

Agenda Item 6 (Quasi-Judicial Hearing)

Rezoning Amendment – Planned Development-General

First Amendment

DEV2017-138

Lotus of Daytona PD-G

STAFF REPORT

DATE: March 6, 2018

TO: Planning Board Members

FROM: Hannah Ward, Planner

PROJECT REQUEST

A request by Joseph H. Hopkins, P.E., on behalf of Anand Jobalia, with Padmavati Three, LLC for approval to amend the Lotus of Daytona Planned District (PD) Agreement to allow for the development of a cabana past the City's Atlantic Ocean Building Line and to clarify discrepancies in the lot development criteria that was approved as part of the original PD agreement.

PROJECT LOCATION

The .96 +/- acre property is located at the southeast corner of Atlantic Avenue (A1A) and Riverview Boulevard and is currently vacant and undeveloped. The zoning of the property is Planned Development-General (PD-G), and the Future Land Use (FLU) of the property is Tourist Accommodations.



Aerial View of the Property

The adjacent land uses and zoning classifications are shown below and in the accompanying map series.

Table 1: Land Use and Zoning Table

| | Existing Uses | Future Land Use Designation | Existing Zoning Classification |
|--------------|--------------------------|------------------------------------|---------------------------------------|
| Site | Vacant Undeveloped | Tourist Accommodations | Planned Development-General (PD-G) |
| North | Hotel | Tourist Accommodations | Tourist Accommodations (T-1) |
| South | Hotel | Tourist Accommodations | Tourist Accommodations (T-1) |
| East | Atlantic Ocean Shoreline | N/A | N/A |
| West | Motel | Office Transition | Tourist/Office/Restaurant (T-2) |

PROJECT DESCRIPTION

The Lotus of Daytona Planned District (PD) Agreement was approved by the Daytona Beach City Commission on August 17, 2016.

The applicant is now requesting the First Amendment to the Lotus of Daytona Planned District (PD) Agreement to allow for the development of a cabana past the City’s Atlantic Ocean Building Line and to clarify discrepancies in the lot development criteria that was approved as part of the original PD agreement, as follows:

- (1) amend the rear parking garage setback from 71.12 feet to 127.37 feet;
- (2) amend the minimum rear landscape buffer from 10 feet to 0 feet;
- (3) remove the requirement for a perimeter landscaping strip.

PROJECT ANALYSIS

Section 4.9.E.4.b of the Land Development Code (LDC) regarding *Development Activity Beyond Building and Bulkhead Lines* for properties with the City’s Waterfront Overlay (WO) District restricts the development of roofed structures past the City’s established Atlantic Ocean Building and Bulkheads Lines, as follows:

No structure, building, bulkhead, retaining wall, dike, vehicular access, ramp approach, walkway, pipe railing, or any other construction or obstruction, or any portion thereof, shall extend beyond or east of the building line or the bulkhead line except as specifically permitted herein.

In order to develop the proposed cabana structure on the property, the applicant must request a modification to the current regulations in the Land Development Code (LDC) as part an amendment to the PD agreement. While the LDC restricts the types of development activities that can occur East of the City's established Atlantic Ocean Building and Bulkhead Lines, development activity within this area is ultimately governed by the Florida Department of Environmental Protection (FDEP), which established the Volusia County Coastal Construction Control Line (CCCL) in 1991 to uphold stringent permitting requirements for altering, excavating, and/or constructing on property seaward of the established control line. The updated PD Plan showing the proposed cabana as an accessory structure to the approved development plan for the Lotus Hotel (*see Attachment A*) reflects that the Volusia County CCCL is located landward of the City's Atlantic Ocean Building Line, thus representing the stricter regulation. That being said, and pursuant to the State's regulations, the applicant will be required to obtain approval from the FDEP for the proposed structure, prior to the issuance of a building permit for the proposed cabana structure.

The applicant has also proposed to amend some of the lot development criteria that was approved as part of the Lotus of Daytona PD Agreement, to clarify inconsistencies between the text of the PD Agreement and its associated exhibits, as follows:

(4) Parking Garage Setbacks:

- a) Side (North) 3 ft.*
- b) Side (South) 3 ft.*
- c) Front 8 ft.*
- d) Rear ~~71.12 ft.~~ 127.37 ft.*

...

(17) Minimum Landscape Buffers:

- a) Side: 3 ft.*
- b) Front: 8 ft.*
- c) Rear: ~~10 ft.~~ 0 ft.*

...

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

The text of the PD agreement was approved with a rear parking garage setback of 71.12 feet. The site data table included as an exhibit to the PD agreement was approved with a rear parking garage setback of 119.53 feet. The applicant is now requesting to revise the rear parking garage setback to 127.37 feet, to accommodate the approved parking garage at the correct setback. In addition, the applicant is requesting to eliminate the minimum required 10 ft. rear landscape buffer from the text of the PD agreement and correspondingly revise the applicable exhibits, to reflect consistency with the modifications to the Land Development Code (LDC) that were requested and approved as part of the original Planned Development rezoning application. Lastly, the applicant is requesting to eliminate the minimum required 3 ft. perimeter landscape strip from the text of the PD agreement, to reflect consistency with the minimum required landscape buffers that were approved as part of the original PD agreement (as shown above).

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 does not conflict with the goals, objectives, and policies of the Comprehensive Plan.

The City’s TRT has reviewed the requested First Amendment to the Lotus of Daytona PD and found it to be consistent with the City’s Comprehensive Plan.

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

The applicant is requesting to waive Section 4.9.E.4.b of the Land Development Code (LDC), as detailed earlier in this report, to allow for the construction of the proposed cabana past the City’s Atlantic Ocean Building Line.

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 requested amendment to the Lotus of Daytona PD and found it to be acceptable.

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

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

Standards established in the PD Agreement and The City’s LDC have resulted 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

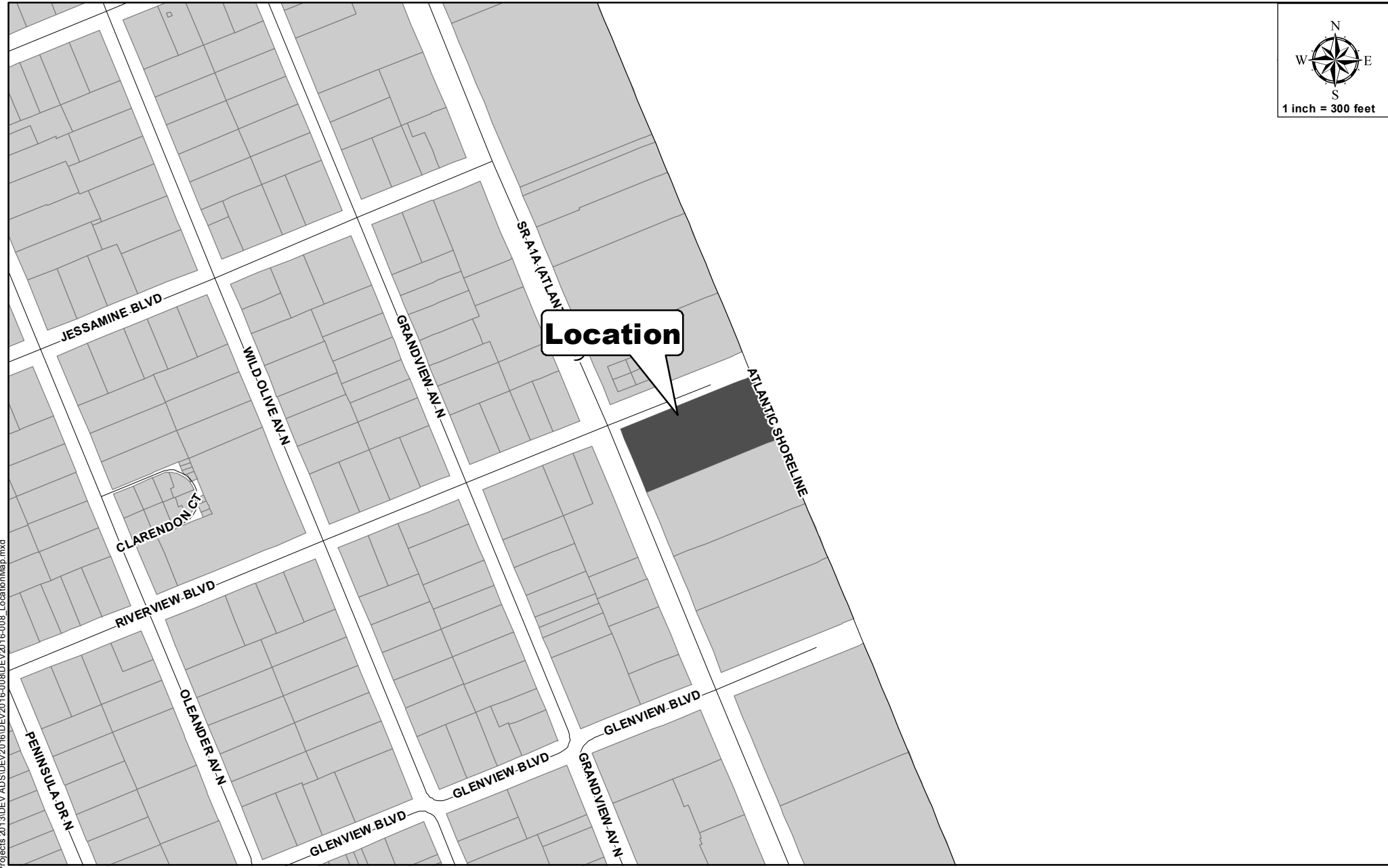
Staff recommends approval of the First Amendment to the Lotus of Daytona Planned District (PD) Agreement to allow for the development of a cabana past the City's Atlantic Ocean Building Line and to clarify discrepancies in lot development criteria that was approved as part of the original PD agreement.

A majority vote by 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 May 2, 2018, and for second reading on May 16, 2018 (Public Hearing).



1 inch = 300 feet



Location



**DEV2017-138
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.



Document Path: P:\Admin\Prattina\Short Term Projects 2013\DEV AD\DEV2016\DEV2016-008\DEV2016-008_AerialMap.mxd

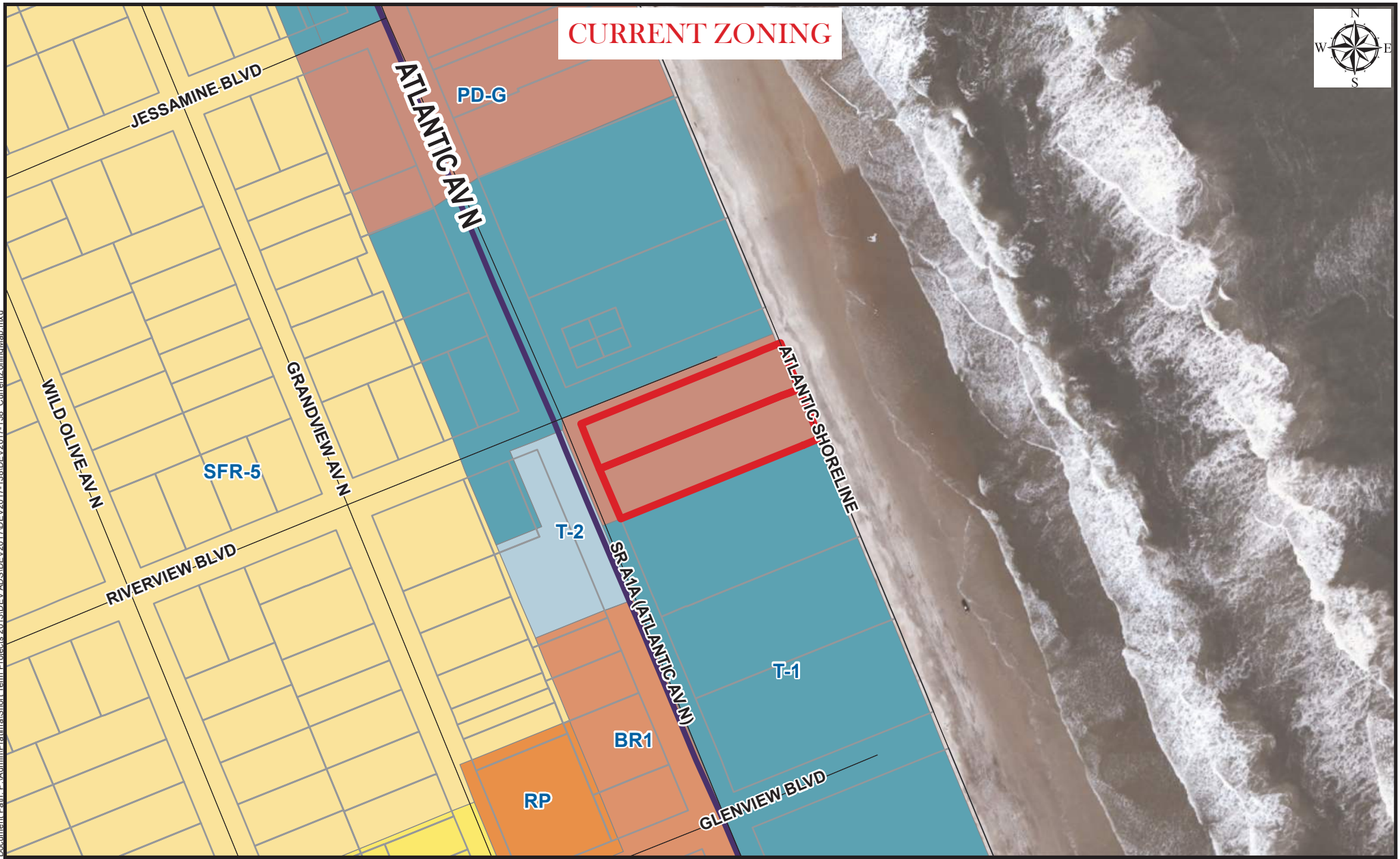


**DEV2017-138
PLANNED DEVELOPMENT-GENERAL (PD-G) AMENDMENT
AERIAL MAP**

The City of Daytona Beach Map disclaimer:

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CURRENT ZONING

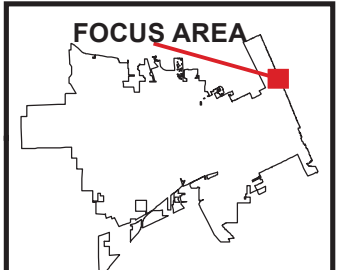


1 inch = 200 feet

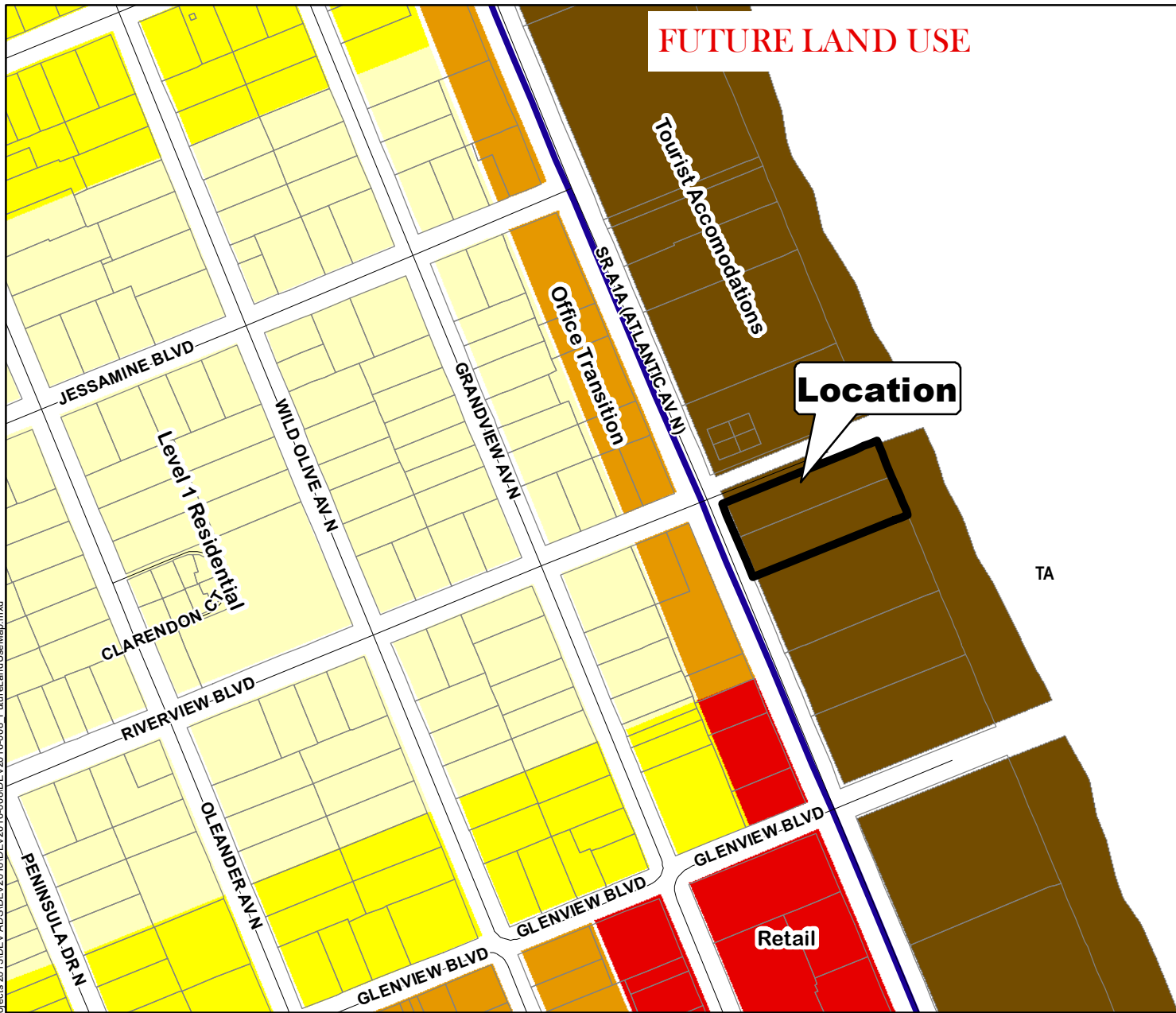
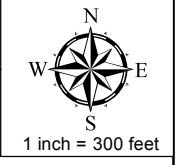
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**DEV2017-138
PLANNED DEVELOPMENT-GENERAL (PD-G) AMENDMENT
ZONING MAP**



FUTURE LAND USE



Document Path: P:\Admin\Prattina\Short Term Projects 2013\DEV\AD\DEV\2016\DEV\2016-008\DEV\2016-008_Future_Land_Use_Map.mxd



DEV2017-138 PLANNED DEVELOPMENT-GENERAL (PD-G) AMENDMENT FUTURE LAND USE MAP

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SITE DATA:

ATTACHMENT A

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

DESCRIPTION OF LOT COVERAGE

| | S.F. | Ac. | % |
|--------------------------|-----------|------|-------|
| 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

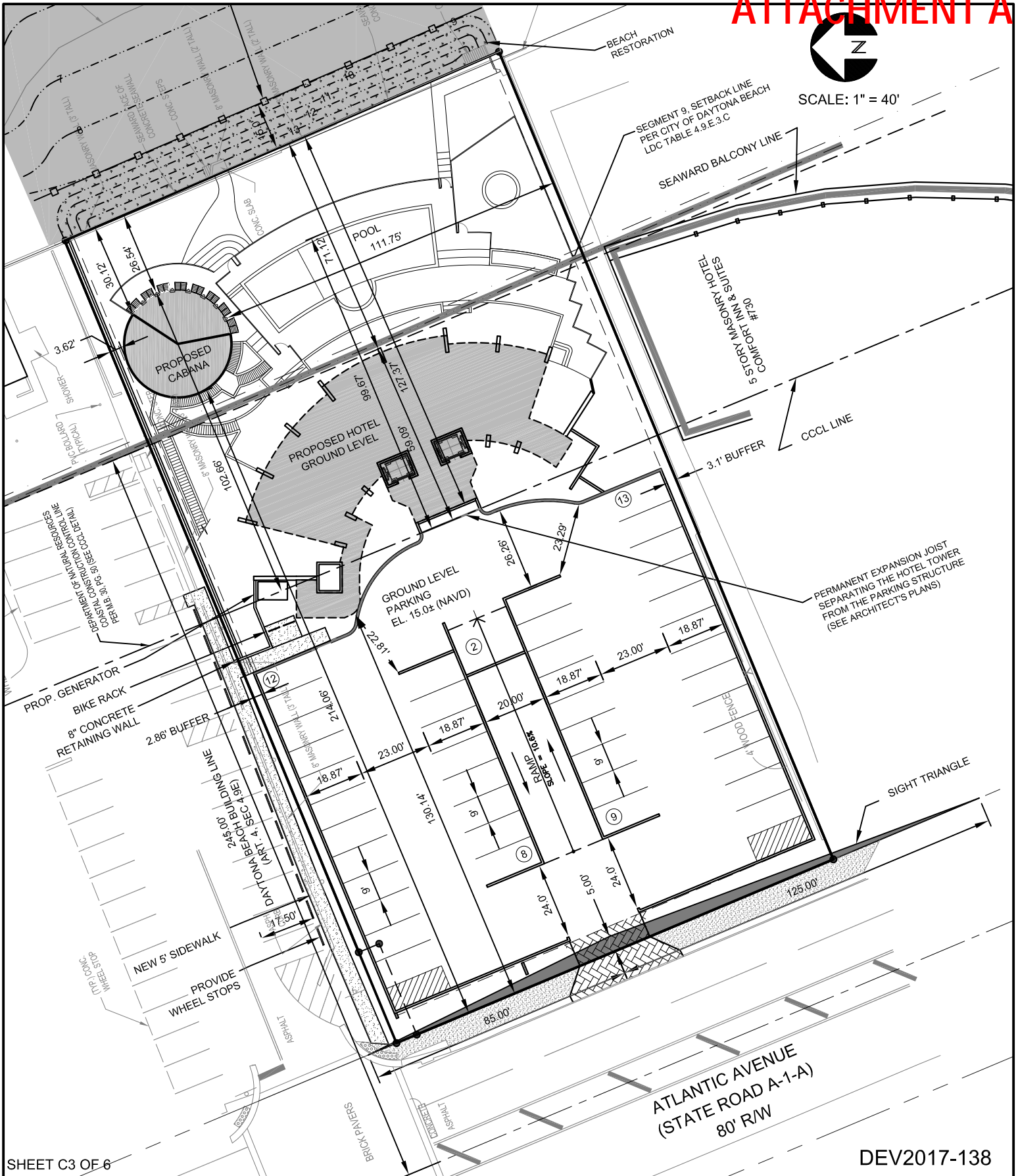
SCALE: NONE

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



SCALE: 1" = 40'



SHEET C3 OF 6

DEV2017-138

EXHIBIT B - LOWER DIMENSION PLAN

THE PERFORMANCE GROUP
CIVIL ENGINEERING / PLANNING / DEVELOPMENT



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

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

SUMMARY OF NEIGHBORHOOD MEETING FOR MAJOR AMENDMENT TO LOTUS OF DAYTONA PLANNED DISTRICT AGREEMENT

A neighborhood meeting was held on January 16, 2018 at 6:30 p.m. at the Riverview Learning Center, 810 North Wild Olive Avenue, Daytona Beach, Florida 32118 to discuss the major amendment to the Lotus of Daytona Planned District Agreement for the addition of a covered cabana at the northeast corner of the subject property. The meeting was held in conjunction with a meeting of the Seabreeze University Neighborhood Watch Group. In attendance at the meeting were: Anand Jobalia, representative for the developer, Padmavati Three, LLC; Joe Hopkins, project engineer; Corey Brown of Storch Law Firm, attorney for the developer; and at least 29 area residents. A copy of the sign-in sheet with resident names attending the meeting is enclosed herewith.

After the neighborhood watch group discussed crime data and code violations for the area, Mr. Jobalia and Mr. Hopkins gave a brief presentation explaining the cabana addition, including its position on the property, dimensions and how it will function. Mounted site plans were shown at the meeting to provide a visual aid to help residents understand the cabana and requested amendment. Mr. Jobalia and Mr. Hopkins also answered questions regarding several issues, including: the use of the cabana as a bar; the fact that it will be open to the public; the capacity of the cabana; and when it will be completed. Other topics included: how \$1.00 from each Lotus hotel room occupancy will be donated to the Seabreeze Neighborhood Improvement Association; the potential need to pick up trash and other debris at the Lotus property and how many floors the Lotus building will be. Residents generally seemed very receptive to the cabana proposal, and it was announced that the residents would vote on the proposed cabana amendment after Mr. Jobalia, Mr. Hopkins and Mr. Brown left the meeting.

Mr. Jobalia received an email on the following day, January 17th, from Ferd Neves, Anita Gallentine and Tracey Remark of the Seabreeze University Neighborhood Watch Group informing him that the group voted on the Lotus cabana amendment and that all votes were in favor. A copy of that email is also enclosed herewith.

NOTICE OF NEIGHBORHOOD MEETING

WHEN: January 16, 2018 at 6:30 p.m.

WHERE: Riverview Learning Center
801 N. Wild Olive Avenue
Daytona Beach, FL 32118

Dear Sir/Madam:

You are invited to a neighborhood meeting regarding an application by Padmavati Three, LLC, to amend the Lotus Planned Development Agreement to include a pool cabana on the property shown on the below map. The address of the subject property is vacant land on N. Atlantic Avenue, Daytona Beach, FL, and the Parcel ID Numbers are 5305-01-17-0110 and 5305-01-17-0120.



The meeting is being held to allow interested persons to listen to an overview of the proposed pool cabana amendment and ask questions. The neighborhood meeting will be held at the Riverview Learning Center at the address, date and time set forth above.

Please feel free to contact Corey D. Brown, Esq. by phone at 386-238-8383 or by email at corey@storchlawnfirm.com should you have any questions. THANK YOU

LOTUS HOTEL DAYTONA

Neighborhood Meeting

January 16, 2018 @ 6:30pm

810 N. Wild Olive, Daytona Beach, FL 32114

ATTENDEES PLEASE SIGN-IN BELOW:

1. ANAND JOSEPH
2. Joe Hopkins
3. Corey Brown
4. Jeanne Lauren Anghel
5. Patricia Marshall
6. James D. King
7. Jimmy Leggett
8. Dawn Deatrich
9. CJ Furman
10. Janine Gilbert
11. Ed. Hunter
12. Joanna Myster
13. SUSANNE OBERA
14. Ed Trevino

15. James Crawford
16. Eileen Redito
17. Anthony Redito
18. Judy Murphy
19. Linda Smiley
20. Anne Ruby
21. SEAN DOYLE
22. Jim Conk
23. John Musumeci
24. Bob & Mary Ann Drumhull
25. Brian & Joyce Case
26. Anita Calientini
27. Janet Patterson
28. Steve Barron
29. DRAGO ANDJELIC
30. Harrie Marsh
31. Mary Trzeciak
32. Dawn Petrella
- 33.
- 34.
- 35.
- 36.

NEIGHBORHOOD MEETING NOTICE

A Neighborhood Meeting has been scheduled on January 16, 2018 at 6:30 p.m. to introduce the application for a Major Amendment to the Lotus Planned Development Agreement to include a pool cabana on the property. The meeting will be held at the Riverview Learning Center, 801 N. Wild Olive Avenue, Daytona Beach, FL 32118. Interested parties can contact Corey Brown at (386) 238-3383 for further information.

ATTACHMENT B

