are aimed at enhancing the areas and making a lasting impact, underscoring that meaningful change takes time.

9. Presentation- Spotlight on Midtown

9. A. Mr. Ben Spiller

Benny's Smoke and Vape, 519 W. International Speedway Blvd, Daytona Beach Fl

Mr. Spiller recently opened his tobacco and accessories business just a month ago, located across from Spanos. At 22 years old, this is his first business venture, based on skills he learned and his familiarity with the industry. He promotes his business through word of mouth and flyers, operating daily from 9 a.m. to 11 p.m.

Having earned his AA degree from Daytona State, Mr. Spiller was introduced to the business by a former coworker who highlighted its flexibility and the opportunity to work on his homework. Starting by building connections with customers, many of whom are now regulars, he eventually took on store management roles for the person who initially introduced him to the industry.

9.B. Mr. Zach Franckhauser, Business Developer

Ms. Kim Rivers, CEO Trulieve, Inc, 812 W. International Speedway Blvd, Daytona Beach Fl

Mr. Franckhauser discussed Trulieve's as Florida's largest medical marijuana company with 140 dispensaries statewide. He joined in 2016 at their Tallahassee location and quickly advanced to business development. Trulieve expanded into Volusia County in 2019, opening their 50th dispensary in Daytona Beach in May 2020. They employ 80 people across their four local locations, with over 20 at the Daytona Beach store.

Mr. Thompson asked about his expectations for Amendment 3.

Mr. Franckhauser mentioned they are optimistic about its passage.

Ms. Hardy asked about the target demographic for their current location.

Mr. Franckhauser explained that their demographic is medical cannabis patients.

10. Old Business

None.

11. New Business

None.

12. Public Comments

Anita Pologa, City Clerk's Office, she introduced herself as a new employee and highlighted a recruitment campaign for board members. The campaign aims to fill vacancies across various boards and encourages citizens to apply.

Pierre Louis, 130 S Franklin Street, inquired about updates regarding Transform 386 for underground utilities and the status of digital signage.

Pastor Lake asked about the expansion of fiber optic cables in Midtown.

Ms. Toliver explained that discussions have occurred under Mr. Thomas's tenure, and they are actively urging Public Works to work with Florida Power and Light to move this forward.

John Nicholson, 413 N Grandview Avenue, urged the board to compile a list detailing the funds allocated and actions taken by the city in Midtown.

Schemetta Wilson, 225 S Franklin Street, expressed frustration about abandoned cars and trash in yards within her neighborhood.

Ms. Sheppard offered to work with Ms. Wilson to facilitate assistance.

Ms. Toliver recommended using the See, Click, Fix app to report these issues and pledged to follow up on.

Pierre Louis suggested that some residents need funding assistance for some code violations.

13. Board Comments

Several Board members comments on a good meeting and thanked City staff.

Mr. Thompson thanked the board and City staff for support of the play, "A Chance for Redemption". Following the play's success, they conducted workshops to refine the concept and renamed it "The Golden Midtown." Recently, they were honored to be selected for the prestigious International Black Theater Festival in Winston Salem, where they will present a featured reading in late July.

14. Meeting Recap/Follow-Ups For the Next Board Meeting

None.

15. Adjournment

The meeting was adjourned at 7:49 p.m.

Renee Richardson, Chair

Chernecia Campbell, Board Secretary

Agenda Item 4G (Quasi-Judicial Hearing)
Special Use Permit
DEV2023-429
Daytona State College

STAFF REPORT

MEETING DATE: July 25, 2024, Planning Board
REPORT DATE: July 12, 2024
SUBJECT: DEV2023-429 Daytona State College Special Use Permit
APPLICANT: Robert A. Merrell III, Esq., Cobb Cole
OWNER: State of Florida/Daytona State College
STAFF: Danalee Petyk, AICP, Senior Planner

SUMMARY OF REQUEST

This request is for a Special Use Permit on ± 5.6 acres of land to allow “college or university” and “outdoor facility for field sports, swimming, or court games” as permitted uses for a multipurpose athletic field as part of the existing Daytona State College institution. The existing zoning is Single-Family Residential-5 (SFR-5) with a future land use designation of Schools (SCH – Government/Institution).

A majority vote by the Planning Board members present and voting is required to forward a recommendation to the City Commission. The item is tentatively scheduled to be heard by the City Commission on September 4, 2024.

Staff recommendation: Staff finds the requested Special Use Permit meets the standards in Section 3.4.G.4, Land Development Code. Staff recommends the Planning Board forward the Special Use Permit to allow “college or university” and “outdoor facility for field sports, swimming, or court games” as permitted uses for a multipurpose athletic field as part of the existing Daytona State College institution on ± 5.6 acres of property zoned Single-Family Residential-5 (SFR-5) to the City Commission with a recommendation of approval.

SITE INFORMATION

Location: 341 White Street – southwest of the intersection of White Street and Willis Avenue, approximately 540 feet north of Dr. Mary McLeod Bethune Boulevard

Parcel No(s): 5238-32-06-0010

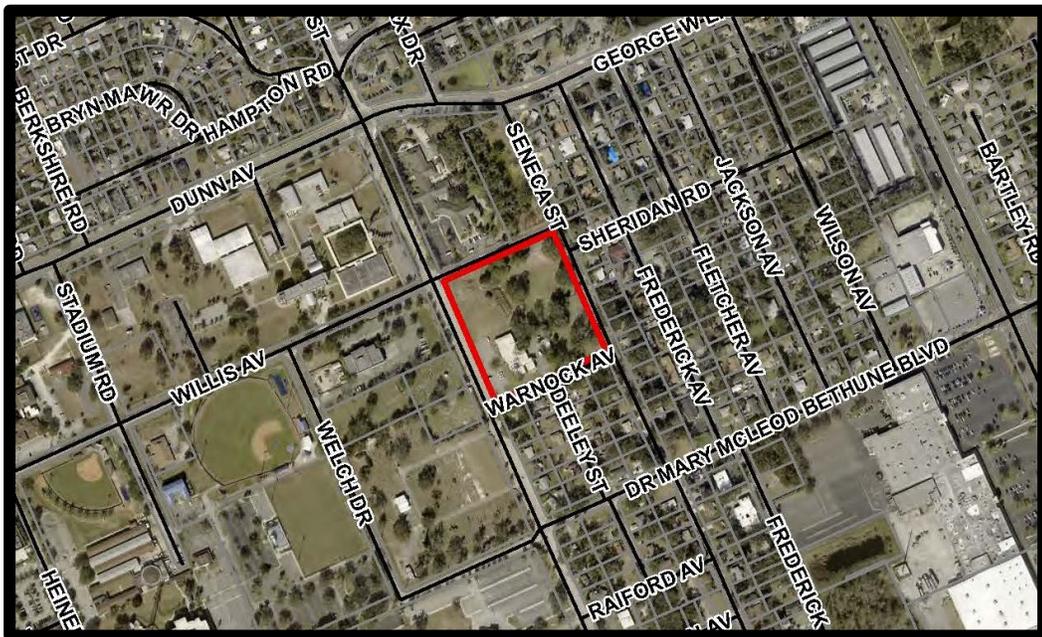
Property Size: ± 5.6 acres

Existing Zoning: Single-Family Residential-5 (SFR-5)

Existing Future Land Use: Schools (SCH – Government/Institution)

Adjacent Land Use and Zoning: *Existing uses listed in the table below are not intended to be an all-inclusive list, but a general summary of types of uses near the subject property.*

	Existing Use(s)	Future Land Use Designation	Existing Zoning Classification
Site	Former American Red Cross	SCH	SFR-5
North	Conklin Center (Division of Blind Services)	SCH	SFR-5
South	Single-Family Residential	L2-R	SFR-5
East	Single-Family Residential	L1-R	SFR-5
West	Daytona State College/Greenwood Cemetery	SCH	SFR-5



Aerial View of the Property

PROJECT DESCRIPTION

The applicant proposes to redevelop a ± 5.6-acre property into a multipurpose sports and entertainment field with associated parking and improvements to serve Daytona State College. The property is currently developed with a building and parking lot which formerly housed the American Red Cross. As part of the redevelopment, the old Red Cross building would be demolished, a maintenance building and expanded parking lot would be added, and the surrounding property would be reconfigured with the multipurpose field and a stormwater pond.

As the property has a Single-Family Residential-5 (SFR-5) zoning classification, using the property as a multipurpose field associated with Daytona State College requires a Special Use Permit to allow “college or university” and “outdoor facility for field sports, swimming, or court games” as permitted uses.

A conceptual site plan showing the proposed layout was submitted with the Special Use Permit request and is shown in *Attachment A*.

PROJECT ANALYSIS**Special Use Permit Review Standards**

According to Section 3.4.G.4, *Special Use Permit Review Standards*, LDC, the City shall consider the criteria below when determining whether to approve a proposed Special Use Permit. The applicant provided responses to the criteria as shown in *Attachment B*. Staff’s analysis of the proposal, the applicant responses, and the Special Use Permit Review Standards are below.

The Special Use Permit shall be approved only on a finding there is competent substantial evidence in the record that the proposed Special Use:

a. Would be consistent with the comprehensive plan;

The property has a Schools (SCH) future land use designation, which is “an area generally set aside for the location of sizeable educational facilities including public schools”. The proposed multipurpose field will be part of Daytona State College and utilized by their students. Staff finds the proposed use consistent with the comprehensive plan.

b. Would comply with all applicable zoning district standards, unless the requirements are specifically waived by the City Commission;

The proposed use would comply with all zoning district standards where applicable. Per §163.3202(6), Florida Statutes, “land development regulations relating to any characteristic of development other than use, or intensity or density of use, do not apply to Florida College System institutions”.

c. Would comply with all standards in Section 5.2.B, Standards for Specific Principal Uses, and no variance shall be granted from these requirements;

Section 5.2.B.8.c, *Standards for Specific Principal Uses – Colleges or Universities*, LDC, relates to the sale of alcoholic beverages. The applicant states in the narrative letter they intend to comply with these standards.

Section 5.2.B.21.f, *Standards for Specific Principal Uses – Outdoor Facility for Field Sports, Swimming, or Court Games*, LDC, has specific standards related to access and location of facilities among other things. The conceptual site plan (*Attachment A*) provided with the Special Use Permit demonstrates the proposed use would comply with these specific standards.

d. Would avoid overburdening existing public facilities and services, including, but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, stormwater management, and police and fire protection;

The proposed use is a redevelopment of an existing site previously used for the American Red Cross. The site has multiple public sewer mains across the property which may be impacted by the redevelopment and potentially damaged. The City's Utilities Department has requested the applicant locate the existing infrastructure, do a condition assessment of the pipes, and provide these to the City for a determination if any of the existing mains must be replaced or relocated. This, along with providing utility easements over the sanitary system, have been added as a condition of approval for the Special Use Permit.

e. Would be appropriate for its location and is compatible with the general character of surrounding lands and the uses permitted in the zoning district;

The proposed multipurpose field is located in close proximity to the other institutional services and the athletic fields used by Daytona State College. The applicant proposes to cluster landscaping and stormwater in the areas adjacent to the single-family residential to the east of the property. The applicant also states the use of the field is only intended for use during daylight hours and stadium lighting or other intrusive features are not proposed. With the clustering of landscaping as shown on the conceptual plan and the similar existing development in the area, the proposed use is appropriate for its location and is compatible with the general character of the surrounding lands

f. Would avoid significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;

Per the applicant, the proposed multipurpose field is intended for use during daylight hours to avoid negative impacts to the surrounding properties which would occur with stadium lighting and noise during nighttime hours. The conceptual site plan shows the access points, buildings, and parking are in the same location or close to the existing development which was previously used for the American Red Cross. The proposed use is not expected to have any increased adverse impact to the surrounding area.

g. Would adequately screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands;

The applicant proposes upgraded landscaping and site improvements to the areas of the property adjacent to single-family residential. The conceptual site plan shows the proposed field and expanded parking areas would be located adjacent to the White Street and Willis Avenue intersection which is closer to the existing institutional facilities and away from the single-family residential developments. With the layout shown on the conceptual site plan, the adverse visual impacts on adjacent lands would be minimized.

h. Would avoid significant deterioration of water and air resources, scenic resources, and other natural resources;

The proposed use is located on an existing developed site in an existing developed area of the City. Significant deterioration of natural resources is not anticipated with this use.

i. Would maintain safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;

The conceptual site plan shows the existing access points onto White Street and Warnock Avenue will remain. The primary access will be from White Street, with a secondary, gated access for maintenance from Warnock Avenue. The existing sidewalks will remain with new sidewalks proposed to increase the pedestrian connectivity into and around the site.

j. Would allow for the protection of land values and the ability of neighboring lands to develop uses permitted in the zoning district; and

Staff does not find any indication the proposed use would impact the land values or the ability of neighboring lands to develop.

k. Would comply with all relevant City, State, and federal laws and regulations.

The proposed use will comply with all relevant City, State, and federal laws and regulations. Per §163.3202(6), Florida Statutes, “land development regulations relating to any characteristic of development other than use, or intensity or density of use, do not apply to Florida College System institutions”.

Neighborhood Meeting

The applicant conducted a neighborhood meeting on March 18, 2024, as required by the LDC. A summary of the neighborhood meeting prepared by the applicant is in *Attachment C*.

RECOMMENDATION

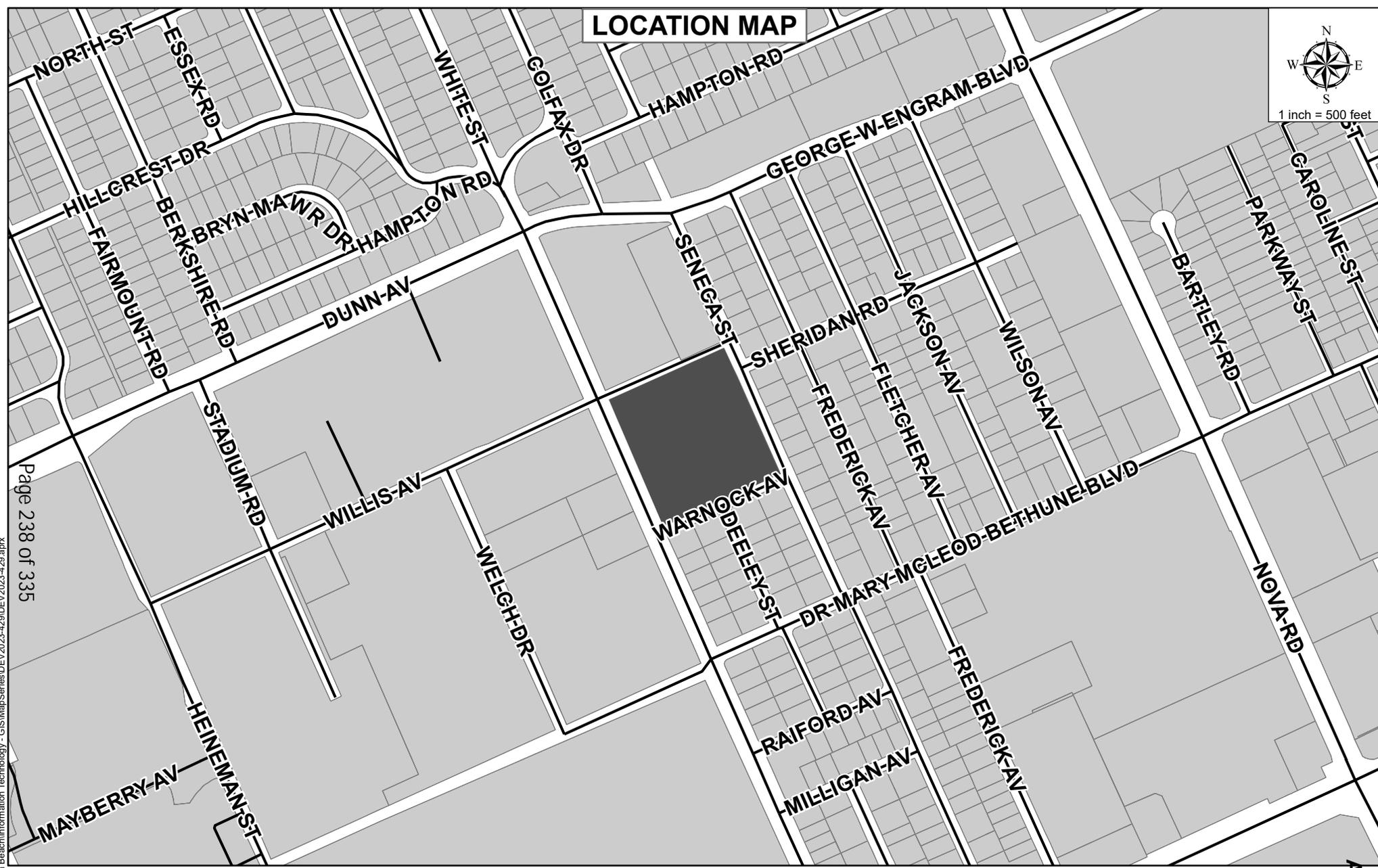
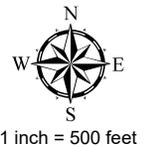
Staff finds the requested Special Use Permit meets the standards in Section 3.4.G.4, Land Development Code. Staff recommends the Planning Board forward the Special Use Permit to allow “college or university” and “outdoor facility for field sports, swimming, or court games” as permitted uses for a multipurpose athletic field as part of the existing Daytona State College institution on ± 5.6 acres of property zoned Single-Family Residential-5 (SFR-5) to the City Commission with a recommendation of approval subject to the following condition:

1. Per the City's Utilities Department, due to the potential impacts to the existing sewer mains on the property, the applicant must locate the existing infrastructure, perform a condition assessment of the pipes including televising the pipes, and provide this information to the City for a determination if any of the existing mains must be replaced or relocated. Additionally, copies of the utility easements over the sanitary system must be provided.

A majority vote by the Planning Board members present and voting is required to forward a recommendation to the City Commission.

The item is tentatively scheduled to be heard by the City Commission for final consideration on **September 4, 2024**.

LOCATION MAP



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DEV2023-429 DAYTONA STATE COLLEGE - SPECIAL USE PERMIT LOCATION MAP

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Agenda Item #4.G.

AERIAL



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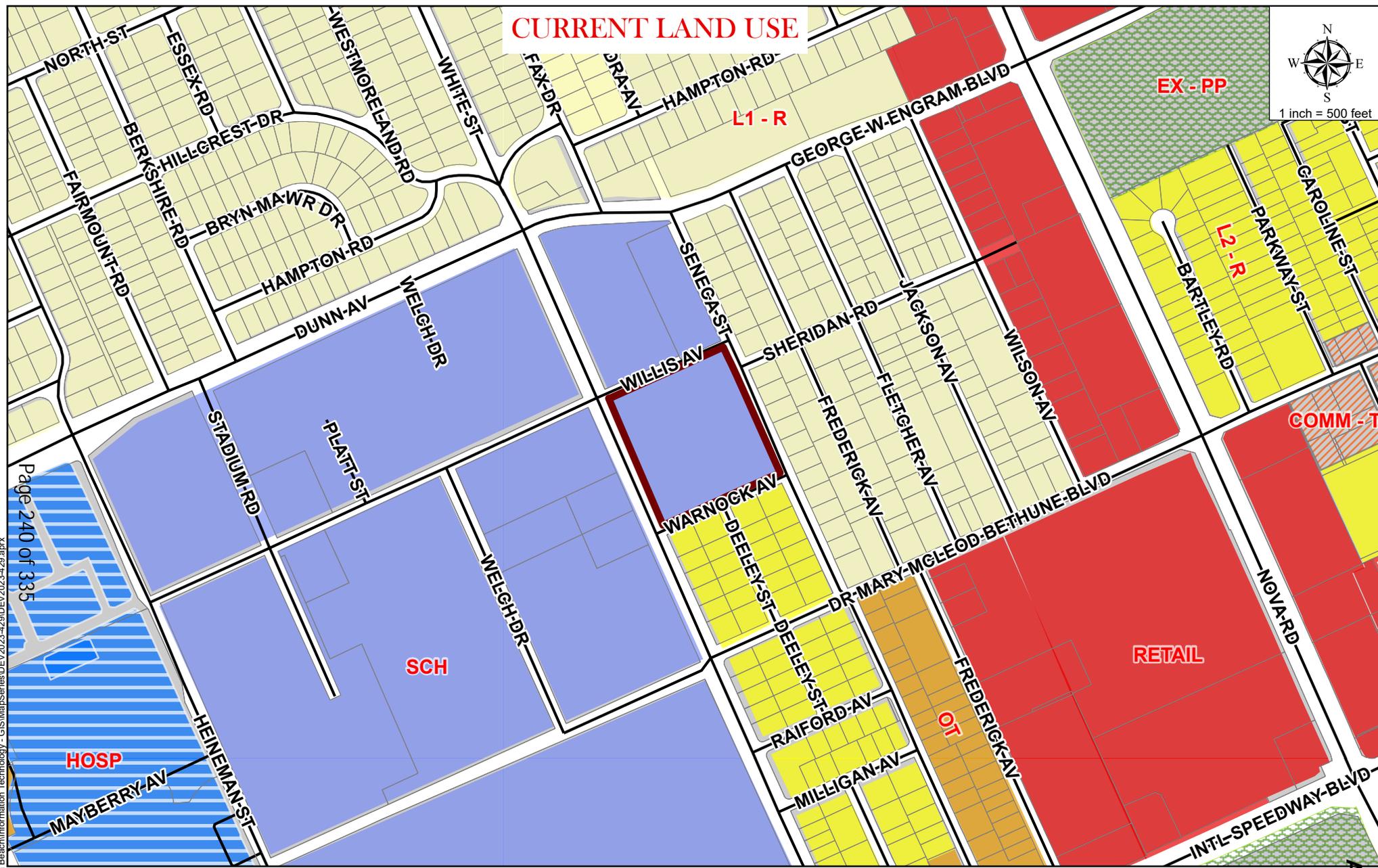
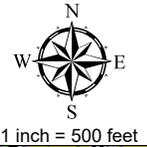


**DEV2023-429
DAYTONA STATE COLLEGE
- SPECIAL USE PERMIT
AERIAL MAP**

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Agenda Item #4.G.

CURRENT LAND USE



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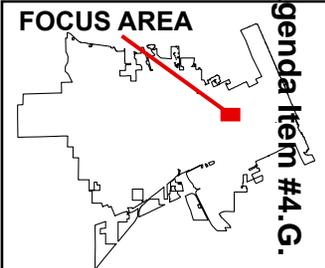
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DEV2023-429 DAYTONA STATE COLLEGE - SPECIAL USE PERMIT CURRENT LAND USE MAP

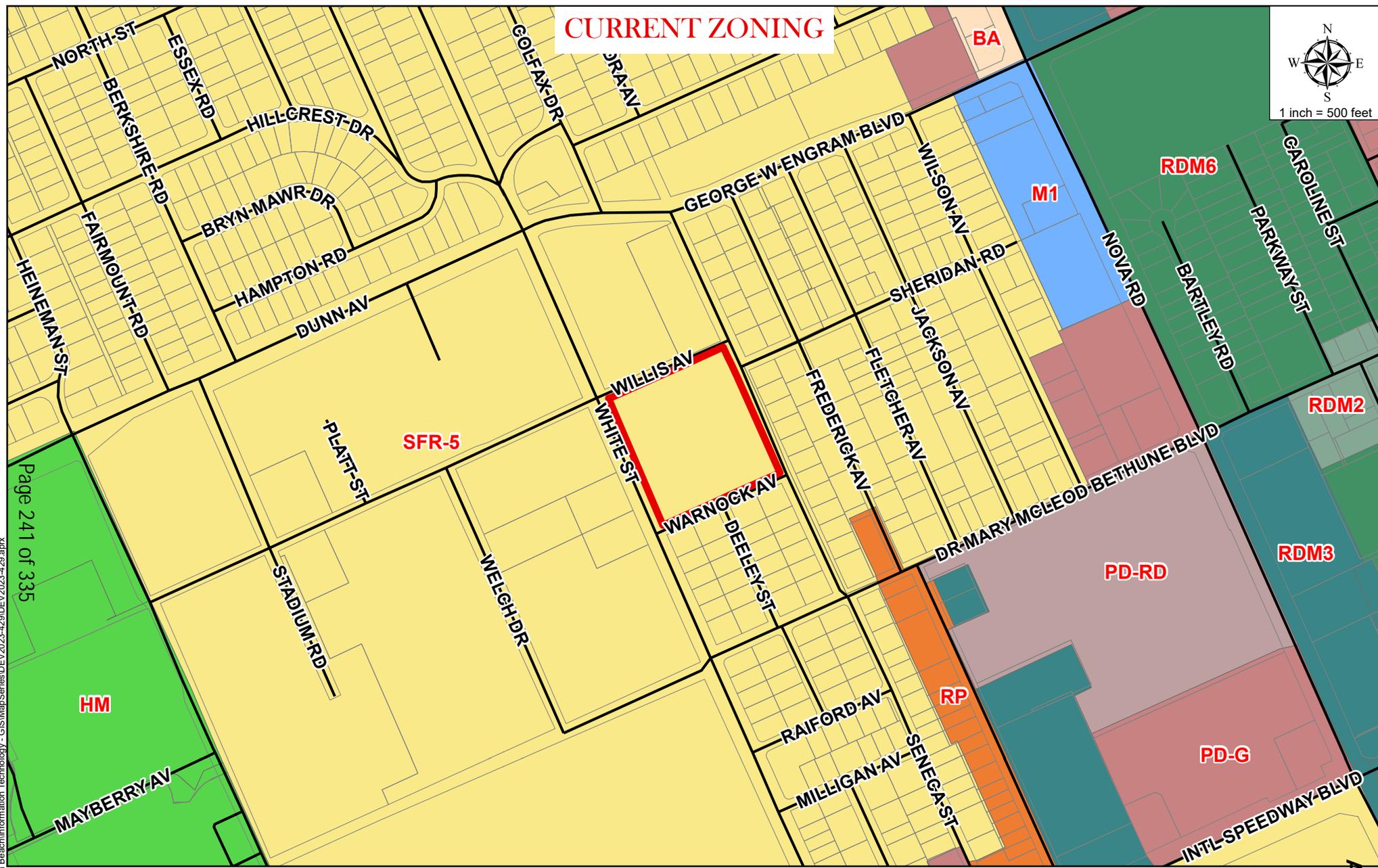
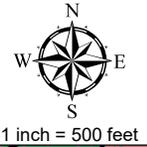
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Agenda Item #4.G.

CURRENT ZONING



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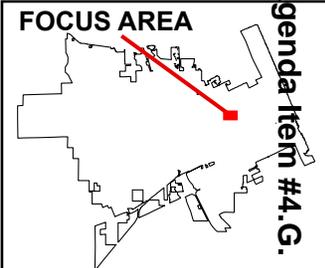
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DEV2023-429 DAYTONA STATE COLLEGE - SPECIAL USE PERMIT CURRENT ZONING MAP

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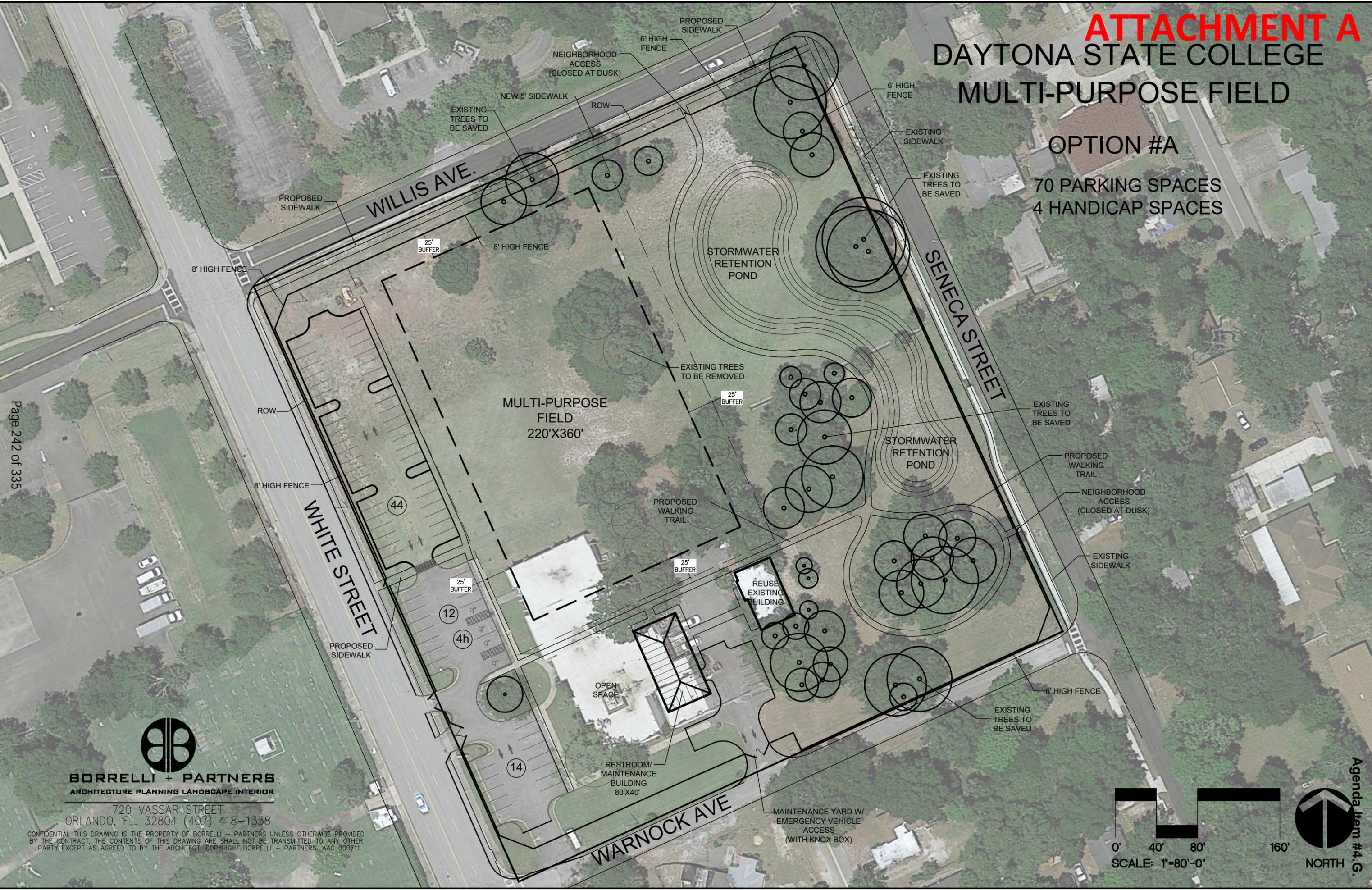
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**DAYTONA STATE COLLEGE
MULTI-PURPOSE FIELD**

OPTION #A

**70 PARKING SPACES
4 HANDICAP SPACES**



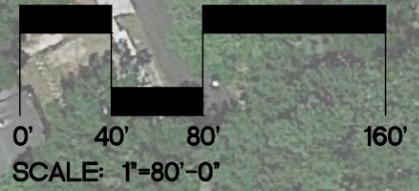
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BORRELLI + PARTNERS
ARCHITECTURE PLANNING LANDSCAPE INTERIOR

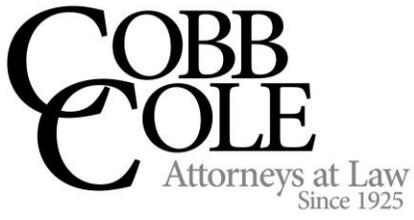
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Agenda Item #4.G.

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John P. Ferguson
Mark A. Watts
Heather Bond Vargas
Michael J. Woods
Raymond L. Schumann
Kathleen L. Crotty
Michael O. Sznapstajler
Andrew C. Grant
Matthew S. Welch
Robert E. Doan
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OF COUNSEL
Larry D. Marsh
Ira Hallford

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

July 15, 2024

VIA HAND DELIVERY

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

Re: College/University Special Use Permit Review –
Daytona State College Athletic Fields

Dear Dennis:

It is this firm’s pleasure to represent Daytona State College regarding an application for a Special Use Permit on property generally located southeast of the intersection of White Street and Willis Avenue in Daytona Beach, Florida. The Applicant proposes to use the property for a proposed multipurpose sports and entertainment field with associated parking and improvements. A proposed conceptual layout of the use is included with these materials.

For over 60 years, Daytona State College has evolved from a small campus into a multi-campus institution providing educational and cultural programs for the citizens of Volusia and Flagler counties. The College enrolls approximately 25,000 students a year at its seven instructional sites, with graduates serving in critical fields, including healthcare, emergency services, business, education, hospitality, engineering technology, computer science, and more. The proposed Special Use Permit application is intended to provide recreational sports facilities to serve the students and surrounding community.

The City’s Land Development Code (LDC) generally requires that Special Use Permits meet certain standards, as outlined in LDC Section 3.4.G.4. We have included an overview of the special use permit criteria and how the proposed use meets the same below for your review.

Special Use Permit Standards:

1. Would be consistent with the comprehensive plan;

Response: The Future Land Use on the subject property is “Schools” which is set forth in the Comprehensive Plan as “an area generally set aside for the location of sizable educational facilities including public schools.” The proposed athletic facilities will be maintained by Daytona State College as a recreational amenity for their students, including the potential use for intramural sporting events that foster school spirit, comradery, and good sportsmanship.

2. Would comply with all applicable zoning district standards, unless the requirements are specifically waived by the Planning Board and the City Commission;

Response: The proposed use will comply with all applicable zoning district standards. Under § 163.3202(6), Fla. Stat., “Land development regulations relating to any characteristic of development other than use, or intensity or density of use, do not apply to Florida College System institutions.” Further, the institution is subject to the *State uniform building code for public educational facilities construction*, which is cited below in part.

Pursuant to 1013.37 State uniform building code for public educational facilities construction.—

(5) LOCAL LEGISLATION PROHIBITED.—After June 30, 1985, pursuant to s. 11(a)(21), Art. III of the State Constitution, there shall not be enacted any special act or general law of local application which proposes to amend, alter, or contravene any provisions of the State Building Code adopted under the authority of this section.

[State Requirements for Educational Facilities \(fldoe.org\)](http://fldoe.org)

3. Would comply with all standards in Section 5.2.B, Standards for Specific Principal Uses, and no variance shall be granted from these requirements;

Response: The proposed use will comply with all standards in Section 5.2.B, Standards for Specific Principal Uses. The only use specific standards for Colleges and Universities set forth in the LDC relate to the sale of alcoholic beverages – the Applicant intends to comply with all use specific standards.

4. Would avoid overburdening existing public facilities and services, including, but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, stormwater management, and police and fire protection;

Response: The property is located centrally to City utility infrastructure. The proposed use is expected to be less intensive on public facilities and services than traditional single family home development which is authorized on the site. The use locates recreational opportunities for students of Daytona State College in a centralized, walkable area.

5. Would be appropriate for its location and is compatible with the general character of surrounding lands and the uses permitted in the zoning district;

Response: The use would be located within close proximity to the existing Memorial Stadium and existing athletic fields. This area along the edge of the Daytona State College campus is current used for similar sport activities, and the proposed use is complementary to existing facilities. The proposed multipurpose field is only intended for use during daylight hours to avoid any negative impact on surrounding properties through the use of stadium lighting/etc. The proposed layout has been designed to cluster landscaping and stormwater improvements along the areas of the property directly abutting residential properties to provide adequate buffering and screening.

6. Would avoid significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;

Response: The proposed multipurpose field is only intended for use during daylight hours to avoid any negative impact on surrounding properties through the use of stadium lighting and noise production. No adverse impacts are anticipated as a result of the proposed site improvements, and the proposed upgrade to the landscaping within the property will promote beautification of the property along Seneca Street, adjacent to residential homes.

7. Would adequately screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands;

Response: The proposed multipurpose field is only intended for use during daylight hours to avoid any negative impact on surrounding properties through the use of stadium lighting and noise production. No adverse impacts are anticipated as a result of the proposed site improvements, and the proposed upgrade to the landscaping within the property will promote beautification of the property along Seneca Street, adjacent to residential homes.

8. Would avoid significant deterioration of water and air resources, scenic resources, and other natural resources;

Response: The property is located in a developed area of the City, and no impacts to natural resources are anticipated by the proposed use.

9. Would maintain safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;

Response: The conceptual plan for the site directs traffic onto Willis Avenue, where the directly abutting property use is the Conklin Center, and avoids an access onto Seneca Street, where existing residential homes are located.

10. Would allow for the protection of land values and the ability of neighboring lands to develop uses permitted in the zoning district; and

Response: The proposed use allows for the expansion of the existing athletic and multipurpose facilities associated with Daytona State College to provide recreational opportunities to their students and surrounding community. The proposed use does not limit the ability for surrounding properties to develop uses customarily associated with the SFR-5 zoning district.

11. Would comply with all other relevant City, State, and federal laws and regulations.

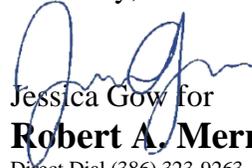
Response: The proposed use of the property will comply with all other relevant City, State, and federal regulations. Under § 163.3202(6), Fla. Stat., “Land development regulations relating to any characteristic of development other than use, or intensity or density of use, do not apply to Florida College System institutions.” Further, the institution is subject to the *State uniform building code for public educational facilities construction*, which is cited below in part.

Pursuant to 1013.37 State uniform building code for public educational facilities construction.—

(5) LOCAL LEGISLATION PROHIBITED.—After June 30, 1985, pursuant to s. 11(a)(21), Art. III of the State Constitution, there shall not be enacted any special act or general law of local application which proposes to amend, alter, or contravene any provisions of the State Building Code adopted under the authority of this section.

[State Requirements for Educational Facilities \(fldoe.org\)](http://fldoe.org)

Sincerely,



Jessica Gow for

Robert A. Merrell III

Direct Dial (386) 323-9263

Email Rob.Merrell@CobbCole.com

Fax (386) 323-9207



Daytona Beach • DeLand

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

Memorandum

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

From: Jessica Gow, Esq.

Date: March 20, 2024

Client/Matter #: Special Use Application – DSC Athletic Field

Subject: Neighborhood Meeting Summary – March 18, 2024

A neighborhood meeting was held in Room 101 of the Daytona State College Hall (Building 150), located at 1200 W. International Speedway Boulevard, Daytona, Florida, 32114, at 6:00 p.m.

Robert Merrell, Jessica Gow, Thomas LoBasso, Allen Masters, Rodnie Marquinez, and Lynn Mercer were in attendance to explain the request. Several citizens attended the meeting. See the attached sign-in sheet.

Mr. Merrell and Dr. LoBasso explained the request centered around a request for a special use to allow an athletic field on the property for intramural sports and practices for the College. The residents in attendance noted the following questions or concerns –

- Drainage – the residents have concern over drainage from the property and interconnection with the City’s stormwater system. It appeared that during the last storm event, the City system had some blockages from maintenance issues. The project team explained that stormwater review would take place during engineering of the site, but that the project would be required to go through St. Johns River Water Management District Permitting.
- Access and traffic – the residents noted that roads in the vicinity of the site are used as cut through streets with existing traffic, and that having the access off of a side road may limit the ability for certain movements to stack when making turns into the site. The project team noted that we would review the access configuration for the site based on their comments and determine the best access approach, including potentially pulling in the additional property which was the former Red Cross building and see how that assisted in the site layout.
- Use and hours of operation – the residents asked if games would take place until late in the evening. The project team noted that the athletic fields would be for intramural games or

collegiate practice fields, with collegiate games being held at the stadium, and that there would be no field lights on the intramural field being proposed, so they would not host night or evening games/practices.

- Landscaping – residents noted that they enjoyed the shade provided by some of the larger trees within the site, and would appreciate them being retained.
- Security – residents voiced concerns over security risks associated with the property. The project team noted that the field would have cameras and would become a part of the Campus Security patrol route, and would be fenced and gated when not in use.
- One resident suggested the use of permeable parking within the site and native vegetation. The project team noted they would review options for inclusion of these matters.

We 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 signage 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.

Thank you.

DEV2023-429

NEIGHBORHOOD MEETING

DAYTONA STATE COLLEGE, INC.

SPECIAL USE FOR MULTIPURPOSE SPORTS FIELD

120 W. INTERNATIONAL SPEEDWAY BLVD., Daytona Beach, FL 32114

BUILDING 150 ROOM 101

MARCH 18, 2024

6:00 P.M.

SIGN IN SHEET

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE OR EMAIL</u>
Rob Merrell	Cobb Cole	
Jessica Gow	Cobb Cole	
Lynn Mercer	DSC	
Allen Masters	DSC	
Thomas LoBasso	DSC	
Frances Chew	Citized	chewf.venus2012@gmail
EVELYN RODRIGUEZ	Seneca	
Chuck Levarria	Hammotrain news	Sunshine Plaza
Rodnie Marquez	DSC	
DAVID Morrison	315 N. Seneca St.	386.393.9870
Anne Ruby	137 Park Ave	617-223-1094

NAME

ADDRESS

PHONE OR EMAIL

Marta Hilson 388 - - -

Melanie Hilson - - -

~~James Pickett~~

Nyuma Jackson 290-1446

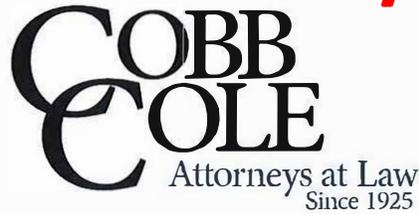
Margaret Ragan 1073 Shandon 290-1444

John Moss 140 W Seneca St jsmoss7021@gmail

Willie Tillman 139 N Seneca St

Monica Paris 120 Sec Spray St. DBFL32118 parismonica@codb.us

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



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

ATTACHMENT C Agenda Item #4.G.

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

OF COUNSEL
Larry D. Marsh
Ira Halford

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

March 8, 2024

INVITATION TO NEIGHBORHOOD MEETING

Dear Neighbor:

Cobb Cole has the pleasure of representing Daytona State College, Inc. (“Owner”) with respect to their request for a Special Use from the City of Daytona Beach for their property located at 341 White Street in Daytona Beach. The Owner intends to use the property for a proposed multipurpose sports and entertainment field with associated parking and improvements. A location map and proposed conceptual layout of the use is included with this letter.

As our neighbors to the proposed property, we would like to invite you to a neighborhood information meeting on **Monday, March 18, 2024, at 6:00 p.m. located at the Daytona State College Hall Building 150, Room 101, 1200 W. International Speedway 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, Cobb Cole, 149 S. Ridgewood Avenue, Suite 700, Daytona Beach, FL 32114. Please include your name, address and contact information in your correspondence. A copy of any correspondence received prior to the meeting will be included in the summary of the meeting provided to the City of Daytona Beach.

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

Sincerely,

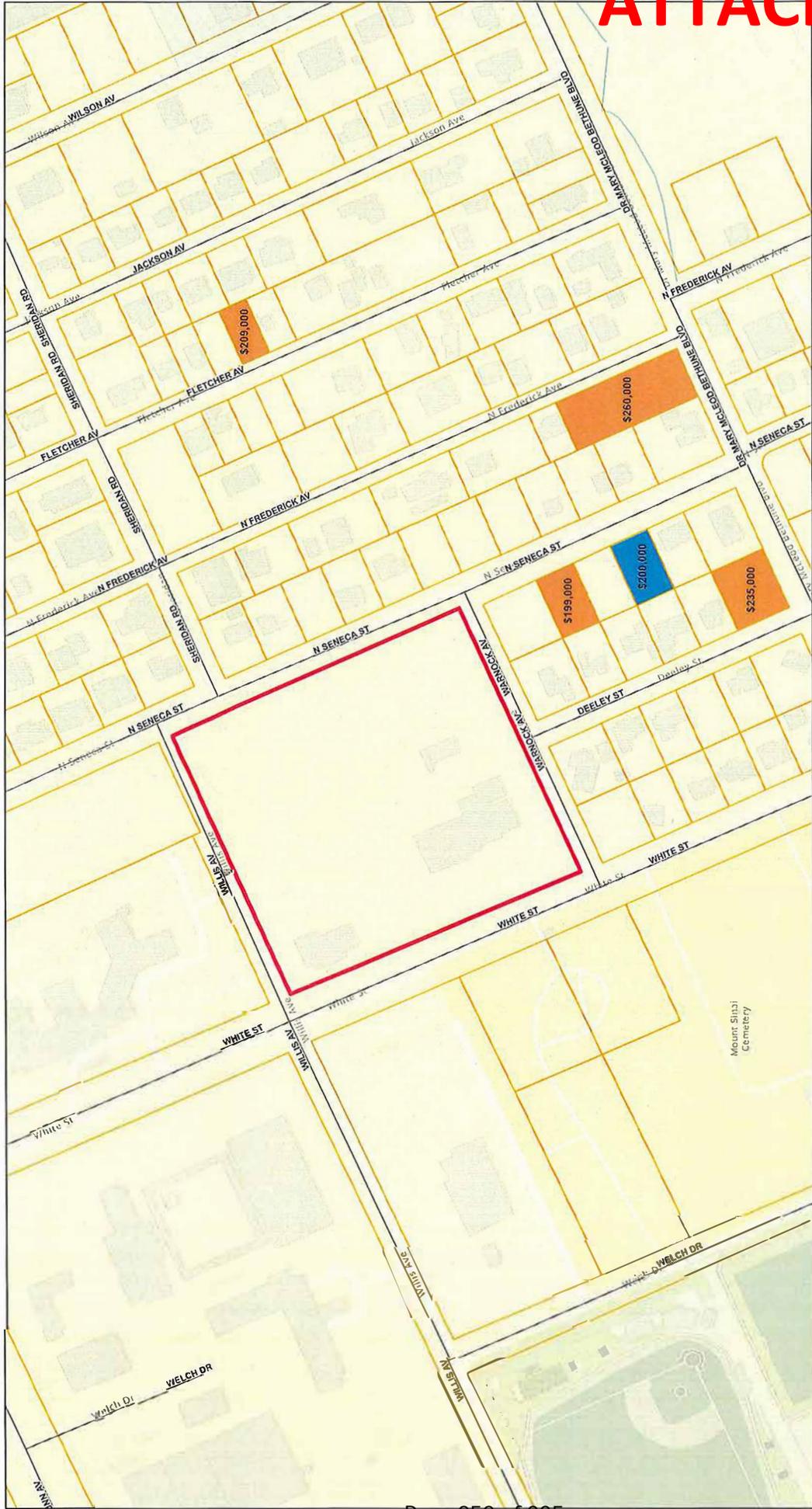
A handwritten signature in blue ink that reads "Jessica Gow".

Jessica Gow

Direct Dial (386) 323-9226
Email Jessica.gow@CobbCole.com
Fax (386) 323-9206

JLG/ddl
Enclosure(s)

Volusia County Property Appraiser



3/7/2024, 2:06:18 PM

Recent Sales Cities

- Parcel
- Streets
- Parcel Text
- 2022
- 2023
- DAYTONA BEACH
- County Boundary

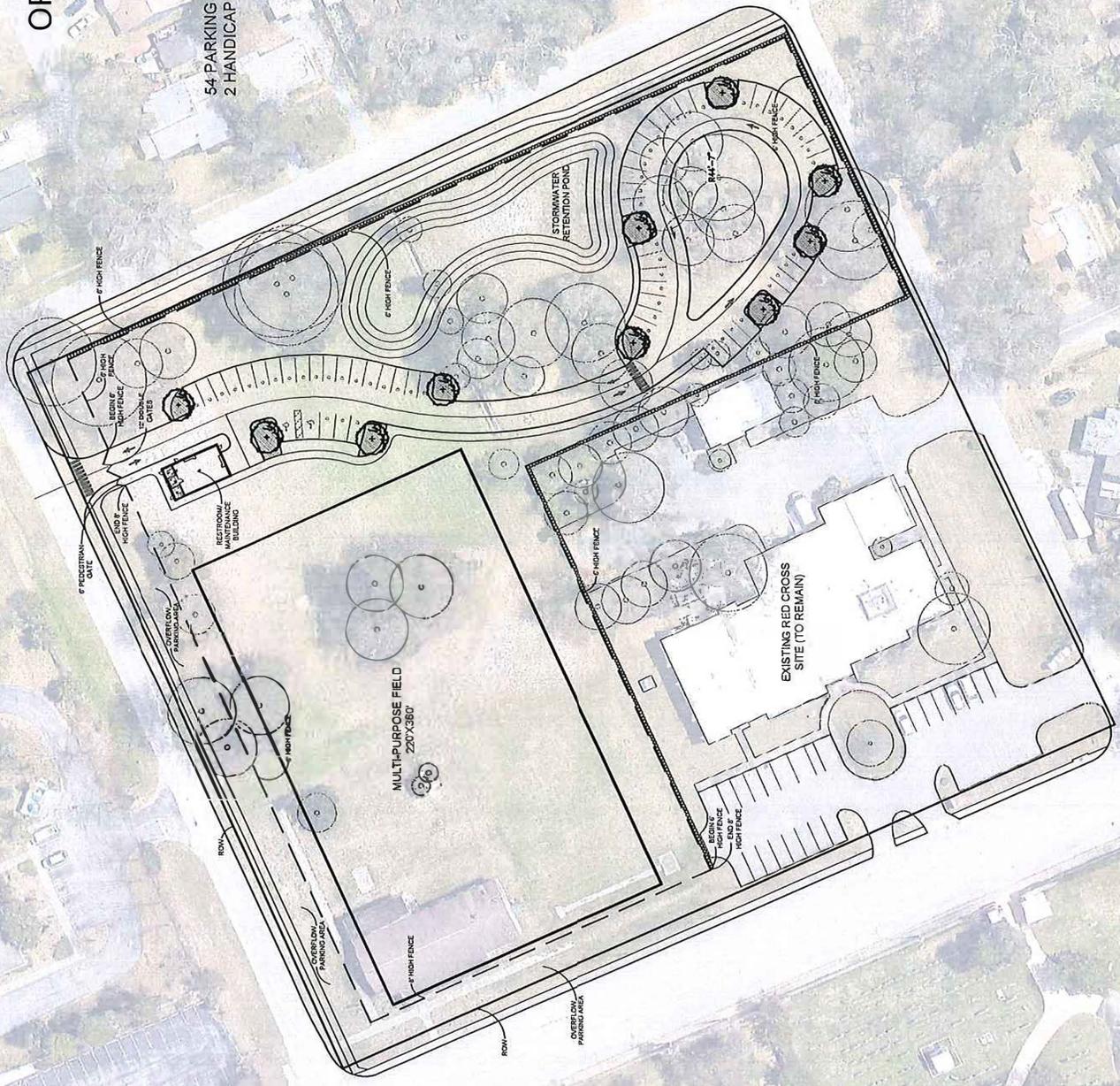
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasystreien, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, TomTom

ArcGIS Web AppBuilder
VCPA.2021



OPTION #4

54 PARKING SPACES
2 HANDICAP SPACES



CHANEY MELISSA A
316 FLETCHER AVE
DAYTONA BEACH, FL 32114

JOHNSON GWENDOLYN S
355 N FREDERICK AVE
DAYTONA BEACH, FL 32114

CANTY HATTIE
318 FLETCHER AVE
DAYTONA BEACH, FL 32114

THOMAS TEHJON
345 N FREDERICK AVE
DAYTONA BEACH, FL 32114

CONDE EDUARDO G
324 FLETCHER AVE
DAYTONA BEACH, FL 32114

CLARK EVANS & TATE INC
PO BOX 20425
WINSTON SALEM, NC 27120

ALVAREZ MICHAEL
332 FLETCHER AVE
DAYTONA BEACH, FL 32114

AHMED CHOUDHURY N
2350 STRATFORD DR
MARION, IA 52302

DOUBLE TRINITY LLC
5 REFLECTIONS VILLAGE DR
ORMOND BEACH, FL 32174

FRANKLIN BECKY
226 N NOVA RD BOX 192
ORMOND BEACH, FL 32174

GILMORE C TR
PO BOX 10088
DAYTONA BEACH, FL 32120

BLACK EVELYN
311 FREDERICK AVE
DAYTONA BEACH, FL 32114

ANDERSON HARRY E III TR
360 FLETCHER AVE
DAYTONA BEACH, FL 32114

AQUINO KEVIN M
4527 N WOLCOTT AVE APT BB
CHICAGO, IL 60640

SMITH GLORIA J
364 E FLETCHER AVE
DAYTONA BEACH, FL 32114

DIAMOND HEIGHTS LLC
670 MESA GRANDE DR
PALM DESERT, CA 92211

LEE KELVIN
2231 ORIOLE LN
DAYTONA BEACH, FL 32119

WALKER PHILIP L
PO BOX 310
DAYTONA BEACH, FL 32115

JOHNSON GWENDOLYN S
355 N FREDERICK AVE
DAYTONA BEACH, FL 32114

OGLESBY LYNNETTA
324 N FREDERICK AVE
DAYTONA BEACH, FL 32114

MASON DAVID CORY
6204 BELLECLIFF RUN
TUCKER, GA 30084

JAWORSKI CANDY L
753 PELICAN BAY DR
DAYTONA BEACH, FL 32119

SANDOVAL-AVILES ANGEL L
358 N FREDERICK AVE
DAYTONA BEACH, FL 32114

BOLDEN ANGELYN D
414 FLETCHER AVE
DAYTONA BEACH, FL 32114

LEWIS CORP OF FL
901 NORTHPOINT PKWY STE 310
WEST PALM BEACH, FL 33407

BOYD BONNIE TR
120 PONCE DE LEON BLVD
DAYTONA BEACH, FL 32114

WYNN ALEXANDER C III
804 DR MARY M BETHUNE BLVD
DAYTONA BEACH, FL 32114

ARTHUR CATHERINE R
220 N ADAMS ST
DAYTONA BEACH, FL 32114

GAINOUS LEROY L JR
400 FLETCHER AVE
DAYTONA BEACH, FL 32114

EQUIFIRST PROPERTIES LLC
801 NORTHPOINT PKWY 141
WEST PALM BEACH, FL 33407

BURNEY HARRY L JR % HARRY L BURNEY III
212 W 111TH ST #6A
NEW YORK , NY 10026

SCHROEDER ROBERT T LEAH HOEY
19 VINE ST
ALBANY, NY 12203

MAYHEW SYLVIA D
415 N FREDERICK AVE
DAYTONA BEACH, FL 32114

BARR QUINCELLA A
9301 IVANHOE RD
FORT WASHINGTON, MD 20744

KHAN SADEK
417 N FREDERICK AVE
DAYTONA BEACH, FL 32114

WILLIAMS ALBERT SR
381 N SENECA ST
DAYTONA BEACH, FL 32114

SLATER DONALD
419 N FREDERICK AVE
DAYTONA BEACH, FL 32114

LAGOS JORGE A REYES
385 N SENECA ST
DAYTONA BEACH, FL 32114

WILLIAMS TONI
33435 CHASEWOOD CIR
WESLEY CHAPEL, FL 33545

AJP DBS LLC
2127 S PALMETTO AVE
SOUTH DAYTONA , FL 32119

RIVERA NATALIE
393 N SENECA ST
DAYTONA BEACH, FL 32114

COOK MICHAEL JOSEPH
5350 ROYAL PLANTATION BLVD
PORT ORANGE, FL 32128

DANIELS JAMES F EST
422 FREDERICK ST
DAYTONA BEACH, FL 32114

DAYTONA STATE COLLEGE INC
PO BOX 2811
DAYTONA BEACH, FL 32120

NELSON MIKE
PO BOX 1023
DAYTONA BEACH, FL 32115

DAYTONA STATE COLLEGE INC
PO BOX 2811
DAYTONA BEACH, FL 32120

ELLIOTT MORTIMER T
418 N FREDERICK AVE
DAYTONA BEACH, FL 32114

MCCOY WILLIE MAY EST
PO BOX 10166
DAYTONA BEACH, FL 32120

CARTER FREDDIE A
416 N FREDERICK ST
DAYTONA BEACH, FL 32114

SHAW HAZEL I
320 DEELEY ST
DAYTONA BEACH, FL 32114

EVANS SHEILA E
412 FREDERICK AVE
DAYTONA BEACH, FL 32114

SHAW HAZEL I EST
320 DEELEY ST
DAYTONA BEACH, FL 32114

STATE OF FLORIDA TIITF
3900 COMMONWEALTH BLVD STE 115
TALLAHASSEE, FL 32399

DAYTONA STATE COLLEGE INC
PO BOX 2811
DAYTONA BEACH, FL 32120

WASHINGTON JOHN
301 WHITE ST
DAYTONA BEACH, FL 32114

DAYTONA STATE COLLEGE INC
PO BOX 2811
DAYTONA BEACH, FL 32120

WASHINGTON JOHN
301 WHITE ST
DAYTONA BEACH, FL 32114

BODDIE CAROLYN A
2461 CAPTAIN DR
DELTONA, FL 32738

MCCRARY KATHY
1705 MURPHY LN
DUBLIN, GA 31021

DAYTONA STATE COLLEGE INC
PO BOX 2811
DAYTONA BEACH, FL 32120

MORRIS JERMAINE JOEL
301 DEELEY ST
DAYTONA BEACH, FL 32114

ABATH ELUIZIER
308 N SENECA ST
DAYTONA BEACH, FL 32114

SPATCHER ROBIN
309 DEELEY ST
DAYTONA BEACH, FL 32114

SCOFIELD KELLY E
1686 N STONE ST
DELAND, FL 32720

PICKETT LOUISE
315 DEELEY ST
DAYTONA BEACH, FL 32114

DAYTONA STATE COLLEGE INC
PO BOX 2811
DAYTONA BEACH, FL 32120

MILLER LORENE EST
321 DEELEY ST
DAYTONA BEACH, FL 32114

TAYLOR JAMES LLOYD JR
301 N SENECA ST
DAYTONA BEACH, FL 32114

THOMPSON-FOSSITT MARIE S
327 DEELEY ST
DAYTONA BEACH, FL 32114

MORRISON CARMEN
315 N SENECA ST
DAYTONA BEACH, FL 32114

RONALD L HELGEMO FAMILY REV TRUST
534 N RIDGEWOOD AVE
DAYTONA BEACH, FL 32114

TILLMON WILLIE F
319 N SENECA ST
DAYTONA BEACH, FL 32114

DISTRICT BOARD OF TRUSTEES OF
PO BOX 2811
DAYTONA BEACH, FL 32120

DAYTONA STATE COLLEGE INC
PO BOX 2811
DAYTONA BEACH, FL 32120

HICKMAN BRANDON
326 N SENECA ST
DAYTONA BEACH, FL 32114

DAYTONA STATE COLLEGE INC
PO BOX 2811
DAYTONA BEACH, FL 32120

DAYTONA STATE COLLEGE INC
PO BOX 2811
DAYTONA BEACH, FL 32120

PAHUTA JEFFREY
337 N SENECA ST
DAYTONA BEACH, FL 32114

TUCK MICHAEL J
314 N SENECA ST
DAYTONA BEACH, FL 32114

CARLSON C ANN
360 ALEATHA DR
DAYTONA BEACH, FL 32114

CHEW FRANCES V
351 N SENECA ST
DAYTONA BEACH, FL 32114

RAHAMAN SHELDON
77330 MOSSWOOD DR
YULEE, FL 32097

DAVIS EARNEST L
359 N SENECA ST
DAYTONA BEACH, FL 32114

RAYAM MARJORIE S
1073 SHERIDAN RD
DAYTONA BEACH, FL 32114

HILSON MARTHA E
363 N SENECA ST
DAYTONA BEACH, FL 32114

STATE OF FLORIDA TIITF
3900 COMMONWEALTH BLVD STE 115
TALLAHASSEE, FL 32399

GETER TRACY
365 N SENECA ST
DAYTONA BEACH, FL 32114

DIVISION OF BLIND SERVICES
408 WHITE ST
DAYTONA BEACH, FL 32114

OAKLAWN PARK INC CEMETERY
320 WHITE ST
DAYTONA BEACH, FL 32114

MT SINAI CEMETERY ASSN
348 CHESHAM ST
ORMOND BEACH, FL 32174

MT SINAI CEMETERY ASSN
348 CHESHAM ST
ORMOND BEACH, FL 32174

STATE OF FLORIDA TIITF
3900 COMMONWEALTH BLVD STE 115
TALLAHASSEE, FL 32399

STATE OF FLORIDA TIITF
3900 COMMONWEALTH BLVD STE 115
TALLAHASSEE, FL 32399

NEIGHBORHOOD MEETING NOTICE

A NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON
3/18/24 AT 6:00 PM TO INTRODUCE THE
FOLLOWING APPLICATION FOR THIS PROPERTY:

Special Use

THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION:

DSC Hall Bldg-150, Rm-101, 1200 W. 1st St.

INTERESTED PARTIES CAN CONTACT Cobb Cole

AT 386 | 323-9244 FOR FURTHER INFORMATION.

NEIGHBORHOOD MEETING NOTICE

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3/18/24 AT 6:00PM TO INTRODUCE THE

FOLLOWING APPLICATION FOR THIS PROPERTY:

Special Use

THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION:

DSC, Hall Bldg 150, Rm 101, 12000 Infi

INTERESTED PARTIES CAN CONTACT Cobb Cole

AT 386/323-9244 FOR FURTHER INFORMATION.

NEIGHBORHOOD MEETING NOTICE

A NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON
3/18/24 AT 6:00 PM TO INTRODUCE THE

FOLLOWING APPLICATION FOR THIS PROPERTY:

Special Use

THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION:

Use Hall Bldg. 150; Rm. 101; 1200 W. 1st St.

INTERESTED PARTIES CAN CONTACT Cubb Cole
AT 386/323-9274 FOR FURTHER INFORMATION.

NEIGHBORHOOD MEETING NOTICE

A NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON 3/18/24 AT 6:00 PM, TO INTRODUCE THE

FOLLOWING APPLICATION FOR THIS PROPERTY:

Special Use

THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION:

DSC Hall Bldg 150; Rm 101; 1200 W. Tenth

INTERESTED PARTIES CAN CONTACT Cobb Cole

AT 386/323-9244 FOR FURTHER INFORMATION.

Agenda Item 4H (Quasi-Judicial Hearing)
Planned Development (PD) Amendment
DEV2024-170
4th Amendment to the Daytona Beach
Convention Hotel & Condominiums PD

MEMORANDUM

MEETING DATE: July 25, 2024, Planning Board
MEMO DATE: July 11, 2024
SUBJECT: DEV2024-170 Daytona Beach Convention Hotel & Condominiums PD
APPLICANT: Robert A. Merrill, Cobb Cole
OWNER: PDA Trading, Inc.
STAFF: Angela Armstrong, Redevelopment Project Manager
Danalee Petyk, AICP, Senior Planner

SUMMARY OF REQUEST

This request is an amendment to the Daytona Beach Convention Hotel & Condominiums Planned Development (PD) Agreement to allow for development of a sub-phase within Phase 3 of the development comprised of potential retail, parking, and event space; identify timing for such improvements; and allow for the replacement of associated exhibits.

A portion of the subject property is in the Main Street Redevelopment Area. Pursuant to the requirements of the Land Development Code, Section 3.3.G – Advisory Board Review and Recommendation, the rezone request is subject to review by the Beachside Redevelopment Board.

Please refer to the staff report dated May 29, 2024, for the Beachside Redevelopment Board’s meeting held July 10, 2024. Draft minutes from the Beachside Redevelopment Board are attached for your information. A detailed presentation was provided to the board describing the PD amendment.

The Beachside Redevelopment Board failed to have a quorum at the July 10, 2024, meeting. As such, the Redevelopment Board review is waived and the request can proceed to the Planning Board and City Commission for review and action pursuant to Section 2.3.1, LDC, as amended by Ordinance 2024-189.

A majority vote by the Planning Board members present and voting is required to forward a recommendation to the City Commission. The item is tentatively scheduled to be heard by the City Commission for 1st reading on September 4, 2024, and for 2nd reading on September 18, 2024.

Staff recommendation: Staff finds the requested rezone meets the criteria in Sections 3.4.D.3 and 4.8.B, Land Development Code. Staff recommends the Planning Board forward the 4th amendment to the Daytona Beach Convention Hotel & Condominiums Planned Development (PD) Agreement to the City Commission with a recommendation of approval.

Agenda Item 6 (Quasi-Judicial Hearing)

Rezoning - Planned Development

Fourth Amendment

DEV2024-170

Daytona Beach Convention Hotel & Condominiums PD

STAFF REPORT

DATE: May 29, 2024

TO: Beachside Redevelopment Board Members

FROM: Angela Armstrong, Redevelopment Project Manager

PROJECT REQUEST

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of PDA Trading, Inc for approval of the Fourth amendment to the Daytona Beach Convention Hotel & Condominiums Planned District Agreement to allow for development of a sub-phase within Phase 3 of the development comprised of potential retail, parking, and event space, identify timing of such improvements; and allowing for the replacement of associated exhibits.

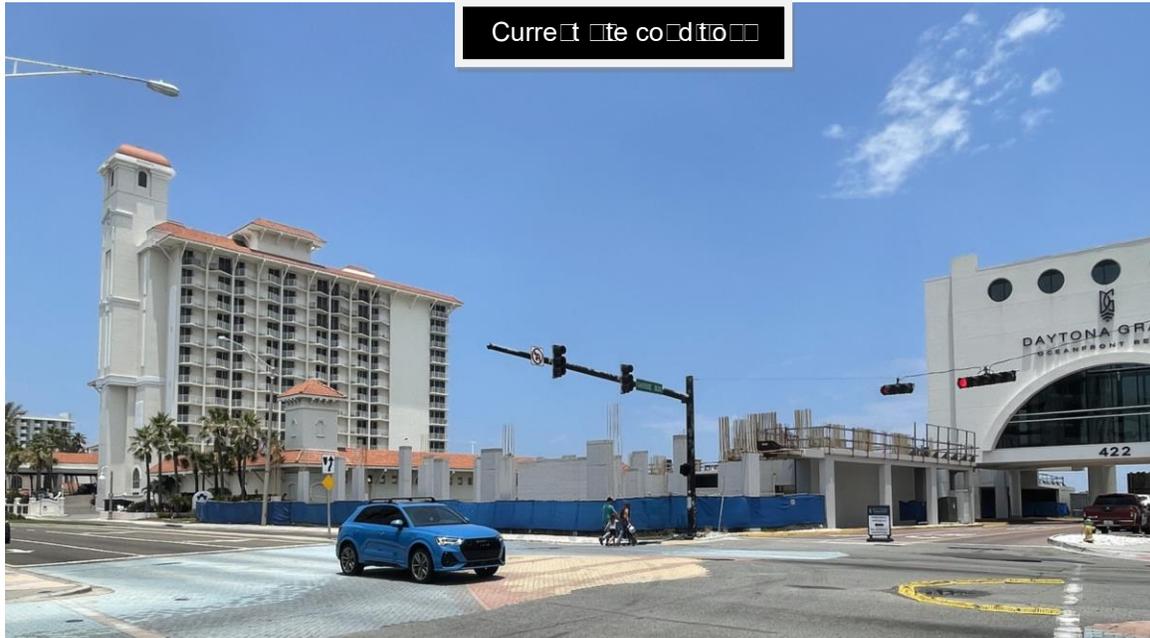
PROJECT LOCATION

The subject property is located generally at the northeast corner of Oakridge Boulevard and N. Atlantic Avenue intersection. Aerial view follows.

This parcel is outside the Redevelopment area; However, the LCD establishes that any development along an arterial road where at least one side of the road is within the Redevelopment area must comply with Redevelopment Standards. LDC Section 6.14.B.1.

Part of the development is in the Main Street CRA.





The adjacent land uses and zoning classifications are shown in the table below and in the accompanying map series (*attachment A*).

Table 1: Land Use and Zoning

	Existing Uses	Existing Future Land Use Designation	Existing Zoning Classification
Site	Hotel and Condominium (under construction) Parking Garage	High Intensity Mixed Use Tourist Accommodations Retail	Planned Development - General (PD)
North	Hotel Restaurant	Tourist Accommodations Retail	Tourist Accommodations (T-1) Business Retail (BR-1)
South	Condominiums Retail	High Intensity Mixed Use Commercial Mixed Use	Tourist Accommodations (T-1) Hotel/Mixed Use (RDB-1) Residential/ Professional (RP)
East	Atlantic Ocean	N/A	N/A
West	Restaurants and Retail	Commercial Mixed Use Retail	Business Shopping Center (BR-2) Residential/ Professional (RP)

PROJECT DESCRIPTION

On March 20, 2013 the City Commission approved the Daytona Beach Convention Hotel & Condominiums PD rezoning request (DEV2012-110) to build a 501-room hotel at the southeast corner of Oakridge Boulevard and Atlantic Avenue and a 101-unit condominium at the northeast corner.

On October 16, 2013 the City Commission approved the first amendment to the PD (DEV2013-050) to add a six story parking garage at the northwest corner of Atlantic Avenue and Oakridge Boulevard for hotel parking that was originally proposed to be located in the residential tower. This change increased the number of condominium units to 122.

On January 20, 2016 the City Commission approved the second amendment to the PD to revise the schedule for completion of the project.

On 2019, the City Commission approved the third amendment to the PD (DEV2019-163) to convert the 42 hotel rooms that were located in the north tower to condominium units. The south tower will continue to have the 459 hotel rooms as originally planned. The north tower will have a total of 164 condominium units. This reconfiguration will not affect the total unit count which remains at 623 units.

The applicant is now proposing the development of a sub-phase within Phase 3 of the development comprised of potential retail, parking, and event space. This amendment allows for an initial phase of building to allow for construction of a finished building within the site without full construction of an additional tower.

The applicant is requesting to amend the PD agreement to include additions as shown in *Attachment B* and underline below:

- The project to be developed on the Property shall include a 459-room hotel with meeting space, recreational amenities, restaurants, and retail sales; a 164-unit multifamily residential condominium or additional hotel uses with a parking garage and recreational amenities; and street level retail sales and restaurants with significant hardscape and streetscape amenities.
- If a hotel is developed within the property utilizing a condominium form of ownership, where individual units may be owned by separate entities and maintain a full kitchen but will be managed in common as one functional tourist accommodation, such use will be regulated as a hotel or motel use under the provisions of this section.

- The Project may be developed in three or more Phases:

Phase 1- Fully completed

Phase 2- Fully completed

Phase 3- Shall include the construction of all remaining streetscape improvements, and the vertical construction of the Phase 3 improvements illustrated on Composite Exhibit B. Phase 3 will include street level retail uses, parking, and an amenity deck. The Future Development Phase may include the northern tower to house predominately condominium or hotel uses, as shown on (Attachment B) All Phase 3 improvements shall be designed, permitted, and under construction within 12 months after the Effective Date of the Fourth Amendment to this Agreement, and construction of Phase 3 shall be substantially completed within 3 years after the Effective Date of the Fourth Amendment to this Agreement.

- If the proposed Residential Condo is converted to a hotel use, the minimum parking standards set forth herein shall still be provided.

PROJECT ANALYSIS

Review of and the decision on a rezoning application shall be based on the proposed zoning reclassification and the compliance 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.

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 has reviewed the proposed fourth amendment to the Daytona Beach Convention Hotel & Condominiums PD and found it to be consistent with the City's Comprehensive Plan. The proposed site to be developed is outside the Redevelopment area, however, the LCD establishes that any development along an arterial road where at least one side of the road is within the Redevelopment area must comply with Redevelopment Standards. LDC Section 6.14.B.1,

Therefore, this project is consistent with the Main Street redevelopment goals and objectives.

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

Staff has reviewed the proposed PD amendment and has found it to be acceptable.

iii. Addresses a demonstrated community need;

The proposed development of the sub-phase within the third phase of the development will remove the current blight conditions of the site providing potential retail, parking, and event spaces for the community as shown in *attachment C*.

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

The proposed Development is compatible with the uses along A1A and Oakridge abutting the property and throughout the City. The applicant has conducted a neighborhood meeting as required by the LDC. The required neighborhood meeting was held on April 9, 2024 at the Daytona Grande Hotel as shown in *Attachment D*.

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

Staff reviewed the proposed PD amendment and found it to be acceptable.

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

This project has the potential to provide significant benefits to the residents, businesses, and visitors of Daytona Beach. Staff does not have any indication that the proposed development plan will adversely affect 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

Staff has reviewed the requested PD amendment 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

At this time, Staff does not have any indication that the proposed development will result in significantly adverse impacts to the natural environment.

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.

Staff has reviewed the PD Amendment request and has found it to be acceptable.

RECOMMENDATION

Staff recommends approval of the Fourth Amendment to the Planned District (PD) Agreement for development of a sub-phase within Phase 3 of the development comprised of potential retail, parking, and event space, identify timing of such improvements; and allowing for the replacements of associated exhibits.

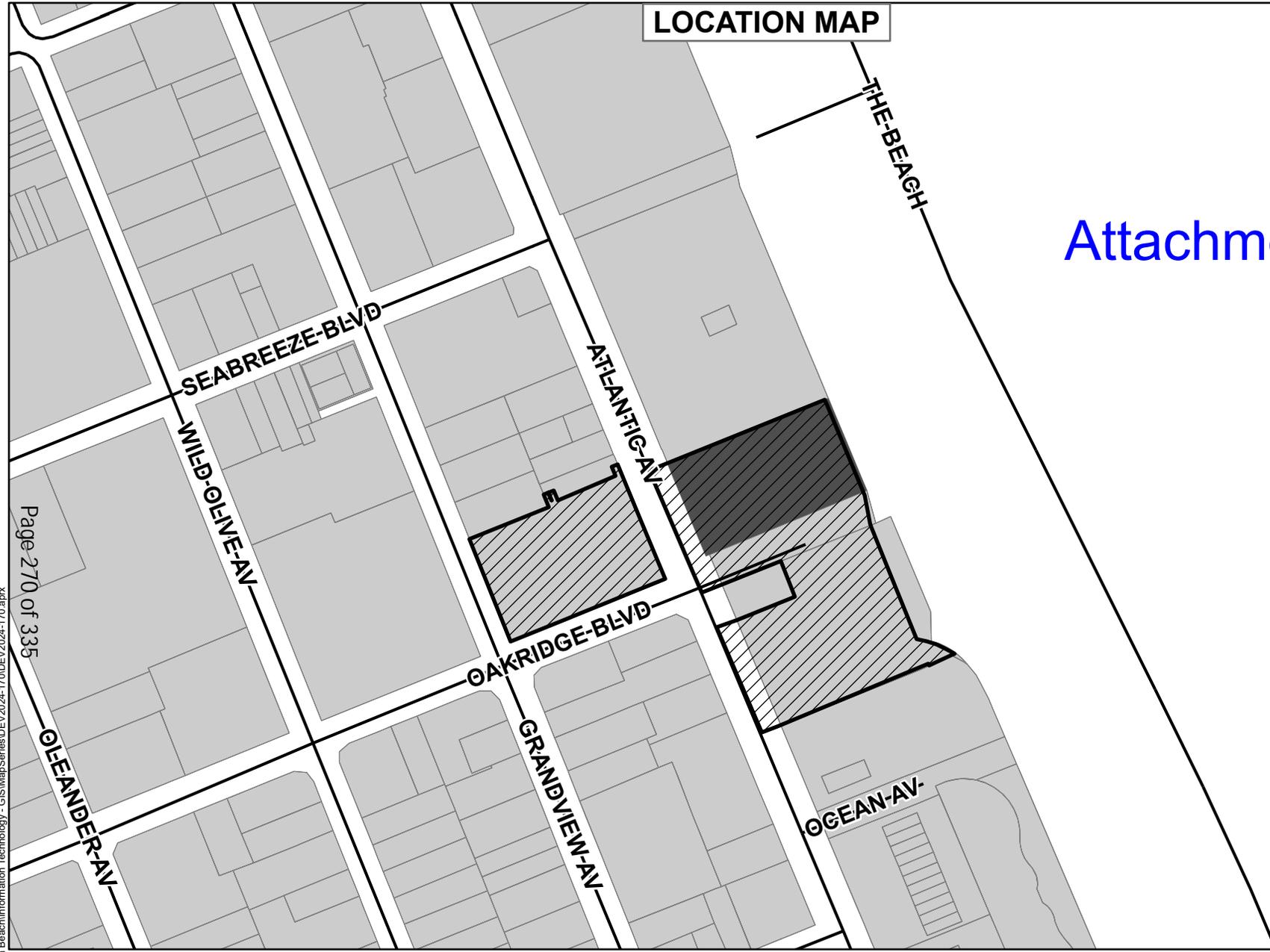
A majority vote by the Beachside Redevelopment Board members present and voting is required to recommend approval to the Planning Board and City Commission.

The item is tentatively scheduled to be heard by the Planning Board on June 27, 2024. The Item is tentatively scheduled to be heard by the City Commission for 1st reading on **August 7, 2024**, and second reading (public hearing) on **August 21, 2024**.

LOCATION MAP



Attachment A



DEV2024-170
DB CONVENTION HOTEL CONDO
4TH AMENDMENT TO PD
LOCATION MAP

City of Daytona Beach Map disclaimer:
This map was developed and produced by the City of Daytona Beach GIS. The map is 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. Map discrepancies should be brought to the attention of City Engineering and or Development Services.

Agenda Item #4.H.

AERIAL



Attachment A



Page 271 of 335

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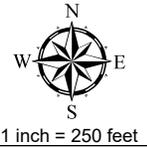
DEV2024-170 DB CONVENTION HOTEL CONDO 4TH AMENDMENT TO PD AERIAL MAP

City of Daytona Beach Map disclaimer:
This map was developed and produced by the City of Daytona Beach GIS. The map is 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. Map discrepancies should be brought to the attention of City Engineering and or Development Services.

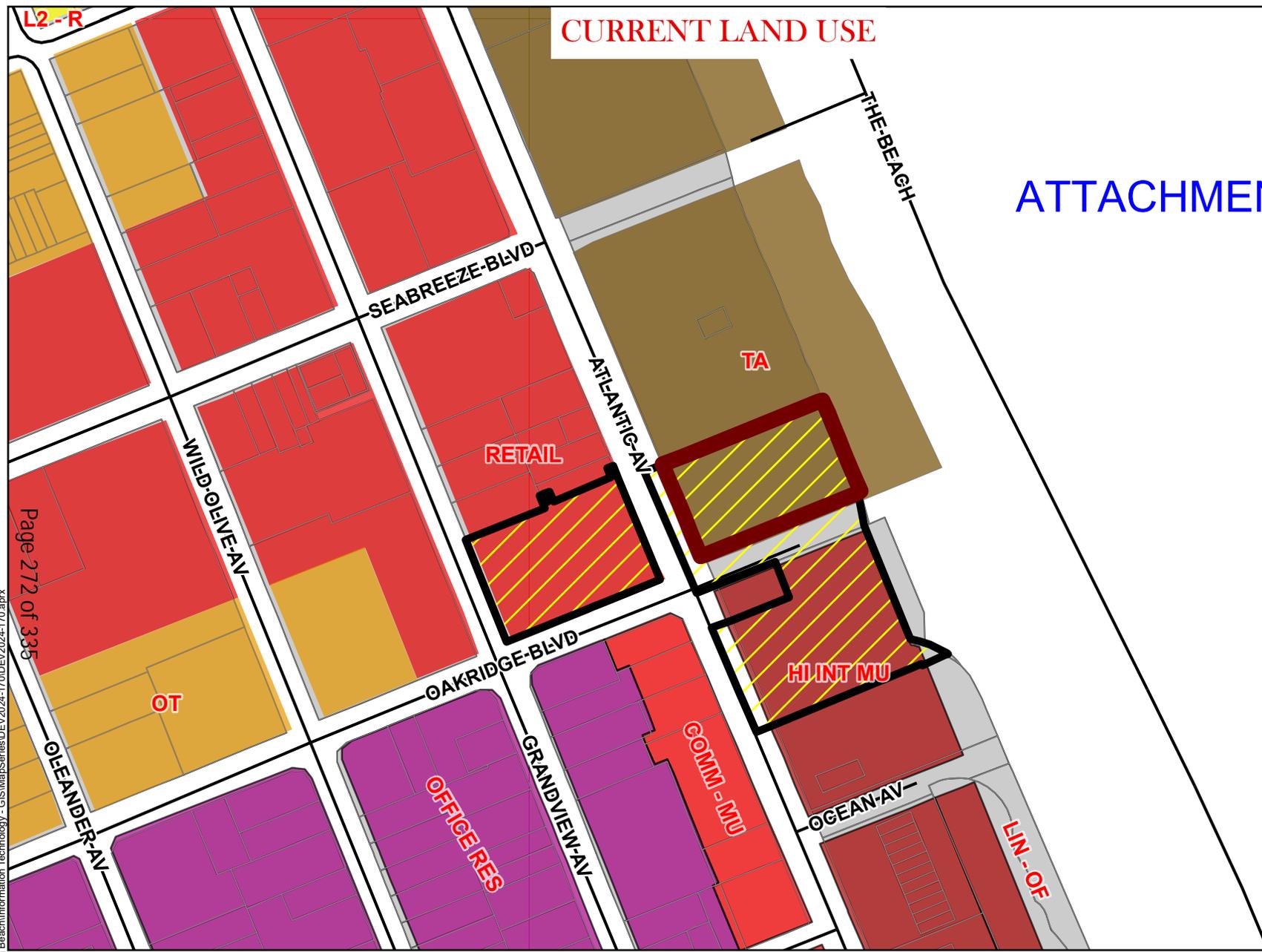
Agenda Item #4.H.

L2-R

CURRENT LAND USE



ATTACHMENT A



Page 272 of 335

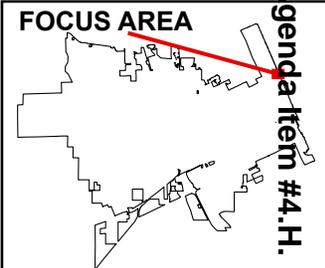
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DEV2024-170 DB CONVENTION HOTEL CONDO 4TH AMENDMENT TO PD CURRENT LAND USE MAP

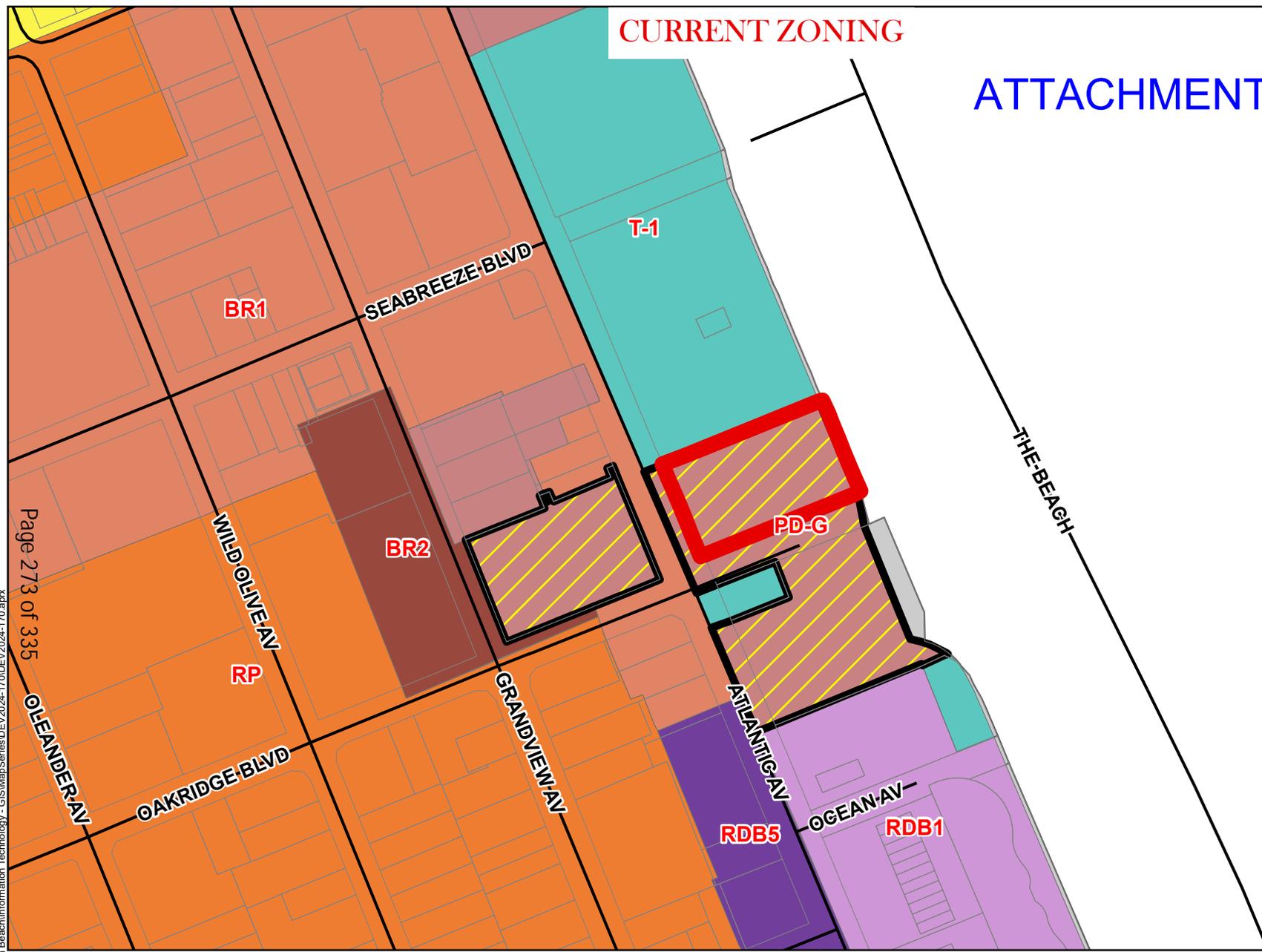
City of Daytona Beach Map disclaimer:

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CURRENT ZONING

ATTACHMENT A



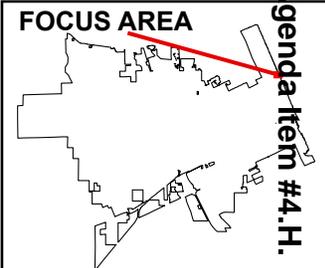
Page 273 of 335

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DEV2024-170
DB CONVENTION HOTEL CONDO
4TH AMENDMENT TO PD
CURRENT ZONING MAP

City of Daytona Beach Map disclaimer:
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Agenda Item #4.H.

ATTACHMENT B

Document Prepared By:

Robert A. Merrell III, Esquire
Cobb Cole
150 Magnolia Avenue
Daytona Beach, FL 32114

Return Recorded Document To:

City of Daytona Beach Records Clerk
P.O. Box 2451
Daytona Beach, FL 32115-2451

**FOURTH AMENDMENT TO DAYTONA BEACH CONVENTION HOTEL &
CONDOMINIUMS PLANNED COMMERCIAL
DISTRICT AGREEMENT**

THIS FOURTH AMENDMENT TO DAYTONA BEACH CONVENTION HOTEL & CONDOMINIUMS PLANNED COMMERCIAL DISTRICT AGREEMENT (“Fourth Amendment”) is hereby entered into by and between **THE CITY OF DAYTONA BEACH, FLORIDA**, a Florida municipal corporation located in Volusia County, Florida (“City”), **PROTOGROUP SOUTH TOWER, LLC**. (“Protogroup”), **PDA TRADING, INC.** (“PDA”), and **DAYTONA PARKING GARAGE, LLC** (“DPG”).

WHEREAS, the City and Protogroup South Tower, LLC (“Protogroup”) previously entered into the Daytona Beach Convention Hotel & Condominiums Planned Commercial District Agreement, recorded in Official Records Book 6840, Page 1432, Public Records of Volusia County, Florida (the “PCD Agreement”), as amended by that certain First Amendment to the PCD Agreement, dated October 22, 2013 and recorded in Official Records Book 6930, Page 3380, Public Records of Volusia County, Florida (the “First Amendment”), and as further amended by that certain Second Amendment to the PCD Agreement, dated January 28, 2016, and recorded in Official Records Book 7220, Page 3230, Public Records of Volusia County, Florida (the “Second Amendment”) and that certain Third Amendment to the PCD Agreement, dated May 27, 2020, and recorded in Official Records Book 7859, Page 3686, Public Records of Volusia County, Florida (the “Third Amendment”); and

WHEREAS, development of Phase 1 and Phase 2, as contemplated under the PCD agreement, has been fully completed and accepted by the City at the time of this Fourth Amendment; and

WHEREAS, Protogroup has conveyed a portion of the property that is subject to the PCD Agreement (the “Property”) to PDA; and

WHEREAS, PDA (“Owner” or “Developer”) wishes to amend the terms of the PCD Agreement to clarify certain development standards within the PCD Agreement; and

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

ATTACHMENT B

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 the Developer hereby agree to amend the PCD Agreement as follows:

Section 3.C. of the PD Agreement is amended in part to read as follows: [additions shown in UNDERLINE, deletions shown in ~~STRIKETHROUGH~~]

3. DEVELOPMENT PLAN/PHASING.

C. Development of the Property shall be consistent with this Agreement and Composite Exhibit B (Site Plan Package). Composite Exhibit B generally depicts the planned phasing and layout of buildings, parking areas, driveways, common areas, and other planned features or improvements to the Property. The project to be developed on the Property shall include a 459 room hotel with meeting space, recreational amenities, restaurants and retail sales; a 164 unit multifamily residential condominium or additional hotel uses with a parking garage and recreational amenities; and street level retail sales and restaurants with significant hardscape and streetscape amenities as depicted on the Site Plan (the "Project"). The Project is designed and intended to support convention business at the county Ocean Center, and to promote pedestrian activity along A1A in the heavily trafficked tourist area in the vicinity of the Property. In the event that a hotel is developed within the property utilizing a condominium form of ownership, where individual units may be owned by separate entities and maintain a full kitchen but will be managed in common as one functional tourist accommodation, such use will be regulated as a hotel or motel use under the provisions of this section.

The Project may be developed in three or more Phases. The Phases are summarized as follows, and are described more fully in the Phasing Plan included in Composite Exhibit B:

- (1) Phase 1 shall include the site development and vertical construction of the garage, to be located on portion of the Property located on the west side of North Atlantic A venue. The garage shall have the right to operate as a freestanding parking garage unless until the hotel is developed, at which time the garage shall be required to provide the parking spaces for the hotel as referenced in Section 3 .E. of this Agreement. Prior to issuance of a certificate of occupancy for the hotel the City shall have authority to require the owner of the garage and the owner of the hotel to execute a binding agreement, complying with the Land Development Code, granting the hotel the use of a parking spaces within the garage sufficient to meet the requirements of Section 3.E., below. Improvements to the City's potable water or sanitary sewer systems, or the streetscape, shall not be required for this Phase. All Phase 1 improvements shall be designed, permitted, and under construction within 18 months after the Effective Date of the Second Amendment to this Agreement.
- (2) Phase 2 shall include all off-site improvements to the City's potable water, sanitary sewer, and streetscape, as well as the site grading and underground utilities needed for the entirety of the project on the east side of North Atlantic Avenue and the vertical construction of the southern building that is to house the majority of the hotel units. Phase 2 shall also include required improvements to Oakridge A venue right-of-way, the beach approach, the reverse

ATTACHMENT B

lane, on-street parking, and all streetscape improvements other than those identified as Phase 3 streetscape improvements on the Phasing Plan. All Phase 2 improvements shall be designed, permitted, and under construction within 36 months after the Effective Date of the Second Amendment to this Agreement.

- (3) Phase 3 shall include the construction of all remaining streetscape improvements, and the vertical construction of the Phase 3 improvements illustrated on Composite Exhibit B. Phase 3 will include street level retail uses, parking, and an amenity deck, as illustrated on Exhibit B. The Future Development Phase may include the northern tower to house predominately condominium or hotel uses and 42 hotel units, as shown on Composite Exhibit B. All Phase 3 improvements shall be designed, permitted, and under construction within ~~60~~ 12 months after the Effective Date of the ~~Second~~ Fourth Amendment to this Agreement, and construction of Phase 3 shall be substantially completed within 3 years after the Effective Date of the Fourth Amendment to this Agreement.

Section 3.E of the PD Agreement is amended to read as follows: [additions shown in UNDERLINE, deletions shown in STRIKETHROUGH]

E. PARKING.

(1) *Minimum Number of Parking Spaces.* The minimum number of parking spaces for the development shall be as follows:

Use	Quantity	Units	Requirement	Total
Hotel	32	Hotel Room	Hotel Room	32
Residential Condo	32	DU ("DU")	DU	32
Retail	32	Unit	Unit	32
Total Required				32
<i>10% Transit Proximity Reduction</i>				-84
<i>Net Required by LDC</i>				761
Total Minimum to be Provided Pursuant to the Ordinance				32

(2) *Additional Requirements.* The parking for the hotel will be provided at the parking garage to be built on the west side of A1A as depicted on Composite Exhibit B. The parking garage shall not be required to comply with the provisions of Article 10, Section 4,1 of the LDC. 32 of the 796 parking spaces provided on the parking garage property may have stall widths reduced to a Minimum of 8.5 feet where attendant parking is provided. Pursuant to the provisions of Article 8, Section 2.10(g) of the LDC, Daytona Parking Garage, LLC shall be required to operate the parking facility with attendant parking during peak operating periods when parking facilities are expected to or do reach at least 80 percent of capacity. These parking provisions provide for a total of 796 parking spaces for the project. In the event that the proposed Residential Condo is converted to a hotel use, the minimum parking standards set forth herein shall still be provided.

ATTACHMENT B

Composite Exhibit B of the Agreement, as referenced above, is replaced in its entirety by Composite Exhibit B.1 attached hereto and incorporated herein, so that any reference to Composite Exhibit B in the PD Agreement shall be read to reference Composite Exhibit B.1.

NO OTHER MODIFICATIONS.

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

[Remainder of Page Intentionally Left Blank]

ATTACHMENT B

IN WITNESS WHEREOF, the parties hereto have set their hands this ____ day of _____, 2024.

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 _____, 2024, 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: _____

ATTACHMENT B

Signed, sealed and delivered in the presence of:

PDA TRADING, INC.
(OWNER)

By: _____

Alexey P. Lysich

Title: Vice President

Printed Name of Witness 1

Date: _____

Printed 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 ____ day of _____, 2024, by **ALEXEY P. LYSICH** as Vice President of PDA Trading, Inc., referred to in this Agreement as Owner. He 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: _____
Benjamin Gross, City Attorney

ATTACHMENT B

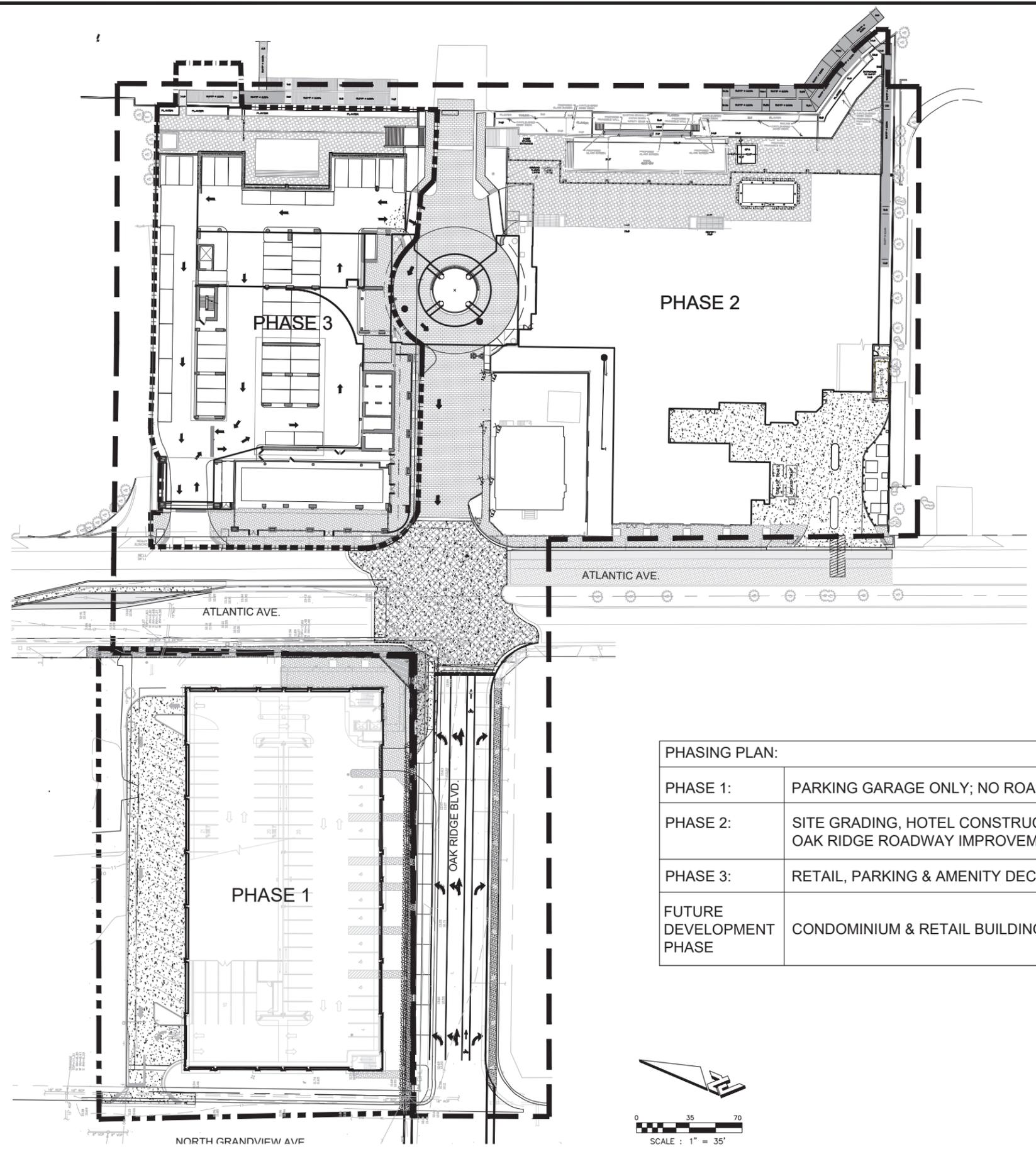
Composite Exhibit B.1

CITY PROJECT ID:
DEV2016-010

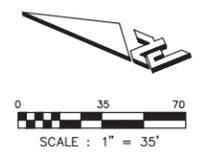


ORMOND BEACH
300 INTERCHANGE BLVD., ORMOND BEACH, FL 32174
(386) 677-2482 FAX (386) 677-2605
ST. AUGUSTINE
4475 U.S. 1 S. STE #601 ST. AUGUSTINE, FL 32086
(804) 797-1670 FAX (804) 797-4159
AMELIA ISLAND
914 ATLANTIC AVE., STE 207 FERNANDINA BEACH, FL 32044
(904) 491-5436 FAX (904) 491-1418

ATTACHMENT B



PHASING PLAN:	
PHASE 1:	PARKING GARAGE ONLY; NO ROAD IMPROVEMENTS
PHASE 2:	SITE GRADING, HOTEL CONSTRUCTION, UTILITY IMPROVEMENTS; OAK RIDGE ROADWAY IMPROVEMENTS
PHASE 3:	RETAIL, PARKING & AMENITY DECK BUILDING CONSTRUCTION
FUTURE DEVELOPMENT PHASE	CONDOMINIUM & RETAIL BUILDING CONSTRUCTION



PHASING INDEX:
PH1 OVERVIEW
PH2 PHASE 1
PH3 PHASE 2&3
PH4 PHASE 3 & FUTURE DEVELOPMENT PHASE

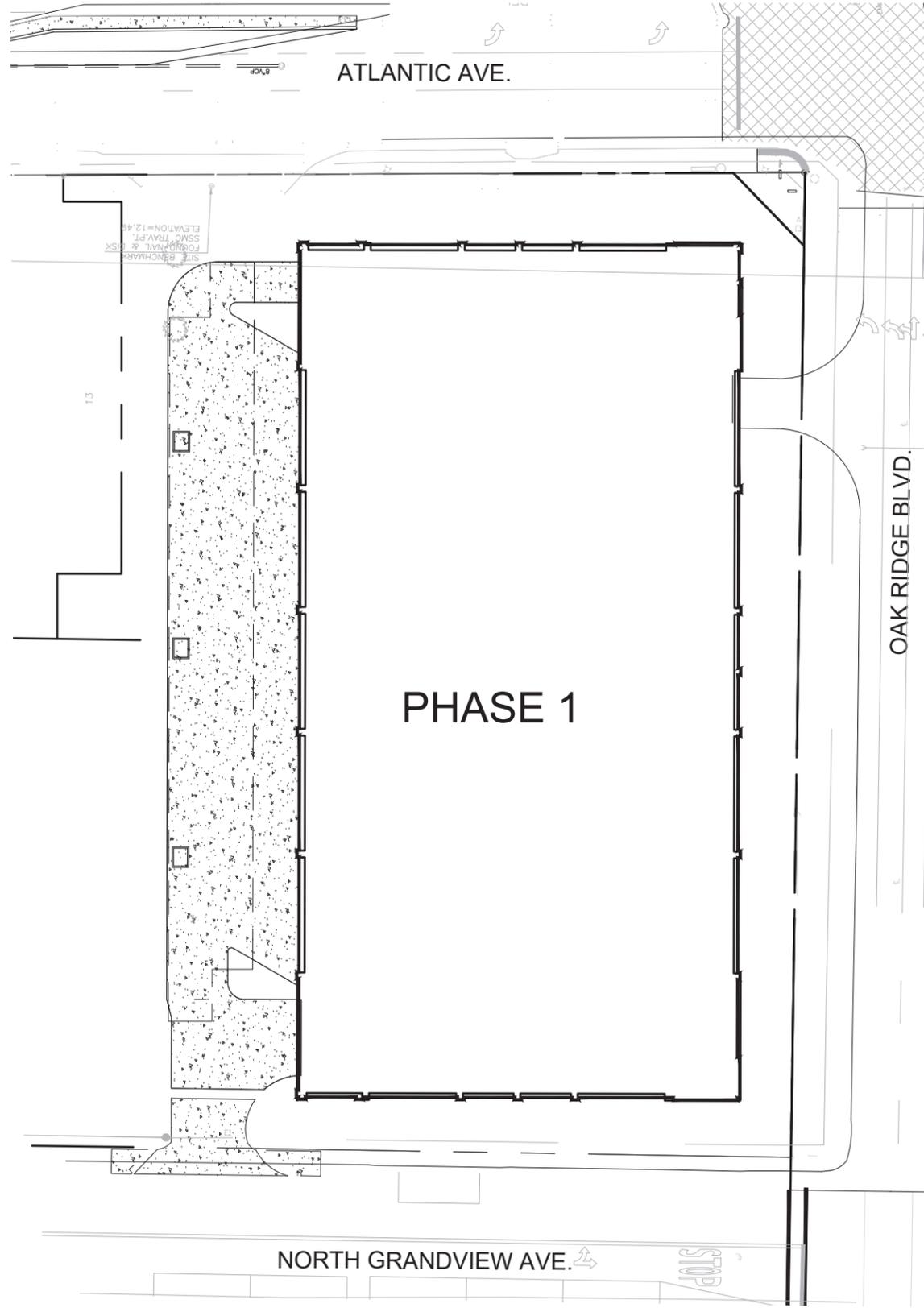
Page 281 of 335

NO.	DATE	DESCRIPTION
1	08/22/2015	ISSUE FOR PERMIT (SEE SHEET CIVIL/CE/PH1/PH2 & PH3)
2	08/25/2015	REVISED PER OWNER REQUEST

DAYTONA CONVENTION HOTEL
FINAL ENGINEERING PLANS
PHASING PLAN
CITY OF DAYTONA BEACH
VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC.
ENGINEERS • LANDSCAPE ARCHITECTS
PLANNERS • TRANSPORTATION • ENVIRONMENTAL
WWW.ZEVCOHEN.COM
PROJECT NO. 11180
ISSUE DATE: 08/22/2015
DESIGNED BY: CE
DRAFTED BY: FI
CHECKED BY: RM
CONTRACT NO. 10PH1
SHEETS: 11180BASE

FILE LOCATION
SUBMITTAL DATE
SCALE: 1" = 35'
SHEET
PH1 OF 4



PHASE 1
PARKING GARAGE ONLY; NO ROAD IMPROVEMENTS

ATTACHMENT B

CITY PROJECT ID:
DEV2016-010



ORMOND BEACH
300 INTERCHANGE BLVD., ORMOND BEACH, FL 32174
(386) 677-2482 FAX (386) 677-2505
ST. AUGUSTINE
4475 U.S. 1 S. STE #601 ST. AUGUSTINE, FL 32089
(804) 797-1610 FAX (804) 797-4159
AMELIA ISLAND
914 ATLANTIC AVE., STE 207 FERNANDINA BEACH, FL 32044
(904) 491-5436 FAX (904) 491-1418

NO.	DATE	DESCRIPTION
1	06/22/2015	ISSUE FOR PERMIT (SEE SHT. C1-C10) (PH2 & PH3)
2	06/22/2015	REVISED PER OWNER REQUEST

DAYTONA CONVENTION HOTEL
FINAL ENGINEERING PLANS
PHASING PLAN
CITY OF DAYTONA BEACH VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC.
CIVIL ENGINEERS • LANDSCAPE ARCHITECTS
PLANNERS • TRANSPORTATION • ENVIRONMENTAL
WWW.ZEVCOHEN.COM
PROJECT NO. 11180
ISSUE DATE: 06/22/2015
DESIGNED BY: CE
DRAFTED BY: FI
CHECKED BY: RM
IN CHARGE: T. HOPKINS
XREFS: 11180BASE

FILE LOCATION
SUBMITTAL DATE
SEAL
RANDY M. HUDAK, P.E. NO. 65053
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ATTACHMENT B

CITY PROJECT ID
DEV2018-010



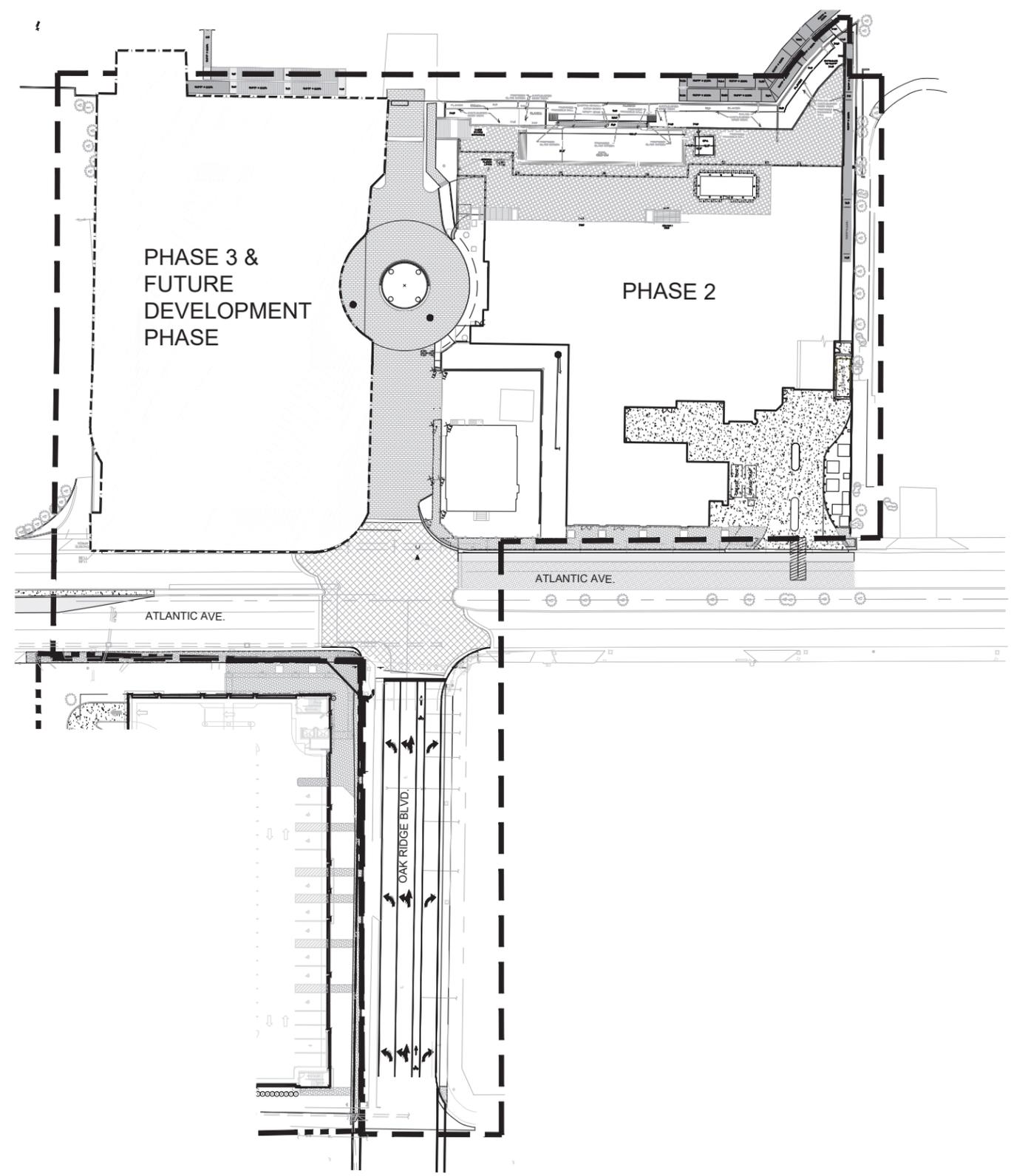
ORLANDO BEACH
300 INTERCHANGE BLVD., ORLANDO BEACH, FL 32174
(386) 677-2482 FAX (386) 677-2605
ST. AUGUSTINE
4475 U.S. 1 S. STE #601 ST. AUGUSTINE, FL 32089
(804) 797-1610 FAX (804) 797-4109
AMELIA ISLAND
914 ATLANTIC AVE., STE 207 FERNANDINA BEACH, FL 32034
(904) 491-0436 FAX (904) 491-1418

NO.	DATE	DESCRIPTION
1	02/22/18	ISSUE FOR PERMIT (SEE SHEET CIVIL/PH3/PH2 & PH1)
2	02/22/18	REVISED PER OWNER REQUEST

DAYTONA CONVENTION HOTEL
FINAL ENGINEERING PLANS
PHASING PLAN
VOLUSIA COUNTY, FLORIDA
CITY OF DAYTONA BEACH

ZEV COHEN & ASSOCIATES, INC.
CIVIL ENGINEERS • LANDSCAPE ARCHITECTS
PLANNERS • TRANSPORTATION • ENVIRONMENTAL
WWW.ZEVCOHEN.COM
PROJECT NO. 11180
ISSUE DATE: 02/22/2018
DESIGNED BY: CE
DRAFTED BY: FI
CHECKED BY: RM
SCALE: 1" = 30'
SHEETS: 11/PH3/PH2/PH1

FILE LOCATION
SUBMITTAL DATE
SCALE: 1" = 35'
SHEET PH3 OF 4

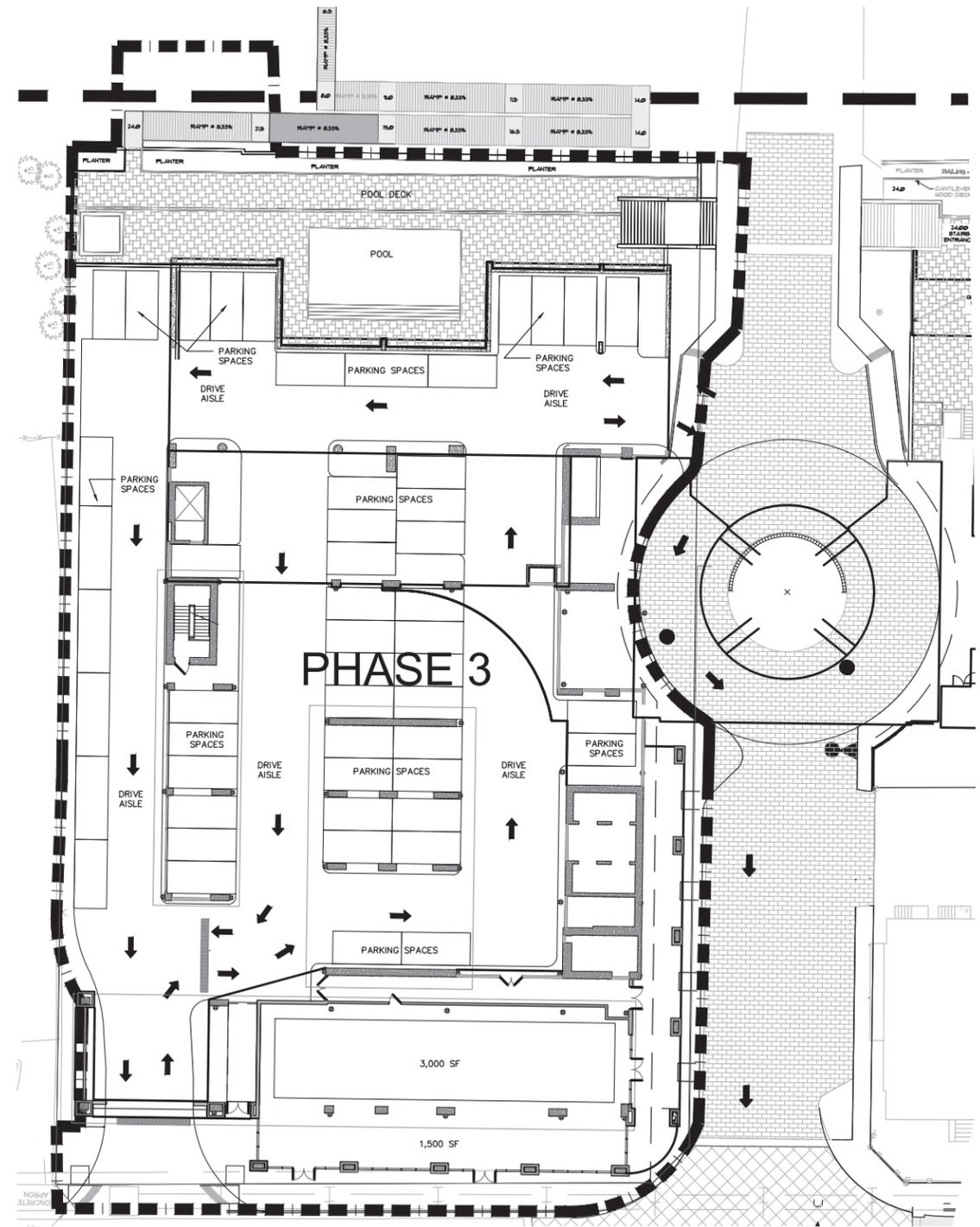


PHASE 2

SITE GRADING, HOTEL CONSTRUCTION,
UTILITY IMPROVEMENTS, OAK RIDGE
ROADWAY IMPROVEMENTS.



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SCALE: 1" = 40'



PHASE 3 STREET LEVEL

RETAIL, PARKING & AMENITY DECK
CONSTRUCTION.



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SCALE: 1" = 40'

ATTACHMENT B

CITY PROJECT ID
DEV2018-010



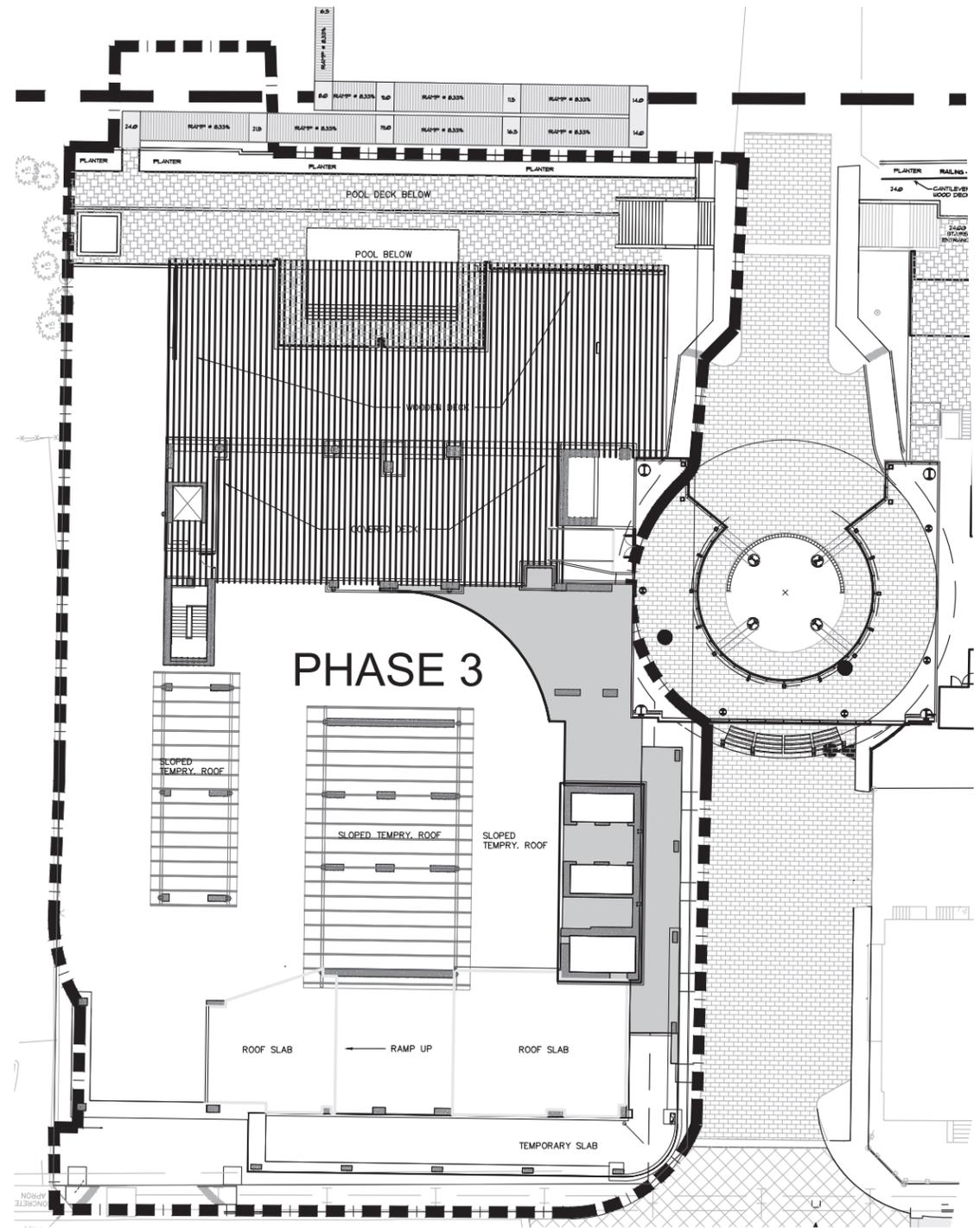
ORMOND BEACH
300 INTERCHANGE BLVD., ORMOND BEACH, FL 32174
(386) 677-2482 FAX (386) 677-2605
ST. AUGUSTINE
4475 U.S. 1 S. STE #601 ST. AUGUSTINE, FL 32089
(804) 797-1610 FAX (804) 797-4109
AMELIA ISLAND
914 PALM AVE., STE 207 FERNANDA BEACH, FL 32034
(804) 491-0436 FAX (804) 491-1418

NO.	DATE	DESCRIPTION
1	02/20/18	ISSUE FOR PERMIT (SEE SHEET CIVIL/PH/PH/2 & PH/3)
2	02/20/18	ISSUE FOR PERMIT (SEE SHEET CIVIL/PH/PH/2 & PH/3)
3	02/20/18	ISSUE FOR PERMIT (SEE SHEET CIVIL/PH/PH/2 & PH/3)

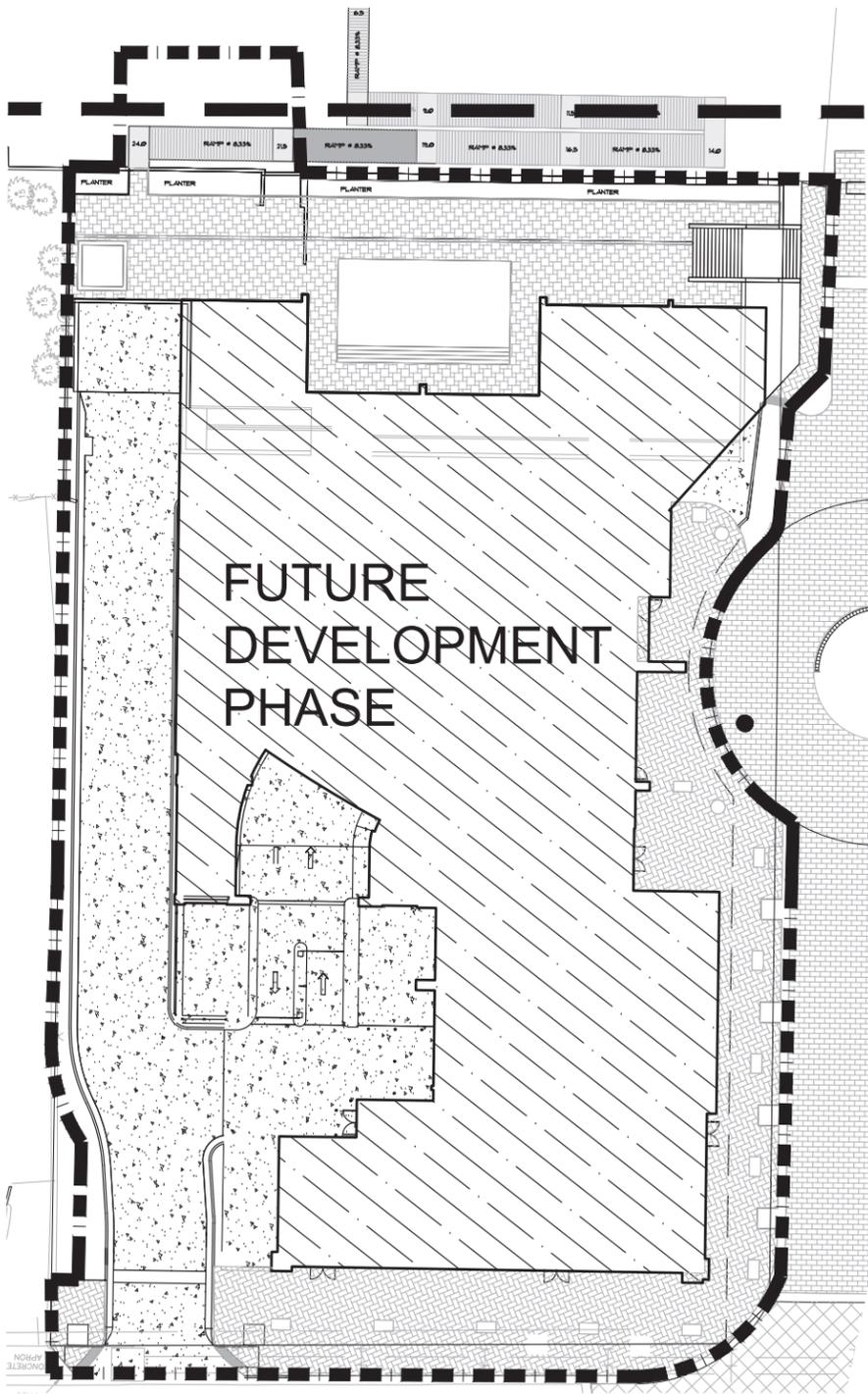
DAYTONA CONVENTION HOTEL
FINAL ENGINEERING PLANS
PHASING PLAN
CITY OF DAYTONA BEACH
VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC.
CIVIL ENGINEERS • LANDSCAPE ARCHITECTS
PLANNERS • TRANSPORTATION • ENVIRONMENTAL
WWW.ZEVCOHEN.COM
PROJECT NO: 11180
ISSUE DATE: 02/20/18
DESIGNED BY: CE
DRAFTED BY: FI
CHECKED BY: PM
DATE: 02/20/18
XREFS: 11180BASE

FILE LOCATION
SUBMITTAL DATE
SCALE: 1" = 35'
SHEET PH4 OF 4



PHASE 3 ROOF LEVEL
RETAIL, PARKING & AMENITY DECK
BUILDING CONSTRUCTION



FUTURE DEVELOPMENT PHASE
CONDOMINIUM AND RETAIL BUILDING
CONSTRUCTION.

ATTACHMENT C



Oakridge Blvd



N Atlantic ave

STREET VIEW



ATTACHMENT C

EXTERIOR VIEW

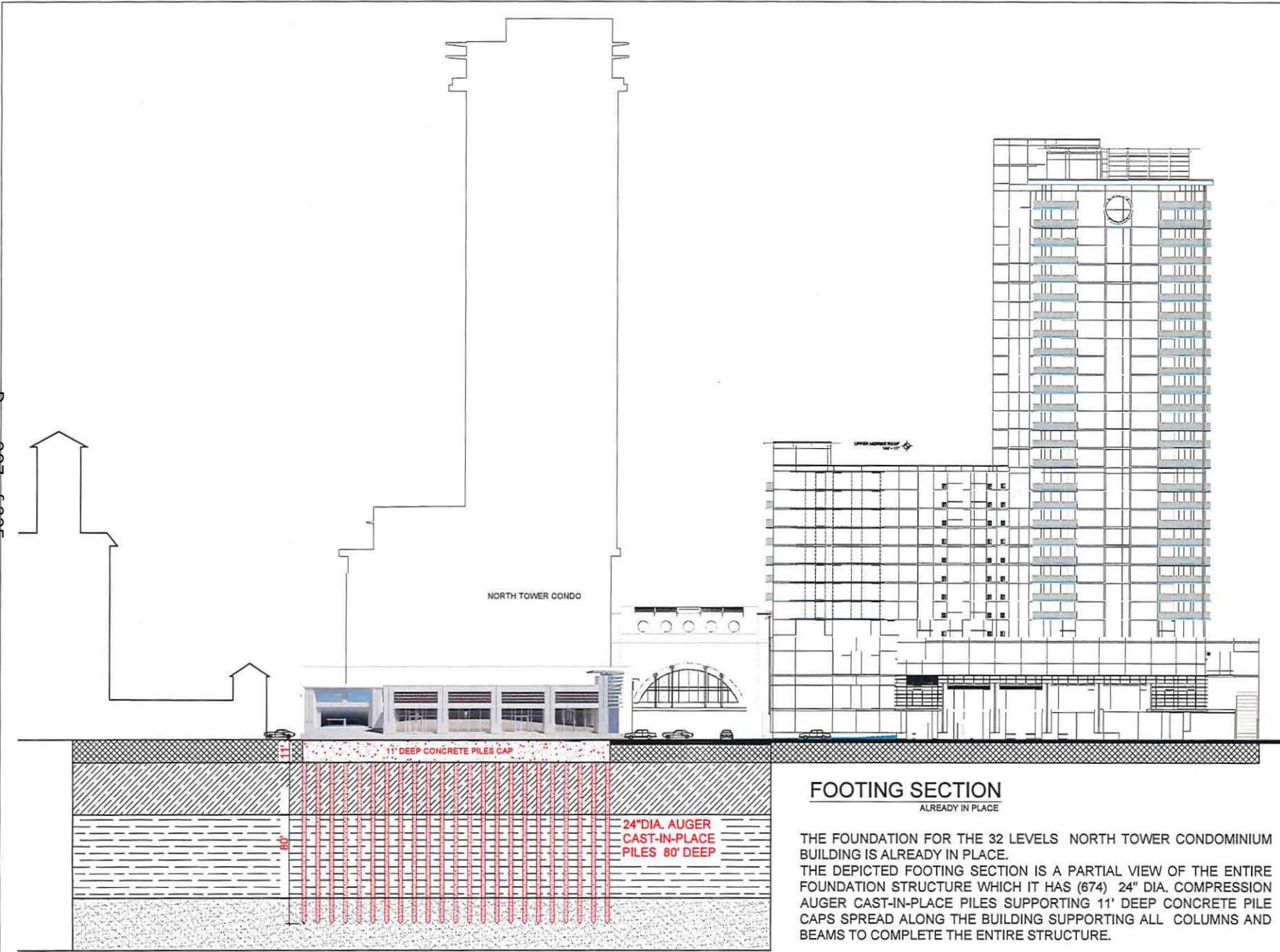


ATTACHMENT C



500 NORTH ATLANTIC AVE
CONDOMINIUM
Daytona Beach - Florida

Page 287 of 335



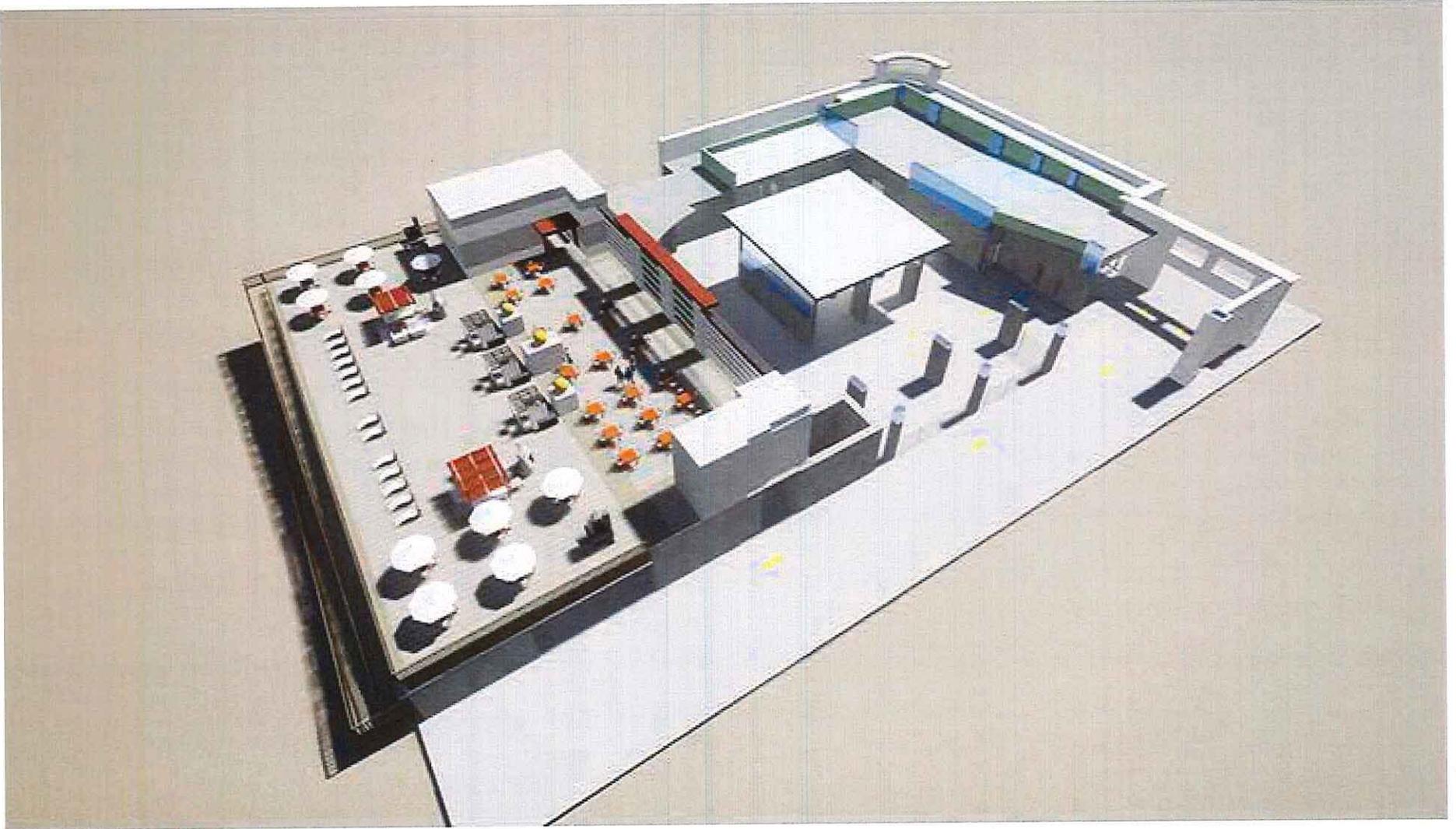
FOOTING SECTION ALREADY IN PLACE

THE FOUNDATION FOR THE 32 LEVELS NORTH TOWER CONDOMINIUM BUILDING IS ALREADY IN PLACE. THE DEPICTED FOOTING SECTION IS A PARTIAL VIEW OF THE ENTIRE FOUNDATION STRUCTURE WHICH IT HAS (674) 24" DIA. COMPRESSION AUGER CAST-IN-PLACE PILES SUPPORTING 11' DEEP CONCRETE PILE CAPS SPREAD ALONG THE BUILDING SUPPORTING ALL COLUMNS AND BEAMS TO COMPLETE THE ENTIRE STRUCTURE.

A-1
12-03-23
Conceptual Design

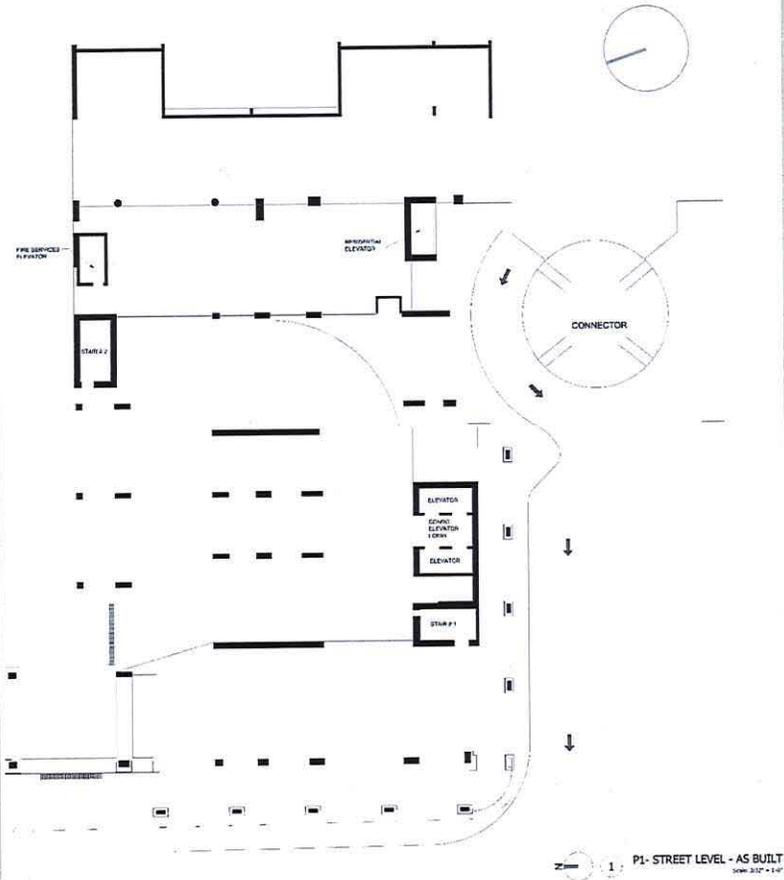
Agenda Item #4.H.

ATTACHMENT C



ATTACHMENT C

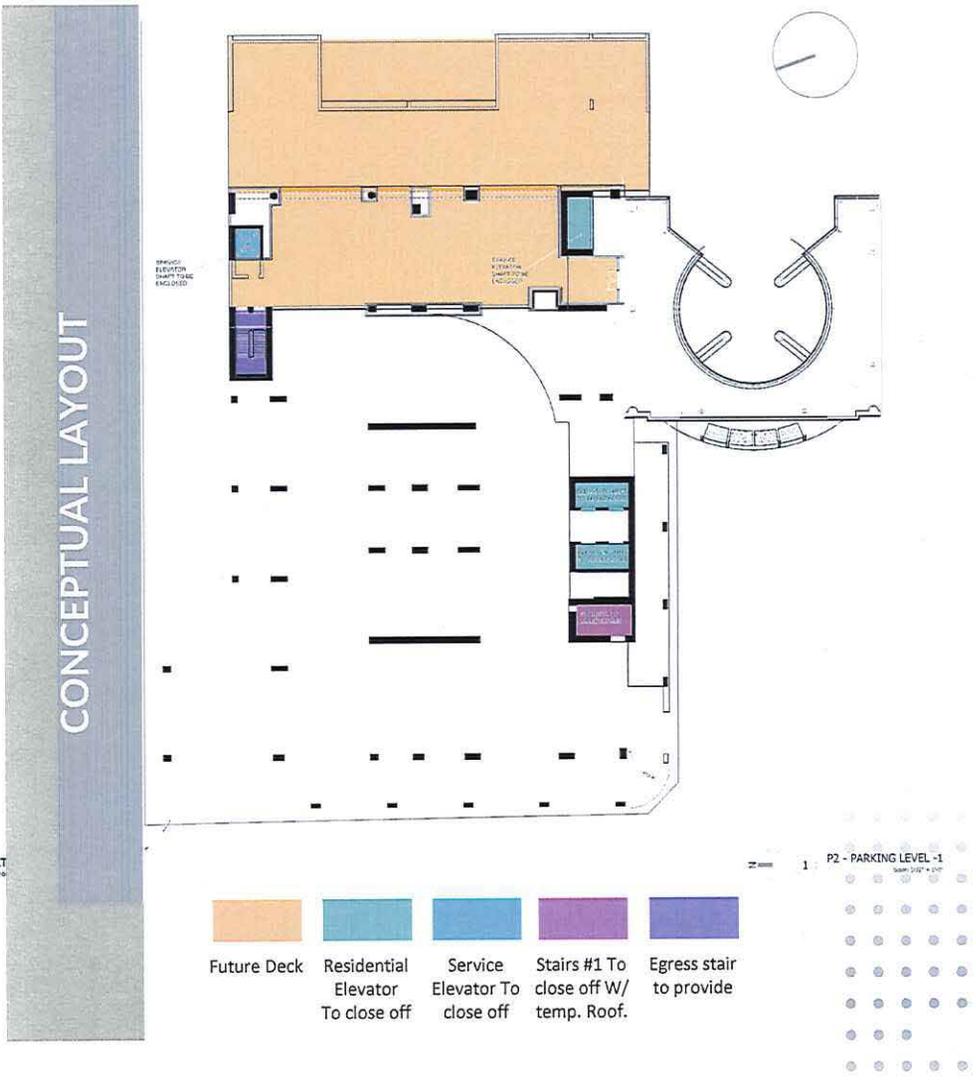
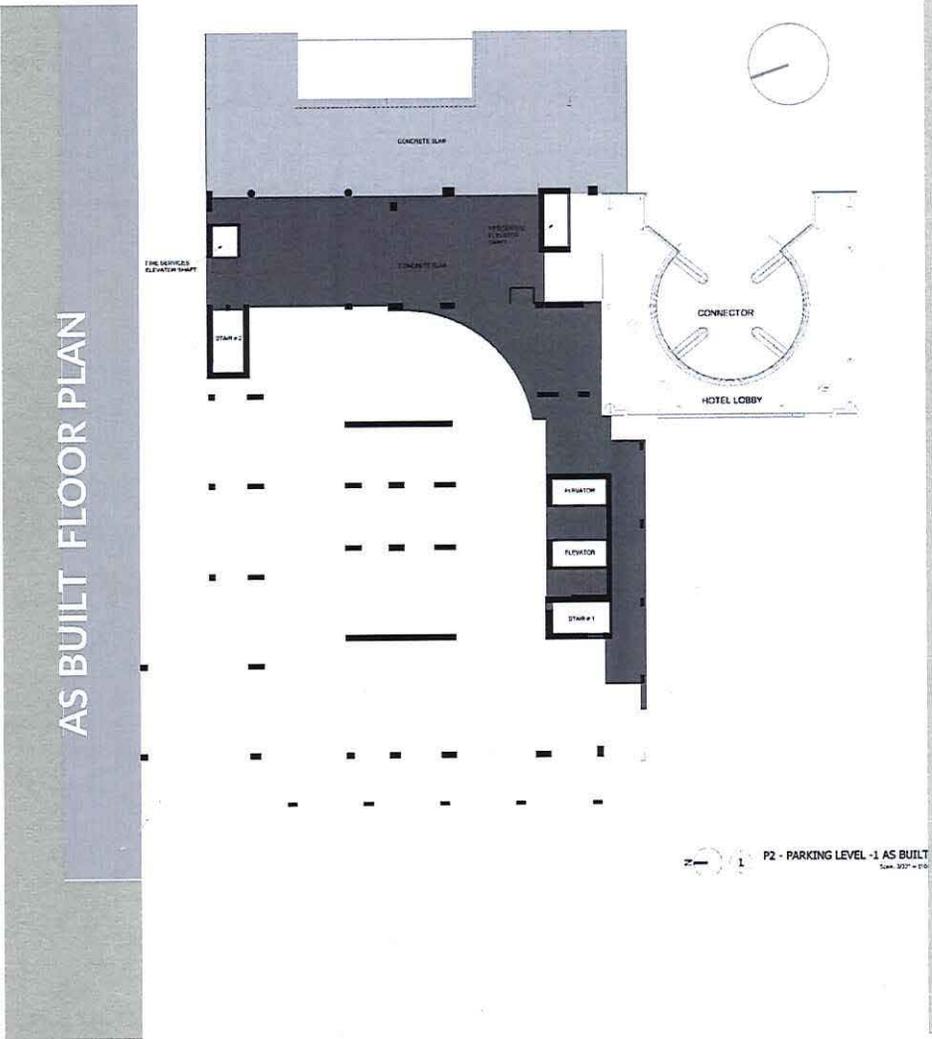
AS BUILT FLOOR PLAN



CONCEPTUAL LAYOUT



ATTACHMENT C



ATTACHMENT C

PROPOSED FUTURE DECK WOODEN





Daytona Beach • DeLand

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

Memorandum

To: Dennis Mrozek, Planning Director, City of Daytona Beach
From: Jessica Gow, Esq.
Date: April 9, 2024
Client/Matter #: Fourth Amendment to Daytona Beach Convention Hotel & Condominiums
Planned District Agreement - DEV2024-170
Subject: Neighborhood Meeting Summary –April 8, 2024

A neighborhood meeting was held in the meeting room of the Daytona Grande Oceanfront Hotel, located at 422 N. Atlantic Ave., Daytona Beach, FL 32118 on April 8, 2024 at 6:00 p.m.

Robert Merrell, Jessica Gow, Alexey Lysich (property owner), and Adelson Ramos (architect) were in attendance to explain the request. A small number of interested citizen attended the meeting. See the attached sign-in sheet.

Mr. Merrell gave an overview of the Amendment request and handed out the concept plans associated with the requested revisions to allow for an initial phase of development on the northern portion of the site – a copy of the presentation materials provided to residents is included in this summary.

Residents in attendance voiced general support for the request, with the adjacent owner noting that progress was great to see, and that they were still supportive of the full buildout and tax base associated with construction of the northern tower. An adjacent owner requested information on the scope of events contemplated for the sub-phase area, and the project team noted that this space was intended for use by hotel guests for hosting events, similar to the conference space within the hotel tower. A resident asked that when those events move forward, a review is completed in terms of noise levels and potential sound dampening of rooftop audio.

Residents asked for the projected timing for completion of the sub-phase, and it was explained that the amendment required permits to be applied for within 1 year, with construction being complete within 3 years for the initial phase, with the remainder of the tower being completed when supported by market conditions. Residents asked if the sub-phase would need to be demolished to allow the tower construction – Mr. Ramos explained that the sub-phase is designed to support

future expansion, and will comprise the base two floors of the northern tower when construction begins.

An adjacent owner requested information on access points for the sub-phase – it was noted that the main access is from A1A, and the concept includes a maintenance-type access on the eastern extent of the Oakridge Boulevard frontage. Residents requested consideration be given to construction traffic and vehicles so they do not block the Oakridge Boulevard approach – it was noted that this would be reviewed, and that we could potentially stage vehicles within the site or within the northern edge/accessway of the Property.

We 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 Recommending review boards and the City Commission at their next available meetings.

Thank you.

Attachment D

FOURTH AMENDMENT TO DAYTONA BEACH CONVENTION HOTEL &
CONDOMINIUMS PLANNED DISTRICT AGREEMENT

DEV2024-170

NEIGHBORHOOD MEETING

DAYTONA GRANDE OCEANFRONT HOTEL

422 N. ATLANTIC AVENUE, Daytona Beach, FL 32118

April 8, 2024

6:00 P.M.

SIGN IN SHEET

NAME

ADDRESS

PHONE OR EMAIL

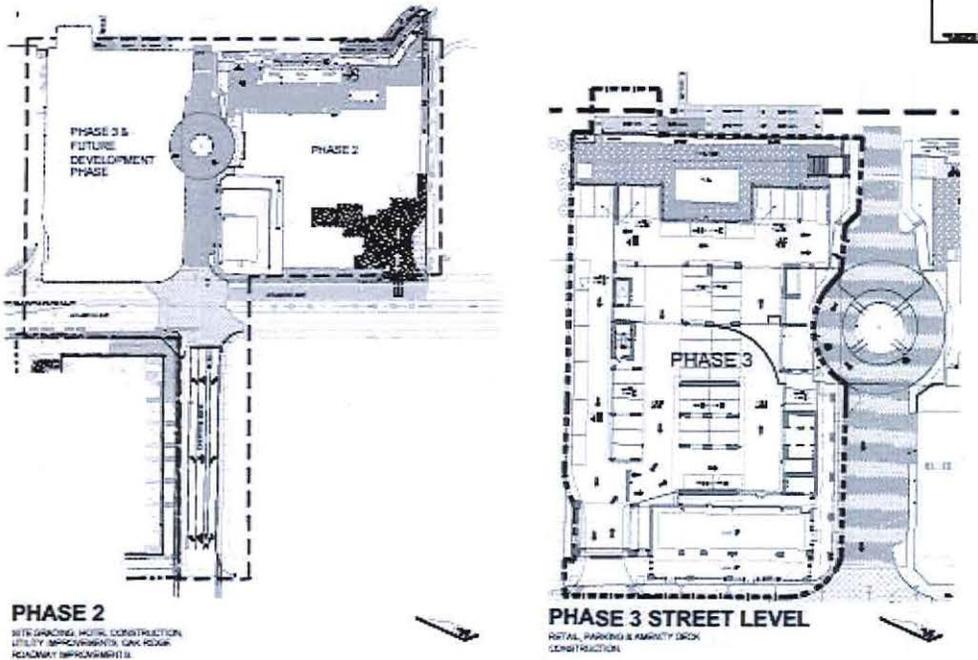
<i>Olga Garcia</i>	<i>DAB</i>	
<i>Archie Michelle</i>	<i>DAB</i>	<i>micheldo7@</i>
<i>Dodani</i>		<i>hotmail.com</i>
<i>Marian Marley</i>	<i>TOWA</i>	
<i>Paula Kumbie</i>	<i>DAB</i>	
<i>Abelson Ramon</i>	<i>ADTA INC</i>	
<i>Jessica Gow</i>		
<i>Robert + Merrell</i>		
<i>Alexey Lysison</i>		
<i>Sharif Gundi</i>		



**FOURTH AMENDMENT
TO DAYTONA BEACH
CONVENTION HOTEL
AND CONDOMINIUMS
PLANNED
COMMERCIAL
DISTRICT –**

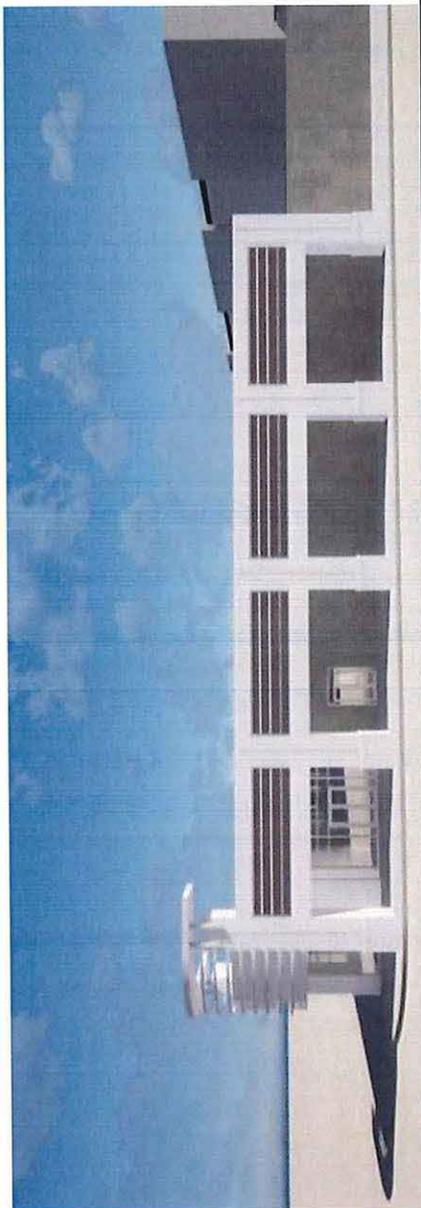
DEV2024-170

AMENDMENT SCOPE



- Allows for an initial phase of building to allow for construction of a finished building within the site without full construction of additional tower;
- Allows flexibility in terms of composition of additional tower when constructed (to allow residential condominiums and hotel rooms opportunities.)

Attachment D



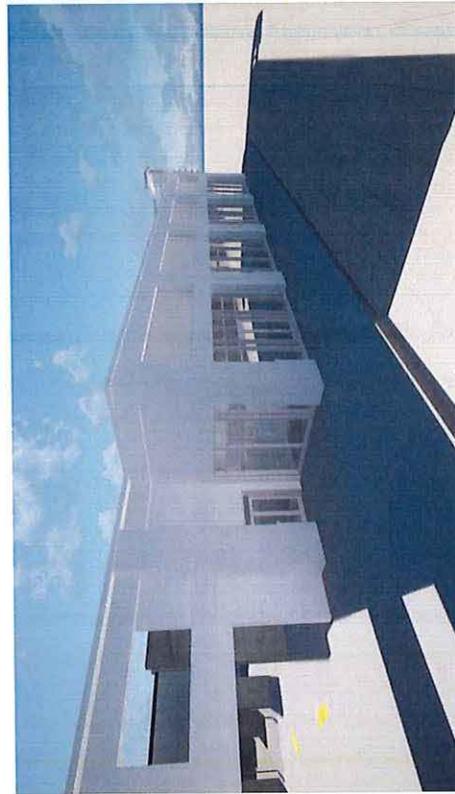
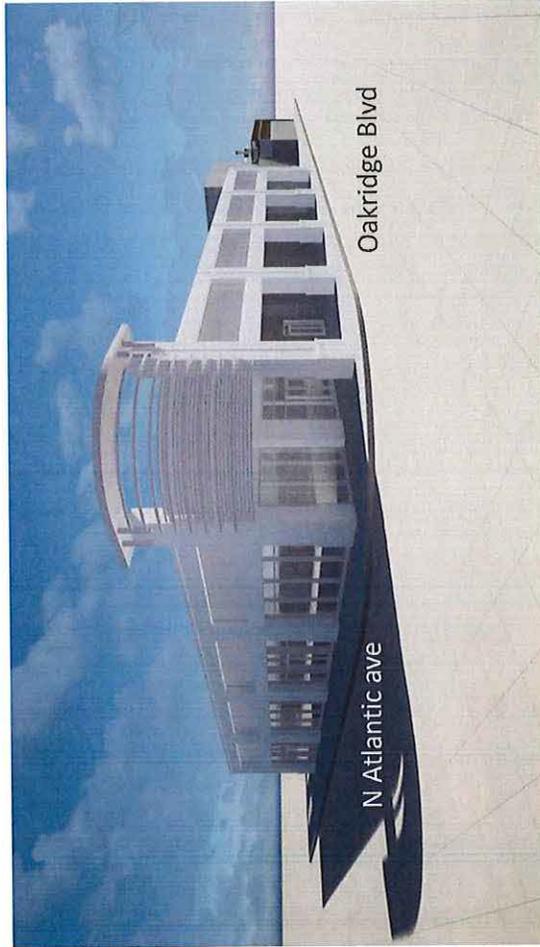
Oakridge Blvd



N Atlantic ave

STREET VIEW

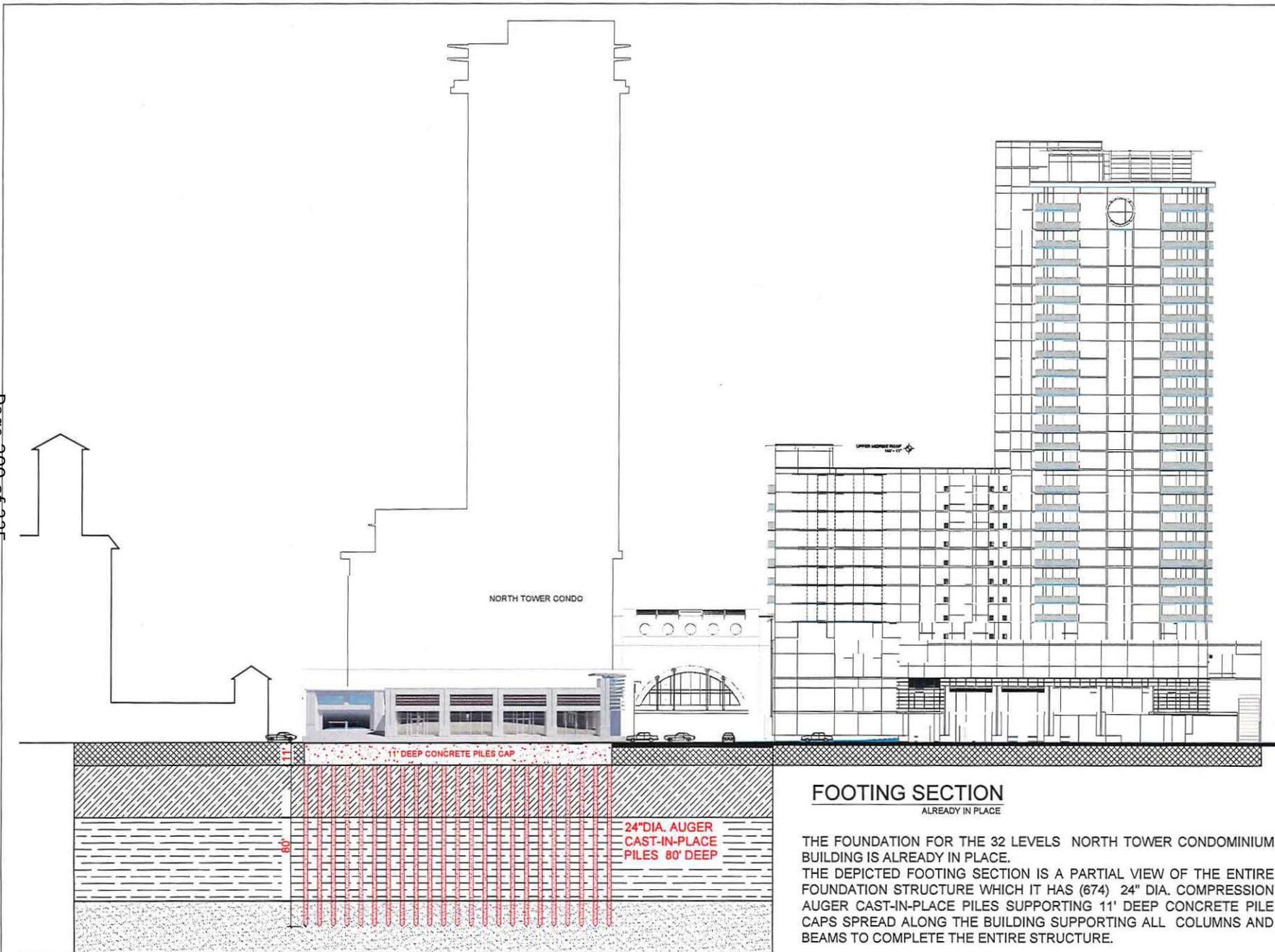
Attachment D



EXTERIOR VIEW

Attachment D

Page 299 of 335



THE FOUNDATION FOR THE 32 LEVELS NORTH TOWER CONDOMINIUM BUILDING IS ALREADY IN PLACE. THE DEPICTED FOOTING SECTION IS A PARTIAL VIEW OF THE ENTIRE FOUNDATION STRUCTURE WHICH IT HAS (674) 24" DIA. COMPRESSION AUGER CAST-IN-PLACE PILES SUPPORTING 11' DEEP CONCRETE PILE CAPS SPREAD ALONG THE BUILDING SUPPORTING ALL COLUMNS AND BEAMS TO COMPLETE THE ENTIRE STRUCTURE.



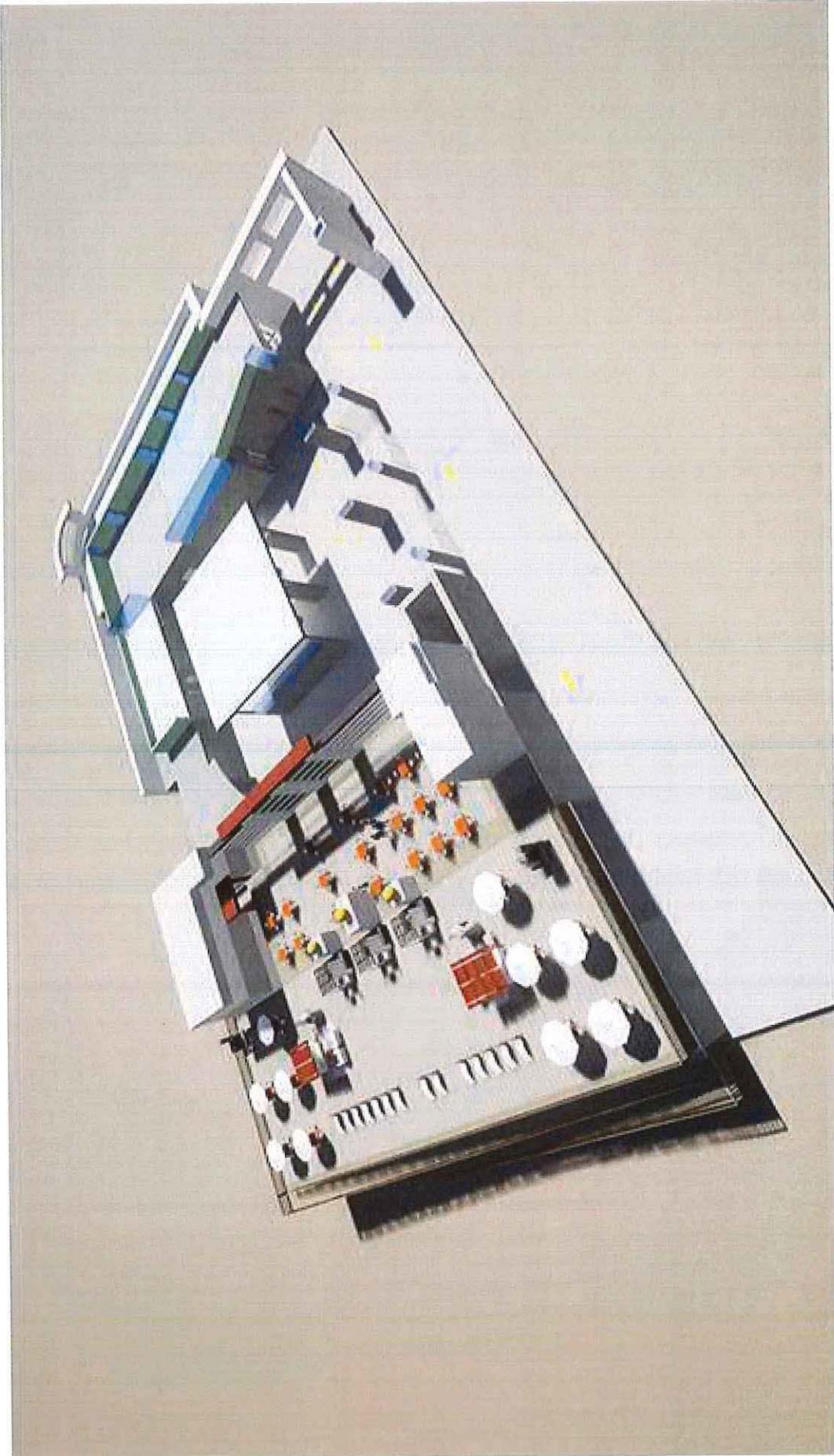
ARCHITECTURAL DESIGN
+ ASSOCIATES INC.
AA26001959

500 NORTH ATLANTIC AVE
CONDOMINIUM
Daytona Beach - Florida

A-1

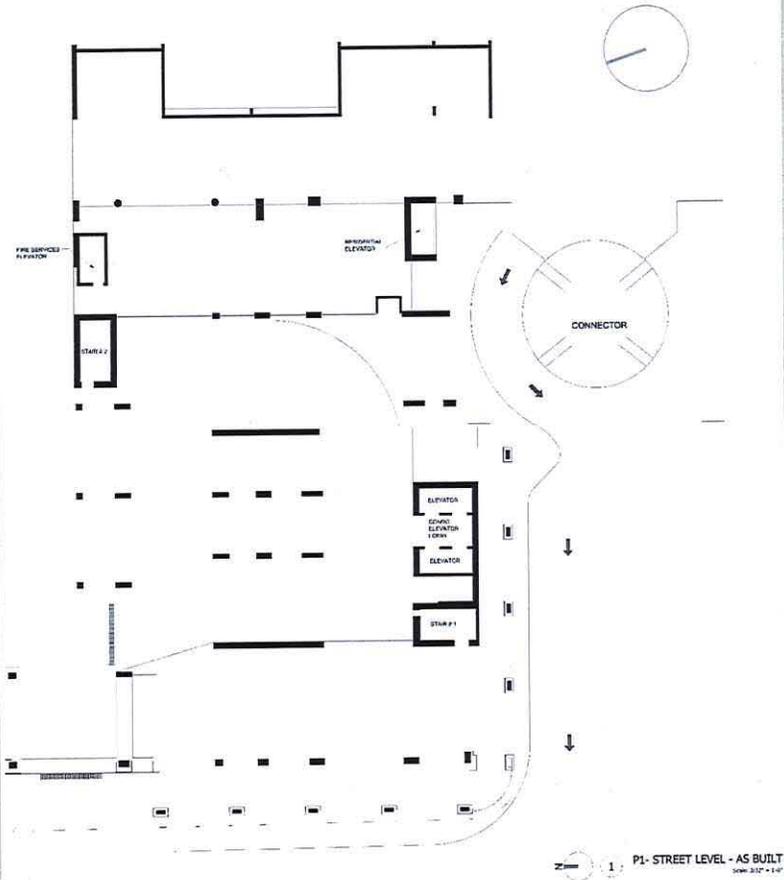
12-03-23
Conceptual Design

Agenda Item #4.H.



Attachment D

AS BUILT FLOOR PLAN

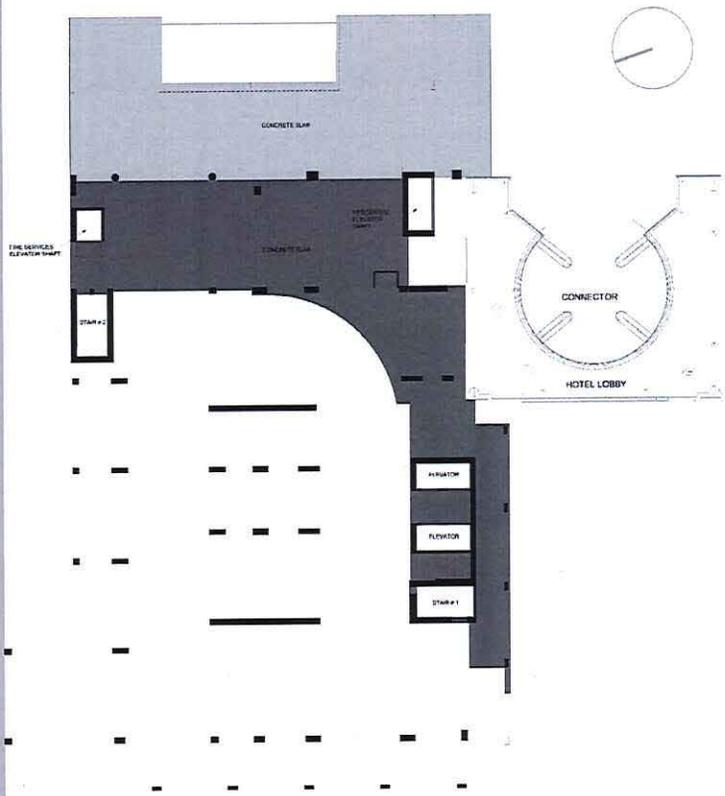


CONCEPTUAL LAYOUT



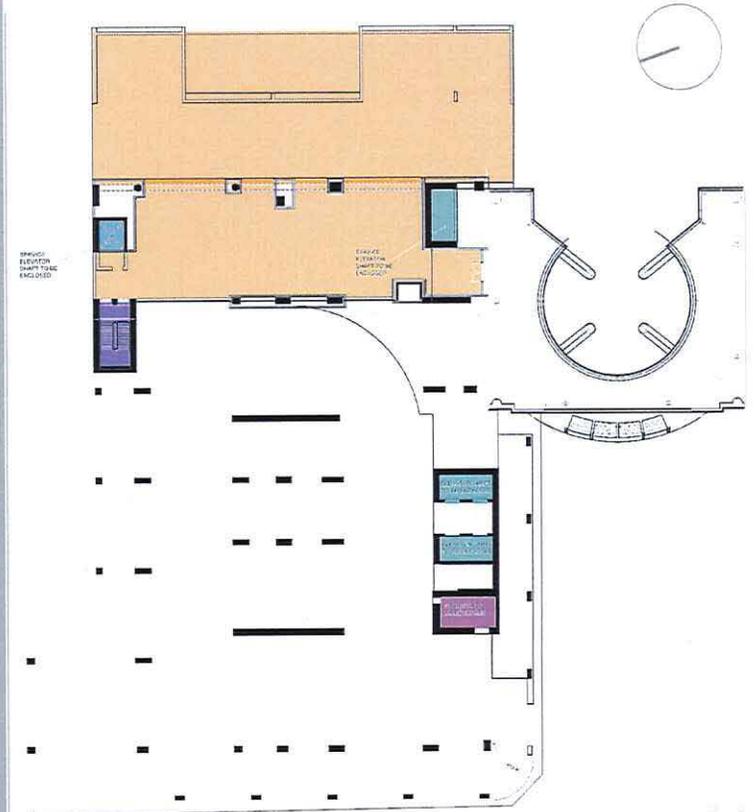
Attachment D

AS BUILT FLOOR PLAN



P2 - PARKING LEVEL -1 AS BUILT
Scale: 3/32" = 1'-0"

CONCEPTUAL LAYOUT



- Future Deck
- Residential Elevator To close off
- Service Elevator To close off
- Stairs #1 To close off w/ temp. Roof.
- Egress stair to provide

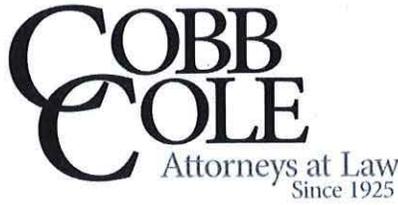
P2 - PARKING LEVEL -1
Scale: 3/32" = 1'-0"





PROPOSED FUTURE DECK WOODEN

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



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

Jessica L. Gow
Nika K. Hosseini
Sydney V. Cichon
Anthony E. Aguanno
Baylee D. Bunyard
Anne M. Kehrl
James P. Love III
Alanna V. Smith

OF COUNSEL
Larry D. Marsh
Ira Halfond

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

March 27, 2024

INVITATION TO NEIGHBORHOOD MEETING

Dear Neighbor:

The law firm of Cobb Cole has the pleasure of representing PDA Trading Inc., the owner of property located at 500 N. Atlantic Avenue in Daytona Beach, as shown on the attached map. The owner intends to amend the approved Planned District to allow for development of a sub-phase within Phase 3 of the development comprised of potential retail, parking, and event space; identifying timing of such improvements; and allowing for the replacement of associated exhibits.

As neighbors to the proposed development, we would like to invite you to discuss the project on **Monday, April 8, 2024, at 6:00 p.m.** at the Daytona Grande Oceanfront Hotel, located at 422 N. Atlantic Ave., Daytona Beach, FL 32118.

You may provide written comments or questions regarding this request by email to Tequila.nelson@CobbCole.com or by letter to Tequila Nelson, Cobb Cole, 149 S. Ridgewood Avenue, Suite 700, Daytona Beach, FL 32114. Please include your name, address, and contact information in your correspondence. A copy of any correspondence received prior to the meeting will be included in the summary of the meeting provided to the City of Daytona Beach.

We look forward to seeing you at this meeting if you are interested in discussing this amendment to the existing project.

Sincerely,

**Jessica Gow for
Robert Merrell**

Direct Dial (386) 323-9223
Email rob.merrell@CobbCole.com
Fax (386) 323-9207

JLG/tmn

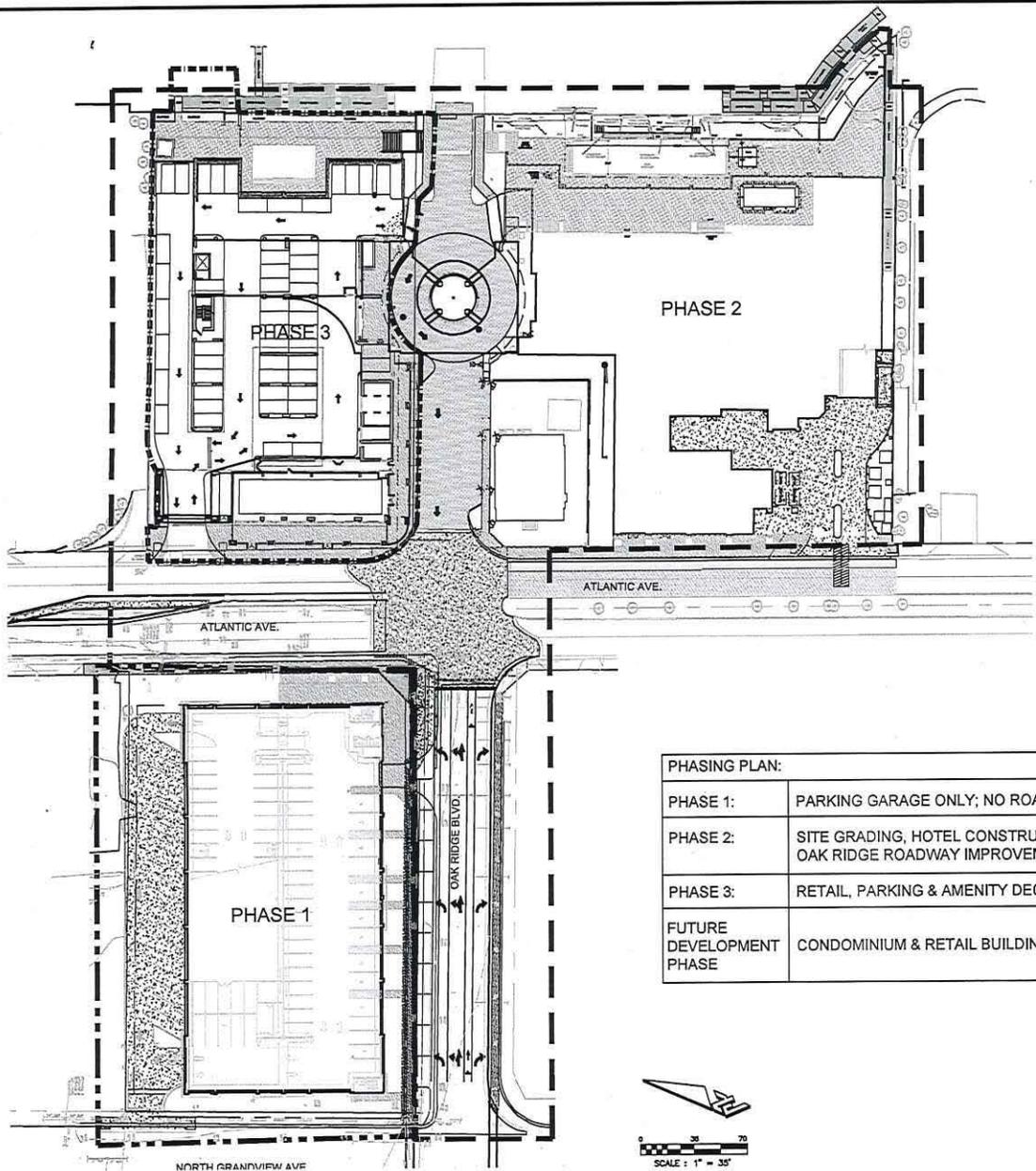
Attachment D

500 N. Atlantic Ave.



Attachment D

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PHASING PLAN:	
PHASE 1:	PARKING GARAGE ONLY; NO ROAD IMPROVEMENTS
PHASE 2:	SITE GRADING, HOTEL CONSTRUCTION, UTILITY IMPROVEMENTS; OAK RIDGE ROADWAY IMPROVEMENTS
PHASE 3:	RETAIL, PARKING & AMENITY DECK BUILDING CONSTRUCTION
FUTURE DEVELOPMENT PHASE	CONDOMINIUM & RETAIL BUILDING CONSTRUCTION

PHASING INDEX:
 PH1 OVERVIEW
 PH2 PHASE 1
 PH3 PHASE 2&3
 PH4 PHASE 3 & FUTURE DEVELOPMENT PHASE

CITY PROJECT ID
 DEV2019-010



30000 BEACH
 SUITE 100
 WEST PALM BEACH, FL 33411
 (561) 833-1111
 FAX (561) 833-1112

NO.	DATE	DESCRIPTION

DAYTONA CONVENTION HOTEL
 FINAL ENGINEERING PLANS
 PHASING PLAN
 CITY OF DAYTONA REGION
 YOUNG COUNTY, FLORIDA

ZEV COHEN
 CIVIL ENGINEERS & ARCHITECTS
 PLANNING & TRANSPORTATION ENVIRONMENTAL
 ENGINEERING ARCHITECTURE
 30000 BEACH SUITE 100
 WEST PALM BEACH, FL 33411
 (561) 833-1111
 FAX (561) 833-1112
 www.zevcohen.com

FILE LOCATION
 SUBMITTAL DATE
 RANDY AL. HUDAK, P.E., NO. 65563
 401 N. UNIVERSITY AVENUE, SUITE 100
 DAYTONA, FL 32117
 SCALE: 1" = 35'
 SHEET PH1 of 4

Agenda Item #4.H.

Attachment D

NEIGHBORHOOD MEETING NOTICE

A NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON
4/8/24 AT 6:00pm TO INTRODUCE THE
FOLLOWING APPLICATION FOR THIS PROPERTY:

DD Amendment

THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION:

Darjona Grande; 423 N Atlantic Ave; DE, Pa

INTERESTED PARTIES CAN CONTACT Caleb Cole
AT 386/323-9264 FOR FURTHER INFORMATION.

NEIGHBORHOOD MEETING NOTICE

A NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON
4/8/24 AT 6:00 PM TO INTRODUCE THE
FOLLOWING APPLICATION FOR THIS PROPERTY:

PD Amendment

THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION:

Drystone Grande, 422 N Atlantic Ave, DB/Fz

INTERESTED PARTIES CAN CONTACT Cobb Cole
AT 386/323-9264 FOR FURTHER INFORMATION.

**BEACHSIDE REDEVELOPMENT BOARD
MINUTES
Wednesday, July 10th, 2024,**

The regular meeting of the Beachside Redevelopment Board was held Wednesday July 10th, 2024, at 6:00 p.m. in the City Commission Chambers, Daytona Beach City Hall, 301 S. Ridgewood Avenue, Daytona Beach, Florida. The following people we present:

Board Members Present

Mr. Gary Libby, Vice Chair
Mrs. Amy Pyle
Mr. William Bittorf
Mr. Vernon Weatherholtz (Ex- Officio)

Board Members Absent

Mr. Robert Ellis, Chair
Mr. Gary Koliopoulos
Mrs. Helen Humphreys (Excused)
Mr. Raymond Masone

Staff Members Present

Mr. Ken Thomas, Redevelopment Director
Mr. Ben Gross, City Attorney
Ms. Michele Toliver, Redevelopment Project Manager
Mrs. Mandana Carry, Office Specialist III

1. **Call to Order**

Mr. Libby called the meeting to order at 6:11 p.m.

2. **Roll Call**

Mrs. Carry called roll and noted members as present above.

3. **Pledge of Allegiance**

The Pledge of allegiance was stated by the board.

4. **Approval of Minutes**

No quorum was present to approve the minutes from the June 12th, 2024, meeting. Mr. Libby stated that while he supports sanitizing the minutes, the last meeting covered serious issues related to the LDC, such as what actions were permissible and whether the redevelopment agency staff

could represent an applicant. He noted that many critical points were missing from the minutes. He urged the board to review the minutes carefully when there is a chance to approve them and consider referencing the video recording of the meeting. Mr. Libby asked Mr. Gross if the approved minutes would supersede the video record of the meeting.

Mr. Gross clarified that the minutes are what is required to comply with the sunshine law, and there's no specific detail level mandated. Even a brief summary would suffice, serving a different purpose than the video recording.

Mr. Libby suggested the board should consider referencing the video recording in the records for those interested in the full discussion, given the important statements made. He emphasized the need for the board to have a thorough understanding of the LDC for critical City matters.

Mr. Libby asked Mr. Gross about the new ordinance passed by the commission regarding how a case moves up the chain. Mr. Gross read Ordinance 2024-189, adopted on May 15th, which states that if a development permit normally reviewed by a redevelopment board cannot be heard due to a lack of quorum, it can proceed to the next step in the process.

Mrs. Pyle acknowledged Mr. Libby's concerns, noting that their discussions are important and should be accessible. She believes people generally visit the website for minutes, where they can also access video recordings. Mrs. Pyle is satisfied with the current minutes, understanding they are not verbatim, and feels a full transcript is unnecessary.

Mr. Libby noted that without attending city commission meetings, they are not updated on matters affecting the board. He highlighted the need for workshops on the land development code and updates on new laws impacting advisory board members. Mr. Gross agreed to look into this.

Mr. Libby clarified that his previous motion to table the discussion on the amendment to the Russian hotel was meant to prevent it from moving forward. He felt they lacked sufficient information without the applicant present, and he believes this was not accurately reflected in the minutes.

5. **Staff Reports**

None.

6. **Rezoning- Planned Development (Quasi-Judicial Hearing)**

6.1 Fourth Amendment Daytona Beach Convention Hotel & Condominiums (DEV2024-170)

Ms. Toliver presented a request from Robert A. Merrell III, Esq., of Cobb Cole, on behalf of PDA Trading, Inc., for approval of the fourth amendment to the Daytona Beach Convention Hotel & Condominiums Planned District agreement. This amendment allows for the development of a sub-phase within phase 3, including potential retail, parking, and event space, specifies the timing of these improvements, and permits the replacement of associated exhibits.

The property is located at the northeast corner of Oakridge Boulevard and N. Atlantic Avenue. Although outside the redevelopment area, the LDC requires that any development along an arterial road with at

least one side in the redevelopment area must comply with redevelopment standards. Part of this development is within the Main Street CRA.

The applicant seeks to amend the PD agreement to include additional hotel uses. If a hotel is developed on the property using a condominium form of ownership—where individual units have full kitchens, are owned separately, but are managed collectively as a tourist accommodation—it will be regulated as a hotel or motel. Phase 3 will include street-level retail, parking, and an amenity deck managed in partnership with an adjacent company. The northern tower in future development phases may predominantly house condominiums or hotel units. All Phase 3 improvements must be designed, permitted, and under construction within 12 months of the fourth amendment's effective date and substantially completed within three years. If the residential condos convert to a hotel, the minimum parking standards must still be met.

Mr. Bittorf expressed strong support for the beach development and thanked the investors in Daytona Beach. He appreciated the focus on stormwater management and expressed his excitement.

Mrs. Pyle expressed her happiness to see this item before the board and wants it approved as soon as possible. She is excited about the 12-month and 3-year completion timeline, believing it will rejuvenate the area even if it's a temporary fix before something larger is built. She sees it as a good interim solution and is fully in favor of the project.

Mr. Libby thanked the applicant and staff for the presentation, noting that it was much more complete than the draft at the last meeting. He found the current proposal to be well-organized and wanted it to note that all advisory board members had positive comments about the project.

Mr. Jim Morris stated that this project is a positive step, especially for the Seabreeze neighborhood. He emphasized the importance of having a finished appearance on the street and mentioned that the design is intended to integrate into larger construction, rather than being a temporary structure. The goal is to provide a visually appealing buffer.

Mr. Libby asked Mr. Morris about the city's notification process for applicants before an advisory board meeting, citing a recent issue where the applicant was not informed in advance. Mr. Morris acknowledged the error, likening it to a car unexpectedly failing to start. He apologized for the mistake and assured that such lapses in the process are rare but can occur. He emphasized that the staff strives to keep both the board and applicants well-informed to ensure fair hearings. While he refrained from commenting on the clerk's responsibilities, he assured that every effort would be made to prevent similar issues in the future.

Mr. Dennis Mrozek, the Planning Board Director, mentioned that this item will go to the Planning Board later this month. Although the board is not voting, he assured them that their comments would be forwarded to the Planning Board as part of the record.

Mr. Bittorf commented that a new building would attract more developers and investors to the city, emphasizing the need for such developments.

Mr. Merrell mentioned that he and the applicant met with Tracey Remark, who offered valuable suggestions. As a result, they adjusted the agreement's wording, replacing "substantially" with "complete," and clarified that activities on the amenity deck would be managed and contracted with the management company to prevent unregulated use.

Tracey Remark, 815 N. Oleander Ave, recalled her time on the Planning Board when this project was first presented. She praised its positive impact on the Seabreeze area, noting it exceeded the city's new design standards. She expressed confidence that future phases of the project would further enhance the area.

7. Board Discussion

7.1 BNW Resolution on Beachside Plants

Mrs. Pyle explained that the Beachside Neighborhood Watch had written a proposed resolution requesting the city shift from nonfunctional turf grass and high-maintenance plantings in medians and public areas to more beach-friendly native landscaping. Due to the lack of quorum, the board couldn't vote on the resolution. She emphasized the importance of discussing this further when the full board is present.

Mr. Bittorf added that adopting native landscaping would significantly impact the community, improving stormwater drainage and other environmental factors.

Mr. Libby asked if the Beachside Neighborhood Watch had researched similar ordinances in other coastal communities. Mrs. Pyle agreed to reach out to the group for information on the scientific basis and provide it at the next meeting.

Mr. Weatherholtz, also a board member of the Beachside Neighborhood Watch, mentioned that they had discussed this issue multiple times over the year, with Ms. Nazak providing substantial information. He agreed that the matter deserves a full discussion when the entire board is present.

Mr. Libby inquired if the Beachside Neighborhood Watch had consulted an attorney specializing in this type of law. Mr. Weatherholtz confirmed they had not. Mr. Libby strongly suggested getting a legal opinion to understand the current state of such initiatives in Florida, as they often involve balancing conflicting interests. Mrs. Pyle added that the president of the Beachside Neighborhood Watch would attend the next Beachside Redevelopment Board meeting.

Tracey Remark, residing at 815 N Oleander Avenue, mentioned that she recently learned about an ordinance stating the redevelopment board isn't required to recommend or approve a quasi-judicial matter if there isn't a quorum present. Her remarks were based on last month's meeting where there was a quorum, but the applicant was absent. She supports the idea of the board holding a workshop on the land development code.

Ms. Remark emphasized that discussions about property rights and zoning fall under police power. In Florida, the only other instance where a 12-person jury is required, besides cases involving property, is for crimes punishable by capital punishment. She clarified that the planning board only makes recommendations, and according to the land development code, the elected commissioners are the decision-makers.

Additionally, Ms. Remark noted that the beachside redevelopment board has final authority over major or minor site plan changes within the redevelopment area. However, decisions outside this area are made by the elected officials of the city.

Mr. Weatherholtz confirmed that the commission recently passed an ordinance confirming that advisory boards make recommendations, which are then reviewed by the planning board, with elected officials having the final say. This change is widely known. Ms. Remark addressed a previous question about text amendments, explaining that a Planned Development is a zoning district like any other. Changing what is permissible within a zoning district involves a text amendment. She believes that the Beachside Redevelopment Board would benefit from a workshop to better understand their role and the broader process.

Mr. Libby asked Ms. Remark if she believes adding footnotes to provide information from the paragraph in the land development code regarding questions that come before the board would be beneficial. Ms. Remark responded that she finds the reasoning often included in staff reports, as seen last month, and supports this approach. She emphasized that understanding the broader context of how everything operates would be helpful.

8. Public Comments

Anita Pologa discussed a recruitment campaign aimed at encouraging citizens in the area to fill current vacancies on the boards. She mentioned there are approximately 15 vacancies across 14 boards, with 15 more members whose terms have either expired or are nearing expiration. Ms. Pologa plans to conduct walk-and-talk sessions in multiple business districts to spread awareness, engage with business owners, and seek potential candidates. She invited the board to contact her with any qualified candidates they may know who could apply for these positions.

Mr. Libby inquired whether the clerk's office has reviewed the eligibility requirements for some of the boards. He noted that owning a building in the redevelopment area doesn't automatically qualify someone to serve on the board, whereas someone who works in the redevelopment area and lives in Holy Hill is eligible due to their work status, which he finds perplexing. Mr. Libby suggested that there may be many overlooked potential candidates. He mentioned previous instances where the board brought forward candidates who were deemed ineligible for various unusual reasons.

Mr. Gross clarified that eligibility requirements are set by the commission and suggested that any changes would be up to them.

Ms. Pologa agreed to bring these concerns to the city clerk and to discuss them with the board soon.

9. Board Comments

Mrs. Pyle inquired about the progress of the Corbin Building at 777 Main Street. Mr. Thomas reported that they are still engaged with the responsible company and committed to the project.

Mrs. Pyle then mentioned the opening of 35 Bistro, a new French restaurant on Main Street, scheduled for tomorrow, and encouraged everyone to visit. She also addressed concerns about the Miracle Center

Church building located at 507 5th Avenue in Surfside Village. The building was recently purchased and is facing code enforcement issues due to its dilapidated state.

Mrs. Pyle also expressed concern about the interior condition of the building, noting issues such as a deteriorated ceiling and standing water in tubs, which may not have been previously known to code enforcement.

Mr. Gross responded that they would communicate with the code enforcement department to potentially arrange an administrative inspection if there are concerns about the building posing a public nuisance.

Mrs. Pyle expressed that she has spoken with several people who believe the Miracle Center Church building is not structurally salvageable. She is particularly concerned because she heard from the owner that they plan to convert it into a facility for homeless and lower-income services, which is not consistent with its previous use as a church. Mrs. Pyle anticipates hearing more from neighbors as this situation progresses and is awaiting confirmation on certain details via email, with plans to provide updates next month.

She noted that this matter will come before the magistrate again in September to assess progress on exterior improvements, but she is concerned because there has been no mention of any work being done inside the building, despite her own observations of its condition. Mr. Gross acknowledged potential safety concerns regarding the building, particularly if there are unseen issues inside. He noted that accessing the interior could pose challenges but believed they were not insurmountable.

Mrs. Pyle presented pictures of several houses in Surfside Village because residents have raised concerns about properties with "for rent" signs that appear dilapidated and unsuitable for renting. She intends to bring this issue before the board for an update.

Mrs. Pyle mentioned that one of these houses already has a tenant, none have rental licenses, and all are currently listed for sale. She emphasized that these properties are a significant blight on the area and wants clarification on why "for rent" signs are allowed in yards if the houses are not rentable.

Mrs. Pyle also expressed concern about the tenant living in a substandard building without proper inspection or a rental license. She suggested that if other board members share her concerns, they should invite someone from code enforcement to the next meeting to discuss this matter. Mr. Gross responded that Denzel Sykes would provide information related to three out of the four properties discussed. Mr. Libby inquired about whether a police report had been requested. Mr. Thomas responded that they had requested both a code report and a police report.

10. Adjournment

The meeting was adjourned at 7:19 p.m.

Mr. Robert Ellis, Chair

Ms. Chernelia Campbell, Board Secretary

Agenda Item 4I (Legislative Hearing)

Land Development Code Text Amendment

DEV2024-264

**Affordable Housing Fee Waivers or Reimbursement
Supplement to April 25, 2024, Planning Board Item**

STAFF REPORT

DATE: July 19, 2024

TO: Planning Board Members

FROM: Dennis Mrozek, AICP, Planning Director

AMENDMENT REQUEST

A request by the Growth Management and Planning Department to amend Article 6 (Development Standards), Section 6.22 (Affordable Housing), of the Land Development Code, to include provisions to determine eligibility for the waiver or reimbursement of development and impact fees for affordable housing projects.

AMENDMENT DESCRIPTION

Staff presented an agenda item to the Planning Board at the April 25, 2024, Planning Board meeting that proposed an amendment to Section 6.22 of the Land Development Code (LDC). The proposed amendment included provisions to determine eligibility for waivers or reimbursements of qualifying fees for affordable housing projects in the City. City Staff from Planning, Redevelopment and Legal has re-reviewed the proposed amendment and have made modifications to the proposed text. New changes to the proposed text include:

1. Adding a definition for Affordable Housing Incentive Agreements.
2. Now includes moderate income persons in the definition of qualifying households
3. Clarifying when affordable housing units located in multifamily complexes or multifamily buildings, and rented affordable housing units, are eligible to receive administrative incentives (a separate incentive agreement must be signed in addition to the deed restriction).
4. Clarification that ADUs are not eligible for affordable housing development incentives.
5. Clarification that an application is required, and what is required in the contents of the application.
6. Separates “fee waivers” from “fee reimbursements” because of the differences in process approval.

A full revised draft of the proposed LDC amendment can be found in *Exhibit A*, showing changes to the current LDC and modifications from the previous draft. For benefit of the Planning Board members, please also find attached the full staff report from the April 25, 2024, Planning Board meeting, where staff originally presented the proposed LDC text amendment on affordable housing (*Exhibit B*).

AMENDMENT ANALYSIS

Text Amendment Review Standards

The purpose of Section 3.4.B.1 is to provide a uniform means for amending the text of this Code whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

- a. Is consistent with the comprehensive plan;**
The proposed text amendment is consistent with the comprehensive plan.
- b. Is in conflict with any provision of this Code or the Code of Ordinances;**
The proposed amendment is in compliance with the LDC and Code of Ordinances.
- c. Is required by changed conditions;**
The proposed amendment is required to ensure all applications submitted to the city with the intention of developing affordable housing units meet all LDC standards to be designated as affordable housing for purposes of qualifying for the waiver of applicable fees.
- d. Addresses a demonstrated community need;**
The change would ensure all projects represented as affordable housing projects meet the required standards of the LDC before the waiver or reimbursement of fees can occur.
- e. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;**
Any residential units developed would be required to comply with all LDC standards, Comprehensive Plan requirements and State law.
- f. Would result in a logical and orderly development pattern; and**
The proposed LDC text amendment is not anticipated to have any adverse impacts on the existing development patterns.
- g. Would 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.**
Staff does not anticipate any environmental impacts with the proposed amendment.

RECOMMENDATION

Staff recommends approval of the revised request to amend the Land Development Code to include provisions for the waiver or reimbursement of development and impact fees for affordable housing projects.

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

The item is anticipated to be heard by the City Commission for a first reading on September 4, 2024, and for second reading on September 18, 2024.

REVISED DRAFT

Amend LDC Section 6.22 to read as follows (additions underlined; deletions ~~struck through~~):

Sec. 6.22. Affordable housing.

A Purpose. In order to further the economic development and job creation for the City and the State, the City adopted a local housing ordinance program and plan pursuant to the provisions of the State of California and the State of California Part of the State of California and the State of California. The purpose of this ordinance is to encourage and facilitate the development of affordable housing units and subdivisions within the City by providing for the adoption of certain development standards and requirements in the future for projects to include affordable housing units and subdivisions in the development project. The City encourages development of affordable housing in the City and encourages cooperation between the City and the County to support development of affordable housing units that lead to the overall economic development of the County.

B Definitions. Certain terms used in this section are defined as follows:

Adjusted median annual income. The median income for the household adjusted for family size determined by the U.S. Department of Housing and Urban Development and the local housing ordinance Commission.

Affordability period. The period during which a development unit is reserved for use in accordance with this section. The minimum affordability period shall be ten years from the issuance of the certificate of occupancy unless provided or modified by the city council.

Affordable. A development unit is affordable if the cost of the unit does not exceed a certain percentage of the household income of the person or persons who do not exceed a certain percentage of the household income.

Affordable housing. A development unit that is readily occupied by a family whose household income is less than a certain percentage of the household income.

Affordable housing deed restriction. A deed restriction or other development unit to be used as affordable housing.

Affordable housing development application. An application for development or development order for a project that includes one or more affordable housing units.

Affordable housing unit. A development unit that is reserved for use as affordable housing for the affordability period through execution and recording of the affordable housing deed restriction.

Affordable housing incentive agreement. An agreement entered into by the City to provide one or more incentives to a developer by which the developer is encouraged to provide one or more of the development incentives referred to in the development and affordable housing ordinance.

Impact fee. Any fee imposed pursuant to City Ordinance or other ordinance and added to the project cost to be referred to Section 6.22.

REVISED DRAFT

of the City Code ordinance. The term "project fee" does not include collection fees defined in City Code Section _____

Qualifying household. ~~For any~~ of the ~~to~~ ~~defined~~ ~~in~~ ~~\$~~ _____

~~or~~ ~~income~~ ~~per~~ ~~or~~ ~~income~~ ~~is~~ ~~less~~ ~~than~~ ~~\$~~ _____

~~order~~ ~~te~~ ~~income~~ ~~per~~ ~~or~~ ~~order~~ ~~te~~ ~~income~~ ~~is~~ ~~less~~ ~~than~~ ~~\$~~ _____

~~any~~ ~~income~~ ~~per~~ ~~or~~ ~~any~~ ~~income~~ ~~is~~ ~~less~~ ~~than~~ ~~\$~~ _____

Qualifying household's income level. The annual amount of annual income adjusted for any inflation factors per person or family to meet the definition of income per person or income couple or income couple every income per person or every income couple to be used in \$ _____ determined for the occurrence by the \$ Department of Housing and Community Development and the Ordinance Corporation.

C Expediting of review for affordable housing development applications.

Any affordable housing development application shall be reviewed in accordance with the affordable development standard of Code _____ ordered by the _____

Any affordable housing development application shall be reviewed in accordance with the affordable procedure of Code _____ provided to the city and expedite and prioritize the review and permit of such application to create a degree of other projects.

D Administratively-approved development incentives for affordable housing;

conditions. exclusions. The development of any proposed _____ by detached duplex or unitary housing unit or unit located within the City ~~other than~~ ~~occasional~~ ~~unit~~ ~~shall~~ ~~be~~ ~~eligible~~ ~~for~~ ~~the~~ ~~incentive~~ ~~established~~ ~~herein~~ ~~and~~ ~~shall~~ ~~be~~ ~~approved~~ ~~and~~ ~~administratively~~ ~~provided~~ ~~that~~ ~~such~~ ~~unit~~ ~~shall~~ ~~be~~ ~~referred~~ ~~to~~ ~~the~~ ~~affordable~~ ~~housing~~ ~~unit~~ ~~or~~ ~~the~~ ~~affordable~~ ~~unit~~ ~~period~~ ~~of~~ ~~one~~ ~~year~~ ~~or~~ ~~one~~ ~~year~~ ~~of~~ ~~the~~ ~~property~~ ~~owner~~ ~~executed~~ ~~and~~ ~~recorded~~ ~~to~~ ~~the~~ ~~city~~ ~~and~~ ~~the~~ ~~project~~ ~~code~~ ~~to~~ ~~set~~ ~~forth~~ ~~be~~ ~~effective~~

General conditions. The _____ conditions apply to _____ or _____ the development incentive authorized by the _____

Applications. Application or _____ the incentive _____ be _____ or _____ provided by the City.

_____ accept _____ provided _____ part of the application process the applicant shall be required to _____ by document that the applicant shall be required to develop and convey the housing unit _____ affordable housing unit, identify the end user and provide document to that the end user meet the definition of _____ couple.

The requirement of the preceding paragraph shall be _____ for application to be _____ under contract with the City or _____

REVISED DRAFT

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Density bonus cap. The ... density requir... for the bou... not exceed ... percent of the density of the per... for the project by the future ... use e... of the co... p... or ... per ...

Use of bonus dwelling units. ... units o... of the bou... d... units ... by d... units requir... for the density bou... be ...

Maximum number of affordable housing unit. ... units o... percent of the project d... bou... d... units be ...

b ... density bou... not be d... for ... by de... et proposed to be ... o... e... by de... et that received ... bou... pur... to ... dur... the ... period for the e... by de... et ... deed re...

Development fee reimbursements/waivers. Subject to the conditions provided be... de... et ... due ... of ... be re... or ... or de... et o... deed re...

- Tree re...
Burd... per...
Electric... per...
Pub... per...
Mech... per...
Storage... per...

... de... et per... re... bo... or ... d... units ... per d... unit bou... de... et per... re... other ... be ... of the percent... d... units that re ...

b De... et re... not be d... re... or ... by de... et proposed to be ... o... e... by de... et that received de... et re... or ... pur... to ... dur... the ... period for the e... by de... et ... deed re...

c The ... for deter... of ... de... et re... be ... or re... re ... Secto... D... be...

Agenda Item 4.E. (Legislative Hearing)

Land Development Code Text Amendment
DEV2024-264
Affordable Housing Fee Waivers or Reimbursement

STAFF REPORT

DATE: April 18, 2024

TO: Planning Board Members

FROM: Dennis Mrozek, AICP, Planning Director

AMENDMENT REQUEST

A request by the Growth Management and Planning Department to amend Article 6 (Development Standards), Section 6.22 (Affordable Housing), of the Land Development Code, to include provisions to determine eligibility for the waiver or reimbursement of development and impact fees for affordable housing projects.

AMENDMENT DESCRIPTION

Staff is seeking approval to amend the Land Development Code (LDC) to include provisions to determine eligibility for waivers or reimbursements of qualifying fees for affordable housing projects in the City. The current LDC allows for the waiver of development fees and impact fees for qualifying affordable housing projects. Qualifying development fees include:

- Tree removal
- Building permit
- Electrical permit
- Plumbing permit
- Mechanical permit
- Stormwater management

Applicants for affordable housing projects may also qualify for the waiver of impact fees. Applicable impact fees are defined as the following:

Impact fee - Any impact fee assessed pursuant to City Ord. No. 06-263, as amended, and in addition water and wastewater capital facilities fees as referenced in Section 98-252 of the City Code of Ordinances. The term "impact fee" does not include connection fees as defined in City Code Section 98-252.

Staff is proposing to include additions to the LDC that would identify when the city would be able to waive fees with the initial application for development permits. The new LDC provision would allow development fees and qualifying impact fees to be waived in their entirety when the applicant or the person(s) intended to be a qualifying household is already under contract with the city for affordable assistance under another city affordable housing program, such as lot donation, down payment assistance, etc., where the existing contract requires verification of affordability and qualifying household status.

In all other cases the development fees and qualifying impact fees will be paid when due, and then reimbursed by the city to the applicant at such time as the city is able to verify the affordability and qualifying household status requirements are met. The applicant shall be responsible for providing the city with sufficient documentation as to these requirements, at the applicant’s sole cost. This allows the city to confirm a proposed development meets all requirements to be designated as an affordable housing project qualifying for the waiver of fees.

A full draft of the proposed LDC amendment can be found in *Attachment A*.

AMENDMENT ANALYSIS

Text Amendment Review Standards

The purpose of Section 3.4.B.1 is to provide a uniform means for amending the text of this Code whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

- a. Is consistent with the comprehensive plan;**
The proposed text amendment is consistent with the comprehensive plan.
- b. Is in conflict with any provision of this Code or the Code of Ordinances;**
The proposed amendment is in compliance with the LDC and Code of Ordinances.
- c. Is required by changed conditions;**
The proposed amendment is required to ensure all applications submitted to the city with the intention of developing affordable housing units meet all LDC standards to be designated as affordable housing for purposes of qualifying for the waiver of applicable fees.
- d. Addresses a demonstrated community need;**
The change would ensure all projects represented as affordable housing projects meet the required standards of the LDC before the waiver or reimbursement of fees can occur.
- e. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;**

Any residential units developed would be required to comply with all LDC standards, Comprehensive Plan requirements and State law.

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

The proposed LDC text amendment is not anticipated to have any adverse impacts on the existing development patterns.

g. Would 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.

Staff does not anticipate any environmental impacts with the proposed amendment.

RECOMMENDATION

Staff recommends approval of the request to amend the Land Development Code to include provisions for the waiver or reimbursement of development and impact fees for affordable housing projects.

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

The item is anticipated to be heard by the City Commission for a first reading on June 5, 2024, and for second reading on June 19, 2024.

Amend LDC Section 6.22 to read as follows (additions underlined; deletions ~~struck through~~):

Sec. 6.22. Affordable housing.

Purpose. In order to further the public purpose and public interest of the City and to encourage and facilitate the development of affordable housing within the City by providing for the adoption of certain development and other rules and regulations, the City encourages the development of affordable housing units and subunits in the City by providing for the adoption of certain development and other rules and regulations. The City encourages the development of affordable housing units and subunits in the City and encourages the development of affordable housing units and subunits in the City by providing for the adoption of certain development and other rules and regulations. The City encourages the development of affordable housing units and subunits in the City by providing for the adoption of certain development and other rules and regulations.

Definitions. Certain terms used in this section are defined as follows:

Adjusted median annual income. The median income for the household adjusted for any applicable deductions by the U.S. Department of Commerce and other relevant agencies and the Board of Economic Development.

Affordability period. The period during which a development unit is referred to or used in accordance with this section. The affordability period shall be ten years from the issuance of the certificate of occupancy unless otherwise provided by the city code or ordinance.

Affordable. A development unit is affordable when the cost of ownership or rental does not exceed a percentage of the family's gross income before taxes.

Affordable housing. A development unit that is readily occupied by a family whose income is below a certain percentage of the area median income.

Affordable housing deed restriction. A deed restriction or other restriction on the affordability period, or other development unit, to be used as affordable housing.

Affordable housing development application. An application for a development or other project that includes one or more affordable housing units.

Affordable housing unit. A development unit that is referred to or used as affordable housing for the affordability period in the public record or as affordable housing deed restriction.

Impact fee. Any impact fee assessed pursuant to City Ordinance... Section of the City Code or Ordinance. The term "impact fee" does not include collection fee as defined in City Code Section...

Qualifying household. After the date of...

- any household per person or household per person...
any household per person or household per person...

Qualifying household's income level. The amount of household income adjusted for any tax-exempt income per person or any tax to meet the definition of household per person or household income... determined for the purpose by the US Department of Housing and Urban Development and the Federal Housing Administration Corporation...

C Expediting of review for affordable housing development applications.

- any affordable housing development application may be reviewed in accordance with the affordable development standard of the Code...
any affordable housing development application may be reviewed in accordance with the affordable procedure of the Code provided the person that the city expedite and prioritize the review and permit issuance application to a greater degree than other projects...

D Administratively-approved development incentives for affordable housing. The development ordinance proposed... by detached duplex or unit... by...
couple unit or unit located in the City... be eligible for the incentive...
established before... be approved and... provided that such units are reviewed...
order by... period of the year or... the property... record...
order deed restriction... provided by or acceptable to the City...

Nonconforming lots of record—Modifications to lot standards. Any... by detached or duplex... located on...
and that meet the definition of... unit... not be required to meet the...
by the Code provided that each of the... conditions...

The use... by detached or duplex... per... procedure in the... district... lot...

The lot... project located in... part... or... developed... surrounded by developed property...
accordance with the... code...

- c. The lot must meet the set back and minimum square feet requirements
- d. The minimum side yard setback shall be the set back of the minimum rear yard setback shall be the set back of the minimum front yard setback shall be established for the zoning district in which the lot is located

Multifamily density bonus.

Acceptance provided by the minimum rear setback code may be increased in order to encourage construction of affordable affordable housing units pursuant to the following conditions:

Small multifamily projects. The property on which the project is proposed shall contain a developed area of the created property unit be a minimum of 10,000 square feet of developed area.

Density bonus cap. The minimum density requirement for the bonus shall not exceed 10 percent of the density otherwise permitted for the project by the future land use element of the comprehensive plan or 10 units per acre.

Use of bonus dwelling units. A minimum of 10 percent of the bonus dwelling units shall be used for the development of affordable housing units.

Maximum number of affordable housing unit. A minimum of 10 percent of the project's dwelling units shall be used for the development of affordable housing units.

b. A density bonus shall not be denied if the project is proposed to be located on a lot that is currently zoned for residential use and the project is proposed to be constructed during the affordable housing period or the project is proposed to be constructed during the affordable housing period.

Development fee reimbursements/waivers. Subject to the conditions provided by the following development fee schedule of the due to construction of affordable housing units shall be reimbursed or otherwise waived for development of affordable housing units:

- Tree removal
- Budget per ft
- Electric per ft
- Pump per ft
- Mechanical per ft
- Storage or other equipment

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b □ Deelop e t ee o o t be d m t r t e y re bur e m ored or
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c o t

□ □ Impact fee reimbursements/waivers. Subject to t e c o d t o o b e o o e
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m p c t ee re bur e e t o r o o e r o t t e t m e o b u r d m p e r t m u o c e
s u b j e c t t o t e o o o o c o d t o

□ □ Sunset Provision. m p c t ee o o o o y b e re bur e d o r o o e d o r
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b □ Types of eligible housing. T e t y p e o o o u o o e m b e o r m p c t ee
o d o t o o r o o e r o e

□ □ e o o e m m y d e t e d d e m m u t o r o d e m m u t o t m o
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□ □ e o u t m y deelop e t c o t m m o o e o r o r e o r d b e
c o u u t p r o d e d o e e r t o t t e o o o o u t m y c o u o
d e o p e t r e e m b e o r m p c t ee o o e r

