

Agenda Item 10 (Quasi-Judicial Hearing)

**Rezoning - Planned Development-General**

DEV2018-036

Tomoka Independent Living PD

**STAFF REPORT**

**DATE:** June 18, 2018

**TO:** Planning Board Members

**FROM:** Dennis Mrozek, AICP, Planning Manager

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**PROJECT REQUEST**

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of THP, LLC, to rezone 46.81± acres of land located west of Tomoka Farms Road and north of First Baptist Parkway from “County” Rural Agriculture (A-2) and Resource Corridor (RC) to “City” Planned Development-General (PD-G) to create a 150-unit age restricted independent living facility.

**PROJECT LOCATION**

The proposed Tomoka Independent Living PD is located on the west side of Tomoka Farms Road, north of Interstate-4 and south of West ISB. The Tomoka River runs along the western portion of the property. The applicant has submitted concurrent applications to annex the subject property from the County and to amend the current Future Land Use designation from County Activity Center/ESC to the City designations of Level 1 Residential and Potentially Environmentally Sensitive (PES). Zoning and Land Use designations for the subject site and surrounding parcels are illustrated in the following tables and are also shown in the accompanying maps.

**Table 1: Land Use and Zoning**

	<b>Existing Uses</b>	<b>Existing Future Land Use Designation</b>	<b>Existing Zoning Classification</b>
<b>Site</b>	Undeveloped	County Activity Center/ESC	County A-2(2)A
<b>North</b>	Rural Residential & Undeveloped	County Activity Center	County A-2(2)A
<b>South</b>	Undeveloped	County Activity Center/ESC & Church	County A-2(2)A/RCA
<b>East</b>	Undeveloped	County Activity Center	County A-2(2)A
<b>West</b>	Undeveloped	Conservation	City PD-G

## **PROJECT DESCRIPTION**

The applicant is requesting to rezone the subject property to Planned Development-General for the purpose of developing the site to permit a multifamily use. If approved, the 46.8± acres of land would be rezoned from “County” Rural Agriculture (A-2) and Resource Corridor (RC) to the City designation Planned Development-General (PD-G) to create a 150-unit age restricted independent living facility.

The applicant will be required to submit site plan applications for the development to demonstrate compliance with the LDC and the PD Agreement, in addition to meeting all concurrency requirements for the development.

### ***GENERAL PLANNED DEVELOPMENT DISTRICT PURPOSES***

*The Planned Development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:*

- a. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;*
- b. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;*
- c. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;*
- d. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and*
- e. Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site’s natural and man-made features, such as trees, wetlands, surface waters, floodplains, and historic features.*

## **PROJECT ANALYSIS**

Review of and the decision on a Planned Development application shall be based on compliance of the proposed zoning reclassification and PD Plan/Agreement with the review standards in Section 3.4.D.3, Site-Specific Zoning District Map Amendment Review Standards, and the standards for the proposed type of PD district in Section 4.8, Planned Development Zoning Districts.

### **Site-Specific Zoning District Map Amendment Review Standards**

In determining whether to adopt or deny a proposed Site-Specific Zoning District Map Amendment, the City shall consider:

- 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 property included in the PD Rezoning application is currently located within the Volusia County jurisdiction. The property owner has submitted applications to annex the property into The City of Daytona Beach and amend the Future Land Use designation from County Activity Center and Environmental Systems Corridor (ESC) to the City designation of Level 1 Residential and Potentially Environmentally Significant (PES). The proposed land use designation can support the proposed use for the development and is consistent with the policies of the City Comprehensive Plan.

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

Development standards for a PD District must comply with the development standards of Article 6: Development Standards and Article 7: Subdivision Standards or any modifications of those standards established in the PD Plan (*Attachment A*) and PD Agreement. The applicant has proposed modifications to these standards listed below, which are detailed later in this report. Approval of the PD rezoning application with modifications would not be in conflict with any portions of the LDC.

1. Section 6.13.I (Vehicle Access Points) – Request reduction of required vehicle access points from two full access points, to one full access point and one emergency access point.
2. Section 4.2.C.3 (Building Separation) – Request to reduce minimum building separation for side-to-side from 25 feet to 14.5 feet and for front-to-rear separations from 40 feet to 30 feet.
3. Section 5.2.B.3.e (Landscaping) – Modify the distance between multifamily buildings and paved parking areas from a 10 foot minimum to a 10 foot average.
4. Section 4.9.D.3.A (Scenic Buffer) – Modification to allow AC condenser units to encroach a maximum of 10 feet into the required 50 foot scenic landscape buffer.

**iii. Addresses a demonstrated community need;**

The applicant has provided a Modification/Benefit letter that details public benefits and addresses the standard for a demonstrated community need (*Attachment B*).

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

The property subject to the rezoning is currently vacant and is located in a largely undeveloped area in Volusia County, along the west side of Tomoka Farms Road. The property to the south includes the First Baptist Church of Daytona, which is currently undergoing development of the site for a church use. The proposed use is compatible with the existing and proposed uses for the surrounding area.

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

Standards established in the PD Agreement and the LDC would result in a logical and orderly development pattern for the subject property.

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

Staff does not have any indication the proposed development would have an adverse effect 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 PD Agreement acknowledges rezoning approval does not constitute a Concurrency Certificate. During the site plan review process for the development, the applicant will be required to separately obtain a Concurrency Certificate or, where applicable, to enter into a proportionate fair share agreement. No vehicular driveway/access point locations are approved as part of this rezoning request.

To the extent that utilities will need to be constructed on either of the parcels, water and sewer service shall be provided by The City of Daytona Beach. All utilities shall be constructed underground. Developer will also provide easements and grants for the installation, maintenance and upkeep of the public utilities including water, sewer, reclaim water, electrical and telephone, as well as cable television and fiber, if available. Water, sewer, reclaim water infrastructure must be constructed to current City standards and consistent with the PD Agreement. This project will be required to meet City determined water quality standards.

Staff has reviewed the requested development for impacts to public facilities as part of the rezoning and has the following condition of approval for the proposed development:

- PD Exhibit E (*see Attachment C*) is showing the FM as a 42". It should be changed to a 36" FM.

**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**

The Tomoka River runs along the western boundary of the property and a large portion of the property subject to the rezoning includes a large area of wetlands. The development plan has been designed to concentrate development activity away from these environmentally sensitive areas. Development within the City's jurisdiction shall comply with wetland protection requirements of the State's Environmental Resource Permitting (ERP) Program (as authorized by Part IV, Chapter 373 of the Florida Statutes and contained in Chapters 62-330 of the Florida Administrative Code) and the Volusia County Wetland Ordinance (Code of Ordinances, Chapter 72, Article III, Division 11). Staff does not anticipate any adverse environmental impacts with the approval of this request.

**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 current zoning designations for the property is "County" Rural Agriculture (A-2) and Resource Corridor (RC), which does not permit the proposed use. The flexibility provided by the PD-G rezoning allows for greater development potential specific to the proposed use of multifamily.

## **Planned Development Zoning Districts Review Standards**

Before approving a PD zoning district classification, the City Commission shall find the application for the PD zoning district, as well as the PD Plan/Agreement included as part of the application, comply with the following standards:

### **1. PD Plan/Agreement**

The PD Plan/Agreement includes a development plan for the subject site. This includes identification of potential vehicle access points, development area, parking areas, landscaping and site improvements (*Attachment A*).

#### **Parking**

The applicant has not requested modifications to required parking for the development. Provided parking will meet minimum parking requirements for multifamily uses, which includes two required spaces for each residential unit. As permitted by the LDC, garages and driveways can be used to meet these minimum standards. Additional guest parking can be made available throughout the development and the clubhouse area. The actual location of parking fields may be as conceptually depicted on the PD Plan. Owner shall be permitted to relocate such parking fields shown on the PD Plan, so long as the relocation is otherwise consistent with the PD Agreement and the Planned Development PD Plan, as approved.

#### **Landscaping**

Landscaping shall be provided consistent with *Attachment A* and will be maintained in accordance with the provisions of the LDC. Clustering of typical landscape requirements shall be permitted along the building perimeter so long as the net total landscape material as required herein is still met. Coordination of landscaping shall be addressed at Site Plan.

#### **Minimum Perimeter Landscape Buffers/Strips:**

Tomoka Farms Road	50 feet
First Baptist Parkway	15 feet
North Boundary	15 feet
Western Boundary	0 feet

The applicant has requested the following modifications to landscape standards as part of the PD Rezoning request:

1. The LDC requires a minimum of ten feet of landscaped area between a paved parking area and multifamily buildings. Due to the site configuration, as well as the large wetland areas on the property, the applicant is requesting a reduction in the required landscape area along the side of some of the multifamily buildings. An average of 10 feet of landscaping will still be met for the development.
2. Tomoka Farms Road is designated a Scenic Thoroughfare and new development along the right-of-way is required to install and maintain a 50 foot landscape buffer. The LDC does not permit the encroachment of AC condenser units within required landscape buffer. The applicant has requested a modification to this standard to allow some of the units to encroach into the landscape buffer to a maximum of 10 feet. Additional landscape screening will be provided for these units.

### Building Design Standards

Architectural elevations are provided in *Attachment D*. Multi-unit, single-story buildings are proposed with front loaded garages. The applicant has requested modifications to the LDC standards related to minimum building separation for multifamily uses. The request would reduce the minimum building separation from the side of a building to another building's side (side-to-side) from 25 feet to 14.5 feet. The request would also reduce the minimum building separation from the front of a building to the rear of a different building (front-to-rear) from 40 feet to 30 feet. Staff has reviewed this request and offers no objection. Building separation minimums are subject to compliance with Florida Building Code standards.



*Front Elevation*

### Signage

The PD shall have a uniform sign program and shall comply with Section 6.10.J.11, Subdivision and Multifamily Complex signage, of the LDC. No modifications to signage standards has been requested by the applicant.

### **2. Consistency with City Plans**

If adopted by the City Commission, the PD zoning district designation and the PD Plan/Agreement will be consistent with the comprehensive plan and the proposed land use designation.

### **3. Compatibility with Surrounding Areas**

The proposed development plan meets compatibility standards for the property perimeters. The applicant has conducted a neighborhood meeting, as required by the LDC. A summary of the neighborhood meeting prepared by the applicant is attached (*Attachment E*).

### **4. Development Phasing Plan**

The applicant has proposed the following completion schedule for the proposed development:

Application shall be submitted for all construction permits for the development within two (2) years of the approval of the PD Agreement by the City Commission. One 12-month extension of the scheduled application or completion dates may be permitted as a minor modification to the PD Agreement.

### **5. Conversion Schedule**

Not applicable.

### **6. On-Site Public Facilities**

Water and sewer service shall be provided by The City of Daytona Beach. Owners will also provide easements and grants for the installation, maintenance and upkeep of the public utilities including water, sewer, electrical and telephone, as well as cable television. Water, sewer and stormwater infrastructure must be constructed to current City standards.

## **7. Uses**

The proposed use of the property is multifamily dwellings, including related accessory uses, subject to compliance with the Use-Specific Standards set forth in Article 5, LDC. The project is considered "housing for older persons" pursuant to Section 760.29(4), Florida Statutes (2017), and 42 U.S.C.A. § 3607(b)(2)(C) of the Federal Fair Housing Act (2017). As such, all dwelling units shall be subject to deed restrictions attached to all lease agreement and acknowledge by signature and date by the landlord and tenant, prohibiting the permanent occupancy by a resident under the age of fifty-five. Such deed restrictions must be recorded and be irrevocable for a period of at least 30 years.

## **8. Densities/Intensities**

- The maximum density: 8 dwelling units per acre

## **9. Dimensional Standards**

- Maximum building height of 30 feet
- Maximum individual building size – 11,000 square feet
- Building Setbacks:
  - Front – 50 feet
  - Rear – 25 feet
  - Interior side – 20 feet
  - Street side – 20 feet
- Building Separation:
  - Front-to-front – 40 feet
  - Front-to-rear – 30 feet
  - Front-to-side – 40 feet
  - Side-to-side – 14.5 feet
- 30% Maximum building coverage
- 20% Minimum open space
- 80% Maximum impervious surface area

## **10. Development Standards**

All development in a PD district shall comply with the development standards of Article 6: Development Standards, and Article 7: Subdivision Standards, or any modifications of those standards established in the PD Plan/Agreement as consistent with City plans, the objective of the particular type of development standard, the purpose of the particular PD district, and any additional limitations or requirements set forth in Sections 4.8.C and 4.8.D for the particular type of PD district.

### **Proposed Modifications**

1. Section 6.13.I (Vehicle Access Points) – Request reduction of required vehicle access points from two full access points, to one full access point and one emergency access point.
2. Section 4.2.C.3 (Building Separation) – Request to reduce minimum building separation for side-to-side from to 25 feet to 14.5 feet and for front-to-rear separations from 40 feet to 30 feet.
3. Section 5.2.B.3.e (Landscaping) – Modify the distance between multifamily buildings and paved parking areas from a 10 foot minimum to a 10 foot average.

4. Section 4.9.D.3.A (Scenic Buffer) – Modification to allow AC condenser units to encroach a maximum of 10 feet into the required 50 foot scenic landscape buffer.

**RECOMMENDATION**

Should the accompanying Comprehensive Plan application be approved, and all LDC modifications requested be accepted, staff recommends approval with stated conditions for the application to rezone 46.81± acres of land located west of Tomoka Farms Road from “County” Rural Agriculture (A-2) and Resource Corridor (RC) to “City” Planned Development-General (PD-G) to create a 150-unit, age restricted independent living facility.

The item is tentatively scheduled to be heard by the City Commission for first reading on August 1, 2018. The second reading (public hearing) will be scheduled for the City Commission pending transmittal of the accompanying Comprehensive Plan amendment.

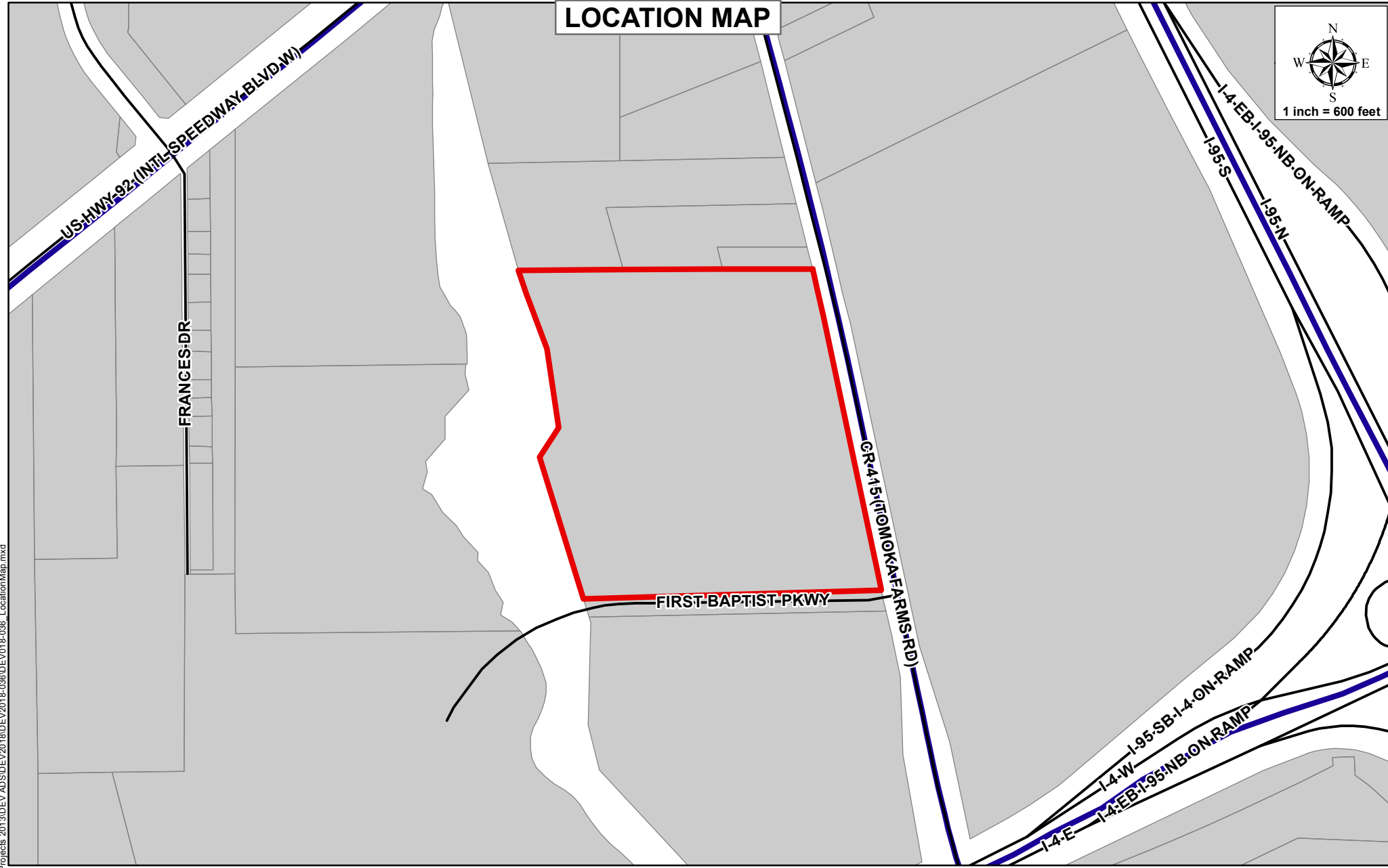
A majority vote of the Planning Board members present and voting is required to recommend approval to the City Commission.



# LOCATION MAP



1 inch = 600 feet



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## DEV2018-036 REZONING PLANNED DEVELOPMENT GENERAL LOCATION MAP

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.

# AERIAL MAP



1 inch = 600 feet



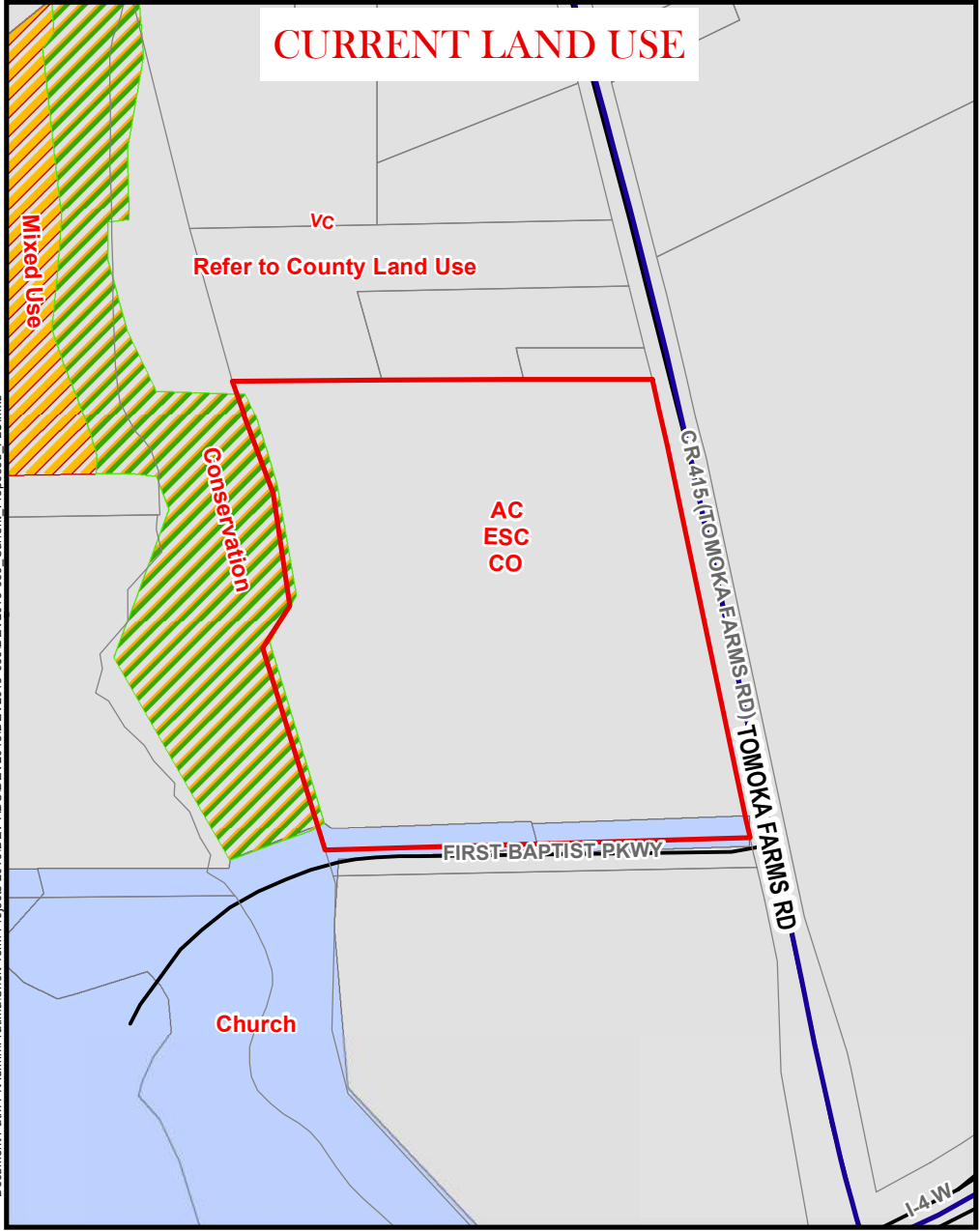
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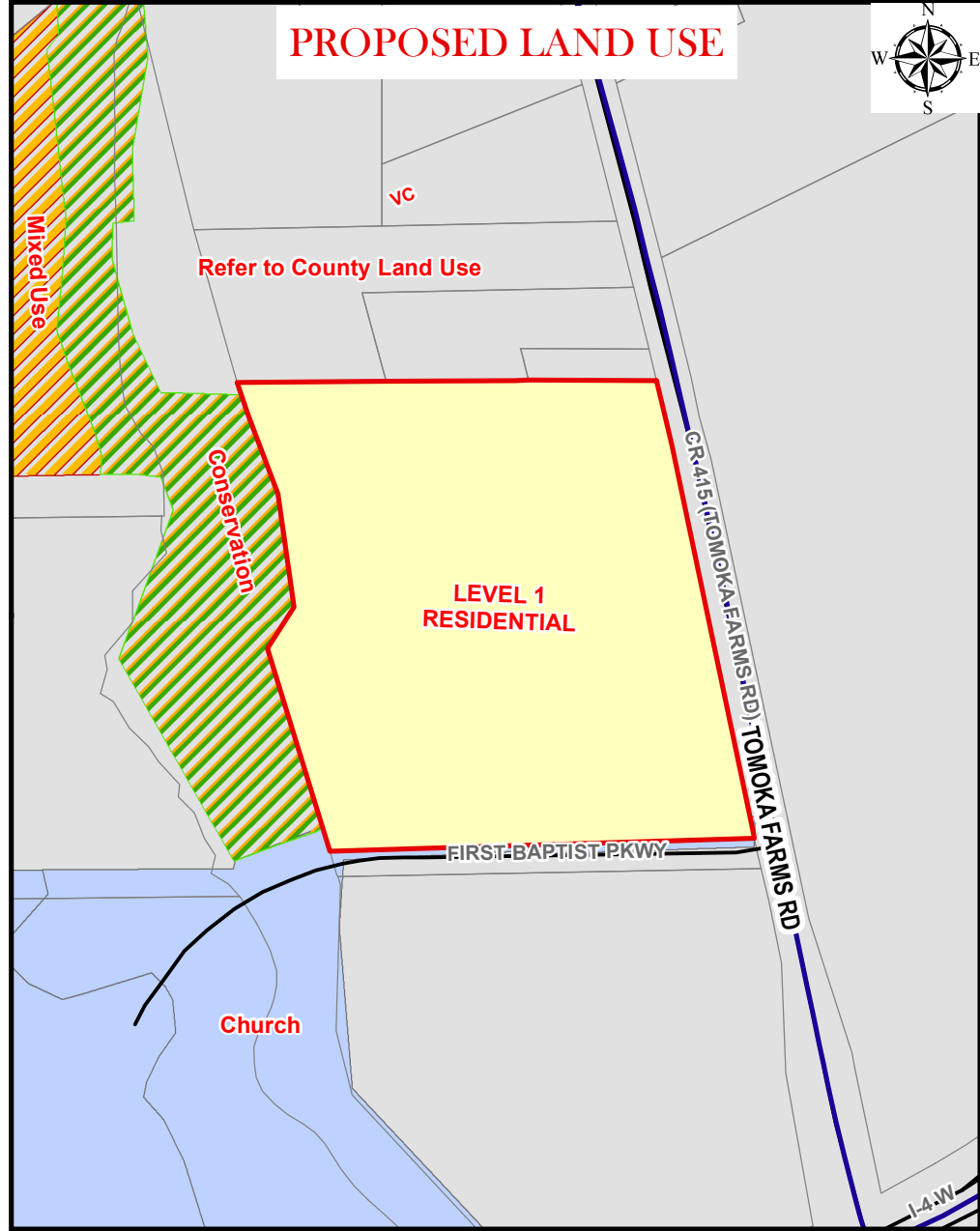
## DEV2018-036 REZONING PLANNED DEVELOPMENT GENERAL ANNEXATION - AERIAL MAP

City of Daytona Beach Map disclaimer:  
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# CURRENT LAND USE



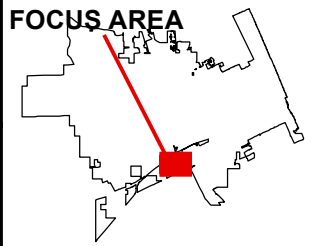
# PROPOSED LAND USE



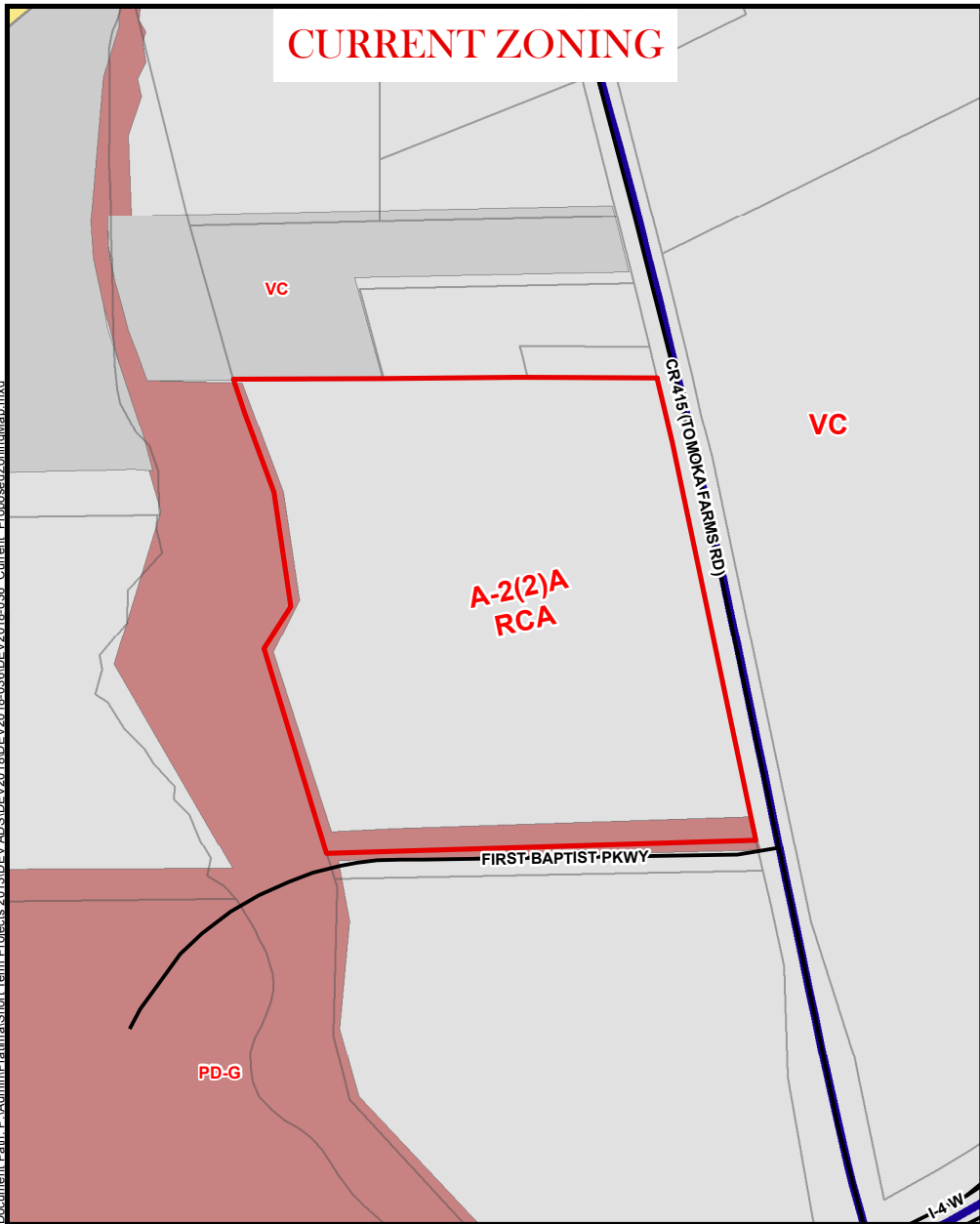
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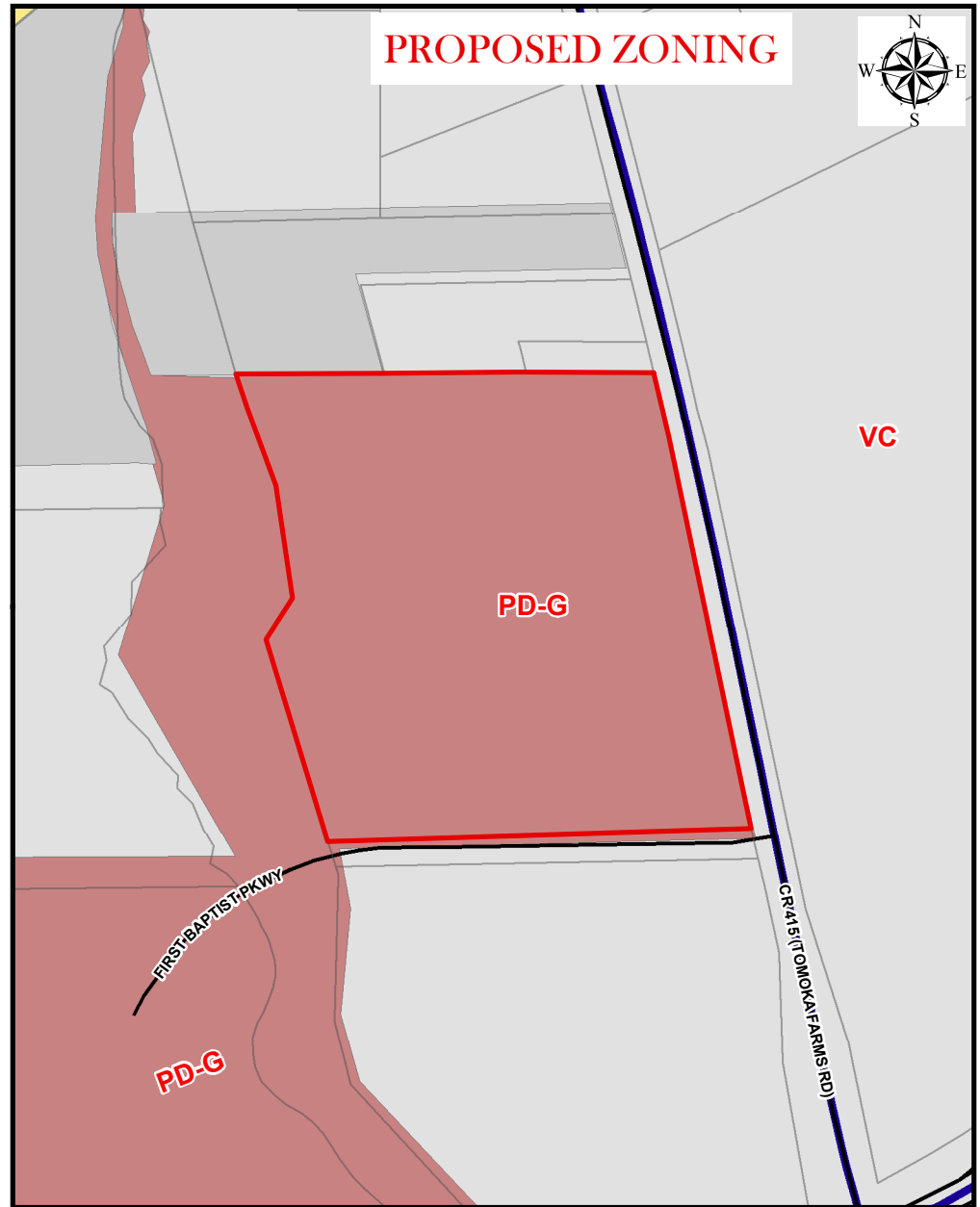
## DEV2018-036 REZONING PLANNED DEVELOPMENT GENERAL CURRENT AND PROPOSED FUTURE LAND USE



**CURRENT ZONING**



**PROPOSED ZONING**



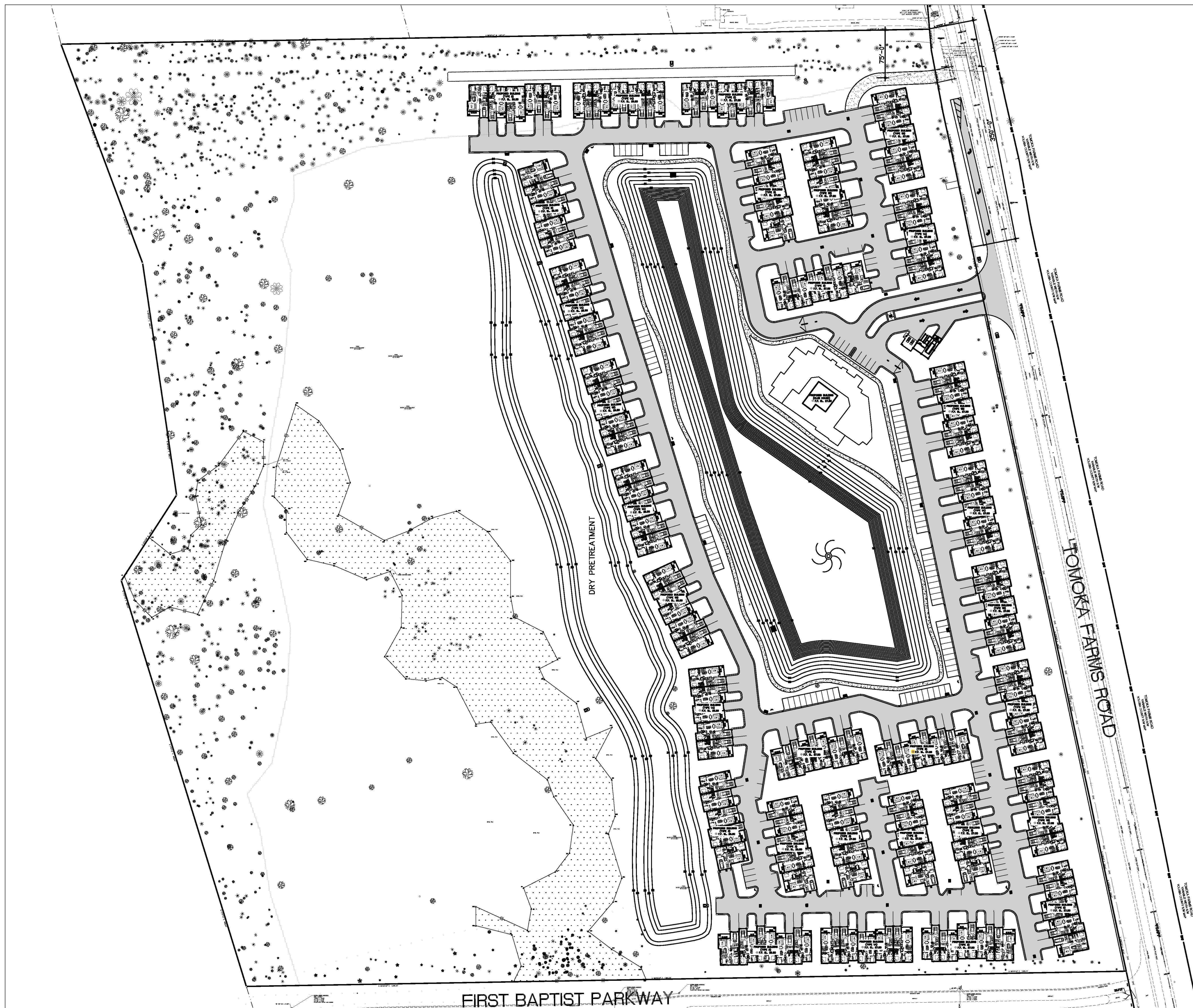
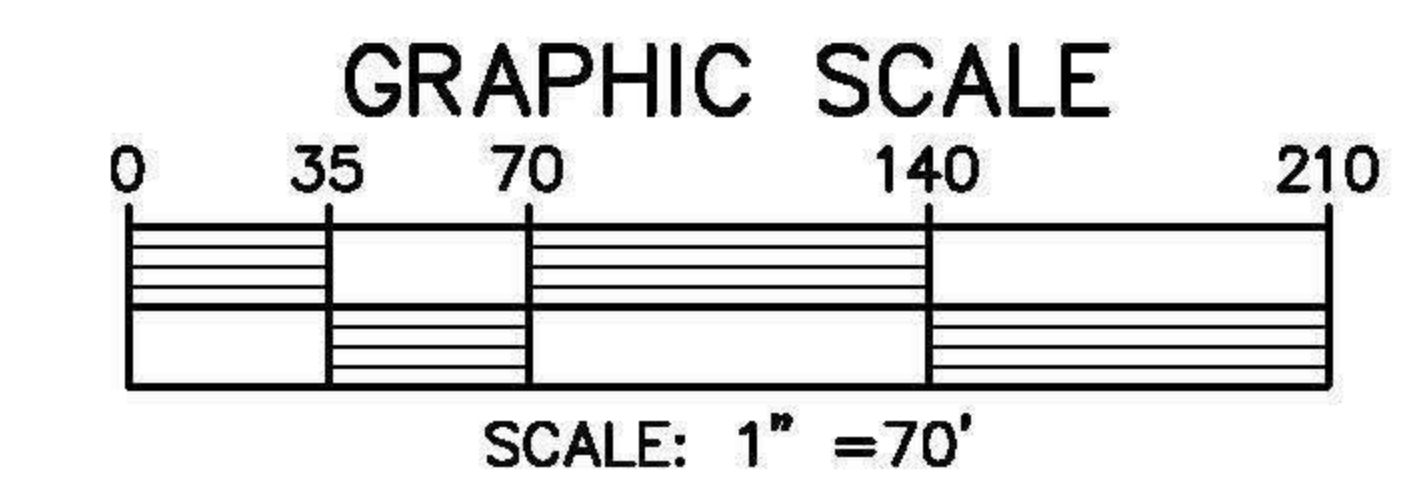
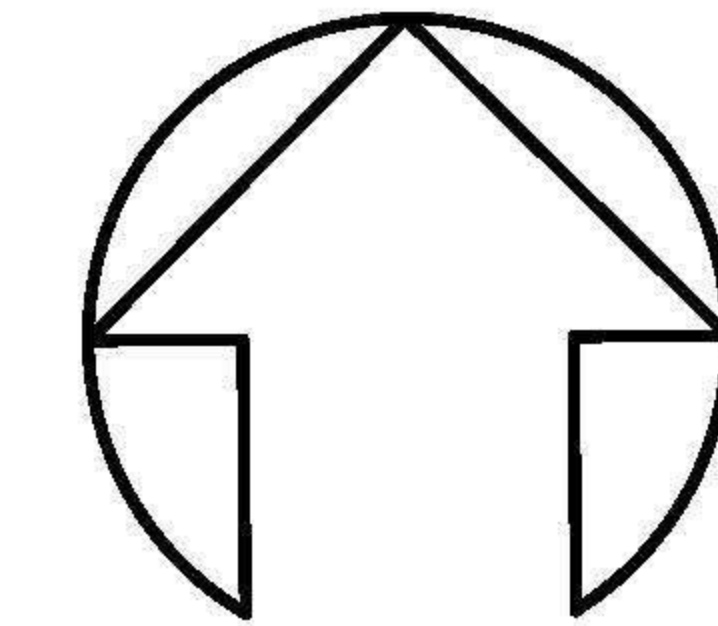
1 inch = 600 feet

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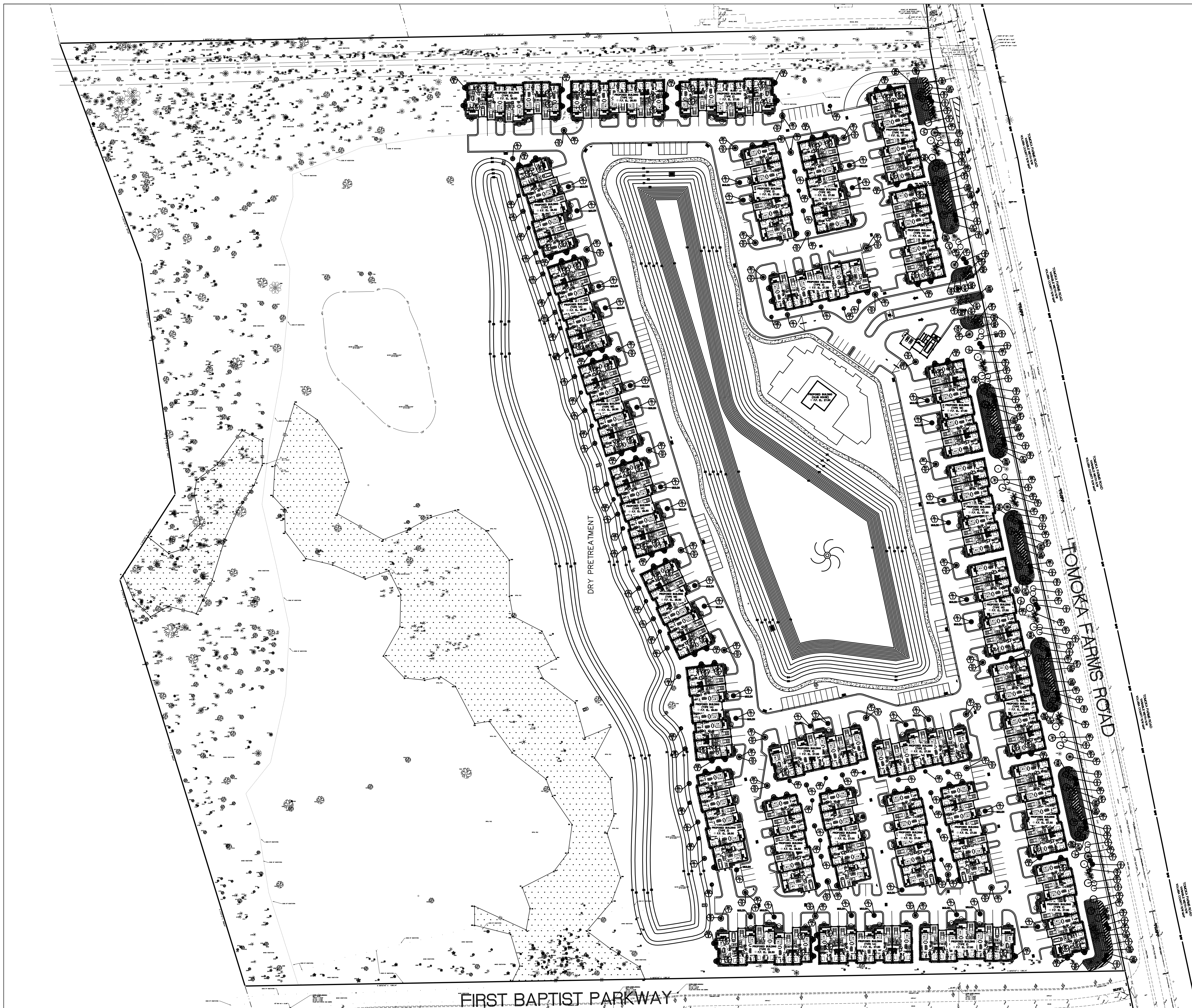
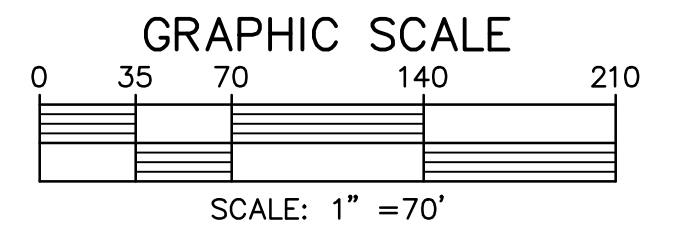
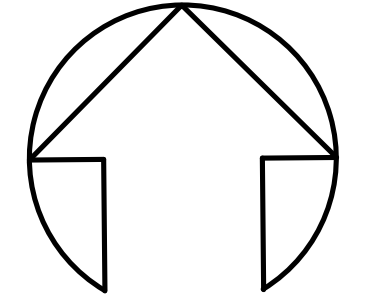


**DEV2018-036  
 REZONING PLANNED DEVELOPMENT GENERAL  
 CURRENT & PROPOSED ZONING MAP**

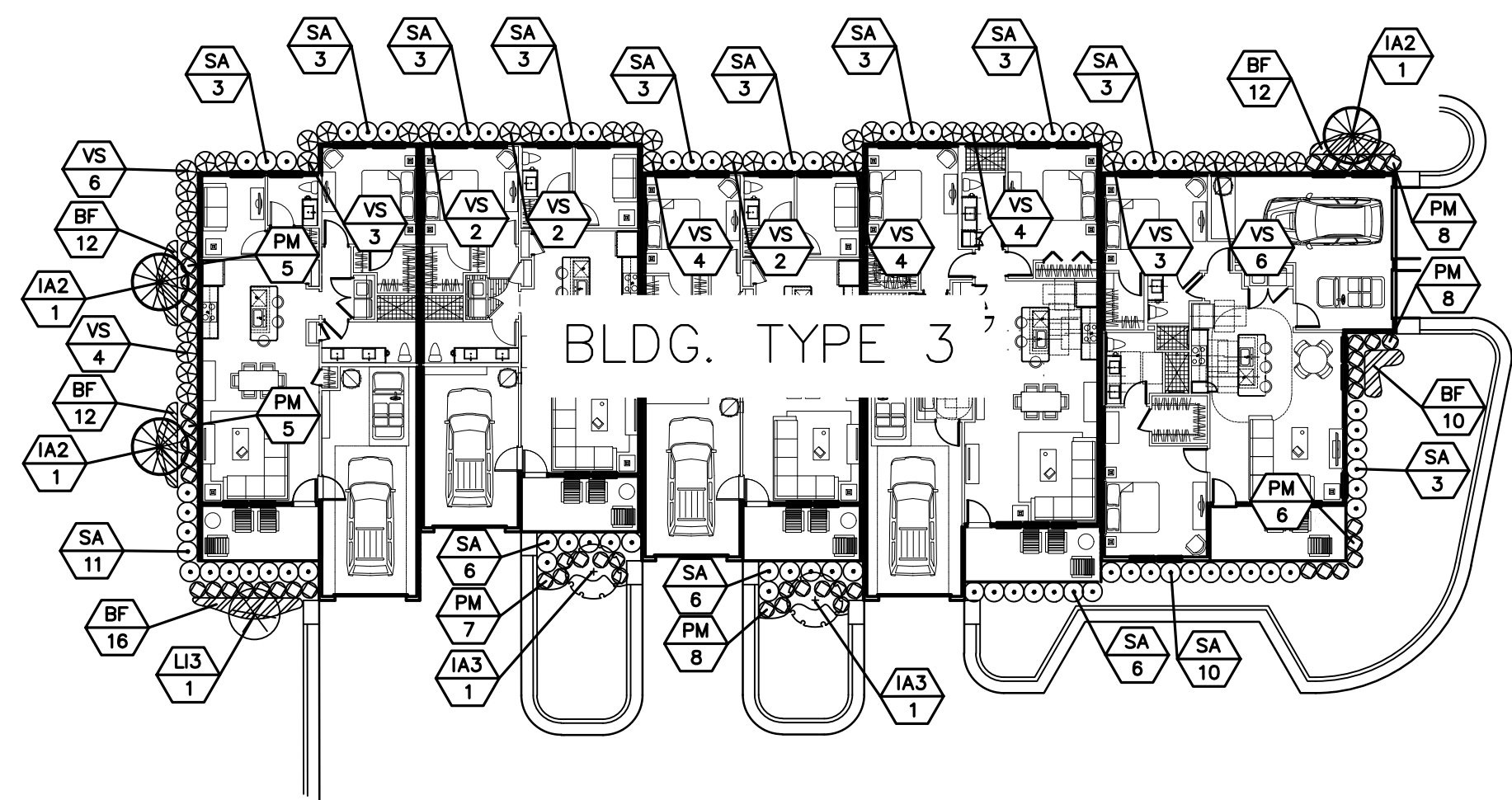
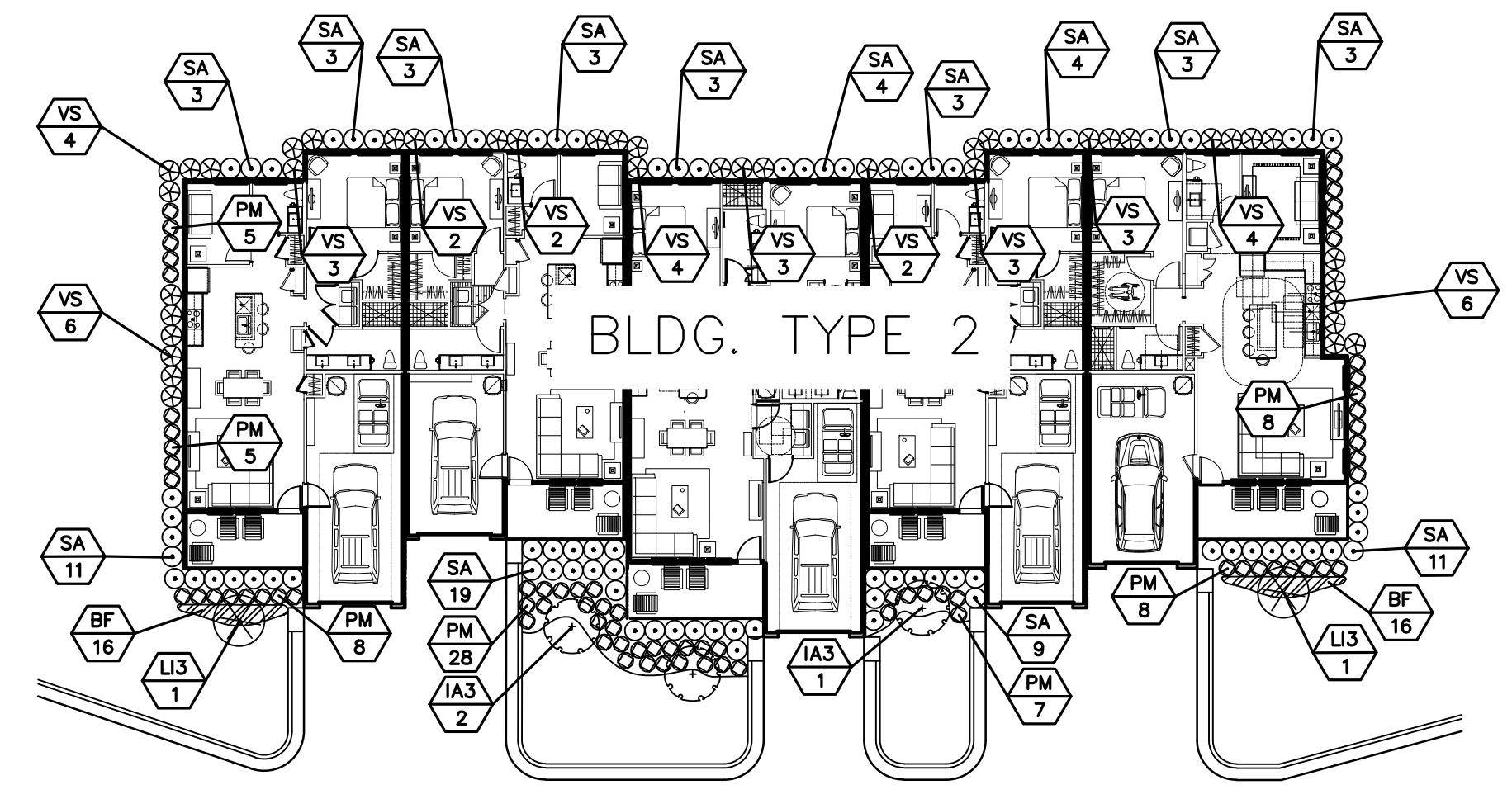
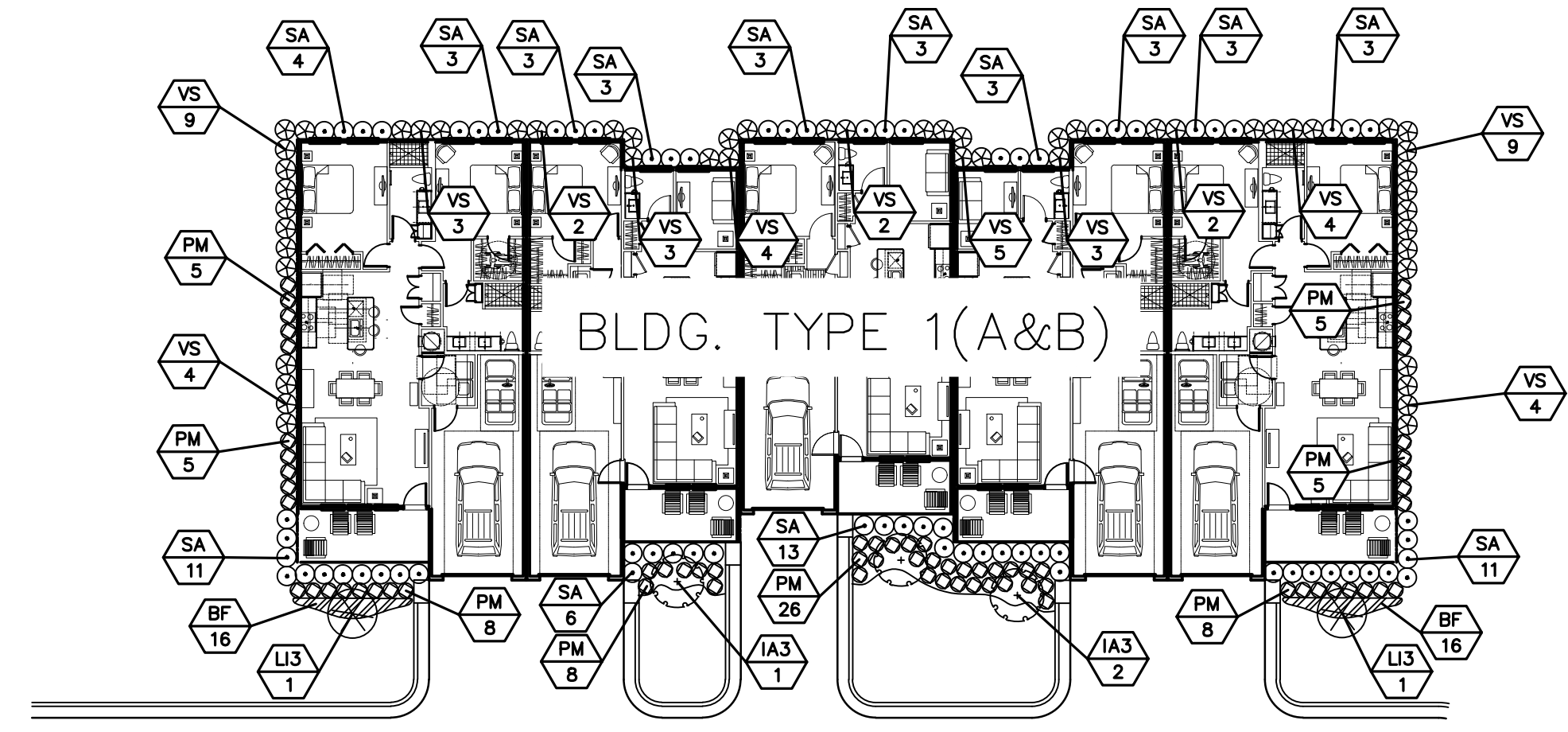




NO.	DATE	DESCRIPTION	BY
REVISIONS			
<b>PARKER MYNCHENBERG &amp; ASSOCIATES, INC.</b>			
PROFESSIONAL ENGINEERS * LANDSCAPE ARCHITECTS			
1729 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117			
(386) 677-6891 FAX (386) 677-2114 E-MAIL: info@parkermynchenberg.com			
CERTIFICATION OF AUTHORIZATION NUMBER: 00003910			
EXHIBIT B - PD PLAN			
TOMOKA FARMS			
INDEPENDENT LIVING			
DAYTONA BEACH * FLORIDA			
FILE NO.	0000-SP	DESIGNER: P.MYNCHENBERG	
DATE:	5-16-18	CADD TECH: MRB	
SCALE:	1" = 70'	SHEET 1 OF 1	



NO.	DATE	DESCRIPTION	BY
REVISIONS			
<b>PARKER MYNCHENBERG &amp; ASSOCIATES, INC.</b>			
PROFESSIONAL ENGINEERS * LANDSCAPE ARCHITECTS			
1729 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117			
(386) 677-6891 FAX (386) 677-2114 E-MAIL: info@parkermynchenberg.com			
CERTIFICATION OF AUTHORIZATION NUMBER: 00003910			
EXHIBIT D - LANDSCAPE PLAN			
TOMOKA FARMS			
INDEPENDENT LIVING			
DAYTONA BEACH * FLORIDA			
FILE NO.	0000-SP	DESIGNER: P.MYNCHENBERG	
DATE:	5-16-18	CADD TECH: MRB	
SCALE:	1" = 70'	SHEET 1 OF 2	



PLANT LIST					
SYMBOL	ABB.	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
[Symbol]	AN	922	ANNUALS	ANNUALS	1 GAL., 12"-15" SPD. 20" O.C.
[Symbol]	LM	1,619	LIRIOPE MUSCARI	BORDER GRASS	1 GAL., 12"-15" SPD. 20" O.C.
[Symbol]	BF	1,856	BULBINE FRUTESCENS "HALLMARK"	ORANGE STALKED BULBINE	1 GAL., 12"-15" SPD. 16" O.C.
[Symbol]	TV	352	TULBAGHIA VIOLACEA	SOCIETY GARLIC	1 GAL., 12"-15" SPD., 16" O.C.
[Symbol]	PM	1,931	PODOCARPUS MACROPHYLLA	YEW PODOCARPUS	7 GAL., 24" O.C.
[Symbol]	SA	2,219	SHEFFLERA ARBORICOLA "TRINETTE"	VARIEGATED ARBORICOLA	3 GAL., 30" O.C. 24" HT., MIN.
[Symbol]	VS	1,854	VIBURNUM SUSPENSUM	SANDANKA VIBURNUM	3 GAL., 18"-24" X 18"X24" 3" O.C.
[Symbol]	IV	921	ILEX VOMITORIA "NANA"	YAUPON	3 GAL., 18"-24" X 18"X24" 3" O.C.
[Symbol]	RM	776	RAPHIOLEPIS "MAJESTIC BEAUTY"	INDIAN HAWTHORN	3 GAL., 18"-24" X 18"X24" 3" O.C.
[Symbol]	IA	22	ILEX X ATTENUATA "EAGLESTON"	EAGLESTON HOLLY	2.5",7,-12' HT., 3' SPR.
[Symbol]	IA2	83	ILEX X ATTENUATA	EAST PALATKA HOLLY	2.5",7,-12' HT., 3' SPR.
[Symbol]	IA3	83	ILEX X "NELLIE R. STEVENS"	NELLIE STEVENS HOLLY	45 GAL. 3" MIN. CAL.
[Symbol]	LI	32	LAGERSTROEMIA INDICA	CREPE MYRTLE	6"HTX4"W; MULTI-TRUNKED MIN. 5 BRANCHES; 3" C.T.
[Symbol]	LI2	26	LAGERSTROEMIA INDICA "TUSCARORA"	CREPE MYRTLE (ORANGE/PINK FLOWERS)	30 GAL. 2" MIN. CAL.
[Symbol]	LI3	53	LAGERSTROEMIA INDICA X FAURIEI "MUSKOGEE"	CREPE MYRTLE (LAVENDER FLOWERS)	30 GAL. 2" MIN. CAL.
[Symbol]	LL	70	LIGUSTUM LUCCIDUM	LIGUSTRUM TREE	15 GAL., MULTI-TRUNK 4'-6" HT.
[Symbol]	UP	7	ULMUS PARVIFOLIA	CHINESE ELM	4" DIA CALIPER, 16' HT.
[Symbol]	PE	24	PINUS	SLASH PINE	4" CAL., 16' MIN. HT.
[Symbol]	QV	49	QUERCUS VIRGINIANA	LIVE OAK	3" MIN. CAL. 10' HT.
[Symbol]	MG	18	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	4" DIA CALIPER @ 16' HT.
[Symbol]	TD	29	BALD CYPRESS	TAXODIUM DISTICHUM	4" DIA CALIPER @ 16' HT.
[Symbol]	SP	43	SABAL PALMETTO	CABBAGE PALM	14' - 16' HEIGHT
SOD					ST. AUGUSTINE "FLORATAM" SOLID SOD (SQ. FT.) *UNLESS OTHERWISE NOTED*

NO.	DATE	DESCRIPTION	BY
REVISIONS			
<b>PARKER MYNCHENBERG &amp; ASSOCIATES, INC.</b>			
PROFESSIONAL ENGINEERS * LANDSCAPE ARCHITECTS 1729 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117 (386)677-6891 FAX(386)677-2114 E-MAIL: info@parkermynchenberg.com CERTIFICATE OF AUTHORIZATION NUMBER: 00003910			
EXHIBIT D - LANDSCAPE PLAN			
TOMOKA FARMS INDEPENDENT LIVING CITY NAME * FLORIDA			
FILE NO. 0000.LSP	DESIGNER: P.MYNCHENBERG		
DATE: 4/11/18	CADD TECH: MRB		
SCALE: 1" = 20'	SHEET 2 OF 2	SEAL	

William M. Cobb  
(1881-1939)  
Thomas T. Cobb  
(1916-2004)  
W. Warren Cole, Jr.  
(1926-2008)  
Rhoda Bess Goodson  
(1950-2017)

Scott W. Cichon  
Robert A. Merrell III  
John P. Ferguson  
Mark A. Watts  
Heather Bond Vargas  
Kelly Parsons Kwiatek  
Kathleen L. Crotty  
Andrea M. Kurak  
Matthew S. Welch



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

Michael J. Woods  
Michael O. Sznajstajler  
Pamela R. Masters  
Robert E. Dean  
Holly J. Woerschling  
Rachel I. Pringle  
Kelsie W. Willett  
Erica C. Johnson

OF COUNSEL  
Harold C. Hubka  
Thomas J. Leek  
Larry D. Marsh  
Maja Sander Bowler  
William A. Parsons  
Peter R. J. Thompson\*

RETIRED  
Thomas S. Hart

\*Practice limited to federal immigration matters

June 7, 2018

**VIA HAND DELIVERY**

Dennis L. Mrozek  
Planning Manager  
City of Daytona Beach  
301 S. Ridgewood Avenue, Room 240  
Daytona Beach, FL 32114

Re: Tomoka Farms Road ILF – Rezoning Modification/Benefits Letter

Dear Dennis:

On behalf of our client, BPS Independent Living, LLC (the "Applicant" and "Contract Purchaser") we have respectfully requested a rezoning to Planned Development (PD) for the property generally located on Tomoka Farms Road which is the subject of DEV2018-036 (the "Property"). The Property is currently undeveloped. The rezoning will allow an independent living facility development with the associated multifamily accessory uses. The Daytona Beach Land Development Code (LDC) requires PD rezoning applicants to provide a letter detailing any and all code waivers needed to construct their project, as well as the public benefits of the project which are proposed to balance for the needed waivers.

We recognize the importance of the standards contained in the City's Land Development Code (LDC) and have made every reasonable effort to bring forward a project consistent with the City's LDC. However, in this case the project requires certain minor code waivers which we balanced against many significant public benefits.

**Public Benefit**

The proposed development of the Property into an independent living facility will provide great public benefit to the City of Daytona Beach and Volusia County. Age restricted residential development will expand the variety housing choices for active adults in the City, one of the stated goals in the City's Comprehensive Plan. The proposed development will generate additional City and County tax revenues and will make use of a currently unused property. The development will be located in close proximity to shopping, dining, and entertainment; all of which will see increased economic spending due to the increase in residents. Additionally, the



Dennis L. Mrozek  
June 7, 2018  
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location of the development, with ready access to major thoroughfares and the interstate, will reduce travel times along the surrounding roadway system.

Additionally, the proposed development is consistent with the existing development on the surrounding properties. The design of the project will be one that enhances Tomoka Farms Road with landscaping and attractive single story residential units that will embrace the character of the City and the area.

### Waivers

Access: The LDC generally requires that subdivisions provide access from the development in relation to the number of units that are developed. (LDC, Section 6.13.I). – Due to the location of the Property with public roadway frontage only on Tomoka Farms Road, the Applicant is proposing to include additional emergency access at the northeast corner of the property. This access point will be closed off from public use with a crash gate and but will be accessible to all City emergency personnel. This additional access will meet the intention of the LDC and will allow for reasonable and appropriate development of the Property.

Building Separation: Minimum spacing between dwellings in a multifamily complex shall be 40 ft front-to-front, front-to-rear, or front-to-side, and 25 feet side-to-side. (LDC, Section 4.2.C.3, footnote 8) – Due to the configuration and the large amount of wetlands on the Property, the Applicant proposes to reduce the front-to-back building separation to 30 ft and the side-to-side building separation to 14.5 ft. This reduction will allow the retention of more wetlands on the Property, which is one of the City's goals and will serve to protect the native ecosystem that wetlands provide. The reduction in building separations will serve to improve the walkability and circulation of the community, which will serve to benefit the future residents. Additionally, it will allow for the reduction in the length of buildings which, in turn, will permit an increased amount of landscaping and green space between buildings. Overall, the reduction will allow for a development that better serves both the City's and future resident's interests while still meeting the safety intent of the LCD requirement.

Multifamily Landscaping: A landscape area at least ten feet wide shall be provided between multifamily dwellings and any paved parking areas. (LDC, Section 5.5.B.3.e.) – Due to the configuration and the large amount of wetlands on the Property, the Applicant is requesting a reduction in the required landscape area along the side of some of the multifamily dwellings in order to provide adequate traffic circulation for the development. The Applicant proposes maintaining an average of ten feet of landscape area between the multifamily dwellings and will provide all landscape materials required by the LDC.

Dennis L. Mrozek  
June 7, 2018  
Page 3

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Scenic Thoroughfare Overlay: Tomoka Farms Road is required to have a minimum landscape yard depth of 50 feet. (LDC, Table 4.9.D.3.A.) – Due to the configuration of the lot and layout of the proposed buildings, some AC condenser units will encroach into the 50-foot scenic setback along Tomoka Farms Road. The Applicant proposes permitting the encroachment of the AC condenser units into the scenic setback at a maximum of 10 feet. The Applicant also proposes screening the units from the view of Tomoka Farms Road with additional landscaping.

Sincerely,



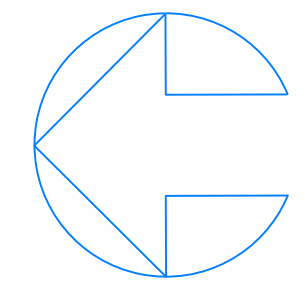
**Robert A. Merrell III**

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

RAM/RIP:ddl

Enclosure

cc: BPS Independent Living, LLC  
Parker Mynchenberg & Associates, Inc.



CONNECT TO EXISTING 20" WM  
20" X 12" TAPPING SLEEVE & VALVE  
2 1/2" SERVICE TAP

CONNECT TO EXISTING 42" FORCE MAIN

PUMP STATION (PRIVATE)

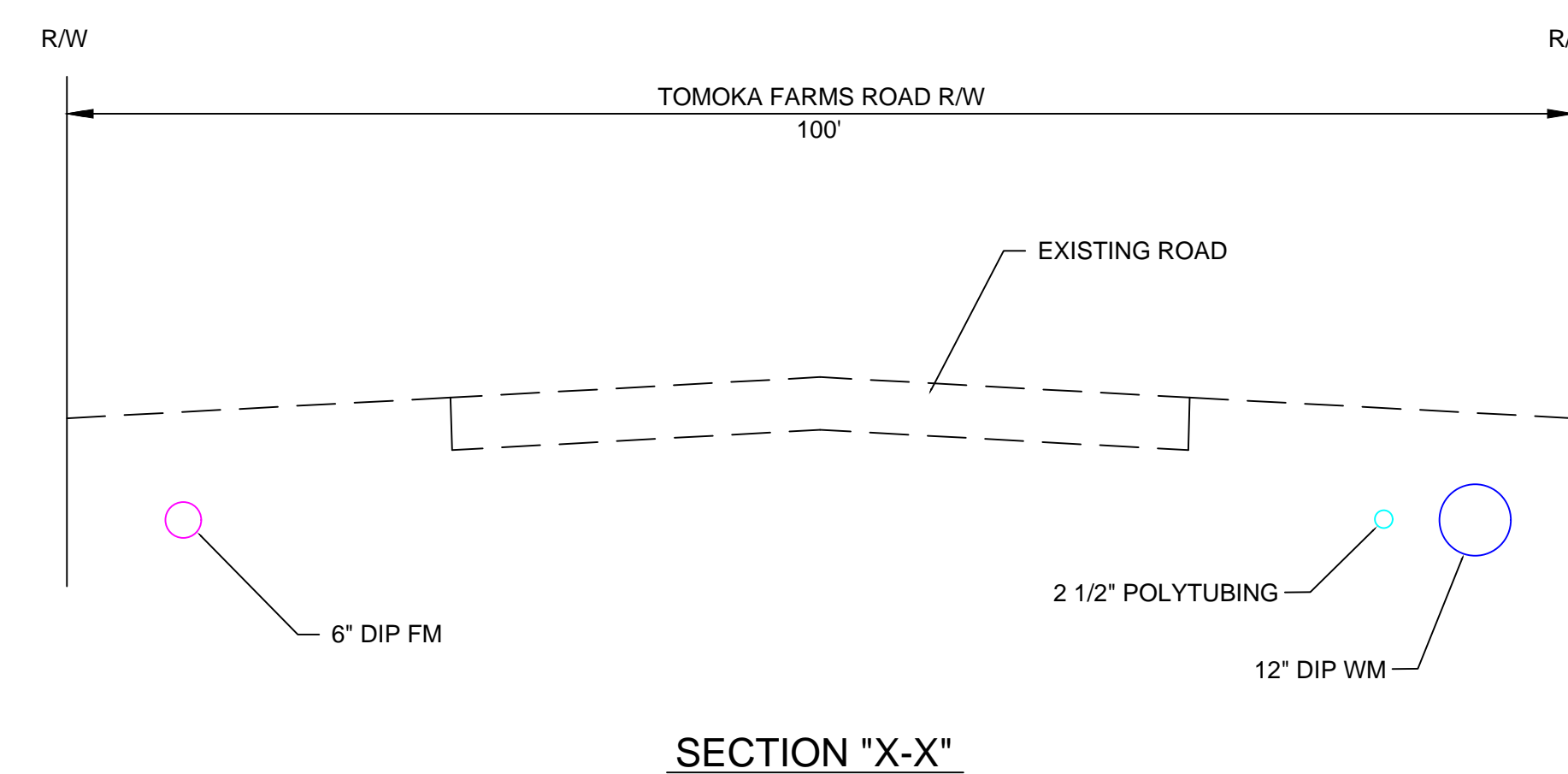
PROJECT SITE

© 2017 Google

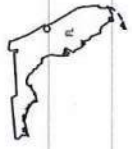
### LEGEND

	EXISTING 20" WATER MAIN
	EXISTING FORCE MAIN
	PROPOSED 12" WATER MAIN (2,985 LF)
	PROPOSED 2 1/2" POLYTUBING WATER SERVICE (2,925 LF)
	PROPOSED 6" FORCE MAIN (2,850 LF)
	BOUNDARY LINE

**NOTE:**  
ALL SIZES OF WATER AND SEWER ARE SUBJECT TO CHANGE WITH THE FINAL ENGINEERING DESIGN. THE DESIGN SHALL BE REVIEWED AND APPROVED BY THE CITY.



NO.	DATE	DESCRIPTION	BY
REVISIONS			
<b>PARKER MYNCHENBERG &amp; ASSOCIATES, INC.</b>			
PROFESSIONAL ENGINEERS * LANDSCAPE ARCHITECTS			
1729 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117			
(386)677-6891 FAX(386)677-2114 E-MAIL: info@parkermynchenberg.com			
CERTIFICATE OF AUTHORIZATION NUMBER: 00003910			
<b>EXHIBIT E - UTILITY PLAN</b>			
1510 TOMOKA FARMS ROAD			
INDEPENDENT LIVING FACILITY			
DAYTONA BEACH * FLORIDA			
FILE NO.	DRAWING1.DWG	DESIGNER: P.MYNCHENBERG	
DATE:	6-23-17	CADD TECH: MRB	
SCALE:	NOT TO SCALE	SHEET 1 OF 1	SEAL



**4 REAR ELEVATION**  
BUILDING TYPE 2 SCALE: 1/8" = 1'-0"



**2 RIGHT ELEVATION**  
BUILDING TYPE 2 SCALE: 1/8" = 1'-0"



**3 LEFT ELEVATION**  
BUILDING TYPE 2 SCALE: 1/8" = 1'-0"



**1 FRONT ELEVATION**  
BUILDING TYPE 2 SCALE: 1/8" = 1'-0"

<p><b>Color scheme 3</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: #4a5568; margin-right: 5px;"></span> Foggy Day (SW 6235)</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: #94a3b8; margin-right: 5px;"></span> Monorail Silver (SW 7663)</li> <li>Extra White (SW 7006)</li> </ul>	<p><b>Color scheme 2</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: #6b7282; margin-right: 5px;"></span> Dovetail (SW 7018)</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: #94a3b8; margin-right: 5px;"></span> Monorail Silver (SW 7663)</li> <li>Extra White (SW 7006)</li> </ul>	<p><b>Color scheme 1</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: #808080; margin-right: 5px;"></span> Chatura Gray (SW 9169)</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: #c0c0c0; margin-right: 5px;"></span> Alpaca (SW 7022)</li> <li>Extra White (SW 7006)</li> </ul>
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Tomoka Independent Living  
Daytona Beach, Florida

ACADEMIC DEVELOPMENT CORP  
2451 SE GOLFWOOD DRIVE  
STUART, FL 34996  
PH. 321-217-1554

**cba**  
charlan • brock  
associates

architects • planners  
1770 fennell street  
mallard florida 32751-7208  
407 660 8900 f: 407 875 9948  
www.cbaarchitects.com

BUILDING TYPE 2  
ELEVATIONS

date: 02-08-18  
job no: 3974.17  
drawn by:  
reviewed by: CM - FOR  
file: COLORED ELEVS  
issue history:

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Daytona Beach • DeLand

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

# Memorandum

**To:** Dennis Mrozek, Planning Manager, City of Daytona Beach  
**From:** Deborah D. LaCroix, CLA  
**Date:** May 22, 2018  
**Client/Matter #:** Tomoka Farms Road Independent Living  
Annexation, Planned Development-General Rezoning and Large Scale  
Comprehensive Plan Amendment  
DEV2018-032, 036 and 054  
**Subject:** Neighborhood Meeting Summary – May 3, 2018

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A neighborhood meeting was held in the meeting room of the Holiday Inn LPGA, 137 Automall Circle, Daytona Beach, FL on May 3, 2018 at 6:00 p.m.

Rob Merrell, Robert Browning, Zachary Stoumbos, Parker Mynchenberg, Steve Buswell, Sans Lassiter, Matthew West, Rachel Pringle and Debi LaCroix were in attendance to explain the rezoning request.

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

The neighbors were receptive to the proposed project.

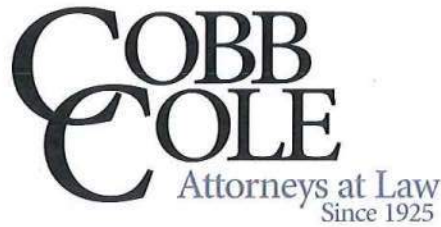
We look forward to this item being scheduled for the Planning Board at their June 28, 2018.

Thanks.

Deb.

William M. Cobb  
(1881-1939)  
Thomas T. Cobb  
(1916-2004)  
W. Warren Cole, Jr.  
(1926-2008)  
Rhoda Bess Goodson  
(1950-2017)

Scott W. Cichon  
Robert A. Merrell III  
John P. Ferguson  
Mark A. Watts  
Heather Bond Vargas  
Kelly Parsons Kwiatek  
Kathleen L. Crotty  
Andrea M. Kurak  
Matthew S. Welch



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

Michael J. Woods  
Michael O. Sznajstajler  
Pamela R. Masters  
Robert E. Doan  
Holly J. Woerschling  
Rachel I. Pringle  
Kelsie W. Willett  
Erica C. Johnson

**OF COUNSEL**  
Harold C. Hubka  
Thomas J. Leek  
Larry D. Marsh  
Maja Sander Bowler  
William A. Parsons  
Peter R. J. Thompson\*

**RETIRED**  
Thomas S. Hart

\*Practice limited to federal immigration matters

April 20, 2018

**INVITATION TO NEIGHBORHOOD MEETING**

Dear Neighbor:

The law firm of Cobb Cole has the pleasure of representing THP, LLC, the owner, and BPS Independent Living, LLC, the contract purchaser, of 48.2+/- acres of property located on the West side of Tomoka Farms Road, just North of First Baptist Parkway, as shown on the attached map. The contract purchaser intends to annex the property into the City of Daytona Beach, rezone and place a City Future Land Use designation on the property, for an independent living development.

As future neighbors to the proposed annexation, rezoning and comprehensive plan amendment, we would like to invite you to discuss these processes on **Thursday, May 3, 2018 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 these processes.

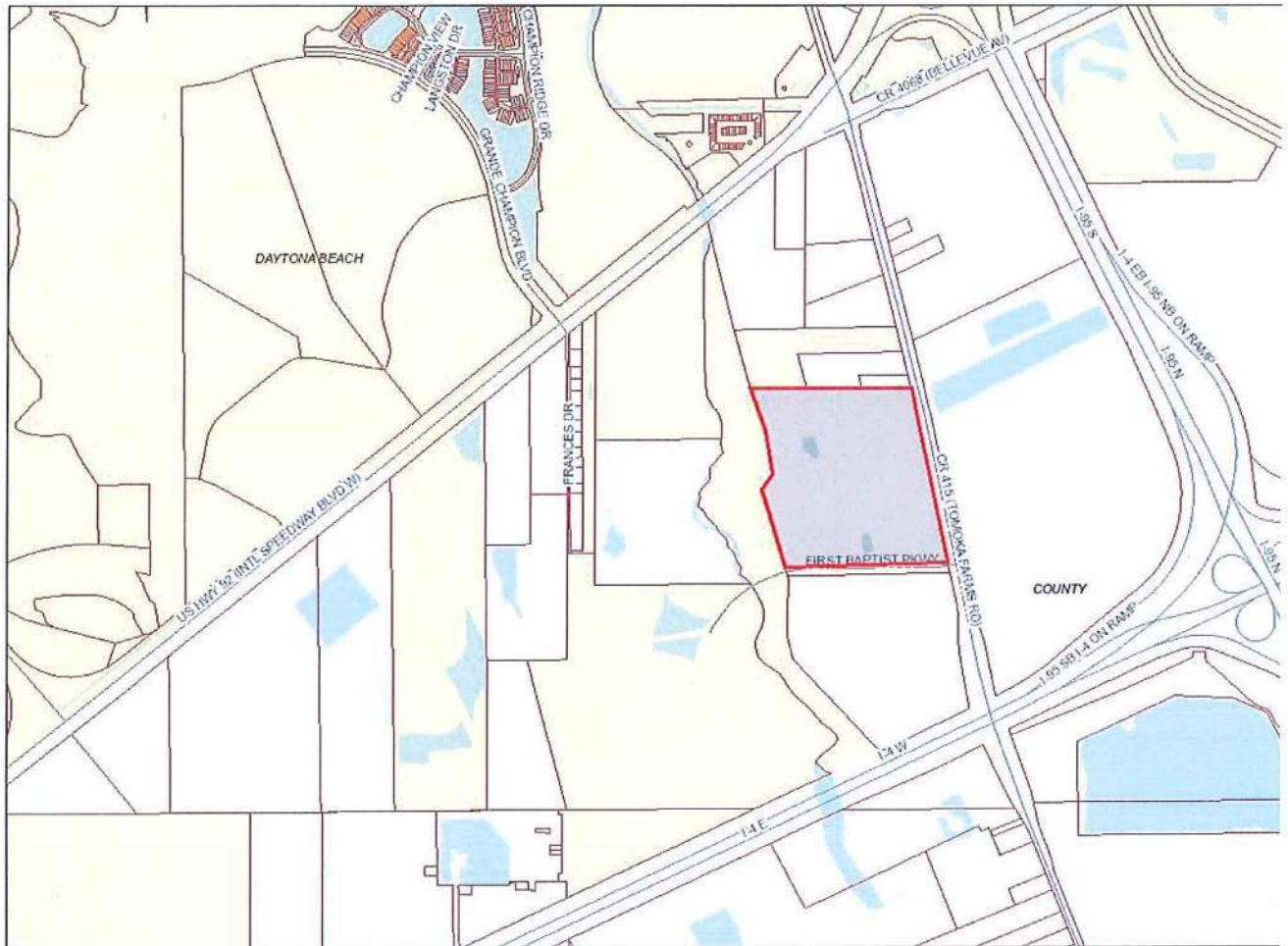
Sincerely,

**Robert A. Merrell III**

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

RAM:ddl  
Enclosures

4994467TOMOKA FARMS RD, DAYTONA BEACH



April 20, 2018

3250974  
John E. Salmon  
1935 Jackson Lane  
Port Orange, FL 32128

5192733  
First Baptist Church of Daytona Beach, Inc.  
118 N. Palmetto Avenue  
Daytona Beach, FL 32114

6821071  
Berrien Becks, Jr.  
P.O. Drawer 2140  
Daytona Beach, FL 32115-2140

3250982  
General Realty Associates, Inc.  
3003 W. International Speedway Blvd.  
Daytona Beach, FL 32124

3250991  
Susan Dixon, Tr.  
P.O. Box 386  
East Canaan, CT 06024



TOMOKA INDEPENDENT LIVING  
ANNEXATION, LARGE SCALE COMPREHENSIVE  
PLAN AMENDMENT AND PLANNED  
DEVELOPMENT-GENERAL REZONING

NEIGHBORHOOD MEETING  
MAY 3, 2018 6:00 P.M.  
SIGN IN SHEET

NAME

ADDRESS

TELEPHONE NUMBER

ROBERT W. BRONKHORST	2451 SE GOLFWOOD DR.	321-217-1554 321-217-1554
Rob Merrill	Cobb Cole 149 S. Ridgewood Ave	386-323-9263
Rachel Pige	Cobb Cole 149 S. Ridgewood	386-323-9271
MATTHEW WEST	1450 W. GRANADA ORLAND AVE	386-257-2571
Les Wilkison	6196 Yellowstone Dr. P.O.	386-316-7452
Zachary E. Starnes	529 N. Magnolia Ave. Del. Fl 32801	(407) 832-7005
Mary Bryan	1935 Jackson Ln P.O.	386-756-9191
Sterc Buswell	1729 Ridgewood Ave	386-677-6891
PARKA WYNNEBURG	1729 RICHMOND	386 677 6891

### NEIGHBORHOOD MEETING NOTICE

A NEIGHBORHOOD MEETING HAS BEEN SCHEDULED ON  
5/2/18 AT 6:00 PM TO INTRODUCE THE  
FOLLOWING APPLICATION FOR THIS PROPERTY:

SCPA/PD-G Rezoning - Dev 2018-036/054

THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION:

PGA Holiday Inn, 137 Astorville Ave, D.B., FL

INTERESTED PARTIES CAN CONTACT Cobb Cole  
AT 386/323-9263 FOR FURTHER INFORMATION