



The CITY OF DAYTONA BEACH

“THE WORLD'S MOST FAMOUS BEACH”

MEMORANDUM

DATE: October 9, 2017
TO: James V. Chisholm, City Manager
FROM: Richard Walton, AICP, Planning Director ^{rw}
SUBJECT: First Amendment to Firetower Road Planned District Agreement (DEV2017-095)

A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of Consolidated-Tomoka Land Company/Indigo Development, LLC, for approval of the First Amendment to the Firetower Road Planned District Agreement to extend the application and construction expiration dates.

The applicant is now requesting an amendment to Section 11 – Effective Date; Completion Schedule of the Firetower Road PD agreement to extend all of the application and construction expiration dates provided in the PD agreement. The time extensions being requested are detailed below:

- *Section 11.B* – Application shall be submitted for construction permits for the initial phase of development of the Property within ~~five (5)~~ **ten (10)** years of the approval of this Agreement by the City Commission. The filing of an appeal of the land development order by any person shall toll the time for permitting until final resolution of the appeal. If development is phased, application for construction permits for subsequent phases shall be submitted within ~~ten (10)~~ **fifteen (15)** years from the date of initial submittal.
- *Section 11.C* – Construction of phase one shall be substantially complete within ~~seven (7)~~ **thirteen (13)** years of the approval of this Agreement. Construction of any other phase must be substantially complete within ~~fifteen (15)~~ **twenty (20)** years of the initial approval of this Agreement.

At the September 28, 2017 Planning Board meeting, the Board recommended approval of the amendment request 6-to-0. Staff supports the Planning Board recommendation to the City Commission.