

Agenda Item 5 (Quasi-Judicial Hearing)

Rezoning - Planned Development-Redevelopment

DEV2018-064

Breakers Park Hotel PD

STAFF REPORT

DATE: October 18, 2018

TO: Planning Board Members

FROM: Reed Berger, Redevelopment Director

PROJECT REQUEST

A request by Glenn D. Storch, P.A. on behalf of Avista Properties VII, LLC, to rezone 2.176± acres of land located at 41 S. Ocean Avenue from Beachside Redevelopment-Hotel/Mixed Use (RDB-1) to Planned Development-Redevelopment (PD-RD) to allow the construction of a hotel with associated site improvements.

PROJECT UPDATE

On October 10, 2018 the Beachside Redevelopment Board recommended approval (7-0). The staff report (Exhibit A) and minutes (Exhibit B) of the Redevelopment Board meeting are attached together with additional maps.

The Board included in its recommendation a request to provide a “construction parking plan”. Also referred to as a “construction traffic management plan”, the applicant agrees to include this document as part of the PD agreement. The plan will describe the location and scope of construction employee parking, equipment, material storage, and related traffic management during the construction phase of the project. The remote site for construction suggested by the applicant is located on land Avista owns on Grandview Avenue between Kemp Street and 5th Avenue. Use of the remote site will require a waiver from the LDC requirements. A map is attached showing the remote site suggested by the applicant (Exhibit C).

RECOMMENDATION

Should all LDC modification requested be approved, staff concludes the application to rezone 2.176± acres of land located at 41 S. Ocean Avenue from Beachside Redevelopment-Hotel/Mixed Use (RDB-1) to Planned Development-Redevelopment (PD-RD) to allow the construction of a hotel with associated site improvements be approved. Staff supports the Board’s recommendation.

The item is tentatively scheduled to be heard by the City Commission for first reading on December 5, 2018 and for second reading on December 19, 2018 (public hearing).



LOCATION

ATLANTIC-SHORELINE

OCEAN-AV-S

HARVEY-AV

SR-A1A-(ATLANTIC-AV-S)

COATES-ST-S

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.

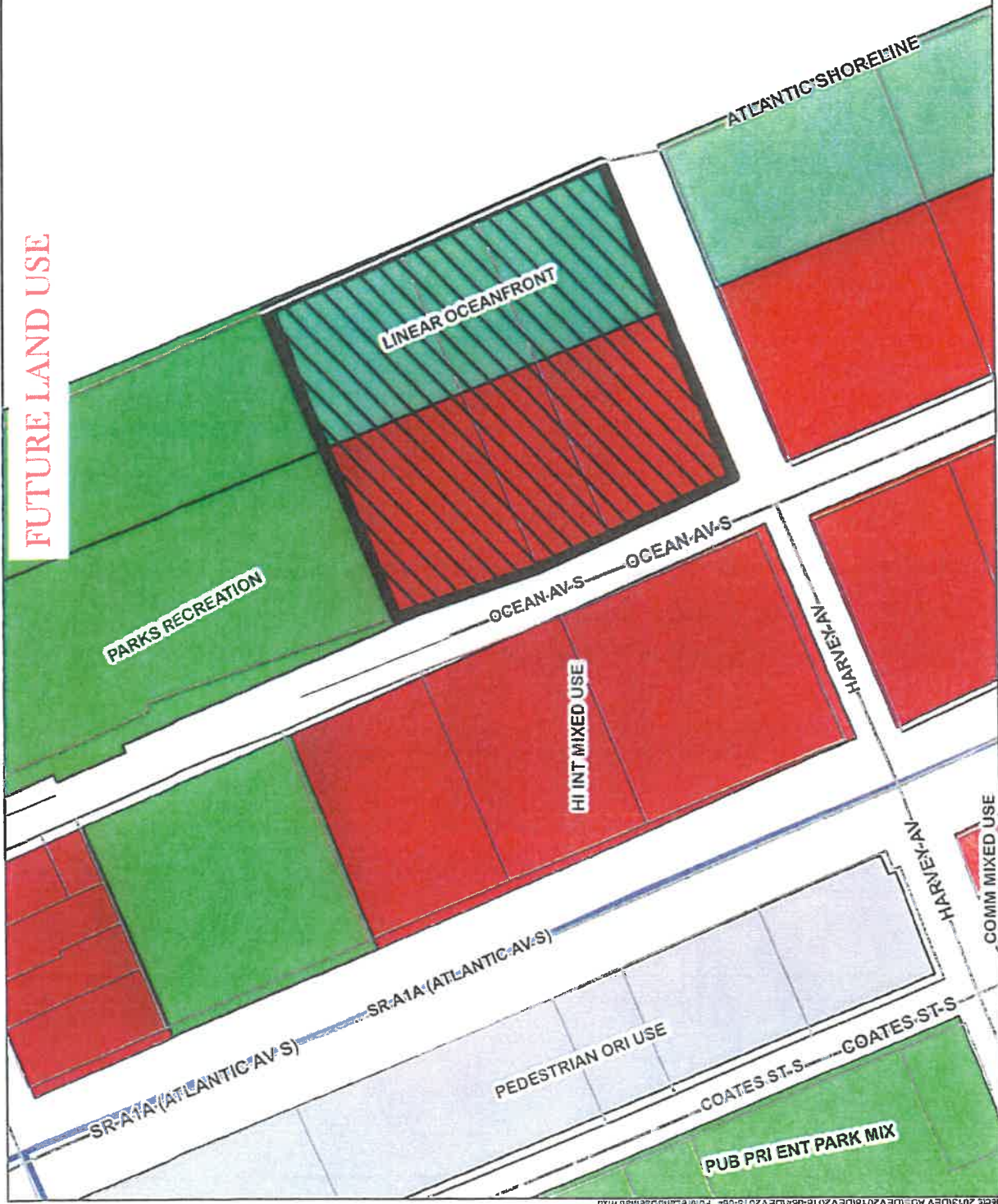
DEV2018-064
PLANNED DEVELOPMENT GENERAL REZONING
LOCATION MAP





THE BEACH S

FUTURE LAND USE



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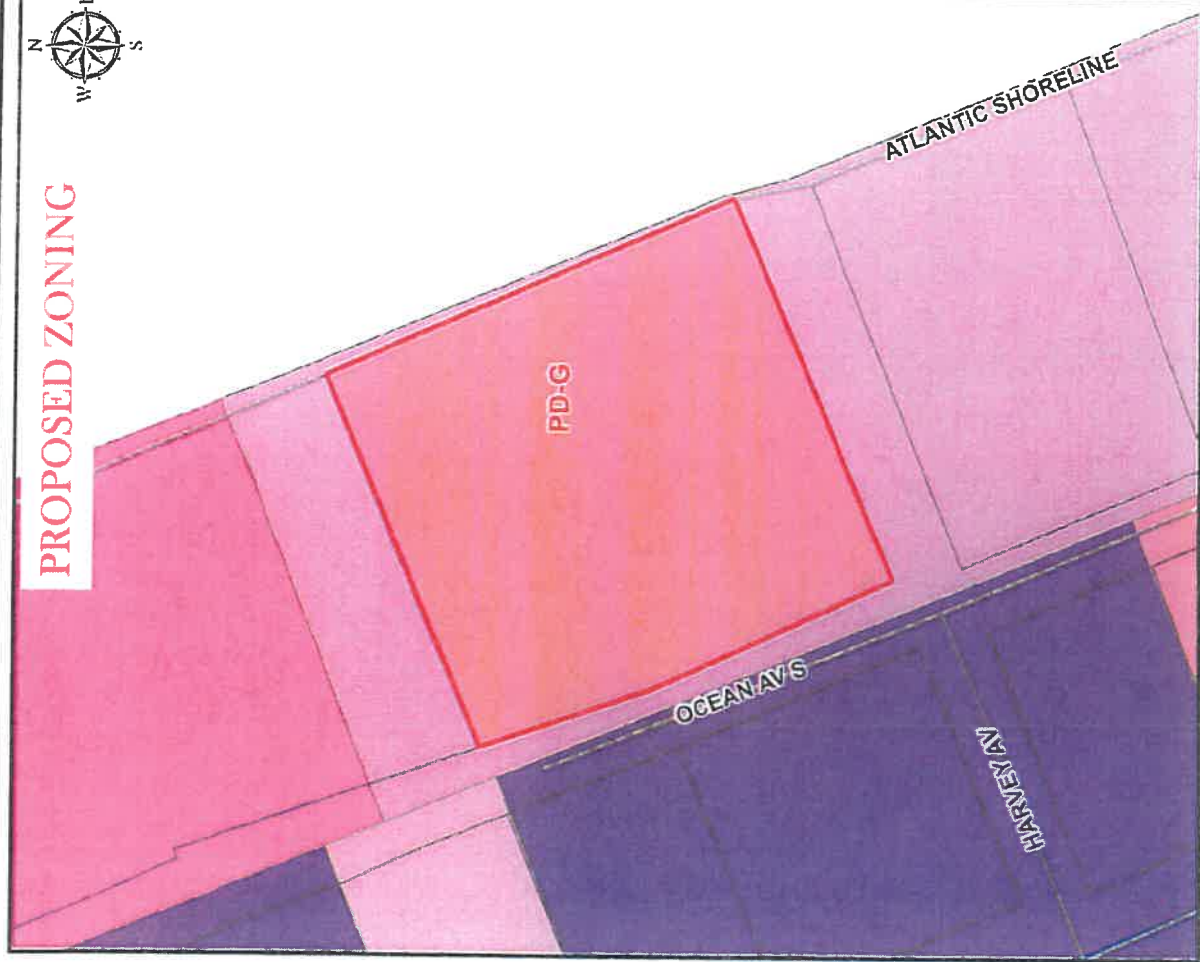
DEV2018-064
 PLANNED DEVELOPMENT GENERAL REZONING
 FUTURE LAND USE MAP

subject

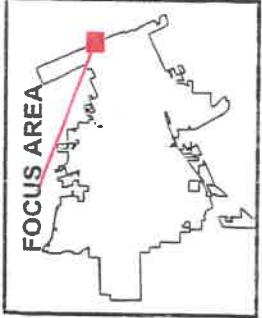




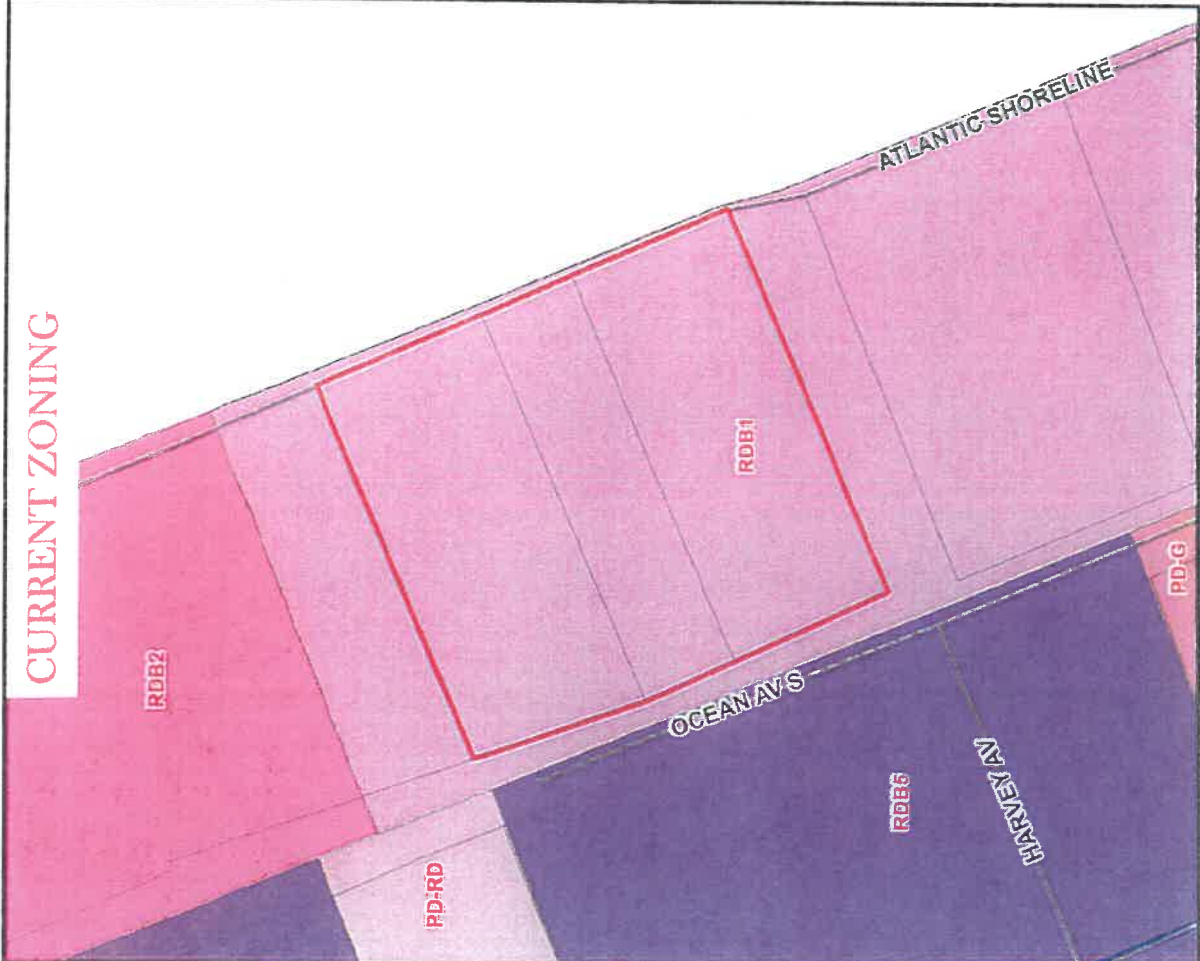
PROPOSED ZONING



1 inch = 100 feet



CURRENT ZONING



1 inch = 100 feet

**DEV2018-064
PLANNED DEVELOPMENT GENERAL REZONING
CURRENT & PROPOSED ZONING MAP**





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DEV2018-064
PLANNED DEVELOPMENT GENERAL REZONING
AERIAL MAP



Agenda Item 5 (Quasi-Judicial Hearing)

Rezoning to Planned Development-Redevelopment DEV2018-064 Breakers Park Hotel PD

STAFF REPORT

DATE: October 3, 2018

TO: Beachside Redevelopment Board Members

FROM: Reed Berger, AICP, Redevelopment Director

PROJECT REQUEST

A request by Glenn D. Storch, P.A. on behalf of Avista Properties VII, LLC, to rezone 2.176± acres of land located at 41 S. Ocean Avenue from Beachside Redevelopment-Hotel/Mixed Use (RDB-1) to Planned Development-Redevelopment (PD-RD) to allow the construction of a hotel with associated site improvements.

PROJECT LOCATION

The subject property is located at the northeast corner of Ocean Avenue and Harvey Avenue and includes one vacant lot and one City-owned temporary parking lot. The property is currently zoned RDB-1 (Hotel/Mixed Use) and has a current future land use designation of Linear Oceanfront and High Intensity Mixed Use. Adjacent land uses and zoning classifications are illustrated in the following table and are shown in the accompanying maps (*Attachment A*).

Table 1: Land Use and Zoning

	Existing Uses	Future Land Use Designation	Existing Zoning Classification
Site	Vacant Lot Temp Parking Lot	Linear Oceanfront High Intensity Mixed Use	RDB-1 (Hotel/Mixed Use)
North	Breakers Oceanfront Park Main Street Pier	Parks Recreation	RDB-1 (Redevelopment Beachside - Hotel/Mixed Use) RDB-2 (Redevelopment Beachside - Specialty Retail)
South	Vacant Lot Mayan Inn Hotel	Linear Oceanfront High Intensity Mixed Use	RDB-1 (Hotel/Mixed Use)
East	Atlantic Shoreline	n/a	n/a
West	Retail Screamers Park	High Intensity Mixed Use	RDB-5 (Atlantic Avenue Retail) PD-RD (Planned Development – Redevelopment)



Rendering

PROPERTY HISTORY AND PROJECT DESCRIPTION

The property was previously occupied by 3 hotels which were demolished between 2006 and 2011, primarily the result of the 2004 hurricanes. The Community Redevelopment Agency subsequently purchased two of the three parcels of the site closest to Harvey Avenue and eventually developed a temporary parking lot to address parking demand after the opening of Joe's Crab Shack at the Pier.

After receiving interest from the owner of the property adjacent to Breakers Oceanfront Park to purchase and develop a hotel on the City's two parcels a Request for Proposals was issued on July 3, 2017 (RFP 0217-2150). Avista Properties VII, LLC responded to the City RFP, submitting a written proposal dated July 31, 2017 to develop the City's parcels combined with Avista's adjoining parcel to build a hotel and extend the boardwalk along the combined property's oceanfront frontage at Avista's cost. On August 24, 2018 the City notified Avista Properties VII, LLC that they were selected. In order to accommodate Avista's plan to obtain development permits for the proposed project the City Commission approved a contract to sell the City's property to Avista at a purchase price of \$2,683,000 on December 20, 2017 (Res. No. 17-407).

The applicant is requesting to rezone the property to Planned Development-Redevelopment for the purpose of constructing a 155± foot-12 story, 300-unit hotel with parking for 358 vehicles and associated site improvements. The hotel will provide a common lobby entrance on the ground floor with two separate elevator lobbies, one for the Courtyard by Marriott, and one for the Springfield Suites. The hotel will include oceanside dining and provide a 15 ft. wide

boardwalk along the seawall for public use connecting Breakers Oceanfront Park to the Harvey Avenue beach access.

On September 18, 2018 The Volusia County Council approved the vacation of the north half of Harvey Avenue Beach approach east of Ocean Avenue, adding 20 feet to the hotel site property to increase the size of the hotel and walkway (*Attachment B*).

PROJECT ANALYSIS

Article 4 (Zoning Districts), Section 4.8 (Planned Development Districts) of the LDC reads:

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.*

D. Planned Development - Redevelopment (PD-RD).

1. Purpose. The Planned Development - Redevelopment (PD-RD) District is established and intended to provide the planning and design flexibility needed to accommodate urban infill and high-intensity mixed-use development and encourage the use of innovative and creative design that will achieve high quality urban design and a high level of energy efficiency and environmental sensitivity, and otherwise contribute to the City's goals and objectives for its Redevelopment Areas.

Article 3 (Review Procedures), Section 3.4.F.4 (Planned Development Review Standards) of the LDC reads:

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.

Section 3.4.D.3 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 properties included in the PD Rezoning application have a land use designation of Linear Oceanfront on the easternmost portion aligned with the boardwalk and High Intensity Mixed Use on the west portion. Linear Oceanfront land uses include natural dune landscape and wood surfaced, boardwalk type beach event terraces for programmed events. High Intensity Mixed Use land uses include hotels, theaters, commercial mixed use development, and public parking for multiple properties and beach uses. The floor area ratio shall not exceed 10.

The hotel is located within the E-Zone Overlay boundary. The City’s Comprehensive Plan states “*The E-Zone Overlay is an optional Future Land Use designation in the core tourist area around the Ocean Center, Peabody Auditorium Boardwalk and Main Street.*” The Comprehensive Plan also states “*The E-Zone is a revitalization project and is envisioned as a world-class entertainment district that will complement the Ocean Center, further Daytona Beach’s image as a convention and family tourist destination, and reinforce the City’s international reputation as the World’s Most Famous Beach.*”

The E-Zone Overlay future land use designation provides for mixed use development consistent with the E-Zone Master Plan. The mixed uses include hotels, lodging, retail, restaurants, amusements, convention center, parking garages and surface parking lots, single family residential, multi-family residential, beach town square, visitor center, cultural attraction and public auditorium”.

The Main Street Redevelopment Plan contains policies to encourage mixed use and pedestrian oriented development. The following plan objectives and policies are applicable to this request:

5.1 - Economic Development Objective

Target public intervention and economic incentives to encourage private investment in new development and rehabilitation that will improve property values, promote Main Street tourism, retain jobs, create new jobs, and expand the tax base consistent with the Redevelopment Plan and the E-Zone Master Plan.

Policy 5.1.3 Develop strategies to assist with development of at least 1,500 hotel rooms, consistent with the E-Zone Master Plan, pages 19, 22-25 (Appendix C) over the next 15 to 20 years to be located in the E-Zone.

Policy 5.1.7 Create strategies and grant programs to develop the Boardwalk and expanded pier with high quality, family-oriented amusement businesses, consistent with the E-Zone Master Plan, pages 21-23, 26, 27, 45, 66-72 (Appendix C).

6.1 Land Use Objective

Through regulatory controls, encourage investment in appropriate new development and rehabilitation of historic structures that will improve assessed property values and building occupancy in the Redevelopment Area.

Policy 6.1.2 Create a magnetic place for people, a place of high design quality which exudes an electric feeling of a memorable destination with high quality hotels and commercial mixed use projects along Atlantic Avenue.

Based on the information provided with the rezoning request, the proposed hotel and public boardwalk are generally consistent with the goals, objectives, and policies of the Comprehensive Plan and Main Street Redevelopment 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/Agreement. The applicant is proposing several modifications to these standards detailed in the applicant's waivers and benefits letter (*Attachment C*).

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 C*).

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

The applicant is requesting to allow the construction of a 12-story hotel which would have a lower height than the nearby Hilton Resort Hotel and the proposed Boardwalk Hotel located just north of Main Street. The PD Agreement will allow a hotel use and compatible accessory uses. A complete list of proposed uses is detailed later in this report. The hotel use is a compatible use in the High Intensity Mixed Use land use and compatible with the other permitted uses north and south to the east of Atlantic Avenue between International Speedway Blvd. and Oakridge Blvd.

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

Staff has reviewed the requested development for impacts to public facilities and offers no objection to the proposed uses or development plan with the understanding that details regarding the exact location of utility services to the site will require further discussion by staff as part of the final site plan approval process. Additionally, details regarding the overall improvements to Ocean Avenue and Harvey Avenue will be considered as part of the final site plan approval.

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 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 designation of RDB-1 allows hotel development for the site. The size of the subject property, however, limits development capabilities for the site. The requested LDC modifications are required to allow the hotel development as proposed.



View of hotel site looking northeast



View of hotel site looking southeast

Section 4.8 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 proposed vehicle access points, development area, parking, site improvements, architectural standards, signage and landscaping (*Attachments D and E*).

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 redevelopment plan.

3. Compatibility with Surrounding Areas

The proposed development plan meets compatibility standards for the adjacent uses. 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 F*).

4. Development Phasing Plan

The applicant has not proposed a phasing plan for this development. An application shall be submitted for all construction permits for the development within 18 months of the approval of the PD-RD rezoning by the City Commission. Construction shall be substantially complete within 5 years of the rezoning approval.

5. Conversion Schedule

Not applicable.

6. On-Site Public Facilities

No onsite public facilities are proposed.

7. Uses

The PD Agreement identifies the following permitted use: Hotel

In addition, the following uses are identified in the PD Agreement as permitted accessory uses:

- Restaurant without drive-in or drive-through service
- Specialty eating or drinking establishment
- Boardwalk, ocean
- Retail sales establishment
- Outdoor café with seating (limited to rear of Property but shall be permitted within rear setback area)
- Outdoor entertainment (limited to rear of Property but shall be permitted within rear setback area)

8. Densities/Intensities

The maximum allowable floor area ratio: 10

The proposed floor area ratio: 5.2

9. Dimensional Standards**PARKING SPECIFICATIONS:**

Total Parking Required = 1 Space/Unit + 1 Space/15 Units

Proposed 300 Units = 320 Spaces

Total Parking Provided = 358 Spaces

LOT SPECIFICATIONS:

Total Lot Area: 94,820 S.F. = 2.177 Ac.

Total Project Area: 94,820 S.F. = 2.177 Ac.

Min. Lot Width: 265'

Min. Lot Depth: 370'

<u>DESCRIPTION OF LOT COVERAGE</u>	<u>S.F.</u>	<u>ACRES</u>	<u>%</u>
Building (Ground Level)	26,040	0.598	27.5
Paved Parking	9,897	0.227	44.5
Deck/Pool/Misc. Paving	16,133	0.370	17.1
TOTAL IMPERVIOUS AREA	52,070	1.195	54.9
Total Pervious Area	<u>42,750</u>	<u>0.982</u>	<u>45.1</u>
Total Area	94,820	2.177	100.0

ADDITIONAL LOT DEVELOPMENT CRITERIA:

Max. Building Height: 155' (Above MSL)

Max. Individual Building Area: 50,000 S.F.

Building: 50,000 S.F.

Garage Structure: 50,000 S.F.

TOTAL: 50,000 S.F.

BUILDING SETBACKS

Side - 5'

Street Side - 8'

Front - 4'

Rear - 35'

GARAGE SETBACKS

Side - 0'

Street Side - 8'

Front - 0'

Rear - 14'

Max. Building Coverage Required: 90% (Building)

Min. Open Space: 10%

Max. Impervious Surface Area: 60%

Max. Number of Rooms: 300

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.

The applicant is proposing several modifications to these standards detailed in the applicant's waivers and benefits letter (*Attachment C*).

RECOMMENDATION

Should all LDC modification requested be approved, staff concludes the application to rezone 2.176± acres of land located at 41 S. Ocean Avenue from Beachside Redevelopment-Hotel/Mixed Use (RDB-1) to Planned Development-Redevelopment (PD-RD) to allow the construction of a hotel with associated site improvements be approved. Staff requests the Board's recommendation to the Planning Board and City Commission.

The item is tentatively scheduled to be heard by the Planning Board on October 25, 2018, and by the City Commission for first reading on December 5, 2018 and for second reading on December 19, 2018 (public hearing).

Attachment A

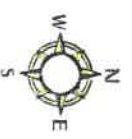
Maps

Breakers Park Hotel - PD Rezoning

2015 AERIAL PHOTO MAP

October 1, 2018

The City of Daytona Beach Main Street Redevelopment Area

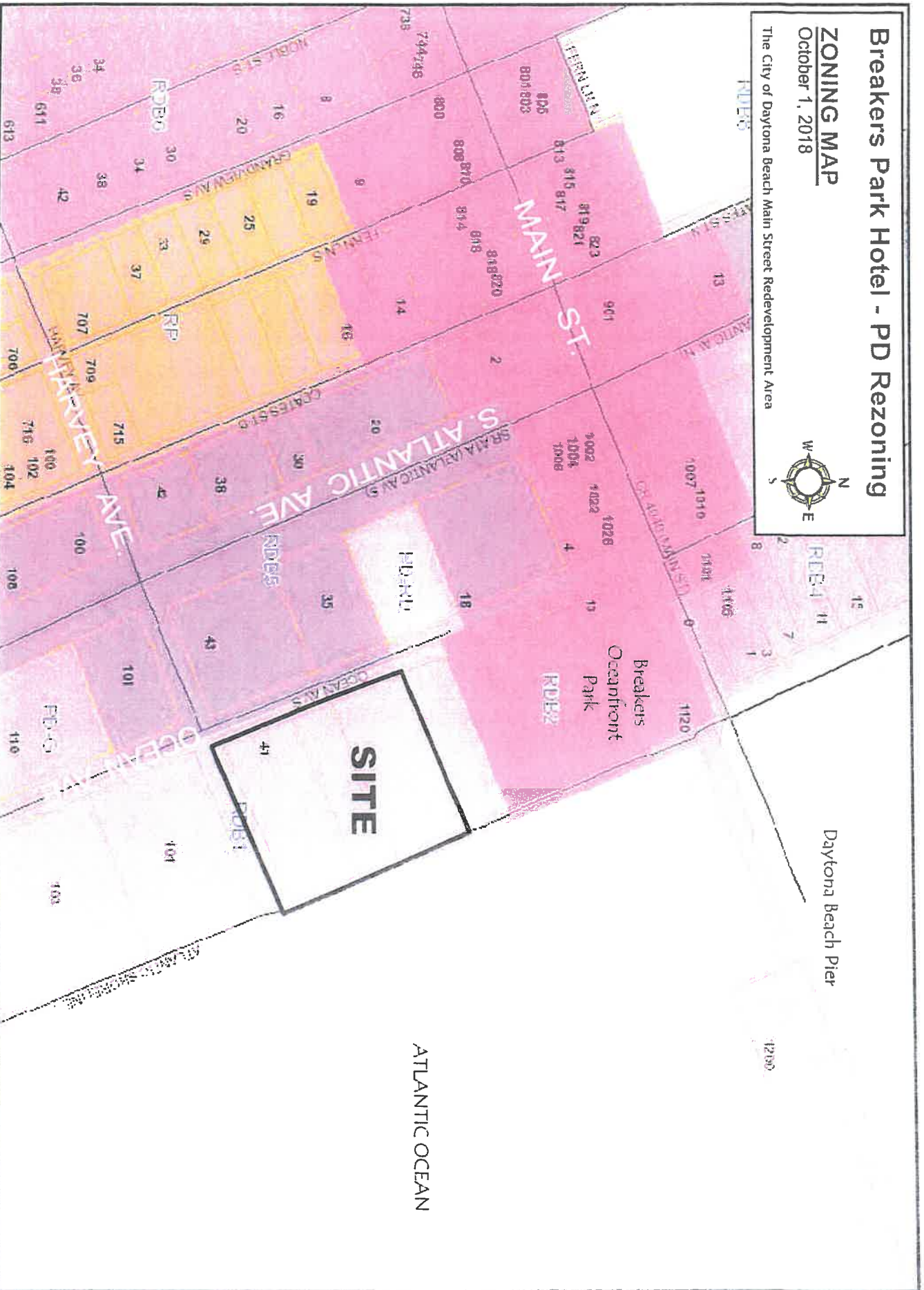
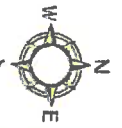


Breakers Park Hotel - PD Rezoning

ZONING MAP



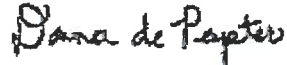

October 1, 2018

The City of Daytona Beach Main Street Redevelopment Area



Attachment B

Harvey Avenue Beach access vacation

Date: 09/18/2018		AGENDA ITEM		Item: 05	
<input type="checkbox"/> Ordinance		<input checked="" type="checkbox"/> Resolution		<input type="checkbox"/> Budget Resolution	
				<input type="checkbox"/> Other	
County Goals					
<input type="checkbox"/>	Thriving Communities	<input type="checkbox"/>	Economic & Financial Vitality	<input type="checkbox"/>	Excellence in Government
				<input checked="" type="checkbox"/>	NA
Department: Public Works					
Division: Engineering					
Subject: Vacation of a portion of the plat of Rogers Seabreeze, Deed Book O, Page 301 (now Map Book 14, Page 80), and abandonment of a portion of the Harvey Avenue beach approach in Daytona Beach.					
John Angiulli Director Public Works  Department Approval		Legal Jamie E. Seaman Deputy County Attorney  Approved as to Form and Legality		County Manager's Office Donna de Peyster Deputy County Manager 	
Kasbeer, Tadd  Division Approval					
Council Action:					
Modification:					
Account Number(s): NA					
Total Item Budget: NA					
Staff Contact(s): Tadd Kasbeer, P.E.				Phone: 386 736 5967	Ext. 15846
Summary/Highlights:					
Avista Properties VII, LLC and the City of Daytona Beach, pursuant to sections 177.101 and 336.09, F.S., petition the county to vacate and abandon the north 20 feet of the 40 foot wide Harvey Avenue beach approach in Rogers Seabreeze Subdivision, deed book O, page 301 (now map book 14, page 80, containing approximately 4,500 square feet.					
Avista has contracted to purchase two parcels of land from the city on the north side of the Harvey Avenue beach approach (5304-01-02-0090 and 0080). Avista plans to combine these parcels with one it already owns (5304-01-02-0070) to the north of the city properties and construct a mixed-use hotel development.					
The Harvey Avenue beach approach is a 30 foot wide platted right of way in Rogers Seabreeze subdivision. It also has an additional 5 feet on the north and south side that was excepted out of deeds for road purposes several years ago, making for a total 40 foot wide right of way. This is a paved vehicle and pedestrian approach and is used by beach vendors and for emergency access to a portion of the beach that is a traffic-free zone.					
Avista requests the vacation and abandonment of the north half (20 feet) of the Harvey Avenue					

Beach approach lying east of Ocean Avenue in order to construct their project.

The city commission, by Resolution No. 18-160, has authorized the city manager to sign a letter of no objection and join in on the vacation and abandonment application. The city has imposed certain requirements on Avista for this letter of no objection, including the improvement of the remaining Harvey Avenue beach approach vehicular and pedestrian access and of provision upgraded landscaping. A conceptual drawing of the improvements is attached.

The city also is requiring Avista to extend the public boardwalk from the south end of Breakers Oceanfront Park southward along the entire ocean frontage of Avista's project. Avista also will provide access to the beach from this boardwalk that will be ADA compliant.

The city also has imposed time limits on Avista for closing on the land sale, Planned District rezoning, building permit applications and completion of the improvements for their hotel project.

The local utility providers have no objection to the petition. Surrounding property owners were notified of the petitioners' intentions.

Staff recommends approval.

Recommended Motion: Approval.



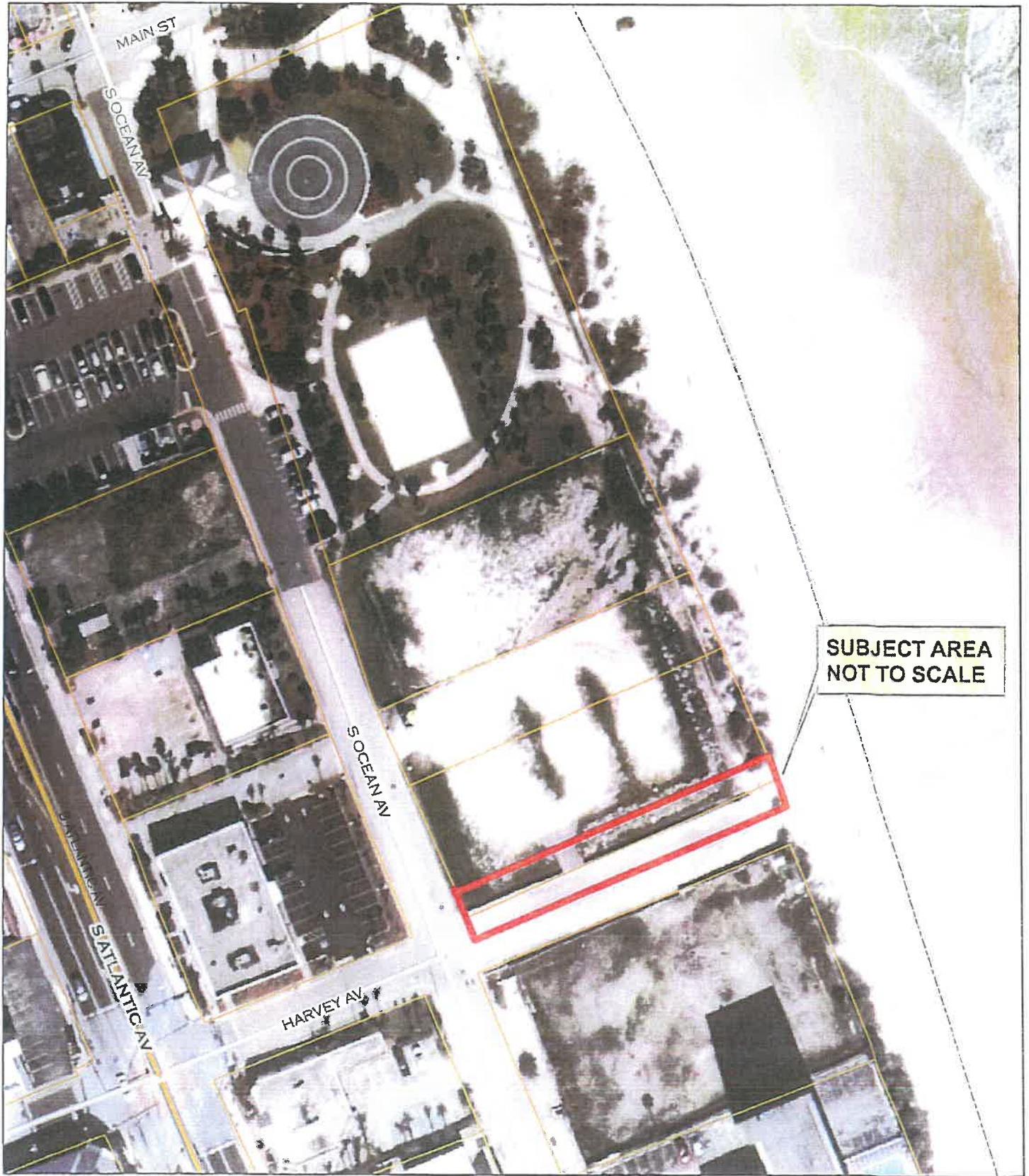
LOCATION MAP

**HARVEY AVENUE
BEACH APPROACH
VACATION & ABANDONMENT**

N
Not to Scale

Date: 8/15/2018
 J:\ROW\MN\MapPrepFiles\HarveyAveGenLocMap.mxd
 Prepared by: County of Volusia Public Works/mn





SUBJECT AREA
NOT TO SCALE

AERIAL MAP

**HARVEY AVENUE
BEACH APPROACH
VACATION & ABANDONMENT**

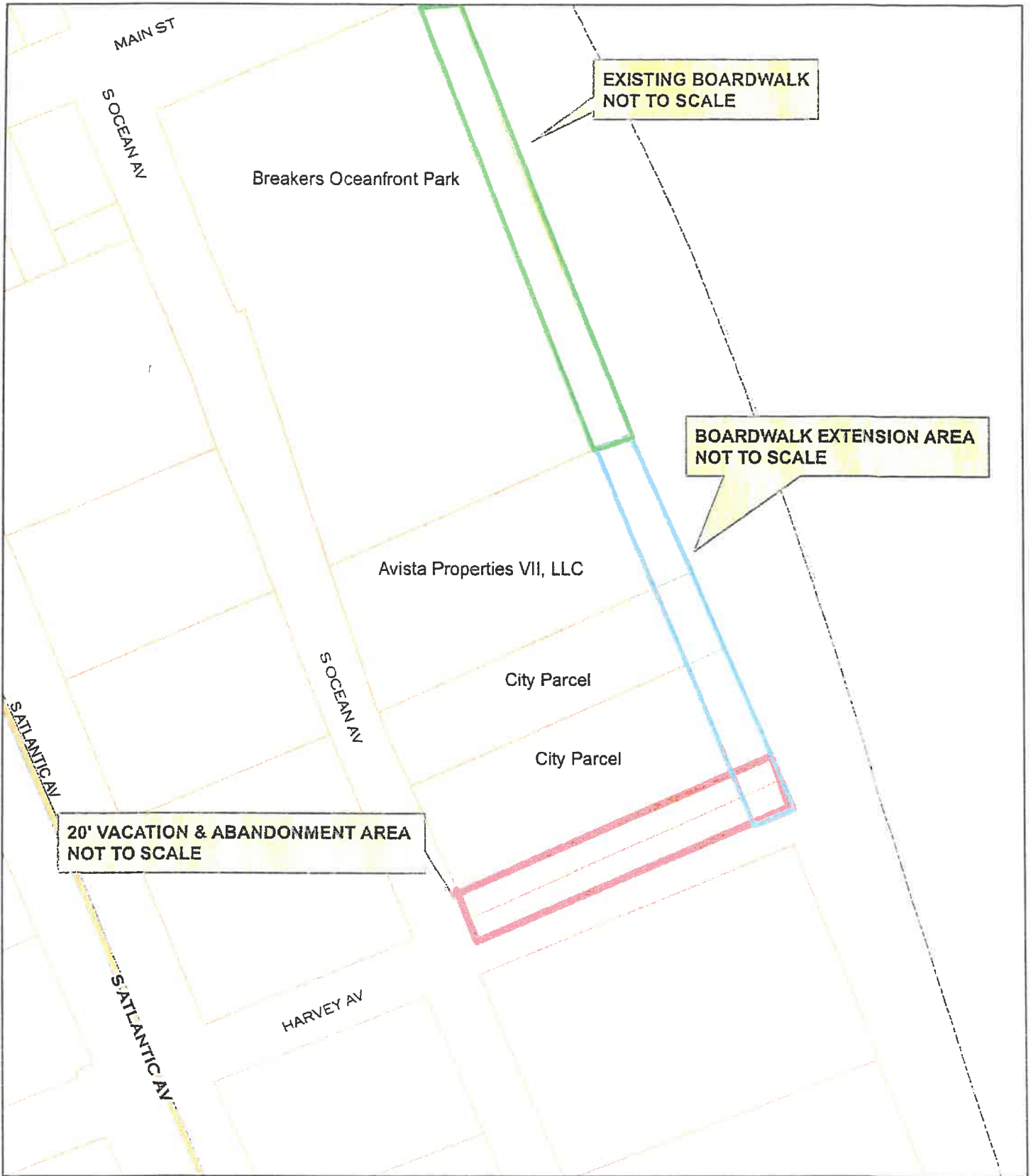


Not to Scale

Date: 8/15/2018

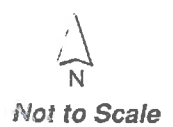
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Prepared by: County of Volusia Public Works/mn





DETAIL MAP

**HARVEY AVENUE
BEACH APPROACH
VACATION & ABANDONMENT**



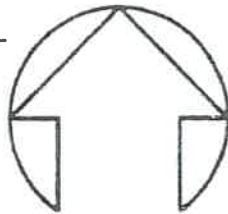
Date: 8/20/2018
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 Prepared by: County of Volusia Public Works/mn



BLM/FPD No. 6208

EXHIBIT

D



SCALE: 1"=30'

OCEAN AVENUE
(R/W VARIES)

ATLANTIC OCEAN

BLOCK 2
ROGERS SEABREEZE
DEED BOOK 0, PAGE 301

Proposed Vacation &
Abandonment (In Red)

EAST LINE
OF BLOCK 2

R/W
LINE

WEST LINE
OF BLOCK 2

5' R/W PER O.R.
BOOK 6631, PAGE 1855

SOUTH LINE
OF BLOCK 2

R/W
LINE



HARVEY AVENUE
(40' R/W)

(PLATTED
30' R/W)

5' R/W PER O.R.
BOOK 3356 PAGE 653

NORTH LINE
OF BLOCK 3

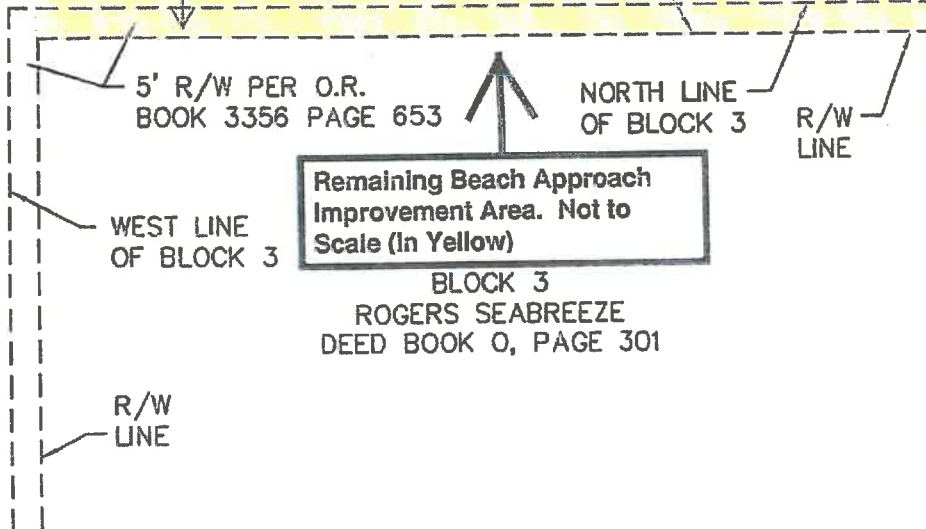
R/W
LINE

Remaining Beach Approach
Improvement Area. Not to
Scale (In Yellow)

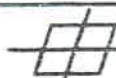
BLOCK 3
ROGERS SEABREEZE
DEED BOOK 0, PAGE 301

WEST LINE
OF BLOCK 3

R/W
LINE



SHEET 1 OF 3



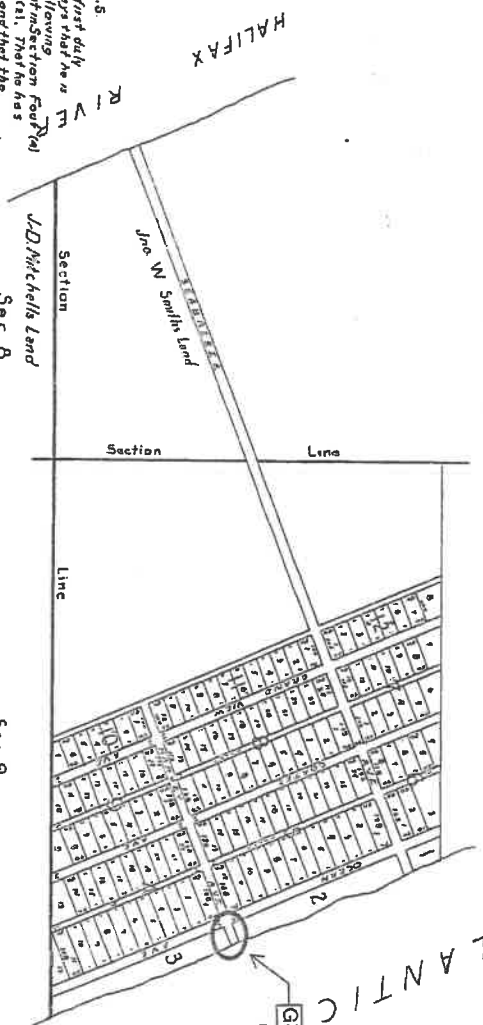
MARK DOWST & ASSOCIATES, INC.

* ENGINEERS PLANNERS SURVEYORS LB#4335 *

536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 386-258-7999

14-80

ATLANTIC OCEAN
GENERAL AREA



State of Florida 3 S 15
 County of Volusia
 D.D. Rogers being first duly
 sworn deposes and says that he is
 the owner of the following
 described land to wit: Section Four
 T15S R33E Lot Two et al. That he has
 subdivided the same and that the
 accompanying map is a true copy of said
 subdivision wherefore he acknowledges the
 same and prays that said map be recorded.

D.D. Rogers sworn and subscribed to
 before me this 17th day of March A.D. 1884
 F. C. GREGG
 Notary Public.

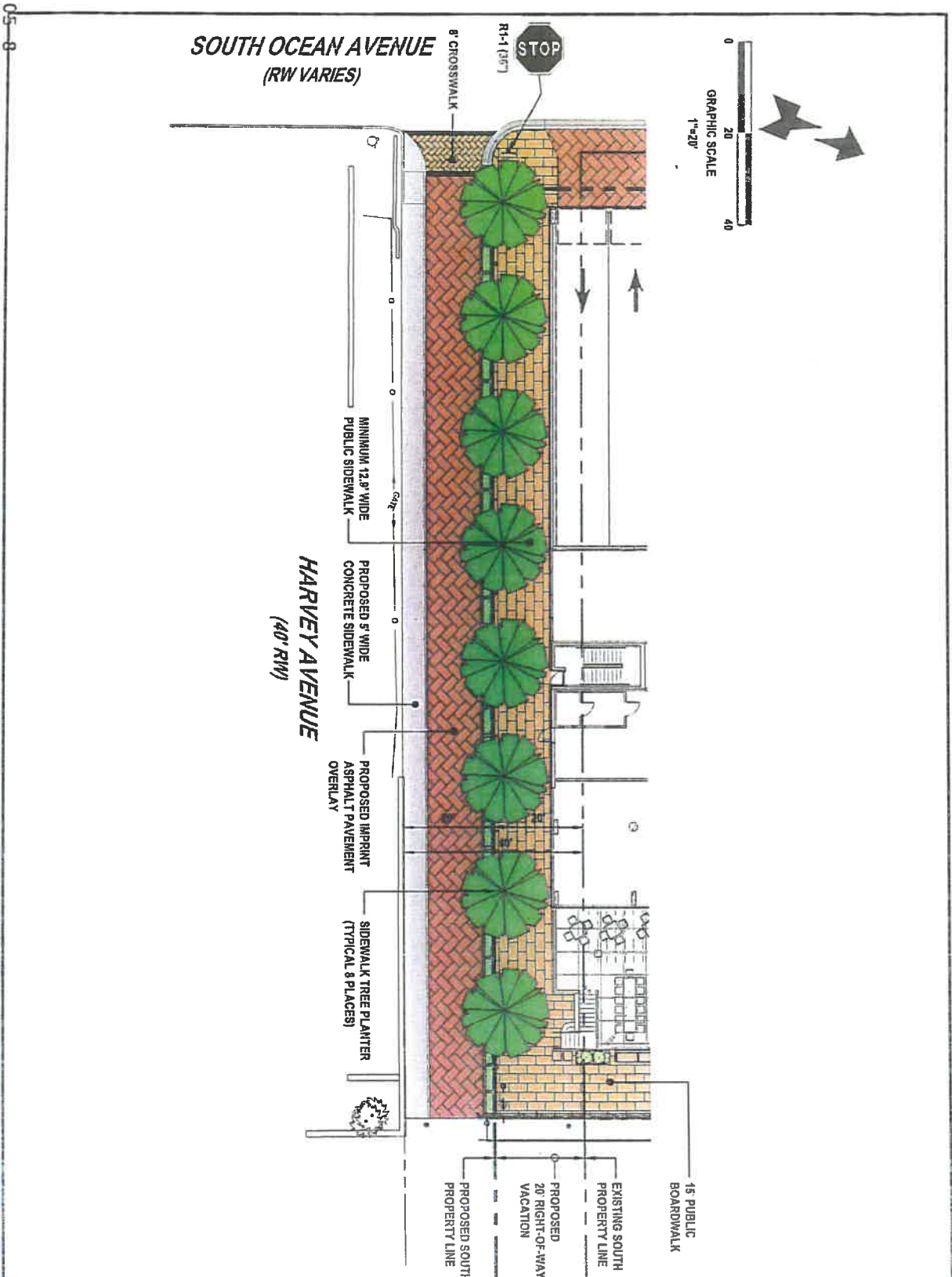
Situated in Section 4 T15S R33E in Volusia County
 Defining to D.D. Rogers
 AND
 OPPOSITE DAYTONA
 SEABREEZE
 FLORIDA
 1884

Scale 300 feet

D. D. Rogers & Brother
CIVIL ENGINEERS.

A TRUE COPY
 OF MAP IN
 DEED BOOK O
 PAGE 301
 I, Walter Hawkins
 CLERK-IN-CHIEF COUNTY
 BY *Walter Hawkins*

Recorded March 19th AD 1884
Wm. W. Dickins Clerk



HARVEY AVENUE RIGHT-OF-WAY EXHIBIT

SCALE: 1" = 20'

PROJECT NAME: BREAKERS PARK HOTEL

PROJECT LOCATION: 41 SOUTH OCEAN AV. DAYTONA BEACH FL 32118

DRAWN BY:

DAB

CHECKED BY:

HHN

DRAWING No.

1 OF 1



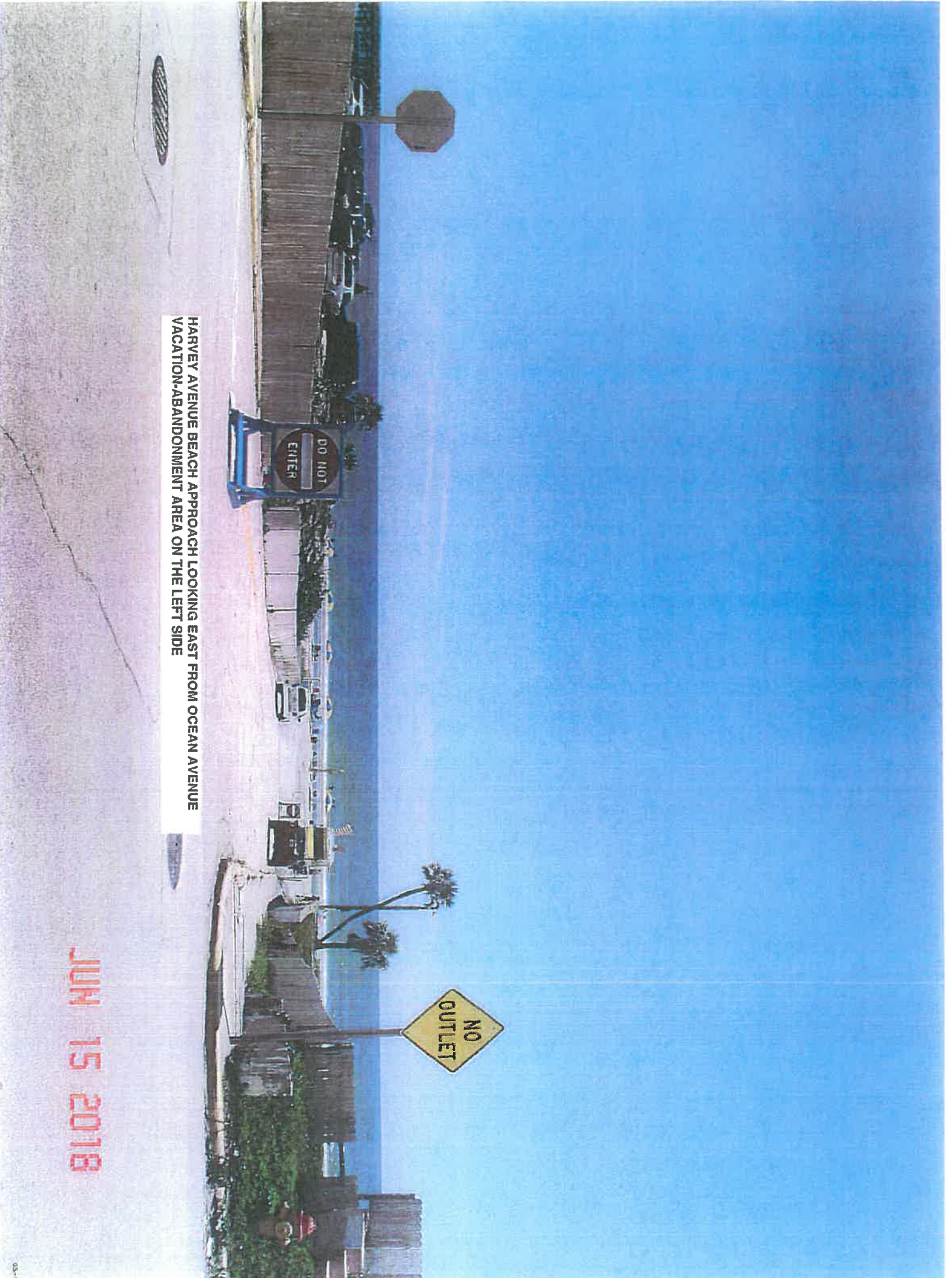
1370 North US1, Suite 204
Ormond Beach, Florida 32174
Phone (386) 372-7754
www.newkirk-engineers.com
C.A. # 28298
L.C. # 25809554
© 2013
Civil Engineering,
Transportation, CEI &
Landscape Architecture

PROJECT No

2018-152

DATE:

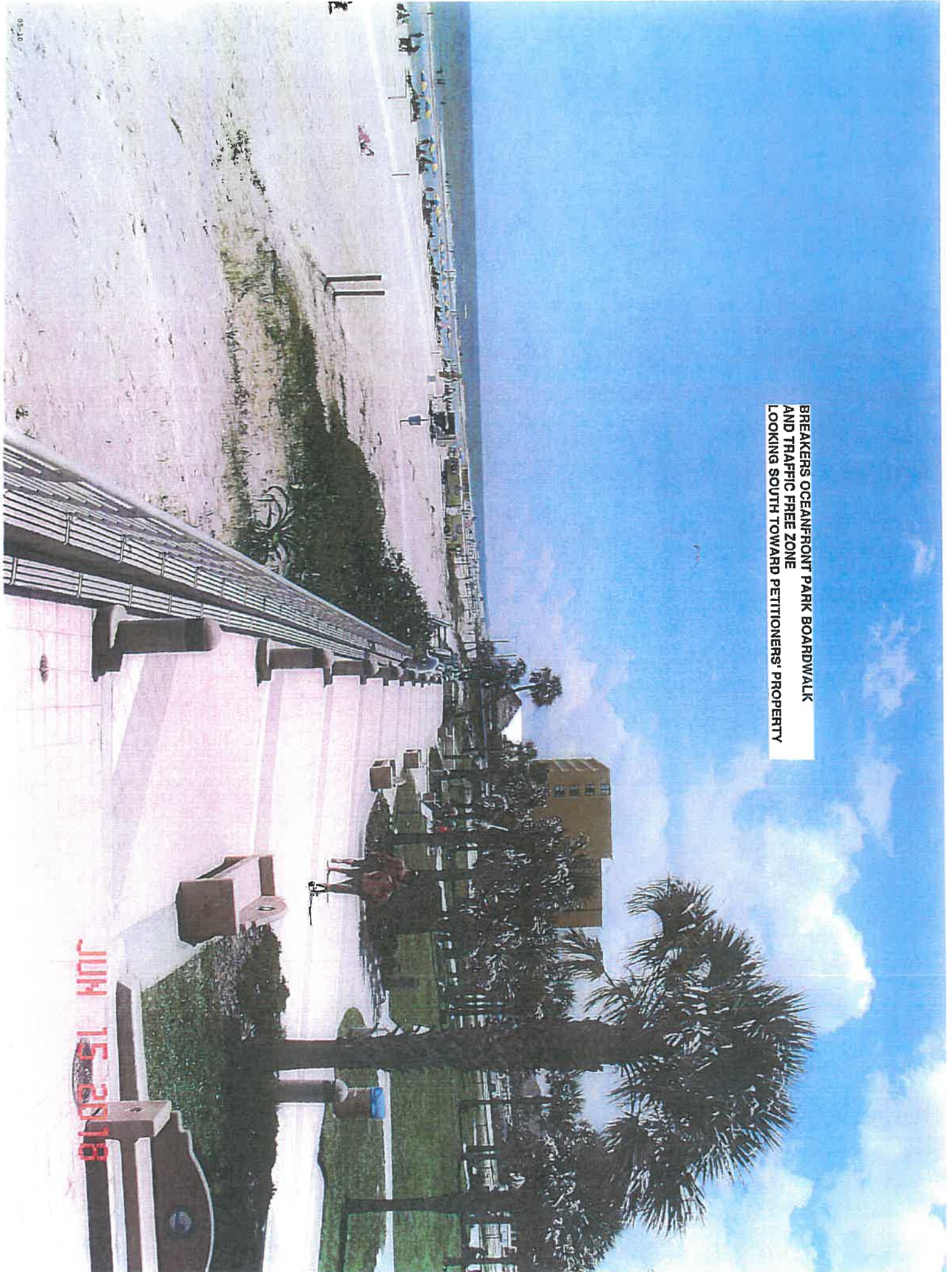
7-2-2018



HARVEY AVENUE BEACH APPROACH LOOKING EAST FROM OCEAN AVENUE
VACATION-ABANDONMENT AREA ON THE LEFT SIDE

JUN 15 2018

**BREAKERS OCEANFRONT PARK BOARDWALK
AND TRAFFIC FREE ZONE
LOOKING SOUTH TOWARD PETITIONERS' PROPERTY**



JUN 15 2018

**PROPOSED BOARDWALK AREA ON PETITIONERS' PROPERTY
LOOKING NORTH FROM HARVEY AVE.**



JUN 15 2019

PETITION FOR VACATION OF PLATS

TO: THE HONORABLE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA:

The undersigned, pursuant to Section 177.101, Florida Statutes, respectfully petitions the County Council of Volusia County, Florida, to vacate all or that portion of the subdivision plat described as follows, to-wit:

Attached and Incorporated Exhibit "B"

The reason(s) for requesting this vacation is (are): (Please thoroughly explain the basis for your request. i.e. setback or zoning requirements, etc.)

Petitioner requests that the aforementioned portion of the Harvey Avenue be vacated for the purpose of facilitating a mixed-use hotel development on property to the north of said right-of-way. The property owned by the Petitioner adjoining Harvey Avenue is under contract for purchase by Avista Properties VII, LLC, who joined in the submittal of this request as the contract purchaser. Avista Properties VII, LLC plans on improving the remaining portion of Harvey Avenue, which will provide better public access than existed previously at Harvey Avenue.

Your Petitioner(s) show(s), by a certificate issued by Bogin, Munns and Munns, P.A., attached hereto and marked Exhibit A, and by reference made a part hereof for all purposes, that he/she (they) is (are) the fee simple owner(s) of the above described property.

That none of the streets shown on all or that portion of said plat described above are in actual use, nor are they a part of the County road system.

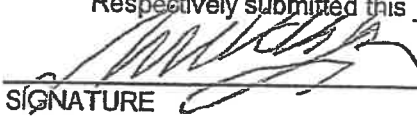
That the vacation of all or that portion of said plat by the County Council of Volusia County, Florida, will not affect the ownership of any other persons, inasmuch as the Petitioner(s) is (are) the sole owner(s) of the land in said plat sought to be vacated

Petitioner(s) show(s) that pursuant to said Section 177.101, Florida Statutes, proof of publication of notice of Petitioner's intention to file an application for vacation of all or that portion of said plat described above has been duly and regularly given. A certificate of proof of publication of said notice is attached hereto, marked Exhibit B, and by reference made a part hereof for all purposes.

Petitioner(s) show(s) that all State and County taxes on the above described property have been paid. A certificate showing that said taxes have been paid, and that no taxes are owed, is attached hereto, marked Exhibit C, and by reference made a part hereof for all purposes.

Upon adoption of a Resolution vacating the above described property, the County Council shall direct the Clerk of the Circuit Court of Volusia County, Florida to affix upon the face of the plat appropriate notice that the above described property has been vacated.

Respectively submitted this 3 day of June, A.D. 2018

	<u>Anil I Valbh</u>	<u>5304-01-02-0070</u>
SIGNATURE	PRINTED NAME	TAX PARCEL I.D. #

_____	_____	_____
SIGNATURE	PRINTED NAME	TAX PARCEL I.D. #

_____	_____	_____
SIGNATURE	PRINTED NAME	TAX PARCEL I.D. #

_____	_____	_____
SIGNATURE	PRINTED NAME	TAX PARCEL I.D. #

Address: _____

Phone No.: _____

E-mail Address: _____



Bogin, Munns
& Munns, P.A.
Attorneys at Law ■ Since 1979

S.I. Valbh, Esquire
1000 Legion Place, 10th Floor
Orlando, FL 32801

Ph: (407) 578-1334
Fax: (407) 578-2347
svalbh@boginmunns.com

Reply to:
P.O. Box 2807
Orlando, FL 32802-2807



June 8, 2018

VIA HAND DELIVERY

Count of Volusia

RE: Avista Properties VII, LLC
Purchase of 35 S. Ocean Avenue, Daytona Beach, Florida 32118
Our File No.: 216-0422

Dear Sir or Madam:

Our firm represents Avista Properties VII, LLC ("Client"). Please be advised that our Client owns 100% fee simple title to the real property located at 35 S. Ocean Avenue, Daytona Beach, FL 32118 as evidenced by the deed recorded in OR Book 7238, Page 853, of Volusia County public records.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,


S.I. Valbh

siv/siv

www.BoginMunns.com

Orlando ■ Clermont ■ Cocoa ■ Daytona ■ Deltona ■ Destin ■ Gainesville ■ Kissimmee ■ Leesburg ■ Melbourne ■ Ocala ■ Titusville ■ The Villages

05-15

Return to:

SF VALON
Bugin Munnis & Munnis, PA
2607 Technology Dr
Orlando, FL 32804

04/07/2016 09:48 AM
Doc stamps 12950.00
(Transfer Amt \$ 1850000)
Instrument# 2016-062249 # 1
Book: 7238
Page: 853

SPECIAL WARRANTY DEED

This instrument prepared by:
C. Chase Brazitis, Esq.
RAIT Financial Trust
2929 Arch Street, 17th Floor
Philadelphia, PA 19104

Property appraisers parcel Identification (Folio) number(s): 530401020070

_____ Space above this line for processing data _____

SPECIAL WARRANTY DEED

This Special Warranty Deed is made this 6th day of April, 2016 between SAXONY INN FLORIDA, LLC, a Delaware limited liability company ("Grantor"), and AVISTA PROPERTIES VII, LLC., whose permanent address is 5353 Conroy Road, Suite 200, Orlando, Florida 32811 ("Grantee").

Witnesseth, that, Grantor, for and in consideration of the sum of Ten dollars, lawful money of the United States of America, in hand paid to Grantor by Grantee, and other good and valuable consideration, at or before the delivery of these presents, the receipt whereof is hereby acknowledged, granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents does assigns forever all the following tract of land, situate, lying and being in the County of Volusia, State of Florida, and being more particularly described as follows and as incorporated herein by reference:

See Exhibit "A" attached hereto.

Together with all and singular to tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also the estate, right, title interest, dower and right of dower, separate the same, and every part and parcel thereof, with appurtenances.

To have and to hold the above granted, bargained and described premises with the appurtenances, unto Grantee, its successors and assigns, to its own proper use, benefit and behoof forever.

This conveyance is expressly made subject to those matters more specifically set forth on Exhibit B attached hereto and incorporated herein by this reference.

And Grantor, for itself and for it successors and assigns, does convent, promise and agree to and with Grantee is successors and assigns, that Grantor, at the time of the delivery of these presents, is lawfully seized of and in all and singular the above granted, bargained and described premises, with the appurtenances, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid. And Grantee, its successors and

and assigns shall and may at all times hereafter peaceably and quietly have, hold, use, occupy, possess and enjoy the above granted premises and every part and parcel thereof, with the appurtenances, without any let, suit, trouble, molestation, eviction or disturbance of Grantor, its successors or assigns, or of any other person or persons lawfully claiming or to claim the same, by, through and under Grantor.

And Grantor, for itself and for its successors and assigns, warrants the above described and hereby granted and released premises, and every part and parcel thereof, with the appurtenances, unto Grantee, its successors and assigns, against Grantor, its successors and assigns, and against all and every person or persons whomsoever lawfully claiming or to claim the same, by, through and under Grantor, and Grantor shall and will warrant and by these presents forever defend same.

[REMAINDER OF PAGE INTENTIONALLY BLANK; SIGNATURES COMMENCE ON
FOLLOWING PAGE]

EXHIBIT "A"

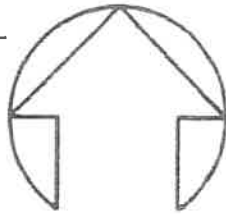
LEGAL DESCRIPTION

THE SOUTHERLY 100.00 FEET OF THE NORTHERLY 450.00 FEET OF BLOCK 2, OF ROGER'S SEABREEZE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN DEED BOOK 0, PAGE 301, AS CROSS FILED IN MAP BOOK 14, PAGE 80, ALL OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE RIGHT-OF-WAY OF OCEAN AVENUE.

EXHIBIT "B"

PERMITTED ENCUMBRANCES

1. Taxes and assessments for the year 2016 and subsequent years, which are not yet due and payable.
2. The policy does not insure the nature or extent or riparian or littoral rights.
3. Any claim that title to any portion of the present or former bed of any body of water, all or part of which is within the lands described in this policy:
 - (a) Is subject to a right of way in favor of other; or:
 - (b) Is vested in the Trustees of the Internal Improvement Fund of the State of Florida because said portion;
 - (1) Falls below what is or was the ordinary natural high water mark or mean natural high water line of navigable water lying adjacent to or within the land described in this policy; or
 - (2) Falls within what is or was the bed of a non-navigable body of water which is or was subject to the ebb and flow of the tides; or
 - (3) Has been created by other than natural means or has accreted to any such portions so created; or
 - (4) Lies seaward of any established Erosion Control Line created pursuant to Florida Statute 161.
 - (c) Is subject to the rights of the United States of America Under its control of navigation and commerce as to any portion of the lands described at (b) above; or
 - (d) Is subject to Riparian Rights.
4. Notwithstanding the description of the land insured as shown of record and as reflected in Schedule A of this commitment/policy, commitment/policy insures only that part of said lands lying upland of the mean high water mark of the Atlantic Ocean.
5. Exception is made to the rights, if any, of the public, acquired by previous adverse use or by virtue of local custom with respect to the special nature of seaside beaches, to use any part of the land seaward of the natural line of vegetation or of the extreme high water line, as a public beach or recreation area.

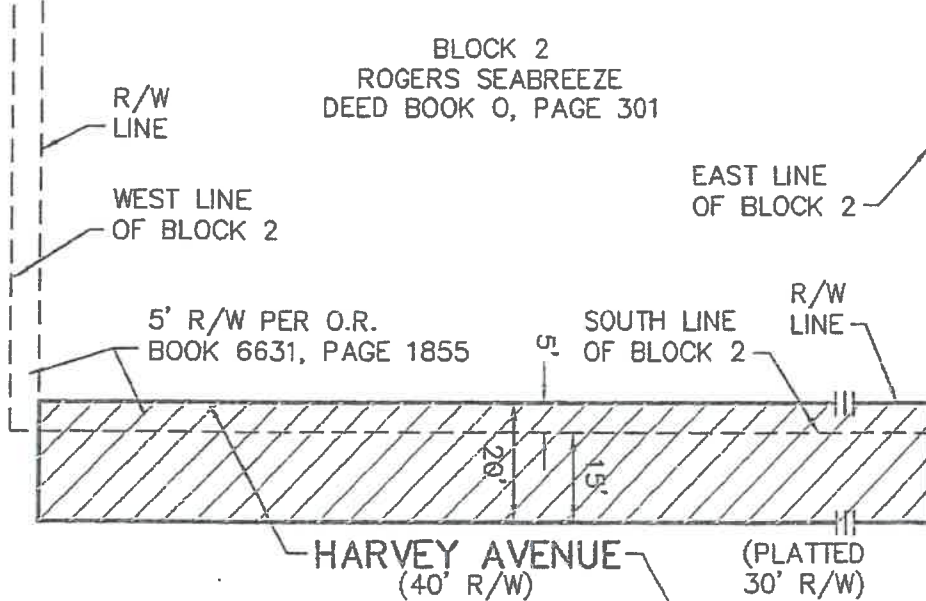


SCALE: 1"=30'

OCEAN AVENUE
(R/W VARIES)

ATLANTIC OCEAN

BLOCK 2
ROGERS SEABREEZE
DEED BOOK 0, PAGE 301



HARVEY AVENUE
(40' R/W)

(PLATTED
30' R/W)

5' R/W PER O.R.
BOOK 3356 PAGE 653

NORTH LINE
OF BLOCK 3

R/W
LINE

WEST LINE
OF BLOCK 3

BLOCK 3
ROGERS SEABREEZE
DEED BOOK 0, PAGE 301

R/W
LINE

SHEET 1 OF 3



MARK DOWST & ASSOCIATES, INC.

* ENGINEERS PLANNERS SURVEYORS LB#4335 *

536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 386-258-7999

LEGAL DESCRIPTION

THE NORTH 1/2 OF HARVEY AVENUE, LYING EAST OF OCEAN AVENUE, ALSO DESCRIBED AS THE NORTH 15 FEET OF HARVEY AVENUE, LYING EAST OF OCEAN AVENUE, AND THE SOUTH 5 FEET OF BLOCK 2, LESS THE WEST 5 FEET THEREOF, ROGERS SEABREEZE AS RECORDED IN DEED BOOK O, PAGE 301 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

SHEET 2 OF 3



MARK DOWST & ASSOCIATES, INC.

* ENGINEERS PLANNERS SURVEYORS LB#4335 *

536 NORTH HALFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 386-258-7999

SURVEYOR'S NOTES

1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. THERE MAY BE OTHER MATTERS AFFECTING THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
3. SKETCH OF DESCRIPTION ONLY, NOT A BOUNDARY SURVEY.

LEGEND/ABBREVIATIONS

C = CENTERLINE
 +00.00 = EXISTING ELEVATION
 ⊙ = 5/8" IRON ROD WITH CAP
 ▲ = PERMANENT CONTROL POINT
 ■ = 4" X 4" CONCRETE MONUMENT
 ○ = NAIL WITH CAP
 Δ = CENTRAL ANGLE
 A/C = AIR CONDITIONER
 BK. = BOOK
 C.M. = CONCRETE MONUMENT
 (C) = CALCULATED
 CMP = CORRUGATED METAL PIPE
 C.R. = COUNTY ROAD
 C = CHORD
 CB = CHORD BEARING
 CONC. = CONCRETE
 COR. = CORNER
 () = DEED OR RECORD DATA
 (DESC) = DATA PER DESCRIPTION
 EL = ELEVATION
 ELEC. = ELECTRICAL
 ESMT. = EASEMENT
 F.H. = FIRE HYDRANT
 F.S. = FLORIDA STATUTES
 F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION
 FFE = FINISHED FLOOR ELEVATION

F.A.C. = FLORIDA ADMINISTRATIVE CODE
 FD. = FOUND
 GOVT = GOVERNMENT
 I.P. = IRON PIPE
 I.R. = IRON ROD
 INV. = INVERT
 L = ARC LENGTH
 LB = LAND SURVEYOR BUSINESS
 L.S. = LAND SURVEYOR
 M.B. = MAP BOOK
 MAS. = MASONRY
 N & W = NAIL AND WASHER
 NO. = NUMBER
 N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
 (NTS) = NOT TO SCALE
 (NR) = NON-RADIAL
 OE = OVERHEAD ELECTRIC
 O.R. = OFFICIAL RECORDS
 (P) = PLAT DATA
 PED. = PEDESTAL
 P.O.B. = POINT OF BEGINNING
 PT = POINT OF TANGENCY
 PCC = POINT OF COMPOUND CURVATURE
 POC = POINT ON CURVE

PG. = PAGE
 P.R.M. = PERMANENT REFERENCE MONUMENT
 P.C.P. = PERMANENT CONTROL POINT
 PRC = POINT OF REVERSE CURVATURE
 PC = POINT OF CURVATURE
 P.L.S. = PROFESSIONAL LAND SURVEYOR
 P.B. = PLAT BOOK
 RES. = RESIDENCE
 R/W = RIGHT OF WAY
 (R) = RADIAL
 RNG. = RANGE
 R = RADIUS
 RCP = REINFORCED CONCRETE PIPE
 SAN. = SANITARY
 SUB. = SUBDIVISION
 S.R. = STATE ROAD
 SEC. = SECTION
 TEL = TELEPHONE
 TWP. = TOWNSHIP
 T = TANGENT
 TRANS. = TRANSFORMER
 T.V. = TELEVISION
 U.S. = UNITED STATES
 W.V. = WATER VALVE
 Δ = DELTA OR CENTRAL ANGLE

THIS SURVEY DRAWING IS THE PROFESSIONAL OPINION OF THIS SURVEYOR AND FIRM WHICH WAS PREPARED UTILIZING THE BEST AVAILABLE INFORMATION AND AS SUCH DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR AND FIRM DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE HELD LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED TO THE SURVEYOR, WHICH WAS USED AS A BASIS IN THE PREPARATION OF THIS SURVEY DRAWING.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050, F.A.C., PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

VALID WITH
 SIGNATURE &
 EMBOSSED
 SEAL ONLY


 KENNETH R. JONES, P.L.S. NO. 4914
 LEE H. DOWST, P.L.S. NO. 6860

KJONES@MDAENG.COM
 LDOWST@MDAENG.COM


MARK DOWST & ASSOCIATES, INC.
 * ENGINEERS PLANNERS SURVEYORS LB#4335 *

536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 386-258-7999

SKETCH OF DESCRIPTION				FIELD DATE:	F.B.	PG(S)
DRAWN BY: KJ	CREW	CHECKED BY: KJ	DATE: 4-20-18	SCALE: 1"=30'	PROJ. NO. 1390	FILE: 1390VAC1 SHEET 3 OF 3

RESOLUTION NO. 18-160

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON THE CITY'S BEHALF, A LETTER OF NO OBJECTION/AUTHORIZATION OF PROPERTY OWNER, IN SUPPORT OF THE APPLICATION BY AVISTA PROPERTIES VII, LLC, FOR VOLUSIA COUNTY TO VACATE THE NORTHERN HALF OF HARVEY AVENUE BEACH APPROACH, EAST OF OCEAN AVENUE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission previously approved Resolution No. 17-407, approving a Vacant Land Contract providing for the City's sale of two adjoining City-owned parcels of real property, located at 39 and 45 S. Ocean Avenue, to Avista Properties VII, LLC ("Avista"); and

WHEREAS, these City-owned parcels adjoin a parcel of real property owned by Avista located immediately south of Breakers Oceanfront Park; and

WHEREAS, the Vacant Land Contract expressly requires that, prior to closing, Avista must obtain City approval of a proposed planned district ("PD") rezoning to develop a mixed use hotel project (the "Project") on the combined site formed by these City parcels and Avista's adjoining property (collectively, the "Project Site"), consistent with Avista's response to a request for proposals ("RFP") that the City had previously issued for the development of a mixed use hotel project south of Breakers Oceanfront Park (City RFP No. 0217-2150); and

WHEREAS, the Project would include extension of the public boardwalk along the project's beach frontage; and

WHEREAS, Avista has advised the City that Avista intends to apply to the County of Volusia to vacate the northern half of the Harvey Avenue beach approach east of Ocean Avenue, to enable Avista to use the vacated property as part of the Project; and

WHEREAS, Avista has also advised the City that Avista intends to improve the remainder of the Harvey Avenue beach approach east of Ocean Avenue, including by providing improved vehicular and pedestrian access and upgraded landscaping; and


WHEREAS, Avista has requested that the City support Avista's request by filing a letter of no objection/authorization of property owner with the County; and

WHEREAS, the City Commission is willing to authorize the requested letter/authorization, subject to the conditions referenced below.

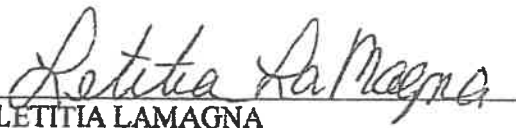
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. The City Manager is hereby authorized to submit a Letter of No Objection and Authorization of Property Owner on the City's behalf, in conjunction with the application that Avista Properties VII, LLC, intends to file with the County of Volusia to vacate the northern half of the Harvey Avenue beach approach, east of Ocean Avenue, as described in the foregoing recitals. A copy of the Letter of No Objection and Authorization of Property Owner in substantially final form is attached hereto as Exhibit A.

SECTION 2. This Resolution shall take effect immediately upon its adoption.


DERRICK L. HENRY
Mayor

ATTEST:


LETITIA LAMAGNA
City Clerk

Adopted: May 2, 2018

Exhibit A

LETTER OF NO OBJECTION AND AUTHORIZATION OF OWNER

I, James V. Chisholm, as City Manager of The City of Daytona Beach, a Florida municipal corporation (the "City"), hereby state on behalf of the City, as fee simple owner of Parcel No. 5304-01-02-0090 (hereinafter the "Property"), that, *subject to the conditions below*: (i) The City shall join in the application of Avista Properties VII, LLC ("Avista"), the contract purchaser of City Property approved for sale pursuant to City Resolution No. 17-407, for the vacation of the northerly one-half (1/2) of Harvey Avenue right-of-way lying east of Ocean Avenue; and (ii) The City as the adjacent real property owner of the northern edge of the Harvey Avenue right-of-way agrees to and authorizes Avista Properties, LLC to request the vacation of said right-of-way and to appear before the County of Volusia at public hearing to accomplish same.

The conditions of this letter and authorization are as follows:

a) Avista must obtain City approval of a Planned District ("PD") rezoning for the development of a mixed use hotel project for the properties above, consistent with Avista's response to City Request for Proposals ("RFP") No. 0217-2150, including the extension of the public boardwalk from the south end of Breaker's Oceanfront Park southward along the entire ocean frontage of Avista's project, within the deadline provided in the real property purchase and sale agreement as approved by City Resolution No. 17-407, as it may be amended from time to time.

b) Avista, its successors or assigns, shall obtain a building permit within 18 months after the effective date of the PD agreement to be entered into with the City pursuant to the PD zoning approval referenced above to construct all of the improvements contemplated therein and the same shall be approved by the City and open for business no later than five (5) years from the effective date of the PD.

c) That Avista, its successors or assigns, after the City's approval of the PD rezoning, shall, as required by the County of Volusia, improve the remainder of the Harvey Avenue beach approach.

d) That if Avista fails to complete the requirements and deadlines set out herein or established by the County, the County shall have the right to require Avista to re-convey the portion of the Harvey Avenue beach approach being vacated, back to public ownership for use as public right-of-way/beach approach.

THE CITY OF DAYTONA BEACH

By: *James V. Chisholm*
James V. Chisholm, City Manager

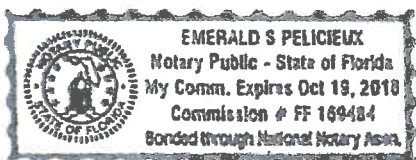
Date: 5-2-18

STATE OF FLORIDA
COUNTY OF VOLUSIA

ATTEST: *Letitia Halligan*
CITY CLERK

The foregoing instrument was acknowledged before me this 4 day of May, 2018, by James V. Chisholm, as City Manager of the City of Daytona Beach, a Florida municipal corporation, who is [] personally known to me or [] who has produced _____ as identification and who did not take an oath.

Emerald S. Pelicieux
NOTARY PUBLIC



RESOLUTION 2018 -

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, ABANDONING A PORTION OF THE HARVEY AVENUE BEACH APPROACH AND VACATING A CERTAIN PORTION OF THE ROGERS SEABREEZE SUBDIVISION, RECORDED IN THE OFFICIAL RECORDS OF VOLUSIA COUNTY, FLORIDA, AT MAP BOOK O, PAGE 301, ALSO BEING RECORDED AT MAP BOOK 14, PAGE 80; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the ROGERS SEABREEZE SUBDIVISION plat is recorded in map book O, page 301 (converted map book 14, page 80), of the official records of Volusia County, Florida, and established a 30 foot wide beach approach known as Harvey Avenue; and

WHEREAS, the Harvey Avenue beach approach was widened to 40 feet in 1943, with "5 feet taken for widening street" from the southerly 100 feet of Block 2, ROGERS SEABREEZE SUBDIVISION plat, as evidenced in Deed Book 293, Page 299.

WHEREAS, pursuant to section 177.101, Florida Statutes, the City of Daytona Beach, Florida and Avista Properties VII, LLC, presented to the county council a sworn petition in writing wherein and whereby they seek to have vacated a portion of the above-described platted Harvey Avenue beach approach as described herein, and to have the property described herein and encompassed in said plat, returned to acreage for the purpose of taxation; and

WHEREAS, pursuant to section 336.09 (b), Florida Statutes, the City of Daytona Beach, Florida and Avista Properties VII, LLC, presented to the county council a sworn petition in writing wherein and whereby they seek to have the county renounce and disclaim any right of the county and the public to a portion of road; and

WHEREAS, the above-described Harvey Avenue beach approach is used for public pedestrian access to the beach as public vehicular access has been removed from this portion of the beach pursuant to section 161.58, Florida Statutes; and

WHEREAS, the county council finds that the petition is in proper form and that all things have been done as conditions precedent to the consideration of action upon said petition; and

WHEREAS, a public hearing regarding the disclaiming, discontinuing, releasing, closing, vacating and abandoning of a certain right of way, easement or land, or portion thereof, was held on the 18th day of September, 2018, to determine whether or not said county council would renounce, disclaim, discontinue, release, close, vacate or abandon the aforesaid right of way, easement or land, or any portion thereof, in Volusia County, Florida; and

WHEREAS, the county council, pursuant to said hearing, is now of the opinion and so finds and determines that a portion of said right of way, easement or land hereinafter mentioned, referred to and designated should be disclaimed, discontinued, released, closed, vacated and abandoned and any right, title and interest of said county and public in and to same is hereby renounced and disclaimed; and

WHEREAS, the county council finds that, as conditioned herein, the county protects the public's right of access to the beaches and right to use the beaches for recreation and customary purposes pursuant to section 205.1 of the Volusia County Charter and section 20-82 of the Volusia County Beach Code, and provides equal or superior access to the beach pursuant to section 20-83 of the Volusia County Beach Code; and

WHEREAS, the county council finds that, as conditioned herein, the county provides a comparable alternative accessway to the beaches of substantially similar quality and convenience to the public pursuant to section 161.55(5), F.S.; and

WHEREAS, the county council finds that, as conditioned herein, the portion of the Harvey Avenue beach approach, as described herein, is not needed for public purposes, and that the prayer of said petition should be granted.

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY ADMINISTRATION CENTER, COUNTY COUNCIL CHAMBERS, DELAND, FLORIDA, THIS 18th DAY OF SEPTEMBER, A.D. 2018, AS FOLLOWS:

SECTION I: The county council finds that the above recitals are true and correct and are hereby adopted by this reference.

SECTION II: That portion of the platted Harvey Avenue beach approach, described as follows, to-wit:

NORTHERLY 15 FEET OF HARVEY AVENUE, A BEACH APPROACH PER ROGERS SEABREEZE SUB, MAP BOOK O, PAGE 301 (MAP BOOK 14, PAGE 80), INCLUDING THE SOUTH 5 FEET OF BLOCK 2, TAKEN FOR STREET PURPOSES PER OR BOOK 6631, PAGE 1855,

be and the same, is hereby vacated and the property covered by said platted right of way, be and the same, is hereby returned to acreage as it existed prior to the filing of said plat, for the purpose of taxation.

SECTION III: The vacation and abandonment provided in section II is contingent upon the fulfillment of the following conditions and vacation shall take effect only upon the recordation no later than five years after adoption of this resolution in the public records of Volusia County of a certificate acknowledging fulfillment of the conditions subsequent, executed by the county engineer and endorsed by the county manager. The conditions are:

(A) The City of Daytona Beach enters into a Development Agreement with Avista Properties VII, LLC for the construction of a hotel as set forth in city RFP 0217-215D Breakers Park Hotel Site, which requires Avista Properties VII, LLC to commence construction of the hotel within 16 months from the effective date of the Development Agreement. If the Development Agreement is not executed within one year of the date of this resolution, this resolution shall be null and void. If the

Development Agreement is executed within one year, but construction does not commence within 16 months of the effective date of the Development Agreement, this resolution shall be null and void.

(B) The Development Agreement requires the design and construction of a public boardwalk from Breakers Park to the Harvey Avenue approach, as set forth in the RFP 0217-2150 and the Vacant Land Contract for the sale for 45 South Ocean Avenue executed by the City of Daytona Beach on January 16, 2018. The Development Agreement shall also require the design and construction of a five foot wide ADA accessible pedestrian walkway from Ocean Avenue to the newly constructed city boardwalk on the southerly 5 feet of the vacated Harvey Avenue beach approach. Upon completion of the pedestrian walkway, a perpetual easement for public access to the walkway shall be recorded in favor of the city and the city shall maintain the walkway.

(C) Avista Properties VII, LLC shall improve the southerly 20 feet of the Harvey Avenue beach approach through a county use permit and shall make application for such use permit as set forth in Division 6, Article III, Chapter 72, Volusia County Code of Ordinances. The use permit shall require improvement of the remaining 20 foot Harvey Avenue approach from Ocean Avenue to the beach to include a vehicular travel lane 15 feet wide with an improved surface, a five foot wide pedestrian walkway, and ramp access gate to be placed at Ocean Avenue. Such improvements shall be established by the County Engineer at the time of the use permit and may include stamped concrete or other decorative surface.

(D) Avista Properties VII, LLC shall not utilize the remaining Harvey Avenue beach approach for driveway access, a loading zone, for dumpsters, or for any other use of any kind not authorized by the use permit.

(E) The Development Agreement shall affirmatively state that Avista Properties VII, LLC shall not direct stormwater discharge to the Harvey Avenue Approach or the beach.

Failure to meet these conditions and to obtain the recordation of the county engineer's certificate within five years of adoption of this resolution shall serve to automatically repeal this resolution and the vacation and abandonment in section II shall be null and void ab initio.

SECTION IV: The clerk of the circuit court is hereby directed to affix upon the face of the plat of the subdivision appropriate notice that the aforementioned portion of plat has been vacated.

SECTION V: This resolution shall become effective when filed in the office of the clerk of the circuit court and duly recorded in the official records of Volusia County, Florida. The vacation and abandonment provided in section II shall become effective as stated herein.

DONE AND ORDERED IN OPEN MEETING.

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

ATTEST:

ED KELLEY, County Chair

GEORGE RECKTENWALD
Interim County Manager

Attachment C

Waivers and Benefits Letter



GLENN D. STORCH, ESQUIRE
glenn@storchlawfirm.com

COREY D. BROWN, ESQUIRE
corey@storchlawfirm.com

A. JOSEPH POSEY, ESQUIRE
joey@storchlawfirm.com

August 31, 2018

Via Hand Delivery
Mr. Dennis Mrozek
Principal Planner
City of Daytona Beach
301 South Ridgewood Avenue, Room 240
Daytona Beach, Florida 32114

Re: Waivers and Benefits for Breakers Park Hotel Planned Development

Dear Dennis:

I am writing to set forth the waivers we are requesting from the City's Land Development Code (LDC) for the Breakers Park Hotel Planned Development and also to detail benefits that the new development will bring to the property and the community, as follows:

Waivers

1. **Waiver from Compact Cars Section 6.2H., LDC, planned development requirements for open space.**

My client is requesting a waiver from open space requirements of the LDC to allow for the hotel development as depicted on the revised PD agreement plans.

The Breakers Park Hotel PD is located on beachfront property that runs from South Ocean Avenue on the west to the mean high-water line on the east. The revised PD agreement development plans include the total site impervious, open space and building coverage for the project and the calculations should meet the requirements of the LDC. However, our surveyor is still verifying the exact location of the mean high-water line, so I felt it would be necessary to request waivers to the above requirements to ensure that the project can be built as proposed.

Reduced open space within the PD is not inconsistent with the development pattern of other beachfront hotels in the area, where sufficient square footage for building construction is the number 1 factor, especially considering all of the "open space" available on the beach. In addition, the subject property is right next to the Breakers Park, with ample open space. Finally, the proposed conceptual plan and building layout, with reduced open space, is in keeping with the submitted proposal for the property, which was already chosen by the City.

2. Waiver from Article 4, Section 4.8, LDC, planned development requirements for impervious surface.

My client is requesting a waiver from impervious surface requirements of the LDC to allow for the hotel development as depicted on revised PD agreement plans.

As stated under Section 1 above, when area above the mean high-water line is determined, the PD is expected to meet impervious surface requirements; however, I am requesting a waiver to ensure there are no issues moving forward with the proposed plan for the property. Increased impervious surface can also be justified by the development pattern of hotels in the area, proximity of pervious surfaces such as the beach and adjacent Breakers Park, as well as the approved request for proposal, which featured a similar amount of impervious surface.

3. Waiver from Article 4, Section 4.8, LDC, planned development requirements for building coverage.

My client is requesting a waiver from building coverage requirements of the LDC to allow for the hotel development as depicted on revised PD agreement plans.

As stated under Section 1 above, when area above the mean high-water line is determined, the PD is expected to meet building coverage requirements; however, I am requesting a waiver to ensure there are no issues moving forward with the proposed plan for the property. Increased building coverage can also be justified by the development pattern of hotels in the area, proximity of properties with no buildings such as the beach and adjacent Breakers Park, as well as the approved request for proposal, which featured a similar amount of building coverage.

4. Waiver from Article 6, Section 6.4, LDC, planned development requirements for landscape buffers.

My client is requesting a waiver for landscape buffer requirements to allow for additional shade tree plantings as depicted on the revised PD Agreement plans in lieu of the understory plantings and buffers required in the LDC. This request would be for any required landscape buffers for the project.

The areas around the hotel building that would normally have dedicated landscape buffers are better utilized for pedestrian access to the property and interconnectivity to surrounding parcels and the City sidewalk system. The developer is still proposing to plant trees and other larger landscape plants in planters spread throughout these areas. The details of the plan are included with the revised PD Agreement plans. In this way, the project will have both pedestrian walkways around the building as well as landscaping that enhances those pedestrian areas and buffers the building from the surrounding properties. The existing pedestrian walkways make it difficult to both provide for interconnectivity on the property and plant smaller shrubs and additional landscaping to meet the LDC requirements.

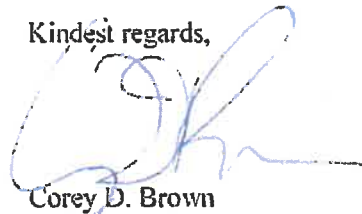
Another possibility to mitigate the absence of traditional landscape buffers would be for the developer to pay for enhanced landscaping on the Breakers Park property that would be adjacent to the property line and act as a landscape buffer between the park and the PD property.

Benefits

Currently, the PD property consists of an unsightly, undeveloped parcel and a shell parking lot that are badly in need of redevelopment. The Breakers Park Hotel PD will redevelop this section of the beach with first-class accommodations in an area of the City that needs more hotel rooms and the economic development those rooms will bring. The PD incorporates a mix of uses that supports retail and restaurants in addition to hotel accommodations. The PD fits into and enhances the surrounding sidewalk system to promote safe pedestrian movement in the area, and to and from the beach, which in turn increases economic impacts by making it easy to utilize the mix of uses that the PD features. The tree plantings surrounding the development will help blend the building into the surrounding landscape and give the PD a quality appearance.

Considering all of the enhancements and benefits that the Breakers Park Hotel PD will bring to an important part of the City, the requested waivers from the City's Land Development Code are justified and will help make the PD an even better project.

Kindest regards,

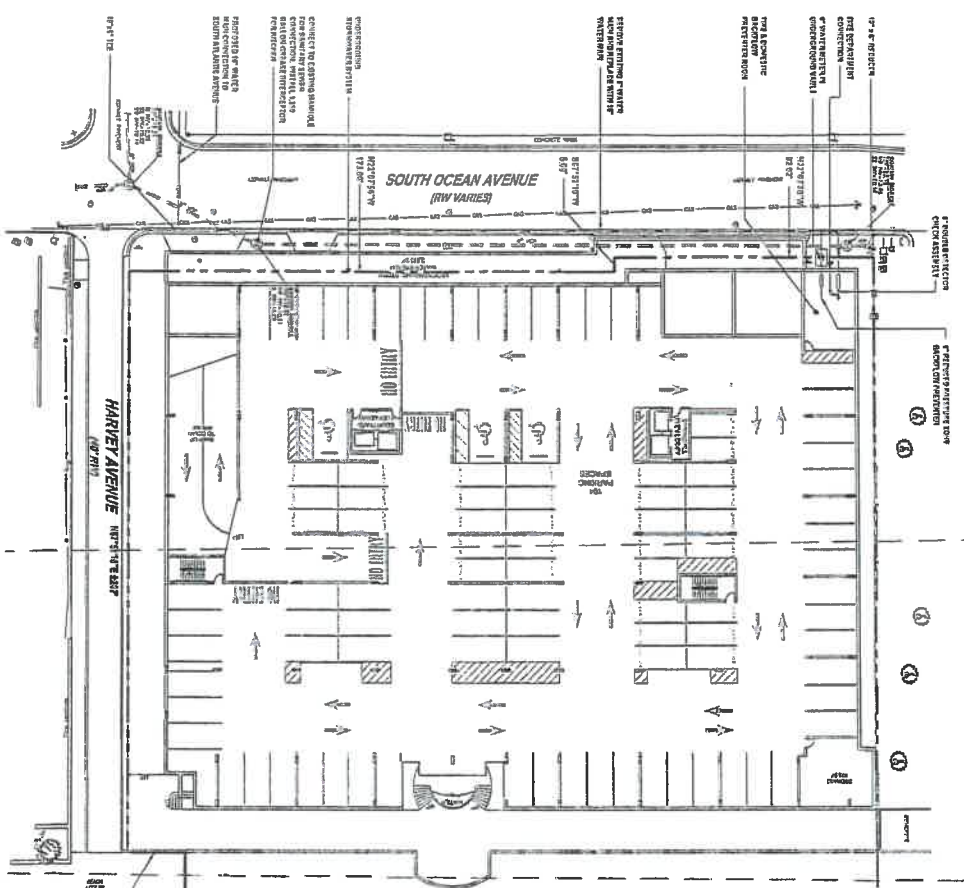
A handwritten signature in blue ink, appearing to read 'Corey D. Brown', is written over the typed name.

Corey D. Brown
for Glenn D. Storch

GDS/cdb/ajp
Enclosure

Attachment D

PD Site Plan



UTILITY FLOW RATES:

- PUBLIC WATER DEMAND**
- 11.75 GALLONS PER MINUTE
 - 17.175 GALLONS PER MINUTE
 - 10.000 GALLONS PER MINUTE
 - 1.000 GALLONS PER MINUTE
- WASTEWATER DEMAND**
- 11.75 GALLONS PER MINUTE
 - 17.175 GALLONS PER MINUTE
 - 10.000 GALLONS PER MINUTE
 - 1.000 GALLONS PER MINUTE
- STORMWATER DEMAND**
- 11.75 GALLONS PER MINUTE
 - 17.175 GALLONS PER MINUTE
 - 10.000 GALLONS PER MINUTE
 - 1.000 GALLONS PER MINUTE

ATLANTIC OCEAN BEACH

DATE	DESCRIPTION

CITY APPROVAL STAMP
DEC 10/08/08

PROFESSIONAL SEAL

NO. 00074

STATE OF FLORIDA

REGISTERED PROFESSIONAL ENGINEER

DATE: 11-27-08

DRAWING NUMBER:

PD UTILITY PLAN

BREAKERS PARK HOTEL

41 SOUTH OCEAN AVENUE

DAYTONA BEACH, FL 32118



NEWKIRK ENGINEERING INC.

1221 North US-1, Suite 1

Daytona Beach, Florida 32114

Phone: (386) 372-7774

www.newkirk-engineering.com

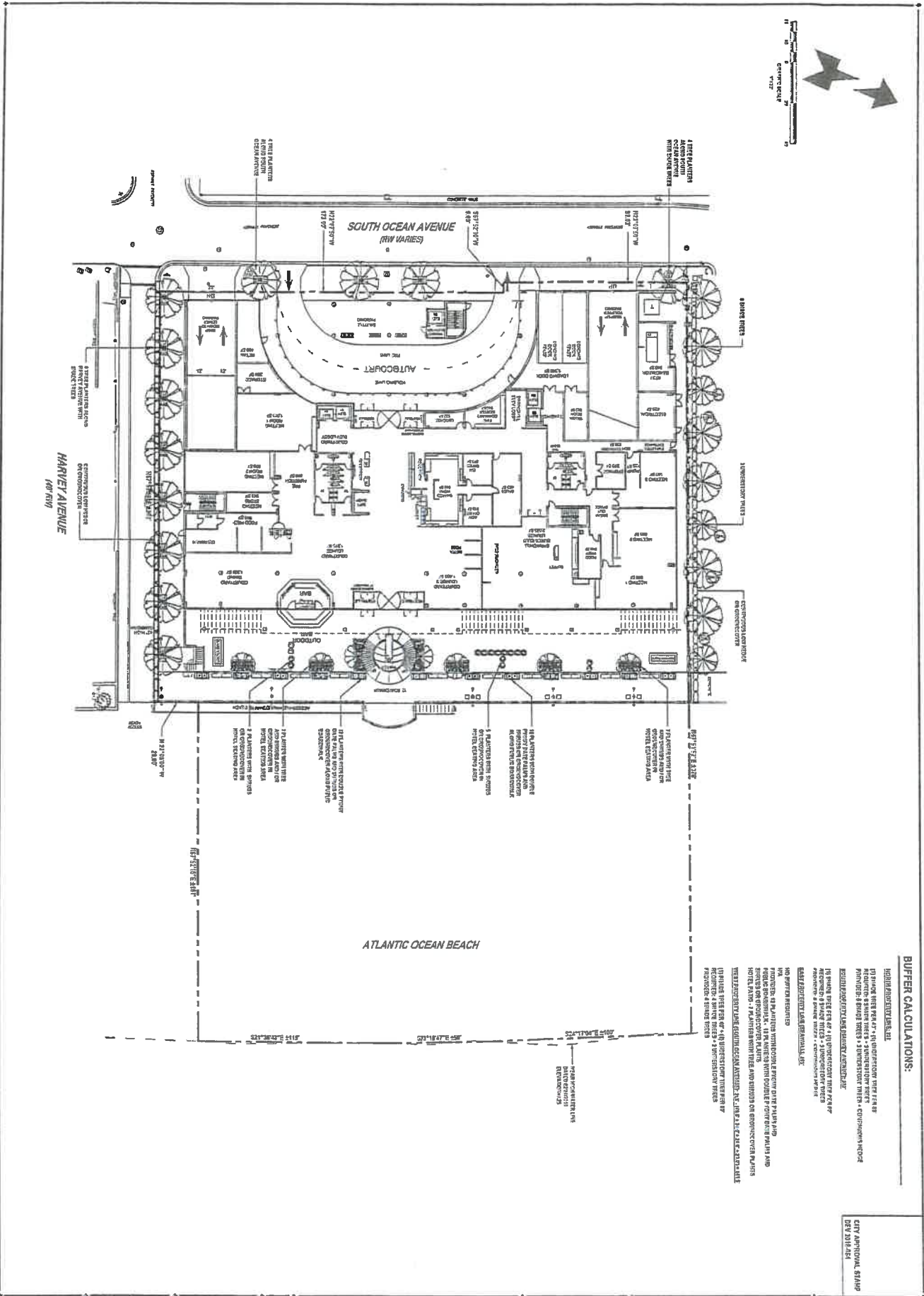
C.A. YERGEN

L.C. # 0000304

CE # 0000000

Soil Engineering

Transportation, CE & Landscape Architecture



BUFFER CALCULATIONS:

BOUNDARY DEFINITIONS:

1. BUFFER FROM THE PROPERTY LINE TO THE BUFFER LINE SHALL BE 10 FEET.

2. BUFFER FROM THE BUFFER LINE TO THE BUFFER LINE SHALL BE 10 FEET.

3. BUFFER FROM THE BUFFER LINE TO THE BUFFER LINE SHALL BE 10 FEET.

4. BUFFER FROM THE BUFFER LINE TO THE BUFFER LINE SHALL BE 10 FEET.

5. BUFFER FROM THE BUFFER LINE TO THE BUFFER LINE SHALL BE 10 FEET.

6. BUFFER FROM THE BUFFER LINE TO THE BUFFER LINE SHALL BE 10 FEET.

7. BUFFER FROM THE BUFFER LINE TO THE BUFFER LINE SHALL BE 10 FEET.

8. BUFFER FROM THE BUFFER LINE TO THE BUFFER LINE SHALL BE 10 FEET.

9. BUFFER FROM THE BUFFER LINE TO THE BUFFER LINE SHALL BE 10 FEET.

10. BUFFER FROM THE BUFFER LINE TO THE BUFFER LINE SHALL BE 10 FEET.

REVISIONS

NO.	DATE	DESCRIPTION
1	01/15/2018	ISSUED FOR PERMIT
2	02/01/2018	REVISED PER CITY COMMENTS
3	02/15/2018	REVISED PER CITY COMMENTS
4	02/28/2018	REVISED PER CITY COMMENTS
5	03/15/2018	REVISED PER CITY COMMENTS
6	03/28/2018	REVISED PER CITY COMMENTS
7	04/15/2018	REVISED PER CITY COMMENTS
8	04/28/2018	REVISED PER CITY COMMENTS
9	05/15/2018	REVISED PER CITY COMMENTS
10	05/28/2018	REVISED PER CITY COMMENTS

	PD LANDSCAPE PLAN BREAKERS PARK HOTEL 41 SOUTH OCEAN AVENUE DAYTONA BEACH, FL 32118			1238 North US1, Suite 1 Ormond Beach, Florida 32174 Phone: (386) 973-4736 www.kirk-engineering.com C.A. # 12345 L.C. # 123456789	CITY APPROVAL STAMP DIVISION OF PLANNING AND DEVELOPMENT DEPT. 2018-045
	PROJECT NO. 2018-180 DATE: JAN 2018 DESIGNER: JHN DIVISION: CIV. & ENV. CHECKED BY: JHN DRAWING NO. OTHER: 1 - 2018-180				

Attachment E

PD Architectural Plans

COURTYARD/SPRINGHILL SUITES AT DAYTONA BEACH

SCHEMATIC DESIGN - 21st AUGUST 2018
UPDATED - 29th AUGUST 2018



Courtyard & Springhill Suites At Daytona Beach
35 SOUTH OCEAN AVENUE
DAYTONA BEACH, FLORIDA

AVISTA
HOTELS & RESORTS | **NORR**
ARCHITECTS ENGINEERS PLANNERS

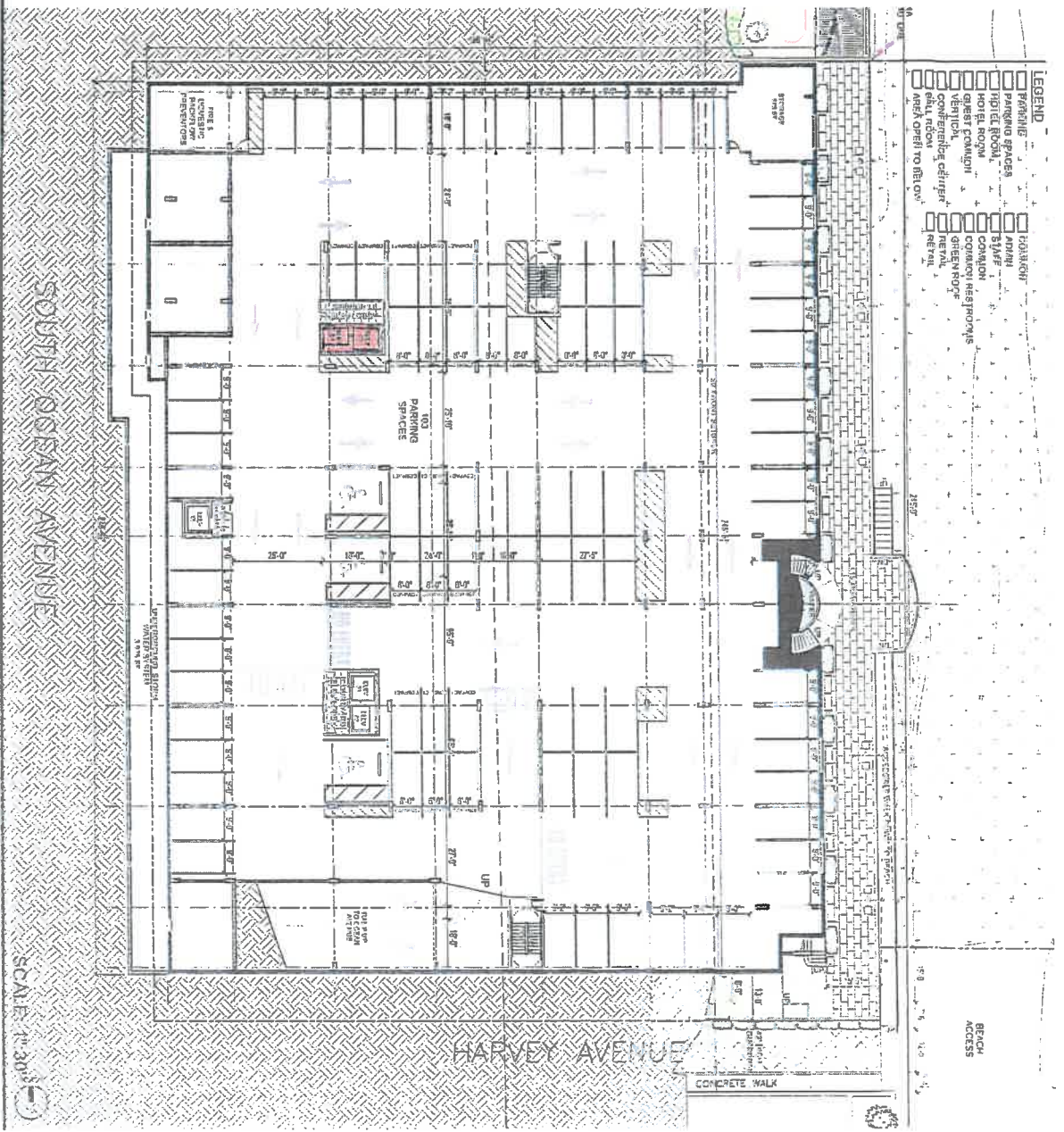
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COVER
SCHEMATIC DESIGN
August 29, 2018

Courtyard & Springhill Suites At Daytona Beach
 35 SOUTH OCEAN AVENUE
 DAYTONA BEACH, FLORIDA

AVISTA | **NORR**
 HOTELS & RESORTS | ARCHITECTS ENGINEERS PLANNERS

LOWER LEVEL PLAN
 SCHEMATIC DESIGN
 August 29, 2018



- LEGEND**
- PARKING SPACES
 - LOUNGE AREA
 - RECEPTION AREA
 - HOTEL ROOM
 - GUEST ROOM
 - CONFERENCE CENTER
 - AREA OPEN TO RETAIL
 - PARKING SPACES
 - STAFF AREA
 - COMMON RESTROOMS
 - AMENITY AREA
 - GREEN ROOF
 - RETAIL AREA

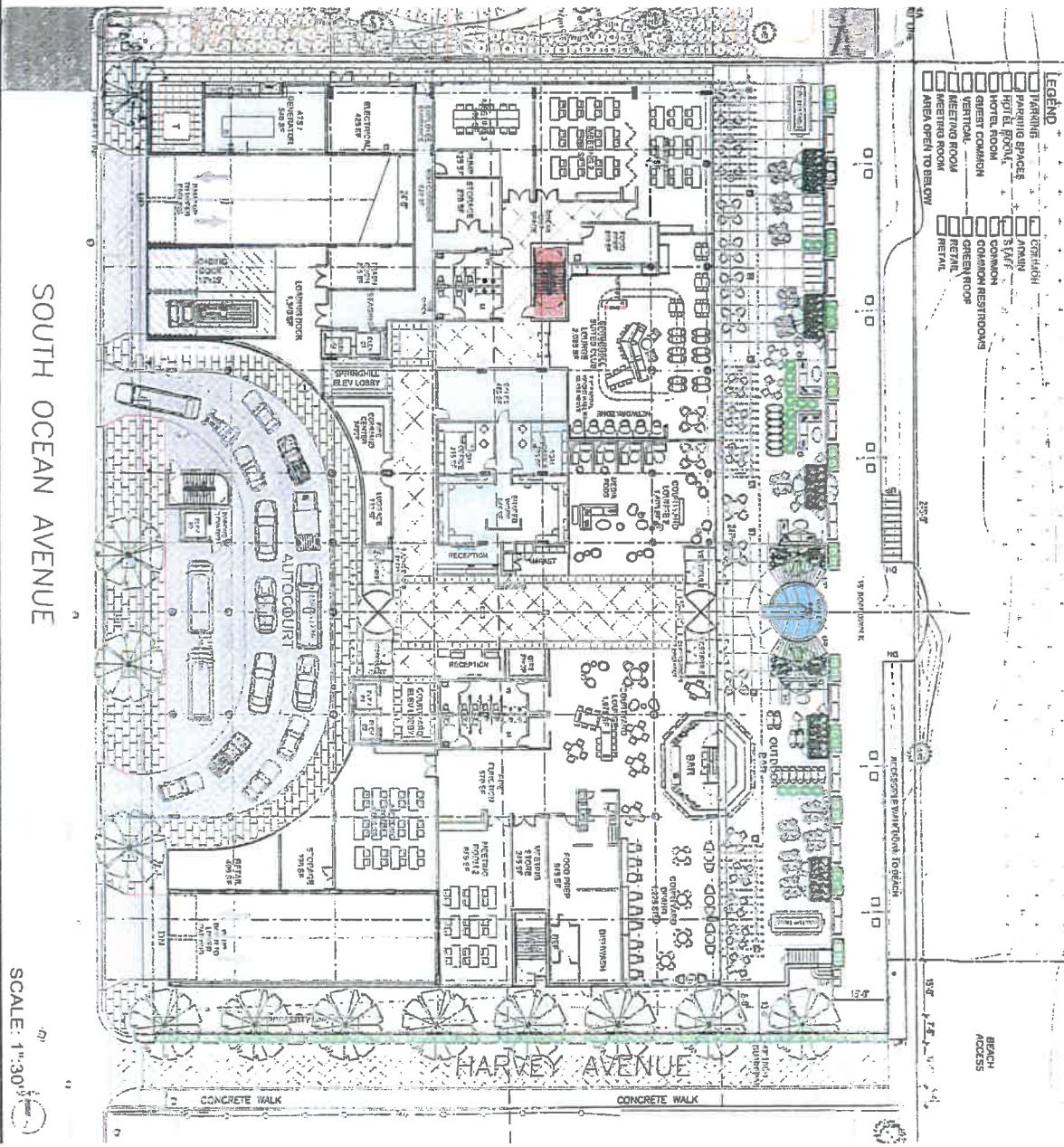
SCALE: 1/32" = 1'-0"

Courtyard & Springhill Suites At Daytona Beach
 35 SOUTH OCEAN AVENUE
 DAYTONA BEACH, FLORIDA

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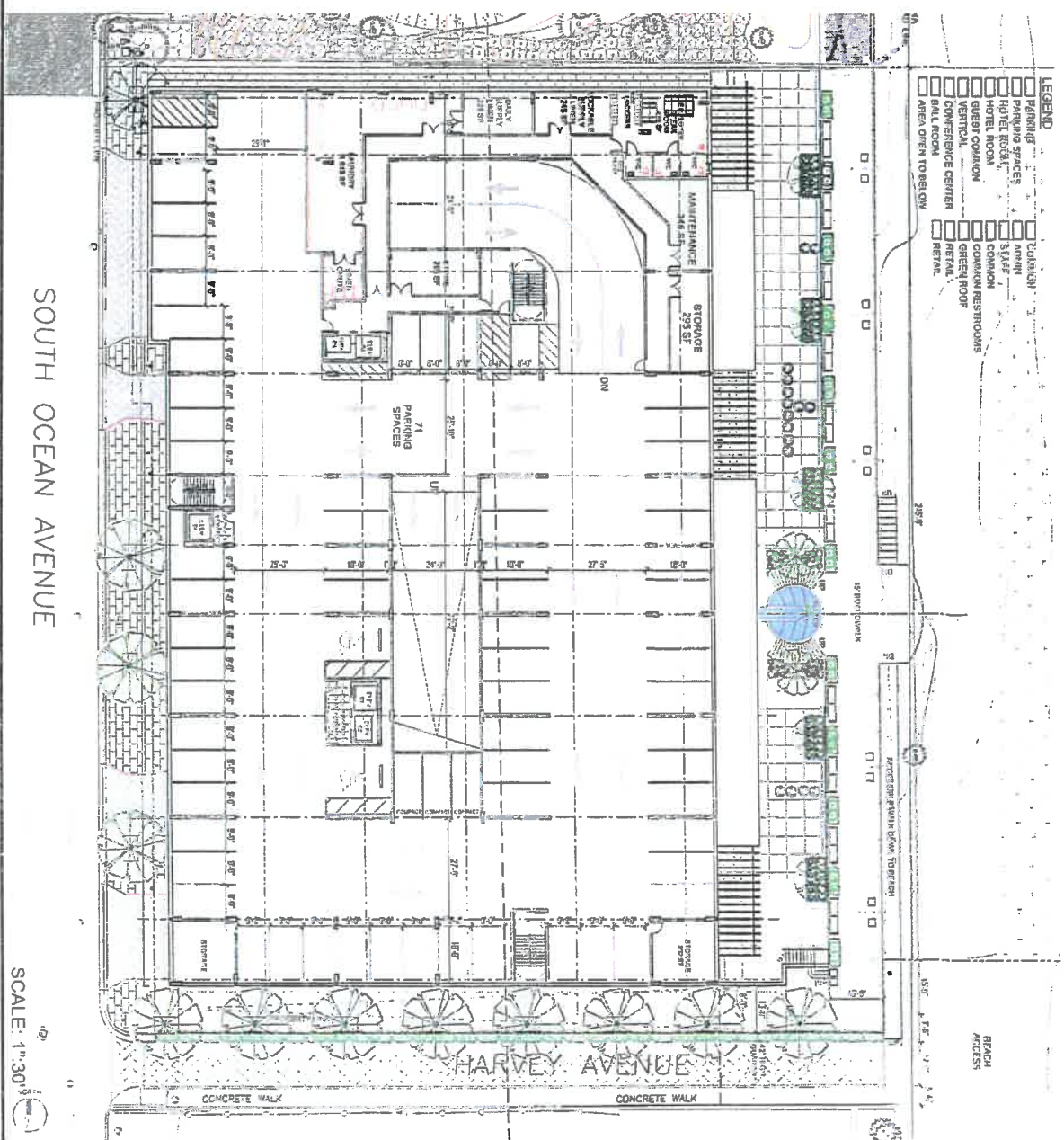
1ST LEVEL PLAN
 SCHEMATIC DESIGN
 August 29, 2018



Courtyard & Springhill Suites At Daytona Beach
 35 SOUTH OCEAN AVENUE
 DAYTONA BEACH, FLORIDA

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 2nd LEVEL PLAN
 SCHEMATIC DESIGN
 August 29, 2018



Courtyard & Springhill Suites At Daytona Beach
 35 SOUTH OCEAN AVENUE
 DAYTONA BEACH, FLORIDA

AVISTA
 HOTELS & RESORTS

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 ARCHITECTS & ENGINEERS PLANNERS

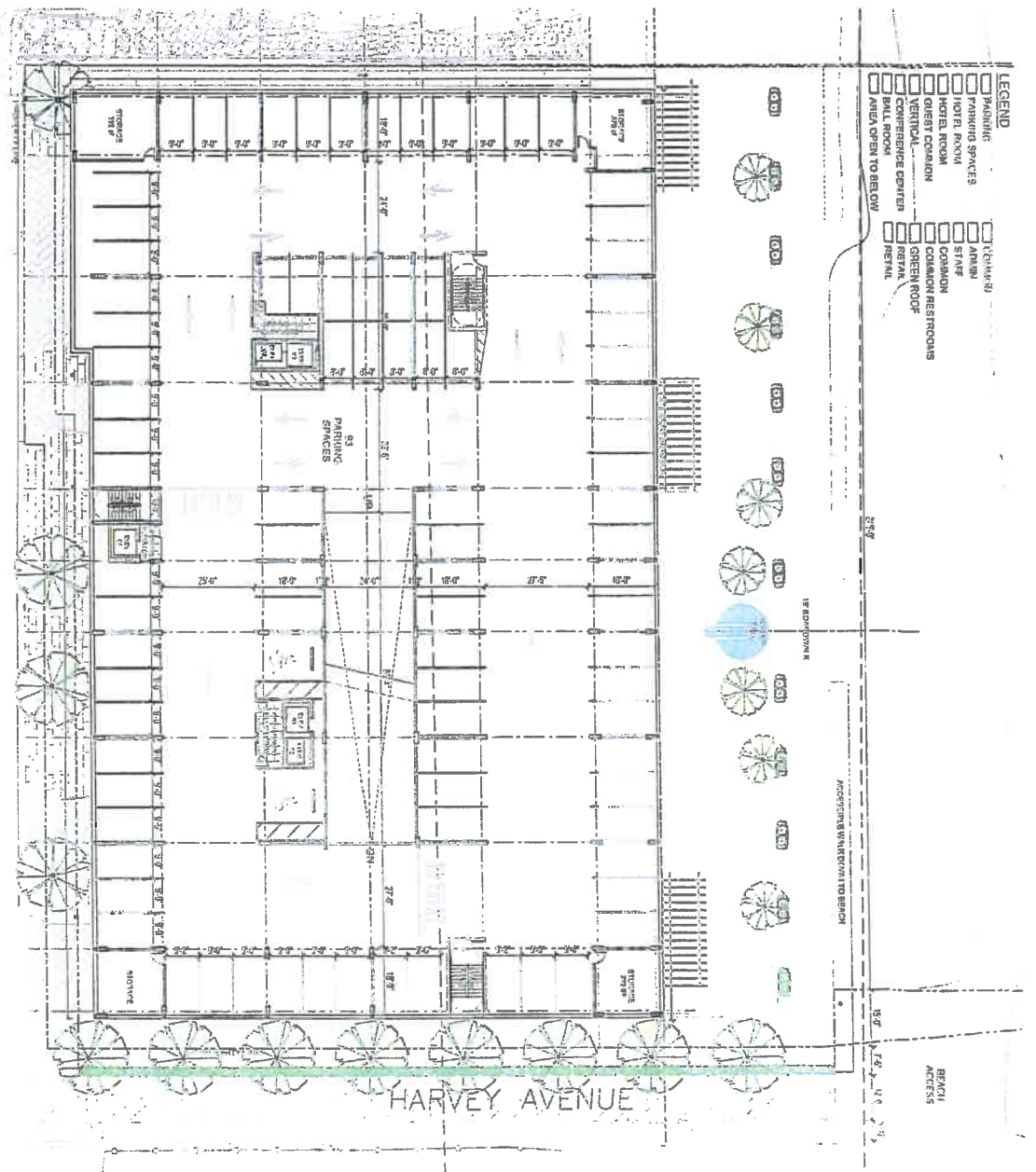
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3rd LEVEL PLAN
 SCHEMATIC DESIGN
 August 29, 2018

SCALE: 1"=30'

SOUTH OCEAN AVENUE

HARVEY AVENUE



- LEGEND**
- PARKING SPACES
 - RESTROOMS
 - STORAGE
 - LANDSCAPE
 - ACCESS TO BEACH
 - BEACH ACCESS
 - HOTEL ROOM
 - GUEST COACH
 - COMMON RESTROOMS
 - GREEN ROOF
 - RETAIL
 - AREA OPEN TO BELOW
 - CORRIDOR
 - ANNEX
 - STAFF
 - COACH
 - COMMON RESTROOMS
 - GREEN ROOF
 - RETAIL

Courtyard & Springhill Suites At Daytona Beach
 35 SOUTH OCEAN AVENUE
 DAYTONA BEACH, FLORIDA

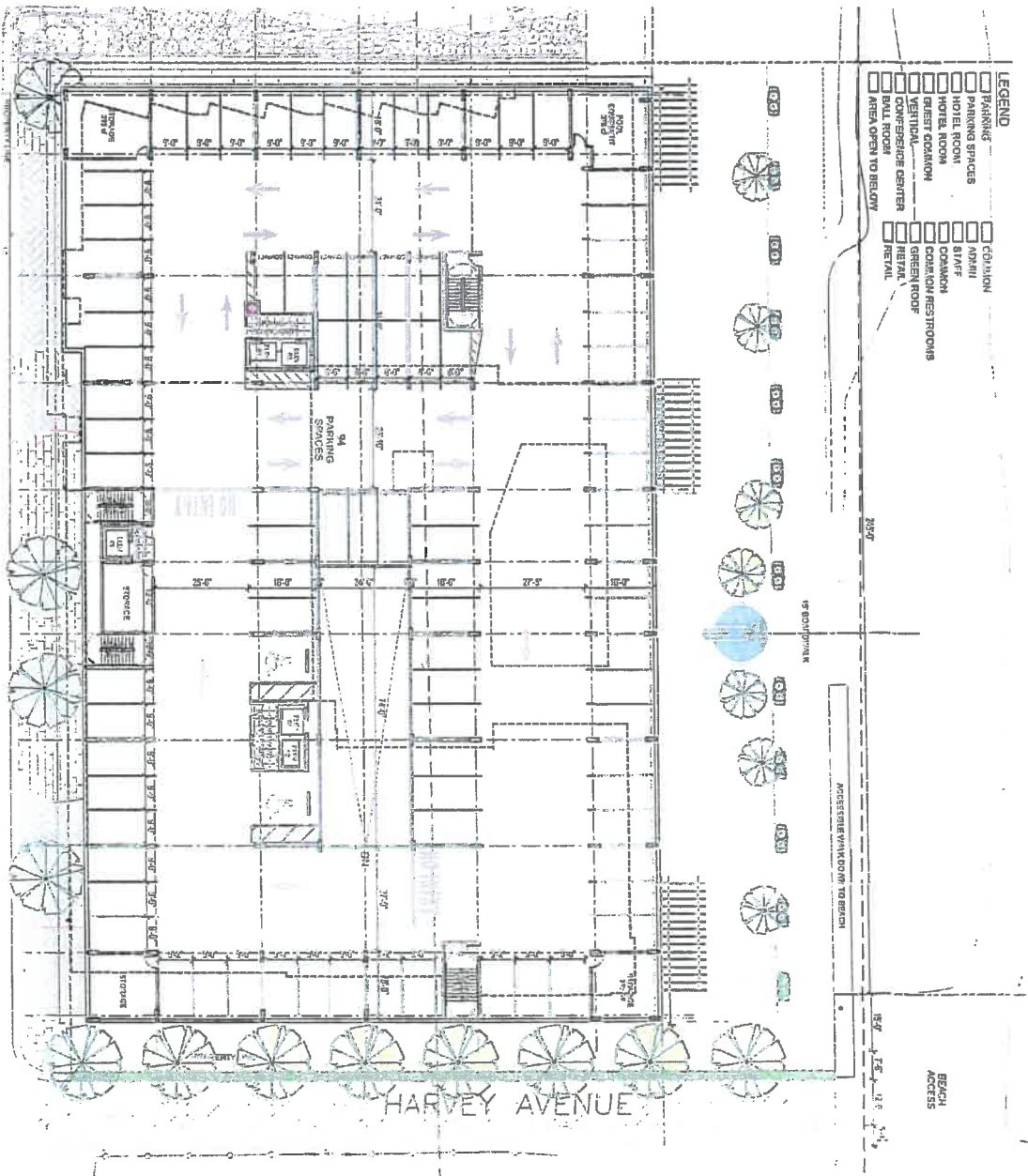
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4th LEVEL PLAN
 SCHEMATIC DESIGN
 August 29, 2018

SCALE: 1"=30'-0"



- LEGEND**
- PARKING SPACES
 - HOTEL ROOM
 - GUEST ROOM
 - VERTICAL CORE
 - BALL ROOM AREA OPEN TO BELOW
 - COLUMN
 - ATRIUM
 - STAFF
 - COMMON AREA
 - CORRIDOR RESTROOMS
 - GREEN ROOF
 - RETAIL AREA

DAYTONA BEACH COURTYARD HOTEL							
FLOOR	KING	K ADA	K SUITE	QD	QD ADA	QD SUITE	ROOM TOTAL
PH	7	0	1	13	1	1	23
11	7	0	1	13	1	1	23
10	7	0	1	13	1	1	23
9	7	0	1	13	1	1	23
8	7	0	1	13	1	1	23
7	7	0	1	13	1	1	23
6	7	0	1	13	1	1	23
5	7	0	1	13	1	1	23
TOTAL	49	0	6	70	7	7	134
TOTAL	49	0	6	70	7	7	134
PERCENTAGE	31.34%				68.66%		
DAYTONA BEACH SPRINGHILL SUITES HOTEL							
FLOOR	KING	K ADA	K SUITE	QD	QD ADA	QD SUITE	ROOM TOTAL
PH	4	2	0	13	1	0	20
11	4	2	0	13	1	0	20
10	4	2	0	13	1	0	20
9	4	2	0	13	1	0	20
8	4	2	0	13	1	0	20
7	4	2	0	13	1	0	20
6	4	2	0	13	1	0	20
5	4	2	0	13	1	0	20
TOTAL	28	12	0	60	7	0	107
TOTAL	40			67			107
PERCENTAGE	28.20%				70.00%		

Courtyard & Springhill Suites At Daytona Beach

35 SOUTH OCEAN AVENUE
DAYTONA BEACH, FLORIDA

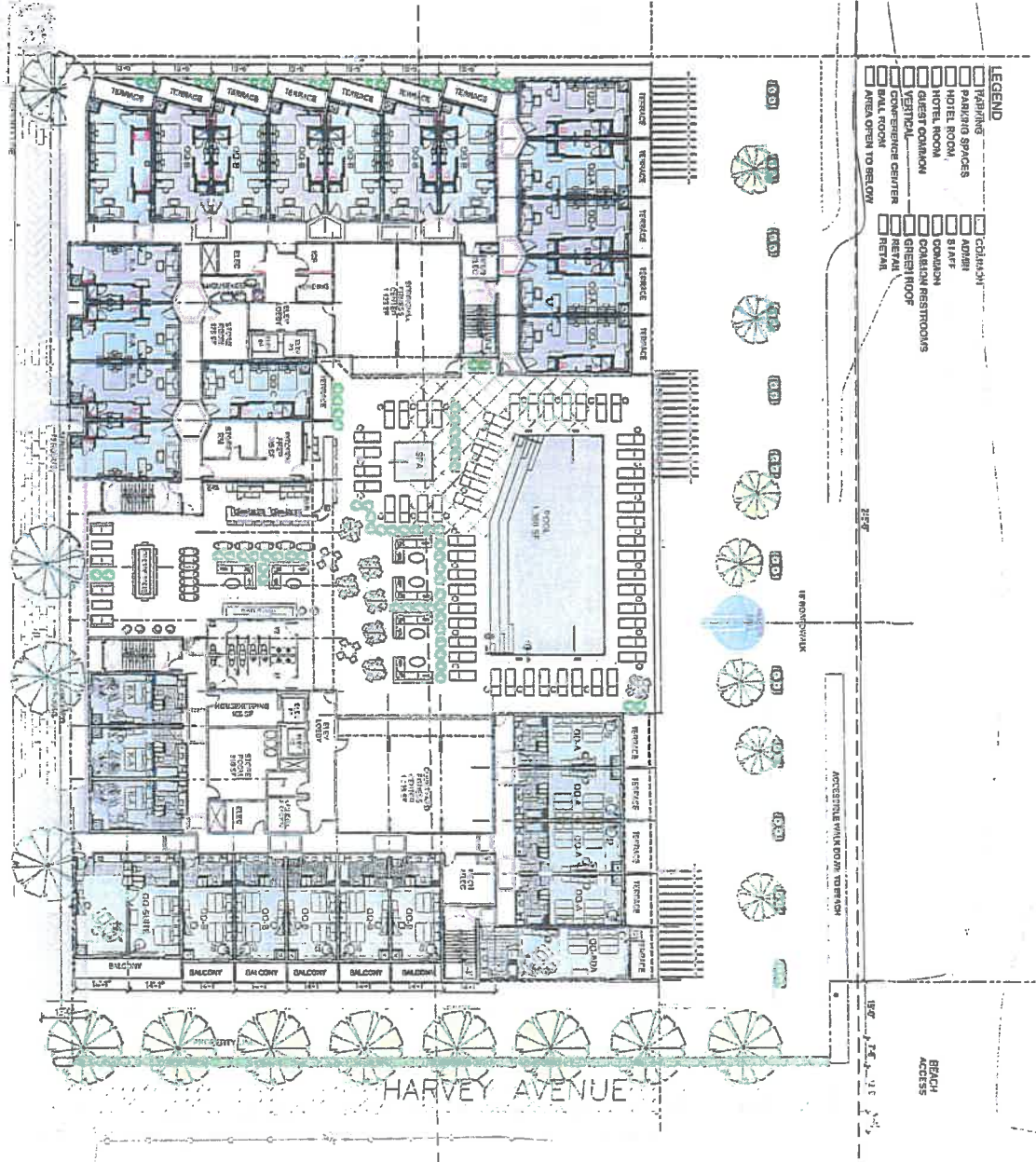
SOUTH OCEAN AVENUE

AVISTA
HOTELS & RESORTS

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ARCHITECTURAL ENGINEERING PLANNERS

5th LEVEL PLAN
SCHEMATIC DESIGN
August 29, 2018

SCALE: 1"=30'



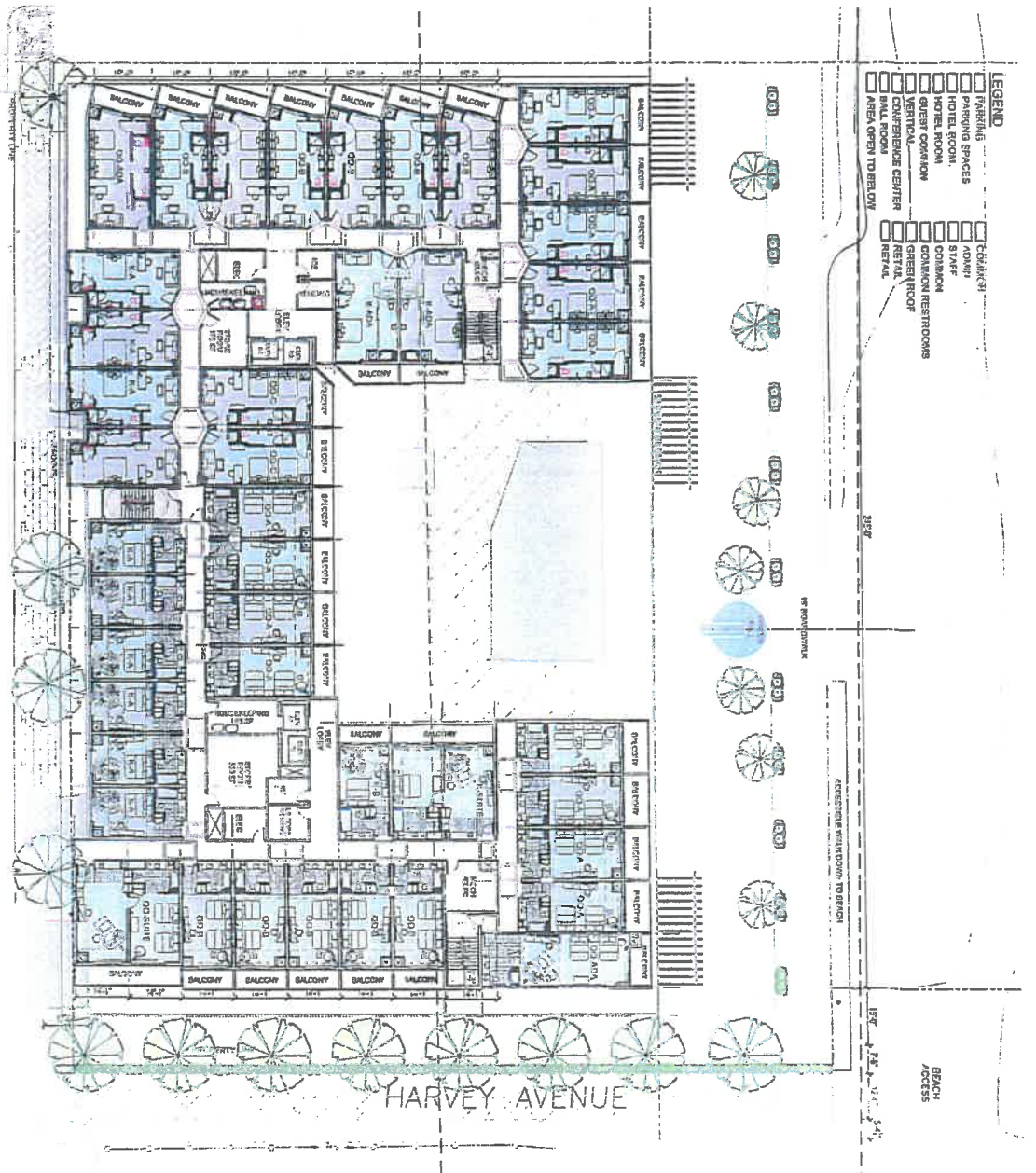
Courtyard & Springhill Suites At Daytona Beach
 35 SOUTH OCEAN AVENUE
 DAYTONA BEACH, FLORIDA

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9-11th LEVEL PLAN
 SCHEMATIC DESIGN
 August 29, 2018

SCALE: 1"=30'



LEGEND

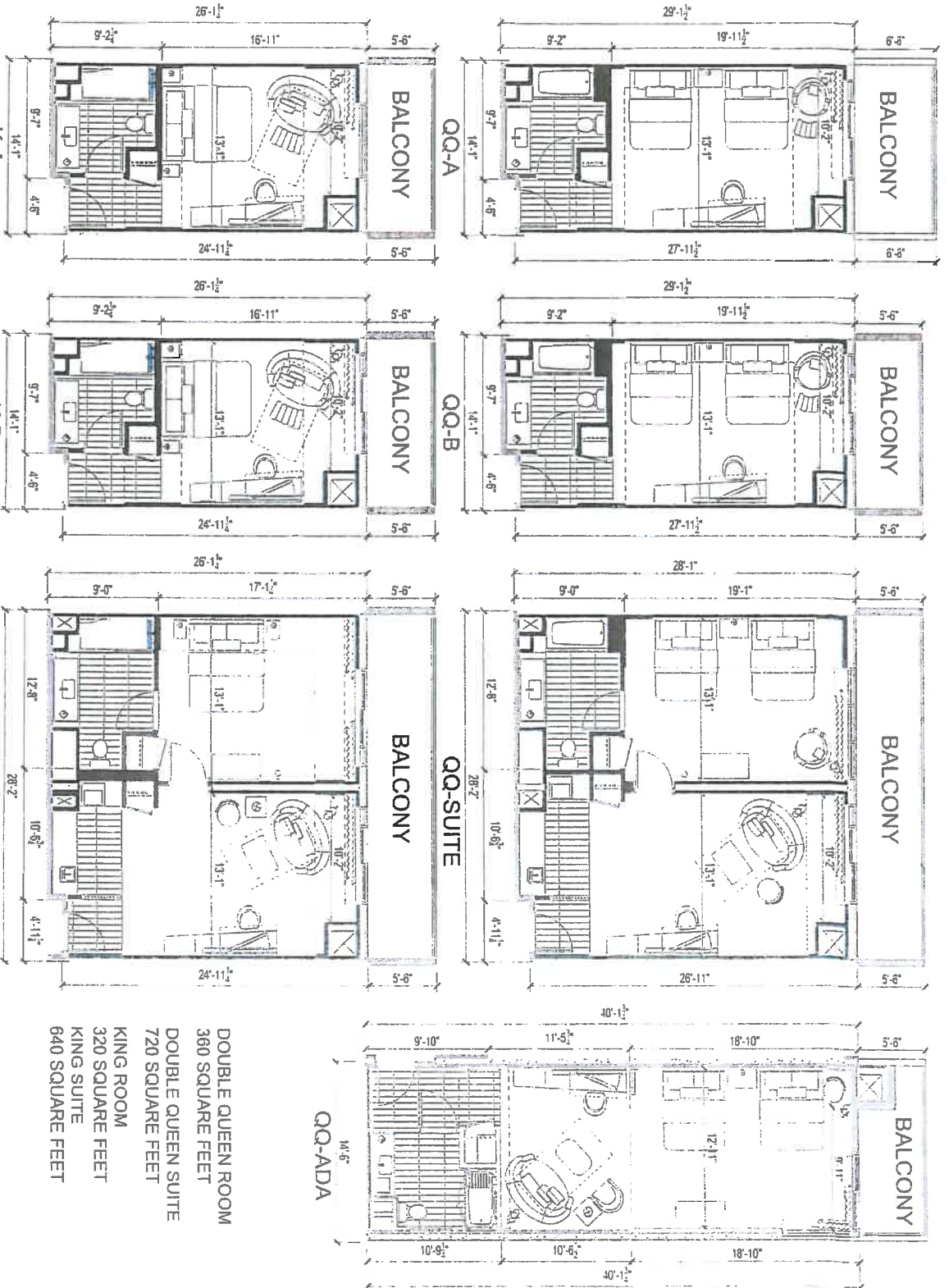
	PARKING SPACES		ADMIN
	HOTEL ROOM		STAFF
	GUEST ROOM		COMMON
	COMMON RESTROOMS		GREEN ROOF
	VERTICAL CORE CENTER		POOL DECK
	POOL DECK		METAL
	AREA OPEN TO BELOW		

Courtyard & Springhill Suites At Daytona Beach
 35 SOUTH OCEAN AVENUE
 DAYTONA BEACH, FLORIDA

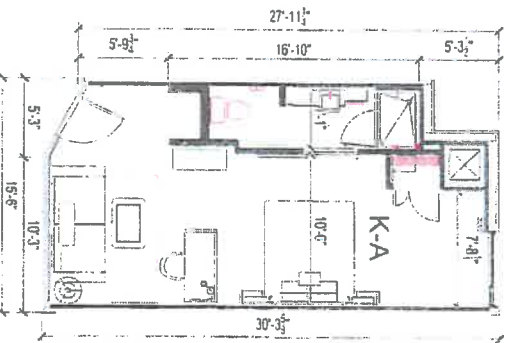
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 HOTELS & RESORTS | **NORR**
 ARCHITECTS ENGINEERS PLANNERS

TYPICAL COURTYARD ROOMS
 SCHEMATIC DESIGN
 August 29, 2018

SCALE: 1/8" = 1'-0"



- DOUBLE QUEEN ROOM
360 SQUARE FEET
- DOUBLE QUEEN SUITE
720 SQUARE FEET
- KING ROOM
320 SQUARE FEET
- KING SUITE
640 SQUARE FEET



DOUBLE QUEEN ROOM
 415 SQUARE FEET
 KING ROOM
 350 SQUARE FEET

SCALE: 1/8"=1'-0"

Courtyard & Springhill Suites At Daytona Beach
 35 SOUTH OCEAN AVENUE
 DAYTONA BEACH, FLORIDA

AVISTA
 HOTELS & RESORTS

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 ARCHITECTS ENGINEERS PLANNERS

TYPICAL SPRINGHILL-SUITES-ROOMS
 SCHEMATIC DESIGN
 August 29, 2018

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Courtyard & Springhill Suites At Daytona Beach

35 SOUTH OCEAN AVENUE
DAYTONA BEACH, FLORIDA

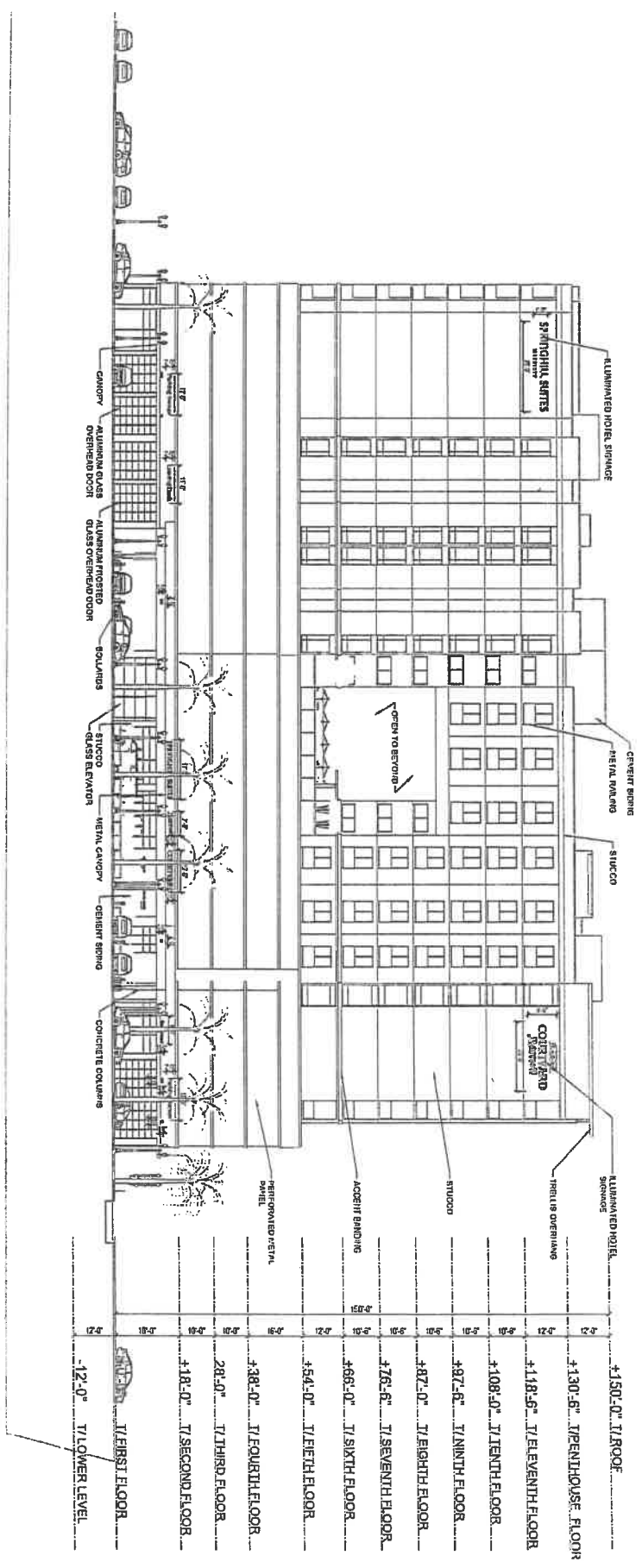
AVISTA
HOTELS & RESORTS

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ARCHITECTS ENGINEERS PLANNERS

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EAST ELEVATION
SCHEMATIC DESIGN
August 29, 2018

SCALE: 1"=30'

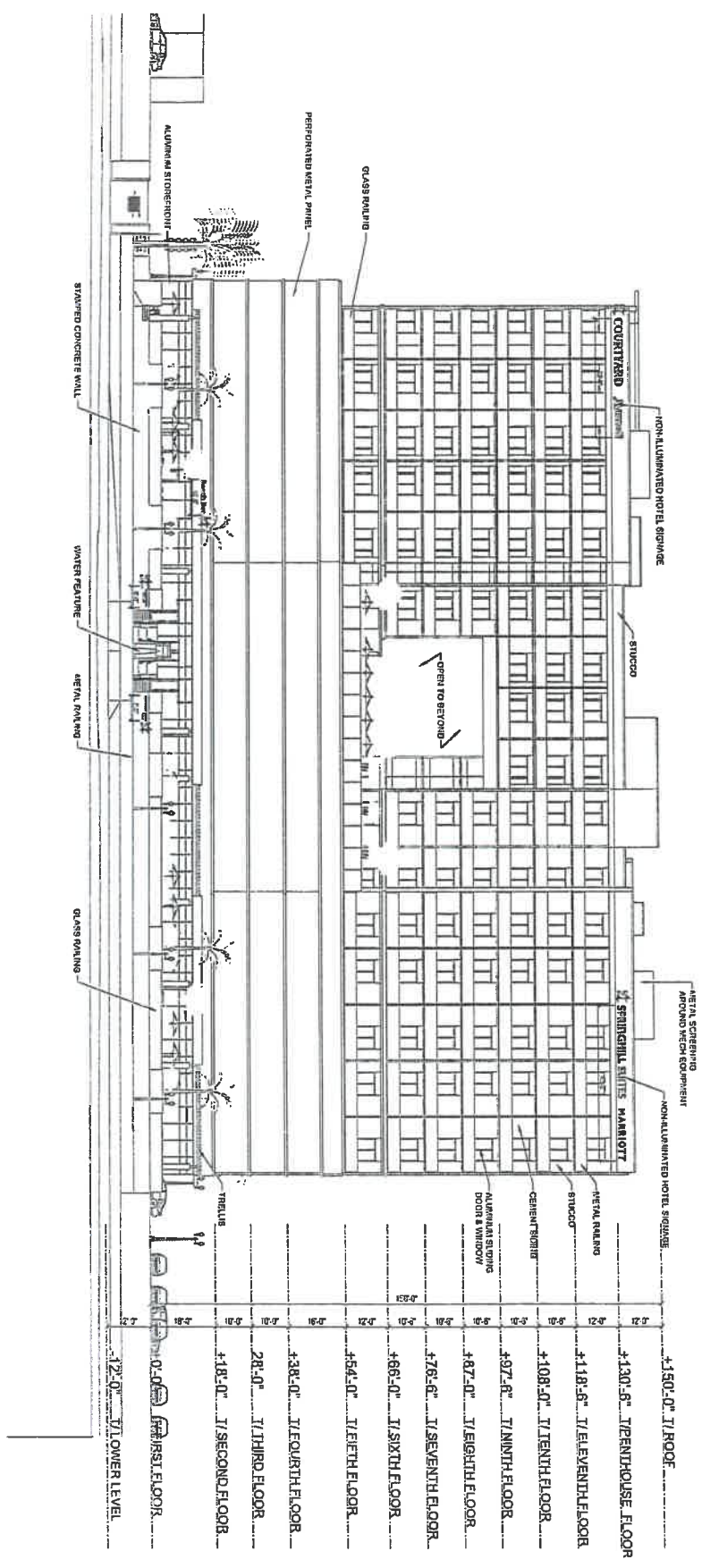


Courtyard & Springhill Suites At Daytona Beach
 35 SOUTH OCEAN AVENUE
 DAYTONA BEACH, FLORIDA

AVISTA | **NORR**
 HOTELS & RESORTS | ARCHITECTS ENGINEERS PLANNERS

© NORR 2018
 WEST ELEVATION
 SCHEMATIC DESIGN
 August 29, 2018

SCALE: 1"=30'



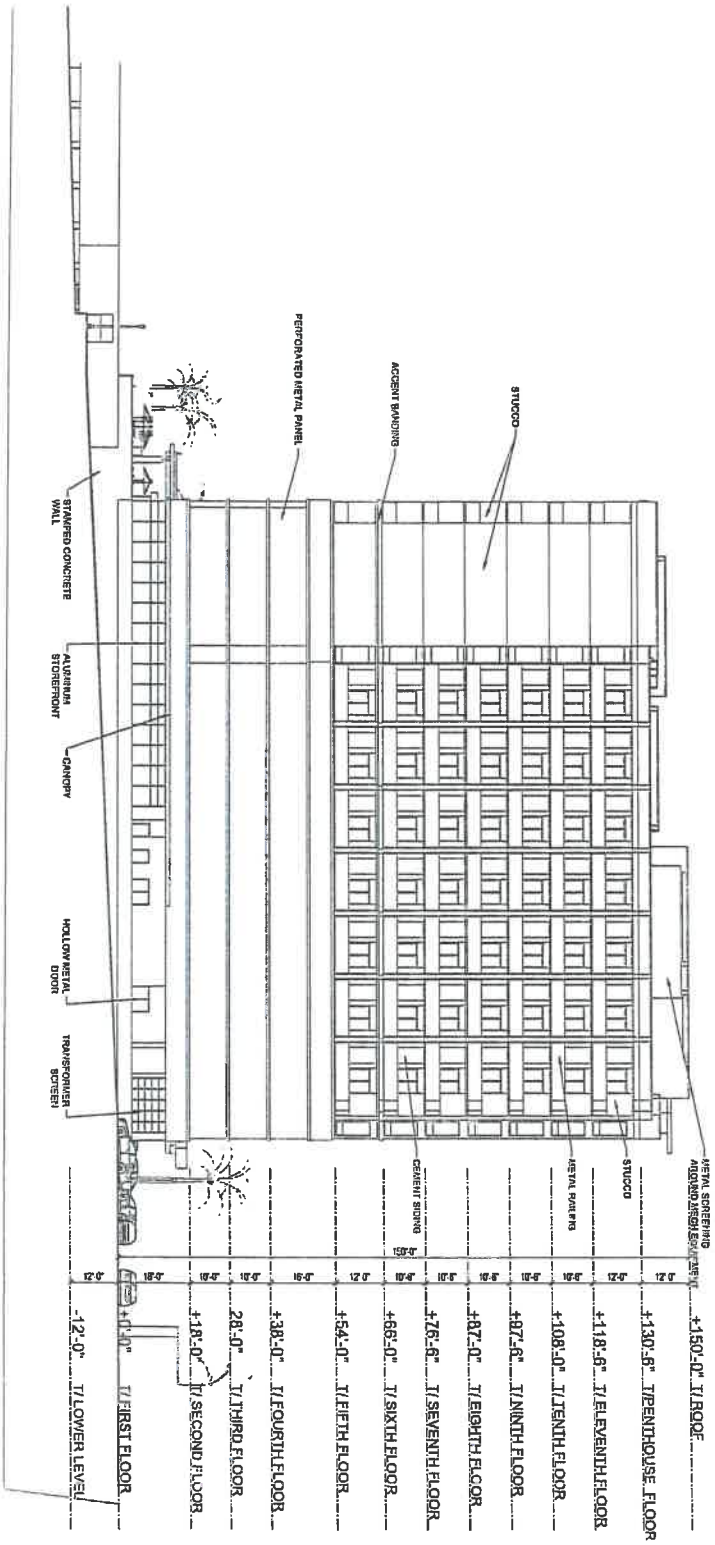
Courtyard & Springhill Suites At Daytona Beach
 35 SOUTH OCEAN AVENUE
 DAYTONA BEACH, FLORIDA

AVISTA | **NORR**
 HOTELS & RESORTS | ARCHITECTS BUSINESS PLANNERS

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NORTH ELEVATION
 SCHEMATIC DESIGN
 August 29, 2018

SCALE: 1"=30'



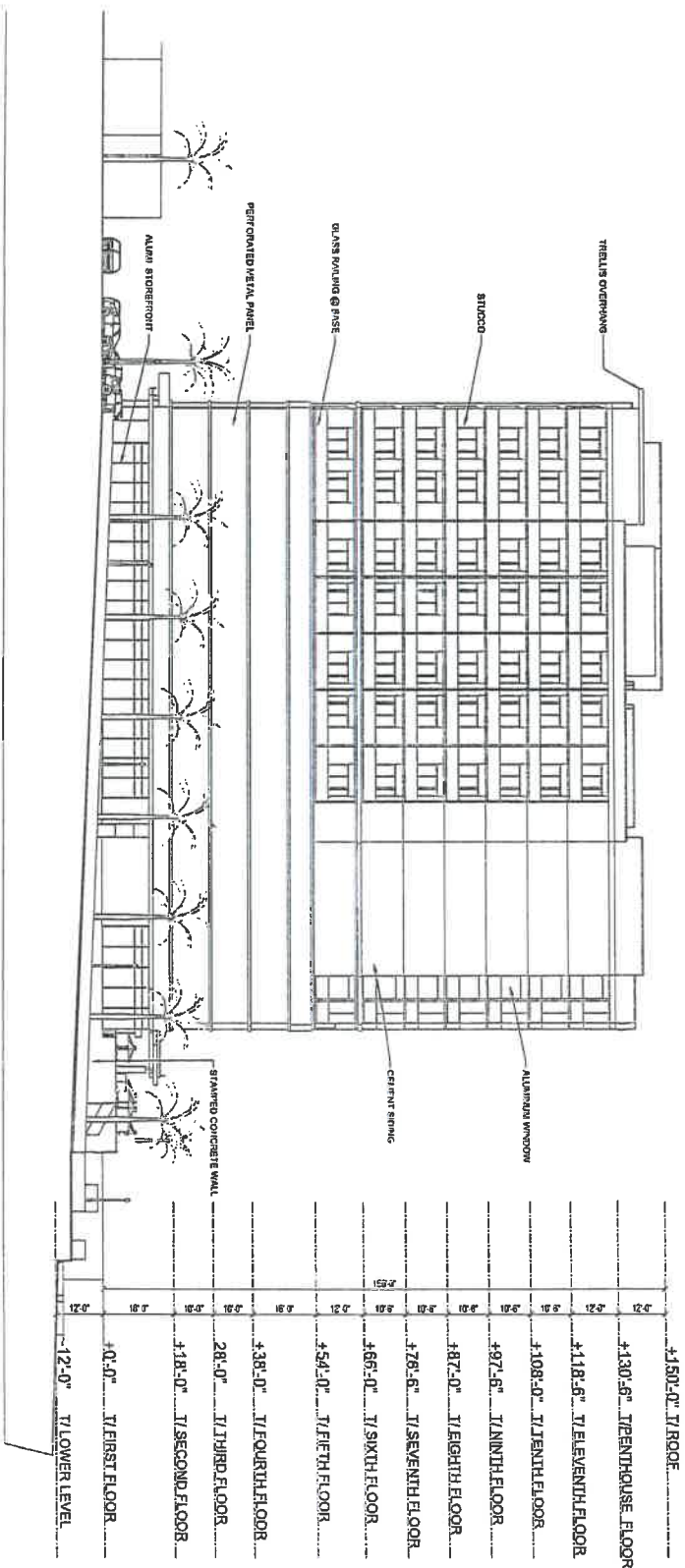
Courtyard & Springhill Suites At Daytona Beach
 35 SOUTH OCEAN AVENUE
 DAYTONA BEACH, FLORIDA

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 HOTELS & RESORTS | ARCHITECTS ENGINEERS PLANNERS

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SOUTH ELEVATION
 SCHEMATIC DESIGN
 August 29, 2018

SCALE: 1"=30'



Attachment F

Neighborhood Meeting Summary

SUMMARY OF NEIGHBORHOOD MEETING FOR BREAKERS PARK HOTEL PLANNED DISTRICT AGREEMENT REZONING

A neighborhood meeting was held on August 14, 2018 at 6:00 p.m. at the City Island Library in Daytona Beach to discuss the proposed Breakers Park Hotel Planned District Agreement rezoning. In attendance at the meeting were Corey Brown of Storch Law Firm, attorney for the developer; Harry Newkirk of Newkirk Engineering, the project engineer; and more than 11 area residents. A copy of the sign-in sheet with resident names attending the meeting is enclosed herewith.

Mr. Brown and Mr. Newkirk began by showing mounted conceptual site plans, floorplans and various elevations for the proposed new hotel and gave a brief explanation of same. They then proceeded to answer numerous questions from those residents in attendance, including:

1. How high/how many stories will the hotel be?
2. Will the developer pay for all of the improvements to the board walk?
3. How will large trucks get to the site for construction and for deliveries once the hotel is completed?
4. Where will construction workers park?
5. Why is a portion of Harvey Avenue being vacated?
6. What will happen to the beach access at Harvey Avenue?
7. Will the proposed building change much from the proposed elevations after the PD is approved?
8. How long does the PD Agreement last?
9. How long will it take for the hotel to be completed?
10. What benefits will the community see?
11. What are the setbacks?
12. Will all the parking be on-site?
13. Will there be any additional parking for public?
14. What areas will be landscaped?
15. What will happen to property across Ocean Avenue to the west?
16. Will developer pay for any needed utility improvements?
17. How many rooms and parking spaces in the hotel?
18. What other uses will be in the building?
19. What kind of restaurants will there be?
20. Will the beach area behind the hotel be dedicated to the City?
21. How many jobs will be created?
22. What kind of materials will be used on the building?
23. What kind of fencing will be used?
24. How long will it take for the rezoning to be approved?

The residents were generally satisfied with the answers received and supportive of the hotel project and PD rezoning. The meeting ended at approximately 6:45 p.m.

Sign-In Sheet

1. AMY PYLE
2. MIKE DEARIS
3. GILBERT MYARA
4. Alex Riley
5. Terri Piers
6. JERRY MAZAK
7. KEN STRICKLAND
8. Colleen Calnan
9. Anne Ruby
10. TIM TO NICHOLSON
11. Mark S. Riley

The City of Daytona Beach
Beachside Redevelopment Board
Draft Minutes

(Excerpts from the October 10, 2018 Beachside Redevelopment Board Meeting)

5. Rezoning to Planned Development-Redevelopment (PD-RD) - Breakers Park Hotel, DEV2018-064 (Quasi-Judicial Hearing)

Staff Presentation:

Mr. Berger presented the staff report which was included as part of the packet. Mr. Berger stated the subject property was at the corner of Harvey and Ocean, and Breakers Ocean Park was to the north. Mr. Berger stated two hotel brands, Marriott Courtyard and Springhill Suites, were proposed to occupy the site for a total of 300 rooms with parking for 358 vehicles. Mr. Berger stated the property where the project would be located was acquired by the City after the hurricanes in 2004 and was subsequently purchased by Avista Properties. Mr. Berger stated a 15 foot wide boardwalk was proposed for the project from Breakers Park to the north to the southern end of the property. Mr. Berger stated upon completion of the boardwalk, it would be dedicated to the City. Mr. Berger stated the northern half of the beach access along Harvey would be vacated, which had been agreed to by Volusia County. Mr. Berger stated the survey work was still pending to determine the high water line; and it would be determined if the modifications requested would be needed after the survey was completed.

Mr. Myara stated he was the adjacent property owner and asked if that would create a conflict of interest for him.

Ms. Meek stated there was not a conflict of interest since he would not be receiving financial gain from the project.

Dino P. Paspalakis stated the City Manager had signed a letter stating a building permit must be issued within 18 months after issuance of the PD. Mr. Paspalakis asked if the project was not completed, would the City buy back the property.

Mr. Berger stated the documents did not address reversion of the real estate.

Applicant's Presentation:

Glenn Storch, Esq., 420 S. Nova Road, Daytona Beach, Florida spoke representing the applicant. Mr. Storch stated Volusia County had stated if the project was not started within 18 months after issuance of the PD, the vacated portion of Harvey would be rescinded and would revert back to Volusia County. Mr. Storch stated he anticipated the PUD would be approved by the City Commission in December and the closing would be held within 30 days. Mr. Storch stated the area had been blighted for at least

10 years and the proposed project would help to revitalize Main Street. Mr. Storch stated there was sufficient parking for the site and additional parking would be provided for the area. Mr. Storch stated the project would include shops along Ocean Avenue and restaurants along the beach. Mr. Storch stated there would be a sidewalk along Ocean and a landscaped walkway along Harvey. Mr. Storch stated handicap accessibility would be available from the boardwalk and pavers would be placed along Harvey in order to achieve a new sidewalk to the beach.

Dino P. Paspalakis asked about the sand that would be excavated from the site and stated it would be to everyone's advantage to have the sand placed on the beach. Mr. Paspalakis asked if the sand would just be placed along the applicant's property.

Mr. Storch stated that would be part of the permitting process and it would be premature to address the sand issue at this time.

Mr. Storch stated permits would be required to construct a new seawall since the existing seawall was in terrible condition.

Ms. Pyle asked why the survey had not been completed.

Mr. Storch stated the survey would take a while but it was in process.

Ms. Pyle asked if there was a possibility that the open public space would not be used for shops and restaurants.

Mr. Storch stated the property would be designed and built for shops and the market would determine what shops will lease the space.

Ms. Pyle asked who will be required to maintain the seawall and the 15 feet of boardwalk space.

Mr. Storch stated that is something that will be addressed through the development process, but he believes the developer would prefer to maintain the site.

Ms. Pyle stated she would like to see the site developed with something that will be signature Daytona Beach and asked if a mural could be placed along the walkway to the beach.

Mr. Berger stated a mural would be welcome.

Ms. Pyle asked where the Joe's Crab Shack parking would be relocated to once the project was done.

Mr. Berger stated the parking was for everyone using the Boardwalk area and additional parking would be needed. Mr. Berger stated the City may need to look at parking structures, which are a part of the E-Zone plan.

Mr. Denis asked what material would be used in the view barrier above the parking lot area.

Mr. Storch stated a chain link mesh product would be used which would move with the wind.

Mr. Denis expressed concern about overcrowding Ocean Avenue.

Mr. Storch stated traffic lanes would be reduced to allow for a sidewalk and pedestrian traffic.

Mr. Denis stated he was concerned about the space that would be needed for delivery trucks.

Mr. Storch stated there would be a loading dock on site and unloading of delivery trucks would be addressed as part of the PUD.

Mr. Denis stated he felt the property owner to the south would suffer damage due to Harvey now being a one-lane access.

Mr. Storch stated he did not feel the property owner to the south would be damaged by a \$40 to \$60 million dollar hotel being constructed next to his property.

Mr. Denis asked if any consideration was given to moving Breakers Park north 10 feet.

Mr. Storch stated that was considered but Federal funding was received for the development of Breakers Park and the Federal subsidies would not permit other uses for the property. Mr. Storch stated if the park was moved, the funding must be rescinded.

Ms. Tuggle stated she was also concerned about the loading dock area. Ms. Tuggle asked what would be done with the traffic flow along Ocean Avenue.

Mr. Storch stated the utility lines would have to be reconstructed along Ocean which means the road would have to be reconstructed.

Ms. Tuggle suggested people leaving the hotel should be forced to make a right turn only.

Mr. Storch stated the traffic flow would be looked at during the review process.

Mr. Myara stated Ocean Avenue was basically one lane now and would be packed during Bike Week and Race Week. Mr. Myara asked where the people working on the project would park.

Mr. Storch stated Avista owns other property in the area which could be used as a parking area. Mr. Storch stated a construction parking plan would be part of the PUD.

Dino M. Paspalakis asked if the restaurants would be coffee shops or restaurants where locals would want to go to eat.

Mr. Storch stated the restaurants would be what locals would want to visit.

Dino P. Paspalakis stated he currently does not feel safe to walk in this area and what was proposed would help to clean up the area.

Ms. Nazak stated she liked the idea that Ocean Avenue would become more pedestrian friendly.

Mr. Newman stated he felt this was a perfect project for the beachside but would like to see something with more flair. Mr. Newman stated what was proposed is boxy and ordinary. Mr. Newman stated regarding delivery trucks, businesses can schedule the trucks to arrive early in the morning when there was less traffic.

Ms. Pyle stated she was looking forward to the project but the City needed to address the concerns regarding the surrounding area.

Ms. Nazak stated she hoped this project would spark movement in the area.

Mr. Denis stated there had been problems with other development projects in the area. Mr. Denis stated there was a requirement in the Land Development Code for a boardwalk to be constructed and dedicated to the City. Mr. Denis stated he felt that requirement should be removed from the LDC. Mr. Denis asked when the Main Street CRA ends.

Mr. Berger stated the Main Street CRA ends in 2036.

Ms. Tuggle stated she felt the project lacks design flair and would like to see more artwork and creativity on the outside of the building. Ms. Tuggle stated she liked the boardwalk and the extension of the boardwalk would enhance not only the proposed project but the area as a whole.

Mr. Berger stated a Final Site Plan would be presented to the Beachside Redevelopment Board, and traffic flows and colors of the building would be addressed at that time.

Dino M. Paspalakis asked when the project would be open for business.

Mr. Storch stated there would be an 18 month construction time and the project was required to be started in 18 months. Mr. Storch stated permitting and design would be very time consuming. Mr. Storch stated he would look at how an Ocean Avenue district can be created so people will want to spend time in the area.

Public Comments:

John Nicholson, 413 N. Grandview, Daytona Beach, Florida stated Breakers Park would be used as a northern buffer/landscape area for the proposed project and suggested the developer should agree to help maintain Breakers Park as part of their agreement. Mr. Nicholson stated a Project Manager was needed for the beachside area.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida stated she liked the project. Ms. Ruby stated the CRA had been a failure. Ms. Ruby stated Main Street still looked terrible. Ms. Ruby stated there were repairs that were needed on Main Street. Ms. Ruby stated the existing businesses are grubby inside and outside and that must change in order for the proposed development to succeed.

Board Action:

A motion was made by Mr. Myara, seconded by Ms. Nazak, to approve Rezoning to Planned Development-Redevelopment (PD-RD) - Breakers Park Hotel, DEV2018-064, in accordance with the Staff Report as presented.

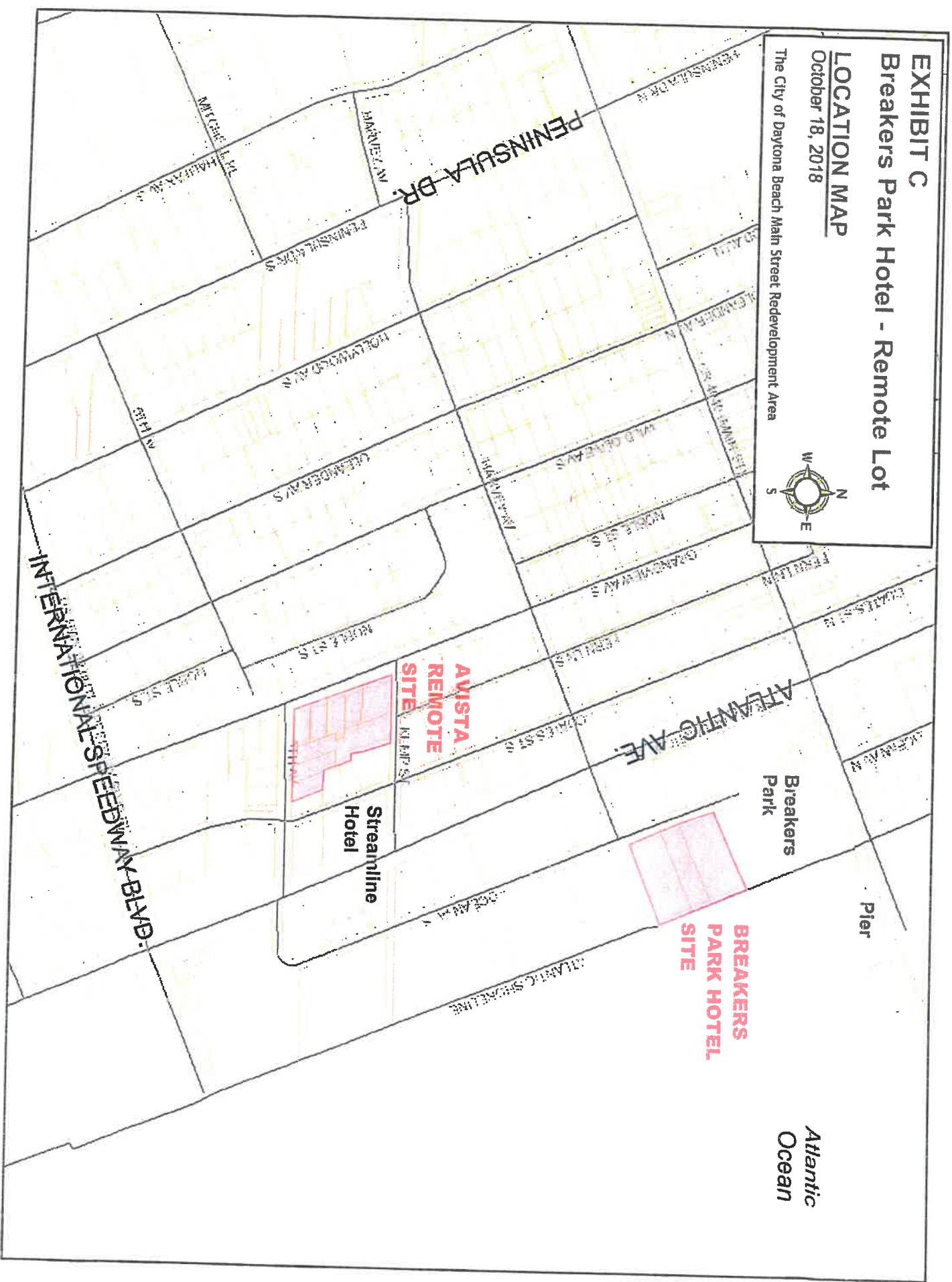
Mr. Myara amended the motion, seconded by Ms. Nazak, to include a construction parking plan as part of the approval. The amendment carried (7-0).

The motion as amended carried unanimously (7-0).

EXHIBIT C
Breakers Park Hotel - Remote Lot

LOCATION MAP
October 18, 2018

The City of Daytona Beach Main Street Redevelopment Area



Planning Board Meeting
Draft Minutes

The City of Daytona Beach

(Excerpts from the October 25, 2018 Planning Board Meeting)

5. Rezoning to Planned Development-Redevelopment (PD-RD) – Breakers Park Hotel, DEV2018-064 (Quasi-Judicial Hearing)

Staff Presentation:

Reed Berger, Redevelopment Director, presented the staff report which is included as part of the packet. Mr. Berger stated the property is located at the corner of Harvey and Ocean adjacent to Breakers Park. Mr. Berger stated the project will be for a shared site to accommodate Courtyard by Marriott and Springfield Suites hotels in one facility. Mr. Berger stated the hotels will include 300 units and 358 parking spaces. Mr. Berger stated the project includes a 15 foot boardwalk which will be located along the ocean from Breakers Park to the south to Harvey. Mr. Berger stated the Beachside Redevelopment Board reviewed and approved the project unanimously (7-0). Mr. Berger stated the Beachside Redevelopment Board's comments included concerns about the Harvey beach access; access drives from Ocean Avenue; the need to make Ocean Avenue more walkable; traffic congestion on Ocean and Harvey; and parking for construction employees and equipment. Mr. Berger stated the applicant has agreed to submit a construction parking plan as part of their development agreement.

Ms. Humphreys expressed concern about spacing at the entranceway and asked if the entrance to the site will accommodate large buses and traffic congestion during special events.

Mr. Barhoo asked if Harvey will be one way.

Mr. Berger stated Harvey will be pedestrian only but will be used as access for emergency vehicles and vendors.

Applicant Presentation:

Glenn Storch, 420 S. Nova Road, Daytona Beach, Florida, spoke representing the applicant. Mr. Storch stated this is the first new project in the E-zone and is needed to boost the Main Street area. Mr. Storch stated the vacation of Harvey was granted by Volusia County in order to allow access to the site's parking area; and, in turn, the developer will rebuild Harvey as a pedestrian plaza area with pavers or a paver-like design and a new sidewalk. Mr. Storch stated there will be sufficient spacing for buses, and the plans presented in the packet reflect buses parked at the entranceway. Mr. Storch stated this project will be a major driving force for redevelopment.

Ms. Humphreys expressed concern about beach maintenance once the project is developed and asked about stormwater drainage for the site.

Brad Bauknedt, Newkirk Engineering, 747 Hope Street, Ormond Beach, Florida stated stormwater will be retained on site and will be filtered through a rock bed system and will not flow to the beach.

Mr. Storch stated the entire seawall will have to be rebuilt since it is deteriorated so additional permitting beyond city requirements must be obtained and will take approximately 15 months. Mr. Storch stated it will take approximately three years for the project to be completed.

Mr. Hurt stated the area has been neglected for a long time and he believes the project will be good for the area.

Public Comments:

Jim Cameron, Senior Vice President of Governmental Relations, Daytona Regional Chamber, stated the Chamber wants to go on record in support of this project and is excited about the redevelopment of this area.

Anne Ruby, 137 Park Avenue, stated she is concerned about parking for the project and asked if the laundry facilities for the project will be in-house. Ms. Ruby asked for the status of the seawall repairs for the lot on the south side of Harvey.

Mr. Storch stated 320 parking spaces are required and the developer is providing 358. Mr. Storch stated he does not know at this point if laundry service will be in-house.

John Nicholson, 413 N. Grandview, Daytona Beach, Florida stated he supports having a village type project south of Main Street. Mr. Nicholson stated he is in favor of the boardwalk. Mr. Nicholson stated there is no sidewalk planned for the east side of Ocean Avenue and there is sufficient space for it. Mr. Nicholson expressed concern about delivery trucks for cement and rebar to the site during construction.

Board Action:

A motion was made by Mr. Hurt, seconded by Mr. Servance, to approve Rezoning to Planned Development-Redevelopment (PD-RD) – Breakers Park Hotel, DEV2018-064, in accordance with the staff report as presented. The motion carried (6-0).