

Agenda Item 4 (Legislative Hearing)

Land Development Code Text Amendment

DEV2017-097

Amend Article 5

STAFF REPORT

DATE: September 18, 2017

TO: Planning Board Members

FROM: Reed Berger, AICP, Redevelopment Director

AMENDMENT REQUEST

A request by Don Henderson, Boardwalk at Daytona Development LLC, to amend Section 5.4.C.13 of the Land Development Code to establish an extension of additional time for temporary redevelopment project parking lot beyond the 6 years and based on evidence of certain hardships.

AMENDMENT BACKGROUND

The applicant owns a 1.85 acre property located at 41 N. Ocean Avenue, generally bounded by Atlantic Avenue, Auditorium Boulevard, Ocean Avenue, and Main Street. The property is used for public parking and provides 170 parking spaces.

The property is part of the Boardwalk Hotel development agreement approved by the City Commission (Ordinance No. 03-220). The development agreement also includes property owned by the applicant located east of Ocean Avenue that is currently used for an amusement ride park along the Boardwalk. After the approval of the Boardwalk Hotel agreement a number of factors have delayed the redevelopment project including the economic recession.

In 2011 the redevelopment project site was approved as a conditional use and site plan by the Main Street / South Atlantic Redevelopment Area Board as a temporary parking lot. Two additional two-year extensions were approved. Prior to the temporary parking lot use expiration on September 14, 2017 the applicant submitted the text amendment request to allow for additional extensions.

AMENDMENT DESCRIPTION

Section 5.4.C.13 of the Land Development Code, *Temporary Redevelopment Project Parking Lot*, is amended to read as follows (addition indicated by underlined bold text):

13. *Temporary Redevelopment Project Parking Lot.* A temporary parking lot may be allowed in conjunction with an approved redevelopment project, subject to the following standards:

- a. The applicant shall identify an approved redevelopment project for the site and a schedule for completion of the redevelopment project.
- b. The temporary or interim use of the land for a parking lot shall be authorized for a maximum period of two years from the date of approval of the Temporary Use Permit for the parking lot. Through site plan approval, City staff may authorize extensions of the two-year period for additional two-year periods, up to a total of six years, on findings that there is a need to extend the schedule to complete the redevelopment project and that all conditions are satisfied. **Additional time may be granted beyond the 6 year period by City staff for additional two-year periods provided the applicant: 1.) submits evidence that there is a need to extend the schedule to complete the redevelopment project and that the parking lot that all conditions in Section 5.4.C.13 are satisfied; 2.) maintains the property, including landscaping, in compliance with the approved site plan; 3.) is an owner of the property subject to a development agreement approved by the City that has not expired, and; 4.) continues to keep the parking open to the public.**
- c. The parking lot surface shall be stabilized with crushed shell, crushed concrete, open-jointed pavers, pervious concrete, pervious asphalt, gravel, or sod. A crushed shell, crushed concrete, or gravel surface shall be treated with a soil stabilizer, such as Soiltec®; or DirtGlue™ to control dust and erosion on-site. Construction details and a maintenance plan, approved by City staff, shall be submitted with the application.
- d. A stormwater permit or a determination that a permit is not required shall be obtained from the St. John's River Water Management District. If a district permit is not required, the City will, at a minimum, require any necessary improvements to prevent erosion sediment from entering the public drainage system.
- e. A fence shall be provided along the perimeter of the parking lot—excluding permitted access points—to screen it from abutting rights-of-way. The fence shall:
 - i. Be at least four feet high, measured from the top of the fence to the finish grade of the ground.
 - ii. Be located behind required landscaping
 - iii. Have an appearance that meets the design standards for fences in Redevelopment Areas.
 - iv. Be constructed of vinyl or the finest grade cypress or pressure treated pine utilizing "dog eared" or "stockade" pickets with posts of sufficient strength and depth to hold the fence plumb and erect during anticipated wind loads.

- v. Be white on both sides.
- f. The parking lot shall be landscaped in accordance with Section 6.4.D, Vehicular Use Area Landscaping, except that:
 - i. The perimeter landscaping strip may be five feet wide along public rights-of-way; and
 - ii. Parking lots with an area less than one acre are not required to have landscaped islands and areas within the vehicular use area.
- g. One ground sign along each right-of-way shall be permitted provided it has a maximum sign area of 15 square feet and meets the design standards for signs in Redevelopment Areas.
- h. The parking lot shall have lighting that is capable of providing adequate illumination for security and safety, but does not cause a nuisance to adjoining properties.
- i. Proper maintenance of all site improvements is required.
- j. Temporary parking lots may be used for parking only and may not be used or approved for use for outside activities.
- k. Upon expiration of authorization of a temporary parking lot, the parking lot shall promptly be restored and maintained in accordance with Section 6.18.D, Site Restoration.
- l. A complete and automatic underground irrigation system shall be installed and maintained which provides 100 percent coverage to all landscaped areas. An irrigation plan shall be approved prior to construction.

Text Amendment Review Standards

The purpose of Section 3.4.B. 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 text amendment is in compliance with the Land Development Code and Code of Ordinances.

c. Is required by changed conditions;

The proposed text amendment is necessary to continue the use of public parking with the understanding that the applicant needs additional time to develop a hotel on the site.

d. Addresses a demonstrated community need;

The proposed text amendment will allow for the continued use of a 170 public parking spaces in close proximity to the public beach, Pier, Boardwalk, and Breakers Park.

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;

The proposed text amendment would allow for public parking which is a permitted use in the RDB-1 zoning district.

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

The proposed 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 has reviewed the proposed Land Development Code text amendment request and determined the request would not have adverse impacts on the natural environment.

RECOMMENDATION

Based on staff analysis and review of the above standards, approval of the requested text amendment is recommended. The item is tentatively scheduled to be heard by the City Commission on October 18, 2017. A majority vote of the Planning Board members present and voting is required for recommendation of approval to the City Commission.