Agenda Item 4 (Quasi-Judicial Hearing)

#### **Rezoning Amendment - Planned Development-General** DEV2016-115 Afshari LPGA PD

#### **STAFF REPORT**

**DATE:** August 14, 2017

**TO:** Planning Board Members

FROM: Dennis Mrozek, AICP, Planning Manager

#### PROJECT REQUEST

A request by G. Larry Sims, Doran Sims Wolfe & Ciocchetti, on behalf of Afshari LPGA, LLC, to rezone 4.5± acres of land located at the northeast corner of LPGA Boulevard and Concierge Boulevard from Planned Development-General (SunTrust LPGA PD) to Planned Development-General (Afshari LPGA PD), to allow for restaurant and office uses and associated site improvements.

#### **PROJECT LOCATION**

The subject property is located on the northeast corner of LPGA Blvd. and Concierge Blvd. The property is currently vacant and undeveloped. The subject property is currently zoned PD-G (SunTrust LPGA PD) and has a future land use designation of Mixed Use. Adjacent land uses and zoning classifications are illustrated in the following table and are also shown in the accompanying maps.

	Existing Uses	Future Land Use Designation	Existing Zoning Classification
Site	Vacant & Undeveloped	Mixed Use	Planned Development-General (PD-G) – SunTrust LPGA PD
North	Vacant & Undeveloped	Mixed Use	Planned Development-General (PD-G) – LPGA Boulevard "A" PD
South	Vacant & Undeveloped (across LPGA)	Mixed Use	General Industrial (M3)
East	Vacant & Undeveloped	Mixed Use	Residential Professional (RP)
West	Office (across Concierge)	Mixed Use	Planned Development-General (PD-G) – LPGA Boulevard "A" PD

#### Table 1: Land Use and Zoning

#### PROJECT HISTORY

In October 2004, the City Commission approved the rezoning of the subject property located at northeast corner of LPGA Blvd. and Concierge Blvd. from Residential Professional (RP) to Planned Commercial Development-PCD (currently designated as PD-G, based on the new LDC). The original

approval included a development plan and permitted retail, restaurant and financial uses on the site. The completion schedule included within the PD Agreement required the approval of all development permits within seven years of the PD rezoning approval, or until October 2011. The property owner was granted extensions to the timetable for development until October 2015. The development of the property never materialized and the PD Plan/Agreement lapsed. Per Section 3.4.F.8 of the Land Development Code (LDC), if a PD Plan/Agreement lapses, the owner of the PD-zoned land may apply to amend the PD zoning classification to incorporate a new PD Plan/Agreement or apply to reclassify the site to another base or PD district. The property owner is providing a new PD plan and PD Agreement in place of the existing SunTrust PD, which is consistent with the City's new Land Development Code. The proposed Afshari PD has the same land area and location as the existing SunTrust PD.



Facing northeast on LPGA Blvd. at Concierge Blvd.

#### **PROJECT DESCRIPTION**

The applicant is requesting to rezone this property,  $4.5\pm$  acres of land located at the northeast corner of LPGA Boulevard and Concierge Boulevard to the Planned Development-General (Afshari LPGA PD), to allow for a 3,800 square foot drive-thru restaurant (Dunkin' Donuts) with corporate office, and a 24,000 square foot building with office uses and associated site improvements.

Prior to use of the site, the applicant is required to submit a site plan application to demonstrate compliance with the LDC and the PD Agreement, in addition to meeting all concurrency requirements for the development.

#### 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.

#### PROJECT ANALYSIS

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

#### 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 property included in the PD Rezoning application has the comprehensive plan land use designation of Mixed Use. The proposed uses on the site are consistent with the Mixed Use land use designation.

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

Development standards for a PD District must 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 (*Attachment A*) and PD Agreement. The applicant has proposed modifications to these standards shown below, which are detailed in the Modification/Benefit Letter provided (*Attachment B*) and also later in this report. Approval of the PD rezoning application with modifications would not be in conflict with any portions of the LDC.

- 1. Section 6.12. (Building Design) Modification to required building design standards for commercial buildings on major City thoroughfares:
  - a. Section 6.12.C.4.b Modification to required change of planes for walls
  - b. 6.12.C.4.e Modification to 15% window coverage
  - c. 6.12.C.4.h Modification to change in roof line standards
- 2. Section 6.4 (Landscaping) Modifications to locations of required landscaping to accommodate the proposed uses.
  - a. Section 6.4.C.2 (Building Perimeter Landscaping)

- b. Section 6.4.E.1.b.vii (Building Perimeter Trees)
- 3. Section 6.15.A.9.c (Tree Replacement Mitigation Standards) Modification to tree replacement standards.

#### iii. Addresses a demonstrated community need;

The applicant has provided a Modification/Benefit Letter that details public benefits and addresses the standard for a demonstrated community need (*Attachment B*).

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

The proposed use of the property is compatible with the surrounding land use designations.

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

Standards established in the PD Agreement and the LDC would result in a logical and orderly development pattern for the subject property. The proposed use and development of the site is compatible with properties in the general area.

#### 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

Staff has reviewed the requested development for impacts to public facilities as part of the rezoning and offers no objection to the proposed uses or development plan. A separate proportionate fair share agreement is required to be approved by the City Commission to address impacts to the surrounding road network.

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

Staff does not anticipate any adverse environmental impacts with the approval of this 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 is PD-G, which was intended to accommodate retail, restaurant and financial uses on the site. The proposed PD-G rezoning would allow uses consistent with the uses permitted in the previous PD Agreement and with the surrounding area.

#### **Planned Development Zoning Districts Review Standards**

Before approving a PD zoning district classification, the City Commission shall find the application for the PD zoning district, as well as the PD Plan/Agreement included as part of the application, comply with the following standards:

#### 1. PD Plan/Agreement

The PD Plan/Agreement includes a development plan for the subject site. This includes identification of vehicle access points, development area, parking areas and site improvements (*Attachment A*).

#### Landscaping

Landscaping shall be provided consistent with the LDC unless otherwise provided herein. As part of the PD rezoning request, the applicant has requested modification to specific landscape standards to be incorporated into the final development design. Building perimeter landscaping has been reduced to accommodate the design of the drive-thru restaurant (Dunkin' Donuts).

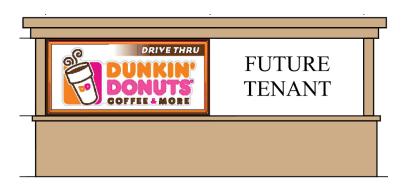
Additionally, the applicant has proposed modifications to the tree replacement standards. The LDC requires that for every caliper inch of trees comprising required existing tree canopy that is removed or damaged, one caliper inch of replacement trees are required. In lieu of required tree replacement, the applicant has proposed upgraded tree materials to include four signature palms (Sylvester Palms) at the entrance to the property on Concierge Blvd. This is in addition to additional required trees provided on the site included in the development plan. Final review of landscaping shall be addressed at site plan approval.

#### **Building Design Standards**

The proposed building does not meet minimum building design standards for properties along major City thoroughfares. For buildings less than 200 feet wide, walls are required to have at least a three-foot projection or recess no less than every 30 feet. The proposed drive-thru restaurant building does not meet this standard (*Attachment C*). Also, roofs are required to have a change of plane no less than every 30 feet. The existing building does not meet this standard. The applicant has provided a rendering of the proposed improvements to the building elevation which includes shutters, faux windows, decorative awning and paint with accent colors.

#### Signage

Two monument signs are permitted on the site with a maximum height of eight feet and setback a minimum five feet from the property line. Signs will be constructed of the same materials of the building and will include colors that complement the building design.



#### 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.

#### 3. Compatibility with Surrounding Areas

The proposed development plan will meet compatibility standards for the property perimeters. The applicant has conducted a neighborhood meeting, as required by the LDC. A summary of the neighborhood meeting prepared by the applicant is attached (*Attachment D*).

#### 4. Development Phasing Plan

The applicant has proposed the following completion schedule for the proposed development:

Application shall be submitted for all construction permits for the development, or for the first phase of a phased development, within 18 months of the approval of this Agreement by the City Commission. The filing of an appeal of the land development order by any person shall toll the time for permitting until final resolution of the appeal. If development is phased, application for construction permits for subsequent phases shall be submitted within 60 months from the date of initial approval.

Construction of phase one shall be substantially complete within 5 years of the approval of this Agreement. Construction of any other phase must be substantially complete within 6 years of the initial approval of this Agreement.

#### 5. Conversion Schedule

Not applicable.

#### 6. On-Site Public Facilities

No on-site public facilities are proposed.

#### 7. Uses

The PD Agreement identifies the following permitted uses for the subject property:

- Professional office
- Medical office
- Restaurant with drive in service

#### 8. Densities/Intensities

• The maximum floor area ratio, per the Mixed Use Land Use designation: 3

#### 9. Dimensional Standards

- Maximum building height of 65 feet
- Maximum individual building size of 24,000 sq. ft.
- Setbacks: side 25 ft.; front 50 ft.; rear 25 ft.
- 30% Maximum building coverage
- 33% Minimum open space
- 66% Maximum impervious surface area

#### **10. Development Standards**

All development in 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 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.

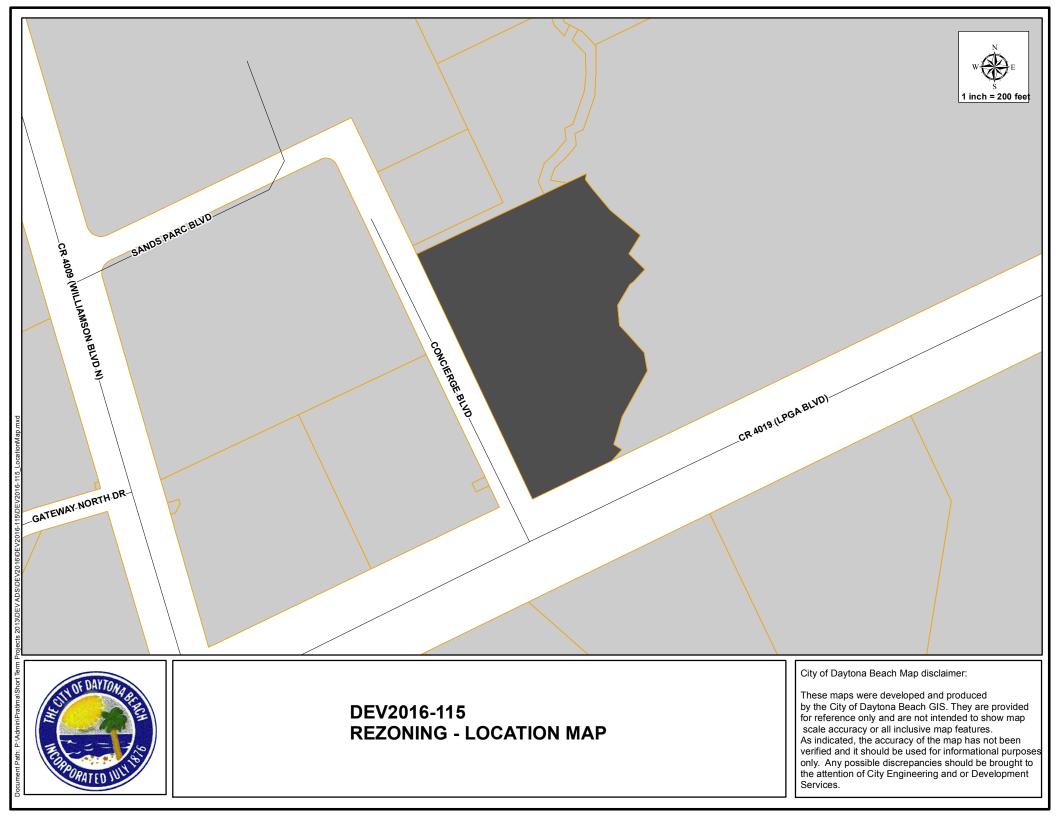
#### Proposed Modifications

- 1. Section 6.12. (Building Design) Modification to required building design standards for commercial buildings on major City thoroughfares:
  - a. Section 6.12.C.4.b Modification to required change of planes for walls
  - b. 6.12.C.4.e Modification to 15% window coverage
  - c. 6.12.C.4.h Modification to change in roof line standards
- 2. Section 6.4 (Landscaping) Modifications to locations of required landscaping to accommodate the proposed uses.
  - a. Section 6.4.C.2 (Building Perimeter Landscaping)
  - b. Section 6.4.E.1.b.vii (Building Perimeter Trees)
- 3. Section 6.15.A.9.c (Tree Replacement Mitigation Standards) Modification to tree replacement standards.

#### **RECOMMENDATION**

Staff recommends approval of the application to rezone  $4.5\pm$  acres of land located at the northeast corner of LPGA Boulevard and Concierge Boulevard from Planned Development-General (SunTrust LPGA PD) to Planned Development-General (Afshari LPGA PD), to allow for restaurant and office uses and associated site improvements.

The item is tentatively scheduled to be heard by the City Commission for first reading on October 4, 2017 and for second reading on October 18 (public hearing). A majority vote of the Planning Board members present and voting are required to recommend approval to the City Commission.





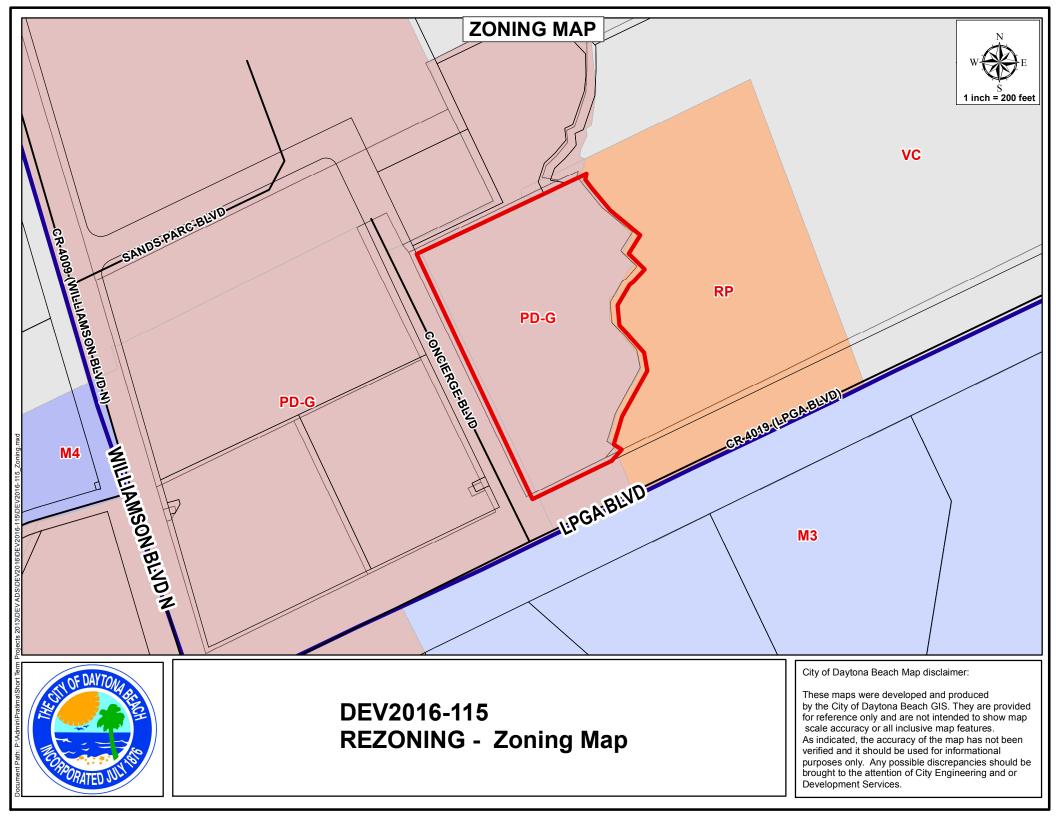


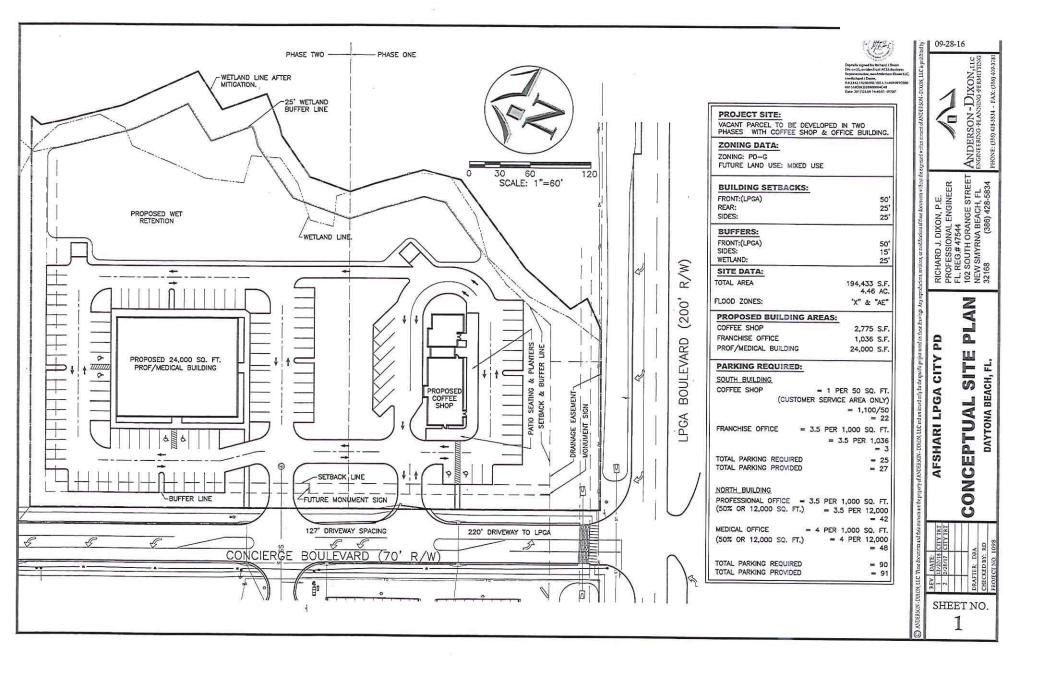
DEV2016-115 REZONING - AERIAL MAP City of Daytona Beach Map disclaimer:

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



Development Services.





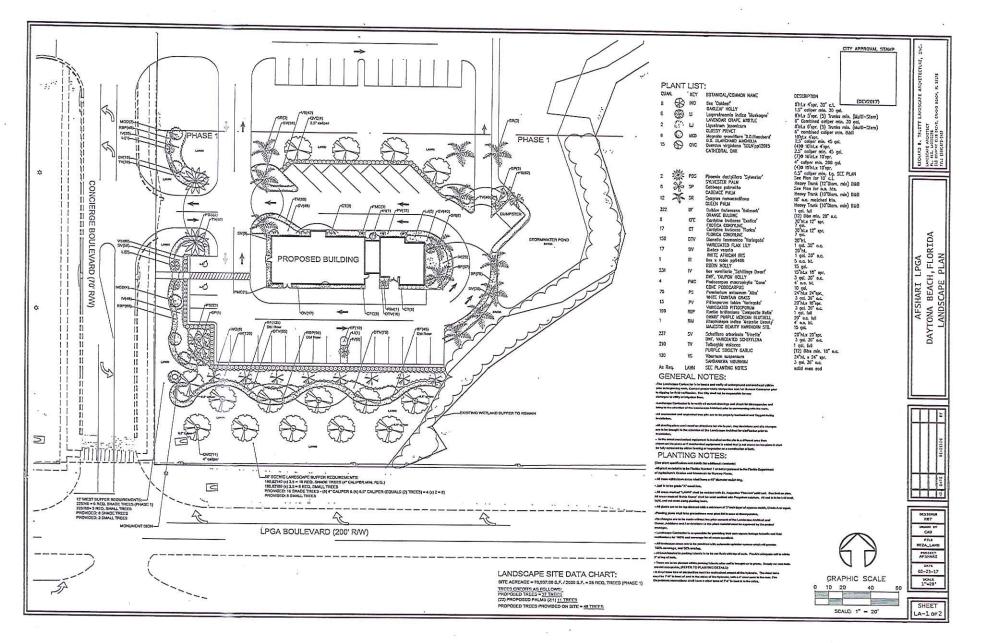


Exhibit D

### Attachment B Doran Sims Wolfe 6 Ciocchetti

MICHAEL CIOCCHETTI THEODORE R. DORAN G. LARRY SIMS AARON R. WOLFE CAROL A. YOON

Attorneys at Law

DAVID L. BLACK (1900-1974)

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS/LLCs

REPLY TO: lsims@doranlaw.com

March 20, 2017

Dennis Mrozek Planning Manager City of Daytona Beach 301 S. Ridgewood Avenue Daytona Beach, FL 32114

RE: Public Benefits of Afshari LPGA Rezoning/Planned Development: File Number DEV2016-115

Dear Dennis:

As you know, it is this firm's pleasure to represent Afshari LPGA, LLC, (the "Applicant") with respect to the rezoning of property located at the northeast corner of LPGA Boulevard and Concierge Boulevard, which is the subject of Application DEV2016-115 (the "Property"). The Applicant intends to develop the property as a Dunkin' Donuts restaurant and small franchise office building for Phase I, and for Phase II to be developed later is for the development of a general office building. The Daytona Beach Land Development Code (LDC) requires zoning applicants to provide a letter detailing the public benefits of the project which are proposed to compensate for any needed waivers.

We recognize the importance of the standards contains in the City's LDC and have made every commercially reasonable effort to bring forward a project consistent with the LDC.

<u>Public benefits</u>. The development of this property into a Dunkin' Donuts retail store and storage building/franchise office and the future development of a professional services office building will be of great public benefit to both the City of Daytona Beach, and to Volusia County as a whole, by substantially increasing the number of jobs available, increasing the tax base, making use of an otherwise undeveloped property, and providing the opportunity to draw businesses to the area that do not currently have a presence here.

The Dunkin Donuts business in particular will add convenience in providing its menu to the general public as they travel to work and shop in the Tanger Outlet Mall, the Cornerstone Office Complex, and in the businesses to be developed in the immediate area of this project. Additionally, this site is close enough to I-95 to attract visitors from outside of our area, as they are passing by and see the Dunkin Donuts location as a convenient stop for coffee and donuts, thus potentially encouraging additional visitors to stop and visit the greater Daytona Beach area.



Dennis Mrozek March 17, 2017 Page 2

There will be job opportunities for the employees of Dunkin Donuts which will, in turn, increase the ad valorem tax base, sales tax, and economic activity locally. As and when the professional services building is developed, additional professional and management jobs will be located in this growing area of the City, which will, in turn, benefit the public by raising the standard of living for residents and by attracting professional services to the western side of Daytona Beach.

Additionally, there will be a 25 foot wetlands buffer on the east side of the Property to preserve the integrity of the adjacent wetlands, providing for the maintenance of a healthy eco system and native Florida flora and fauna.

**LDC Exceptions**: The following modifications to the land development code are being requested. The applicant believes that these exceptions are minor and are far outweighed by the previously described public benefits of the project.

#### Wall Planes (LDC 6.12.C.4.b)

Walls are supposed to be varied at least every 30 feet with a minimum 3 foot difference in plane. Although the wall planes are proposed to be articulated, the extent and frequency will be less than this code section requires. The architect believes that the proposed articulation, along with the other features presented on the walls, will be appropriate to the proposed building mass and style.

#### Windows (LDC 6.12.C.4)

Each wall is supposed to contain at least 15% coverage by windows. This criteria will not be achieved but, with the use of faux windows and Bahama shutters, the walls will present a pleasing appearance.

#### <u>Roof</u>(LDC 6.12.C.4.h)

The applicant is requesting a waiver to this requirement to accommodate the proposed parapet style roof. It is proposed to be staggered to follow the wall planes and also vertically to provide additional visual interest and attractiveness.

#### Building Perimeter Landscaping (LDC 6.4.C.2.a and 6.4.E.1.b.vii)

The building perimeter landscaping width will not be obtained along the drive-through (north) side of the building. Enhanced landscaping will be added on the site adjacent to the drive-through aisle to offset this. The building perimeter landscaping widths on the south and west sides of the building are being requested to be reduced from 5 feet to 3 feet. Embellished landscaping will be included in these 3 foot landscaping areas. Also, in lieu of the requirement of one tree for every 50 feet, the landscape design will contain vertical accent shrubs at doors and corners to provide better aesthetics and visual interest.

Dennis Mrozek March 17, 2017 Page 3

#### Tree Replacement Requirements (LDC 6.159.C)

In lieu of the traditional tree replacement, the Developer, as shown on the plan, has added four (4) signature palms (Sylvester) to the entryways from Concierge Boulevard. This signature landscape element will be a highlight of the proposed landscape plan, has already been used along the LPGA Boulevard corridor, and will help the landscaping blend with other existing projects in the area.

#### Specimen Tree Preservation (LDC 6.156.B)

If the specimen tree preservation criteria cannot be met, the Developer will plant 4.5" caliper trees until the specimen tree requirement has been met. The landscape plan has introduced embellished plants and trees to provide a pleasing environment to both the building occupants/visitors and the public traveling along both LPGA and Concierge Boulevards.

This Project represents a minor variation of the Planned Commercial Development previously approved by the City in Ordinance 04-416 for this site upon the application of Indigo Development, Inc., as Owner, and SunTrust Bank as contract purchaser, to be developed with general retail sales and services, financial facilities and restaurant uses. This development will continue the potential use as a professional office building as well as a more immediate use as a thriving coffee and donuts restaurant which will enhance and beautify an important commercial corridor into the City from I-95 and all areas west of the Property. Through the planned development process, the Applicant will be able to provide a well-planned and visually pleasing development of land that is now vacant and unimproved. The Applicant respectfully requests approval of the Planned Development as submitted.

Very truly yours, renerals G. Larry Sims





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NOT FOR CONSTRUCTION

Mark Adams, AIA II. REGAAROOD4473 Kindberty Day McCare, AIA R. REGAAROD01718

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02 MAR 2017

Mailing Address: 424 E. Central Bird, #542 Orlando, FG 32601 www.elevent&architecture.com Physical Address:

Physical Address: 1011 E. Colonial Dr. #307 Orlando, FL 52803 407-745-5300

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DUNKIN' DONUTS

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#### CONCIERGE BLVD. CITY REZONING FOR NEW RETAIL/OFFICE PROJECT

#### PUBLIC INFORMATION NEIGHBORHOOD MEETING

#### DAYTONA BEACH

**JANUARY 4, 2017** 

ATTENDEES: LARRY SIMS, ATTORNEY – CONSOLIDATED TOMOKA LAND CO., REZA AFSHARI, PROJECT OWNER SUSAN AFSHARI, PROJECT OWNER DANA AFSHARI RICK DIXON – ANDERSON DIXON NANCY FONTANA SANTOMARCO – ANDERSON DIXON LINDA SMILEY & ANNE RUBY FROM 'CITIZENS FOR RESPONSIBLE DEVELOPMENT' (SIGN IN SHEET)

#### PRESENTATION

- INTRODUCTION OF ATTENDEES.
- BRIEF POWERPOINT PRESENTATION OF PROJECT INTRODUCTION.
- DISCUSSION FROM RESIDENTS IN THE AREA OF DEVELOPMENT.
- ONLY TWO PEOPLE FROM THE PULIC ATTENDED.
- THEY WERE MEMBERS OF THE 'CITIZENS FOR RESPONSIBLE DEVELOPMENT'.

#### DISCUSSION POINTS

- THEIR COMMENTS WERE FAVORABLE AND THEY INDICATED THAT THEY WOULD SUPPORT THE PROJECT THROUGH THE REZONING PROCESS.

ATTACHMENTS:

- POWER POINT PRESENTATION
- SIGN IN SHEET



# CONCIERGE BLVD. COFFEE SHOP & OFFICE PROJECT RE-ZONING

City of Daytona Beach

# INTRODUCTIONS

• Rick Dixon -

Civil Engineer Anderson-Dixon Planning Manager City of Daytona Beach

Dennis Mrozek

- Reza Afshari Project Owner/Developer
- Larry Sims Development Attorney



## **PROJECT INFORMATION**

- The site location is the Northeast corner of LPGA Blvd. & Concierge Blvd.
- The lot is approximately 4.5 acres and is currently zoned RPD-G.
- The parcel of land is owned by Consolidated Tomoka Land Company
- Request for City Rezoning

## LOCATION MAP



### **PROPERTY AERIAL**



## PURPOSE OF THIS PUBLIC MEETING

- Public Awareness
  - Introduction of the project to neighboring property owners.
  - Display the Conceptual Plan.
- Public Input
  - Receive public opinion on the proposed design.
- Summary to City of Daytona Beach
  - Provide City Planning Department with summary of the meeting to be used in their staff report for the rezoning.



## **PROJECT PHASES**

### • PHASE 1

- Dunkin Donuts on south side of site along LPGA Blvd.
- Also will include small office for owner's franchise operation.
- PHASE 2
  - To be developed in the future.
  - Will include a 2-story building containing professional and/or medical offices.



## PROJECT SCHEDULE

- Rezoning process is on-going with the City of Daytona Beach.
- Planning Board meeting 1/24/17 .
- City Commission meeting 3/15/17.
- Site design for Phase 1 to begin in 2017.
- Surveying work, wetlands line identification, and the traffic study have already commenced.



## **DESIGN DESCRIPTION**

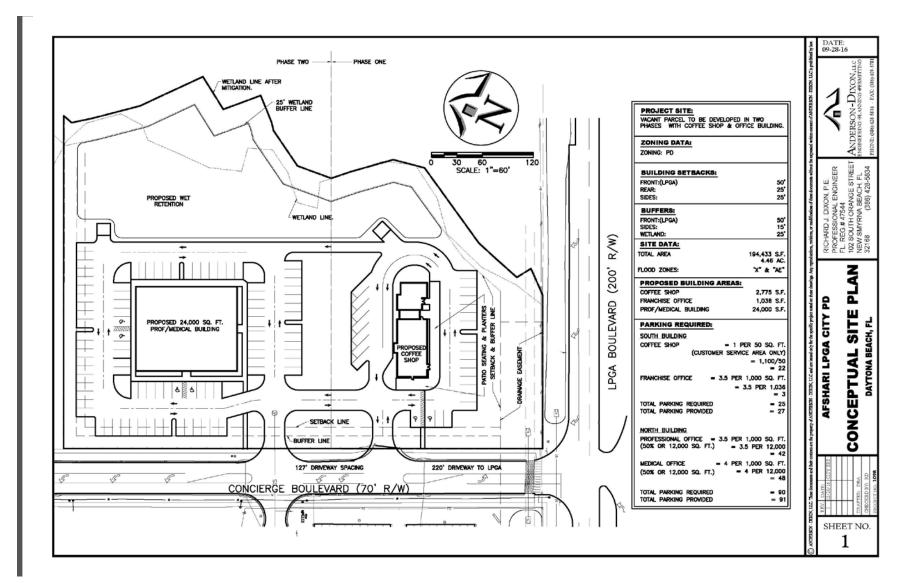
Conceptual Site Plan Review

Questions

• Thank you for your attendance and input



### CONCEPTUAL SITE PLAN







CONCIERGE BLVD. CITY REZON	ING PUBLIC MEETING 1/4/2017	
NAME	ADDRESS	PHONE OR EMAIL
PICK DIXON	102 S. ORANGE ST, NSB	rick@andersondixanllc.com
Susan HESHARI	26 Amsden OB FL 321-	10 novaking 48 @ yahoo, com
REZA AFSHARI	//	11
Dana AFShori		11
Anne Ruby	137 Park Ave DB	32118 aeruby (? gmail. Con
Linda Smilly	357 Mainattan aue DI	121 0 Mild Children to mild
Larry Sims !	1020 W ISB DAB	Lsims Edoranlaw, Joon