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**WHEREAS**, economic development is a priority of the County Council of Volusia County and redevelopment of oceanfront property is essential to improving the tourism market; and

**WHEREAS**, the Desert Inn is a blighted property in need of renovation and the current owner, 900 N. Atlantic Ave LLC, is prepared to redevelop the property into an upscale, international brand luxury beachside resort; and

**WHEREAS**, as an inducement for the redevelopment, the County Council of Volusia County is willing to restrict public vehicle parking and driving on the beach directly east of the property for a distance of four hundred ten (410) linear feet provided certain conditions are met.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION I. AMENDMENT** – Article VI of Chapter 20, Section 20-173, Code of Ordinances, County of Volusia, is hereby amended to read as follows:

Sec. 20-173. Vehicles authorized on beach; traffic-free zones.

...

1 (d) Motor vehicular access shall not be authorized to the following areas of the beach, which  
2 are established as traffic-free zones:

3 ...

4  
5 (7) From a point 300 feet south of the southerly extension of University  
6 Boulevard extending southward 410 feet.  
7

8 **SECTION II. AUTHORIZING INCLUSION IN CODE** – Upon notice to Municipal  
9 Code Corporation that the conditions of this ordinance have been met, it shall be included and  
10 incorporated into the Code of Ordinances of the County of Volusia, as additions or amendments  
11 thereto, and shall be appropriately renumbered to conform to the uniform numbering system of  
12 the Code.  
13

14 **SECTION III. SEVERABILITY** - Should any word, phrase, sentence, subsection or  
15 section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or  
16 unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed  
17 from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain  
18 in full force and effect.  
19

20 **SECTION IV. EFFECTIVE DATE** - This Ordinance shall take effect upon electronic  
21 filing of a certified copy with the Department of State.

22 The traffic-free zone will only be implemented upon the applicant complying with the following  
23 conditions prior to May 7, 2017:

- 24 1) receipt by the County of certification from the franchisor that all conditions have been  
25 met for opening the resort under the luxury brand name as set forth in Attachment A  
26 “Guarantee of Performance” to this Ordinance;  
27 2) recording fee simple title or an exclusive perpetual easement granting the County sole  
28 control, for the purpose of off-beach parking, twenty-seven (27) parking spaces adjacent  
29 to the beach with direct access from the parking lot to the beach; and  
30 3) recording a perpetual and non-revocable dedication of the four hundred ten (410) linear  
31 feet of the beach to the County for to the public.

1  
2 The County Manager shall confirm fulfillment of the foregoing conditions, placing a certification  
3 in the records of the County and providing a copy to the County Council. If the foregoing  
4 conditions have not been met in full by May 7, 2017, this Ordinance will stand repealed in its  
5 entirety.  
6

7 **ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA,**  
8 **IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS**  
9 **AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA**  
10 **AVENUE, DELAND, FLORIDA, THIS 7th DAY OF MAY, 2015.**

11  
12 COUNTY COUNCIL  
13 COUNTY OF VOLUSIA, FLORIDA  
14

15  
16  
17 ATTEST:  
18

\_\_\_\_\_  
James T. Dinneen  
County Manager

\_\_\_\_\_  
Jason P. Davis  
County Chair

## Attachment A

Ordinance 2015-07

### Guarantee of Performance

#### Concept

900 N. Atlantic Ave LLC, a Florida corporation, is the owner of certain property in Daytona Beach, Florida that is being renovated to an upscale, international luxury brand beachside resort and full service hotel. 900 N. Atlantic Ave LLC has requested the County of Volusia ("County") provide a traffic-free zone east of the proposed project, an area approximately three hundred (300) feet south of the University Boulevard beach approach for a distance of approximately four hundred ten (410) feet in length measured on a north/south axis. The purpose of the request is to provide an economic incentive to support 900 N. Atlantic Ave LLC's efforts to redevelop a blighted oceanfront hotel currently known as The Desert Inn. As an inducement for the redevelopment, the County Council is willing to remove public vehicle parking and driving directly east of the property for the distance of four hundred ten (410) feet provided certain conditions are met. County authorized and other government vehicles in the course of official duties, pedestrians and non-motorized vehicles (bicycles) will still be permitted to utilize the area.

#### Conditions

To provide reasonable access to the beach from a public parking facility, 900 N. Atlantic Ave LLC has agreed, at its sole cost, to construct parking on property adjacent to the beach, insure direct access to the beach from the parking, and provide fee simple title to the property or grant an exclusive non-revocable perpetual easement to the County for the purpose of off-beach parking. The construction of the replacement off-beach parking shall include, but not be limited to, paving, landscaping, stormwater, and a direct means of access to the beach. The County will have the sole control of the off-beach parking, including opening and closing of the parking area, parking fees or passes, and the ability to increase parking or modify the amenities on the property. 900 N. Atlantic Ave LLC will also dedicate the beach for the four hundred ten (410) feet linear distance east of the redevelopment to the County for the public.

The upscale, international luxury brand beachside resort and full service hotel redevelopment will be licensed and operated under a franchise agreement with an established global hotel chain brand that markets a distinctive, high-quality hotel service using a brand name to attract the upper-scale segment of the hospitality industry consuming public. This franchise resort brand will have an internationally recognized name and reputation that attracts regular, loyal customers who expect high-quality accommodations and service. The resort design plans, layouts,

specifications, drawings and designs for the proposed furnishings, fixtures, equipment, signs and décor of the hotel will meet the franchise brand standards for its luxury level brand. The resort will comply with all franchise operational and service requirements including training of personnel. The franchise will include an international centralized booking system, including a multilingual customer contact center, global and divisional brand support designed to proactively fill hotel space, and marketing plans that leverage social media and web optimization methods. The franchise will maintain a preferred guest and frequent traveler loyalty program. The luxury design and operation of the beachside resort and full service hotel will meet franchise brand standards including:

- Concierge & Activities Desk
- On-site upscale dining facilities featuring locally sourced cuisine
- 24 hour In-Room Dining
- State-of-the art Meeting and Conference Facilities
- Full service Spa and Salon
- Lobby Barista
- Gourmet Sundries Shop
- Expansive Fitness Facilities
- Children's Activities Program with a dedicated facility
- Pool deck with beach activities & supplies
- Cabana Bar with pool deck service
- In-Room multi-media offerings including Wi-Fi
- Laundry & Valet Service
- Airport transportation services
- Business Center
- 24 hour Bell/Porter Services
- Valet parking
- First tier finishes and furniture per franchise brand specifications
- Best in industry china, glass, & silver per franchise brand specifications
- Available multi-lingual staff

900 N. Atlantic Ave LLC will provide the County verification from the franchise brand chosen for the upscale, international luxury brand beachside resort and full service hotel thirty (30) days prior to opening the redeveloped resort that all standards, specifications, requirements, criteria, and policies in connection with the design, renovation, refurbishment, appearance, equipping, furnishing, supplying, opening, operating, maintaining, marketing, services, service levels, quality, and quality assurance of the franchise brand have been met.

In consideration for 900 N. Atlantic Ave LLC's redevelopment efforts, mitigation of the relocation of "on-beach" motor vehicle parking and driving and the increased level of a resort

investment offered to the County by 900 N. Atlantic Ave LLC, the County has enacted Ordinance number 2015-07 providing a traffic-free zone for a distance of four hundred ten (410) linear feet, as described above. The traffic-free zone will only be implemented upon the applicant complying with the following conditions prior to May 7, 2017:

- 1) receipt by the County of certification from the chosen franchisor that all conditions set forth in this Guarantee of Performance have been met for opening the resort under the franchisor's luxury brand name;
- 2) recording fee simple title or an exclusive perpetual easement granting the County sole control, for the purpose of off-beach parking, twenty-seven (27) parking spaces adjacent to the beach with direct access from the parking lot to the beach; and
- 3) recording a perpetual and non-revocable dedication of the four hundred ten (410) linear feet of beach to the County for the public.