

Document prepared by:  
Storch Law Firm  
420 South Nova Road  
Daytona Beach, FL 32114

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Daytona Beach, FL 32115-2451

**FIRST AMENDMENT TO THE LOTUS OF DAYTONA PLANNED DISTRICT  
AGREEMENT**

**THIS FIRST AMENDMENT TO THE LOTUS OF DAYTONA PLANNED DISTRICT AGREEMENT** (this "First Amendment") is entered into by and between, The CITY OF DAYTONA BEACH, FLORIDA, a Florida municipal corporation located in Volusia County, Florida ("City"), and Padmavati Three, LLC, a Florida limited liability company having a mailing address of 444 Seabreeze Boulevard, Suite 805, Daytona Beach, FL 32118, the record title property owner ("Owner" or "Developer").

**WHEREAS**, City and the Developer entered into "The Lotus of Daytona Planned District Agreement" (the "Agreement"), recorded in Official Records Book 7330, Page 98 Public Records of Volusia, County, Florida, as amended by the First Minor Modification to the Agreement, recorded in Official Records Book 7529, Pages 88 - 98 Public Records of Volusia County, Florida; and

**WHEREAS**, the property subject to this First Amendment remains unchanged from said Agreement as amended and consists of approximately  $\pm$  0.96 acres of real property as described in Exhibit "A" attached hereto and incorporated herein (the "Property"); and

**WHEREAS**, Developer proposed to further amend the Agreement to: (1) provide for the addition of a covered cabana as depicted on Exhibit "B" attached hereto and incorporated herein; and (2) incorporate additional changes to the approved lot development criteria, other than the minor modifications as described in the Agreement; and

**WHEREAS**, the City is willing to amend the Agreement, subject to the terms and conditions set forth herein;

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, City and Developer hereto covenant and bind themselves as follows:

1. The above recitals are recognized as true and correct representations and are incorporated herein.
2. Section 2 of the Agreement is amended as follows, with additions and deletions in underline and strikethrough formats, respectively:

...

Exhibit B: PD Plan, rev. date January 30, 2018, prepared by The Performance Group. Said PD Plan includes all changes approved as part of the First Minor Modification to the Agreement, recorded in Official Records Book 7529, Pages 88-98 Public Records of Volusia County.

3. Section 3 of the Agreement is amended as follows, with additions and deletions in underline and strikethrough formats, respectively:

...

C. Development of the Property shall be consistent with Exhibit B (PD Plan). Exhibit B generally depicts the planned layout of buildings, parking areas, driveways, common areas, and other planned features or improvements to the Property, including but not limited to a covered cabana.

D. **ADDITIONAL LOT DEVELOPMENT CRITERIA.** The following lot development criteria apply to the Property:

...

(4) Parking garage Setbacks:

...

d) Rear ~~71.12~~ 127.37 ft.;

...

(17) Minimum Landscape Buffers:

...

c) Rear ~~40~~ 0 ft., however, plant material equal to the amount needed for a 10-foot rear buffer shall be provided on the pool deck;

...

~~(19) Perimeter Landscape Strip: 3 foot minimum (see Exhibit D).~~

...

(20) Covered Cabana Setbacks (minimum):

- a) Side (North) 3 ft.
- b) Side (South) 110 ft.
- c) Front 210 ft.
- d) Rear 25 ft.

- 4. This First Amendment shall be effective as of the date it is executed by the parties.
- 5. This First Amendment shall be recorded in the Public Records of Volusia County, Florida.
- 6. The Agreement shall remain in full force and effect expect with respect to those matters specifically amended by this First Amendment.

IN WITNESS WHEREOF, the parties hereto have set their hand this 4<sup>th</sup> day of April, 2018.

Signed, sealed and delivered in the presence of:

**PADMAVATI THREE, LLC, a Florida limited liability company**

*Dipak Jobalia*  
 Witness 1  
DIPAK JOBALIA  
 Print Name of Witness 1

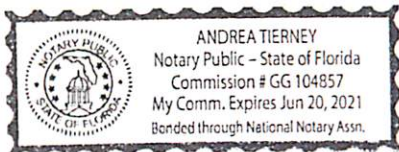
By: *[Signature]*  
 Name: ANAND JOBALIA  
 Title: MANAGER

*Thomas R. McHugh*  
 Witness 2  
Thomas R. McHugh  
 Print Name of Witness-2

Date: 4/4/18  
 [Corporate Seal]

STATE OF FLORIDA  
 COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of April, 2018, by Anand Jobalia, as manager of PADMAVATI THREE, LLC, referred to in this agreement as "Owner." He or she is  personally known to me or  produced as identification and did not take an oath.



*A Tierney*  
 Notary Public  
 Commission No. GG 104857

Signed, sealed and delivered in the presence of:

**THE CITY OF DAYTONA BEACH,  
FLORIDA, a Florida municipal  
corporation**

\_\_\_\_\_  
Witness 1

\_\_\_\_\_  
Print Name of Witness 1

\_\_\_\_\_  
Witness 2

\_\_\_\_\_  
Print Name of Witness 2

By: \_\_\_\_\_  
Derrick L. Henry, Mayor

Attest:

By: \_\_\_\_\_  
Letitia LaMagna, City Clerk

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by \_\_\_\_\_ and \_\_\_\_\_, 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: \_\_\_\_\_



FIRST AMERICAN TITLE INSURANCE COMPANY OWNERS POLICY NUMBER 5011412-733312, DATED JULY 8, 2015 (FILE NO. NCS-733312-TAM) DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF VOLUSIA, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWESTERLY CORNER OF LOT 13, BLOCK 17, PLAT OF EAST DAYTONA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED N PLAT BOOK 2, PAGE 1061, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN N 20°00'00" W (ASSUMED BEARING) ALONG THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF BLOCK 17, A DISTANCE OF 30.00 FEET TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF RIVERVIEW BLVD. (PLATTED ELPS BLVD.); THENCE N 70°30'14" E ALONG SAID CENTERLINE A DISTANCE OF 207.00 FEET TO A POINT; THENCE S 19°29'46" E A DISTANCE OF 20.00 FEET TO A POINT; THENCE N 70°30'14" E A DISTANCE OF 75.00 FEET TO A POINT; THENCE S 19°29'46" E A DISTANCE OF 10.00 FEET; THENCE S 70°30'14" W A DISTANCE OF 6.80 FEET TO A POINT ON THE SEA WALL; THENCE RUN SOUTH 19°37'39" EAST, ALONG SAID SEAWALL, 150.00 FEET; THENCE DEPARTING SAID SEAWALL RUN SOUTH 70°30'14" WEST A DISTANCE OF 273.96 FEET TO THE EASTERLY RIGHT-OF-WAY OF NORTH ATLANTIC AVENUE (STATE ROAD A1A); THENCE RUN NORTH 20°00'00" WEST ALONG SAID RIGHT-OF-WAY, 150.00 FEET TO THE POINT OF BEGINNING.

AND INCLUDING:

A PORTION OF THE NOW VACATED RIGHT-OF-WAY OF RIVERVIEW BLVD. PER MAP OR PLAT OF POSTS ADDITION TO EAST DAYTONA AS RECORDED N MAP BOOK 2, PAGE 1061 AND RE-FILED IN MAP BOOK 2, PAGE 34A OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWESTERLY CORNER OF LOT 13, BLOCK 17 ACCORDING TO THE PLAT OF POSTS ADDITION TO EAST DAYTONA AS AFORESAID, THENCE RUN N 20°00'00"W (ASSUMED BEARING) ALONG THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF SAID BLOCK 17 A DISTANCE OF 30.00 FEET TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF RIVERVIEW BLVD.; THENCE N 70°30'14"E ALONG SAID CENTERLINE A DISTANCE OF 207.00 FEET TO A POINT; THENCE S 19°29'46 E, A DISTANCE OF 30.00 FEET TO THE NORTHERLY LINE OF SAID LOT 13 (ALSO BEING THE ORIGINAL SOUTHERLY RIGHT-OF-WAY LINE OF RIVERVIEW BLVD.); THENCE S 70°30'14" W ALONG SAID NORTHERLY LINE A DISTANCE OF 175.50 FEET TO A POINT; THENCE S 19°29'46" E A DISTANCE OF 7.00 FEET; THENCE S 70°30'14" W, A DISTANCE OF 31.17 FEET TO THE WESTERLY LINE OF SAID BLOCK 17; THENCE N 20°00'00" W ALONG SAID WESTERLY LINE A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING.

DEV2017-137

EXHIBIT A - LEGAL DESCRIPTION

THE PERFORMANCE GROUP  
CIVIL ENGINEERING / PLANNING / DEVELOPMENT



JOSEPH H. HOPKINS, P.E. NO. 48059  
100 MARINA POINT DR., DAYTONA BEACH, FL. 32114  
TELEPHONE: (386) 239-7166 FAX: (386) 239-7120

803 LOTUS DAYTONA

SCALE: NONE

FILE: 803 LOTUS HOTEL/803-SITE PLAN 4

DATE: 1/13/16; 2/18/16; 3/28/16  
4/26/16; 5/11/16; 6/15/16; 3/21/17  
6/8/17; 11/28/17; 1/30/18

# SITE DATA:

ZONING: PD-G  
 FUTURE LAND USE: TOURIST ACCOMMODATIONS

PARKING SPECIFICATIONS:

PROPOSED 90 UNITS  
 TOTAL PARKING PROVIDED = 87 SPACES (83 REG, 4 H.C.)  
 TOTAL BICYCLE PARKING REQUIRED = 5/50 SPACES = 8.7  
 TOTAL BICYCLE PARKING PROVIDED = 10 SPACES

LOT SPECIFICATIONS:

TOTAL LOT AREA: 41,437.71 S.F. = 0.95 Ac.  
 TOTAL PROJECT AREA: 41,437.71 S.F. = 0.95 Ac.  
 LOT WIDTH: 150.00'  
 LOT DEPTH: 277.00'

BUILDING SPECIFICATION

FIRST FLOOR AREA: 4,148  
 2ND LEVEL - 12TH LEVEL = (5,216 S.F./FLOOR X 11 FLOORS) = 57,376 S.F.  
 TOTAL BUILDING FLOOR AREA: 61,524  
 FAR = 61,524 ÷ 41,437.71 = 1.48

<u>DESCRIPTION OF LOT COVERAGE</u>	<u>S.F.</u>	<u>Ac.</u>	<u>%</u>
BUILDING (GROUND LEVEL):	5,215.66	0.12	12.6
CABANA:	907.92	0.02	2.2
PAVED PARKING:	18,418.61	0.42	44.4
DECK/POOL/MISC. PAVING:	8,532.49	0.20	20.6
TOTAL IMPERVIOUS AREA:	33,074.68	0.76	79.8
TOTAL PERVIOUS AREA:	8,363.03	0.19	20.2
TOTAL AREA:	41,437.71	0.95	100.0

LOT DEVELOPMENT CRITERIA PER APPROVED PLANNED DISTRICT AGREEMENT (BK 7330, PG 98):

MAX. BUILDING HEIGHT (ABOVE MSL): 134.00\*\*  
 MAX. INDIVIDUAL BUILDING SIZE: 5,250 S.F. (WITHOUT PARKING GARAGE)  
 BUILDING: 5,216 S.F.  
 GARAGE STRUCTURE: 16,015 S.F.  
 TOTAL: 21,231 S.F.

BUILDING SETBACKS:  
 SIDE (NORTH): 12.56\*\*  
 SIDE (SOUTH): 12.72\*\*  
 FRONT: 130.14\*\*  
 REAR: 71.12'

GARAGE SETBACKS:  
 SIDE (NORTH): 2.86\*\*  
 SIDE (SOUTH): 3.07\*\*  
 FRONT: 8.00'  
 REAR: 127.37\*\*

CABANA SETBACKS:  
 SIDE (NORTH): 3.62'  
 SIDE (SOUTH): 111.75'  
 FRONT: 214.06'  
 REAR: 26.54'

MIN. LANDSCAPE BUFFERS:  
 SIDE: 2.86\*\*  
 FRONT: 8.00'  
 REAR: N/A

PARKING STANDARDS:  
 STALL DEPTH: 18.87\*\*  
 AISLE WIDTH: 23.00\*\*

MAX. PARKING GARAGE ELEVATION: 25.0 (NAVD 88)  
 BUILDING COVERAGE: 59.2% (BUILDING, CABANA & PARKING GARAGE)  
 MIN. OPEN SPACE: 10%  
 MAX. IMPERVIOUS SURFACE AREA: 75%  
 LOADING ZONE: N/A  
 SLOPES WITHIN ANY DRY RETENTION POND(S) SHALL BE 4:1 WITHOUT A FENCE  
 DRY RETENTION POND(S) SHALL COUNT TOWARD OPEN SPACE REQUIREMENTS  
 LOADING ZONE: N/A  
 SEAWALL VEGETATIVE BUFFER: N/A  
 PERIMETER LANDSCAPE STRIP: N/A

\* MINOR MODIFICATION

## EXHIBIT B - SITE DATA

## THE PERFORMANCE GROUP

CIVIL ENGINEERING / PLANNING / DEVELOPMENT



JOSEPH H. HOPKINS, P.E. NO. 48059  
 100 MARINA POINT DR., DAYTONA BEACH, FL. 32114  
 TELEPHONE: (386) 239-7166 FAX: (386) 239-7120

803 LOTUS DAYTONA

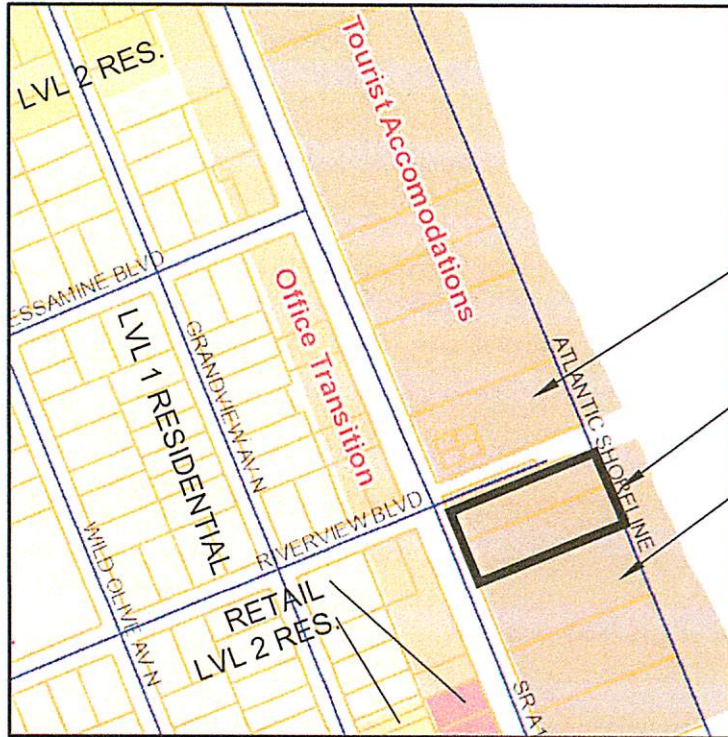
SCALE: NONE

FILE: 803 LOTUS HOTEL/803-SITE PLAN 4

DATE: 1/13/16; 2/18/16; 3/28/16  
 4/26/16; 5/11/16; 6/15/16; 3/21/17  
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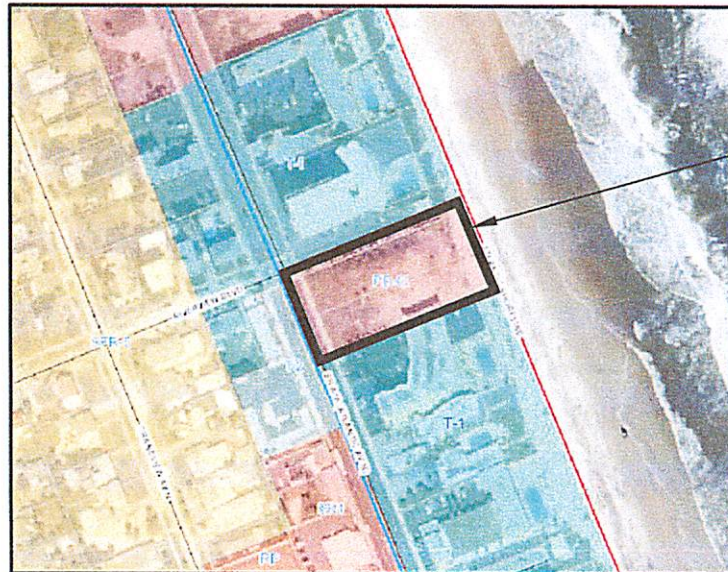


# FUTURE LAND USE



- HOTEL/  
CONDOMINIUM
- PROPOSED LOTUS  
DAYTONA HOTEL
- HOTEL

# ZONING



- PROPOSED LOTUS  
DAYTONA HOTEL  
ZONING: PD PER  
OR BK 7330 PG 98

## EXHIBIT B - SITE MAPS

**THE PERFORMANCE GROUP**  
CIVIL ENGINEERING / PLANNING / DEVELOPMENT

803 LOTUS DAYTONA

SCALE: NONE

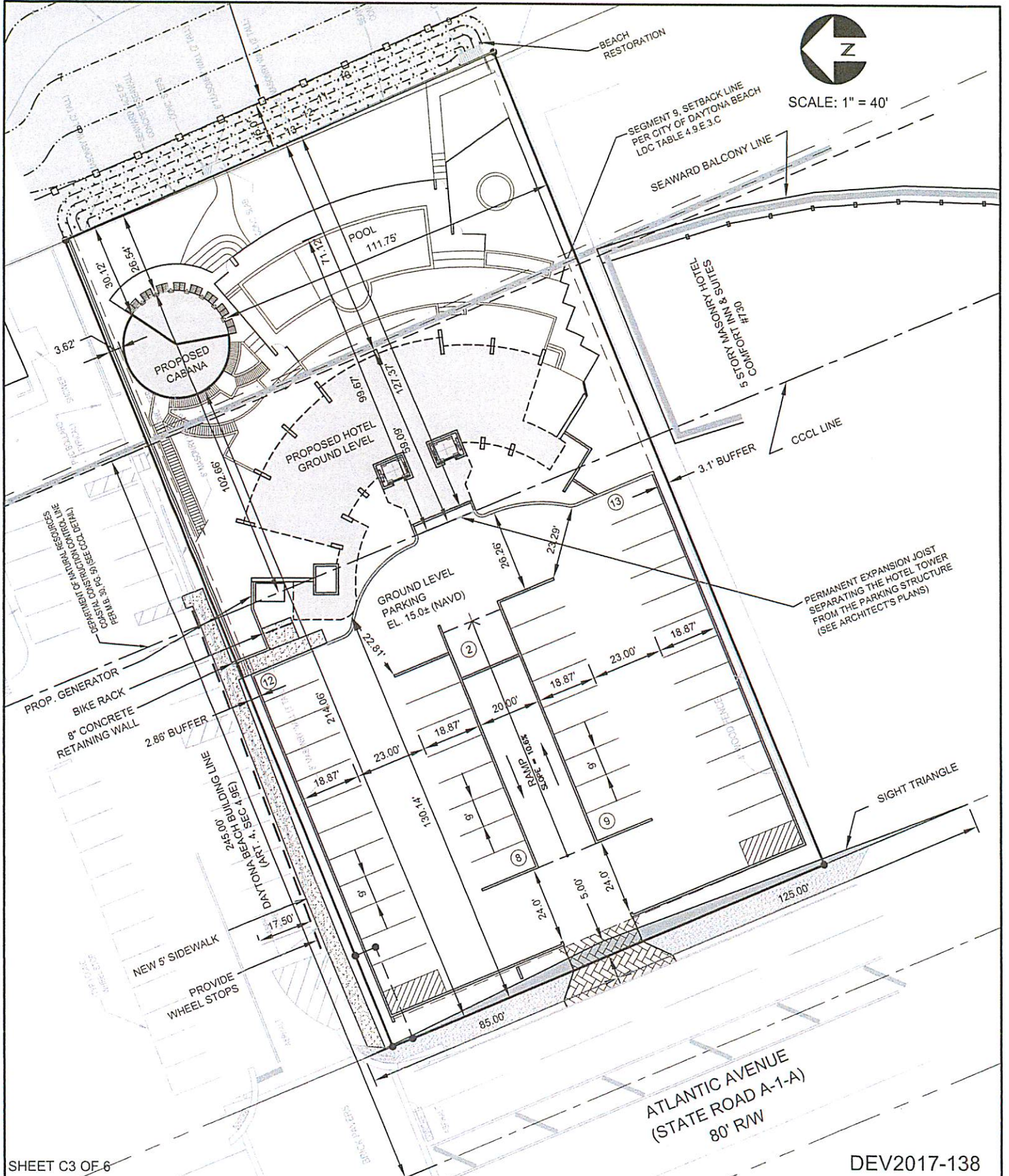
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4/26/16; 5/11/16; 6/15/16; 3/21/17  
6/8/17; 11/28/17; 1/30/18; 3/8/18



JOSEPH H. HOPKINS, P.E. NO. 48059  
100 MARINA POINT DR., DAYTONA BEACH, FL. 32114  
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SCALE: 1" = 40'

SHEET C3 OF 6

DEV2017-138

EXHIBIT B - LOWER DIMENSION PLAN

THE PERFORMANCE GROUP  
CIVIL ENGINEERING / PLANNING / DEVELOPMENT



JOSEPH H. HOPKINS, P.E. NO. 48059  
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803 LOTUS DAYTONA

SCALE: 1"=40'

FILE: 803 LOTUS HOTEL/803-SITE PLAN 4

DATE: 1/13/16; 2/18/16; 3/28/16  
4/26/16; 5/11/16; 6/15/16; 3/21/17  
6/8/17; 11/28/17; 1/30/18; 3/8/18



# THE PERFORMANCE GROUP

CIVIL ENGINEERING / PLANNING / DEVELOPMENT



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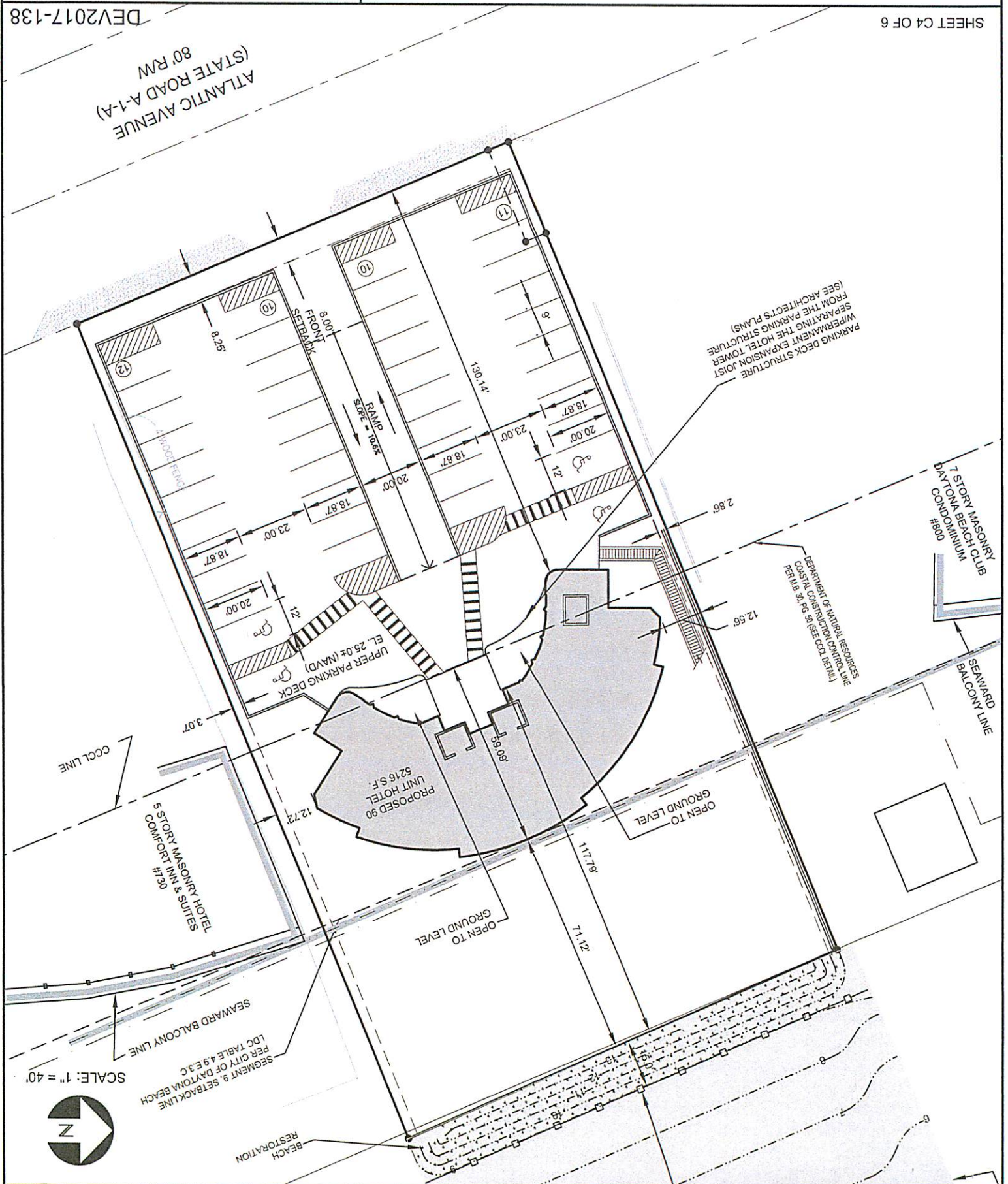
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6/8/17; 11/28/17; 1/30/18; 3/8/18

SCALE: 1"=40'

803 LOTUS DAYTONA

FILE: 803 LOTUS HOTEL/803-SITE PLAN 4

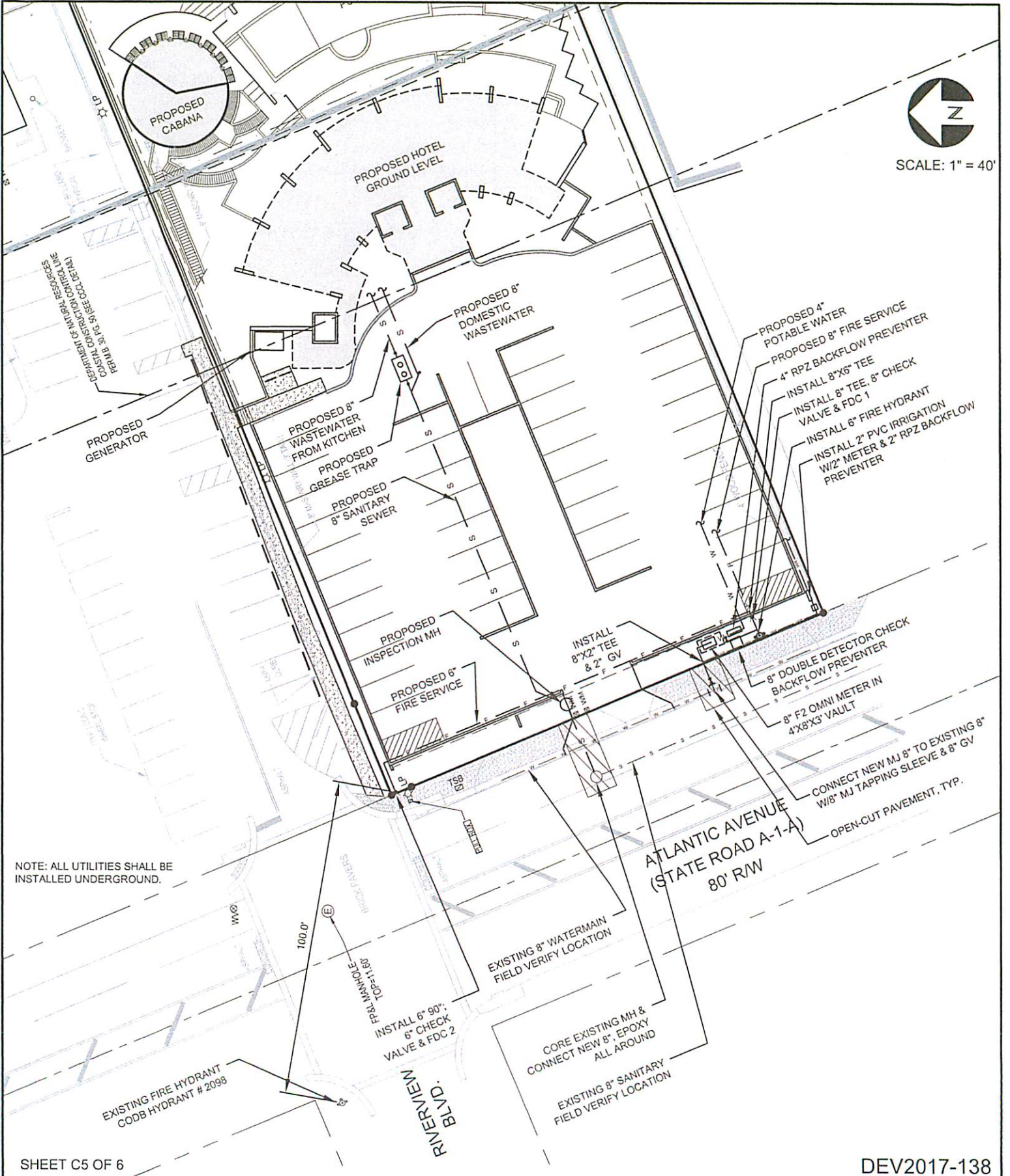
## EXHIBIT B - UPPER DIMENSION PLAN








SCALE: 1" = 40'



NOTE: ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.

SHEET C5 OF 6

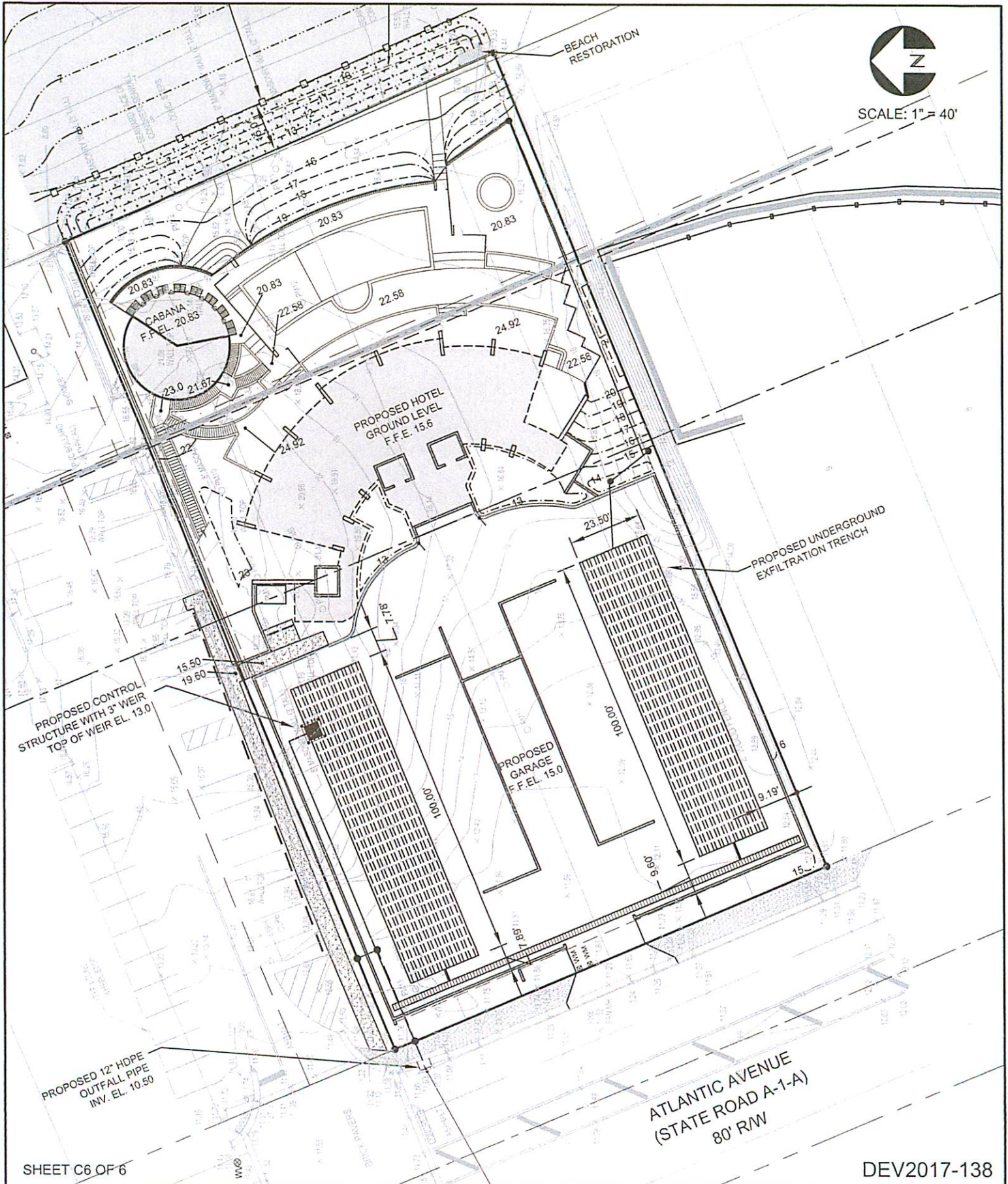
DEV2017-138

<b>EXHIBIT B - UTILITY PLAN</b>		<b>THE PERFORMANCE GROUP</b> CIVIL ENGINEERING / PLANNING / DEVELOPMENT	
803 LOTUS DAYTONA	SCALE: 1"=40'	 JOSEPH H. HOPKINS, P.E. NO. 48059 100 MARINA POINT DR., DAYTONA BEACH, FL. 32114 TELEPHONE: (386) 239-7166 FAX: (386) 239-7120	
FILE: 803 LOTUS HOTEL/803-SITE PLAN 4	DATE: 1/13/16; 2/18/16; 3/28/16 4/26/16; 5/11/16; 6/15/16; 3/21/17 6/8/17; 11/28/17; 1/30/18; 3/8/18		





SCALE: 1" = 40'



SHEET C6 OF 6

DEV2017-138

# EXHIBIT B - GRADING AND DRAINAGE PLAN

**THE PERFORMANCE GROUP**  
CIVIL ENGINEERING / PLANNING / DEVELOPMENT



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TELEPHONE: (386) 239-7166 FAX: (386) 239-7120

803 LOTUS DAYTONA

SCALE: 1"=40'

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