

Agenda Item 8 (Quasi-Judicial Hearing)

**Rezoning Amendment - Planned Development-General
First Amendment
DEV2017-095
Firetower Road PD**

STAFF REPORT

DATE: September 13, 2017

TO: Planning Board Members

FROM: Hannah Ward, Planner

PROJECT REQUEST

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.

PROJECT LOCATION

The 850± acre property is generally located North of International Speedway Blvd., West of LPGA Blvd., and East of Indian Lake Rd. The site is currently vacant and undeveloped. The zoning on the property is Planned Development-General (PD-G), and the Future Land Use (FLU) on the property is General Industrial. Adjacent land uses and zoning classifications are illustrated in the following table and are also shown in the accompanying maps.

Table 1: Land Use and Zoning

	Existing Uses	Existing Future Land Use Designation	Existing Zoning Classification
Site	Vacant Undeveloped	General Industrial	Planned Development-General (PD-G)
North	Vacant Undeveloped	Conservation	Volusia County (VC)
South	Industrial, Commercial & Rural Residential	County Land Use	Volusia County (VC)
East	Vacant Undeveloped	Conservation	Volusia County (VC)
West	Vacant Undeveloped & Industrial	General Industrial & County Land Use	Heavy Industrial (M-5), Planned Development-General (PD-G) & Volusia County (VC)

PROJECT DESCRIPTION

The Firetower Road PD Agreement was approved by the Daytona Beach City Commission on July 5, 2017. The PD/rezoning was requested for the purpose of developing industrial uses that shall occur in multiple phases. The subject property shall primarily be developed as industrial uses, in addition to office and retail uses that support the proposed permitted uses.

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.

PROJECT ANALYSIS

Site-Specific Zoning District Map Amendment Review Standards

Article 3 – Review Procedures, Section 3.4.D – Site-Specific Zoning District Map Amendment Review Standards, of the Land Development Code (LDC) states that 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;**

The proposed amendment is consistent with the Comprehensive Plans and all other City-adopted plans.

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

Other than the request to extend the application and construction expiration dates provided in the PD Agreement, there are no other proposed changes to the approved development plan at this time. The currently approved development plan has been reviewed by The City’s Technical Review Team (TRT). The TRT has determined that

there are no conflicts with the approved PD Plan and the current Land Development Code (LDC).

iii. Addresses a demonstrated community need;

Not Applicable.

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

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

The applicant has conducted a neighborhood meeting as required by the Land Development Code. A summary of the neighborhood meeting prepared by the applicant is attached (*Attachment A*).

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

Standards established in the PD Agreement and The City's Land Development Code shall result in a logical, orderly development pattern for the subject property.

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

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

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

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

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

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

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

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

RECOMMENDATION

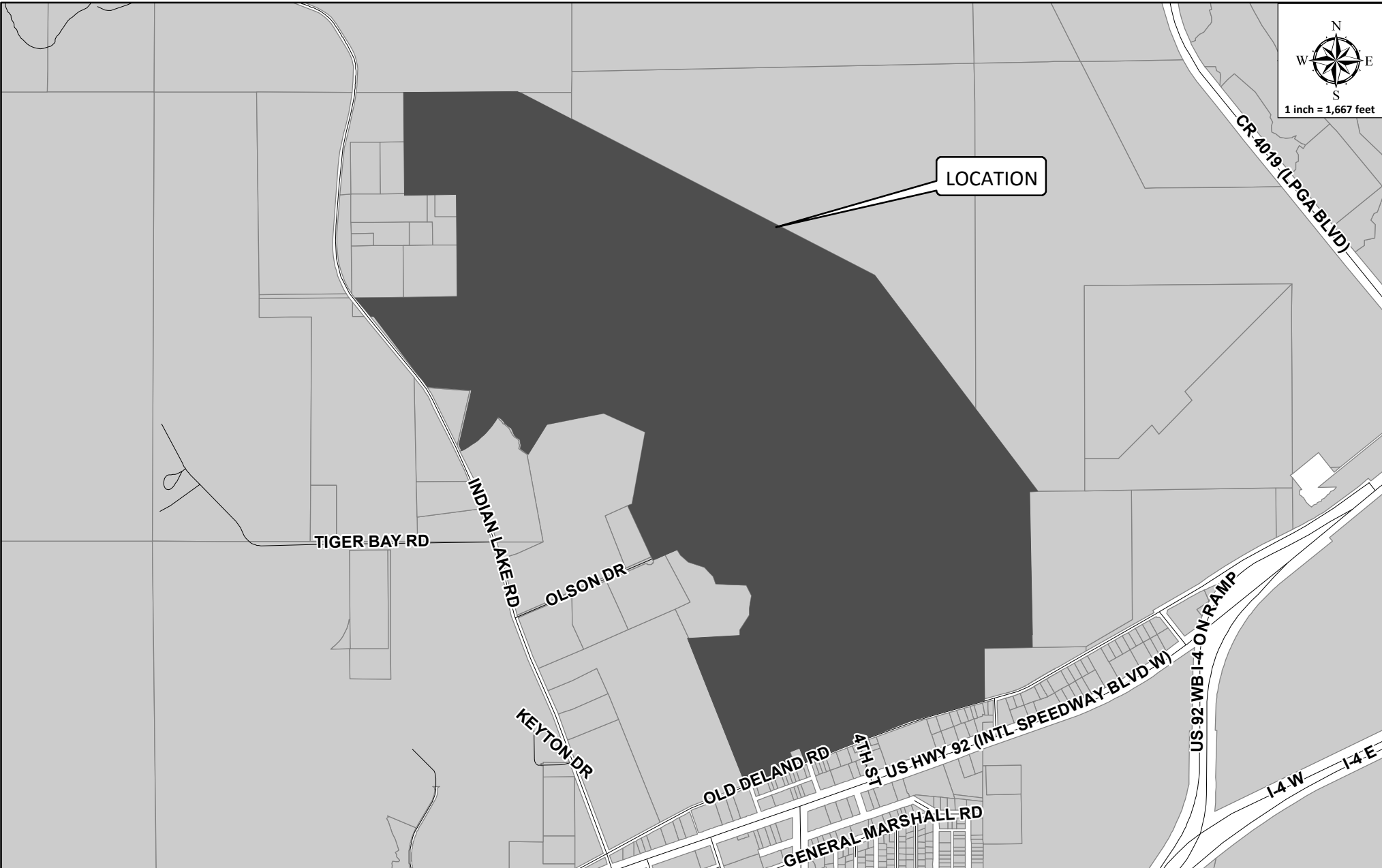
A majority vote of the Planning Board members present and voting is required to recommend approval to The City Commission.

The item is tentatively scheduled to be heard by The City Commission for first reading on November 1, 2017, and for second reading on November 15, 2017 (Public Hearing).



1 inch = 1,667 feet

LOCATION



Document Path: P:\Admin\Pratima\Short Term Projects 2013\DEV AD\DEV2017\DEV2017-095\DEV2017-095_LocationMap_Template.mxd

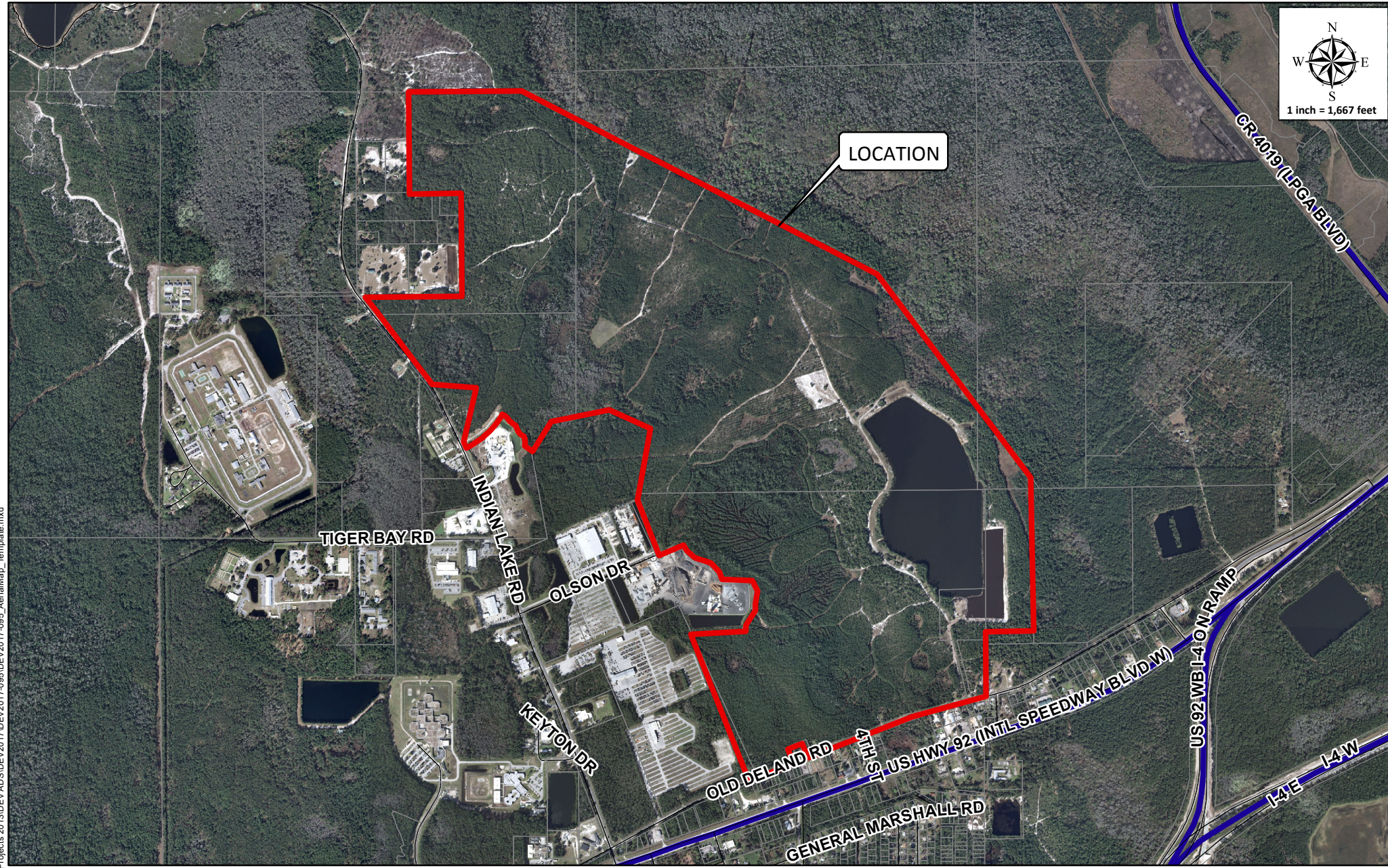


DEV2017-095 PLANNED DEVELOPMENT-GENERAL (PD-G) AMENDMENT LOCATION MAP

The 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.



1 inch = 1,667 feet



Document Path: P:\Admin\Pratt\ms\Short Term Projects\2013\DEV\ADS\DEV2017\DEV2017-095\DEV2017-095_AerialMap_Template.mxd

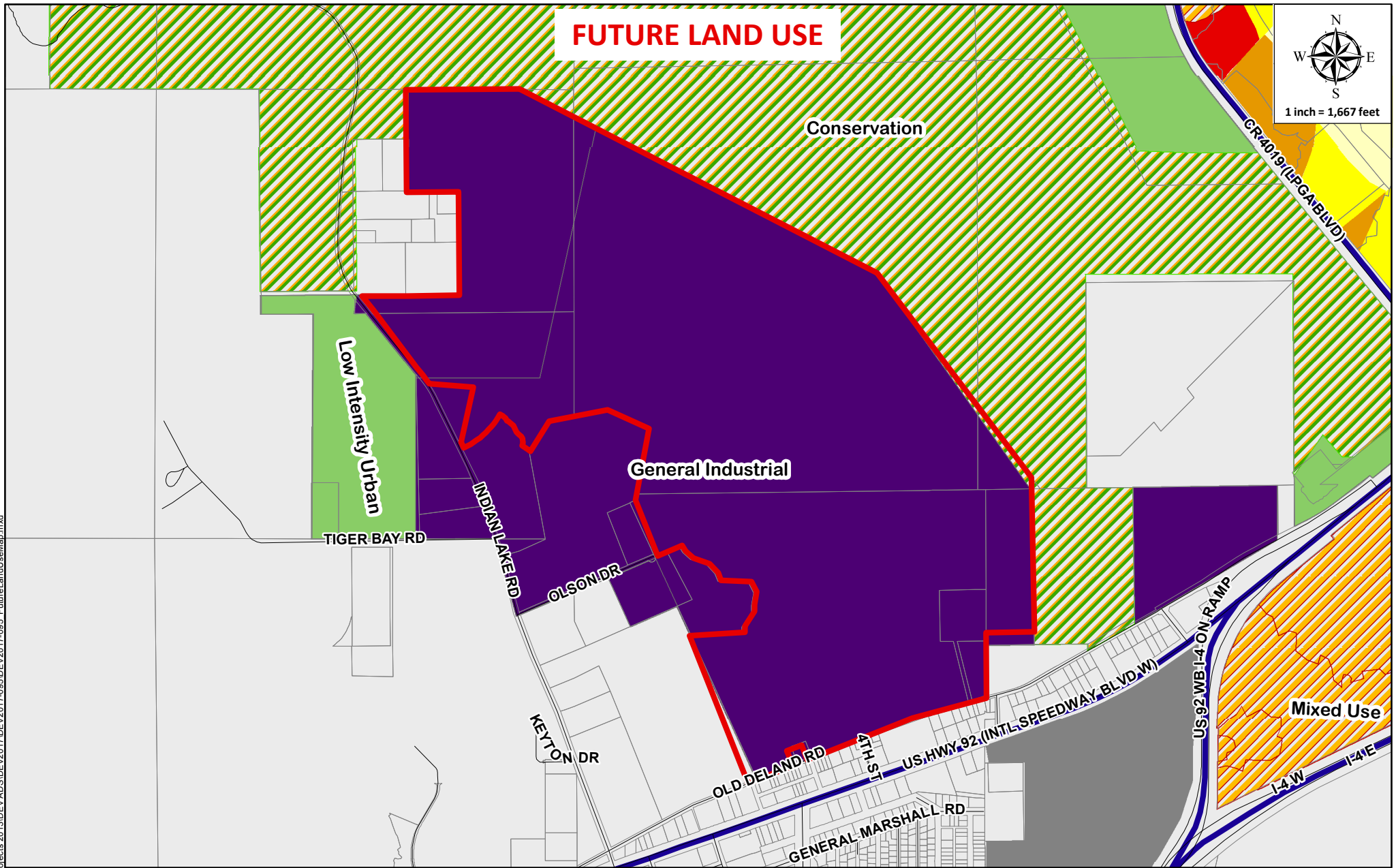
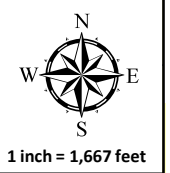


**DEV2017-095
PLANNED DEVELOPMENT-GENERAL (PD-G) AMENDMENT
AERIAL MAP**

The 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.

Document Path: P:\Admin\Pratt\ma\Short Term Projects 2013\DEV\ADS\DEV2017\DEV2017-095\DEV2017-095_FutureLandUseMap.mxd

FUTURE LAND USE



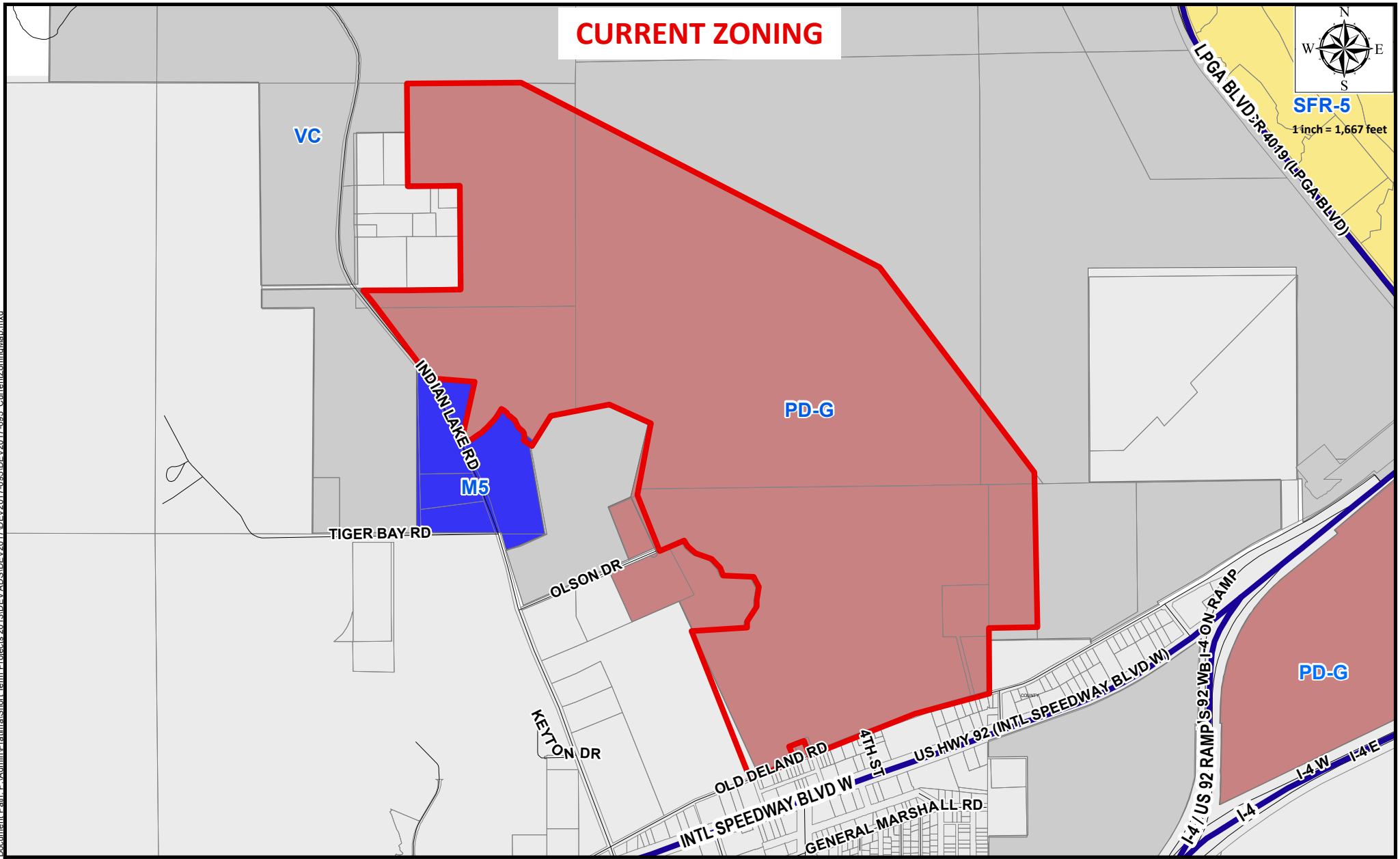
DEV2017-095 PLANNED DEVELOPMENT-GENERAL (PD-G) AMENDMENT FUTURE LAND USE (FLU) MAP

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

CURRENT ZONING



SFR-5
1 inch = 1,667 feet



Document Path: P:\Admin\Pratima\Short Term Projects\2013\DEV\ADS\DEV\2017\DEV\2017-095\DEV\2017-095_CurrentZoningMap.mxd



DEV2017-095 PLANNED DEVELOPMENT-GENERAL (PD-G) AMENDMENT ZONING MAP

The 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.

Memorandum



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

To: Dennis Mrozek, Planning Manager, City of Daytona Beach
From: Deborah D. LaCroix, CLA
Date: September 5, 2017
Client/Matter #: Consolidated-Tomoka Land Co./Indigo Development LLC
First Amendment to Firetower Industrial Site Planned Development-General
DEV2017-095
Subject: Neighborhood Meeting Summary – August 30, 2017

A neighborhood meeting was held in the conference room of the Holiday Inn Daytona Beach LPGA, at 137 AutoMall Circle, Daytona Beach, FL on August 30, 2017 at 6:00 p.m.

Rob Merrell and Parker Mynchenberg, along with Matthew West and Debi LaCroix explained the amendment request.

The meeting was attended by several interested neighbors who received invitations to the meeting. See attached Sign-In Sheet.

The neighbors shared their questions about timing and utilities. The neighbors were receptive to the development of the project property.

We look forward to this item being on scheduled for the September 28, 2017 Planning Board and the November 1 and 15, 2017 City Commission.

Thanks.

Deb.

FIRETOWER
PLANNED DEVELOPMENT-GENERAL AMENDMENT

DEV2017-095

NEIGHBORHOOD MEETING
AUGUST 30, 2017 6:00 P.M.
SIGN IN SHEET

NAME

ADDRESS

TELEPHONE NUMBER

Harrison Rawls 3405 Lake Odessa Jean Rd 407-595-9753

Cesar Ginebra 112 Winner circle rd 857-309-6615

PARKER MUNCHENBAY

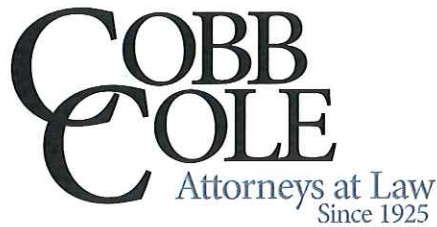
Tom Arnold 3674 W. I.S.B 386-290-1588

Cardwell HANNABASS 1708 S Peninsula Drive D.B. 386 451-1808

Chris Linsley 3728 West ISB 386-547-0671

William M. Cobb
(1881-1939)
Thomas T. Cobb
(1916-2004)
W. Warren Cole, Jr.
(1926-2008)
C. Allen Watts
(1946-2015)

Harold C. Hubka
Scott W. Cichon
Robert A. Merrell III
John P. Ferguson
Thomas J. Leek
Mark A. Watts
Heather Bond Vargas
Kelly Parsons Kviatek
Kathleen L. Crotty
Andrea M. Kurak



Daytona Beach • DeLand

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

Matthew S. Welch
Michael J. Woods
Michael O. Sznajstajler
Melissa B. Murphy
Pamela R. Masters
Robert E. Doan
Rachel I. Pringle
Kelsie W. Willett
Erica C. Johnson

OF COUNSEL
Thomas S. Hart
Larry D. Marsh
Maja Sander Bowler
William A. Parsons

RETIRED
Jay D. Bond, Jr.
Rhoda Bess Goodson

August 18, 2017

INVITATION TO NEIGHBORHOOD MEETING

Dear Neighbor:

The law firm of Cobb Cole has the pleasure of representing Consolidated-Tomoka Land Co./Indigo Development LLC, the owners of 850.15+/- acres of property located north of Old DeLand Road and east of Indian Lake Road in Daytona Beach, as shown on the attached map.

The property consists of an already approved industrial use Planned Development project which is known as Firetower Road Planned Development. The industrial uses approved as part of the Planned Development will remain unchanged. The owner is amending the current Planned Development Agreement by extending the current application and construction expirations only. The remaining provisions of the PD Agreement will remain unchanged.

As future neighbors to the proposed rezoning, we would like to invite you to discuss the amendment on **Wednesday, August 30, 2017 at 6:00 p.m.** in the meeting room of the Holiday Inn Daytona Beach LPGA, located at 137 AutoMall Circle, Daytona Beach, FL 32124

We look forward to seeing you at this meeting if you are interested in discussing this amendment.

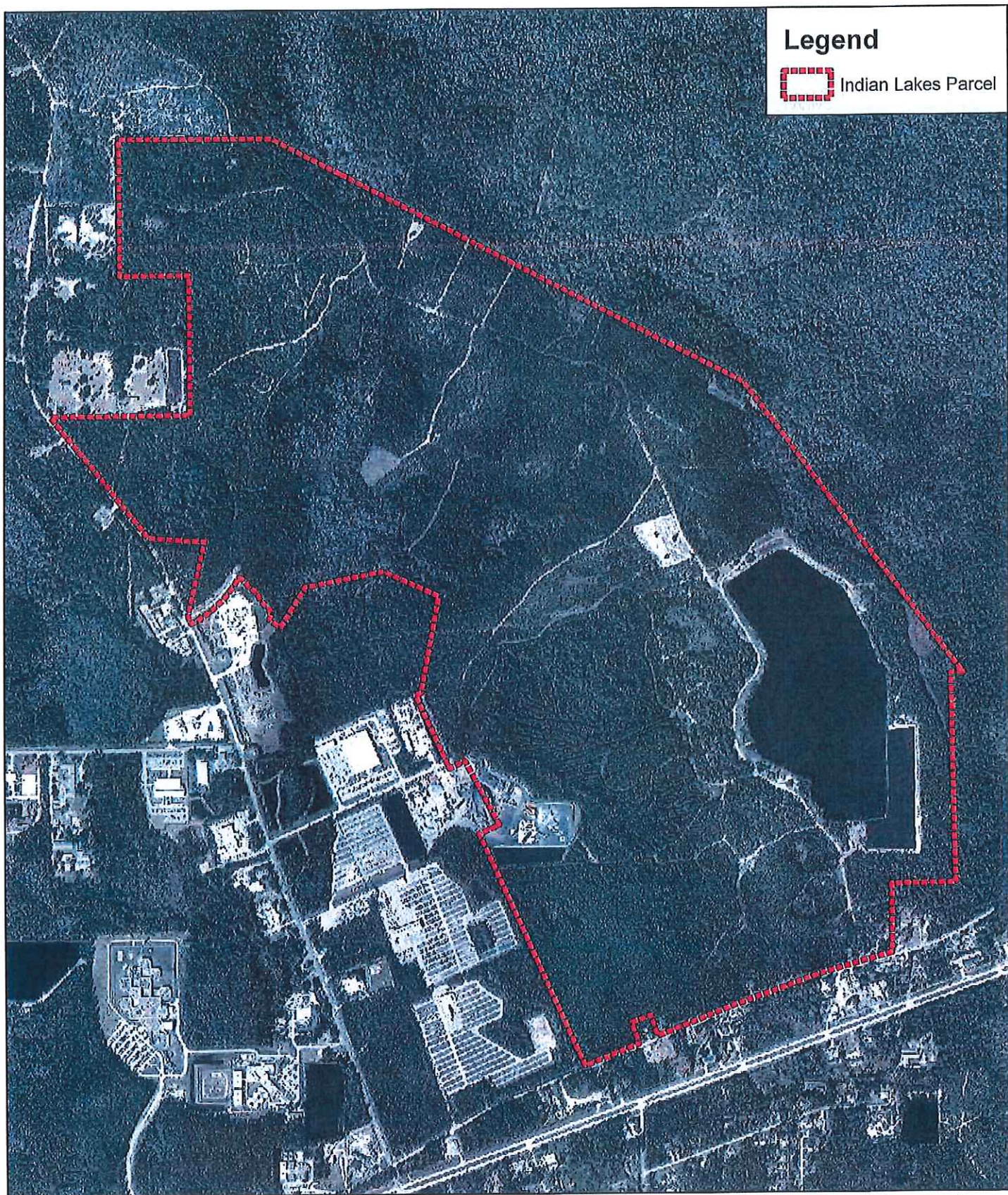
Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Merrell III', is written over a faint, larger version of the signature.

Robert A. Merrell III

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

RAM:ddl
Enclosures





Legend

 Indian Lakes Parcel

Bio-Tech Consulting Inc.
 Environmental and Permitting Services
 2002 E. Robinson St. Orlando, FL 32803
 Ph: 407-894-5969 Fax: 407-894-5970
 www.bio-techconsulting.com

Indian Lakes Parcel
 Volusia County, Florida
 Figure 2
 2015 Aerial Photograph

0 500 1,000
 Feet
 Project #: 769-26
 Produced By: DPH
 Date: 5/27/2016

6101-00-00-0018
County of Volusia c/o Eng Const Public Works
123 W. Indiana Avenue
DeLand, FL 32720

6205-00-00-0050
State of Florida TITF Tomoka Towersite
5001 N. U.S. Highway 1
Bunnell, FL 32110

6205-01-00-0040
Anthony J. & Beatriz Alastra
739 Bay Tree Ct.
Port Orange, FL 32127

6205-01-00-0050
Cardwell & June Hannabass
1708 S. Peninsula Drive
Daytona Beach, FL 32118

6205-01-00-0090
Jennifer L. Justis
3591 Old DeLand Road
Daytona Beach, FL 32124

6206-00-00-0011
Manheim Remarketing, Inc.
6205 Peachtree Dunwoody Road
Atlanta, GA 30328

6206-00-00-0012
Progressive Contractors, Inc.
3702 Olson Drive
Daytona Beach, FL 32124

6206-00-00-0013
School Board of Volusia County
P.O. Box 2118
DeLand, FL 32721-2118

6206-00-00-0014/6206-00-00-0102
P & S Paving, Inc.
3701 Olson Drive
Daytona Beach, FL 32124

6206-00-00-0150
Southern Bell Tel & Tel Co BellsoTelCom x RM 5E03CAM
P.O. Box 7207
Bedminster, NJ 07921

6206-01-36-0240
Christopher R. & Colette M. Linsley
3728 W. International Speedway Blvd.
Daytona Beach, FL 32124

6206-01-38-0010/6206-01-38-0030/6206-01-38-0090
Tri-City Diversified Services
3713 Old DeLand Road
Daytona Beach, FL 32124

6206-01-38-0110
Marie Miller Est c/o Susan Davis
4662 Old Salisbury Road
Lexington, NC 27295

6206-01-38-0130
Andrey Anpilogov
2820 W. 8 Street, Unit 8F
Brooklyn, NY 11224

6206-01-38-0170
Tony Dewalt
1056 Aspri Way
Palm Beach Gardens, FL 33418

6206-01-38-0190/6206-01-38-0210
Ted Brousseau, Jr.
1450 Jewel Box Avenue
Naples, FL 34102

6206-01-38-0230
Joe W. & Betty L. Adams
6001 SR 11
DeLeon Springs, FL 32130

6206-01-38-0250
Kenny & Shanie Ganga
2542 Coral Way Drive
Daytona Beach Shores, FL 32118

6206-01-38-0290/6206-01-40-0010/6206-01-40-0030
GP Daytona Land Trust c/o Travis Hutson
3575 Old DeLand Road
Daytona Beach, FL 32124

6206-01-39-0010
Will-Bea Investments, LLC
5423 N. 59th Street
Tampa, FL 33610

6206-01-39-0090
Kelly Caudill
400 Venture Drive, Unit B
South Daytona, FL 32119

6206-01-39-0190
First United Methodist Church of Ormond Beach
336 S. Halifax Drive
Ormond Beach, FL 32114

6206-01-39-0210
Merrell Lloyd
1609 Florida Street
Daytona Beach, FL 32114

6206-01-39-0230
Nabil & Rami Sadrack
312 Broadview Avenue
Altamonte Springs, FL 32701

6206-01-39-0250
Jimmie Zummo, Jr. & Angela R. Zummo
1650 Champagne Avenue
Gulf Breeze, FL 32563

6206-01-40-0050/6206-01-40-0070
Tim Baum
46386 SR 248
Chester, OH 45720

6206-01-40-0090
Herbert & Patricia Cheesbro
3679 Old DeLand Road
Daytona Beach, FL 32124

6206-01-40-0150/6206-01-41-0090
Trustees of Florida Defunct Elks Lodges
P.O. Box 1855
Daytona Beach, FL 32118

6206-01-40-0210
Michel Elliot Felix
1390 4th Street
Daytona Beach, FL 32124

6206-01-40-0231
Debra D. Molineux
71 Duckett Road
Chandler, NC 28715

6206-01-41-0010
Paul F. Smith
1104 N. Nova Road
Daytona Beach, FL 32117

6206-01-41-0190
Buccolo Brothers, Inc.
3668 W. International Speedway Blvd.
Daytona Beach, FL 32124

6206-01-41-0230
Edya Export Import, Inc.
307 Carswell Avenue
Holly Hill, FL 32117

6206-01-42-0010
JAA Investments, LLC
739 Bay Tree Court
Port Orange, FL 32127

6206-01-42-0020/6206-01-42-0021
James D. Stinnett, Sr. & Artha M. Stinnett
3659 Old DeLand Road
Daytona Beach, FL 32124

6206-01-42-0030
R. Bruce & Carla S. Orsborn
1389 Fourth Street
Daytona Beach, FL 32124

6206-01-42-0050
Angela Sabato TRS & George L. Papadeas TR
1208 Golfview Drive
Daytona Beach, FL 32124

6206-01-44-0050/6206-01-44-0120/6206-01-45-0050/6206-01-45-0120
Roger L. & Linda K. Swartz
5738 Foxhollow Road
DeLeon Springs, FL 32130

6206-01-44-0200
Margaret Mary Holley
3613 Old DeLand Road
Daytona Beach, FL 32124

6206-01-44-0250
Horace Smith, Jr.
314 Riverside Drive
Ormond Beach, FL 32176

6206-01-45-0180
Joseph G. Evans
4924 Sailfish Drive
Ponce Inlet, FL 32127

5232-00-00-0012/6205-00-00-0022/5231-00-00-0011
St. Johns River Water Mngt. District TITF/AGR-Forestry
4049 Reid Street
Palatka, FL 32178

5136-00-00-001E
County of Volusia
123 W. Indiana Avenue
DeLand, FL 32720

5136-00-00-0050
Melissa & Peter J. Robertucci
1091 Indian Lake Road
Daytona Beach, FL 32124

5136-01-00-0010
VCNA Prestige Concrete Products, Inc.
8529 S. Park Circle, Suite 320
Orlando, FL 32819

6206-01-44-0010
A G Pifer Construction Co., Inc.
3629 Old DeLand Road
Daytona Beach, FL 32124

6206-01-44-0160
Ricardo J. & Karen F. Paredes
3615 Old DeLand Road
Daytona Beach, FL 32124

6206-01-44-0230
Josette McClain
3609 Old DeLand Road
Daytona Beach, FL 32124

6206-01-45-0010
Taran, Inc.
6092 Crossbow Lane
Port Orange, FL 32128

6206-01-45-0220
Daytona 200 Motorcycle Club, Inc.
3602 International Speedway Blvd.
Daytona Beach, FL 32124

5136-00-00-0016/5136-00-00-001B/5125-00-00-0010
St. Johns River Water Mngt. District TITF/AGR-Forestry
4049 Reid Street
Palatka, FL 32178

5136-00-00-0025
Pelicano Crusher Corp.
3401 Conway Gardens Road
Orlando, FL 32806

5136-00-00-0051
George Emory & Martha Lunsford
1081 Indian Lake Road
Daytona Beach, FL 32124

5136-00-00-0017/5136-00-00-001A/5136-00-00-001C
St. Johns River Water Mngt. District TITF/AGR-Forestry
4049 Reid Street
Palatka, FL 32178

5136-00-00-001D
Timothy Erin & Carla McGuire
975 Indian Lake Road
Daytona Beach, FL 32124

5136-00-00-0020
Harrell R. & Donna L. Rawlins
3405 Lake Helen Osteen Road
Deltona, FL 32738

5136-00-00-0030
Carl S. Rawlins
2400 E. Osceola Road
Geneva, FL 32732

5136-00-00-0022
Agnes Rawlins
1055 Indian Lake Road
Daytona Beach, FL 32124

800

NEIGHBORHOOD MEETING NOTICE

A NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON
8/30/17 AT 6:00 P.M. TO INTRODUCE THE
FOLLOWING APPLICATION FOR THIS PROPERTY:

PD Amendment / Exp. Extension

THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION:

Holiday Inn LPGA, 137 Auto Mall Circle, DB, FL

INTERESTED PARTIES CAN CONTACT Cobb Cole

AT 386/323-9263 FOR FURTHER INFORMATION.

800

NEIGHBORHOOD MEETING NOTICE

A NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON
8/30/17 AT 6.00P.M. TO INTRODUCE THE
FOLLOWING APPLICATION FOR THIS PROPERTY:

PD Amendment / Extension

THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION:

Holiday Inn LPGA, 137 Avalon Mall Circle, D.B. FL

INTERESTED PARTIES CAN CONTACT Cobb Cole

AT 386/323-9263 FOR FURTHER INFORMATION.