



AGENDA  
**CITY OF ORMOND BEACH, FLORIDA**  
**CITY COMMISSION MEETING**  
February 1, 2022  
7:00 PM

Mayor Bill Partington

Zone 1 – Commissioner Dwight Selby

Zone 3 – Commissioner Susan Persis

Zone 2 – Commissioner Troy Kent

Zone 4 – Commissioner Rob Littleton

**COMMISSION CHAMBERS**

22 South Beach Street, Ormond Beach, FL 32174

Phone: 386-677-0311

Web: [www.ormondbeach.org](http://www.ormondbeach.org)

**1. CALL TO ORDER**

**2. INVOCATION**

**3. PLEDGE OF ALLEGIANCE**

**4. PRESENTATIONS AND PROCLAMATIONS**

A. Crime Stoppers' Volusia County Officer of the Year

**5. AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA**

**6. APPROVAL OF MINUTES**

A. Minutes from City Commission meeting – January 18, 2022

**7. CONSENT AGENDA**

The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.

**A. RESOLUTION NO. 2022-19:** A RESOLUTION APPOINTING AN ALTERNATE MEMBER TO THE BOARD OF ADJUSTMENT AND APPEALS; SETTING FORTH TERM AND CONDITIONS OF SERVICE; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Susan Dauderis, City Clerk (386-676-3340)

- B. **RESOLUTION NO. 2022-21:** A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR FISCAL YEAR 2021-2022 BETWEEN THE CITY AND THE COUNTY OF VOLUSIA; SUPERSEDING RESOLUTION NO. 2021-158 AND THE SUBRECIPIENT AGREEMENT APPROVED THEREBY ON OCTOBER 5, 2021; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact:* Loretta Moisio, Grants Coordinator (386-676-3315)

- C. **RESOLUTION NO. 2022-22:** A RESOLUTION RATIFYING AND AFFIRMING THE EXECUTION OF A CORRECTIVE QUITCLAIM DEED TO ANTHONY J. CIULLA, INDIVIDUALLY AND AS SUCCESSOR TRUSTEE OF THE LUCIA A. CIULLA REVOCABLE TRUST, DATED OCTOBER 10, 2012, FOR PROPERTY LOCATED AT 754 PALMETTO AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; AND SETTING FORTH AN EFFECTIVE DATE.

*Staff Contact:* Randal Hayes, City Attorney (386-676-3217)

- D. **C&D Franchise Renewal for Creech Enterprises, Inc. dba Southeast Containers**

*Staff Contact:* Kevin Gray, Deputy Public Works Director (386-676-3577)

*Disposition:* Approve as recommended in the City Manager memorandum dated February 1, 2022.

- E. **Fleming Stormwater Pump Station Ineligibility**

*Staff Contact:* Alex Schumann, City Engineer (386-676-3302)

*Disposition:* Approve as recommended in the City Manager memorandum dated February 1, 2022.

## 8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2022-02:** AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A CERTAIN PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 12.00-ACRES LOCATED AT 215 WILLIAMSON BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0014) FROM B-8 (COMMERCIAL) TO PLANNED BUSINESS DEVELOPMENT (PBD); AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

*Staff Contact:* Steven Spraker, Planning Director (386-676-3341)



- B. **ORDINANCE NO. 2022-03:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE LOCATED AT 215 WILLIAMSON BOULEVARD, TO BE KNOWN AS THE “REGAL CENTER”; AUTHORIZING AN OUTPARCEL ALONG WILLIAMSON BOULEVARD; ALLOWING ADDITIONAL USES AND CREATING A FRAMEWORK FOR FUTURE REDEVELOPMENT; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

**Staff Contact:** Steven Spraker, Planning Director (386-676-3341)

**9. REPORTS, SUGGESTIONS, REQUESTS**

**10. ADJOURNMENT**

Website Address – [www.ormondbeach.org](http://www.ormondbeach.org)

**NOTICE** – Pursuant to Section 286.0105 of the Florida Statutes, if any person decides to appeal any decision made by the City Commission with respect to any matter considered at this public meeting, such person will need a record of the proceedings and for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance.  
Phone: 386-677-0311



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons with a disability, such as a vision, hearing or speech impairment, or persons needing other types of assistance, and who wish to attend City Commission meetings or any other board or committee meeting may contact the City Clerk's Office in writing, or may call 386-677-0311 for information regarding available aids and services.

MINUTES  
ORMOND BEACH CITY COMMISSION  
HELD AT CITY HALL COMMISSION CHAMBERS

|                  |           |                     |
|------------------|-----------|---------------------|
| January 18, 2022 | 7:00 p.m. | Commission Chambers |
|------------------|-----------|---------------------|

Present were: Mayor Bill Partington, Commissioners Dwight Selby, Troy Kent, Susan Persis, and Rob Littleton, City Manager Joyce Shanahan, Assistant City Manager Claire Whitley, City Attorney Randy Hayes, and City Clerk Susan Carroll Dauderis.

A G E N D A

1.

CALL TO ORDER
2.

INVOCATION
3.

PLEDGE OF ALLEGIANCE
4.

PRESENTATIONS AND PROCLAMATIONS

A.

HOMe for the HOLIDAYS Parade Award Winners
5.

AUDIENCE REMARKS - REGARDING ITEMS NOT ON THE AGENDA
6.

APPROVAL OF MINUTES

A.

Minutes from City Commission meeting – January 4, 2022
7.

CONSENT AGENDA

The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items.

A.

RESOLUTION NO. 2022-08: A RESOLUTION AMENDING THE DATES AND TIMES FOR THE HOLDING OF REGULAR MEETINGS OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, FOR THE MONTH OF MARCH 2022; PROVIDING FOR AN EXCEPTION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact:

Susan Dauderis, City Clerk (386-676-3340)

B.

RESOLUTION NO. 2022-10: A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH COUNTY OF VOLUSIA AND PARTICIPATING LOCAL GOVERNMENTS GOVERNING USE OF VOLUSIA COUNTY REGIONAL OPIOID SETTLEMENT FUNDS; SETTING FORTH AN EFFECTIVE DATE.

Staff Contact:

Ann-Margret Emery, Deputy City Attorney (386-676-3218)

C.

RESOLUTION NO. 2022-11: A RESOLUTION RATIFYING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL, REGARDING FUNDING FOR THE CITY’S VICTIM’S ADVOCATE PROGRAM; AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact:

Loretta Moisia, Grants Coordinator (386-676-3315)

D.

RESOLUTION NO. 2022-12: A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A PURCHASE AUTHORIZATION FOR THE SOLE SOURCE PROCUREMENT OF A BAUER SUBMERSIBLE MOTOR GEARBOX FROM AQUA

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TURBO SYSTEMS FOR THE CITY'S SLUDGE AERATION TANK MIXER AT THE WATER RECLAMATION FACILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** *Tim Heyrend, Utilities Manager (386-676-3305)*

- E. **RESOLUTION NO. 2022-13:** A RESOLUTION ACCEPTING A PROPOSAL FROM MEAD & HUNT, INC. TO PROVIDE PRELIMINARY ENGINEERING DESIGN SERVICES REGARDING THE WESTERN UTILITY PLANT FACILITY PLANNING PROJECT; AUTHORIZING THE EXECUTION OF A WORK AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** *Shawn Finley, Public Works Director (386-676-3292)*

- F. **RESOLUTION NO. 2022-14:** A RESOLUTION ACCEPTING A BID FROM EAST COAST MARINE CONSTRUCTION & DESIGN, INC. FOR CONSTRUCTION SERVICES REGARDING THE SHELL PARKING RESTORATION PROJECT, UNDER BID NO. 2022-05; AUTHORIZING THE EXECUTION OF A CONTRACT AND PAYMENT THEREFOR; REJECTING ALL OTHER BIDS; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** *Alex Schumann, City Engineer (386-676-3302)*

- G. **RESOLUTION NO. 2022-15:** A RESOLUTION APPROVING A MID-CONTRACT WAGE ADJUSTMENT FOR CITY EMPLOYEES; AUTHORIZING THE EXECUTION OF MEMORANDUMS OF UNDERSTANDING; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** *Claire Whitley, Assistant City Manager (386-676-3202)*

- H. **Volusia County Mosquito Control Request for Authorization**

**Staff Contact:** *Susan Dauderis, City Clerk (386-676-3340)*

**Disposition:** Approve as recommended in the City Manager memorandum dated January 18, 2022.

- I. **Economic Development Strategic Plan**

**Staff Contact:** *Brian Rademacher, Economic Development Director (386-676-3266)*

**Disposition:** Approve as recommended in the City Manager memorandum dated January 18, 2022.

- J. **C&D Franchise Renewal for GEL Recycling, LLC**

**Staff Contact:** *Kevin Gray, Deputy Public Works Director (386-676-3577)*

**Disposition:** Approve as recommended in the City Manager memorandum dated January 18, 2022.

- K. **Bid Rejection for Stormwater Flap Gates Project, Bid No. 2022-02**

**Staff Contact:** *Alex Schumann, City Engineer (386-676-3302)*

**Disposition:** Approve as recommended in the City Manager memorandum dated January 18, 2022.

- L. **City Manager Status Report, January 2022**

**Staff Contact:** Joyce Shanahan, City Manager (386-676-3200)

**Disposition:** Approve as recommended in the City Manager memorandum dated January 18, 2022.

## 8. PUBLIC HEARINGS

- A. **ORDINANCE NO. 2021-44:** AN ORDINANCE AMENDING THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN BY CREATING A NEW PROPERTY RIGHTS ELEMENT, INCLUDING GOALS, OBJECTIVES, AND POLICIES, PROVIDING THAT PRIVATE PROPERTY RIGHTS ARE CONSIDERED IN LOCAL DECISION-MAKING IN ACCORDANCE WITH FLORIDA STATUTES SECTION 163.3177(6)(I); PROVIDING FOR TRANSMITTING COPIES OF THE NOTICE AND AMENDMENT TO THE STATE REVIEWING AGENCIES, THE COUNTY OF VOLUSIA, AND ANY OTHER LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY REQUESTING A COPY; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR CONFLICTING ORDINANCES; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

**Staff Contact:** Steven Spraker, Planning Director (386-676-3341)

- B. **ORDINANCE NO. 2022-01:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT ORDER FOR THE "TATTERSALL AT TYMBER CREEK" SUBDIVISION, AUTHORIZING A PHASED SUBDIVISION OF 143 LOTS ON 84.14+ ACRES TO BE LOCATED AT 304 NORTH TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0240), 2099 AIRPORT ROAD (PARCEL ID NUMBER: 4123-00-00-0012), AND 370 NORTH TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0250); ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Steven Spraker, Planning Director (386-676-3341)

- C. **ORDINANCE NO. 2022-02:** AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A CERTAIN PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 12.00-ACRES LOCATED AT 215 WILLIAMSON BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0014) FROM B-8 (COMMERCIAL) TO PLANNED BUSINESS DEVELOPMENT (PBD); AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Steven Spraker, Planning Director (386-676-3341)

- D. **ORDINANCE NO. 2022-03:** AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE LOCATED AT 215 WILLIAMSON BOULEVARD, TO BE KNOWN AS THE "REGAL CENTER"; AUTHORIZING AN OUTPARCEL ALONG WILLIAMSON BOULEVARD; ALLOWING ADDITIONAL USES AND CREATING A FRAMEWORK FOR FUTURE REDEVELOPMENT; ESTABLISHING

CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Steven Spraker, Planning Director (386-676-3341)

**9. RESOLUTIONS**

- A. **RESOLUTION NO. 2022-18:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING THE PRELIMINARY PLAT FOR “THE CUPOLA AT OCEANSIDE”, A PLANNED RESIDENTIAL DEVELOPMENT SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Staff Contact:** Steven Spraker, Planning Director (386-676-3341)

**10. REPORTS, SUGGESTIONS, REQUESTS**

**11. ADJOURNMENT**

**MINUTES**

Item #1 – Meeting Call to Order

Mayor Partington called the meeting to order at 7:00 p.m.

Item #2 – Invocation

Deacon Mallene Wells Stowe, Church of the Holy Child, gave the invocation.

Item #3 – Pledge of Allegiance

Mayor Partington led the Pledge of Allegiance.

Item #4 Presentations and Proclamations

Item #4A – HOMe for the HOLIDAYS Parade Winners

Mr. Brian Daly, HOMe for the HOLIDAYS Parade Chairman, thanked the sponsors, parade judges, parade board members, city staff, and police department. He announced the winners of the Walkers Division: Ormond Beach Elementary, Saint Brendan, and Sunrise Community of Girl Scouts; winners of the Vehicles Division: Daniel’s Lawn & Landscaping, Tomoka Outpost and Universal Towing; and winners of the Floats Division: Ormond Memorial Art Museum & Gardens, East Coast Ornamental Welding, and The Beach Bucket. He awarded Best of Show to Tomoka Performing Arts (Tomoka Elementary).

Mr. Bill Partington Sr., HOMe for the HOLIDAYS Parade Grand Marshall, presented the Ormond Beach MainStreet Cup award to Abaco Windows.

Item #5 – Audience Remarks

Mr. Robert Pearson, 862 Lindenwood Circle North, stated he was a member of the Ormond Beach Police Department. He thanked the Commission for their support of law enforcement officers and for listening when he voiced concerns to them. He stated his appreciation for the Commission and staff regarding the mid-contract wage adjustment and his hope that it would help with the labor shortage within the Ormond Beach Police Department.

Mr. Chris Peterson, 1240 Cornish Court, Sarasota, stated he was a representative of the Florida Property Assessed Clean Energy (PACE) Funding Agency and encouraged the Commission to adopt PACE financing, as many neighboring cities had already done so. He explained PACE was a way to finance energy efficient and wind resistant improvements.

Mr. Travis Sargent, 406 North Beach Street, stated his concerns regarding the homeless population. He discussed the First Step Homeless Shelter, noting the city contributions to the shelter. He inquired about adding speed bumps in front of The Casements as citizens tend to speed through the area.

Ms. Connie Colby, 108 Roble Lane, inquired about the Fiscal Year 2021-2022 Budget and specified her concern relating to the lease agreement between the city and Riverbend Golf Course.

Item #5– Approval of Minutes

Mayor Partington advised the minutes of the January 4, 2022, meeting had been sent to the Commission for review and were posted on the city’s website for public viewing. He asked for any corrections, additions, or omissions. He stated that hearing no corrections, the minutes would stand approved as presented.

**Commissioner Persis moved, seconded by Commissioner Littleton, for approval of the January 4, 2022, City Commission meeting minutes.**

**The motion passed by voice vote.**

Item #7 – Consent Agenda

Mayor Partington advised the actions proposed for the items on the Consent Agenda were so stated on the agenda. He asked if any member of the Commission had questions or wished to discuss any items separately.

Commissioner Selby requested to pull Item E.

**Commissioner Kent moved, seconded by Commissioner Selby, for approval of the consent agenda, absent Item E.**

|            |                        |     |
|------------|------------------------|-----|
| Call Vote: | Commissioner Selby     | Yes |
|            | Commissioner Kent      | Yes |
|            | Commissioner Persis    | Yes |
|            | Commissioner Littleton | Yes |
| Carried.   | Mayor Partington       | Yes |

Item #7E – Western Utility Plant Facility Planning

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2022-13  
A RESOLUTION ACCEPTING A PROPOSAL FROM MEAD & HUNT, INC.  
TO PROVIDE PRELIMINARY ENGINEERING DESIGN SERVICES  
REGARDING THE WESTERN UTILITY PLANT FACILITY PLANNING  
PROJECT; AUTHORIZING THE EXECUTION OF A WORK  
AUTHORIZATION THERETO; AND SETTING FORTH AN EFFECTIVE  
DATE.

**Commissioner Kent moved, seconded by Commissioner Selby, for approval of Resolution No. 2022-13, as read by title only.**

Mr. Shawn Finley, Public Works Director, reviewed a PowerPoint presentation and explained the project was discussed during the 2015 Utility Master Plan. He discussed the need for the utility services to be expanded, noting the facility on Orchard Street was not sufficient to keep up with growing demand.

Commissioner Selby inquired if the demand was due to Avalon Park Daytona Beach; whereby, Mr. Finley stated there was a demand due to Avalon Park Daytona Beach, noting other western areas were also in demand, including current and future developments.

Commissioner Selby discussed his concerns regarding the city providing utilities to Avalon Park Daytona Beach. He suggested North United States Highway One (North US 1), for a utility facility.

Mr. Finley explained the property in the project was city property and was conveyed for utility purposes. He stated he was unsure if there was a city owned site for a utility facility on North US 1.

Mayor Partington inquired if the project was included in the Master Plan once the reuse water was at a 75 percent utilization rate; whereby, Mr. Finley stated that was correct, noting organic growth would allow the city to reach that utilization within the decade.

Mayor Partington inquired if future developments were required to set aside a parcel of land for a utility facility; whereby, Mr. Steven Spraker, Planning Director, stated it was not required in the development order but could be negotiated in.

Commissioner Selby inquired if the city had hit the 80 percent threshold; whereby, Mr. Finley stated the city was rapidly approaching the threshold due to planned future developments and would be over the 80 percent utilization with the developments. Commissioner Selby stated he would not be in favor of the item and discussed his concerns with the item related to Avalon Park Daytona Beach.

Mr. Randy Hayes, City Attorney, explained that the property in the item was conveyed to the city in 1991 as part of the development order for Hunter’s Ridge, and was designated in the Development of Regional Impact (DRI) for a wastewater plant facility. He stated the item would help meet the city’s commitment to Flagler County regarding Hunter’s Ridge with the facility.

Commissioner Selby inquired if a utility facility had to be built there due to the DRI; whereby, Mr. Hayes stated it was the designated use by virtue of the DRI, noting the DRI would need to be amended to allow something other than a utility facility to be built there. Commissioner Selby inquired if the utility facility was mandatory; whereby, Mr. Hayes stated it was a policy question and would need to be discussed amongst the Commission. Commissioner Selby stated the city was not obligated; whereby, Mr. Hayes stated it would depend on many factors.

Mayor Partington discussed his support of the item related to Avalon Park Daytona Beach and Flagler County.

Commissioner Persis stated she would be in favor of the item, noting in 2018 she met with city staff and discussed the future use of the property.

Mayor Partington discussed his concerns with the Pretreatment Effluent Pumping (PEP) tank system utilized by developments in west Ormond Beach.

|            |                        |     |
|------------|------------------------|-----|
| Call Vote: | Commissioner Kent      | Yes |
|            | Commissioner Persis    | Yes |
|            | Commissioner Littleton | Yes |
|            | Commissioner Selby     | No  |
| Carried.   | Mayor Partington       | Yes |

Comments on the Consent Agenda

Commissioner Persis expressed her support of Item 7C and complimented Ormond Beach Police Department Victim Advocate Evelyn Rebostini.

Item #8 – Public Hearings

Item #8A – Comprehensive Plan Amendment, Property Rights Element

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2021-44  
AN ORDINANCE AMENDING THE CITY OF ORMOND BEACH COMPREHENSIVE PLAN BY CREATING A NEW PROPERTY RIGHTS ELEMENT, INCLUDING GOALS, OBJECTIVES, AND POLICIES, PROVIDING THAT PRIVATE PROPERTY RIGHTS ARE CONSIDERED IN LOCAL DECISION-MAKING IN ACCORDANCE WITH FLORIDA STATUTES SECTION 163.3177(6)(I); PROVIDING FOR TRANSMITTING COPIES OF THE NOTICE AND AMENDMENT TO THE STATE REVIEWING AGENCIES, THE COUNTY OF VOLUSIA, AND ANY OTHER LOCAL GOVERNMENT OR GOVERNMENTAL AGENCY REQUESTING A

COPY; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR CONFLICTING ORDINANCES; AND SETTING FORTH AN EFFECTIVE DATE. **(SECOND READING)**

**Commissioner Selby moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2021-44, on second reading, as read by title only.**

|            |                        |     |
|------------|------------------------|-----|
| Call Vote: | Commissioner Persis    | Yes |
|            | Commissioner Littleton | Yes |
|            | Commissioner Selby     | Yes |
|            | Commissioner Kent      | Yes |
| Carried.   | Mayor Partington       | Yes |

Item #8B – Tattersall at Tymber Creek, Issuance of a Development Order

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-01

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A PLANNED RESIDENTIAL DEVELOPMENT DEVELOPMENT ORDER FOR THE “TATTERSALL AT TYMBER CREEK” SUBDIVISION, AUTHORIZING A PHASED SUBDIVISION OF 143 LOTS ON 84.14+ ACRES TO BE LOCATED AT 304 NORTH TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0240), 2099 AIRPORT ROAD (PARCEL ID NUMBER: 4123-00-00-0012), AND 370 NORTH TYMBER CREEK ROAD (PARCEL ID NUMBER: 4124-00-00-0250); ESTABLISHING CONDITIONS AND EXPIRATION OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker reviewed a PowerPoint presentation and explained the item was regarding a Planned Residential Development (PRD) at Airport Road and North Tymber Creek Road. He discussed the process the item went through before coming to the Commission, and explained the Planning Board recommended denial of the item at the December 8, 2021, meeting. He explained the item presented did not require detailed engineering construction plans, noting the PRD was a zoning document that showed lots, landscape buffers, open area, recreational areas, and architectural standards. He reviewed the subdivision application process including the PRD, preliminary plat, and final plat. Spraker reviewed the wetlands on the project areas, noting there were 13.05 acres of wetlands on-site, with a direct impact on 1.49 acres, and the remaining wetlands would total 11.56 acres. He discussed the wetlands buffer, noting there was 5.05 acres, with a buffer impact of 1.24 acres, and the remaining wetlands would total 3.82 acres.

Mr. Spraker stated the project had a School Capacity issued by Volusia County Schools and a minimum 40-foot natural buffer around the project. He discussed the right-of-way preservation along North Tymber Creek Road, a sidewalk along Airport Road to Leeway Trail, natural areas and recreation areas with the property. He stated the applicant was looking for a variance regarding the signage and architectural features along North Tymber Creek Road and Airport Road. He explained that during the Planning Board meeting the concerns discussed included the Pathways Elementary School and Pine Trails Elementary School pick up and drop off. He further discussed the traffic concerns and traffic studies. He stated at the Planning Board meeting there were stormwater and floodplain concerns regarding existing issues in the area, including Durrance Acres and unincorporated Volusia County, noting the areas were developed before the requirement of stormwater systems. He explained the stormwater system was not required for the project at the meeting, but would be required in the future. He discussed the communication received from citizens, noting there were 33 emails requesting time be dedicated to Mr. Clay Beazley to speak on their behalf and represent Durrance Acres property owners.

Mayor Partington explained the hearing was a quasi-judicial public hearing and requested the Commission disclose ex-parte communications regarding the item including the applicant, developers and citizens.

Commissioner Selby stated he met with the applicant and consultants, noting he had communication with residents.



Commissioner Kent explained he spoke with the applicant, consultant, Mr. Beazley and Planning Board members Doug Thomas and G.G. Galloway.

Commissioner Persis stated she met with the applicant, Mr. Dwight Durant with Zev Cohen & Associates and had email communications with a concerned resident.

Commissioner Littleton discussed his meeting with the developer and consultants, including engineer Mr. Durant. He stated he received email communications from concerned citizens.

Mayor Partington explained he did not meet with the applicant nor any residents. He explained Mr. Beazley spoke during Audience Remarks at the January 4, 2022, City Commission meeting to request a larger allotment of time for the item. He explained he had the 33 emails attached to Mr. Beazley's comment card, noting it was up to the Commission to decide if they wanted to waive the three-minute rule for Mr. Beazley.

**Commissioner Selby moved, seconded by Commissioner Littleton, to waive the three-minute audience speaking time and allow for a 15-minute time allotment for Mr. Beazley.**

Commissioner Kent stated he would not support the motion as he had concerns about the precedent it would set for future meetings. He stated he believed three minutes was sufficient time for public comments.

|            |                        |     |
|------------|------------------------|-----|
| Call Vote: | Commissioner Littleton | Yes |
|            | Commissioner Selby     | Yes |
|            | Commissioner Kent      | No  |
|            | Commissioner Persis    | No  |
| Carried.   | Mayor Partington       | Yes |

Mr. Mark Watts, representative from Law Firm of Cobb Cole, presented a PowerPoint presentation reviewing the project and property. He stated the proposed development was 90 units below carrying capacity analysis. He stated they maintained the appropriate lot size of 80 by 110 feet. He explained the development offered over 44 acres of open space areas, active recreation, amenity areas, landscaped areas and preserved wetland areas. He explained the development exceeded the code requirement for maximum impervious lot coverage. He stated the developer, Paytas Homes, was a locally based, family run company. He reviewed the entry features and discussed the variance for the height of the signage. He reviewed the phasing plan, noting it was planned in three phases.

Mr. Bill Lites, Environmental Director from Zev Cohen & Associates, discussed his history with wetland delineations. He stated the wetlands onsite were delineated and reviewed by the Saint Johns River Water Management District (SJRWMD) and noted there were 14.43 acres of wetlands. He discussed the marsh on Airport Road and water at Groover Branch. He reviewed photos from the site, noting the plants and trees that would not grow in wetlands. He reviewed photos that showed the areas that were typically inundated with water, giving the impression of wetland from street view, and the changes from 2006 to 2021.

Mr. Dwight Durant, President of Zev Cohen & Associates, stated they wanted to provide as much detailed information to the Commission as possible even though it was not required at the time. He reviewed the Federal Emergency Management Agency (FEMA) flood maps and their relation to the property, and discussed the Tattersall flood plain. He discussed the stormwater drainage, noting that any drainage that would go onto the property from the west and north side properties would be accommodated. He explained the development lowered the density to assist with the stormwater measures that would be required. He discussed the concerns regarding the flooding on Airport Road, noting the development could assist with fixing the issue. He reviewed the surrounding areas that were developed pre-stormwater regulations and post-stormwater regulations.

Mr. Sans Lassiter, President of Lassiter Transportation Group, stated a traffic study had been completed and discussed the entrance and exit points. He explained the development near the schools added walkability for students which could help reduce traffic. He stated the project would provide more than \$250,000 to Volusia County roads by the impact fees that could be targeted for the widening of a portion of North Tymber Creek Road.

Mr. Watts reviewed the concerns that were discussed during the neighborhood meeting and Planning Board meeting. He stated their goal was to exceed the standards the city had set. He explained that the development had less density, larger lots and buffer requirements.

Mr. David Juhl, 2040 Toni Street, unincorporated Volusia County, stated he lived directly across the wetlands off Airport Road. He discussed his concerns with his property grading compared to Airport Road and the proposed development. He discussed his interactions with city staff, noting he was directed to Volusia County to discuss drainage problems as he lived in unincorporated Volusia County.

Ms. Jeannine Holmes, 319 North Tymber Creek Road, discussed her concerns with the traffic due to the schools and flooding. She stated she moved to the area due to its rural nature and was concerned with the development.

Mr. Jim Mozo, 74 Caladium Drive, discussed the flooding in the area on Airport Road. He inquired if the stormwater regulations were updated regularly and discussed his concerns. He inquired if the sub-surface rights were considered or discussed.

Ms. Missy Herrero, 111 North Saint Andrews, discussed an issue recently mentioned at a Volusia County Council hearing regarding the lands from development being built higher than the residents in the surrounding areas, which caused flooding. She discussed the importance of lining retention ponds.

Mr. Beazley, 2180 Arabian Trail, thanked the Commission for the 15-minute time allowance and thanked Mr. Spraker for his assistance. He stated many of his neighbors requested he discuss traffic, noting the schools had a set mode of operation and knew the city could not change that. He discussed the North Tymber Creek Road lane widening, stating it was not in the county's five-year plan, and personally did not think that the project would happen. He discussed the property where the water tower was located and stated water surrounded it, noting the water would also flow from the north. He discussed his background related to his knowledge on water. He inquired how the lot sizes were increased with a similar density, noting 13 acres of wetlands were lost. He discussed the natural buffers and stated he did not believe those were a concern. He discussed the previous property owner and current owner. He explained SJRWMD did not approve the studies. He stated the north side of the property should not be touched and left alone due to the wetlands. He discussed the flooding from Deer Creek and the city property. He stated he and his neighbors did not have city water or sewer, nor did they want it, and discussed the property values. He requested the Commission deny the item as it was presented.

Mr. Watts stated there were many aspects that were subject to change, noting that many of the details presented were above and beyond what would be required at that stage in the process. He stated that lots may be lost along the way based on what requirements were needing to be met. He discussed the legal obligations related to the water flowing onto the property.

Mr. Durant stated he walked the property over a dozen times, noting they were there to make things better for the neighborhood. He explained the development would not drain onto surrounding properties and would drain internally at Groover Branch. He requested the opportunity to apply for the permits to make things better for the area. He stated the development would have the infrastructure to handle the stormwater.

Mr. Watts discussed the traffic concerns and impact fees with Volusia County. He reiterated the proposed plan complied with city standards. He stated the wetlands onsite were certified by the SJRWMD, noting a representative visited the site in order to review current conditions.

Mayor Partington adjourned the meeting for a short break at 8:51 p.m.  
Mayor Partington reconvened the meeting at 9:00 p.m.

**Commissioner Littleton moved, for approval of Ordinance No. 2022-01, as amended to remove the architectural renderings, on first reading, as read by title only.**

Commissioner Selby requested clarification on the motion; whereby, Commissioner Littleton explained he would not approve the architectural renderings that were not up to code.

Mr. Hayes stated it would be appropriate to motion for approval for discussion purposes, then a motion for an amendment could be made.

Commissioner Littleton withdrew his motion.

**Commissioner Littleton moved, seconded by Commissioner Selby for approval of Ordinance No. 2022-01, on first reading, as read by title only.**

Commissioner Littleton stated he would not approve the item as presented but would approve the project built to code. He discussed his concerns regarding the property and transparency.

Commissioner Selby inquired if the entry features that would not be to code were 16 feet tall, what did the code allow; whereby, Mr. Spraker stated the code did not have a section for entry features and the default was the monument sign at a maximum of eight feet. Commissioner Selby inquired if there were any other waivers the applicant was asking for; whereby, Mr. Spraker stated there was not. Commissioner Selby inquired if the building coverage was a waiver; whereby, Mr. Spraker stated planned developments were allowed to establish how the development was to be built, which was not a waiver. Commissioner Selby inquired what the distinction was between the impervious coverage and building coverage; whereby, Mr. Spraker stated the land development code had lot coverage and total impervious coverage, which included the building, driveway and other hard surface areas. Commissioner Selby inquired if the only code waiver was the height of the two entry features; whereby, Mr. Spraker confirmed that was correct.

Commissioner Selby discussed his support of the features, the area, the suggested improvements to the stormwater system, lot sizes and the 40-foot buffer. He explained there was one private property owner whose property abutted the planned development, noting the property owner was supportive of the project. He discussed his support of the developer, who was the builder. He stated his support of the sidewalk, donated right-of-way along North Tymber Creek Road, density size and the northeast outparcel. He discussed the concerns of residents regarding the car lights at the entrance and exits, noting engineers for the project assured him the lights would not be an issue for surrounding residents. He stated he did not see any reason to deny the item, noting his support.

Commissioner Kent inquired about the land owner; whereby, Mr. Spraker stated the property was owned by Ms. Marsha Madorsky in the care of Tymber Sky LLC and Enclave of Timber Creek LLC. Commissioner Kent discussed the optics of the water after a heavy rain. He inquired about the water flow from the west over the city property and into the proposed development area; whereby, Mr. Spraker stated with site development the applicant would have to show what water flowed onto the property at the time from any direction. Mr. Spraker stated the outflow from Deer Creek had nowhere to go which would be why it flowed toward the proposed development area. He explained there were state and city regulations that would have to be met, noting the property could not discharge more than the discharge at the time of the study. Commissioner Kent inquired if the Deer Creek subdivision was pre or post-stormwater regulations; whereby, Mr. Spraker stated Deer Creek was post-stormwater regulations. Commissioner Kent discussed his concerns with the stormwater regulations if there were issues at Deer Creek. He inquired how Deer Creek had the stormwater management failure; whereby, Ms. Joyce Shanahan, City Manager, stated SJRWMD conducted reviews every two years. He stated he believed the applicant would have a plan for the stormwater but expressed his concerns related to the Deer Creek failure.

Commissioner Persis complimented Mr. Beazley for speaking on behalf of his neighbors and to the applicant and consultants. She discussed her concerns with the environmental impact on the wildlife. She discussed concerns received by Zone 3 residents. She stated it was a difficult area with the water and traffic.

Mayor Partington stated he was not in favor of the item and agreed with Commissioner Persis that it was a difficult area. He discussed his background on the project and the two previously proposed developments. He stated he was disappointed with the density and lack of traffic improvement. He explained that based on the Planning Board's denial and testimony given at the meeting, he believed there was sufficient evidence to support a vote of denial. He discussed the adjacent property owners' requests, noting he was unsure if that was included. He stated his concerns with the property being in a FEMA flood zone.

Commissioner Littleton reiterated his lack of support of the item as presented.

|            |                        |     |
|------------|------------------------|-----|
| Call Vote: | Commissioner Kent      | No  |
|            | Commissioner Persis    | No  |
|            | Commissioner Littleton | No  |
|            | Commissioner Selby     | Yes |
| Failed.    | Mayor Partington       | No  |

Item #8C – 215 Williamson Boulevard (Regal Center), Zoning Map Amendment

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-02  
AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A CERTAIN PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 12.00-ACRES LOCATED AT 215 WILLIAMSON BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0014) FROM B-8 (COMMERCIAL) TO PLANNED BUSINESS DEVELOPMENT (PBD); AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker reviewed a PowerPoint presentation and stated Items 8C and 8D were regarding Regal Center; the applicant wished to rezone the property to Planned Business Development (PBD) and create five parcels on the existing property. He explained the applicant had requested to update the signage, maintain the 50-foot height of current and future buildings and allow a series of uses. He stated the Planning Board and city staff recommended approval.

Commissioner Persis inquired what would be located in the different parcels; whereby, Mr. Spraker stated there was a list of choices for the applicant based on the property uses, that would then be reviewed and approved by the Site Plan Review Committee.

Mr. Paul Holub, 1185 West Granada Boulevard, explained it was a difficult property to redevelop due to the visibility issues from Williamson Boulevard, noting in the agreement when the property was purchased they were not allowed to use the property as a movie theater. He stated there was interest in the front parcel for an urgent care facility and restaurants had made inquiries regarding the property. He stated Parcel 2 and Parcel 5 would remain retention parcels.

Commissioner Persis stated many residents would like to see something everyone could use and be proud of overall.

Mr. Holub discussed the property features and stated he planned to come back with plans that would satisfy the city.

Ms. Herrero discussed her concerns for the zoning change and possibility of boat storage. She stated her concerns for the city to approve a list of items instead of something specific.

Ms. Julie Ufheil, Abacus Avenue, expressed her concerns regarding boat storage, noting she believed the city had enough boat storage. She discussed possible uses and proposed the city buy the property.

**Commissioner Kent moved, seconded by Commissioner Littleton, for approval of Ordinance No. 2022-02, on first reading, as read by title only.**

Commissioner Kent discussed his concerns with the public comments. He discussed the property regarding boat storage and site view from Williamson Boulevard. He stated his support of the previous work from Mr. Holub. He inquired if the 50-foot building height was needed; whereby, Mr. Holub stated the current height of the building was 50-foot and an integral feature.

Commissioner Littleton discussed his support of the item and stated he was happy with the pace of the project.

Mayor Partington stated he was in favor of the item, noting he did not have a problem with the boat storage option.

|            |                        |     |
|------------|------------------------|-----|
| Call Vote: | Commissioner Persis    | Yes |
|            | Commissioner Littleton | Yes |
|            | Commissioner Selby     | Yes |
|            | Commissioner Kent      | Yes |
| Carried.   | Mayor Partington       | Yes |

Item #8D – 215 Williamson Boulevard (Regal Center), PBD Development Order

City Clerk Susan C. Dauderis read by title only:

ORDINANCE NO. 2022-03  
AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE LOCATED AT 215 WILLIAMSON BOULEVARD, TO BE KNOWN AS THE “REGAL CENTER”; AUTHORIZING AN OUTPARCEL ALONG WILLIAMSON BOULEVARD; ALLOWING ADDITIONAL USES AND CREATING A FRAMEWORK FOR FUTURE REDEVELOPMENT; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**Commissioner Kent moved, seconded by Commissioner Persis, for approval of Ordinance No. 2022-03, on first reading, as read by title only.**

|            |                        |     |
|------------|------------------------|-----|
| Call Vote: | Commissioner Littleton | Yes |
|            | Commissioner Selby     | Yes |
|            | Commissioner Kent      | Yes |
|            | Commissioner Persis    | Yes |
| Carried.   | Mayor Partington       | Yes |

Item #9 – Resolutions

Item #9A – Cupola at Oceanside, Preliminary Plat

City Clerk Susan C. Dauderis read by title only:

RESOLUTION NO. 2022-18  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA APPROVING THE PRELIMINARY PLAT FOR “THE CUPOLA AT OCEANSIDE”, A PLANNED RESIDENTIAL DEVELOPMENT SUBDIVISION; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

Mr. Spraker presented a PowerPoint regarding the preliminary plat for The Cupola at Oceanside, noting the Planning Board and city staff recommended approval.

**Commissioner Selby moved, seconded by Commissioner Persis, for approval of Resolution No. 2022-18, as read by title only.**

|            |                        |     |
|------------|------------------------|-----|
| Call Vote: | Commissioner Selby     | Yes |
|            | Commissioner Kent      | Yes |
|            | Commissioner Persis    | Yes |
|            | Commissioner Littleton | Yes |
| Carried.   | Mayor Partington       | Yes |

Item #9 – Reports, Suggestions, Requests

Future Workshops

Ms. Shanahan stated there would be a workshop on February 15, 2022, regarding Cassen Park and a workshop on March 22, 2022 for the Parks and Recreation Master Plan Update.

MacDonald House

Mr. Finley explained the MacDonald House project had a final inspection and was pending final landscaping. He stated the city was well under budget for the project, noting the final cost was about a third lower than original estimate. He thanked the Commission for their support.

Mayor Partington discussed his support of the project.

The Cupola at Oceanside

Commissioner Persis and Mayor Partington expressed their excitement and support for The Cupola at Oceanside.

South Ormond Neighborhood Center

Commissioner Persis stated she attended the ground-breaking ceremony for the new gymnasium at South Ormond Neighborhood Center and expressed her excitement for the project.

Commissioner Littleton noted a new gymnasium had not been built in Ormond Beach in decades and commended the Commission on approval of the project.

First Step Shelter

Commissioner Selby reviewed the annual report from First Step Shelter, noting during 2021 shelter, food, clothing and case management services were provided to 240 people who experienced homelessness. He discussed statistics from other services the shelter provided.

Mayor Partington thanked Commissioner Selby for the hard work he put into the First Step Shelter Board. He stated there were four shelter in-takes from Ormond Beach and 20 Safe Zone referrals. He believed the City of Ormond Beach was one of the largest contributors and expressed concerns on the homeless population in Ormond Beach and the funds contributed. He requested staff look into plans to see how to increase the Ormond Beach in-take at First Step Shelter.

Ormond Beach MainStreet Events

Commissioner Selby stated Granada Grand Festival of the Arts was scheduled for February 5, 2022, Taste of Ormond was scheduled for March 6, 2022, and the Ormond Beach Celtic Festival was scheduled for April 23 and 24, 2022. He explained Ms. Julia Truilo was retiring at the end of April 2022.

Ormond Memorial Art Museum

Commissioner Kent discussed his excitement of the updated Ormond Memorial Art Museum facility.

Starry Starry Night

Mayor Partington expressed his excitement regarding the Starry Starry Night event that took place January 14, 2022, noting it was hosted by the Ormond Memorial Art Museum, The Casements, and Ormond Beach Historical Society.

Martin Luther King Drive-Thru

Mayor Partington discussed his support of the Martin Luther King Drive-Thru event that took place on January 17, 2022. He thanked Ms. Tina Carlisle, Mr. Joe Daniels and all the volunteers for their work on the event.

Item #10 – Adjournment

The meeting was adjourned at 10:03 p.m.

APPROVED: February 1, 2022

BY: \_\_\_\_\_  
Bill Partington, Mayor

ATTEST:

\_\_\_\_\_  
Susan Carroll Dauderis,  
City Clerk





# CITY OF ORMOND BEACH

City Manager • 22 S. Beach Street • Ormond Beach • Florida • 32174 • (386) 676-3200 • Fax (386) 676-3384

## **CITY MANAGER MEMORANDUM**

**To:** The Honorable Mayor Partington and City Commissioners

**Through:** Joyce A. Shanahan, City Manager

**From:** Susan C. Dauderis, City Clerk

**Date:** February 1, 2022

**Subject:** Board of Adjustment and Appeals Alternate Appointment

**Commission Goal:** N/A

### **Introduction**

This is a request to approve a resolution for the appointment of an alternate to the Board of Adjustment and Appeals.

### **Background**

The Board of Adjustment and Appeals consists of five (5) members and five (5) alternates, all appointed by the City Commission under Chapter 1, Article II, Section 1-16 of the *Land Development Code*. Appointments to the board were made by the City Commission in January 2021, with board members serving two-year terms. A vacant alternate position recently opened for appointment by the Zone 1 Commissioner.

Commissioner Selby has nominated Ms. Barbara Bonarrigo to serve as an alternate on the Board of Adjustment and Appeals, replacing the position vacated by Mr. Anthony Britto, for the remaining term set to expire January 2, 2023.

### **Budget Impact**

There is no impact to the budget for this item.

### **Citizen Impact**

This appointment will ensure the Board of Adjustment and Appeals is at full membership, which is beneficial to the residents of Ormond Beach.

### **Recommendation**

It is recommended that the City Commission approve Ms. Barbara Bonarrigo as an alternate member of the Board of Adjustment and Appeals to complete the term vacated



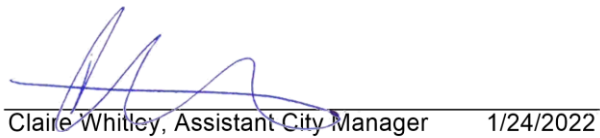
by Mr. Anthony Britto.

**Attachments:**

- 22-19 Board of Adjustments appointment (PDF)
- Barbara Bonarrigo Advisory Board Interest Application (PDF)

**REVIEWED BY:**

  
Kelly McGuire, Finance Director 1/6/2022

  
Claire Whitley, Assistant City Manager 1/24/2022

**APPROVED BY:**

  
Joyce A. Shanahan, City Manager 1/26/2022

**RESOLUTION NO. 2022-19**

A RESOLUTION APPOINTING AN ALTERNATE MEMBER  
TO THE BOARD OF ADJUSTMENT AND APPEALS; SETTING  
FORTH TERM AND CONDITIONS OF SERVICE; AND  
SETTING FORTH AN EFFECTIVE DATE.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF  
ORMOND BEACH, FLORIDA, THAT:**

**SECTION ONE.** Barbara Bonarrigo is hereby appointed as an alternate member of the Board of Adjustment and Appeals as the appointee of the Zone One Commissioner to fill a current vacancy.

**SECTION TWO.** The said appointee shall serve a term to January 2, 2023, and shall serve without compensation for such service in accordance with the provisions of Article VI, Chapter 2, of the *Code of Ordinances* and Chapter 1, Article II, Section 1.16 of the *Land Development Code*.

**SECTION THREE.** This Resolution shall take effect immediately upon adoption.

**APPROVED AND AUTHENTICATED this 1<sup>st</sup> day of February, 2022.**

\_\_\_\_\_  
**BILL PARTINGTON**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**SUSAN CARROLL DAUDERIS**  
City Clerk

# Advisory Board Interest Application

Barbara Bonarrigo

Board of Adjustment and Appeals,  
Budget Advisory Board,  
Housing Authority,  
Human Resources Board,  
Leisure Services Advisory Board,  
Neighborhood Improvement Advisory Board,  
Planning Board,  
Quality of Life Advisory Board

**Print****Advisory Board Interest Application - Submission #3094****Date Submitted: 8/2/2021****Please select the advisory board(s) for which you wish to be considered:\***

- |                                                                      |                                                                   |                                                                         |                                                                             |
|----------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <input type="checkbox"/> Aviation Advisory Board                     | <input type="checkbox"/> Citizens' Law Enforcement Advisory Board | <input checked="" type="checkbox"/> Human Resources Board               | <input checked="" type="checkbox"/> Neighborhood Improvement Advisory Board |
| <input checked="" type="checkbox"/> Board of Adjustment and Appeals* | <input type="checkbox"/> General Employees' Pension Fund*         | <input checked="" type="checkbox"/> Leisure Services Advisory Board     | <input checked="" type="checkbox"/> Planning Board*                         |
| <input checked="" type="checkbox"/> Budget Advisory Board            | <input type="checkbox"/> Historic Landmark Preservation Board     | <input type="checkbox"/> Municipal Firefighters' Pension Trust Fund*    | <input checked="" type="checkbox"/> Quality of Life Advisory Board          |
| <input type="checkbox"/> Brownfield Advisory Board                   | <input checked="" type="checkbox"/> Housing Authority             | <input type="checkbox"/> Municipal Police Officers' Pension Trust Fund* |                                                                             |

**ALL ADVISORY BOARDS ARE SUBJECT TO THE "SUNSHINE LAW."** Advisory board members are required to be residents of the City of Ormond Beach, and are required to meet attendance requirements.

*\*Members of these advisory boards are required to file a financial disclosure form within 30 days of appointment to the board.*

**PERSONAL:****First Name:\***

Barbara

**Last Name:\***

Bonarrigo

**Email Address:\***

Julestina@aol.com

**Home Address:\***

10 Clydesdale Drive

**City:\***

Ormond Beach

**State:\***

Fl

**Zip:\***

32174

**Personal Phone:\***

3863340003

**Work Address:**

10 Clydesdale Drive

**City:**

Ormond Beach

**State:**

Fl

**Zip:**

32174

**Work Phone:****Present Occupation:****How long have you been a resident of Ormond Beach:\***

24 years

**How long have you lived in Volusia County:\***

29 years

**Are you currently serving on a City advisory board?\***☐ Yes☒ No**Have you ever served on a City advisory board?\***☐ Yes☒ No**If yes, which board(s)?****EDUCATION:**

**High School:****Date Graduated:**

Germany

1980

**College:****Date Graduated:**

Germany

1984

**Degree:**

Business administration

**Other Training:**

Cosmetology degree

**EXPERIENCE:****Company/Employer and type of business or area of experience:\***Manufacturing  
Tanning salons  
Beauty salons  
Restaurants**Company/Employer and type of business or area of experience:\***

Manufacturing CFO

**Company/Employer and type of business or area of experience:\***

Cj manufacturing manufacturing

**COMMUNITY INVOLVEMENT:****Please list civic, religious, fraternal, etc., affiliations (include organization name, activity, and dates):\***Member of ormond beach historical 2021  
Member of cultural and art volusia county 2021  
Ormond Beach chamber of Commerce 2021**INTEREST:**

**Please provide a brief statement concerning your interest in advisory boards and your willingness to serve as a member. \***

As a longtime resident of volusia county I feel it is my duty to serve and volunteer. I want to provide my knowledge and time to the city I live in. Thank you

**AVAILABILITY:**

**When would you be available for meetings:\***

- ☒ Mornings
- ☒ Afternoons
- ☒ Evenings
- ☐ Weekends

**Notes regarding availability:**

**CONFLICTS OF INTEREST:**

**Can you think of any situation that might constitute a conflict of interest if you are selected to serve on an advisory board on which you may be interested in serving?\***

No conflict

**REFERENCES:**

**Please list three business or personal references:**

**First Name:**

Mary Margaret

**Last Name:**

Kelley

**Occupation:**

**Personal Phone:**

+1 (386) 299-8077

**Work Phone:**

**Address:**

|                    |                   |
|--------------------|-------------------|
| <b>First Name:</b> | <b>Last Name:</b> |
| Tom                | Wright            |

**Occupation:**

Senator

|                        |                    |
|------------------------|--------------------|
| <b>Personal Phone:</b> | <b>Work Phone:</b> |
| +1 (507) 208-6253      |                    |

**Address:**

|                    |                   |
|--------------------|-------------------|
| <b>First Name:</b> | <b>Last Name:</b> |
| Susan              | Persis            |

**Occupation:**

City commissioner

|                        |                    |
|------------------------|--------------------|
| <b>Personal Phone:</b> | <b>Work Phone:</b> |
| +1 (386) 299-0404      |                    |

**Address:**

If you have questions concerning the duties and responsibilities of any of the advisory boards, please contact the City Clerk at 386-676-3331.





# CITY OF ORMOND BEACH

City Manager • 22 S. Beach Street • Ormond Beach • Florida • 32174 • (386) 676-3200 • Fax (386) 676-3384

## **CITY MANAGER MEMORANDUM**

**To:** The Honorable Mayor Partington and City Commissioners

**Through:** Joyce A. Shanahan, City Manager

**From:** Loretta Moisio, Grants Coordinator

**Date:** February 1, 2022

**Subject:** Community Development Block Grant (CDBG) Subrecipient Agreement  
FY 2021-2022 Approval

**Commission Goal:** Community Development - Other

### **Introduction**

This is a request for the City Commission to authorize the Mayor and City Manager to execute the Community Development Block Grant (CDBG) Fiscal Year (FY) 2021-2022 Subrecipient Agreement to provide the City with \$173,665. Federal CDBG funds are passed through the Volusia County Community Services Department to the City of Ormond Beach.

### **Background**

At the October 5, 2021, City Commission meeting, the City Commission requested the installation of an ADA door to the Ormond Beach Housing Authority office be removed from the CDBG FY 2021-2022 Subrecipient Agreement. Staff requested Volusia County Community Assistance to remove that activity and add the associated funding (\$15,599) to the South Washington Street sidewalk activity. The revised agreement was received on December 28, 2021. The updated CDBG programmed activities for FY 2021-2022 include the following:

| <b>FY 2021-2022</b>                                                                                                                                                                                                                                                                                                                                                                                 |            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>Public Improvements</b>                                                                                                                                                                                                                                                                                                                                                                          |            |
| South Washington Street Sidewalk - Install a new 4-foot wide Americans with Disabilities Act (ADA) compliant concrete sidewalk on the west side of South Washington Street from Live Oak Avenue to Division Avenue. Two (2) alternate bids will also be requested - from Live Oak Avenue to Midway Avenue, and Midway Avenue to Tomoka Avenue. If one, or both, are within the project budget, they | \$ 151,165 |

|                                                                                                                                                                                                                                                                   |                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| will be added. This project is located within the City's current CDBG Priority Area.                                                                                                                                                                              |                   |
| <b>Public Services</b>                                                                                                                                                                                                                                            |                   |
| Hope Place - Funding to provide for increasing operational costs to include electric, phone, internet, water, propane and garbage pickup. The suggested budget is below the maximum allowed (15% of total allocation, or \$26,049) for public service activities. | \$ 22,500         |
| <b>Total</b>                                                                                                                                                                                                                                                      | <b>\$ 173,665</b> |

In February 2019, staff was notified of the City's new CDBG Priority Area (*map attached*) designating low/mod income areas. Since the last map update in 2015, two new areas were added: one on the peninsula and one in the southwest portion of the City.

### **Citizen Impact**

The activities recommended for the CDBG FY 2021-2022 Annual Plan will benefit citizens located within the City's CDBG priority area primarily, and secondarily those who visit the area.

### **Budget Impact**

Funding will be provided through the CDBG program. No City match is required.

### **Recommendation**

It is recommended that the City Commission authorize the Mayor and City Manager to execute the Community Development Block Grant FY 2021-2022 Subrecipient Agreement with Volusia County.

### **Attachments:**

- 22-21 CDBG Subrecipient Revised Agreement (P21-0142G) (PDF)
- CDBG FY 21-22 Subrecipient Agreement (PDF)
- CDBG Priority Map 2019 (PDF)

REVIEWED BY:

  
 Kelly McGuire, Finance Director 1/13/2022

  
\_\_\_\_\_  
Claire Whitley, Assistant City Manager 1/24/2022

**APPROVED BY:**

  
\_\_\_\_\_  
Joyce A. Shanahan, City Manager 1/26/2022

## RESOLUTION NO. 2022-21

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT FOR FISCAL YEAR 2021-2022 BETWEEN THE CITY AND THE COUNTY OF VOLUSIA; SUPERSEDING RESOLUTION NO. 2021-158 AND THE SUBRECIPIENT AGREEMENT APPROVED THEREBY ON OCTOBER 5, 2021; AND SETTING FORTH AN EFFECTIVE DATE.

**WHEREAS**, the City and the County of Volusia desire to enter into a Community Development Block Grant (CDBG) Subrecipient Agreement for the 2021-2022 Fiscal Year, and

**WHEREAS**, on July 20, 2021, the City Commission approved Resolution No. 2021-115 authorizing submittal of the Fiscal Year 2021-2022 Annual Plan to Volusia County, and

**WHEREAS**, on October 5, 2021, the City Commission approved of Resolution No. 2021-158, authorizing the approval of a CDBG Subrecipient Agreement with the County of Volusia, excluding the proposed project for an ADA compliant door for the Ormond Beach Housing Authority, and

**WHEREAS**, subsequent to the October 5, 2021, City Commission Meeting, the County of Volusia agreed to revise the CDBG Subrecipient Agreement to exclude the ADA compliant door project and reallocate the dedicated funds for the project in the amount of \$15,599.00 to the South Washington Street Sidewalk project, and

**WHEREAS**, the proposed 2021-2022 Subrecipient Agreement, attached hereto and incorporated herein by reference, is consistent with the CDBG budget provisions previously approved; now therefore,

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:**

**SECTION ONE.** The Mayor and the City Manager are hereby authorized and directed to execute a CDBG Subrecipient Agreement between the City of Ormond Beach and the County of Volusia for Fiscal Year 2021-2022.

**SECTION TWO.** This Resolution and the Subrecipient Agreement attached hereto supersedes Resolution No. 2021-158 and the Subrecipient Agreement approved thereby on October 5, 2021. All resolutions or parts of resolutions in conflict herewith are hereby rescinded and repealed.

**SECTION THREE.** This Resolution shall take effect immediately upon its adoption.

**APPROVED AND AUTHENTICATED this 1<sup>st</sup> day of February, 2022.**

---

**BILL PARTINGTON**  
Mayor

**ATTEST:**

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**SUSAN CARROLL DAUDERIS**  
City Clerk

**COUNTY OF VOLUSIA/  
CITY OF ORMOND BEACH  
COMMUNITY DEVELOPMENT BLOCK GRANT  
SUBRECIPIENT AGREEMENT FY 2021/22**

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**COUNTY OF VOLUSIA/  
CITY OF ORMOND BEACH  
COMMUNITY DEVELOPMENT BLOCK GRANT  
SUBRECIPIENT AGREEMENT FY 2021/22**

This AGREEMENT is made by and between THE COUNTY OF VOLUSIA, a political subdivision of the State of Florida (hereinafter referred to as the "COUNTY") and CITY OF ORMOND BEACH, a governmental entity located in Volusia County, Florida (hereinafter referred to as the "SUBRECIPIENT").

**WITNESSETH:**

WHEREAS, the COUNTY has the authority to enter into a binding agreement for the expenditure of all or a portion of its Community Development Block Grant (CDBG) funds; and

WHEREAS, the regulations of 24 CFR 570, (as now in effect and as may be amended from time to time), which are incorporated by reference, constitute a part of this AGREEMENT; and

WHEREAS, the COUNTY has determined that the SUBRECIPIENT, through its participation in the County of Volusia Urban County Community Development Block Grant, meets the requirement for subrecipients as defined at 24 CFR 570.500(c); and

NOW, THEREFORE, in consideration of the mutual understanding and agreements set forth herein, the COUNTY and the SUBRECIPIENT or its authorized agent ("Agent") agree as follows:

1. **Responsibility for Grant Administration:** In accordance with Subpart J of 24 CFR 570, the COUNTY is responsible for ensuring the administration of CDBG funds in accordance with all program requirements. The use of subrecipients or contractors does not relieve the COUNTY of this responsibility. The COUNTY is also responsible for determining the adequacy of performance under subrecipient agreements and procurement contracts and for taking appropriate action when performance problems arise, such as those actions described in 24 CFR 570-910.
2. **Other Program Requirements:** This AGREEMENT shall require the SUBRECIPIENT and/or its Agent, as applicable, to carry out each activity in compliance with all federal laws and regulations in Subpart K of 24 CFR 570 as further described in ATTACHMENT III—Certifications and Other Regulations, which is attached hereto and made a part hereof as if fully rewritten, except that:
  - a. Neither the SUBRECIPIENT nor its Agent, as applicable, assumes the COUNTY'S environmental responsibilities as described in 24 CFR 570.604; and

- b. Neither the SUBRECIPIENT nor its Agent, as applicable, is required to comply with the Uniform Relocation Assistance (URA) and Real Property Acquisition Policies Act of 1970, as amended, and described in 49 CFR Part 24; and
  - c. Neither the SUBRECIPIENT nor its Agent, as applicable, assumes the COUNTY'S responsibility for initiating the governmental review process under Executive Order 12372, as described at 24 CFR 576.612.
- 3. **Scope of Services:** The SUBRECIPIENT or its Agent, as applicable, hereby agrees to allow expenditure of "Urban County CDBG" funds, as defined in 24 CFR 570.3, within its jurisdiction. The COUNTY, SUBRECIPIENT or its Agent, as applicable, hereby agrees to utilize funds made available under the CDBG Program for the purpose of implementing activities as described in SECTION A—Activity Responsibility and Description of ATTACHMENT I—STATEMENT OF WORK, which is attached hereto and made a part hereof as if fully rewritten. Changes in ATTACHMENT I—STATEMENT OF WORK may be requested from time-to-time by the COUNTY or the SUBRECIPIENT or its Agent, as applicable, and shall be incorporated as written amendments to this AGREEMENT. The SUBRECIPIENT or its Agent, as applicable, certifies that the Community Development project(s) provided for herein shall be given maximum feasible priority to activities that benefit low-or moderate-income families, according to the metrics set forth in 24 CFR 570.3, or aid in the prevention or elimination of slums or blight.
- 4. **Time of Performance:** This AGREEMENT shall take effect from October 1, 2021 through and including September 30, 2022. If necessary, the performance period of the AGREEMENT may be extended through a formal amendment process initiated by a written request from the SUBRECIPIENT.
- 5. **Compensation:** The COUNTY shall compensate the SUBRECIPIENT or its Agent, as applicable, for all allowable and eligible expenditures made for those community development project(s) for which they are responsible as described in SECTION A—Activity Responsibility and Description of ATTACHMENT I—STATEMENT OF WORK. Compensation shall be made in accordance with the budget schedule set forth in ATTACHMENT II—BUDGET, which is attached hereto and made a part hereof as if fully rewritten. Compensation shall be provided during the term of this AGREEMENT.
- 6. **Method of Payment:** Subject to receipt of funds from the United States Treasury, the COUNTY agrees to reimburse the SUBRECIPIENT or its Agent, as applicable, for authorized expenditures for which vouchers and other similar documentation to support payment expenses are maintained by the SUBRECIPIENT or its Agent, as applicable, under generally accepted accounting principles and procedures approved by the COUNTY and outlined in 2 CFR 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. The documentation required to support reimbursement requests from the COUNTY are listed in ATTACHMENT V. A reimbursement request received with all the necessary backup and compliance verification will be classified as a proper invoice and processed as such. All payments by the COUNTY shall be governed by the Florida Prompt Payment Act (Part VII of Chapter 218, Florida Statutes), as applicable.



7. **Compliance with Regulations:** The SUBRECIPIENT and its Agent shall comply with the applicable uniform administrative requirements as described in 24 CFR 570.502, including those listed in ATTACHMENT III-CERTIFICATION AND OTHER REGULATIONS, which are attached hereto and made a part hereof as if fully rewritten.
8. **Maintenance and Availability of Records:** In connection with the AGREEMENT, the SUBRECIPIENT or its Agent, as applicable, shall maintain all accounting and client records and documents, papers, maps, photographs, other documentary materials, and any evidence pertaining to costs incurred, as more fully described in ATTACHMENT IV-RECORDS TO BE MAINTAINED, which is attached hereto and made a part hereof as if fully rewritten.

Copies of all CDBG related records generated by the SUBRECIPIENT or its Agent, as applicable, shall be available for inspection by the Department of Housing and Urban Development, the Comptroller General of the United States, and any authorized representative of the COUNTY.

Such records shall be available at the SUBRECIPIENT or its Agent's offices, as applicable, at all reasonable times during the contract period and kept for a period of five (5) years after expiration of this AGREEMENT. If a claim, investigation, or litigation is pending after what is assumed to be final payment, such pending action is deemed to have cancelled the final payment date. In such a case, the retention period will not commence again until final settlement of the claim, investigation or litigation.

This Section 8 shall be in addition to, and not in lieu of, the Florida Public Records law requirements set forth in Section 22 herein.

9. **Request for Monthly Reimbursement and Expense Summary:** The form provided in ATTACHMENT V and other such documentation as described above shall be submitted to the COUNTY by the 10<sup>th</sup> day of each month for the preceding month. All required reports and backup documentation, as described in ATTACHMENT V, must be provided for the COUNTY to accept the request as a proper invoice for payment. The payment request will be rejected if all required documentation is not provided, or if the project has not met Davis-Bacon Fair Labor Standard compliance requirements during the period of the payment request. The COUNTY shall process and make payment to the SUBRECIPIENT in accordance with the Florida Prompt Payment Act, as applicable, for reimbursement requests received that meet the requirements of a proper invoice.
10. **Program Income:** All income received from CDBG funded activities shall be considered program income and subject to the requirements set forth in 24 CFR 570.504 (c) of the CDBG regulations. The AGREEMENT, ATTACHMENT II – BUDGET, specifies whether program income received is to be returned to the COUNTY or retained by the SUBRECIPIENT and/or its Agent, as applicable.

**11. Reversion of Assets:** Upon expiration of this AGREEMENT, the SUBRECIPIENT or its Agent, as applicable, agrees to transfer to the COUNTY any CDBG funds on hand at the time of expiration and shall assign any accounts receivable attributable to the use of CDBG funds to the County. It shall also ensure that any real property under the SUBRECIPIENT or its Agent's control, as applicable, that was acquired or improved in whole or in part with CDBG funds in excess of \$25,000 is either:

- a. Used to meet one of the National Objectives in 24 CFR 570.208 until 5 years after expiration of the AGREEMENT, or such longer period of time as determined appropriate by the COUNTY; or
- b. Is disposed of in a manner that results in the COUNTY being reimbursed in the amount of the current fair market value of property less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, or improvement to, the property. (Reimbursement is not required after the period of time specified in Paragraph 11.a. above).

**12. Subcontracting:** All work or services covered by this AGREEMENT, which is subcontracted, shall be specified by written contract and subject to all provisions of this AGREEMENT. **All subcontracts must be submitted to the County for its prior written approval and are subject to such approval prior to any execution thereof.**

**13. Suspension and Termination:** The COUNTY may terminate this AGREEMENT and such additional supplemental agreements hereafter executed, in whole or in part, and may recover any CDBG funds at its discretion if the SUBRECIPIENT or its Agent, as applicable:

- a. Violates any provision of this AGREEMENT; or
- b. Violates any provision of the Housing and Community Development Acts of 1974 and 1977, as amended; or
- c. Violates any applicable regulations or terms and conditions of approval of the applications that the Secretary of Housing and Urban Development has issued or shall subsequently issue during the period of this AGREEMENT; or
- d. Fails to complete performance in a timely manner; or
- e. Files for bankruptcy (voluntary or involuntary); becomes subject through appointment by any court to a receiver taking possession of substantially all of its assets or remaining in receivership in excess of 60 days; has substantially all of its assets attached, subject to execution or other judicial seizure; or does not perform as required under this Agreement.

The COUNTY may also terminate this AGREEMENT and such additional supplemental agreements hereafter executed, in whole or in part, by giving the SUBRECIPIENT or its Agent, as applicable, 30 days' written notice, in the event that the Secretary of HUD shall:

f. Withdraw funds allocated to the COUNTY under its application for program activities that substantially prevent performance of the Community Development program in the COUNTY;

g. Terminate the COUNTY'S funding allocation pursuant to an Act of Congress.

**14. Audit:** The SUBRECIPIENT and its Agent, as applicable, shall comply with the audit requirements set forth in 2 CFR 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.

**15. Conflict of Interest:** The SUBRECIPIENT certifies that it and its Agent, as applicable, maintains a code or standards of conduct that govern the performance of its officers, employees or agents engaged in the awarding and administration of contracts using Federal funds.

Except for the use of CDBG funds to pay for salaries and other related administrative or personnel costs, the SUBRECIPIENT certifies that no employee, agent, or officer of the SUBRECIPIENT or its Agent, as applicable, who exercises decision making responsibility with respect to CDBG funds and activities, is allowed to obtain a financial interest in or benefit from CDBG activities, or have a financial interest in any contract, subcontract or agreement regarding those activities or in the proceeds of the activities. Specifically:

- a. This requirement applies to any person who is an employee, agent, consultant, officer, or elected or appointed official of the grantee, designated public agency, SUBRECIPIENT or its Agent; and to their immediate family members, and business partner(s).
- b. The requirement applies for such persons during their tenure and for a period of one year after leaving the grantee, SUBRECIPIENT or its Agent, as applicable, organization.
- c. It is applicable to the procurement of supplies, equipment, construction, and services; acquisition and disposition of real property; provision of assistance to individuals, businesses and other private entities for all eligible activities (Section 570.201-205); and provision of loans to individuals, businesses and other private entities.
- d. Upon written request, exceptions may be granted by HUD after consideration of the cumulative effect of various factors on a case-by-case basis, and only with: (a) full disclosure of the potential conflict, and (b) a legal opinion of the grantee's attorney that there would be no violation of state or local laws in granting the exception.

**16. Indemnification:** The SUBRECIPIENT and its Agent, as applicable, shall hold harmless, defend and indemnify the COUNTY, including its districts, authorities, separate units of government established by law, ordinance or resolution, partners, elected and non-elected officials, employees, agents, volunteers, and any party with

whom the County has agreed by contract to provide additional insured status, the U.S. Department of Housing and Urban Development, and any other governmental agencies or subdivisions, and their officers, agents and employees, from, or on any account of, any and all claims, actions, lawsuits, losses, expenses, injuries, damages, judgments or liabilities of any kind whatsoever that arise from the SUBRECIPIENT'S, or its Agent's, employees', or officers' performance or non-performance of the terms of this AGREEMENT.

17. **Additional Provisions:** Notwithstanding anything set forth in this AGREEMENT to the contrary, nothing in this AGREEMENT shall be deemed as a waiver of immunity or limits of liability of the COUNTY beyond any statutory limited waiver of immunity or limits of liability (Section 768.28, Florida Statutes), which may have been or may be adopted by the Florida Legislature liability in tort, and, unless otherwise further limited by state or federal law, the cap on the amount and liability of the COUNTY for damages arising from any claims related to this AGREEMENT, regardless of the number or nature of claims or whether such claim sounds in tort, equity, or contract, shall not exceed the dollar amount set by the Florida legislature for tort damages. Further, nothing in this AGREEMENT shall inure to the benefit of any third party for the purpose of allowing any claim against the COUNTY OF VOLUSIA, which claim would otherwise be barred under the doctrine of sovereign immunity or by operation of state or federal law, except as may be expressly provided herein.
18. In no event shall the COUNTY be liable to the SUBRECIPIENT or its Agent, as applicable, for any incidental, indirect, special, punitive or consequential damages even if the COUNTY knew or should have known about the possibility of such damages for any provision of this AGREEMENT.
19. The SUBRECIPIENT shall, and shall ensure that its Agent, as applicable, shall at its own expense, defend, indemnify and hold harmless the COUNTY, including its districts, authorities, separate units of government established by law, ordinance or resolution, partners, elected and non-elected officials, employees, agents, volunteers, and any party with whom the County has agreed by contract to provide additional insured status,, from and against all liabilities, claims, demands, actions, causes of action, losses, damages, costs and expenses (including reasonable attorneys' fees) which may arise under any claim or cause of action whatsoever, contract, equity or tort (including personal injury, death, and damage to tangible property) to the extent caused by the SUBRECIPIENT's or its Agent's, as applicable, negligence or intentional tortious conduct in the performance of this AGREEMENT.
20. Notwithstanding the provisions of Paragraph 17, the SUBRECIPIENT and its Agent, shall save, indemnify, and hold the COUNTY harmless from any and all claims and actions from the SUBRECIPIENT's Subcontractors for payment for Services and Software provided by Subcontractors for the SUBRECIPIENT or its Agent, as applicable, under this AGREEMENT.
21. **Venue / Jurisdiction / Attorney's Fees.** This AGREEMENT shall be governed by the laws of the State of Florida and the Code of Ordinances of the County of Volusia, Florida. Venue for and jurisdiction over any civil lawsuit filed in connection with this AGREEMENT shall, if in state court, be in the 7<sup>th</sup> Judicial Circuit in and for Volusia

County, Florida, or, if in federal court, in the Middle District of Florida, Orlando Division. In any civil dispute arising from this AGREEMENT, the parties agree to bear their own attorneys' fees and costs, unless otherwise expressly provided herein.

22. **PUBLIC RECORDS.** Pursuant to section 119.0701(2)(a), Florida Statutes, the County is required to provide Subrecipient with this statement and establish the following requirements as contractual obligations pursuant to the AGREEMENT:

**IF THE SUBRECIPIENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE SUBRECIPIENT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 386-736-5955, [communityassistance@volusia.org](mailto:communityassistance@volusia.org), or by mail, Community Assistance Division, Attn: Public Records Custodian, 110 W. Rich Ave., DeLand, FL 32720.**

By entering into this AGREEMENT, Subrecipient acknowledges and agrees that any records maintained, generated, received, or kept in connection with or related to the performance of services provided under this AGREEMENT are public records subject to the public records disclosure requirements of section 119.07(1), Florida Statutes, and Article I, section 24 of the Florida Constitution. Pursuant to section 119.0701, Florida Statutes, any Subrecipient entering into an AGREEMENT for services with the County is required to:

- A. Keep and maintain public records required by the County to perform the services and work provided pursuant to this AGREEMENT.
- B. Upon request from the County's custodian of public records, provide the County with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
- C. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the AGREEMENT term and following completion or termination of the AGREEMENT if the Subrecipient does not transfer the records to the County.
- D. Upon completion or termination of the AGREEMENT, transfer, at no cost, to the County all public records in the possession of the Subrecipient or keep and maintain public records required by the County to perform the service. If the Subrecipient transfers all public records to the County upon completion or termination of the AGREEMENT, the Subrecipient shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Subrecipient keeps and maintains public records upon completion or termination of the AGREEMENT, the Subrecipient

shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the County, upon request from the County's custodian of public records, in a format that is compatible with the information technology systems of the County.

Pursuant to current state law, requests to inspect or copy public records relating to the County's AGREEMENT for services must be made directly to the County. If Subrecipient receives any such request, Subrecipient shall instruct the requestor to contact the County. If the County does not possess the records requested, the County shall immediately notify the Subrecipient of such request, and the Subrecipient must provide the records to the County or otherwise allow the records to be inspected or copied within a reasonable time.

Subrecipient acknowledges that failure to provide the public records to the County within a reasonable time may be subject to penalties under section 119.10, Florida Statutes. Subrecipient further agrees not to release any records that are statutorily confidential or otherwise exempt from disclosure without first receiving prior written authorization from the County. Subrecipient shall indemnify, defend, and hold the County harmless for and against any and all claims, damage awards, and causes of action arising from the Subrecipient's failure to comply with the public records disclosure requirements of section 119.07(1), Florida Statutes, or by Subrecipient's failure to maintain public records that are exempt or confidential and exempt from the public records disclosure requirements, including, but not limited to, any third party claims or awards for attorneys' fees and costs arising therefrom. Subrecipient authorizes County to seek declaratory, injunctive, or other appropriate relief against Subrecipient from a Circuit Court in Volusia County on an expedited basis to enforce the requirements of this section.

23. SUBRECIPIENT acknowledges the COUNTY's obligations under Article 1, Section 24, Florida Constitution and Chapter 286, Florida Statutes (commonly known as the Florida Government in the Sunshine Law (the "Sunshine Law")), the SUBRECIPIENT acknowledges that the COUNTY is required to comply with Article 1, Section 24, Florida Constitution and Chapter 286, Florida Statutes. SUBRECIPIENT and its Agent, as applicable, agrees to comply with these laws and any other laws related to complying with the Sunshine Law, to require any Subcontractors to comply with all laws, as applicable, and to assist COUNTY in complying with the same as it relates to all aspects of this AGREEMENT.
24. The SUBRECIPIENT and its Agent, as applicable, agrees to maintain such financial records and other records as may be prescribed by the COUNTY or by applicable federal and state laws, rules, and regulations. COUNTY shall have the right to audit the books, records, and accounts of the SUBRECIPIENT and its Agent, as applicable, that are directly related to this AGREEMENT. The SUBRECIPIENT shall, and shall require its Agent, as applicable, to keep such books, records, and accounts as may be necessary in order to record complete and correct entries related to this AGREEMENT. The SUBRECIPIENT and its Agent, as applicable, shall preserve and make available, at reasonable times for examination and audit by COUNTY, all financial records, supporting documents, statistical records, and any other documents pertinent to this AGREEMENT for the required retention period of the Florida Public

Records Act (Chapter 119, Florida Statutes), if applicable, or, if the Florida Public Records Act is not applicable, for a minimum period of three (3) years after termination of this AGREEMENT. If any audit has been initiated and audit findings have not been resolved at the end of the retention period or three (3) years, whichever is longer, the books, records, and accounts shall be retained until resolution of the audit findings. If the Florida Public Records Act is determined by COUNTY to be applicable to the SUBRECIPIENT's or its Agent's records, as applicable, the SUBRECIPIENT and its Agent shall comply with all requirements thereof; however, no confidentiality or non-disclosure requirement of either federal or state law shall be violated by the SUBRECIPIENT or its Agent, as applicable. Any incomplete or incorrect entry in such books, records, and accounts shall be a basis for COUNTY's disallowance and recovery of any payment upon such entry.

25. Any legal notice or other communication required or permitted to be made or given by either party pursuant to this AGREEMENT will be in writing, in English, and will be deemed to have been duly given: (i) five (5) business days after the date of mailing if sent by registered or certified U.S. mail, postage prepaid, with return receipt requested; (ii) when transmitted if sent by facsimile, provided a confirmation of transmission is produced by the sending machine and a copy of the notice is promptly sent by another means specified in this section; or (iii) when delivered if delivered personally or sent by express courier service. All notices will be sent to the other party at its address as set forth below or at such other address as the party may specify in a notice given in accordance with this section.

| <b>In the case of County:</b>                                                                                                                                                      | <b>with a copies of legal notices to:</b>                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| County of Volusia<br>Attn: Carmen Hall<br>Director, Community Assistance<br><br>Address: 110 W. Rich Ave.<br>DeLand, FL 32720<br><br>Phone: (386) 736-59559<br>Fax: (386) 740-5112 | County of Volusia<br>Attn: County Attorney<br><br>Address: 123 W. Indiana Ave.<br>Room 301<br>DeLand, FL 32720<br><br>Phone: (386) 736-5950<br>Fax: (386) 736-5990 |
| <b>In the case of SUBRECIPIENT :</b>                                                                                                                                               | <b>with a copy of legal notices to:</b>                                                                                                                            |
| City of Ormond Beach<br>Attn: Joyce Shanahan, City Manager<br><br>Address: P.O. Box 277<br>Ormond Beach, FL 32175<br><br>Phone: (386) 676-3200<br>Fax: (386) 676-3384              | Attn: Randy Hayes, City Attorney<br><br>Address: P.O. Box 277<br>Ormond Beach, FL 32175<br><br>Phone: (386) 676-3392<br>Fax: (386) 676-3321                        |

26. Each party will act in good faith in the performance of its respective responsibilities under this AGREEMENT and will not unreasonably delay, condition or withhold the giving of any consent, decision or approval that is either requested or reasonably required by the other party in order to perform its responsibilities under this AGREEMENT.
27. This Agreement shall not be assigned, transferred, or encumbered by SUBRECIPIENT unless authorized by the COUNTY in writing as a modification to this Agreement.
28. By entering into this AGREEMENT, the SUBRECIPIENT or its Agent, as applicable, and the COUNTY hereby expressly waive any rights either may have to a trial by jury of any civil litigation related to this AGREEMENT for any litigation limited solely to the parties of this AGREEMENT and to the Agent of SUBRECIPIENT, as applicable.
29. If any provision of this AGREEMENT shall for any reason be held to be invalid, illegal, unenforceable, or in conflict with any law of a federal, state, or local government having jurisdiction over this AGREEMENT, such provision shall be construed so as to make it enforceable to the greatest extent permitted, such provision shall remain in effect to the greatest extent permitted and the remaining provisions of this AGREEMENT shall remain in full force and effect unless the COUNTY or the SUBRECIPIENT elect to terminate this AGREEMENT. An election to terminate this AGREEMENT based upon this provision shall be made within seven (7) days after the finding by the court becomes final. Prior to terminating this AGREEMENT, the parties may agree to substitute an enforceable provision that, to the maximum extent possible under applicable law, preserves the original intentions and economic positions of the parties.
30. This Agreement and attached exhibits and amendments thereto constitute the full and complete understanding between the parties.
31. **Amendments:** Upon mutual consent of both parties, this AGREEMENT may be amended in writing.



**COUNTY OF VOLUSIA/  
CITY OF ORMOND BEACH  
COMMUNITY DEVELOPMENT BLOCK GRANT  
SUBRECIPIENT AGREEMENT FY 2021/22**

**SIGNATURE PAGE**

IN WITNESS WHEREOF, the COUNTY and the SUBRECIPIENT have executed this AGREEMENT.

\_\_\_\_\_  
Bill Partington  
Mayor  
City of Ormond Beach

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joyce Shanahan  
City Manager  
City of Ormond Beach

\_\_\_\_\_  
Date

\_\_\_\_\_  
Carmen Hall  
Community Assistance Director  
County of Volusia

\_\_\_\_\_  
Date

## ATTACHMENT I – STATEMENT OF WORK

### SECTION A – ACTIVITY RESPONSIBILITY AND DESCRIPTION

The organization responsible for implementing each activity and a brief description of the activity is identified below. Implementation of these activities shall comply with the regulations of 24 CFR 570, as now in effect and as may be amended from time to time.

The COUNTY shall:

1. Be responsible for monitoring all programmatic regulations, to provide review and certification that environmental regulations have been adhered to, and providing technical assistance as requested.
2. Be responsible for determining the adequacy of performance under subrecipient agreements and procurement contracts and for taking appropriate action when performance problems arise.
3. The COUNTY Housing and Grants Staff shall review and approve, prior to execution, all procurement procedures and subcontracts for compliance with the Davis-Bacon Fair Labor Standards Provisions, Minority and Women's Business Enterprise (MWBE) affirmative requirements, Executive Order 11246, Section 3 of Housing and Urban Development Act of 1968, Federal Debarment/Suspension of contractors, and other applicable federal labor and equal opportunity requirements.

The SUBRECIPIENT shall be responsible for implementing the following activities:

1. S. Washington St. Sidewalk Improvement: Be responsible for the installation of a 4' wide concrete sidewalk on the west side of S. Washington St. from Live Oak Ave. to Division Ave., however, two alternates will be shown as part of the bid from Live Oak Ave. to Midway Ave. (approximately 240') and from Midway Ave. to Tomoka Ave. (approximately 235'). If these two alternates, or one, are within budget, they will be added.
2. Hope Place Public Service: Be responsible for operating costs for Hope Place Shelter. Funds will be used to assist the agency with increased costs for electricity, water, propane gas, phone, internet, and garbage collection as these utilities are anticipated to increase by approximately 14%.
3. Be responsible for ensuring that funds distributed are used in accordance with CDBG guidelines by extending all provisions of this subrecipient agreement to written agreements with funded agency. The SUBRECIPIENT will perform programmatic monitoring of this agency and maintain records documenting this monitoring.
4. Be responsible for contacting the Volusia County Community Assistance Housing and Grants Staff prior to implementing any phase of construction of the above listed activities. The City agrees to inform and include the Housing and Grants Staff in all pre-bid, bid, pre-construction, or any other applicable meeting related to the above listed activities

5. Be responsible for compliance with all Davis-Bacon Fair Labor Standard regulations with regard to the above listed construction projects. The City agrees to provide certified payroll and contractors invoices related to the above listed activities to the Volusia County Housing and Grants Staff for approval prior to requesting reimbursement for any expenditure.

#### SECTION B – AREA SERVICES

Persons residing in the geographic location of the following Census Tracts and Block Groups will benefit from the above listed activities. The percentage of low/moderate income persons residing in each Census Tract and Block Group, as defined by the American Community Survey data, is shown below.

| Activity                               | Census Tract(s)/<br>Block Group(s) | Percentage Low/Moderate<br>Income Persons |
|----------------------------------------|------------------------------------|-------------------------------------------|
| <b>Capital Projects</b>                |                                    |                                           |
| S. Washington St. Sidewalk Improvement | 806.00/1,2                         | 0.519                                     |
| <b>Public Services</b>                 |                                    |                                           |
| Hope Place Public Service              | Ormond Beach                       | N/A                                       |

#### SECTION C – WORK SCHEDULE

##### **SUBRECIPIENT**

| Description of Activities                                                                                                                                                                                                                                                                                                                                                                                                                      | Time                                  | Quantity                  | Milestone                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|---------------------------|----------------------------------|
| <u>S. Washington St. Sidewalk Improvement:</u> Be responsible for the installation of a 4' wide concrete sidewalk on the west side of S. Washington St. from Live Oak Ave. to Division Ave., however, two alternates will be shown as part of the bid from Live Oak Ave. to Midway Ave. (approximately 240') and from Midway Ave. to Tomoka Ave. (approximately 235'). If these two alternates, or one, are within budget, they will be added. | October 1, 2021 to September 30, 2022 | 1,775 LMI Persons         | Completion by September 30, 2022 |
| <u>Hope Place Public Service:</u> Be responsible for operating costs for Hope Place Shelter. Funds will be used to assist the agency with increased costs for electricity, water, propane gas, phone, internet, and garbage collection as these utilities are anticipated to increase by approximately 14%.                                                                                                                                    |                                       | Estimated 150 LMI Persons |                                  |

## SECTION D – WORK REVISIONS

The work elements contained herein set forth specific objectives, activities, and schedules. Requests to revise Section A through C may be deemed necessary by the SUBRECIPIENT or its Agent, as applicable. Any revision is subject to prior written approval by the COUNTY.

## SECTION E – LEVELS OF ACCOMPLISHMENT – GOALS AND PERFORMANCE MEASURES

The Subrecipient agrees to provide the following level of program services:

| <u>Activity</u>                        | <u>Units per Month</u> | <u>Total Units per Year</u> |
|----------------------------------------|------------------------|-----------------------------|
| S. Washington St. Sidewalk Improvement | N/A                    | 1,775 LMI Persons           |
| Hope Place Public Service              | N/A                    | Estimated 150 LMI Persons   |

Note: Units means the number of low- and moderate-income persons residing in the area that will benefit directly from new or improved access to an infrastructure or public facility benefit and those persons who have low- and moderate-incomes.

## SECTION F – RECORDS AND REPORTS TO BE PROVIDED AND MAINTAINED

Records and reports to be provided to the COUNTY:

1. The SUBRECIPIENT and/or its Agent shall provide on a monthly basis until the AGREEMENT is closed, the Request for Funds Reimbursement Form, ATTACHMENT V to this AGREEMENT. The Request for Funds Reimbursement Form contains five sections: Section I - Request for Monthly Reimbursement and Expense Summary Form, Section II A – CDBG Capital Project Status Report, Section II B - CDBG Public Service Status Report, Section III - LMI Clientele Status Report, Section IV - CDBG Plan of Action. **Each section must be completed and submitted on a monthly basis regardless of the activity level until the Agreement is closed.**
  - The Section I – Request for Monthly Funds Reimbursement and Expense Summary Form must include reporting fair housing activities completed at least once per quarter.
  - Section II A – CDBG Capital Project Status Report must be submitted for the following activities: S. Washington St. Sidewalk.
  - Section II B – Public Service Status Report must be submitted for the following activity: Hope Place Public Service.
  - Section III – LMI CDBG Clientele Status Report must be submitted for the following activity: Hope Place Public Service.
  - Section IV - Plan of Action (POA) must be submitted for the following activities: S. Washington St. Sidewalk Improvement.
    - i. If any of the dates in the POA attached to this agreement change by 60 days or more, the SUBRECIPIENT must submit an amendment request to amend the POA.

2. The SUBRECIPIENT and/or its Agent shall provide other reports as may be prescribed by the COUNTY or the Secretary of HUD from time to time.

Records to be maintained by the SUBRECIPIENT:

The SUBRECIPIENT and/or its Agent shall maintain all required records, which are applicable to the CDBG-assisted activity, as set forth in ATTACHMENT IV to this AGREEMENT.

## ATTACHMENT II – BUDGET

The total amount of CDBG funds allocated to community development activities in City of Ormond Beach is **\$173,665**. The following chart provides details as to the organization responsible for implementing each of the activities, a description of the activities and the amount of funds budgeted for the activity.

| RESPONSIBILITY       | DESCRIPTION OF ACTIVITY                                                                                                                                                                                                                                                                                                                                                                                                                        | BUDGET                  |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| City of Ormond Beach | <u>S. Washington St. Sidewalk Improvement:</u> Be responsible for the installation of a 4' wide concrete sidewalk on the west side of S. Washington St. from Live Oak Ave. to Division Ave., however, two alternates will be shown as part of the bid from Live Oak Ave. to Midway Ave. (approximately 240') and from Midway Ave. to Tomoka Ave. (approximately 235'). If these two alternates, or one, are within budget, they will be added. | \$151,165               |
| City of Ormond Beach | <u>Hope Place Public Service:</u> Be responsible for operating costs for Hope Place Shelter. Funds will be used to assist the agency with increased costs for electricity, water, propane gas, phone, internet, and garbage collection as these utilities are anticipated to increase by approximately 14%.                                                                                                                                    | \$22,500                |
| <b>TOTAL</b>         |                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b><u>\$173,665</u></b> |

In the event Program Income is generated, such income shall be returned to the COUNTY.

## ATTACHMENT III – CERTIFICATION AND OTHER REGULATIONS

### SECTION A – APPLICABILITY OF UNIFORM ADMINISTRATIVE REQUIREMENTS

The COUNTY, SUBRECIPIENT and their Agents which are, or represent governmental entities, shall comply with the requirements and standards, and any revisions or amendments thereto, of 2 CFR 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, and with the applicable portions of 24 CFR Part 85, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" as provided in 24 CFR 570.502.

### SECTION B – EQUAL OPPORTUNITY

The SUBRECIPIENT and their Agent agrees to comply with:

1. Title VI of the Civil Rights Act of 1964 (P.L.88-352) and the HUD regulations under 24 CFR Part 1, which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance by way of grant, loan, or contract and will immediately take any measures necessary to effectuate this Agreement. If any real property or structure thereof is provided or improved with the aid of Federal financial assistance extended to the SUBRECIPIENT, this assurance shall obligate the SUBRECIPIENT, or in the case of any transfer of such property or structure is used for a purpose of which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
2. Title VIII of the Civil Rights Act of 1968 (P.L. 90-284), as amended by the Fair Housing Amendments Act of 1988 (P.L. 100-430), and will administer all programs and activities relating to housing and community development in a manner to affirmatively further fair housing within Constitutional limitations throughout the United States.
3. Section 109 of the Housing and Community Development Act of 1974 and 1977, as amended, and in conformance with all requirements imposed pursuant to the regulations of the Department of HUD (24 CFR Part 570.602) issued pursuant to that Section; no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation under, any program or activity funded in whole or in part with the Community Development funds.

Section 109 of the Act further provides that any prohibition against discrimination on the basis of age, under the Age Discrimination Act of 1975 (24 CFR Part 146), or with respect to an otherwise qualified handicapped person, as provided in Section 504 of the Rehabilitation Act of 1973 (24 CFR Part 8), shall also apply to any program or activity funded in whole or in part with funds made available pursuant to the Act.

4. Executive Order 11063 on equal opportunity in housing and related facilities owned or operated by the Federal Government or provided with Federal financial assistance.
5. Executive Order 11246, an amended, requiring nondiscrimination and affirmative action to ensure nondiscrimination in employment by government contractors and subcontractors and under federally assisted construction contracts.
6. Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), as amended, and the HUD regulations issued pursuant thereto (24 CFR Part 135), shall govern all housing rehabilitation and community development construction contracts in excess of \$200,000 where at least \$100,000 of Federal CDBG funds are used, as follows:
  - a. The work to be performed under the contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons particularly persons who are recipients of HUD assistance for housing.
  - b. The parties to the contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to the contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulations.
  - c. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractors commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
  - d. The contractor agrees to include the Section 3 clause in every subcontract subject to compliance with regulations 24 CFR Part 135 and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.
  - e. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other



than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractors obligations under 24 CFR Part 135.

- f. Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
  - g. With respect to work performed in connection with Section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).
7. The affirmative requirements, as set forth in 24 CFR Part 85.36 (e), to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible, to include the following actions:
- a. Placing qualified small and minority businesses, and women's business enterprises on solicitation lists;
  - b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
  - c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
  - d. Establishing delivery schedules, where the requirements permits, which encourage participation by small and minority business, and women's business enterprises;
  - e. Using the services and assistance of the Small Business Administration and the Minority Businesses Development Agency of the Department of Commerce; and
  - f. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (a) – (e) of the section.

### SECTION C – INTEREST OF CERTAIN FEDERAL OFFICIALS

No member of or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit to arise from the same.

### SECTION D – INTEREST OF MEMBERS, OFFICERS, OR EMPLOYEES OF THE SUBRECIPIENT, MEMBERS OF LOCAL GOVERNING BODY, OR OTHER PUBLIC OFFICIALS

No member, officer, or employee of the SUBRECIPIENT or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one (1) year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement.

### SECTION E – HATCH ACT

The SUBRECIPIENT agrees to comply with all provisions of the Hatch Act and that no part of the program will involve political activities, nor shall personnel employed in the administration of the program be engaged in activities in contravention of Title V, Chapter 15, of the United States Code.

### SECTION F – DAVIS-BACON FAIR LABOR STANDARDS PROVISIONS

The SUBRECIPIENT agrees to comply with 24 CFR 570.603, Labor Standards of the Regulations published by HUD for Community Development Block Grants.

### SECTION G - USE OF DEBARRED, SUSPENDED OR INELIGIBLE CONTRACTORS OR SUBRECIPIENTS.

The SUBRECIPIENT agrees to comply with the requirements of 24 CFR parts 5 and 24, which prohibit a person who is debarred or suspended from receiving Federal financial and non-financial assistance and benefits under any Federal Programs.

### SECTION H – ANTI-LOBBYING

The SUBRECIPIENT agrees that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress. In connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

#### SECTION I – COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS

The SUBRECIPIENT agrees to comply with any conditions resulting from the COUNTY'S compliance with the provisions of the National Environmental Policy Act of 1969 and the other provisions of law specified at 24 CFR 58.5 insofar as the provisions of such Act apply to the activities set forth in ATTACHMENT I – STATEMENT OF WORK.

#### SECTION J – COMPLIANCE WITH FLOOD DISASTER PROTECTION ACT

This AGREEMENT is subject to the requirements of the Flood Disaster Protection Act of 1973 (P.L. 93-234). No portion of the assistance provided under this AGREEMENT is approved for acquisition or construction purposes as defined under Section 3 (a) of said Act, for use in any area identified by the Secretary as having special flood hazards, which is located in a community not then in compliance with the requirements for participation in the national flood insurance program pursuant to Section 201(d) of said Act; and the use of any assistance provided under this AGREEMENT for such acquisition or construction in such identified areas in communities then participating in the national flood insurance program shall be subject to the mandatory purchase of flood insurance requirements of Section 102(a) of said Act.

Any contract or agreement for the sale, lease, or other transfer of land acquired, cleared, or improved with assistance provided under this AGREEMENT shall contain, if such land is located in an area identified by the Secretary as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4001 et seq., provisions obligating the transferee and its successors or assigns to obtain and maintain, during the ownership of such land, such flood insurance required with respect to financial assistance for acquisition or construction purposes under Section 102 (2) of Flood Disaster Protection Act of 1973. Such provisions shall be required notwithstanding the fact that the construction of such land is not itself funded with assistance under this AGREEMENT.

## SECTION K – COMPLIANCE WITH AIR AND WATER ACTS

This AGREEMENT is subject to the requirements of the Clean Air Act, as amended, 42 U.S.C. 1857 et seq.; the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.; and the regulations of the Environmental Protection Agency with respect thereto, at 40 CFR Part 15, as amended from time to time.

In compliance with said regulations, the COUNTY shall cause or require to be inserted in full in all contracts and subcontracts with respect to any nonexempt transaction thereunder funded with assistance provided under this AGREEMENT, the following requirements.

1. A stipulation by the contractor or subcontractor that any facility to be utilized in the performance of any nonexempt contract or subcontract is not listed on the list of Violating Facilities issued by the Environmental Protection Agency (EPA) pursuant to 40 CFR 15.20.
2. Agreement by the contractor to comply with all the requirements of Section 114 of the Clean Air Act, as amended (42 U.S.C. 1857c-8), and Section 308 of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1318) relating to inspection, monitoring, entry, reports and information, as well as all other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder.
3. A stipulation that as a condition for the award of the contract, prompt notice will be given of any notification received from the director, Office of Federal Activities EPA, indicating that a facility utilized or to be utilized for the contract is under consideration to be listed on the EPA list of Violating Facilities.
4. Agreement by the contractor that he will include or cause to be included the criteria and requirements in paragraph 1 through 4 of this section in every nonexempt subcontract and requiring the contractor will take such action as the Government may direct as means of enforcing such provisions.

In no event shall any amount of the assistance provided under this AGREEMENT be utilized with respect to a facility that has given rise to a conviction under Section 113(c)(1) of the Clean Air Act or Section 309(c) of the Federal Water Pollution Control Act.

## SECTION L – HISTORIC PRESERVATION

The AGREEMENT is subject to the requirements of P.L. 89-665, the Archaeological and Historic Preservation Act of 1974 (P.L. 93-291), Executive Order 11593, and the procedures prescribed by the Advisory Council on Historic Preservation in 36 CFR Part 800. The COUNTY must take into account the effect of a project on any district, site, building, structure or object listed in or found by the Secretary of the Interior, pursuant to 35 CFR Part 800, to be eligible for inclusion in the National Register of Historic Places, maintained by the National

Park Service of the U. S. Department of the Interior, and must make every effort to eliminate or minimize any adverse effect on a historic property.

#### SECTION M – ARCHITECTURAL BARRIERS

This AGREEMENT is subject to the requirements of the Architectural Barriers Act of 1968 (42 U.S.C. 4151) and its regulations. Every building or facility (other than a privately owned residential structure) designed, constructed, or altered with CDBG funds must comply with the requirements of the "American Standards Specifications for Making Buildings and Facilities Accessible To, and Usable By, the Physically Handicapped."

#### SECTION N – LEAD BASED PAINT

This AGREEMENT is subject to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831 et seq.), and the Lead-Based Paint Regulations (24 CFR Part 35 and 24 CFR 570.608). The use of lead-based paint is prohibited whenever CDBG funds are used directly or indirectly for the construction, rehabilitation, or modernization of residential structures. Immediate lead-based paint hazards existing in residential structures assisted with CDBG funds must be eliminated, and purchasers and tenants of assisted structures constructed prior to 1978 must be notified of the hazards of lead-based paint poisoning.

#### SECTION O – PROPERTY DISPOSITION

Real or personal property purchased in whole or in part with CDBG funds shall not be disposed through sale, use, or location without the written permission of the COUNTY. The proceeds from the disposition of real property shall be considered program income and subject to 24 CFR 570.504(c).

#### SECTION P – ACQUISITION/RELOCATION

This AGREEMENT is subject to providing a certification that the parties will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, implementing regulations at 49 CFR Part 24 and 24 CFR Part 511.14, which govern the acquisition of real property for the project and provision of relocation assistance to persons displaced as a direct result of acquisition, rehabilitation, or demolition for the project.

## ATTACHMENT IV – RECORDS TO BE MAINTAINED

The SUBRECIPIENT and its Agents shall establish and maintain sufficient records to enable the COUNTY and/or the Secretary of the Department of Housing and Urban Development (HUD) to determine whether the terms and condition of this AGREEMENT have been met. At a minimum, the parties shall maintain the following records for the term of the AGREEMENT and five (5) years after closure:

### Section A. The COUNTY shall maintain:

1. Records providing a full description of each activity assisted (or being assisted) with Community Development Block Grant (CDBG) funds, including its location (if the activity has a geographical locus), the amount of CDBG funds budgeted, obligated, and expended for the activity, records pertaining to the leverage of the CDBG funds with other Federal, State, local, private or other funding, and the provision of Subpart C – Eligible Activities of 24 CFR Part 570 under which the activity is eligible for CDBG-assistance.
2. Records demonstrating that each activity undertaken pursuant to this AGREEMENT meets one of the criteria for meeting the CDBG National Objectives set forth in 24 CFR 570.208. The COUNTY will require the SUBRECIPIENT to maintain or produce records to support the activity's CDBG eligibility and its criteria for meeting the CDBG National Objectives as set forth in Section II below.
3. Records that demonstrate the COUNTY has made the determinations required as a condition of eligibility of certain activities, as prescribed in Sections 570.201(f), 570.201(i), 570.202(b)(3), 570.203(b), 570.204(a), and 570.206(f).
4. Records that demonstrate compliance with the citizen participation requirements prescribed in Section 104(a)(3) of the Act, and in 24 CFR 570.301(b) and 570.305 for Entitlement Communities.
5. Records that demonstrate compliance with fair housing and equal opportunity laws

### Section B. The SUBRECIPIENT shall maintain:

1. Records providing a full description of each activity assisted (or being assisted) with Community Development Block Grant (CDBG) funds, including its location (if the activity has a geographical locus), the amount of CDBG funds budgeted, obligated, and expended for the activity, and records pertaining to the leverage of the CDBG funds with other Federal, State, local, private or other funding.
2. For each activity determined to benefit LMI persons based on the area served by the activity:
  - a. The boundaries of the service area;
  - b. The income characteristics of families and unrelated individuals in the service area; and

- c. If the percent of LMI persons in the service area is less than 51 percent, data showing that the area qualifies under the exception criteria set forth in 24 CFR 570.208(a)(1)(ii).

NOTE: Public Facility - S. Washington St. Sidewalk Improvement and Public Services- Hope Place Public Services: These activities have been determined by the COUNTY to benefit Low Moderate Income (LMI) persons because the service areas served by the activities have at least 51 percent of the residents with low and moderate incomes.

3. Records to support that each activity undertaken pursuant to this AGREEMENT is eligible for CDBG-assistance and meets one of the criteria for meeting the CDBG National Objectives. Such records shall include the following information:
  - a. Documentation establishing that the facility or service is designed for and used by LMI persons, for which the regulations provide presumptive benefit to LMI persons; or
  - b. Documentation describing how the nature and, if applicable, the location of the facility or service establishes that it is used predominantly by LMI persons; or
  - c. Documentation showing the size and annual income of the family or each person receiving the benefit as defined by HUD in 24 CFR 570.3.
4. Records that demonstrate compliance with 24 CFR 570.505 regarding any change of use of real property acquired or improved with CDBG assistance.
5. Records that demonstrate compliance with the citizen participation requirements prescribed in Section 104(a)(3) of the Act, and in 24 CFR 570.301(b) and 570.305 for Entitlement Communities.
6. Records that demonstrate compliance with the requirements in 24 CFR 570.606 regarding acquisition, displacement, relocation, and replacement housing.
7. Fair housing and equal opportunity records applicable to the nature of the activity as follows:
  - a. Documentation of the actions the SUBRECIPIENT has carried out with its housing and community development and other resources to remedy or ameliorate any conditions limiting fair housing choice in the Community, and documentation of any other official actions the Community has taken that demonstrate its support for fair housing, such as development of a fair housing analysis described in 24 CFR 570.904(c).
  - b. Data on the extent to which each racial and ethnic group and single headed households (by gender of household head) have applied for, participated in, or benefited from, any program or activity funding in whole or in part with CDBG funds. Such information shall be used only as a basis for further investigation as to compliance with nondiscrimination requirements. The SUBRECIPIENT is not required by law to attain or

maintain any particular statistical measure by race, ethnicity or gender in covered programs.

- c. Data on employment in each of the SUBRECIPIENT'S operating units funded in whole or in part with CDBG funds, with such data maintained in the categories prescribed on the Equal Employment Opportunity Commission's EEO-4 form; and documentation of any actions undertaken to ensure equal employment opportunities to all persons regardless of race, color, national origin, sex, or handicap in operating units funded in whole or in part under this part.
- d. Data indicating the race and ethnicity of households (and gender of single head of households) displaced as a result of CDBG-funded activities, together with the address and census tract of the housing units to which each displaced household relocated. Such information shall be used only as a basis for further investigation as to compliance with nondiscrimination requirements. The SUBRECIPIENT is not required by law to attain or maintain any particular statistical measure by race, ethnicity, or gender in covered programs.
- e. Data indicating the racial/ethnic character of each business entity receiving a contract or subcontract of \$10,000 or more paid, or to be paid with CDBG funds, data indicating which of those entities are women's business enterprises as defined in Executive Order 12138, the amount of the contract or subcontract, and documentation of SUBRECIPIENT'S affirmative steps to ensure that minority business and women's business enterprises have an equal opportunity to obtain or compete for contracts and subcontract as sources of supplies, equipment, constructions, and services. Such affirmative steps may include, but are not limited to, technical assistance open to all businesses but designed to enhance opportunities for these enterprises and special outreach efforts to inform them of contract opportunities. Such steps shall not include preferring any business in the award of any contract or subcontract solely or in part on the basis of race or gender.
- f. Documentation of the affirmative action measures the SUBRECIPIENT has taken to overcome prior discrimination, where the courts or HUD have found that the SUBRECIPIENT has previously discriminated against persons on the grounds of race, color, national origin, or sex in administering a program or activity funding in whole or in part with CDBG funds.
- g. Section 3 records. For those contracts governed by Section 3, the following documentation will be required from the SUBRECIPIENT and/or its Agent to evaluate compliance with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), as amended and the HUD regulations issued pursuant thereto in 24 CFR Part 135:
  - 1) Project description, location, total funding limit and the period of performance.



- 2) A summary table identifying the number and category types of the Section 3 residents and business concerns employed/trained on the project. The summary should also include the total amount of funds expended on payroll for Section 3 employment and/ or the amount of the Section 3 business concern's subcontract.
  - 3) If the numerical goals defined by the COUNTY cannot be met, documentation showing why it was not feasible to meet the established goals or impediments encountered despite action taken must be provided.
  - 4) Documentation regarding other economic opportunities provided such as: (a) other training and employment related opportunities such as "upward mobility", "bridge" and trainee positions to fill vacancies, hiring Section 3 residents within other housing developments and, hiring in part time position; (b) other business related economic opportunities such as to establish, stabilize or expand Section 3 business concerns will also be considered in evaluating compliance.
8. Financial Records. Financial records, in accordance with the applicable requirements listed in 24 CFR 570.502.
  9. Records required to be maintained in accordance with other applicable laws and regulations set forth in Subpart K of the CDBG regulations (ATTACHMENT III – Certification and Other Requirements).

## ATTACHMENT V – REQUEST FOR FUNDS REIMBURSEMENT REPORT

The Request for Funds Reimbursement Form is due to the COUNTY by the 10<sup>th</sup> day of each month for the preceding month, regardless of the activity level or costs incurred until the Agreement is closed. The Request for Funds Reimbursement Form is a monthly submittal requirement for all SUBRECIPIENTS and/or their Agents. It is made up of five sections: Section I - Request for Monthly Reimbursement and Expense Summary Form, Section II A – CDBG Capital Project Status Report, Section II B - CDBG Public Service Status Report, Section III - LMI Clientele Status Report, Section IV - CDBG Plan of Action.

- The Section I – Request for Monthly Funds Reimbursement and Expense Summary Form must include reporting fair housing activities completed at least once per quarter.
- Section II A – CDBG Capital Project Status Report must be submitted for the following activities: S. Washington St. Sidewalk Improvement.
- Section II B – Public Service Status Report must be submitted for the following activity: Hope Place Public Service.
- Section III – LMI CDBG Clientele Status Report must be submitted for the following activity: Hope Place Public Service.
- Section IV - Plan of Action must be submitted for the following activities: S. Washington St. Sidewalk Improvement.

### **Requesting reimbursement:**

Reimbursement requests and related backup documentation received from the SUBRECIPIENT will be reviewed by the COUNTY to determine if the requirements for a proper invoice are met. If the received request is not a proper invoice, it will be rejected and the SUBRECIPIENT will be notified that the request is improper and indicate what corrective action is needed for resubmission. If the received request is a proper invoice it will be processed and paid in accordance with the Florida Prompt Payment Act, as applicable

A proper invoice for reimbursement will:

- Include only expenses that are allowable, eligible and procured in accordance with the program requirements.
- Include only expenses that are allocable to projects within this agreement.
- Include proof of payment by the SUBRECIPIENT.
- Include an invoice for the work, if applicable. The invoice must state when the work was completed and the name of the contractor that completed the work.
- Be in compliance with all Davis-Bacon Fair Labor Standard requirements if construction work was completed by a contractor. If applicable, the COUNTY must have all necessary employee interviews and approved certified payroll reports from all related contractors and subcontractors for the dates being invoiced.
- Be in compliance with all Section 3 and M/WBE reporting requirements.
- Will include backup documentation to demonstrate that expenses for work completed by employees of the SUBRECIPIENT are allocable to the project, if applicable. Documents to demonstrate employee expenses may include payroll records, signed timesheets, and evidence of costs of employment.

**SECTION I****FY 2021/22 Request For Monthly Reimbursement and Expense Summary Form**Subrecipient Name: City of Ormond Beach Funding Source: CDBG

Subrecipient Address: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Month of Report** - this is the month that is being reported on:  
 (the report must be submitted by the 10<sup>th</sup> day of the following month) \_\_\_\_\_

CDBG Contact Person: \_\_\_\_\_ Telephone: \_\_\_\_\_

Reimbursement Funds Requested for this Period: \_\_\_\_\_ Final Request: ☐ Yes ☐ No

| To Be Completed by Subrecipient                                                                                                                                                                                                                                                                                                                                                                                                         |                  |                                              |                        |                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------------------------|------------------------|-------------------|
| DESCRIPTION OF ACTIVITY                                                                                                                                                                                                                                                                                                                                                                                                                 | BUDGET           | EXPENSES THIS MONTH                          | EXPENSES TO-DATE       | AVAILABLE BALANCE |
| S. Washington St. Sidewalk Improvement: Be responsible for the installation of a 4' wide concrete sidewalk on the west side of S. Washington St. from Live Oak Ave. to Division Ave., however, two alternates will be shown as part of the bid from Live Oak Ave. to Midway Ave. (approximately 240') and from Midway Ave. to Tomoka Ave. (approximately 235'). If these two alternates, or one, are within budget, they will be added. | \$151,165        |                                              |                        |                   |
| Hope Place Public Service: Be responsible for operating costs for Hope Place Shelter. Funds will be used to assist the agency with increased costs for electricity, water, propane gas, phone, internet, and garbage collection as these utilities are anticipated to increase by approximately 14%.                                                                                                                                    | \$22,500         |                                              |                        |                   |
| <b>Total</b>                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>\$173,665</b> |                                              |                        |                   |
| <b>AMENDMENT JOURNAL</b>                                                                                                                                                                                                                                                                                                                                                                                                                |                  |                                              |                        |                   |
| <b>Fair Housing Activities Description:</b><br>(fair housing activities must be reported at least every quarter)                                                                                                                                                                                                                                                                                                                        |                  |                                              |                        |                   |
| <b>Agency Authorized Signature:</b><br>(This form is for reproduction or copying by Recipient)                                                                                                                                                                                                                                                                                                                                          |                  | <b>Request Date:</b><br>(actual date signed) |                        |                   |
| <b>Print Name of Agency Authorized Signature:</b>                                                                                                                                                                                                                                                                                                                                                                                       |                  |                                              |                        |                   |
| <b>Volusia County Community Assistance Use Only</b>                                                                                                                                                                                                                                                                                                                                                                                     |                  |                                              |                        |                   |
| Prepared By:                                                                                                                                                                                                                                                                                                                                                                                                                            | Date             | Capital Project Reviewed By:                 | Date                   |                   |
| Approved By:                                                                                                                                                                                                                                                                                                                                                                                                                            |                  |                                              | Date                   |                   |
| <b>Account #</b>                                                                                                                                                                                                                                                                                                                                                                                                                        |                  | <b>IDIS #</b>                                | <b>Funds Requested</b> |                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                         |                  |                                              |                        |                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                         |                  |                                              |                        |                   |

**SECTION II A – CDBG Capital Project Status Report FY 2021/22**Subrecipient: City of Ormond BeachProject Name: S. Washington St. Sidewalk Improvement

**Month of Report** - this is the month that is being reported on: (the report must be submitted by the 10<sup>th</sup> day of the following month): \_\_\_\_\_

1. CDBG allocation \_\_\_\_\_ Project budget \_\_\_\_\_ Actual award (if known) \_\_\_\_\_

Please describe any changes to project costs/award: \_\_\_\_\_

2. Are reimbursements being requested for this activity? \_\_\_\_\_

**If yes, answer questions 3-8. If no, continue to question 9.**

3. What is the amount being requested? \_\_\_\_\_

4. What timeframe did the original expenses occur? From \_\_\_\_\_ To \_\_\_\_\_

5. What timeframe did City of Ormond Beach pay expenses? From \_\_\_\_\_ To \_\_\_\_\_

6. Is backup documentation included to support expenses? ☐ Yes ☐ No

7. Has backup documentation been reviewed by the City of Ormond Beach CDBG Contact? ☐ Yes ☐ No

8. Have the calculations been reviewed by the City of Ormond Beach CDBG contact? ☐ Yes ☐ No

9. Estimated project/activity completion date: \_\_\_\_\_

10. Percent of project/activity completed to date: \_\_\_\_\_

11. Method of procurement identified in application (i.e., formal sealed bid, written quote...):

Is this still applicable: ☐ Yes ☐ No

If not, describe changes and/or proposed procurement method:

12. Have any project dates changed by more than 60 days since the last Plan of Action was approved? ☐ Yes ☐ No

13. Has a new subrecipient agreement amendment Plan of Action been submitted? ☐ Yes ☐ No

14. Describe specific work tasks and quantified accomplishments completed this month:

15. Describe specific work tasks and quantified accomplishments for upcoming month (detailed narrative required every month):

## SECTION II B – CDBG Public Service Status Report FY 2021/22

Subrecipient: City of Ormond Beach

Project Name: Hope Place Public Service

**Month of Report** - this is the month that the subrecipient expended funds: (the report must be submitted by the 10<sup>th</sup> day of the following month): \_\_\_\_\_

1. CDBG allocation \_\_\_\_\_ Project budget \_\_\_\_\_

Please describe any changes to project costs/award: \_\_\_\_\_

2. Are reimbursements being requested for this activity? \_\_\_\_\_

**If yes, answer questions 3-8. If no, continue to question 9.**

3. What is the amount being requested? \_\_\_\_\_

4. What timeframe did the original expenses occur? From \_\_\_\_\_ To \_\_\_\_\_

5. What timeframe did City of Ormond Beach pay expenses? From \_\_\_\_\_ To \_\_\_\_\_

6. Is backup documentation included to support expenses? ☐ Yes ☐ No

7. Has backup documentation been reviewed by the City of Ormond Beach CDBG Contact? ☐ Yes ☐ No

8. Have the calculations been reviewed by the City of Ormond Beach CDBG contact? ☐ Yes ☐ No

9. Is a Clientele Status Report included? ☐ Yes ☐ No

10. Estimated project/activity completion date: \_\_\_\_\_

11. Percent of project/activity completed to date: \_\_\_\_\_

12. Describe specific work tasks and quantified accomplishments completed this month:

13. Describe specific work tasks and quantified accomplishments for upcoming month (detailed narrative required every month):

### SECTION III -- LMI CDBG Clientele Status Report FY 2021/22

**Subrecipient** City of Ormond Beach **Activity Name** Hope Place Public Service

**Timeframe Covered by this Report** From \_\_\_\_\_ To \_\_\_\_\_

**Final Report?** ☐ Yes ☐ No

COMPLETE THE FOLLOWING TWO (2) TABLES FOR PERSONS SERVED BY THE ACTIVITY DURING THE REIMBURSEMENT PERIOD.

Total Number of Persons Assisted this month

**TABLE I: Participant Racial and Ethnic Characteristics:**  
(Please be as specific as possible in reporting this section)

| Racial and Ethnic Characteristics                  | Month                | CDBG Program to Date | Hispanic Month | Hispanic to Date |
|----------------------------------------------------|----------------------|----------------------|----------------|------------------|
| White                                              |                      |                      |                |                  |
| Black/African American                             |                      |                      |                |                  |
| Asian                                              |                      |                      |                |                  |
| American Indian/Alaskan Native                     |                      |                      |                |                  |
| Native Hawaiian/Other Pacific Islander             |                      |                      |                |                  |
| American Indian/Alaskan Native & White             |                      |                      |                |                  |
| Asian & White                                      |                      |                      |                |                  |
| Black/African American & White                     |                      |                      |                |                  |
| American Indian/Alaskan Native & Black/African Am. |                      |                      |                |                  |
| Other Multi Racial                                 |                      |                      |                |                  |
| <b>TOTAL PERSONS</b>                               | <input type="text"/> |                      |                |                  |

PLEASE NOTE: The Total Number Served is to be an **unduplicated count** of persons served during the reporting period.

**TABLE II: Participant Income Level**

| Income Level                 | Month                | Year to Date |
|------------------------------|----------------------|--------------|
| Extremely Low-Income Persons |                      |              |
| Low-Income Persons           |                      |              |
| Moderate-Income Persons      |                      |              |
| <b>TOTAL PERSONS</b>         | <input type="text"/> |              |

### **LMI CDBG Clientele Status Report INSTRUCTIONS**

TABLE I: Provide the total number of persons assisted by the activity during the reporting month and year to date for each applicable category of Racial and Ethnic groups. Use the category that most closely reflects an individual's recognition in his/her community for purposes of reporting a person of mixed racial and/or ethnic origins. Monthly counts and year to date counts should be an actual unduplicated number, not an estimate. Please make sure that these numbers equal the total number of individuals served. Below are guidelines for this section:

White: A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

Black or African American: A person having origins in any of the black racial groups of Africa. Terms such as 'Haitian' or 'Negro' can be used in addition to 'Black or African American'.

Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korean, Malaysia, Pakistan, the Philippine Island, Thailand, and Vietnam.

American Indian/Alaskan Native: A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliations or community attachment.

Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

American Indian/Alaskan Native & White: A person having origins of both of the above-mentioned characteristics.

Asian & White: A person having origins of both of the above-mentioned characteristics.

Black/African American & White: A person having origins of both of the above-mentioned characteristics.

American Indian/Alaskan Native & Black African American: A person having origins of both of the above-mentioned characteristics.

### **TABLE II: Income Level Definitions:**

Extremely Low Income Person: Member of a family that has an income equal to or less than the Section 8 limits for 30% of Median income established by HUD for the Deltona-Daytona Beach – Ormond Beach MSA.

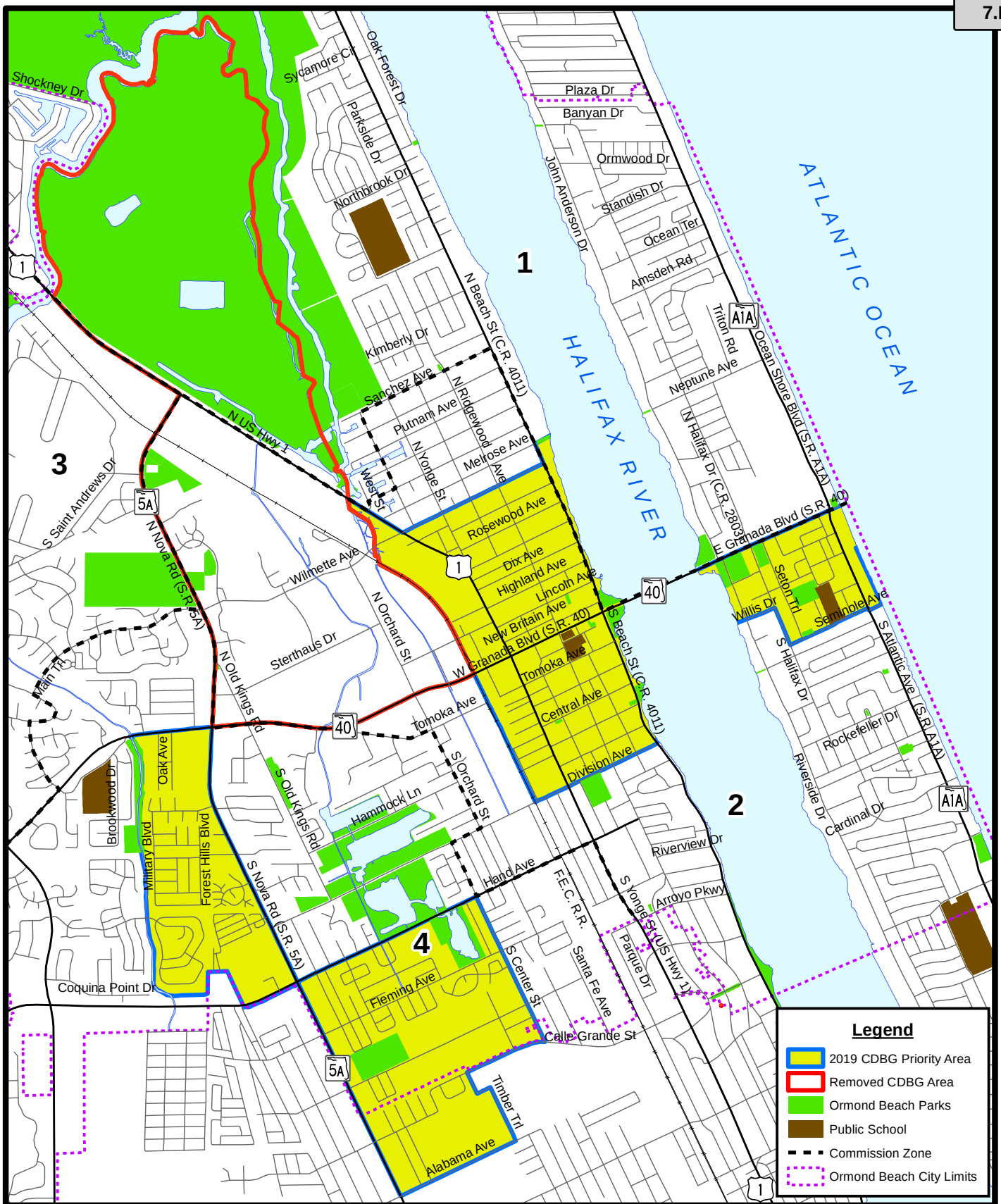
Low-Income Person: Member of a family that has an income equal to or less than the Section 8 Very Low-income limits established by HUD for the Deltona-Daytona Beach – Ormond Beach MSA.

Moderate-Income Person: Member of a family that has an income equal to or less than the Section 8 Low-income limit and greater than the Section 8 Very-Low income limit established by HUD for the Deltona-Daytona Beach – Ormond Beach MSA.

## Section IV - CDBG Plan of Action FY 2021/22

| <b>Subrecipient</b>                                                           | CITY OF ORMOND BEACH                   |                                     |                    |                                                          |
|-------------------------------------------------------------------------------|----------------------------------------|-------------------------------------|--------------------|----------------------------------------------------------|
| <b>Project Name</b>                                                           | S. Washington St. Sidewalk Improvement |                                     |                    |                                                          |
| Is project being implemented by forced labor (employees of the Subrecipient)? |                                        |                                     |                    | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>Milestones</b>                                                             | <b>Originally Submitted Date</b>       | <b>Amended Date (if applicable)</b> | <b>Actual Date</b> | <b>Notes (indicate most recent estimate)</b>             |
| Authorization to Proceed Received                                             | 10/1/21                                |                                     |                    |                                                          |
| Technical Design & Procurement Documents, Municipality Approved               | 12/3/21                                |                                     |                    |                                                          |
| Complete Solicitation Package Submitted to Volusia County                     | 12/6/21                                |                                     |                    |                                                          |
| Solicitation Package Approved by Volusia County                               | 12/20/21                               |                                     |                    |                                                          |
| Solicitation Advertised                                                       | 1/23/22                                |                                     |                    |                                                          |
| Pre-Bid Meeting                                                               | 2/10/22                                |                                     |                    |                                                          |
| Bid Opening                                                                   | 2/22/22                                |                                     |                    |                                                          |
| Contract Award                                                                | 4/19/22                                |                                     |                    |                                                          |
| Pre-Construction Meeting                                                      | 6/20/22                                |                                     |                    |                                                          |
| Issue Notice to Proceed                                                       | 6/27/22                                |                                     |                    |                                                          |
| Project Start Date                                                            | 6/27/22                                |                                     |                    |                                                          |
| Project Completed                                                             | 10/25/22                               |                                     |                    |                                                          |
| All Reimbursement Requests Submitted to Volusia County                        | 12/16/22                               |                                     |                    |                                                          |





## CDBG PRIORITY AREA MAP

Prepared By: The City of Ormond Beach  
G.I.S. Department - February 21, 2019





# CITY OF ORMOND BEACH

Office of the City Attorney • 173 South Beach Street • Ormond Beach • Florida • 32174 • (386) 676-3217 • Fax (386) 676-3321

## **CITY ATTORNEY MEMORANDUM**

**To:** The Honorable Mayor Partington and City Commissioners  
**From:** Randal A. Hayes, City Attorney  
**Date:** February 1, 2022  
**Subject:** 754 Palmetto Avenue - Corrective Quitclaim Deed  
**Commission Goal:** N/A

### **Introduction**

This is a request to ratify the execution of a Corrective Quitclaim Deed to correct a scrivener's error in the legal description that was provided to the City by the property owner's surveyor for property at 754 Palmetto Avenue.

### **Background**

On June 2, 2015, the City Commission approved Resolution No. 2015-125, authorizing the execution of a Quitclaim Deed releasing a portion of property at 754 Palmetto Avenue to Lucia A. Ciulla, as Trustee of the Lucia A. Ciulla Revocable Trust. In December of 2021, Lucia A. Ciulla passed away and Anthony J. Ciulla became Successor Trustee of the Lucia A. Ciulla Revocable Trust. In preparation for a pending sale of the property, a scrivener's error was found in the legal description of the recorded Quitclaim Deed, which was due to an error in the legal description on the survey provided to the City by Lucia A. Ciulla. In an effort to avoid delay or inconvenience to the pending sale, a Corrective Quitclaim Deed was executed by the Mayor and the City Manager.

### **Budget Impact**

There is no budget impact to the City associated with this request.

### **Citizen Impact**

There is no citizen impact.

### **Recommendation**

It is recommended that the City Commission ratify and affirm the execution of the Corrective Quitclaim Deed executed by the Mayor and the City Manager.

**Attachments:**

- 22-22 Corrective Quitclaim Deed - Ciulla (P22-0006G) (PDF)
- Exhibit A - Signed Corrective Quitclaim Deed (PDF)

## RESOLUTION NO. 2022-22

A RESOLUTION RATIFYING AND AFFIRMING THE EXECUTION OF A CORRECTIVE QUITCLAIM DEED TO ANTHONY J. CIULLA, INDIVIDUALLY AND AS SUCCESSOR TRUSTEE OF THE LUCIA A. CIULLA REVOCABLE TRUST, DATED OCTOBER 10, 2012, FOR PROPERTY LOCATED AT 754 PALMETTO AVENUE, ORMOND BEACH, VOLUSIA COUNTY, FLORIDA; AND SETTING FORTH AN EFFECTIVE DATE.

**WHEREAS**, by Resolution No. 2015-125 the City Commission authorized the execution of a Quitclaim Deed recorded on June 8, 2015, at Book 7125, Pages 229 through 231, releasing a portion of property located at 754 Palmetto Avenue (“Property”) to Lucia A. Ciulla, as Trustee of the Lucia A. Ciulla Revocable Trust, dated October 12, 2012, (“Trust”) and

**WHEREAS**, in December of 2021, Lucia A. Ciulla passed away, giving full power and authority of the Property to Anthony J. Ciulla as Successor Trustee of the Trust, and

**WHEREAS**, in preparation for a pending sale of the Property, a scrivener’s error was found in the legal description of the recorded Quitclaim Deed, which was due to an error on the survey which had been provided to the City by Lucia A. Ciulla, and

**WHEREAS**, in an effort to avoid delay or inconvenience in the pending real estate transaction, a Corrective Quitclaim Deed was executed by the Mayor and the City Manager attached hereto as Exhibit “A” and incorporated herein by reference, now therefore

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF  
ORMOND BEACH, FLORIDA:**

**SECTION ONE.** The City Commission hereby ratifies and affirms the execution of a Corrective Quitclaim Deed executed by the Mayor and the City Manager, releasing the Property to Anthony J. Ciulla, individually and as Successor Trustee of the Trust, a copy of said Corrective Quitclaim Deed is attached hereto as Exhibit “A” and incorporated herein by reference.

**SECTION TWO.** This Resolution shall take effect immediately upon its adoption.

**APPROVED AND AUTHENTICATED this 1<sup>st</sup> day of February, 2022.**

---

**BILL PARTINGTON**  
Mayor

**ATTEST:**

---

**SUSAN CARROLL DAUDERIS**  
City Clerk

**PREPARED BY:**

**RANDAL A. HAYES, ESQUIRE**

Florida Bar No. 0747157

Post Office Box 277

Ormond Beach, FL 32175-0277

386-676-3392

Location: Palmetto Avenue, OB, FL 32176

Portion of Parcel ID No.: 4223-14-05-0100 (Formerly 4223-14-05-0090 and 4223-14-05-0091)

**CORRECTIVE**  
**QUITCLAIM DEED**

**THIS CORRECTIVE QUITCLAIM DEED**, executed this 13 day of January, 2022, by the **CITY OF ORMOND BEACH**, a Florida municipal corporation, whose post office address is 22 South Beach Street, Ormond Beach, Florida 32174 ("the Grantor"), to **ANTHONY J. CIULLA, INDIVIDUALLY AND AS SUCCESSOR TRUSTEE OF THE LUCIA A. CIULLA REVOCABLE TRUST, DATED OCTOBER 10, 2012**, whose post office address is 113 University Circle, Ormond Beach, Volusia County, Florida 32176 ("the Grantee").

**WITNESSETH**, that the Grantor, for and in consideration of the sum of TEN and no/100 DOLLARS (\$10.00), and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the Grantee, and Grantee's heirs and assigns forever, all of the right, title, interest, claim and demand which the Grantor has in and to that real property described as:

A portion of Lot 9, Block 5, and a portion of Cemetery Tract, both as shown on the Plat of ORTONA PARK, Section One, as recorded in Map Book 23, Pages 189-190 of the Public Records of Volusia County, Florida, and being more particularly described as follows:

Beginning at the Southwest corner of Lot 10, Block 5, of ORTONA PARK, Section One, run S77°44'34"W, along a westerly extension of the South line of said Lot 10, Block 5, a distance of 14.45 feet; thence, departing said westerly extension and along a new line through Lot 9, Block 5, and the Cemetery Tract, run N19°13'07"W, a distance of 132.28 feet to the southerly right of way line of Marvin Road, a 60 foot wide right of way shown as 37th Street on the aforementioned Plat of ORTONA PARK, Section One; thence N76°01'22"E, along said southerly right of way line, a distance of 12.35 feet to the Northwest corner of said Lot 10, Block 5; thence, S20°06'01"E, along the west line of said Lot 10, Block 5. A distance of 132.92 feet to the Point of Beginning.

THE PURPOSE OF THIS CORRECTIVE QUITCLAIM DEED IS TO CORRECT AN ERROR IN THE LEGAL DESCRIPTION CONTAINED IN THAT QUITCLAIM DEED RECORDED ON JUNE 8, 2015, IN BOOK 7125 AT PAGES 229 THROUGH 231, IN VOLUSIA COUNTY, FLORIDA.

**TO HAVE AND TO HOLD** the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee forever.

**IN WITNESS WHEREOF**, the said Grantor has signed and sealed these presents the day and year first above written.

**Signed, sealed and  
delivered in presence of:**

**CITY OF ORMOND BEACH, a Florida  
municipal corporation**

  
Name: Taylor Lochert

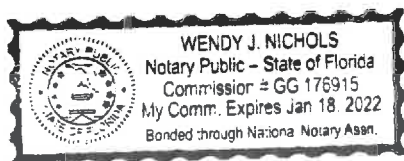
By:   
**BILL PARTINGTON, Mayor**  
22 South Beach Street  
Ormond Beach, FL 32174

  
Name: Steven R Johnson

Attest:   
**JOYCE A. SHANAHAN, City Manager**  
22 South Beach Street  
Ormond Beach, FL 32174

STATE OF FLORIDA    )  
                                  )ss:  
COUNTY OF VOLUSIA)

The foregoing instrument was acknowledged before me this 13 day of January, 2022, by **BILL PARTINGTON** and **JOYCE A. SHANAHAN**, as the Mayor and the City Manager, respectively, of the City of Ormond Beach who are personally known to me and who did take an oath.



  
**NOTARY PUBLIC** State of Florida  
Official Seal





# CITY OF ORMOND BEACH

City Manager • 22 S. Beach Street • Ormond Beach • Florida • 32174 • (386) 676-3200 • Fax (386) 676-3384

## **CITY MANAGER MEMORANDUM**

**To:** The Honorable Mayor Partington and City Commissioners

**Through:** Joyce A. Shanahan, City Manager

**From:** Kevin Gray, Deputy Public Works Director

**Date:** February 1, 2022

**Subject:** C&D Franchise Renewal for Creech Enterprises, Inc. dba Southeast Containers

**Commission Goal:** N/A

### **Introduction**

This item is to notify the City Commission of the renewal of an existing non-exclusive franchise agreement for the collection and disposal of construction and demolition debris generated within the City of Ormond Beach to Creech Enterprises, Inc. dba Southeast Containers ("Creech Enterprises").

### **Background**

On December 29, 2021, Creech Enterprises, a business located at 2960 S. Nova Road, South Daytona, Florida, 32119, submitted a construction and demolition roll-off services franchise agreement renewal application, affidavit of acknowledgment of business type, and a non-refundable renewal fee of \$1,500 to the City of Ormond Beach.

Creech Enterprises acknowledges the per roll-off charge of \$48.95 to be remitted by the tenth day of each month, accompanied by appropriate documentation, along with the franchise fee of \$5,000 to be remitted after approval of the franchise renewal.

### **Discussion**

Attached is the construction and demolition roll-off services franchise agreement renewal application in its entirety. City staff had previously conducted reference checks and a financial ability analysis of Creech Enterprises to perform construction and demolition roll-off services within the City of Ormond Beach, and reported the checks had provided no information to disallow the City Commission to grant a non-exclusive franchise agreement.

Creech Enterprises offers 10-, 15-, 20-, and 30-yard roll-off containers. The principal owners have an extensive background in the recycling and solid waste industry and

staff expects a high level of customer satisfaction from the company.

### **Budget Impact**

Revenues from this non-exclusive agreement will be \$5,000 from the receipt of the franchise fee, \$1,500 from the renewal fee, and approximately \$2,500 from pull charges.

### **Citizen Impact**

The franchising of waste haulers ensures that these businesses operate within the requirements of the City of Ormond Beach. Currently, Creech Enterprises, Waste Pro of Florida, Waste Management, GEL Recycling LLC, Samsula Landfill, and My Dumpster Guy LLC serve as the only roll-off haulers permitted to do business within the corporate limits of the City of Ormond Beach.

### **Recommendation**

City staff is providing public notice of its intent to renew the non-exclusive franchise agreement with Creech Enterprises, Inc., dba Southeast Containers for the period from February 1, 2022, to February 1, 2023.

### **Attachments:**

- Creech Enterprises 2022 (PDF)

REVIEWED BY:

  
Kelly McGuire, Finance Director 1/13/2022

  
Claire Whitley, Assistant City Manager 1/24/2022

APPROVED BY:

  
Joyce A. Shanahan, City Manager 1/26/2022

**City of Ormond Beach**  
**Public Works Department**  
**Construction & Demolition Roll Off Services Franchise Application**

Check one

☐ New

☒ Renewal

☐ Transfer

☐ Modification

**Applicant Information:**

Name:

Creech Enterprises, Inc. - dba Southeast Containers

Address:

29160 S. Nova Rd.

City/State/Zip Code:

South Daytona, FL 32119

Phone Number:

(386) 547-4182

Contact Name:

Lowry Creech

**To the applicant:** The following information checklist is provided to assist you in preparing your application for a non-exclusive franchise to provide containers for construction and demolition debris collection and disposal services to properties located in the City of Ormond Beach. Please provide the required information identified in this checklist as an attachment to the franchise application.

**Franchise Application Requirements  
And Requirement Checklist**

- ☒ 1. Name(s) and business address(es) of principal officers and stockholders and other persons having financial or controlling interest in any partnership or corporation;
- ☒ 2. Name(s) and business address(es) of local managing officers of any publicly owned corporation having more than 25 shareholders;
- ☒ 3. Proof that corporation is in good standing in the State, and if not a Florida corporation, proof that applicant is qualified to do business in the State of Florida;
- ☒ 4. If applicant is other than a corporation, and is operating under a fictitious name, applicant shall be required to submit information that such fictitious name is registered and held by applicant;
- ☒ 5. List of type, number and complete description of all equipment to be used by applicant for providing safe and efficient services;
- ☒ 6. Description or listing of the applicant's and its related entity's experience in the collection of construction and demolition debris;
- ☒ 7. List of all franchises awarded to the applicant and the status of those franchises;

**City of Ormond Beach**  
**Public Works Department**  
**Construction & Demolition Roll Off Services Franchise Application**

- ☒ 8. List of all franchises applied for which were not granted during the previous five year period;
- ☒ 9. Written response to selection criteria as follows:
1. The public need for the proposed franchise or franchise transfer.
  2. The financial ability of the applicant to perform
  3. Such other matters or information regarding the applicant or proposed franchise that the City Commission may determine relevant in its legislative discretion;
- ☒ 10. Applicant shall maintain in full force and effect the insurance coverages required by Exhibit "A" of City of Ormond Beach Resolution No. 98-132 and any subsequent amendments thereto. Commercial General Liability coverage shall be \$1 million each occurrence, \$1 million aggregate products and completed operations and \$50,000 fire damage (any one fire).
- ☒ 11. An applicant for an initial franchise, or a material modification of an existing franchise, or a transfer of a franchise shall file the original and ten (10) copies of the application with the city clerk, or his or her designee. Any transfer of more than twenty-five (25) per cent of the ownership of the franchisee shall be deemed to be a "transfer of a franchise."
- ☒ 12. Contemporaneously with the filing of an application for an initial franchise, the applicant shall remit to the city a nonrefundable application fee in the amount of two thousand five hundred dollars (\$2,500.00); and contemporaneously with the filing of an application for a material modification of an existing franchise, or a transfer of a franchise, the applicant shall remit to the city, unless otherwise prohibited by law or waived by the city, a nonrefundable application fee in the amount of one thousand five hundred dollars (\$1,500.00). "Material modification" shall mean a change in any term or condition that substantially or materially affects any right or obligation of the franchisee or city under a franchise.
- ☒ 13. Within ten (10) business days after the filing of an application, the applicant shall furnish a complete copy of the application to all other collectors of construction and demolition debris that have franchises in the city. The copy shall be furnished by personal delivery or sent by certified mail, return receipt requested, to the principal business office of such other collectors of construction and demolition debris.

**Definitions:**

1. **Applicant:** a person or corporation applying to the City of Ormond Beach for a non-exclusive franchise to provide construction and demolition roll-off containers and/or collect construction and demolition debris within the City for hire, remuneration or other consideration.
2. **Franchisee:** person or corporation to whom the City has issued a non exclusive franchise to provide roll-off containers for construction and demolition services and/or to provide construction and demolition debris collection and disposal services to properties in the City.

City of Ormond Beach  
Public Works Department  
Construction & Demolition Roll Off Services Franchise Application

Applicant agrees to comply with all applicable provisions of the City of Ormond Beach, Florida Code of Ordinances Chapter 10, Article IV, as may be amended.

Lowry Creech  
 Applicant name (Print or Type)

[Signature]  
 Applicant signature

12-29-2021  
 Application submission date

[Signature] 12/29/2021  
 Application received by date

[Signature] 6184 12-28-2021  
 Application fee received by check number check date

[Signature] 12-30-2021  
 Approved City Manager/designee signature date

**City of Ormond Beach  
Public Works Department  
Construction & Demolition Roll Off Services Franchise Application**

**Affidavit  
ACKNOWLEDGMENT OF BUSINESS TYPE**

The below named person, as applicant or legal representative for applicant, does hereby certify that all required information has been attached to the application and becomes a part thereof.

Applicant or applicant's legal representative agrees that applicant will comply with all provisions of the City of Ormond Beach Code of Ordinances, the laws, rules, ordinances and regulations of Volusia County, the State of Florida and the United States of America.

**BUSINESS ADDRESS of APPLICANT:**

Address: 2760 S. Nova Rd.  
City: South Daytona State: FL Zip: 32119  
Telephone No. (386) 547-4182 Fax No. (386) 767-0308  
Federal ID. No. 16-1646047

**SIGNATURE OF APPLICANT**

If an Individual: \_\_\_\_\_, doing business  
Signature

as \_\_\_\_\_

If a Partnership: \_\_\_\_\_ by: \_\_\_\_\_,  
General Partner Signature

If a Corporation: Creech Enterprises, Inc.  
Corporate Name

(a Florida Corporation)

by: \_\_\_\_\_  
Signature

Title: vice president

Attest: \_\_\_\_\_ (SEAL)  
Corporate Secretary

**NOTARY PUBLIC:** \_\_\_\_\_

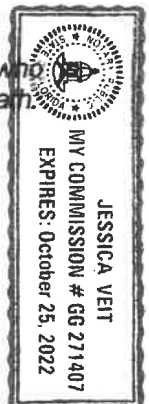
**STATE OF:** Florida **COUNTY OF:** Volusia

The foregoing instrument was acknowledged before me this day of 2020 by Lowry Creech who (are) personally known to me or who has produced as identification and who did (did not) take an oath.

**NOTARY PUBLIC SIGNATURE:** Jessica Veit

**NOTARY NAME, PRINTED, TYPED OR STAMPED:** Jessica Veit

Commission Number: 66291407 My Commission Expires: 10/25/2022







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## Detail by Entity Name

Florida Profit Corporation

CREECH ENTERPRISES, INCORPORATED

### Filing Information

|                         |               |
|-------------------------|---------------|
| <b>Document Number</b>  | P00000079554  |
| <b>FEI/EIN Number</b>   | 16-1646047    |
| <b>Date Filed</b>       | 08/23/2000    |
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| <b>Status</b>           | ACTIVE        |
| <b>Last Event</b>       | REINSTATEMENT |
| <b>Event Date Filed</b> | 04/22/2003    |

### Principal Address

2960 S. NOVA ROAD  
SOUTH DAYTONA, FL 32119

Changed: 04/28/2004

### Mailing Address

2960 S. NOVA ROAD  
SOUTH DAYTONA, FL 32119

Changed: 04/28/2004

### Registered Agent Name & Address

CREECH, AARON E  
2960 S. NOVA ROAD  
SOUTH DAYTONA, FL 32119

Name Changed: 06/10/2014

Address Changed: 06/10/2014

### Officer/Director Detail

#### **Name & Address**

Title President

CREECH, AARON  
2960 S. NOVA RD  
SOUTH DAYTONA, FL 32119

Title VP

Creech, Lowry  
 2960 S. NOVA ROAD  
 SOUTH DAYTONA, FL 32119

**Annual Reports**

| <b>Report Year</b> | <b>Filed Date</b> |
|--------------------|-------------------|
| 2019               | 02/11/2019        |
| 2020               | 01/20/2020        |
| 2021               | 01/17/2021        |

**Document Images**

|                                                     |                                          |
|-----------------------------------------------------|------------------------------------------|
| <a href="#">01/17/2021 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">01/20/2020 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">02/11/2019 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">03/28/2018 -- AMENDED ANNUAL REPORT</a> | <a href="#">View image in PDF format</a> |
| <a href="#">03/11/2018 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">01/15/2017 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
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| <a href="#">06/10/2014 -- AMENDED ANNUAL REPORT</a> | <a href="#">View image in PDF format</a> |
| <a href="#">04/18/2014 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">03/20/2013 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">03/02/2012 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">02/08/2011 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">01/22/2010 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">02/28/2009 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">03/18/2008 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">03/02/2007 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">04/20/2006 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">02/24/2005 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">04/28/2004 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">04/22/2003 -- REINSTATEMENT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">05/16/2001 -- ANNUAL REPORT</a>         | <a href="#">View image in PDF format</a> |
| <a href="#">08/23/2000 -- Domestic Profit</a>       | <a href="#">View image in PDF format</a> |



**2021 FLORIDA PROFIT CORPORATION ANNUAL REPORT****FILED****7.D.a**

DOCUMENT# P00000079554

**Jan 17, 2021****Entity Name:** CREECH ENTERPRISES, INCORPORATED**Secretary of State****3657246360CC****Current Principal Place of Business:**2960 S. NOVA ROAD  
SOUTH DAYTONA, FL 32119**Current Mailing Address:**2960 S. NOVA ROAD  
SOUTH DAYTONA, FL 32119 US**FEI Number: 16-1646047****Certificate of Status Desired:** No**Name and Address of Current Registered Agent:**CREECH, AARON E  
2960 S. NOVA ROAD  
SOUTH DAYTONA, FL 32119 US*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.***SIGNATURE:** AARON E CREECH**01/17/2021**

Electronic Signature of Registered Agent

Date

**Officer/Director Detail :**

|                 |                        |                 |                        |
|-----------------|------------------------|-----------------|------------------------|
| Title           | PRESIDENT              | Title           | VP                     |
| Name            | CREECH, AARON          | Name            | CREECH, LOWRY          |
| Address         | 2960 S. NOVA RD        | Address         | 2960 S. NOVA ROAD      |
| City-State-Zip: | SOUTH DAYTONA FL 32119 | City-State-Zip: | SOUTH DAYTONA FL 32119 |

*I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.*

**SIGNATURE:** AARON CREECH**PRESIDENT****01/17/2021**

Electronic Signature of Signing Officer/Director Detail

Date

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Fictitious Name Search

No Filing History

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## Fictitious Name Detail

### Fictitious Name

SOUTHEAST CONTAINERS

### Filing Information

**Registration Number** G19000112924  
**Status** ACTIVE  
**Filed Date** 10/17/2019  
**Expiration Date** 12/31/2024  
**Current Owners** 1  
**County** VOLUSIA  
**Total Pages** 1  
**Events Filed** NONE  
**FEI/EIN Number** NONE

### Mailing Address

2960 S. NOVA ROAD  
SOUTH DAYTONA, FL 32119

### Owner Information

CREECH ENTERPRISES, INC.  
2960 S NOVA RD.  
SOUTH DAYTONA, FL 32119  
**FEI/EIN Number:** 16-1646047  
**Document Number:** P00000079554

### Document Images

[10/17/2019 – Fictitious Name Filing](#)

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Fictitious Name Search

No Filing History

**APPLICATION FOR REGISTRATION OF FICTITIOUS NAME**

REGISTRATION# G19000112924

**Fictitious Name to be Registered:** SOUTHEAST CONTAINERS**Mailing Address of Business:** 2960 S. NOVA ROAD  
SOUTH DAYTONA, FL 32119**Florida County of Principal Place of Business:** VOLUSIA**FEI Number:****FILED**  
**Oct 17, 2019**  
**Secretary of State****Owner(s) of Fictitious Name:**CREECH ENTERPRISES, INC.  
2960 S NOVA RD.  
SOUTH DAYTONA, FL 32119  
Florida Document Number: P00000079554  
FEI Number: 16-1646047

I the undersigned, being an owner in the above fictitious name, certify that the information indicated on this form is true and accurate. I further certify that the fictitious name to be registered has been advertised at least once in a newspaper as defined in Chapter 50, Florida Statutes, in the county where the principal place of business is located. I understand that the electronic signature below shall have the same legal effect as if made under oath and I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s. 817.155, Florida Statutes.

AARON CREECH

10/17/2019

Electronic Signature(s)

Date

**Certificate of Status Requested ( )****Certified Copy Requested ( )**

*Creech Enterprises, Inc. dba*  
**Southeast Containers**

Construction & Demolition Roll Off Services Application

Name: Creech Enterprises, Inc. dba Southeast Containers  
 Address: 2960 S Nova Rd, South Daytona, FL 32119  
 Phone: 386-547-4182  
 Owner: Aaron Creech (100% owner)  
 Fax: 386-767-0308  
 Email: secontainers@gmail.com

Officers:

Aaron Creech President  
 2960 S Nova Rd., South Daytona FL 32119  
 Lowry Creech VP  
 2960 S Nova Rd., South Daytona, FL 32119

Southeast Containers has been in business in Volusia County for 10+ years offering construction and demolition debris roll off container services. It was purchased in October 2014 by Creech Enterprises, Inc. Creech Enterprises, Inc. has been in the construction and wastewater collection services since 2001. Southeast Containers has been servicing such contracts as ICI, Minto, and Volusia County School Board for years.

Southeast Containers is franchised in Daytona Beach, Ponce Inlet, Palm Coast, Flagler Beach, New Smyrna Beach, Port Orange and Daytona Beach Shores. We have not applied for any franchises that have not been granted.

Inventory:

3 Freightliner Hook Trucks  
 2 Mack Hook Truck  
 250 roll off containers (varying sizes: 10, 15, 20, 30 yards)

Disposal Facilities:

4Jays Landfill-C&D  
 425 S State Road 415, New Smyrna Beach, FL 32168

Tomoka Landfill-Volusia County Government-C&D  
 1990 Tomoka Farms Road, Port Orange, FL 32128

Samsula Landfill Inc  
 363 SR415  
 New Smyrna Beach, FL 32168

2960 S Nova Rd.  
 South Daytona, FL 32119  
 Phone: 386-547-4182  
 Fax: 386-767-0308  
 secontainters@gmail.com

*Creech Enterprises, Inc. dba*  
**Southeast Containers**

Creech Enterprises, Inc. dba Southeast Containers certifies that there is no unsatisfied or outstanding money judgement(s) against the corporation or owners of the corporation.

Creech Enterprises, Inc. dba Southeast Containers certifies that we have never been adjudicated in default on any government contract.

The public need for the proposed franchise is great. Ormond Beach is growing fast which means there is a lot of commercial and residential construction to meet the needs of the citizens of Ormond Beach. All construction and demolition debris needs to be stored and removed from the site in a safe and reliable manner. We offer that safe fast reliable service have been for years. We guarantee same day service if called in before noon. Next day service is guaranteed if called in the afternoon (but still try to service same day).

Southeast Containers is financial able to perform. This business as been performing for 10+ years even through the economic/construction down turn Southeast Containers and Creech Enterprises was able to survive without default. Creech Enterprises, Inc. was able to obtain Southeast Containers through a U.S. Small Business Administration (SBA) loan. The process for such a loan includes rigorous financials to make sure upstanding business.

Southeast Containers has been servicing the Volusia County area for 10+ years. We have provided services to everyone from the little guy cleaning up his house to the large demolition job taking down an entire house to the construction companies constructing a new home. We have been servicing large builders such as Intervest Construction, Inc. (ICI) and Minto Communities for 6+ years for their C&D needs in Volusia County. We also service government agencies such as the Volusia County School Board for debris removal needs.

Southeast Containers currently owns a 2007, 2010 and 2017 Frieghtliner as well as a 2010 and 2004 Mack that are used to deliver and pull the 250 containers varying in sizes (10,15, 20, and 30 yards) to and from job sites through out the county.

All trucks are properly serviced and maintained to meet Department of Transportation (DOT) regulations with a certified mechanic. They have yearly inspections. All trucks are equipped with tarps to contain all debris during transit.

2960 S Nova Rd.  
South Daytona, FL 32119  
Phone: 386-547-4182  
Fax: 386-767-0308  
secontainters@gmail.com



# CITY OF ORMOND BEACH

City Manager • 22 S. Beach Street • Ormond Beach • Florida • 32174 • (386) 676-3200 • Fax (386) 676-3384

## **CITY MANAGER MEMORANDUM**

**To:** The Honorable Mayor Partington and City Commissioners

**Through:** Joyce A. Shanahan, City Manager

**From:** Alex Schumann, City Engineer

**Date:** February 1, 2022

**Subject:** Fleming Stormwater Pump Station Ineligibility

**Commission Goal:** N/A

### **Introduction**

This is a disposition item to inform the City Commission of Florida Division of Emergency Management's (FDEM) determination of ineligibility.

### **Background**

Following Hurricane Matthew in 2016, the City submitted a grant request to FDEM through their Hazard Mitigation Grant Program (HMGP) funded by the Federal Emergency Management Agency (FEMA). The Phase 1 design grant was awarded for the design of the Fleming Avenue Stormwater Pump Station.

On March 21, 2019, the City Commission approved the design contract for Mead & Hunt to design the proposed 58 million gallons per day (MGD) stormwater pumps station at Fleming Ave (Central Park Lake #4). Initial project estimates for the proposed pump station anticipated a construction cost of \$8.6 million; through the course of detailed design a final construction estimate of \$12.56 million was calculated and presented to the City and FDEM. The final estimate reflects current increases in prices as well as other factors affecting project costs including the difficulty in crossing the railroad right-of-way and permitting of a large river outfall.

### **Discussion**

Design of this project was completed and submitted to FDEM on November 28, 2019. FDEM reviewed the hydraulic modeling, cost estimates, and the Benefit Cost Analysis (BCA). On August 16, 2021 FDEM informed the city that the project was ineligible for Phase 2 construction funding based on the BCA. Further, FDEM informed the City that additional funds would not be available to cover the increased costs.

City staff and their design engineer met on multiple occasions with FDEM, to discuss

whether revisions to the project could be made that would potentially make the project eligible. FDEM indicated that funds had already been de-obligated, however, a revised plan could be resubmitted under a different disaster declaration at a later date. Staff will continue to explore project revisions to improve the project's BCA and funding eligibility.

### **Budget Impact**

There are not budget impacts.

### **Citizen Impact**

The proposed pump station would have pumped treated stormwater to the river prior to and during projected extreme storm events. The hydraulic model projected that the pumps would only need to be put into use for 9.6 hours per year. Staff will continue to use portable pumps during these extreme events, and utilize the smaller pumping system at Bennett Lane to draw down the Central Park Lake system in advance of advancing storms.

### **Recommendation**

No action is needed. Staff will not proceed at this time, unless directed otherwise.

### **Attachments:**

- 4283-70-R Florida Division of Emergency Management Letter of Ineligibility (PDF)

REVIEWED BY:

  
Kelly McGuire, Finance Director 1/24/2022

  
Claire Whitley, Assistant City Manager 1/25/2022

APPROVED BY:

  
Joyce A. Shanahan, City Manager 1/26/2022



STATE OF FLORIDA

**DIVISION OF EMERGENCY MANAGEMENT**Ron DeSantis  
GovernorKevin Guthrie  
Director

August 16, 2021

Mr. Shawn P. Finley, P.E.  
City Engineer  
City of Ormond Beach  
22 South Beach Street  
Ormond Beach, Florida 32174

**Re: Project 4283-70-R, City of Ormond Beach, Fleming Avenue Pump  
Station, Drainage Improvement – Phase II Denial**

Dear Mr. Finley:

This letter is to inform you that the Florida Division of Emergency Management (FDEM) Mitigation staff has completed our review of the above-referenced Hazard Mitigation Grant Program (HMGP) Project Phase II deliverables.

While we value the amount of time, labor, and resources spent in preparing your HMGP project revised Phase Deliverables, we have still come to the conclusion that the project is ineligible for further funding under the HMGP as outlined in 44 CFR 206.434 (C) (5) ELIGIBILITY.

*Be cost-effective and substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a major disaster. Will not cost more than the anticipated value of the reduction in both direct damages and subsequent negative impacts to the area if future disasters were to occur.*

Under this federal guideline all HMGP projects must be accompanied by a Benefit Cost Analysis (BCA) justifying its cost effectiveness. As of October 29, 2020, FDEM could not demonstrate that the project was cost effective for the specified scope of work. Therefore, FDEM is not recommending the Phase II portion of this project for further funding.

FDEM received the award letter from FEMA for this project on April 12, 2018, for the Phase I (design) portion of your project. The approved project cost was \$1,082,456.00 with a Federal Share of \$811,842.00 and local share of \$270,614.00.



Mr. Shawn Finley  
August 16, 2021  
Page Two

FDEM can reimburse you for the remaining Phase I costs incurred in the performance of eligible design work, upon submittal of a complete Request for Reimbursement, even though we will not be proceeding with the Phase II portion of this project.

If you have questions regarding your project, please contact Holly Swift, Project Manager, at (850) 815-4570, or email [Holly.Swift@em.myflorida.com](mailto:Holly.Swift@em.myflorida.com).

Respectfully,

Miles E. Anderson

Digitally signed by Miles E. Anderson  
DN: cn=Miles E. Anderson, o=DEM, ou=Mitigation,  
email=Miles.anderson@em.myflorida.com, c=US  
Date: 2021.08.17 14:07:53 -04'00'

Miles E. Anderson  
Bureau Chief, Mitigation  
State Hazard Mitigation Officer

MEA/hs

cc: Alan Williamson, Volusia County LMS Chair  
April Martti, Engineering Project Coordinator



# CITY OF ORMOND BEACH

City Manager • 22 S. Beach Street • Ormond Beach • Florida • 32174 • (386) 676-3200 • Fax (386) 676-3384

## **CITY MANAGER MEMORANDUM**

**To:** The Honorable Mayor Partington and City Commissioners

**Through:** Joyce A. Shanahan, City Manager

**From:** Steven Spraker, Planning Director

**Date:** February 1, 2022

**Subject:** 215 Williamson Boulevard (Regal Center), Zoning Map Amendment

**Commission Goal:** Community Development - Other

### **Introduction**

This is a request by 215 Williamson Investors LLC, with authorization of the property owner, Regal Cinemas, Inc., for a zoning map amendment from B-8 (Commercial) to PBD (Planned Business Development) and the issuance of a development order. The Planned Business Development zoning map amendment seeks to: (1) create an outparcel along Williamson Boulevard, (2) allow additional uses within the Planned Business Development, and (3) create a framework for future redevelopment. The subject property is approximately 12.00 acres and is located at 215 Williamson Boulevard. This ordinance is for the zoning map amendment and the next ordinance is for the issuance of the development order.

### **Background**

The subject property has a land use of "Commercial" and a B-8 (Commercial) zoning designation. The property was annexed into the City of Ormond Beach on December 5, 1995 with Ordinance No. 95-170. The property had a Volusia County development order to construct a 12-screen movie theater that was transferred into the City of Ormond Beach. The movie theater was constructed in 1996. The movie theater use was impacted by the COVID-19 pandemic and the property has been listed for sale. The applicant is the contract purchaser of the property.

The site development for the movie theater use is unique. Site characteristics of the property include the following:

1. Along Williamson Boulevard, the property has a Greenbelt buffer of 36';
2. Two stormwater ponds exist on either side of the access aisle for the property;
3. A pole sign exists based on the landscape buffer and the location of the building at the rear of the site;
4. There is a large parking lot designed to serve the peak usage of the movie theater use; and

5. The two-story building is 39,368 square feet and approximately 50' in height. The building is located in the rear of the property.

The applicant has identified the following challenges in the redevelopment of the existing property which has led to the requested zoning map amendment:

1. Configuration of the theater facility does not lend itself to any type of big box retailer;
2. Renovations necessary to the theater's sloped floors so that they are at grade level with the balance of the building;
3. The extraordinary set back of the existing theater building from Williamson Boulevard diminishes visibility from the road for future use;
4. The 620 existing parking spaces which would not be necessary under most redevelopment uses;
5. Limited road frontage and visibility for the entire property from all sides; and
6. Demolition of the 2,300 theater seats and structural components.

For the purpose of the redevelopment site plan, the subject property is divided into five (5) parcels or areas of redevelopment. It is important to note that these are not tax parcels. The parcels are useful for understanding the redevelopment purpose of each area. The parcels are described further in item B, the issuance of the development, and are as follows:

- A. Parcel 1: Outparcel of 1.31 acres along Williamson Boulevard. This is the area where the stormwater pond would be relocated.
- B. Parcel 2: Existing stormwater pond south of the access drive. This stormwater pond area is proposed to be cleaned up and a fountain installed. There are no changes in the use of this area.
- C. Parcel 3: Existing parking field for the former theater use. Parcel 3 is 3.63 acres. Parcel 3 would be developed into a future use. The Planned Development seeks to allow the B-8 uses and additional uses within the development order.
- D. Parcel 4: Existing former movie theater building of 39,368 square feet. Parcel 4 is 4.43 acres and includes some parking. The building is proposed to be redeveloped. The Planned Development seeks to allow the B-8 uses and additional uses within the development order.
- E. Parcel 5: This area is the relocated stormwater pond and is 1.87 acres.

## **Discussion**

Chapter 1, Article I, Section 1-15.C.3 of the Land Development Code provides the criteria for a zoning map amendment. Staff analysis demonstrates that the application will not adversely affect public health, safety, welfare or the quality of life. Section 1-18.E.3 of the Land Development Code states that the City Commission shall consider rezonings based on the consistency with the Comprehensive Plan. The zoning map amendment is consistent based upon the following points:

- The impacts on facilities and services will not change as a result of the requested zoning amendment from B-8 (Commercial) to PBD; and
- The zoning request is consistent with the compatibility matrix outlined in the Land

Development Code for the Future Land Use Plan Map designation of "Commercial".

#### PLANNING BOARD

The Planning Board reviewed the application on December 9, 2021 and recommended approval (6-0). There were no individuals who spoke for or against the zoning map amendment.

#### Budget Impact

There is no anticipated budget impact as the result of the zoning map amendment.

#### Citizen Impact

The zoning action does not approve a specific development plan and this criterion would be reviewed as part of the issuance of the development order. The existing site has been closed for over a year and without redevelopment the conditions of blight start to occur. The zoning map amendment seeks to establish the zoning necessary to redevelop the existing site.

#### Recommendation

It is recommended that the City Commission approve the zoning map amendment for a 12.00± acre property from B-8 (Commercial) to Planned Business Development.

#### Attachments:

- 22 -02 Regal Center Zoning Map Amendment (P21-0205G) (PDF)
- Exhibit A Legal Description, 215 Williamson Boulevard (PDF)
- Exhibit B Proposed Zoning, 215 Williamson Boulevard (PDF)
- 12.09.2021, Zoning Map Amendment - Regal Center, PB Staff Report, COMBINED (PDF)
- DRAFT, Planning Board minutes, 12.09.2021 - Regal Center (PDF)

REVIEWED BY:

  
Kelly McGuire, Finance Director 12/28/2021

  
Claire Whitley, Assistant City Manager 1/11/2022

APPROVED BY:

  
Joyce A. Shanahan, City Manager 1/12/2022

## ORDINANCE NO. 2022-02

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE A CERTAIN PARCEL OF REAL PROPERTY TOTALING APPROXIMATELY 12.00-ACRES LOCATED AT 215 WILLIAMSON BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4230-00-00-0014) FROM B-8 (COMMERCIAL) TO PLANNED BUSINESS DEVELOPMENT (PBD); AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

**WHEREAS**, Regal Cinemas, Inc., a Tennessee Corporation authorized to conduct business in Florida, is the owner of real property (“Property Owner”) located at 215 Williamson Boulevard (Volusia County parcel number 4230-00-00-0014), as more particularly described and depicted in Exhibit “A” attached hereto and incorporated herein (“Property”), and

**WHEREAS**, 215 Williamson Investors, LLC, a Florida limited liability company (“Contract Purchaser”) and the Property Owner have entered into a contract for purchase/sale of the Property, and

**WHEREAS**, the Contract Purchaser, with the consent of the Property Owner, has submitted an application to the city to re-zone the Property from B-8 (Commercial) to Planned Businesses Development (PBD), and

**WHEREAS**, the Property to be re-zoned is more than ten contiguous acres, consisting of approximately 12.00 contiguous acres, and

**WHEREAS**, the Planning Board held a public hearing regarding this matter as required by Chapter 1, Article II, Section 1-15(d)(3), of the *Land Development Code*, and

**WHEREAS**, the City Commission held a public hearing regarding this matter as required by Section 166.041(3)(c)(1), *Florida Statutes*, and

**WHEREAS**, all applicable legal notice requirements have been complied with, and

**WHEREAS**, the City Commission finds the proposed rezoning to be consistent with the Future Land Use Element, and the Future Land Use Map, of the City's adopted *Comprehensive Plan*, now therefore,

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:**

**SECTION ONE.** The foregoing recitals are incorporated herein as the findings of the City Commission.

**SECTION TWO.** Paragraph C, Official Zoning Map, of Section 2-01, Established, of Article I, Establishment of Zoning Districts and Official Zoning Map, of Chapter 2, District and General Regulations, of the *Land Development Code* of the City of Ormond Beach, Florida is hereby amended by amending the Official Zoning Map, to change the zoning designation of the property described and depicted on Exhibit “A” from B-8 (Commercial) to Planned Business Development (PBD) as shown and depicted in Exhibit “B”.

**SECTION THREE.** The re-zoning hereby approved shall become effective subject to and on the date the Applicant/Contract Purchaser acquires ownership-title to the Property. The Applicant/Contract Purchaser shall provide to the city a copy of the deed of conveyance. The re-zoning hereby approved shall not become effective, and said approvals shall be deemed to be null and void and shall have no legal force or effect, in the event the Applicant/Contract Purchaser fails to acquire ownership-title to the Property or in the event the contract between the Applicant/Contract Purchaser and the Property Owner is terminated or expires without the conveyance of the Property to the Applicant/Contract Purchaser.

**SECTION FOUR.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.



**SECTION FIVE.** This Ordinance shall be effective immediately upon its adoption.

**PASSED UPON** at the first reading of the City Commission, this 18<sup>th</sup> day of January, 2022.

**PASSED UPON** at the second reading of the City Commission, this 1<sup>st</sup> day of February, 2022.

---

**BILL PARTINGTON**  
Mayor

**ATTEST:**

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**SUSAN CARROLL DAUDERIS**  
City Clerk

## EXHIBIT "A"

### PAGE 1 OF 2

## LEGAL DESCRIPTION

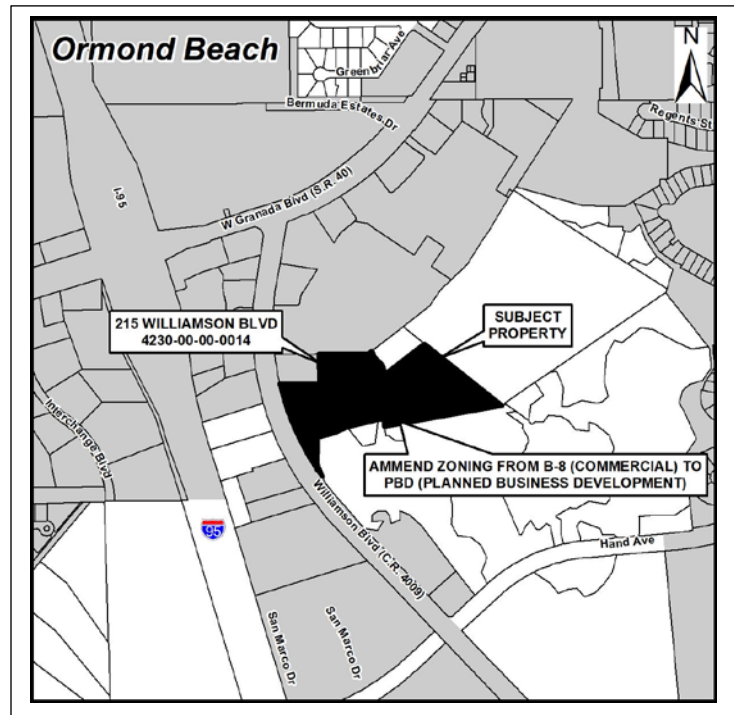
A PORTION OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE, COMMENCE AT A CONCRETE MONUMENT MARKING THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 30; THENCE RUN NORTH 89°30'28" WEST, ALONG THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 484.54 FEET TO A POINT THEREIN; THENCE, DEPARTING SAID SECTION LINE, RUN NORTH 32°27'31" WEST A DISTANCE OF 163.57 FEET; THENCE RUN NORTH 17°49'13" WEST A DISTANCE OF 318.80 FEET; THENCE RUN NORTH 18°20'40" WEST A DISTANCE OF 103.32 FEET; THENCE RUN SOUTH 77°31'10" WEST A DISTANCE OF 3.29 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE SOUTH 77°31'10" WEST A DISTANCE OF 37.17 FEET TO THE NORTHEASTERLY CORNER OF AREA "L", A DESCRIBED IN OFFICIAL RECORDS BOOK 3779, PAGE 4373, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 78°34'22" WEST (SOUTH 78°33'43" WEST PER DEED), ALONG THE NORTH LINE OF SAID AREA "L", A DISTANCE OF 214.89 FEET TO THE NORTHWESTERLY CORNER THEREOF, SAID POINT ALSO LYING IN THE SOUTH LINE OF THE 15 FOOT ACCESS EASEMENT KNOWN AS EASEMENT "W" AND BEING DESCRIBED IN OFFICIAL RECORDS BOOK 3779, PAGE 4410, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN WESTERLY AND SOUTHERLY, ALONG THE SOUTHERLY LINE OF SAID EASEMENT "W", THE FOLLOWING COURSES AND DISTANCES: SOUTH 61°44'28" WEST (SOUTH 61°43'41" WEST PER DEED) A DISTANCE OF 93.77 FEET; THENCE RUN SOUTH 76°01'52" WEST (SOUTH 76°01'05" WEST PER DEED) A DISTANCE OF 117.88 FEET; THENCE RUN SOUTH 02°18'45" WEST (SOUTH 02°17'58" WEST PER DEED) A DISTANCE OF 115.36 FEET; THENCE RUN SOUTH 03°13'28" EAST (SOUTH 03°14'15" EAST PER DEED) A DISTANCE OF 61.75 FEET; THENCE RUN SOUTH 19°44'01" EAST (SOUTH 19°44'48" EAST PER DEED) A DISTANCE 136.51 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE 130 FOOT WIDE RIGHT-OF-WAY OF WILLIAMSON BOULEVARD, SAID POINT LYING IN A CURVE, CONCAVE EASTERLY, AND HAVING A RADIUS OF 1830.08 FEET; THENCE RUN NORTHERLY AND WESTERLY, ALONG SAID CURVED RIGHT-OF-WAY LINE, A DISTANCE OF 716.60 FEET, OR THROUGH AN CENTRAL ANGLE OF 22°26'06", HAVING A CHORD DISTANCE OF 712.03 FEET AND A CHORD BEARING OF NORTH 25°16'48" WEST, TO A POINT THEREIN; THENCE, DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, RUN NORTH 89°56'42" EAST A DISTANCE OF 272.16 FEET; THENCE RUN NORTH 04°04'04" WEST A DISTANCE OF 200.49 FEET TO A POINT IN THE SOUTHERLY LINE OF ORMOND TOWNE SQUARE, AS DESCRIBED IN WARRANTY DEED FROM PATRICIA LAGONI, TRUSTEE, TO THE FAISON-SOFRAN PARTNERSHIP, AS RECORDED IN OFFICIAL RECORDS BOOK 3779, PAGE 4422, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN NORTH 89°56'42" EAST (NORTH 89°55'55" EAST PER DEED), ALONG THE SOUTHERLY LINE OF SAID ORMOND TOWNE SQUARE, A DISTANCE OF 326.31 FEET TO A CONCRETE MONUMENT IN SAID SOUTHERLY LINE; THENCE RUN NORTH 52°24'56" EAST (NORTH 52°25'11" EAST PER DEED), CONTINUING ALONG SAID SOUTH LINE OF ORMOND TOWNE SQUARE, A DISTANCE OF 48.52 FEET TO A POINT THEREIN, SAID POINT BEING THE NORTHWESTERLY CORNER OF AREA "K", AS DESCRIBED IN OFFICIAL RECORDS BOOK 3779, PAGE 4381, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE, DEPARTING THE SOUTH LINE OF SAID ORMOND TOWNE SQUARE AND ALONG THE WESTERLY LINE OF SAID AREA "K", RUN SOUTH 20°35'09" EAST (SOUTH 20°34'54" EAST PER DEED) A DISTANCE OF 40.46 FEET; THENCE RUN SOUTH 43°13'00" EAST (SOUTH 43°12'45" EAST PER DEED), ALONG SAID WESTERLY LINE, A DISTANCE OF 85.30 FEET; THENCE RUN SOUTH 14°10'46" EAST (SOUTH 13°17'25" EAST PER DEED), ALONG SAID WESTERLY LINE, A DISTANCE OF 55.05 FEET (55.31 FEET PER DEED) TO THE SOUTHWESTERLY CORNER OF SAID AREA "K"; THENCE CONTINUE NORTH 52°23'55" EAST (NORTH 52°25'11" EAST PER DEED), ALONG THE SOUTHERLY LINE OF SAID AREA "K", A DISTANCE OF 335.64 FEET (336.59 FEET PER DEED) TO THE SOUTHEASTERLY CORNER THEREOF, SAID POINT LYING IN THE WESTERLY LINE OF THAT PARCEL OF LAND DEEDED FROM PATRICIA LAGONI, AS TRUSTEE, TO THE COUNTY OF VOLUSIA, AS DESCRIBED IN OFFICIAL RECORDS BOOK 3779, PAGE 4430, OF THE PUBLIC RECORDS VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 51°35'00" EAST (SOUTH 51°34'45" EAST PER SAID DEED) A DISTANCE OF 613.82 FEET TO A POINT THEREIN; THENCE, DEPARTING SAID WESTERLY LINE, RUN SOUTH 77°31'10" WEST A DISTANCE OF 749.30 FEET; THENCE RUN NORTH 25°32'51" WEST A DISTANCE OF 51.33 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF THE ABOVE DESCRIBED PARCEL AS CREATED BY AND SET FORTH IN THAT CERTAIN DECLARATION OF RECIPROCAL EASEMENTS AND RESTRICTIVE COVENANTS BETWEEN PATRICIA LAGONI, AS TRUSTEE PURSUANT TO THAT TRUST DATED OCTOBER 6, 1988, DESIGNATED AS TRUST NO. IDI-1, AND REGAL CINEMAS, INC., A TENNESSEE CORPORATION, RECORDED JANUARY 26, 1996 IN OFFICIAL RECORDS BOOK 4073, PAGE 873.

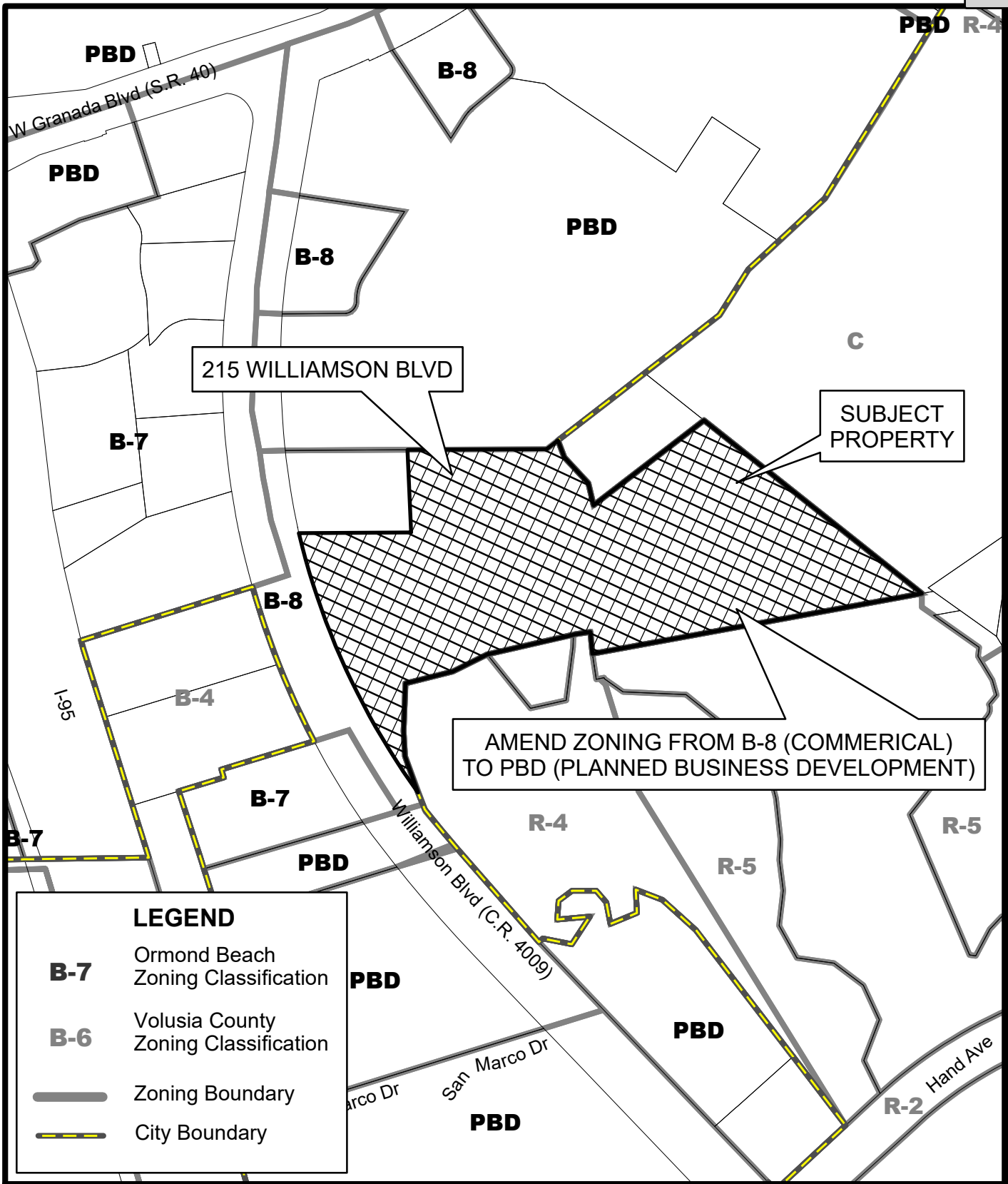
ALSO TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF THE ABOVE DESCRIBED PARCEL AS CREATED BY AND SET FORTH IN THAT CERTAIN TEMPORARY CONSTRUCTION AND PARKING/RETENTION AREA STABILIZATION EASEMENT BETWEEN PATRICIA LAGONI, AS TRUSTEE PURSUANT TO THAT TRUST DATED OCTOBER 6, 1988, DESIGNATED AS TRUST NO. IDI-1, AND IN FAVOR OF REGAL CINEMAS, INC., A TENNESSEE CORPORATION, RECORDED JANUARY 26, 1996 IN OFFICIAL RECORDS BOOK 4073, PAGE 905.

**EXHIBIT "A"**  
**PAGE 2 OF 2**

**LOCATION MAP**



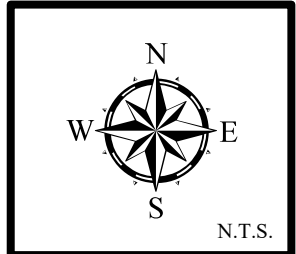
**PARCEL ID:** 4230-00-00-0014  
**OWNER:** REGAL CINEMAS, INC., A TENNESSEE CORPORATION  
**APPLICANT:** 215 WILLIAMSON INVESTORS, LLC, A FLORIDA LIMITED LIABILITY COMPANY  
**PBD ADDRESS:** 215 WILLIAMSON BOULEVARD, ORMOND BEACH, FL 32174



**PROPOSED ZONING MAP**  
**215 WILLIAMSON BLVD**  
**(4230-00-00-0014)**

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Prepared By: City of Ormond Beach  
G.I.S. Department 11/5/2021





# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** November 29, 2021

**SUBJECT:** 215 Williamson Boulevard, Regal Center: Zoning Map Amendment to PBD

**APPLICANT:** 215 Williamson Investors LLC, with authorization of the property owner, Regal Cinemas, Inc.

**NUMBER:** PBD 2022-002(A)

**PROJECT PLANNER:** Steven Spraker, AICP, Planning Director

**INTRODUCTION:** This is a request by 215 Williamson Investors LLC, with authorization of the property owner, Regal Cinemas, Inc., for a zoning map amendment from B-8 (Commercial) to PBD (Planned Business Development) and the issuance of a development order. The Planned Business Development zoning map amendment seeks to: (1) create an outparcel along Williamson Boulevard, (2) allow additional uses within the Planned Business Development, and (3) create a framework for future redevelopment. The subject property is approximately 12.00 acres and is located at 215 Williamson Boulevard. This staff report, item A, is for the zoning map amendment and the next staff report, item B, is for the issuance of the development order. The subject property is shown below.

### EXHIBIT 1: Project location, 215 Williamson Boulevard



**BACKGROUND:** The subject property has a land use of “Commercial” and a B-8 (Commercial) zoning designation. The property was annexed into the City of Ormond Beach on December 5, 1995 with Ordinance 95-170. The property had a Volusia County development order to construct a 12-screen movie theater that was transferred into the City of Ormond Beach. The movie theater was constructed in 1996. The movie theater use was impacted by the COVID-19 pandemic and the property has been listed for sale. The applicant is the contract purchaser of the property.

The site development for the movie theater use is unique. Site characteristics of the property include the following:

1. Along Williamson Boulevard, the property has a Greenbelt buffer of 36’;
2. Two stormwater ponds exist on either side of the access aisle for the property;
3. A pole sign exists based on the landscape buffer and the location of the building at the rear of the site;
4. There is a large parking lot designed to serve the peak usage of the movie theater use; and
5. The two-story building is 39,368 square feet and approximately 50’ in height. The building is located in the rear of the property.

The following are the abutting uses to the subject properties:

**Exhibit 2: Abutting land use and zoning designations**

| Land Use and Zoning Designations of Adjacent Property |                                    |                                                                                 |                                                                     |
|-------------------------------------------------------|------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------|
|                                                       | Current Land Uses                  | Future Land Use Designation                                                     | Zoning Classification                                               |
| <b>North</b>                                          | Tire Kingdom & Ormond Towne Square | “Commercial”                                                                    | B-8 (Commercial)                                                    |
| <b>South</b>                                          | Vacant land – Daytona Beach        | Daytona Beach “Level 2 Residential” and Volusia County “Urban Medium Intensity” | Daytona Beach Planned Development & Volusia County C (Conservation) |
| <b>East</b>                                           | Vacant conservation land           | Volusia County “Urban Medium Intensity”                                         | Volusia County C (Conservation)                                     |
| <b>West</b>                                           | Commercial uses                    | “Tourist Commercial” and Volusia County “Commercial”                            | B-7 (Highway Tourist Commercial) and Volusia County B-4             |

The applicant has identified the following challenges in the redevelopment of the existing property which has led to the requested zoning map amendment:

1. Configuration of the theater facility does not lend itself to any type of big box retailer;
2. Renovations necessary to the theater's sloped floors so that they are at grade level with the balance of the building;
3. The extraordinary set back of the existing theater building from Williamson Boulevard diminishes visibility from the road for future use;
4. The 620 existing parking spaces which would not be necessary under most redevelopment uses;
5. Limited road frontage and visibility for the entire property from all sides; and
6. Demolition of the 2,300 theater seats and structural components.

For the purpose of the redevelopment site plan, the subject property into six (6) parcels or areas. It is important to note that these are not tax parcels. The parcels are useful for the understanding the redevelopment purpose of each area. The parcels are described further in item B, the issuance of the development, and are as follows:

- A. Parcel 1: Outparcel of 1.31 acres along Williamson Boulevard. This is the area where the stormwater pond would be relocated.
- B. Parcel 2: Existing stormwater pond south of the access drive. This stormwater pond area is proposed to be cleaned up and a fountain installed. There are no changes in the use of this area.
- C. Parcel 3: Existing parking field for the former theater use. Parcel 3 is 3.63 acres. Parcel 3 would be developed into a future use. The Planned Development seeks to allow the B-8 uses and additional uses within the development order.
- D. Parcel 4: Existing former movie theater building of 39,368 square feet. Parcel 4 is 4.43 acres and includes some parking. The building is proposed to be redeveloped. The Planned Development seeks to allow the B-8 uses and additional uses within the development order.
- E. Parcel 5: This area is the relocated stormwater pond and is 1.87 acres.

### **ANALYSIS:**

The project seeks two actions:

- A. **Zoning map amendment from B-8 (Commercial) to Planned Business Development. The zoning map amendment is the action sought for this staff report.**
- B. Issuance of a development order to (1) create an outparcel along Williamson Boulevard, (2) allow additional uses within the Planned Business Development, and (3) create a framework for future redevelopment.

This report seeks to review the zoning map amendment. According to Chapter 2, Article II, Section 2-36 of the Land Development Code the purpose of the Planned Business Development zoning district

“is to establish regulatory standards for controlling the location of comprehensively planned business centers accessible to arterial roadways. The PBD is intended to incorporate a flexible management policy which incorporates urban design amenities, including streetscape improvements, and fosters innovative master planning in the design and development of commercial centers. The PBD district provides a diversified mix of permitted, conditional, and special land uses and higher standards of land planning and site design than are available under conventional zoning categories.”

One goal of the Planned Business Development is to “provide for a coherent and visually attractive physical environment through the creation of focal points and vistas, as well as coordination and consistency of architectural styles, landscaping designs and other elements of the building environment.”

**CRITERIA FOR APPROVAL:** There are certain criteria that must be evaluated before a Planned Business Development amendment can be approved. According to Chapter 1, Article I, Section 1-15.C.3 of the Land Development Code, the Planning Board shall consider the following when making its decision:

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The proposed action is a zoning map amendment from B-7 (Highway Tourist Commercial) with a Planned Business Development overlay to Planned Business Development. This item does not approve a specific development plan which is reviewed with the development order item. The zoning map amendment will not adversely affect public health, safety, welfare or the quality of life. The Planned Business Development zoning classification is consistent with the Interchange Boulevard area.

- 2. The proposed development is consistent with the Comprehensive Plan.**

The property is designated as “Commercial” on the City’s Future Land Use Map (FLUM). The proposed development is consistent with the Comprehensive Plan. Specifically, the Future Land Use Element of the Comprehensive Plan states:

#### **General Commercial (GC)**

**Purpose:** A multi-use land use category to provide for the sales of retail goods and services, high density multi-family, professional offices and services, and restaurants, depending on the range of population to be served and the availability of transit. For projects that propose a mixture of residential and non-residential uses, the minimum FAR should be 0.2.

**Density:** Maximum: 32 units per acre.

**Maximum FAR:** 0.7 (2.0 within the Downtown Community Redevelopment area)



The “Commercial” land use designation specifically envisions commercial uses. The redevelopment of this property has certain challenges that include (1) a lack of roadway visibility, the large parking field, and the existing building structure. The location is appropriate for commercial uses and is consistent with the Comprehensive Plan.

3. **The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to water bodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

The property is an existing developed site. There are no wetlands on-site. The project will not adversely impact environmentally sensitive lands or natural resources, including but not limited to water bodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells. The zoning action does not approve a specific development plan and this criterion would be reviewed as part of the issuance of the development order.

4. **The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

The zoning map amendment establishes the framework for the development order (next agenda item) that details the specific development approval. The zoning map amendment seeks to allow the framework for a commercial use consistent with the land use designation.

The proposed project is consistent with the property’s land use designation and zoning classification and will not depreciate the value of surrounding property. The project will not create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.

5. **There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

The zoning map amendment establishes the framework for the development order (next agenda item) that details the specific development approval. There are adequate public facilities to serve the proposed development, including roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds. It is expected that redevelopment uses would have less facility impacts than a movie theater.

6. **Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which**

**details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

The traffic patterns for the redevelopment of this property shall be reviewed with the individual site plans once the final uses are determined. The purpose of this item is to provide the zoning framework to allow uses that would fit and be appropriate for this property. Based on the *ITE Trip Generation Manual* the movie theater use would generate 3,074 average daily trips with 243 trips in the P.M. peak hour. Redevelopment uses are expected to have a lower trip generation. It is not expected that the project access points would be altered.

**7. The proposed development is functional in the use of space and aesthetically acceptable.**

The zoning map amendment establishes the framework for the development order (next agenda item) that details the specific development approval. The functional use of space would be reviewed as part of the development order agenda item.

**8. The proposed development provides for the safety of occupants and visitors.**

The zoning map amendment establishes the framework for the development order (next agenda item) that details the specific development approval. The site plan (development order item) would review the safety of occupants and visitors.

**9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.**

The zoning map amendment establishes the framework for the development order (next agenda item) that details the specific development approval. The site plan (development order item) would review the use of materials and architectural features.

**10. The testimony provided at public hearings.**

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

Section 1-18.E.3 of the Land Development Code states that the City Commission shall consider rezonings based on the consistency with the Comprehensive Plan. The zoning map amendment is consistent based upon the following points:

- The impacts on facilities and services will not change as a result of the requested zoning amendment from B-8 (Commercial) to Planned Business Development; and
- The zoning request is consistent with the compatibility matrix outlined in the Land Development Code for the Future Land Use Plan Map designation of "Commercial".

**RECOMMENDATION:** This agenda item seeks to allow a zoning map amendment to Planned Business Development. The agenda item does not approve any specific development approval or subdivision of land, but instead a framework for these zoning actions. It is recommended that the Planning Board recommend **APPROVAL** of the zoning map amendment for a 12.00± acre property from B-8 (Commercial) to Planned Business Development.

The project is tentatively scheduled for the City Commission on January 18, 2022 (first reading) and if approved on first reading, the second reading will be on February 1, 2022 (final reading).

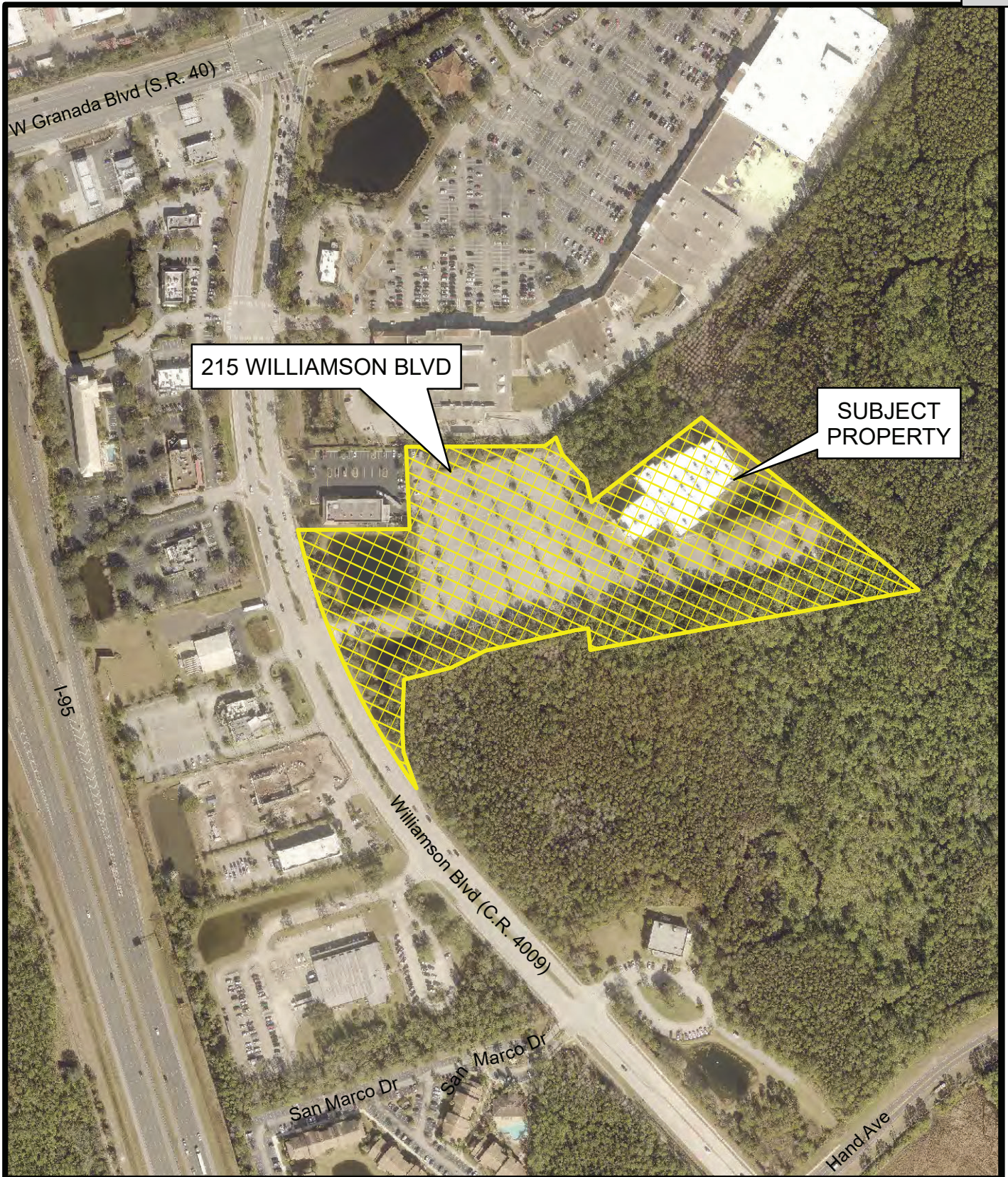
**Attachments:**

- Attachment 1: Location, aerial, land use maps and site pictures
- Attachment 2: Zoning map of the amendment

# ATTACHMENT 1

Location, aerial, land use  
maps and site pictures



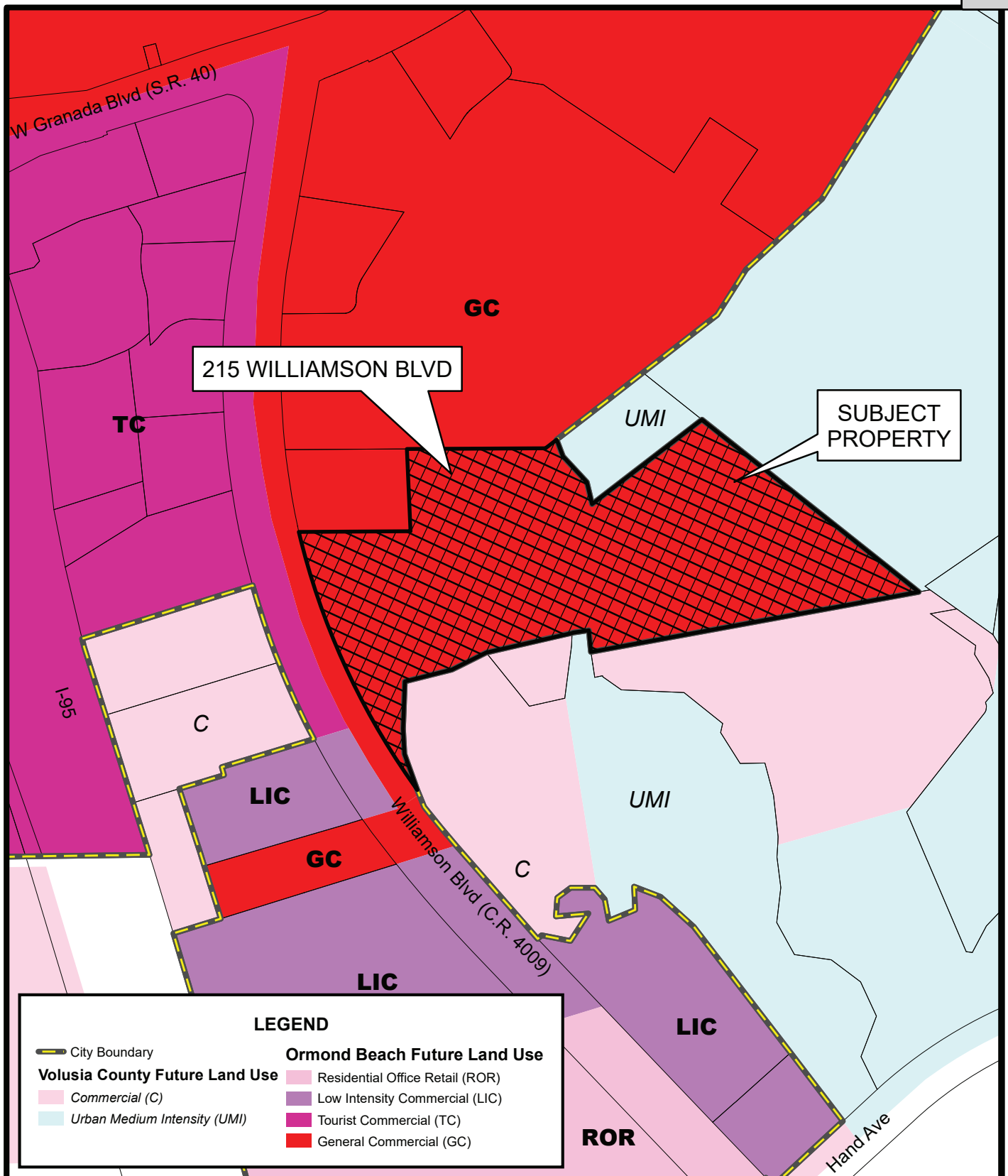


**AERIAL MAP**  
**215 WILLIAMSON BLVD**  
**(4230-00-00-0014)**

Prepared By: City of Ormond Beach  
 G.I.S. Department 11/5/2021

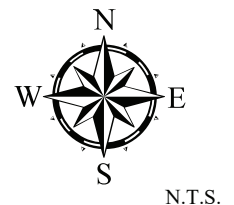


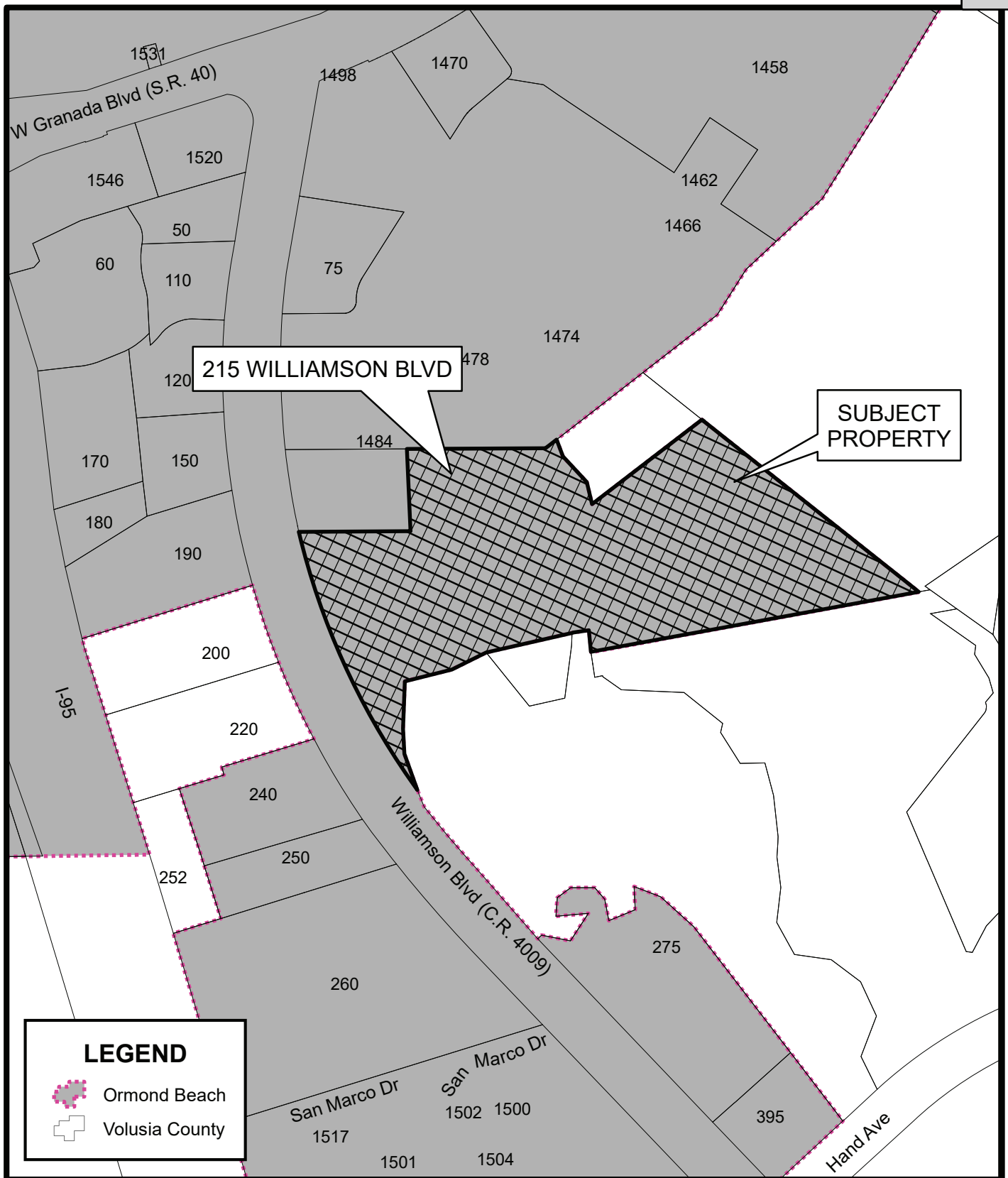




**FUTURE LAND USE MAP  
215 WILLIAMSON BLVD  
(4230-00-00-0014)**

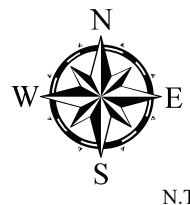
Prepared By: City of Ormond Beach  
G.I.S. Department 11/5/2021





**LOCATION MAP**  
**215 WILLIAMSON BLVD**  
**(4230-00-00-0014)**

Prepared By: City of Ormond Beach  
 G.I.S. Department 11/5/2021











**Existing sign proposed to be renovated**





**Parcel 1 (outparcel) from Williamson Boulevard**



# Parcel 1 (outparcel) from the access drive

8.A.d

Tire Kingdom





# Parcel 2 (existing stormwater pond) from the access drive

8.A.d







**Parcel 3 (existing parking area)**





**Parcel 4 (existing building)**



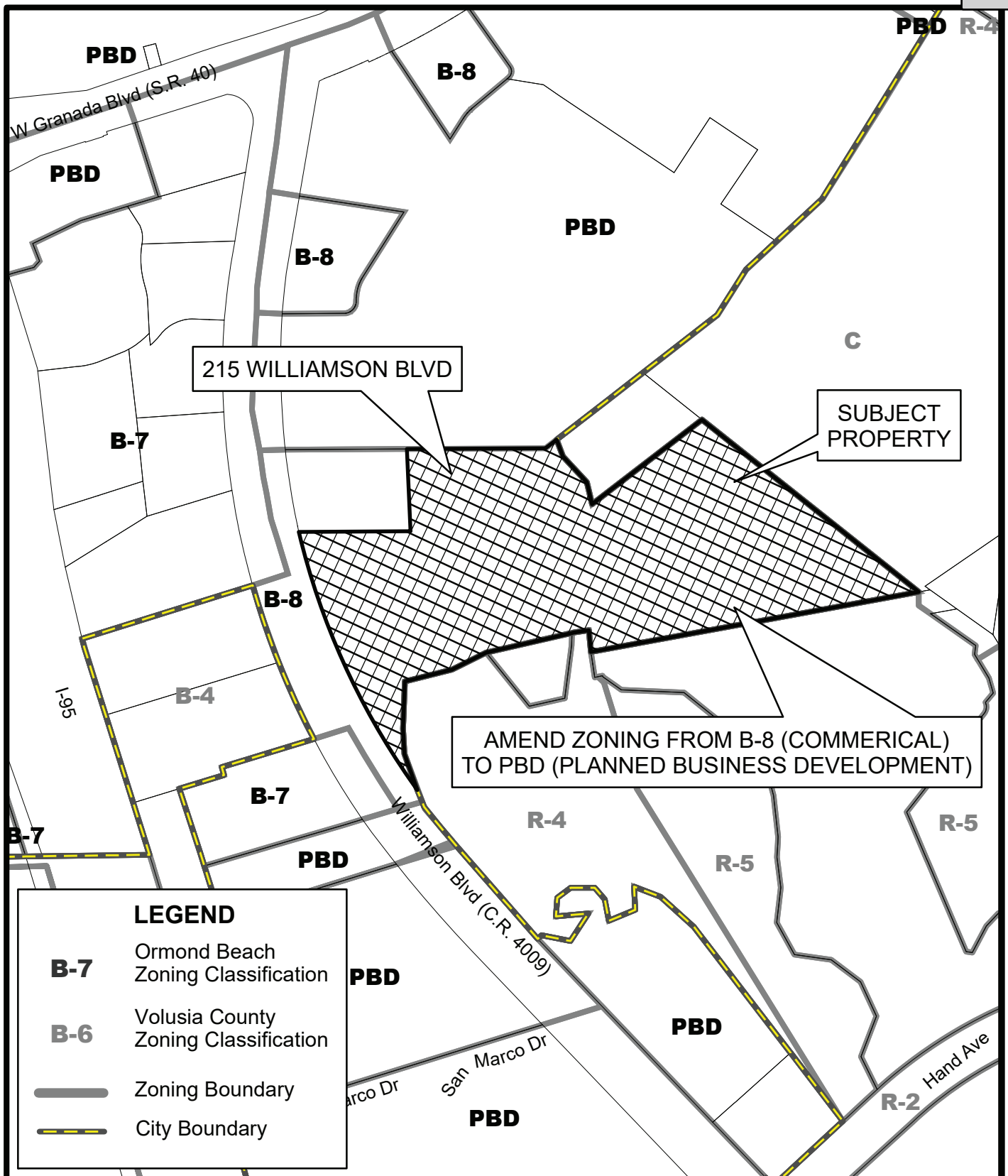
**Parcel 5 (proposed stormwater area)**



# ATTACHMENT 2

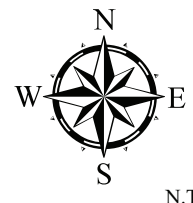
Zoning map of the  
amendment





**PROPOSED ZONING MAP**  
**215 WILLIAMSON BLVD**  
**(4230-00-00-0014)**

Prepared By: City of Ormond Beach  
 G.I.S. Department 11/5/2021



**December 9, 2021**

**DRAFT**

**Planning Board  
minutes**

**Regal Center, Zoning and Issuance  
of a Development Order**

Ms. Shull stated it is not the applicant's responsibility to take care of the other properties. Chairman Thomas replied that staff stated that the project must accept the flow that is occurring onto their property as well as their own water and retain it on-site.

Ms. Shull asked how much fill is required to bring the site up for development. Mr. Spraker answered that the fill information is part of the preliminary plat, construction drawings that would be provided to the Planning Board at a future date. The grading and filling information is not required at the zoning review of the subdivision development.

Mr. Jorczak sought to confirm that the construction drawings would be provided to the Planning Board. Mr. Spraker confirmed that the Planning Board and City Commission would both review and act upon the preliminary plat, construction drawings. Mr. Galloway stated that the Board would be moving it to get to the next stage of the subdivision development. Ms. Tolland commented that to allow it to move forward determines the site design and the Planning Board is only reviewing consistency at that point. She recalled that a speaker, Ms. Herrero, stated that once it is done, it cannot be undone. Ms. Tolland concluded that she wants to go carefully and commented that she is not 100 percent there.

Mr. Scudiero stated that he still has traffic concerns and does not believe that there is evidence there that this project will better the flooding issues with water. We know the project will not make traffic better. He continued that he is not against growth, it is just that this is the wrong time for this project. Mr. Scudiero stated that government owes it to its citizenry to make all of this stuff right before they come asking for other things to be approved.

Chairman Thomas asked for a motion.

**Mr. Scudiero motioned to deny PRD 2021-067: Tattersall at Tymber Creek, Issuance of a Development Order. Ms. Shull seconded it. Vote was called, and the motion was denied (5-1), with Mr. Galloway opposed.**

Chairman Thomas thanked those individuals who attended. A recess for five minutes was taken.

**B. PBD 2022-002(A) – Zoning Map Amendment – 215 Williamson Boulevard, Regal Cinema Ormond**

Mr. Steven Spraker, Planning Director, stated that PBD 2022-002(A) is a request submitted by 215 Williamson Investors LLC, with authorization of property owner, Regal Cinemas, Inc., for a zoning map amendment from B-8 (Commercial) to Planned Business Development (PBD) and the issuance of a development order. The PBD zoning map amendment seeks to (1) create an outparcel along Williamson Boulevard, (2) allow additional uses within the PBD, and (3) create a framework for future redevelopment. The subject property is 12.00± acres. Mr. Spraker stated that items B and C would be presented together.

Mr. Spraker displayed an aerial and described the property and the surrounding uses. He stated that the site plan divided the project area into five parcels as described below:

Parcel 1: Outparcel of 1.31 acres along Williamson Boulevard. This is the area where the stormwater pond would be relocated.

Parcel 2: Existing stormwater pond south of the access drive. This stormwater pond area is proposed to be cleaned up and a fountain installed. There are no changes in the use of this area.

Parcel 3: Existing parking field for the former theater use. Parcel 3 would be developed into a future use. The Planned Development seeks to allow the B-8 uses and additional uses within the development order.

Parcel 4: Existing former movie theater building of 39,368 square feet. The building is proposed to be redeveloped. The Planned Development seeks to allow the B-8 uses and additional uses within the development order.

Parcel 5: This area is the relocated stormwater pond and is 1.87 acres.

Mr. Spraker continued that there are three reasons for the Planned Business Development (PBD):

1. To allow the existing pylon sign for future users based on the limited visibility from the roadway;
2. To allow a building height of 50' for parcels 3 and 4. The existing building is 50' in height.
3. To allow certain uses on parcels 3 and 4 for the redevelopment. The actual use would go back through the Site Plan Review Committee (SPRC). Mr. Spraker stated that the sexually orientated business was prohibited and a pharmacy use was added to the outparcel.

Mr. Spraker noted that Planning staff had concern with the RV and Boat storage requested based on the future applications across the city. He stated that staff is recommending approval of the applications and that no end users have been identified to date.

Mr. Paul Holub, applicant, managing member of 215 Williamson Investors, LLC., thanked the Planning Board for allowing this application to be heard. Mr. Holub stated that they redeveloped a Regal Cinema in Port Orange about ten years ago but it was a different situation with more frontage to the roadway. He commented that the redevelopment of this site is going to be more difficult based on the location of the building, the parking field, and the size of the existing building. Mr. Holub stated that they agree with staff on all items except the RV and Boat storage that would include covered and uncovered parking. He added that they hired a consultant for potential uses and a need for this use was discovered. The Planned Business Development (PBD) allows the ability to take any use within the Land Development Code (LDC) and incorporate it within a development order. Mr. Holub stated that the uses for the project are still being considered and no final uses have been decided. The outdoor storage is a needed use within the city. He explained that the potential outdoor storage would be screened by the rear of Ormond Town Square and wetlands/conservation area.

Mr. Holub reviewed pictures of the site and stated that there have been homeless issues on the property. Their goal is to clean up the property and redevelop the property into commercial uses. He detailed the site plan and the configuration of the stormwater areas.

Mr. Jorczak asked how the stormwater would get relocated. Mr. Holub replied that the back would be excavated for the back pond and then would fill the front pond.

The project has had a preliminary meeting with the St. Johns River Water Management District staff. Mr. Holub stated the water would be transferred through the existing drainage system via gravity. The pond at the front on the south side of the drive aisle would be cleaned and a fountain added.

Ms. Shull asked about the RV and Boat storage. Mr. Holub explained that they would be the developer of the RV and Boat storage if that use is selected. The project would have some covered and some uncovered parking areas, fenced and well landscaped. Ms. Shull inquired if the existing building would be used for RV and Boat storage. Mr. Holub answered that the existing building would be separate and one potential use would be indoor storage. He stated that the storage uses were in place and that there are no other uses or back up plans, as part of the redevelopment.

Chairman Thomas asked if the existing building concept for storage would be similar to Hyde Park. Mr. Holub confirmed that storage would be similar and stated the beauty of this building is that it is built to withstand anything, a fortress. He continued that it was designed that way because of the 2,300 occupants it could hold. Attributes include block construction, fire sprinklers, steel trusses, newer roof and air conditioning units.

Ms. Shull asked if the pond could be left in the front (parcel 1) and develop the rear with the RV and Boat storage. Mr. Holub replied that the RV and Boat storage would be in the existing parking field. He reiterated that the final uses have not been determined and that it really depends on the market as far as what could be developed. Mr. Holub stated that a hotel chain has also looked at the property and expressed how there are a lot of moving parts. He highlighted that any redevelopment would be a substantial reduction in project trips from the movie theater use. Mr. Holub concluded that if a RV and Boat storage use occurred, it would be well screened and not impact infrastructure such as water and sewer.

Ms. Tolland asked how that RV and Boat storage use would not be visible. Mr. Holub stated that the Discount Tire access would remain and that the outdoor storage would be fenced with decorative aluminum fencing along with perimeter landscaping. Mr. Holub added that property abuts the back of the shopping center and wetlands to the east and south.

Mr. Scudiero inquired about the outparcel and potential uses. Mr. Holub stated that the outparcel would meet all city standards, such as the Greenbelt landscape buffer and the perimeter buffers. There have been several concept plans including a sit-down restaurant, quick service restaurant with a drive-through, and a retail building. Mr. Holub stated that there has been interest in the outparcel. Mr. Holub commented that the easiest part of the project is the outparcel with the parking field redevelopment being a challenge.

Mr. Jorczak asked how long the rental agreement would run for. Mr. Holub responded that there are varying parking space dimensions. The leases are typically three to six months as short-term leases. Mr. Jorczak asked what the capacity would be for the RV and Boat parking use. Mr. Holub estimated between 170 and 180 parking spaces depending on space sizes. Mr. Jorczak commented that the traffic impact was small. Mr. Holub confirmed that the traffic impact would be substantially reduced to virtually nothing and stated that the RV and Boat parking use is a placeholder at this time in case other uses cannot be completed.

Mr. Galloway stated that he is aware of several properties that are having retention ponds relocated to more appropriate locations on property. He continued that he is all for the relocation of the stormwater pond for the outparcel. Mr. Galloway mentioned the Stor-It property as an example of covered RV and Boat parking. He commented that it is a great use for a property that needs to be redeveloped.

Chairman Thomas asked if there had been any opposition to this project. Mr. Spraker responded that staff has not received any form of opposition to this project.

Ms. Tolland asked about the property to the south along Williamson Boulevard and if it is buildable. Mr. Holub stated that the property south of the property is in the City of Daytona Beach and he believes it has conservation zoning on it. There was a discussion about surrounding properties and the appropriateness of the requested uses under consideration.

**Mr. Jorczak motioned to approve PBD 2022-002(A) – Zoning Map Amendment – 215 Williamson Boulevard, Regal Cinema Ormond. Mr. Galloway seconded it. Vote was called, and the motion was approved (6-0).**

**C. PBD 2022-002(B) – Issuance of a Development Order – 215 Williamson Boulevard, Regal Center Ormond**

Mr. Steven Spraker, Planning Director, stated that he had no additional material other than what was presented in item B. He added that if there is a desire to allow RV and Boat storage, then the motion should include this use.

Mr. Galloway asked why this application is in two separate items. Attorney Hayes answered that one item is a zoning action and the second item is for the issuance of a development order.

Mr. Jorczak asked the reasoning for not supporting the RV and Boat storage use. Mr. Spraker stated that the RV and Boat storage use is only allowed in the industrial zoning district and how introducing this use with this project opens the door for other future applications. Mr. Jorczak asked if we are opening a door. Mr. Spraker replied that a door is being opened, but the Planning Board and City Commission control the door through the planned development process. Attorney Hayes stated that the planned development is really talking about potential uses.

Mr. Galloway asked if the site plan for a particular use would come back to the Planning Board. Mr. Spraker stated that the uses are being determined through the Planned Development process and the individual site plans would be reviewed and approved by the Site Plan Review Committee (SPRC). Mr. Spraker stated that the Planned Development is for the uses. Mr. Spraker stated that of all the sites this one is the most appropriate based on the roadway screening for RV and Boat storage. With this approval there may be more applications for the RV and Boat storage use.

Chairman Thomas stated that on the bad side there is a risk of additional applications but on the good side there is a significant reduction of traffic impacts. Mr. Spraker concurred that there would be less of a traffic impact with redevelopment of this site. Chairman Thomas also stated that this site is unique with the large setbacks and lack of visibility. Chairman Thomas concluded that he has no problem with the RV and Boat storage use.

Mr. Scudiero stated that other applications for a RV and Boat storage use could be reviewed on the benchmarks established here. Ms. Tolland stated that the location of the RV and Boat storage use should be considered. The Board agreed that there is a



need for RV and Boat storage. Chairman Thomas reiterated that the RV and Boat storage use is a traffic reduction. Mr. Galloway mentioned the storage use on Granada Boulevard is set off the roadway which is appropriate. Mr. Scudiero concluded that it is important to remember this is a redevelopment that is seeking to utilize the existing site characteristics.

Mr. Scudiero remarked on the existing sign. Mr. Holub stated that the sign would be refurbished. He commented that whatever is done to the project would be done first class no matter what the final uses turn out to be. Mr. Holub concluded that this is a very unusual parcel.

Ms. Shull asked when the PBD is used in this application what it does to the B-8 zoning. Mr. Spraker responded that it incorporates the uses within the B-8 zoning district into the PBD development order. Ms. Shull asked if a PBD can be done in other areas. Mr. Spraker responded that the PBD is available in all commercial zoning districts and any use in the Land Development Code (LDC) can be incorporated.

Ms. Shull asked Mr. Holub about the status of the Granada Pointe development. Mr. Holub stated that project had fill in the floodplain and a required compensating storage pond was constructed. He indicated that there is an approved site plan for a retail center for the land between the car wash and the WaWa. There have been issues with securing the building materials for this building. A grocery chain is looking at the site west of Tomoka Avenue and on the north side for a national coffee chain and a dental office.

Mr. Galloway expressed appreciation for local investors redeveloping property within Ormond Beach.

Chairman Thomas asked for a motion.

**Ms. Tolland motioned to approve PBD 2022-002(B) – Issuance of a Development Order – 215 Williamson Boulevard, Regal Center Ormond. Mr. Jorczak seconded it. Ms. Tolland clarified that the motion was for the applicant's request that included the RV and Boat storage use. Mr. Jorczak agreed to the clarification. Vote was called, and the motion was approved (6-0).**

**D. PP 2022-004 – Preliminary Plat – 100 North Halifax Drive**

Mr. Steven Spraker, Planning Director, stated that PP 2022-004 – preliminary plat – 100 North Halifax Drive is a request submitted by Ms. Nancy Lohman, Halifax Enterprises, LLC for a 1.48-acre property located at 100 North Halifax Drive for a twelve-unit townhome development called the Cupola at Oceanside.

Mr. Spraker stated the project has approved construction plans and is undergoing a subdivision of land with the preliminary plat. Mr. Spraker stated that the preliminary plat is consistent with the Planned Residential Development (PRD) and staff is recommending approval.

Mr. Cody Bogart, Newkirk Engineering stated he is part of the design team and is representing Ms. Lohman who is receiving a planetarium dedication tonight with her husband. Mr. Bogart stated he is available for any questions.

Mr. Galloway asked why this is in front of the Board. Mr. Spraker explained the three-step subdivision process of (1) Planned Residential Development, (2) preliminary plat, and (3) final plat.



# CITY OF ORMOND BEACH

City Manager • 22 S. Beach Street • Ormond Beach • Florida • 32174 • (386) 676-3200 • Fax (386) 676-3384

## **CITY MANAGER MEMORANDUM**

**To:** The Honorable Mayor Partington and City Commissioners

**Through:** Joyce A. Shanahan, City Manager

**From:** Steven Spraker, Planning Director

**Date:** February 1, 2022

**Subject:** 215 Williamson Boulevard (Regal Center), PBD Development Order

**Commission Goal:** Community Development - Other

### **Introduction**

This is a request by 215 Williamson Investors LLC, with authorization of the property owner, Regal Cinemas, Inc., for a zoning map amendment from B-8 (Commercial) to PBD (Planned Business Development) and the issuance of a development order. The Planned Business Development zoning map amendment seeks to: (1) create an outparcel along Williamson Boulevard, (2) allow additional uses within the Planned Business Development, and (3) create a framework for future redevelopment. The subject property is approximately 12.00 acres and is located at 215 Williamson Boulevard. This item is for the issuance of the development order

### **Background**

The subject property has a land use of "Commercial" and a B-8 (Commercial) zoning designation. The property was annexed into the City of Ormond Beach on December 5, 1995 with Ordinance No. 95-170. The property had a Volusia County development order to construct a 12-screen movie theater that was transferred into the City of Ormond Beach. The movie theater was constructed in 1996. The movie theater use was impacted by the COVID-19 pandemic and the property has been listed for sale. The applicant is the contract purchaser of the property.

The site development for the movie theater use is unique. Site characteristics of the property include the following:

1. Along Williamson Boulevard, the property has a Greenbelt buffer of 36';
2. Two stormwater ponds exist on either side of the access aisle for the property;
3. A pole sign exists based on the landscape buffer and the location of the building at the rear of the site;
4. There is a large parking lot designed to serve the peak usage of the movie theater use; and
5. The two-story building is 39,368 square feet and approximately 50' in height.

The building is located in the rear of the property.

Key attributes of the project include:

1. The site is approximately 12.00 acres.
2. The redevelopment plan proposes to relocate the existing stormwater pond to the north of the driveway access along Williamson Boulevard and create a 1.31 acre outparcel. The stormwater pond relocation would be constructed to the rear of the property.
3. The site plan divides the subject property into five (5) parcels or areas. It is important to note that these are not tax parcels. The parcels are useful for understanding the redevelopment purpose of each area. The parcels, shown on Sheet 6 of ATTACHMENT 4 in the Planning Board Staff Report, are as follows:
  - A. Parcel 1: Outparcel of 1.31 acres along Williamson Boulevard. This is the area where the stormwater pond would be relocated.
  - B. Parcel 2: Existing stormwater pond south of the access drive. This stormwater pond area is proposed to be cleaned up and a fountain installed. There are no changes in the use of this area.
  - C. Parcel 3: Existing parking field for the former theater use. Parcel 3 is 3.63 acres. Parcel 3 would be developed into a future use. The Planned Development seeks to allow the B-8 uses and additional uses within the development order.
  - D. Parcel 4: Existing former movie theater building of 39,368 square feet. Parcel 4 is 4.43 acres and includes some parking. The building is proposed to be redeveloped. The Planned Development seeks to allow the B-8 uses and additional uses within the development order.
  - E. Parcel 5: This area is the relocated stormwater pond and is 1.87 acres.
4. The 12-acre property proposes to be subdivided with a lot split. The outparcel would become the second property.
5. At the southeastern portion of the property, within Parcel 5, there is an existing private easement that restricts a 50-foot area for a natural area. This easement would either need to be modified or the stormwater pond area amended. This is an outstanding Site Plan Review Committee comment.
6. As the property redevelops, a mobility fee credit for the transportation impacts would be applicable. The existing property has a mobility fee value of \$73,753.59 based on the existing use. Proposed uses would have a mobility fee calculated and deducted from the existing credit. The existing building would also have water and sewer impact fee credits based on the number of existing fixtures.
7. Development of individual parcels would be reviewed and permitted by the Site Plan Review Committee (SPRC) based on the uses approved within the Planned Business Development.
8. The dimensional standards of the B-8 zoning district would be applicable.

## **Discussion**

The project is seeking a Planned Business Development based on the following requests:

1. The Planned Development application seeks to allow the existing pylon sign for future users based on the limited visibility from the roadway.
2. The requested height for Parcel 3 (parking lot) and Parcel 4 (existing building) is 50'. The existing building is 50' in height. Note that Parcel 1 (outparcel) would develop under the B-8 dimensional requirements.
3. Uses. To allow the following uses:  
Request 1: Parcel 3 (parking lot) and Parcel 4 (existing building). The following uses are sought in addition to the B-8 uses in Section 2-29 of the Land Development Code:  
Permitted uses: (1) Car wash/detailing, (2) Warehouse, Storage - Indoor, (3) Warehouse, Business, (4) Outdoor Storage of Automobiles, Boats, RVs and Trailers (covered or uncovered), (5) Transient Lodging, (6) Collector - Exotic & Specialty Vehicle Sales, (7) Museum, (8) Hospital, (9) Pharmacy (Medical Marijuana).  
Conditional use: (1) Malted Beverage Producer.  
Special Exception use: (1) Telecommunications Tower.  
Prohibited use: (1) Sexually Oriented Businesses.  
Request 2: Parcel 1 (Outparcel): The following uses are sought in addition to the B-8 uses in Section 2-29 of the Land Development Code:  
Permitted uses: (1) Pharmacy (Medical Marijuana).

Planning staff did express concern with the RV and Boat parking use and the introduction of an industrial/outdoor storage use to a commercial corridor.

#### PLANNING BOARD

The Planning Board recommended approval of the issuance of the development order application. Planning Board members stated that the application and proposed Planned Business Development requests were appropriate based on the property's characteristics. Planning Board members believed that the RV and Boat storage use should be allowed and would be screened based on the abutting uses surrounding the property. A Planning Board member stated it is important to remember this is a redevelopment project that is seeking to utilize the existing site characteristics. Board members also noted that the redevelopment would significantly reduce traffic on the property. There were no individuals who spoke for or against the application.

#### Budget Impact

There is no anticipated budget impact as the result of the issuance of the development order.

#### Citizen Impact

The subject property has been vacant for over a year and the application seeks to redevelop the site for commercial uses. The property does not abut residential uses. The redevelopment and prevention of blight is expected to have positive citizen impacts.

## **Recommendation**

It is recommended that the City Commission approve PBD 2022-002(B) that authorizes the issuance of a development order for the Regal Center at 215 Williamson Boulevard to (1) create an outparcel along Williamson Boulevard, (2) allow additional uses within the Planned Business Development, and (3) create a framework for future redevelopment. Within the Planned Business Development, the project would specifically allow:

- a) Pylon Signage. The renovation and rehabilitation of the existing pylon sign as shown in ATTACHMENT 4 of the Planning Board Staff Report;
- b) Building height. Allowance of a building height for Parcel 3 (parking lot) and Parcel 4 (existing building) of 50'.
- c) Uses. To allow the following uses:

Request 1: Parcel 3 (parking lot) and Parcel 4 (existing building). The following uses are sought in addition to the B-8 uses in Section 2-29 of the Land Development Code:

Permitted uses: (1) Car wash/detailing, (2) Warehouse, Storage - Indoor, (3) Warehouse, Business, (4) Outdoor Storage of Automobiles, Boats, RVs and Trailers (covered or uncovered), (5) Transient Lodging, (6) Collector - Exotic & Specialty Vehicle Sales, (7) Museum, (8) Hospital, (9) Pharmacy (Medical Marijuana).

Conditional use: (1) Malted Beverage Producer.

Special Exception use: (1) Telecommunications Tower.

Prohibited use: (1) Sexually Oriented Businesses.

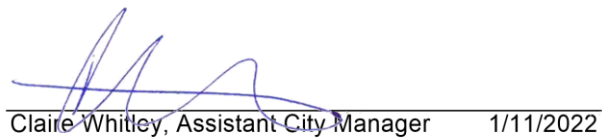
Request 2: Parcel 1 (Outparcel): The following uses are sought in addition to the B-8 uses in Section 2-29 of the Land Development Code:

Permitted uses: (1) Pharmacy (Medical Marijuana).

Subject to the applicant resolving the outstanding Site Plan Review Committee comments. The ordinance is written to allow Outdoor Storage of Automobiles, Boats, RVs and Trailers (covered or uncovered) per the Planning Board's recommendation.

## **Attachments:**

- 22 -03 Regal Center - Development Order (P21-0206G)(PDF)
- Regal Center - Development Order (PDF)
- Exhibit A, Legal Description, 215 Williamson Boulevard (PDF)
- Exhibit B, SPRC Comments, 215 Williamson Boulevard (PDF)
- Exhibit C, Special Conditions, 215 Williamson Boulevard (PDF)
- Exhibit D, Signage, 215 Williamson Boulevard (PDF)
- Exhibit E, Site Plans, 215 Williamson Boulevard (PDF)
- 12.09.2021, Development Order - Regal Center, PB Staff Report, Combined(PDF)
- DRAFT, Planning Board minutes, 12.09.2021 - Regal Center (PDF)

**REVIEWED BY:**  
Kelly McGuire, Finance Director 12/28/2021  
Claire Whitley, Assistant City Manager 1/11/2022**APPROVED BY:**  
Joyce A. Shanahan, City Manager 1/12/2022



### ORDINANCE NO. 2022-03

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A PLANNED BUSINESS DEVELOPMENT TO BE LOCATED AT 215 WILLIAMSON BOULEVARD, TO BE KNOWN AS THE “REGAL CENTER”; AUTHORIZING AN OUTPARCEL ALONG WILLIAMSON BOULEVARD; ALLOWING ADDITIONAL USES AND CREATING A FRAMEWORK FOR FUTURE REDEVELOPMENT; ESTABLISHING CONDITIONS AND EXPIRATIONS OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

**WHEREAS**, Regal Cinemas, Inc., a Tennessee Corporation authorized to conduct business in Florida, is the owner of real property (“Property Owner”) located at 215 Williamson Boulevard (Volusia County parcel number 4230-00-00-0014), as more particularly described and depicted in Exhibit “A” attached hereto and incorporated herein (“Property”), and

**WHEREAS**, 215 Williamson Investors, LLC, a Florida limited liability company (“Contract Purchaser”) and the Property Owner have entered into a contract for purchase/sale of the Property, and

**WHEREAS**, the Contract Purchaser with authorization from the Property Owner, has initiated this Ordinance for the issuance of a Development Order for a Planned Business Development to (1) create an outparcel along Williamson Boulevard, (2) allow additional uses within the Planned Business Development, and (3) create a framework for future redevelopment of the Property, consisting of approximately 12.00 acres, to be known as “Regal Center” as

described and depicted in the Planned Business Development (PBD) Development Order attached hereto and incorporated herein, and

**WHEREAS**, the Property has been rezoned from B-8 (Commercial) to Planned Business Development (PBD), and

**WHEREAS**, the proposed Project shall maintain the uses and dimensional standards of the B-8 (Highway Tourist Commercial) zoning district except as otherwise provided in the PBD Development Order, and

**WHEREAS**, the Planning Board held a public hearing in accordance with Section 1-15(c)(5) of the *Land Development Code*, and has recommended approval of the proposed Development Order for the project, and

**WHEREAS**, the City Commission has held a public hearing in accordance with Section 166.041(3)(c)(1), *Florida Statutes* and has considered the following:

- (1) The report and recommendations of the Planning Board;
- (2) The report and recommendations of the Site Plan Review Committee;
- (3) The comments of governmental agencies, utility corporations and individuals, as received, and
- (4) The testimony provided at public hearings, including from the City's planning staff, the Applicant, expert witnesses, and persons that may be affected as a result of the application, and documentary evidence pertaining thereto, if any, and

**WHEREAS,** the City Commission further finds that there is competent substantial evidence to support the following:

- (1) The proposed land use conforms to the standards and requirements of the *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PBD, Planned Business Development, zoning district, or adversely affect the public health, safety, welfare or quality of life;
- (2) The proposed development is consistent with the *Comprehensive Plan*;
- (3) The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;
- (4) The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties;
- (5) There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds, as proposed;
- (6) Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe, as proposed;

- (7) The proposed development is functional in the use of space and aesthetically acceptable;
- (8) The proposed development provides for the safety of occupants and visitors;
- (9) The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area; now therefore,

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:**

**SECTION ONE.** The foregoing recitals are incorporated herein as the findings of the City Commission.

**SECTION TWO.** The application of the Contract Purchaser for the issuance of a Planned Business Development Development Order for the Regal Center project is hereby approved. The Mayor and the City Manager are authorized and directed to execute and issue the attached Development Order for the “Regal Center” Planned Business Development to (1) create an outparcel along Williamson Boulevard, (2) allow additional uses within the Planned Business Development, and (3) create a framework for future redevelopment of the Property, consisting of approximately 12.00 acres.

**SECTION THREE.** Section 2-36(c) of the *Land Development Code* allows the inclusion of any use allowed under the Land Development Code for any district within a Planned Business Development District. The uses for the Planned Business Development as shown, described, and depicted in Exhibit “C” to the PBD Development Order are hereby granted.

**SECTION FOUR.** Section 3-47(A) of the Land Development Code provides that alternative business premise identification signage may be approved by the City Commission through planned developments and special exceptions. The Applicant's request to refurbish the existing pylon sign as shown, described, and depicted in Exhibit "D" to the PBD Development Order is hereby granted.

**SECTION FIVE.** Section 2-29 of the Land Development Code establishes a thirty foot (30') building height limit. The Applicant's request for a building height of fifty feet (50') for parcel 3 (existing parking lot) and parcel 4 (existing building) as shown, described, and depicted in Exhibit "E" to the PBD Development Order is hereby granted.

**SECTION SIX.** The Applicant, including the Applicant's successor and assign, shall at all times fully comply with the terms and conditions of the PBD Development Order.

**SECTION SEVEN.** The development order hereby approved by this Ordinance shall become effective subject to and on the date the Applicant/Contract Purchaser acquires ownership-title to the Property. The Applicant/Contract Purchaser shall provide to the city a copy of the deed of conveyance. The development order approved by this Ordinance shall not become effective, and shall be null and void and of no legal force or effect, in the event the Applicant/Contract Purchaser fails to acquire ownership-title to the Property or in the event the contract between the Applicant/Contract Purchaser and the Property Owner is terminated or expires without the conveyance of the Property to the Applicant/Contract Purchaser.

**SECTION EIGHT.** This Ordinance shall take effect immediately upon its adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED UPON** at the first reading of the City Commission this 18<sup>th</sup> day of January 2022.

**PASSED UPON** at the second and final reading of the City Commission this 1<sup>st</sup> day of February 2022.

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**BILL PARTINGTON**  
Mayor

**ATTEST:**

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**SUSAN CARROLL DAUDERIS**  
City Clerk



**BEFORE THE  
CITY COMMISSION  
OF THE  
CITY OF ORMOND BEACH**

**IN RE:**      **Application of:**      215 Williamson Investors, LLC, a Florida Limited Liability Company  
                  **Application No.**      2022-002  
                  **Project Name:**      Regal Center  
                  **Property Address:**      215 Williamson Boulevard  
                  **Parcel ID No.:**      4230-00-00-0014

**PLANNED BUSINESS  
DEVELOPMENT  
DEVELOPMENT ORDER**

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on January 18, 2022 and February 1, 2022, and the City Commission having considered those items as required by Chapter 1, Article II, Section 1-18(e) of the *Land Development Code*, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

1. The proposed development conforms to the standards and requirements of the *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the PBD, Planned Business Development, zoning district, or adversely affect the public health, safety, welfare or quality of life;
2. The proposed development is consistent with the *Comprehensive Plan*;
3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;
4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties;

5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds, as proposed;

6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe, as proposed;

7. The proposed development is functional in the use of space and aesthetically acceptable;

8. The proposed development provides for the safety of occupants and visitors;

9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area; and

**Thereupon and in consideration thereof, the City Commission hereby orders**

**that:**

**A.** The application of 215 Williamson Investors, LLC, a Florida Limited Liability Company with authorization of Regal Cinemas, Inc., the property owner of approximately 12.00 acres of land located at 215 Williamson Boulevard (Volusia County parcel number: 4230-00-00-0014), for a Development Order for a Planned Business Development to be known as “Regal Center” to (1) create an outparcel along Williamson Boulevard, (2) allow additional uses within the Planned Business Development, and (3) create a framework for future redevelopment on the Property, together with associated site improvements more particularly described and depicted in Exhibit "A" attached hereto and incorporated herein, is hereby granted, subject to the following conditions:

1. All applicable provisions of Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-36, Planned Business Development, of the City of Ormond Beach *Land Development Code*, except as otherwise specifically modified hereby, shall at all times be strictly complied with;

2. The outstanding comments from the Site Plan Review Committee list in Exhibit “B” shall be satisfied;

3. Full and complete compliance with the Special Conditions described in Exhibit “C”;

4. Full and complete compliance with the Applicant’s signage plan attached as Exhibit “D”;

5. Full and complete compliance with the Applicant's Site Plan attached as Exhibit "E";

**B.** The final plans for the development project shall be consistent with all the conditions listed in this Development Order and as depicted in the plans that are attached hereto and incorporated herein by reference as Exhibit "E".

**C.** No material change shall be made to the final plan(s) for the development project without further review by the Planning Board and approval by the City Commission in accordance with the procedures established in the *Land Development Code*.

**D.** All site construction activity shall be performed in strict compliance with the terms and conditions of this Planned Business Development Order approved for this development project, and of the *Land Development Code*.

**E.** If the final plan approval lapses under the provisions of Section 1-14(3) of the *Land Development Code* before the planned development permit can be established, a new application for a Planned Business Development Order must be submitted for consideration in accordance with the requirements of the *Land Development Code*.

**F.** In the event the use of the land approved by this Planned Business Development Order is abandoned for a period of two (2) years any permit issued hereunder and this Planned Business Development Order shall automatically become void and a Notice of Final Plan Revocation shall be filed under the provisions of Section 1-14(3)(b) of the *Land Development Code*, and a new application for a Planned Business Development Order must be submitted for consideration in accordance with the requirements of the *Land Development Code*.

**G.** The Neighborhood Improvement Officer shall semi-annually prepare a report indicating which planned developments are not in compliance with Section 1-14, or with the conditions provided in the Planned Business Development Order. In the event a Neighborhood Improvement Officer determines there to be any violation, such Officer shall initiate appropriate code enforcement action for hearing before the City's Special Master.

**H.** In the event a building permit has not been issued within thirty-six (36) months, which date shall be February 1, 2025, then this Development Order shall automatically become void and shall have no further legal effect per Chapter 1, Article II, Section 1-14(3), of the *Land Development Code*. If a building or site engineering permit is issued on or before February 1, 2025 the project shall be vested.

**I.** This Planned Business Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of the 215 Williamson Investors, LLC, a Florida Limited

Liability Company, and shall be binding upon 215 Williamson Investors, LLC, a Florida Limited Liability Company and the property owner, Regal Cinemas, Inc., a Tennessee Corporation, and its successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto.

**J.** This development order shall become effective subject to and on the date the Applicant/Contract Purchaser acquires ownership-title to the Property. The Applicant/Contract Purchaser shall provide to the city a copy of the deed of conveyance. The development order shall not become effective, and shall be null and void and of no legal force or effect, in the event the Applicant/Contract Purchaser fails to acquire ownership-title to the Property or in the event the contract between the Applicant/Contract Purchaser and the Property Owner is terminated or expires without the conveyance of the Property to the Applicant/Contract Purchaser.

**ORDERED** this 1<sup>st</sup> day of February, 2022.

**CITY COMMISSION**  
**CITY OF ORMOND BEACH**, a Florida  
municipal corporation

By: \_\_\_\_\_  
**BILL PARTINGTON**  
Mayor

(CITY SEAL)

Attest: \_\_\_\_\_  
**JOYCE A. SHANAHAN**  
City Manager

## EXHIBIT "A"

### PAGE 1 OF 2

## LEGAL DESCRIPTION

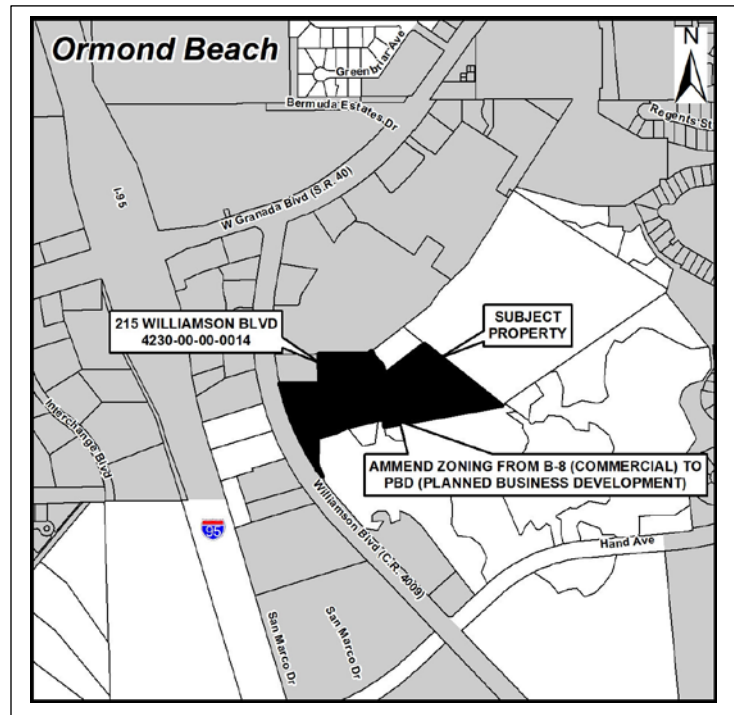
A PORTION OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE, COMMENCE AT A CONCRETE MONUMENT MARKING THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 30; THENCE RUN NORTH 89°30'28" WEST, ALONG THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 484.54 FEET TO A POINT THEREIN; THENCE, DEPARTING SAID SECTION LINE, RUN NORTH 32°27'31" WEST A DISTANCE OF 163.57 FEET; THENCE RUN NORTH 17°49'13" WEST A DISTANCE OF 318.80 FEET; THENCE RUN NORTH 18°20'40" WEST A DISTANCE OF 103.32 FEET; THENCE RUN SOUTH 77°31'10" WEST A DISTANCE OF 3.29 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE SOUTH 77°31'10" WEST A DISTANCE OF 37.17 FEET TO THE NORTHEASTERLY CORNER OF AREA "L", A DESCRIBED IN OFFICIAL RECORDS BOOK 3779, PAGE 4373, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 78°34'22" WEST (SOUTH 78°33'43" WEST PER DEED), ALONG THE NORTH LINE OF SAID AREA "L", A DISTANCE OF 214.89 FEET TO THE NORTHWESTERLY CORNER THEREOF, SAID POINT ALSO LYING IN THE SOUTH LINE OF THE 15 FOOT ACCESS EASEMENT KNOWN AS EASEMENT "W" AND BEING DESCRIBED IN OFFICIAL RECORDS BOOK 3779, PAGE 4410, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN WESTERLY AND SOUTHERLY, ALONG THE SOUTHERLY LINE OF SAID EASEMENT "W", THE FOLLOWING COURSES AND DISTANCES: SOUTH 61°44'28" WEST (SOUTH 61°43'41" WEST PER DEED) A DISTANCE OF 93.77 FEET; THENCE RUN SOUTH 76°01'52" WEST (SOUTH 76°01'05" WEST PER DEED) A DISTANCE OF 117.88 FEET; THENCE RUN SOUTH 02°18'45" WEST (SOUTH 02°17'58" WEST PER DEED) A DISTANCE OF 115.36 FEET; THENCE RUN SOUTH 03°13'28" EAST (SOUTH 03°14'15" EAST PER DEED) A DISTANCE OF 61.75 FEET; THENCE RUN SOUTH 19°44'01" EAST (SOUTH 19°44'48" EAST PER DEED) A DISTANCE 136.51 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE 130 FOOT WIDE RIGHT-OF-WAY OF WILLIAMSON BOULEVARD, SAID POINT LYING IN A CURVE, CONCAVE EASTERLY, AND HAVING A RADIUS OF 1830.08 FEET; THENCE RUN NORTHERLY AND WESTERLY, ALONG SAID CURVED RIGHT-OF-WAY LINE, A DISTANCE OF 716.60 FEET, OR THROUGH AN CENTRAL ANGLE OF 22°26'06", HAVING A CHORD DISTANCE OF 712.03 FEET AND A CHORD BEARING OF NORTH 25°16'48" WEST, TO A POINT THEREIN; THENCE, DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, RUN NORTH 89°56'42" EAST A DISTANCE OF 272.16 FEET; THENCE RUN NORTH 04°04'04" WEST A DISTANCE OF 200.49 FEET TO A POINT IN THE SOUTHERLY LINE OF ORMOND TOWNE SQUARE, AS DESCRIBED IN WARRANTY DEED FROM PATRICIA LAGONI, TRUSTEE, TO THE FAISON-SOFRAN PARTNERSHIP, AS RECORDED IN OFFICIAL RECORDS BOOK 3779, PAGE 4422, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN NORTH 89°56'42" EAST (NORTH 89°55'55" EAST PER DEED), ALONG THE SOUTHERLY LINE OF SAID ORMOND TOWNE SQUARE, A DISTANCE OF 326.31 FEET TO A CONCRETE MONUMENT IN SAID SOUTHERLY LINE; THENCE RUN NORTH 52°24'56" EAST (NORTH 52°25'11" EAST PER DEED), CONTINUING ALONG SAID SOUTH LINE OF ORMOND TOWNE SQUARE, A DISTANCE OF 48.52 FEET TO A POINT THEREIN, SAID POINT BEING THE NORTHWESTERLY CORNER OF AREA "K", AS DESCRIBED IN OFFICIAL RECORDS BOOK 3779, PAGE 4381, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE, DEPARTING THE SOUTH LINE OF SAID ORMOND TOWNE SQUARE AND ALONG THE WESTERLY LINE OF SAID AREA "K", RUN SOUTH 20°35'09" EAST (SOUTH 20°34'54" EAST PER DEED) A DISTANCE OF 40.46 FEET; THENCE RUN SOUTH 43°13'00" EAST (SOUTH 43°12'45" EAST PER DEED), ALONG SAID WESTERLY LINE, A DISTANCE OF 85.30 FEET; THENCE RUN SOUTH 14°10'46" EAST (SOUTH 13°17'25" EAST PER DEED), ALONG SAID WESTERLY LINE, A DISTANCE OF 55.05 FEET (55.31 FEET PER DEED) TO THE SOUTHWESTERLY CORNER OF SAID AREA "K"; THENCE CONTINUE NORTH 52°23'55" EAST (NORTH 52°25'11" EAST PER DEED), ALONG THE SOUTHERLY LINE OF SAID AREA "K", A DISTANCE OF 335.64 FEET (336.59 FEET PER DEED) TO THE SOUTHEASTERLY CORNER THEREOF, SAID POINT LYING IN THE WESTERLY LINE OF THAT PARCEL OF LAND DEEDED FROM PATRICIA LAGONI, AS TRUSTEE, TO THE COUNTY OF VOLUSIA, AS DESCRIBED IN OFFICIAL RECORDS BOOK 3779, PAGE 4430, OF THE PUBLIC RECORDS VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 51°35'00" EAST (SOUTH 51°34'45" EAST PER SAID DEED) A DISTANCE OF 613.82 FEET TO A POINT THEREIN; THENCE, DEPARTING SAID WESTERLY LINE, RUN SOUTH 77°31'10" WEST A DISTANCE OF 749.30 FEET; THENCE RUN NORTH 25°32'51" WEST A DISTANCE OF 51.33 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF THE ABOVE DESCRIBED PARCEL AS CREATED BY AND SET FORTH IN THAT CERTAIN DECLARATION OF RECIPROCAL EASEMENTS AND RESTRICTIVE COVENANTS BETWEEN PATRICIA LAGONI, AS TRUSTEE PURSUANT TO THAT TRUST DATED OCTOBER 6, 1988, DESIGNATED AS TRUST NO. IDI-1, AND REGAL CINEMAS, INC., A TENNESSEE CORPORATION, RECORDED JANUARY 26, 1996 IN OFFICIAL RECORDS BOOK 4073, PAGE 873.

ALSO TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF THE ABOVE DESCRIBED PARCEL AS CREATED BY AND SET FORTH IN THAT CERTAIN TEMPORARY CONSTRUCTION AND PARKING/RETENTION AREA STABILIZATION EASEMENT BETWEEN PATRICIA LAGONI, AS TRUSTEE PURSUANT TO THAT TRUST DATED OCTOBER 6, 1988, DESIGNATED AS TRUST NO. IDI-1, AND IN FAVOR OF REGAL CINEMAS, INC., A TENNESSEE CORPORATION, RECORDED JANUARY 26, 1996 IN OFFICIAL RECORDS BOOK 4073, PAGE 905.

**EXHIBIT "A"**  
**PAGE 2 OF 2**

**LOCATION MAP**



**PARCEL ID:** 4230-00-00-0014  
**OWNER:** REGAL CINEMAS, INC., A TENNESSEE CORPORATION  
**APPLICANT:** 215 WILLIAMSON INVESTORS, LLC, A FLORIDA LIMITED LIABILITY COMPANY  
**PBD ADDRESS:** 215 WILLIAMSON BOULEVARD, ORMOND BEACH, FL 32174



**EXHIBIT “B”**  
**PAGE 1 OF 2**

**SITE PLAN REVIEW COMMITTEE (SPRC) OUTSTANDING  
COMMENTS**

**Project Name: PZ-22-002**

**Project Description: 215 Williamson Boulevard, Regal Center**

Review Comments List Date: 12/13/2021

Ref. # 19, Civil Engineer, David Allen, 11/2/21 2:52 PM, Cycle 1, Unresolved

Markup: Civil-Buffer Site, 04 SWPPP.pdf

The survey calls out this area as a buffer, with OR Book and page. How will the recorded buffer be modified to allow the encroachment of the pond?

Reviewer Response: David Allen - 12/7/21 9:01 AM

*Please provide additional information on this buffer easement when available.*

Responded by: Harry Newkirk - 11/22/21 1:33 PM

*Applicant is reviewing buffer encroachment; pending no response at this time.*

Ref. # 29, Civil Engineer, David Allen, 12/7/21 9:02 AM, Cycle 2, Unresolved

Comment: This comment remains unresolved. Please provide additional information as it becomes available.

Ref. # 1, Landscape Architect, Cara Culliver, 10/25/21 10:49 AM, Cycle 1, Unresolved

Markup: Landscape Comments, 06 SITE LAYOUT.pdf

- Please graphically/written call out all the landscape buffers for each side.
- Please show/survey all existing trees to be removed with the new improvements.
- Please provide a landscape betterment plan for the entire site. Please demonstrate that the Greenbelt, all landscape buffers, parking areas and minimum tree site requirements are met. Please note or survey existing trees within these areas.
- Terminal landscape islands are required on the altered rear parking lot.
- Please provide irrigation plan for new improvements. Add notes that the existing system shall be operable & provide 100% coverage with 50% overlap prior to C.O.

Responded by: Harry Newkirk - 11/22/21 1:45 PM

*Landscape buffer widths added to revised plan. Existing trees to be removed was added to the SWPPP plan and landscape plan added to show trees around relocated stormwater pond. The Cypress trees around the pond will be water for a month by property owner and will be installed along the stormwater pond water line. A landscape betterment plan will be responded to after an on-site meeting with Cara Culliver.*

Ref. # 26, Landscape Architect, Cara Culliver, 11/30/21 12:03 PM, Cycle 2, Unresolved

Markup: Landscape Comments, L1 LANDSCAPE PLAN.pdf

- Please show/survey all existing trees to be removed with the new improvements (two ponds & parking lot removal, trees within the landscape islands). (repeat comment)
- Please provide a landscape betterment plan for the entire site. Please demonstrate that the Greenbelt, all landscape buffers, and parking areas are met. Please note or survey existing trees within these areas (repeat comment). For the minimum tree site requirements going to assume the site meets these requirements due to the large buffer areas preserved, however, removed specimen

## EXHIBIT "B"

### PAGE 2 OF 2

trees will need to be mitigated for. Please provide a chart and show on the plan these proposed trees.

- Please provide some landscape clean up notes on the plan. All existing hedges will be boxed into a neat appearance. All landscape areas shall be free of weeds and mulched, see note #2.

- Terminal landscape islands are required on the altered rear parking lot.

Ref. # 27, Landscape Architect, Cara Culliver, 11/30/21 3:09 PM, Cycle 2, Unresolved

Markup: Continued Landscape Comments, L1 LANDSCAPE PLAN.pdf

- Please provide irrigation plan for new improvements. Add notes that the existing system shall be operable & provide 100% coverage with 50% overlap prior to C.O.

- When Parcel 1 is developed a detailed landscape & irrigation plans will be required. All minimum tree, Greenbelt and code requirements will apply.

Ref. # 7, Planning Director, Steven Spraker, 11/1/21 1:24 PM, Cycle 1, Unresolved

Markup: Planning, Easement Book 4073, Page 873, 06 SITE LAYOUT.pdf

Please look at easement within Book 4073, Page 873 that appears to restrict this land areas for natural landscape. How is this land area able to be converted to a stormwater area?

Responded by: Harry Newkirk - 11/22/21 1:46 PM

*Applicant is reviewing buffer encroachment; pending no response at this time.*

Ref. # 9, Planning Director, Steven Spraker, 11/1/21 1:35 PM, Cycle 1, Unresolved

Comment:

This submittal is missing information on the split. The lot split needs:

1. Overall sketch or survey and legal description of existing overall parcel (master parcel).
2. Sketch or survey and legal description of existing each newly created parcels (two new lots). There is one for the outparcel, but not for the remaining master parcel.

Note: a lot split can only created a total of two lots from one lot. The sheets provided show multiple parcels. If more than two lots are desired, a Preliminary Plat would be required.

Responded by: Harry Newkirk - 11/22/21 1:56 PM

1. *Please find attached a sketch/legal of the parent parcel less the proposed out parcel.*
2. *Please find attached a survey and legal of the proposed out parcel.*
3. *Applicant is only requesting one (1) lot split for the frontage out-parcel and acknowledges that any further lot split would require the plat process or land condo format.*

Ref. # 28, Planning Director, Steven Spraker, 12/2/21 3:21 PM, Cycle 2, Unresolved

Comment:

For the lot split,

I see the overall and the outparcel sketch and legal description. I do not see the sketch and legal description for the remaining property (parcels 2-5). Please let me know if i missed it or please provide.

**EXHIBIT “C”**  
**Page 1 of 2**

**Special Conditions**

1. The site plan divides the subject property into six (6) parcels or areas. It is important to note that these are not tax parcels. The parcels are useful for the understanding the redevelopment purpose of each area. The parcels, shown in Exhibit “E” are as follows:

Parcel 1: Outparcel of 1.31 acres along Williamson Boulevard. This is the area where the stormwater pond would be relocated.

Parcel 2: Existing stormwater pond south of the access drive. This stormwater pond area is proposed to be cleaned up and a fountain installed. There are no changes in the use of this area.

Parcel 3: Existing parking field for the former theater use. Parcel 3 is 3.63 acres. Parcel 3 would be developed into a future use. The Planned Development seeks to allow the B-8 uses and additional uses within the development order.

Parcel 4: Existing former movie theater building of 39,368 square feet. Parcel 4 is 4.43 acres and includes some parking. The building is proposed to be redeveloped. The Planned Development seeks to allow the B-8 uses and additional uses within the development order.

Parcel 5: This area is the relocated stormwater pond and is 1.87 acres.

2. The 12-acre property proposes to be subdivided with a lot split. The outparcel would become the second property.
3. Section 2-36(c) of the *Land Development Code* allows the inclusion of any use allowed under the Land Development Code for any district within the Planned Business Development District. The requested uses as shown, described, and depicted in Exhibit “C” are hereby granted.

**Parcels 3 (parking lot) and parcel 4 (existing building).** The following uses are sought in addition to the B-8 uses in Section 2-29 of the Land Development Code:

Permitted uses: (1) Car wash/detailing, (2) Warehouse, Storage – Indoor, (3) Warehouse, Business, (4) Outdoor Storage of Automobiles, Boats, RVs and Trailers (covered or uncovered), (5) Transient Lodging, (6) Collector – Exotic & Specialty Vehicle Sales, (7) Museum, (8) Hospital, (9) Pharmacy (Medical Marijuana).

Conditional use: (1) Malted Beverage Producer.

Special Exception use: (1) Telecommunications Tower.

Prohibited use: (1) Sexually Oriented Businesses.

**EXHIBIT “C”**  
**Page 2 of 2**

**Special Conditions**

**Parcel 1 (Outparcel):** The following uses are sought in addition to the B-8 uses in Section 2-29 of the Land Development Code:

Permitted uses: (1) Pharmacy (Medical Marijuana).

4. Section 3-47(A) of the Land Development Code states “Alternative business premise identification signage may be approved by the city commission through planned developments and special exceptions.” The applicant seeks to allow the refurbishment of the existing pylon sign. The refurbishment of the existing pylon sign as shown, described, and depicted in Exhibit “D” attached hereto and incorporated herein by reference is hereby granted.
5. Section 2-29 of the Land Development Code establishes a 30’ height limit. A building height of fifty (50’) for parcel 3 (existing parking lot) and parcel 4 (existing building) as shown, described, and depicted in Exhibit “E” attached hereto and incorporated herein by reference is hereby granted.
6. Collector, Exotic and Specialty Vehicles and Museum shall be defined as follows:
 

Collector, exotic and specialty vehicles: Vehicles of the type sold at auctions held by major auction firms specializing those categories such as Mecum, RM Sotheby, Barrett Jackson and the like, and also shall include new and preowned limited demand specialty vehicles.

Museum: A building or structure used for the housing and display of historical, technological, scientific, engineering objects, artifacts and /or visual arts.
7. Outdoor Storage of Automobiles, Boats, RVs and Trailers may be covered or uncovered. This use would be allowed to waive the typical internal landscaping islands based on the use and relocate the material required in the landscape island to other locations on-site.
8. As the property redevelops, a mobility fee credit for the transportation impacts would be applicable. The existing property has a mobility fee value of \$73,753.59 based on the existing use. Proposed uses would have a mobility fee calculated and deducted from the existing credit. The existing building would also have water and sewer impact fee credits based on the number of existing fixtures.
9. Development of individual parcels would be reviewed and permitted by the Site Plan Review Committee (SPRC) based on the uses approved within the Planned Business Development.
10. The dimensional standards of the B-8 zoning district would be applicable with the building height exception for parcels three (3) and four (4) of 50’ in building height.



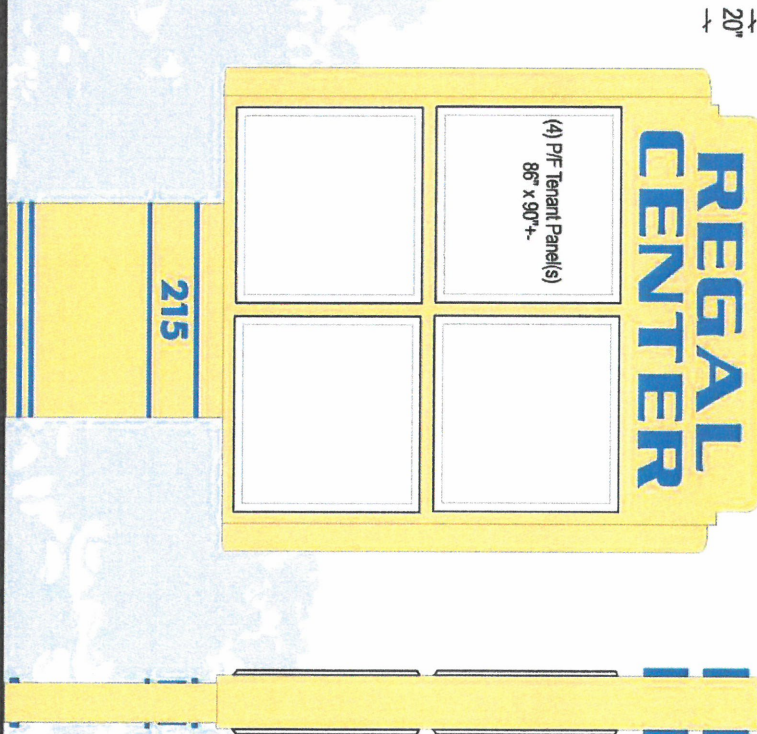
EXHIBIT "D"  
Page 1 of 2





# EXHIBIT "D"

## Page 2 of 2



### GENERAL SPECIFICATIONS

Revamp existing sign. Paint body of sign tan/ivory. Remove changeable copy panels and replace with (4) P/F white acrylic panels for tenant names. Regal Center reverse channel letters painted blue. Halo illumination provided by white LED. Address and base highlights non illuminated PVC painted to match channel letters

| Customer | Date    | Scale | Drawing #  | Approved as is           | Approved w/changes       | Redraw w/changes         | PJ Sign Systems @ 2020 Original Design | Authorized Signature & Date | This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes grounding and bonding | <br>614 Fern Ave.<br>Holly Hill, FL 32117<br>386.257.4522<br>Fax 386.257.5122<br>pjsigns@clt.com |
|----------|---------|-------|------------|--------------------------|--------------------------|--------------------------|----------------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Holub    | 9.17.21 | NTS   | HRC9.17.21 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                                        |                             |                                                                                                                                                                                                 |                                                                                                                                                                                     |







**EXHIBIT "E"**  
**Page 3 of 11**

### GENERAL CONSTRUCTION NOTES

- [illegible]

### SITE AND GENERAL INFORMATION

- [illegible]

**VOLUSIA COUNTY GENERAL NOTES:**

- [illegible]

## STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ROADWAY AND TRAFFIC DESIGN STANDARDS - 2021 / 2022 AND QUALIFIED PRODUCTS LIST

| INDEX   | DESCRIPTION                               | INDEX  | DESCRIPTION                             |
|---------|-------------------------------------------|--------|-----------------------------------------|
| 102     | TEMPERATURE RECORDING AND SETTING CONTROL | 102446 | DESIGN, INFORMATION FOR TRAFFIC CONTROL |
| 403-419 | STRUCTURAL RECORDS—TYPE'S AND P           | 103402 | TRUCKS AND TRAILERS, WORK AS SHOULDER   |
| 403-414 | CRACK RECORDS                             | 103403 | TRUCKS AND TRAILERS, WORK AS SHOULDER   |
| 403-415 | CRACKS, CLIMB AND GROWTH                  | 103404 | ALUMINUM REINFORCING BARS, PLACEMENT OF |
| 403-416 | CRACKS, CRACKS AND GROWTH                 | 103405 | ALUMINUM REINFORCING BARS, PLACEMENT OF |
| 204-401 | CONCRETE PAVEMENT JOINTS                  | 103406 | REINFORCING BARS, PLACEMENT OF          |
| 423-401 | CONCRETE SEWERAGE                         | 103407 | SPECIAL MARKING AREAS                   |
| 424     | CONCRETE, JOINTS AND STRUCTURAL MEMBERS   |        |                                         |

## ABBREVIATIONS

[illegible]

**LEGEND** ADDITIONAL SYMBOLS WITHIN PLANS NOT SHOWN HERE, SEE INDIVIDUAL DRAWING LEGEND WHERE APPLICABLE

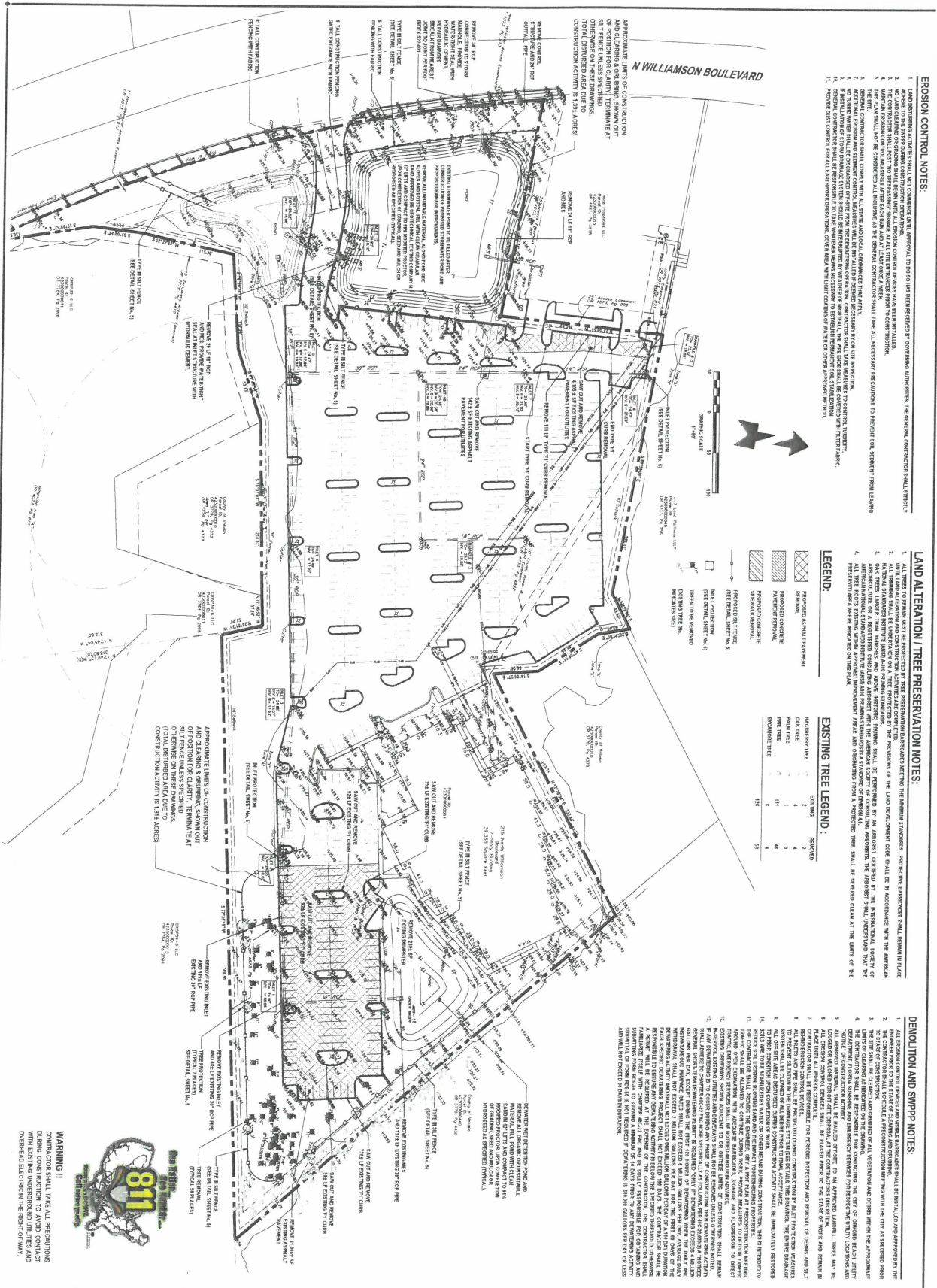
| RESEARCHER | FIG. 1. CONCRETE FOUNDATION |
|------------|-----------------------------|
| A          | EXTINGUISHING               |
| B          | EXTINGUISHING               |
| C          | EXTINGUISHING               |
| D          | EXTINGUISHING               |
| E          | EXTINGUISHING               |
| F          | EXTINGUISHING               |
| G          | EXTINGUISHING               |
| H          | EXTINGUISHING               |
| I          | EXTINGUISHING               |
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| M          | EXTINGUISHING               |
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| Y          | EXTINGUISHING               |
| Z          | EXTINGUISHING               |
| AA         | EXTINGUISHING               |
| AB         | EXTINGUISHING               |
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| AD         | EXTINGUISHING               |
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| AJ         | EXTINGUISHING               |
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| AX         | EXTINGUISHING               |
| AY         | EXTINGUISHING               |
| AZ         | EXTINGUISHING               |
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| BC         | EXTINGUISHING               |
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| BJ         | EXTINGUISHING               |
| BK         | EXTINGUISHING               |
| BL         | EXTINGUISHING               |
| BM         | EXTINGUISHING               |
| BN         | EXTINGUISHING               |
| BO         | EXTINGUISHING               |
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| BQ         | EXTINGUISHING               |
| BR         | EXTINGUISHING               |
| BS         | EXTINGUISHING               |
| BT         | EXTINGUISHING               |
| BU         | EXTINGUISHING               |
| BV         | EXTINGUISHING               |
| BW         | EXTINGUISHING               |
| BX         | EXTINGUISHING               |
| BY         | EXTINGUISHING               |
| BZ         | EXTINGUISHING               |
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| CB         | EXTINGUISHING               |
| CC         | EXTINGUISHING               |
| CD         | EXTINGUISHING               |
| CE         | EXTINGUISHING               |
| CF         | EXTINGUISHING               |
| CG         | EXTINGUISHING               |
| CH         | EXTINGUISHING               |
| CI         | EXTINGUISHING               |
| CJ         | EXTINGUISHING               |
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| CN         | EXTINGUISHING               |
| CO         | EXTINGUISHING               |
| CP         | EXTINGUISHING               |
| CQ         | EXTINGUISHING               |
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| CS         | EXTINGUISHING               |
| CT         | EXTINGUISHING               |
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| CY         | EXTINGUISHING               |
| CZ         | EXTINGUISHING               |
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| DC         | EXTINGUISHING               |
| DD         | EXTINGUISHING               |
| DE         | EXTINGUISHING               |
| DF         | EXTINGUISHING               |
| DG         | EXTINGUISHING               |
| DH         | EXTINGUISHING               |
| DI         | EXTINGUISHING               |
| DJ         | EXTINGUISHING               |
| DK         | EXTINGUISHING               |
| DL         | EXTINGUISHING               |
| DM         | EXTINGUISHING               |
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| DO         | EXTINGUISHING               |
| DP         | EXTINGUISHING               |
| DQ         | EXTINGUISHING               |
| DR         | EXTINGUISHING               |
| DS         | EXTINGUISHING               |
| DT         | EXTINGUISHING               |
| DU         | EXTINGUISHING               |
| DV         | EXTINGUISHING               |
| DW         | EXTINGUISHING               |
| DX         | EXTINGUISHING               |
| DY         | EXTINGUISHING               |
| DZ         | EXTINGUISHING               |
| EA         | EXTINGUISHING               |
| EB         | EXTINGUISHING               |
| EC         | EXTINGUISHING               |
| ED         | EXTINGUISHING               |
| EE         | EXTINGUISHING               |
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| EJ         | EXTINGUISHING               |
| EK         | EXTINGUISHING               |
| EL         | EXTINGUISHING               |
| EM         | EXTINGUISHING               |
| EN         | EXTINGUISHING               |
| EO         | EXTINGUISHING               |
| EP         | EXTINGUISHING               |
| EQ         | EXTINGUISHING               |
| ER         | EXTINGUISHING               |
| ES         | EXTINGUISHING               |
| ET         | EXTINGUISHING               |
| EU         | EXTINGUISHING               |
| EV         | EXTINGUISHING               |
| EW         | EXTINGUISHING               |
| EX         | EXTINGUISHING               |
| EY         | EXTINGUISHING               |
| EZ         | EXTINGUISHING               |
| FA         | EXTINGUISHING               |
| FB         | EXTINGUISHING               |
| FC         | EXTINGUISHING               |
| FD         | EXTINGUISHING               |
| FE         | EXTINGUISHING               |
| FF         | EXTINGUISHING               |
| FG         | EXTINGUISHING               |

**Packet Pg. 155**



# EXHIBIT "E"

## Page 4 of 11



**REVISIONS**

| NO. | DESCRIPTION       | DATE       |
|-----|-------------------|------------|
| 1   | ISSUED FOR PERMIT | 08/08/2021 |

**DEMOLITION AND SWPPP PLAN**

**REGAL CENTER**

215 WILLIAMSON BOULEVARD  
ORMOND BEACH, FL 32174

1239 North US1, Suite 3  
Ormond Beach, Florida 32174  
Phone (386) 972-7714  
www.newkirk-engineering.com

C.A. # 30309  
L.C. # 0000564  
1511  
Civil Engineering  
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**WARNING !!**

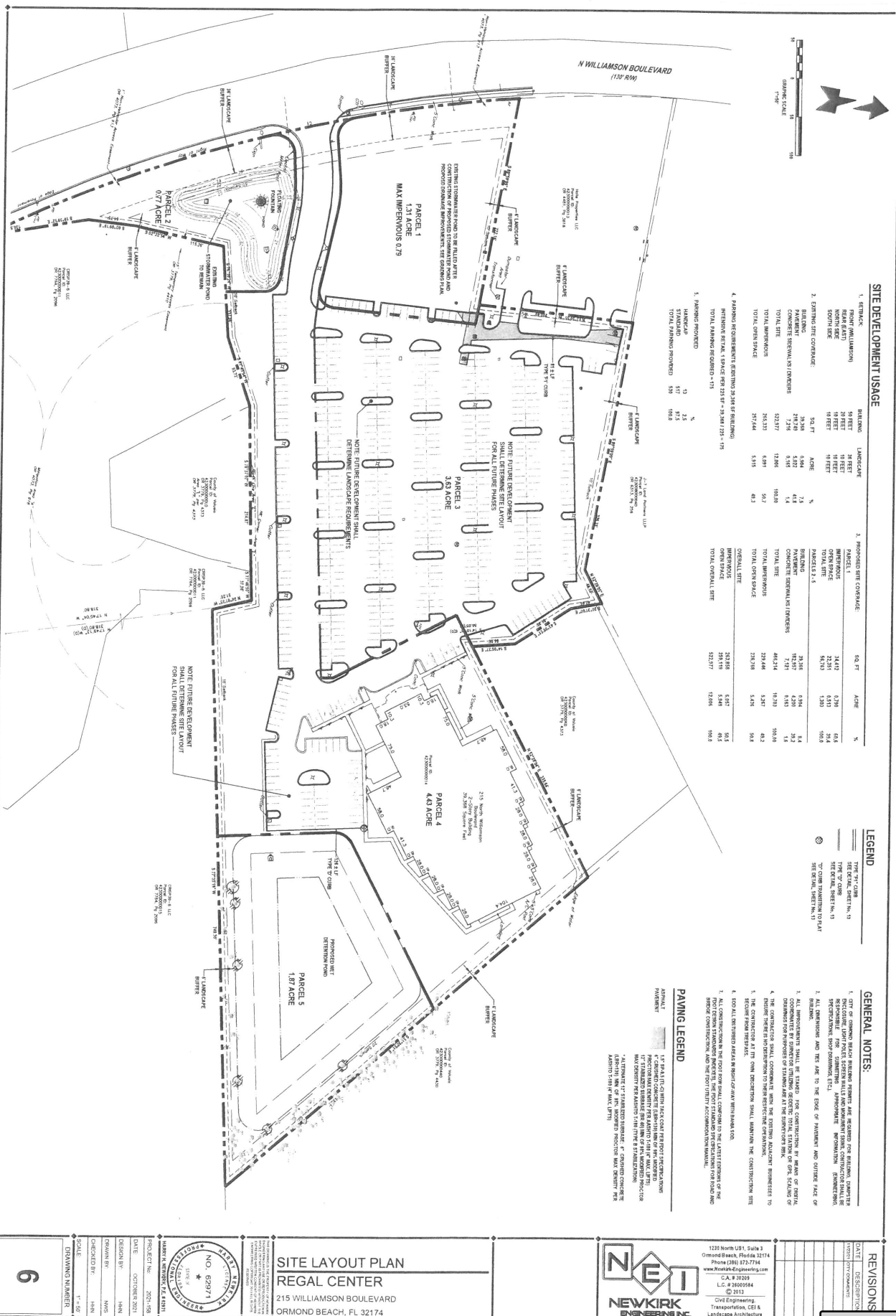
CONTRACTOR SHALL TAKE ALL PRECAUTIONS DURING CONSTRUCTION TO AVOID CONTACT OVERHEAD ELECTRICAL LINES AND OVERHEAD ELECTRICAL LINES SHALL BE MAINTAINED.

**811**

Call Before You Dig

**4**

**EXHIBIT "E"**  
**Page 5 of 11**





# EXHIBIT "E"

## Page 6 of 11

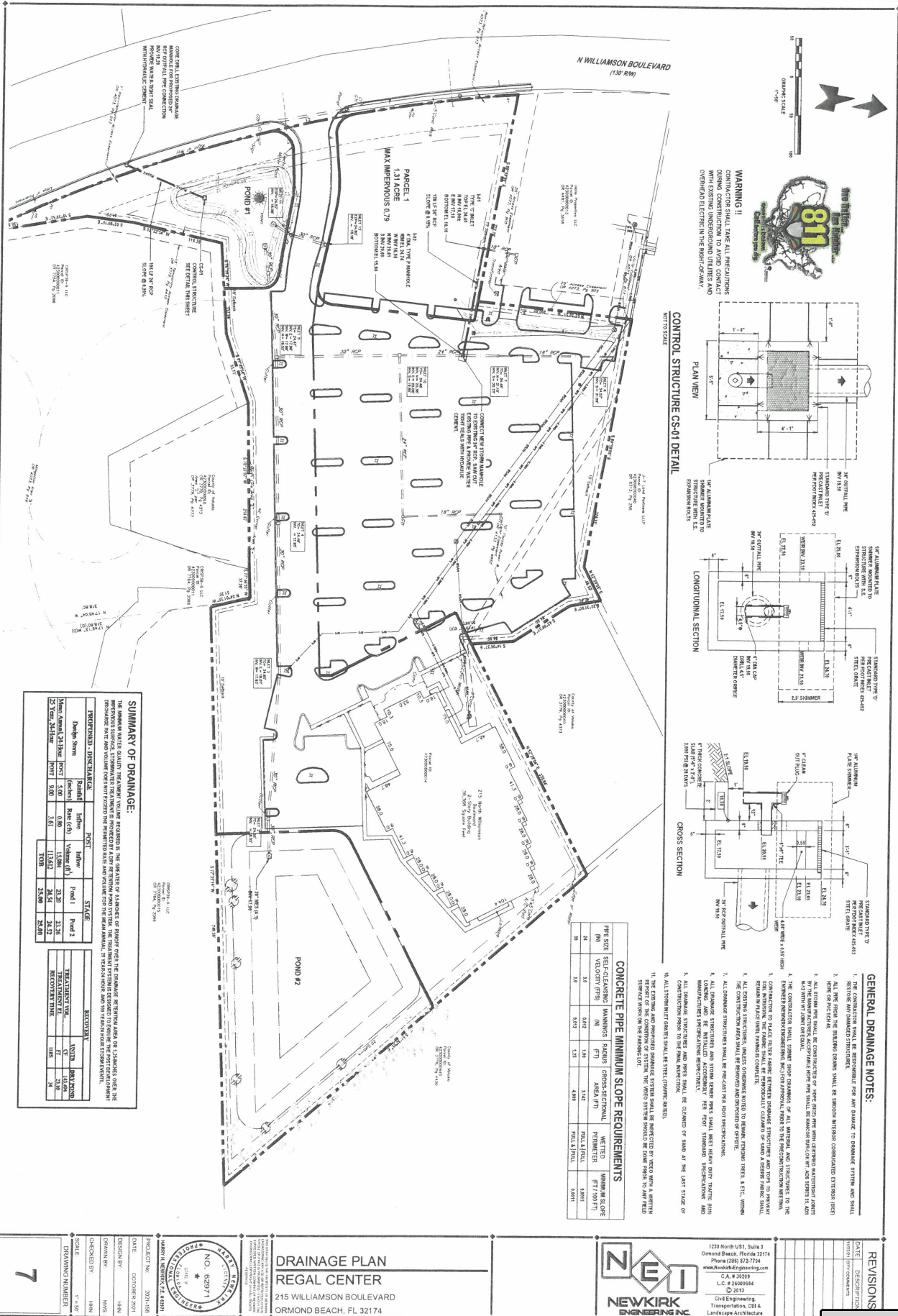
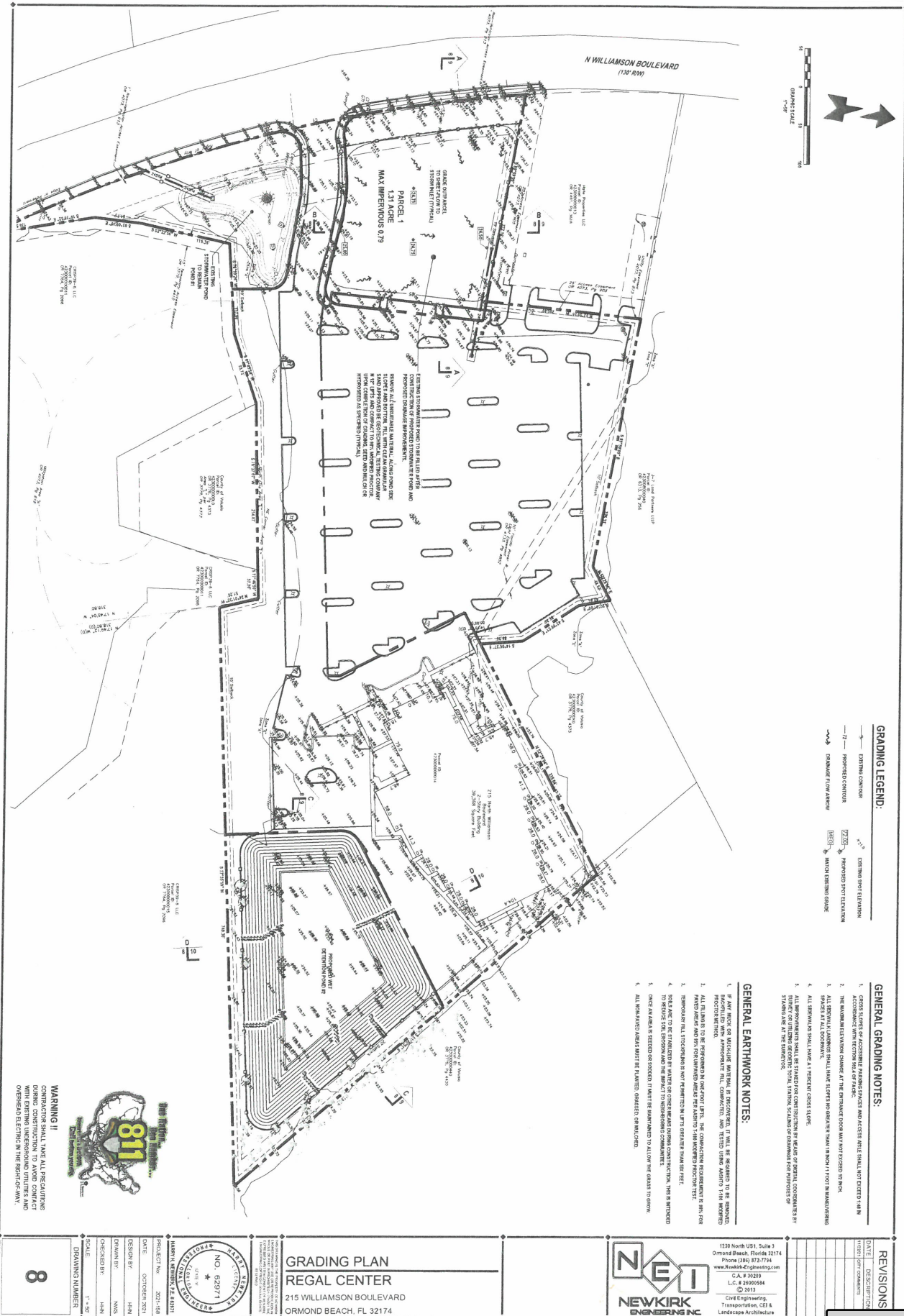


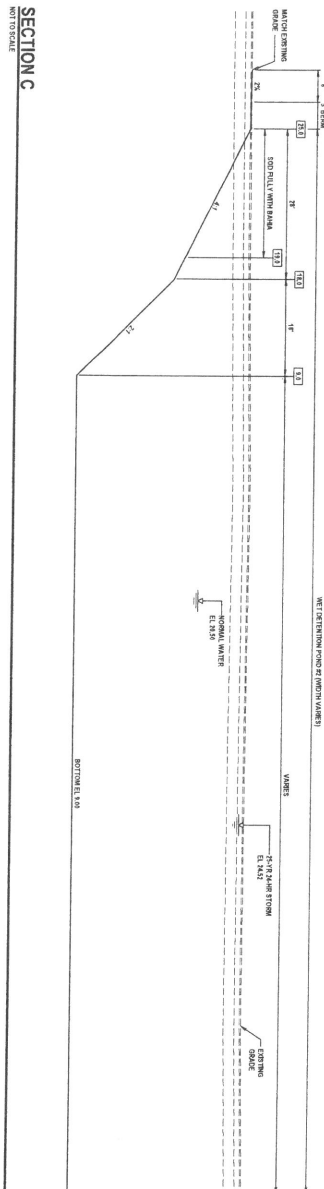
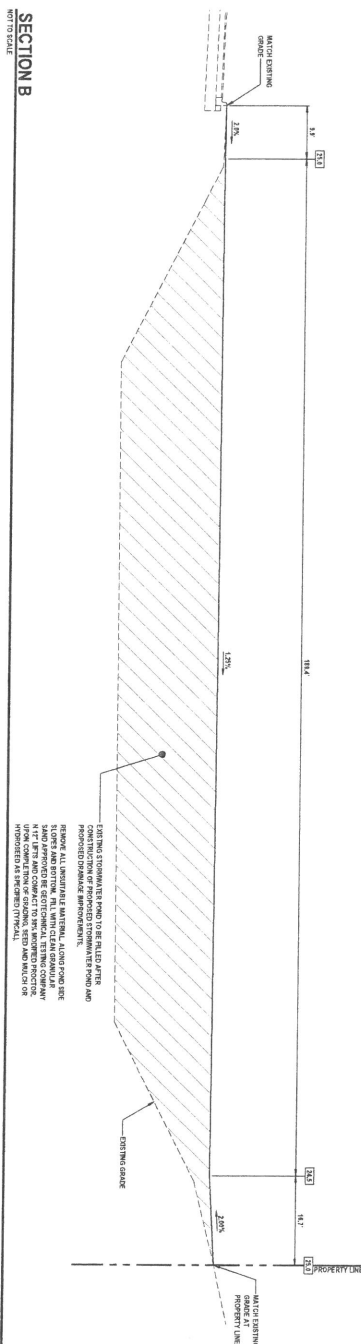
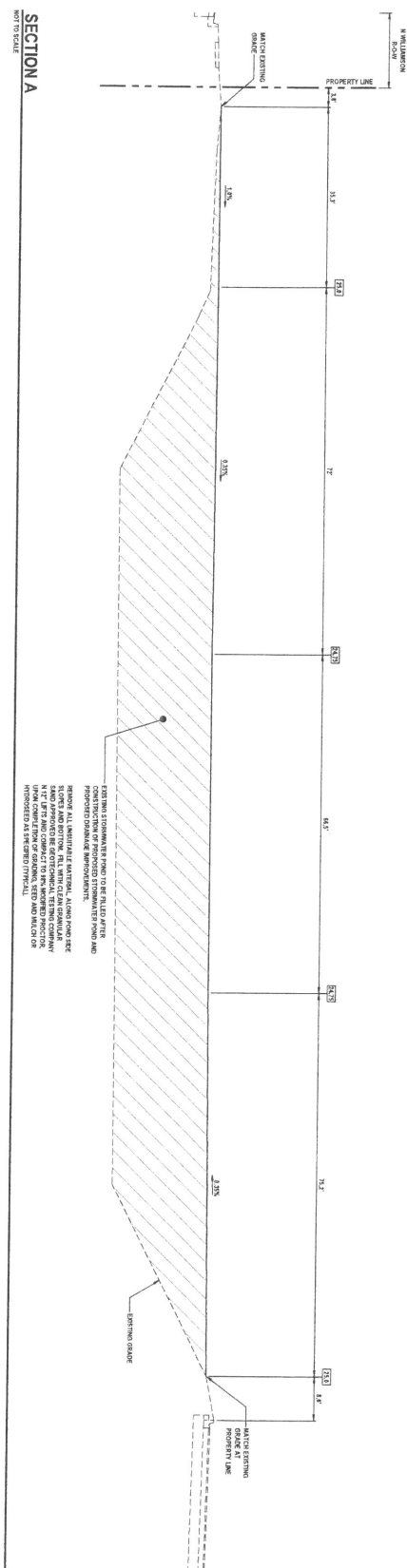


EXHIBIT "E"  
Page 7 of 11



**EXHIBIT "E"**

Page 8 of 11



| REVISIONS |               |
|-----------|---------------|
| DATE      | DESCRIPTION   |
| 11/22/11  | CITY COMMENTS |

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**CROSS SECTIONS**  
**REGAL CENTER**  
215 WILLIAMSON BOULEVARD  
ORMOND BEACH, FL 32174

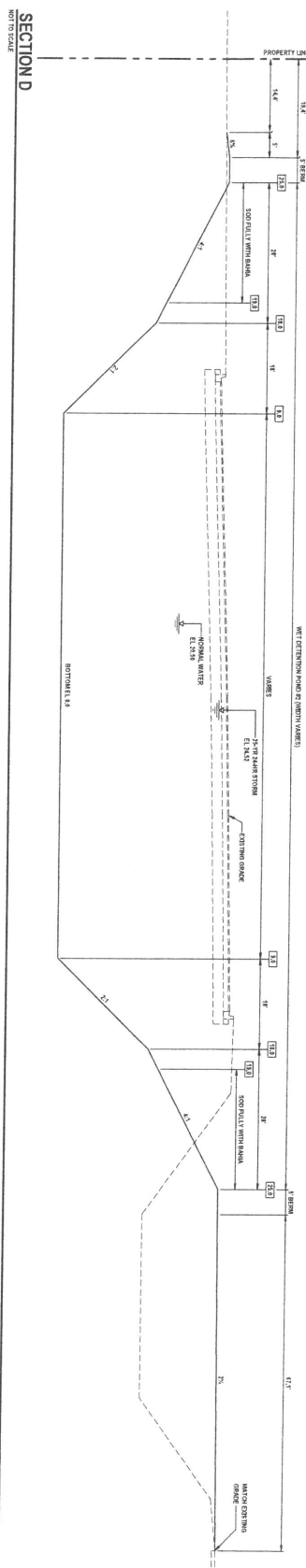
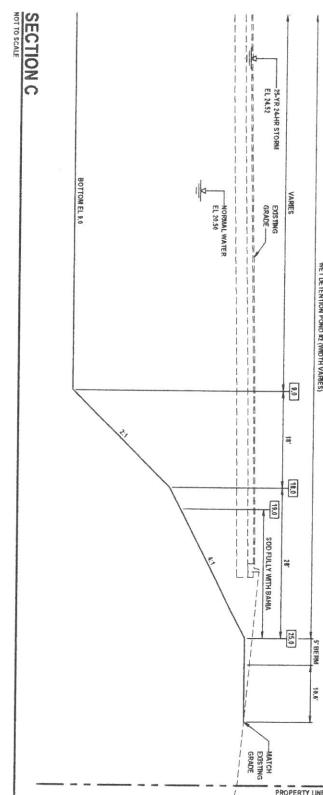


|                |              |
|----------------|--------------|
| PROJECT NO:    | 2024-159     |
| DATE:          | OCTOBER 2024 |
| DESIGN BY:     | HRN          |
| DRAWN BY:      | MMS          |
| CHECKED BY:    | HRN          |
| SCALE:         | AS SHOWN     |
| DRAWING NUMBER |              |



**EXHIBIT "E"**

Page 9 of 11



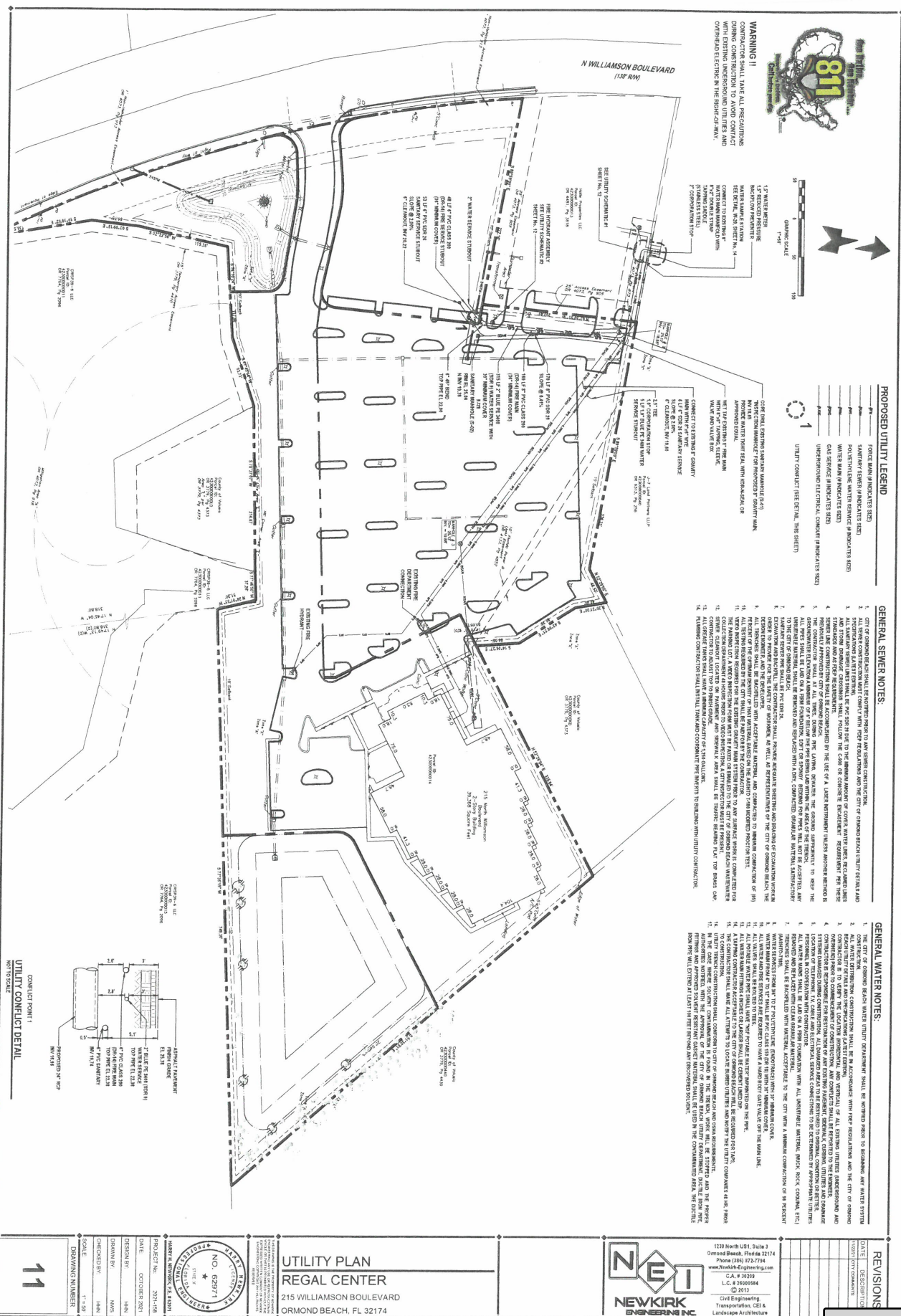
**CROSS SECTIONS**  
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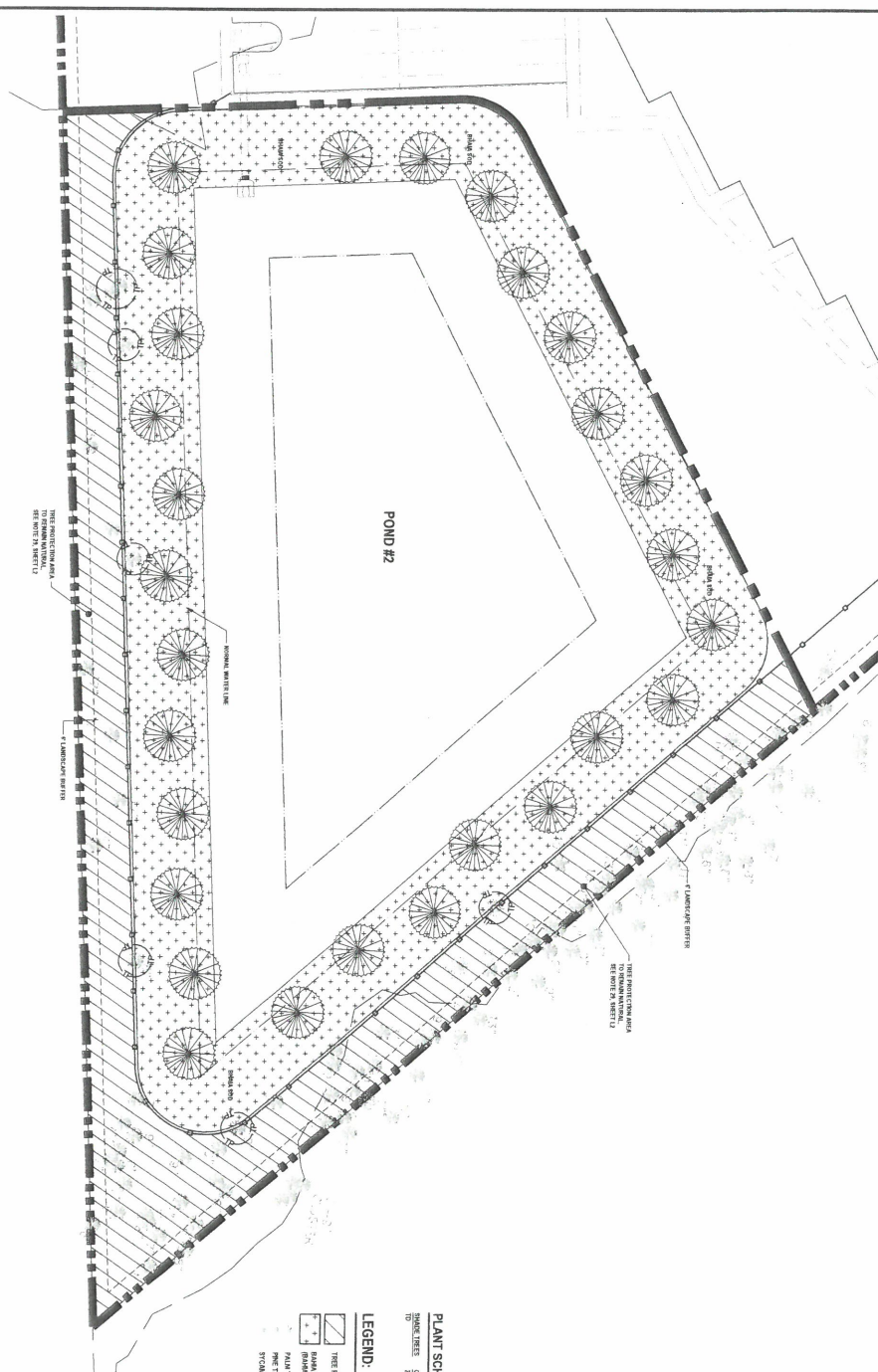
Packet Pg. 161







**WARNING !!**  
CONTRACTOR SHALL TAKE ALL PRECAUTIONS DURING CONSTRUCTION TO AVOID CONTACT WITH EXISTING UNDERGROUND UTILITIES. GAS MAINS AND OVERHEAD ELECTRIC IN THE RIGHT-OF-WAY.

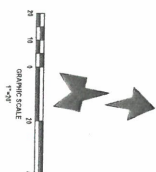


### PLANT SCHEDULE

| <u>SHADE TREES</u> | <u>QTY</u> | <u>BOTANICAL NAME</u>     | <u>COMMON NAME</u>  | <u>SIZE</u>               | <u>REMARKS</u> |
|--------------------|------------|---------------------------|---------------------|---------------------------|----------------|
| <u>ID</u>          | <u>29</u>  | <u>TAXODIUM DISTICHUM</u> | <u>BALD CYPRESS</u> | <u>2.5" CAL., 10' HT.</u> |                |

**LEGEND:**

-  TREE PROTECTION AREA  
 BAMBA SDO OR HYDROSEED  
 (BAMBA SEED MIXTURE)  
 PALM TREE  
 PINE TREE  
 SYCAMORE TREE



51

LANDSCAPE PLAN  
REGAL CENTER  
215 WILLIAMSON BOULEVARD  
ORMOND BEACH, FL 32174



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| REVISIONS |             |
|-----------|-------------|
| DATE      | DESCRIPTION |

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** November 29, 2021

**SUBJECT:** 215 Williamson Boulevard, Regal Center: Issuance of Development Order

**APPLICANT:** 215 Williamson Investors LLC, with authorization of the property owner, Regal Cinemas, Inc.

**NUMBER:** PBD 2022-002(B)

**PROJECT PLANNER:** Steven Spraker, AICP, Planning Director

**INTRODUCTION:** This is a request by 215 Williamson Investors LLC, with authorization of the property owner, Regal Cinemas, Inc., for a zoning map amendment from B-8 (Commercial) to PBD (Planned Business Development) and the issuance of a development order. The Planned Business Development zoning map amendment seeks to: (1) create an outparcel along Williamson Boulevard, (2) allow additional uses within the Planned Business Development, and (3) create a framework for future redevelopment. The subject property is approximately 12.00 acres and is located at 215 Williamson Boulevard. This staff report is for the issuance of the development order. The subject property is shown below.

### EXHIBIT 1: Project location, 215 Williamson Boulevard





**BACKGROUND:** The subject property has a land use of “Commercial” and a B-8 (Commercial) zoning designation. The property was annexed into the City of Ormond Beach on December 5, 1995 with Ordinance 95-170. The property had a Volusia County development order to construct a 12-screen movie theater that was transferred into the City of Ormond Beach. The movie theater was constructed in 1996. The movie theater use was impacted by the COVID-19 pandemic and the property has been listed for sale. The applicant is the contract purchaser of the property.

The site development for the movie theater use is unique. Site characteristics of the property include the following:

1. Along Williamson Boulevard, the property has a Greenbelt buffer of 36’;
2. Two stormwater ponds exist on either side of the access aisle for the property;
3. A pole sign exists based on the landscape buffer and the location of the building at the rear of the site;
4. There is a large parking lot designed to serve the peak usage of the movie theater use; and
5. The two-story building is 39,368 square feet and approximately 50’ in height. The building is located in the rear of the property.

The following are the abutting uses to the subject properties:

**Exhibit 2: Abutting land use and zoning designations**

| Land Use and Zoning Designations of Adjacent Property |                                    |                                                                                 |                                                                     |
|-------------------------------------------------------|------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------|
|                                                       | Current Land Uses                  | Future Land Use Designation                                                     | Zoning Classification                                               |
| <b>North</b>                                          | Tire Kingdom & Ormond Towne Square | “Commercial”                                                                    | B-8 (Commercial)                                                    |
| <b>South</b>                                          | Vacant land – Daytona Beach        | Daytona Beach “Level 2 Residential” and Volusia County “Urban Medium Intensity” | Daytona Beach Planned Development & Volusia County C (Conservation) |
| <b>East</b>                                           | Vacant conservation land           | Volusia County “Urban Medium Intensity”                                         | Volusia County C (Conservation)                                     |
| <b>West</b>                                           | Commercial uses                    | “Tourist Commercial” and Volusia County “Commercial”                            | B-7 (Highway Tourist Commercial) and Volusia County B-4             |

**ANALYSIS:**

The project seeks two actions:

- A. Zoning map amendment from B-8 (Commercial) to Planned Business Development. The zoning map amendment is the action sought for this staff report.
- B. Issuance of a development order to (1) create an outparcel along Williamson Boulevard, (2) allow additional uses within the Planned Business Development, and (3) create a framework for future redevelopment.**

Project description: The applicant has provided site plans for the project and a summary of the project in ATTACHMENT 3. The items in **bold** are specific requests of this Planned Business Development. Below is a summary of the project:

1. Challenges in redevelopment of the movie theater property. The applicant has identified the following challenges in their summary letter and these include:
  - A. Configuration of the theater facility does not lend itself to any type of big box retailer;
  - B. Renovations necessary to the theater's sloped floors so that they are at grade level with the balance of the building;
  - C. The extraordinary set back of the existing theater building from Williamson Boulevard diminishes visibility from the road for future use;
  - D. The 620 existing parking spaces which would not be necessary under most redevelopment uses;
  - E. Limited road frontage and visibility for the entire property from all sides; and
  - F. Demolition of the 2,300 theater seats and structural components.
2. The site is approximately 12.00 acres.
3. The redevelopment plan proposes to relocate the existing stormwater pond to the north of the driveway access along Williamson Boulevard and create a 1.31 acre outparcel. The stormwater pond relocation would be constructed to the rear of the property.
4. The site plan divides the subject property into six (6) parcels or areas. It is important to note that these are not tax parcels. The parcels are useful for the understanding the redevelopment purpose of each area. The parcels, shown on Sheet 6 of ATTACHMENT 4 are as follows:
  - A. Parcel 1: Outparcel of 1.31 acres along Williamson Boulevard. This is the area where the stormwater pond would be relocated.
  - B. Parcel 2: Existing stormwater pond south of the access drive. This stormwater pond area is proposed to be cleaned up and a fountain installed. There are no changes in the use of this area.
  - C. Parcel 3: Existing parking field for the former theater use. Parcel 3 is 3.63 acres. Parcel 3 would be developed into a future use. The Planned

Development seeks to allow the B-8 uses and additional uses within the development order.

- D. Parcel 4: Existing former movie theater building of 39,368 square feet. Parcel 4 is 4.43 acres and includes some parking. The building is proposed to be redeveloped. The Planned Development seeks to allow the B-8 uses and additional uses within the development order.
- E. Parcel 5: This area is the relocated stormwater pond and is 1.87 acres.
- 5. The 12-acre property proposes to be subdivided with a lot split. The outparcel would become the second property.
- 6. **The Planned Development application seeks to allow the existing pylon sign for future users based on the limited visibility from the roadway.**
- 7. **The requested height for parcels 3 (parking lot) and parcel 4 (existing building) is 50'. The existing building is 50' in height.** Note that the parcel 1 (outparcel) would develop under the B-8 dimensional requirements.
- 8. **Allowed uses: parcels 3 (parking lot), parcel 4 (existing building) and parcel 5 (proposed stormwater area). The following uses are proposed in addition to the B-8 zoning district uses (also see ATTACHMENT 3).**

**The following uses are sought in addition to the B-8 uses in Section 2-29 of the Land Development Code:**

**Permitted uses:** (1) Car wash/detailing, (2) Warehouse, Storage – Indoor, (3) Warehouse, Business, (4) Outdoor Storage of Automobiles, Boats, RVs and Trailers (covered or uncovered), (5) Transient Lodging, (6) Collector – Exotic & Specialty Vehicle Sales, (7) Museum, (8) Hospital, (9) Pharmacy (Medical Marijuana).

**Conditional use:** (1) Malted Beverage Producer.

**Special Exception use:** (1) Telecommunications Tower.

**Prohibited use:** (1) Sexually Oriented Businesses.

- 9. **Allowed uses: parcel 1 (outparcel):** In addition to the B-8 uses in Section 2-29 of the Land Development Code, the Pharmacy (medical marijuana) has been requested.
- 10. Definitions for two uses not identified in the Land Development Code, Collector, Exotic and Specialty Vehicles and Museum, have been provided in ATTACHMENT 3.
- 11. The applicant's letter request states that in the event parcel 3 is developed for the Outdoor Storage of Automobiles, Boats, RVs and Trailers (covered or uncovered) use, a waiver of the typical internal landscaping islands is requested. The nature of the storage use prevents internal landscaping islands and this material would be relocated to the project perimeters, which has been approved in other storage facility uses.

12. At the southeastern portion of the property, within parcel 5, there is an existing private easement that restricts a 50-foot area for a natural area. This easement would either need to be modified or the stormwater pond area amended. This is an outstanding Site Plan Review Committee comment.
13. As the property redevelops, a mobility fee credit for the transportation impacts would be applicable. The existing property has a mobility fee value of \$73,753.59 based on the existing use (see ATTACHMENT 3). Proposed uses would have a mobility fee calculated and deducted from the existing credit. The existing building would also have water and sewer impact fee credits based on the number of existing fixtures.
14. Development of individual parcels would be reviewed and permitted by the Site Plan Review Committee (SPRC) based on the uses approved within the Planned Business Development.
15. The dimensional standards of the B-8 zoning district would be applicable.

Project process: The following exhibit displays the project's history to date:

**Exhibit 3: Application process**

| Reviewing entity/action                                       | Date                                                                                           | Required advertising                                                                     |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| SPRC submittal                                                | October 24, 2021                                                                               | Not required.                                                                            |
| SPRC comments                                                 | November 8, 2021                                                                               | Not required.                                                                            |
| SPRC 2 <sup>nd</sup> submittal                                | November 24, 2021                                                                              | Not required.                                                                            |
| SPRC comments<br>(2 <sup>nd</sup> review)                     | Due December 8, 2021                                                                           | Not required.                                                                            |
| <b>Planning Board</b>                                         | <b>December 9, 2021</b>                                                                        | <b>1. Mail notice, 300' radius.<br/>2. Newspaper advertisement.<br/>3. Site posting.</b> |
| City Commission<br>(tentatively)                              | January 18, 2022<br>(1 <sup>st</sup> reading)<br>February 1, 2022<br>(2 <sup>nd</sup> reading) | 1. Mail notice, 300' radius.<br>2. Newspaper advertisement.                              |
| SPRC submittal for final<br>infrastructure improvement        | To be determined.                                                                              | Not required.                                                                            |
| Issuance of site<br>engineering permit and<br>building permit | To be determined.                                                                              | Not required.                                                                            |
| SPRC submittal for<br>individual parcel<br>development        | To be determined.                                                                              | Not required.                                                                            |

**Planned Business Development:**

According to Chapter 2, Article II, Section 2-36 of the Land Development Code, the purpose of the Planned Business Development zoning district

“is to establish regulatory standards for controlling the location of comprehensively planned business centers accessible to arterial roadways. The PBD is intended to incorporate a flexible management policy which incorporates urban design amenities, including streetscape improvements, and fosters innovative master planning in the design and development of commercial centers. The PBD district provides a diversified mix of permitted, conditional, and special land uses and higher standards of land planning and site design than are available under conventional zoning categories.”

One goal of the Planned Business Development is to “provide for a coherent and visually attractive physical environment through the creation of focal points and vistas, as well as coordination and consistency of architectural styles, landscaping designs and other elements of the building environment.”

**Reasons for a Planned Business Development:**

1. Pylon Signage. The Planned Development application seeks to allow the existing pylon sign for future users based on the limited visibility from the roadway. Section 2-73(b)(5) of the Land Development Code states that Williamson Boulevard is within the Greenbelt and Gateway Preservation District. Section 3-47(C)(1)(a)(1) of the Land Development Code requires monument signs (8' maximum height) with the Greenbelt and Gateway Preservation District. The applicant could maintain the existing sign with no waivers under Section 3-43(2) of the Land Development Code. The applicant desires to renovate the existing signage to architecturally upgrade the signage per ATTACHMENT 4. The request to renovate the signage is allowed by Section 3-47(A) of the Land Development Code that states, “Alternative signage may be approved by the city commission through planned developments and special exceptions”.

Based on the lack of visibility for parcels 3 (parking lot) and parcel 4 (existing building) and the ability to simply maintain the sign, staff is supportive of the request to renovate the existing site signage.

2. Building height. The requested height for parcels 3 (parking lot) and parcel 4 (existing building) is 50'. The existing building is 50' in height. Note that the parcel 1 (outparcel) would develop under the B-8 dimensional requirements. Section 2-29 of the Land Development Code establishes a 30' height limit. The existing building on parcel 4 is 50' in height. Staff is supportive of the request for a 50' height limit on parcel 3 (parking lot) and parcel 4 (existing building).
3. Uses. Section 2-36 of the Land Development Code states,  
Permitted uses. A PBD may incorporate any commercial or residential development allowed as permitted uses in the underlying zoning district designation, as well as any commercial or residential uses allowed under the Land Development Code for any district, provided the following findings are made:

- (1) The use is specifically shown on the site plan and includes a list of all proposed uses not permitted in the underlying zoning district (to the maximum extent known at the time of site plan submittal), a general description of the location, floor area to be occupied by such use, typical hours of operation and other relevant operation characteristics.
- (2) The use, by virtue of its location, vehicular circulation pattern, noise and visual buffering, traffic generation rates and peak traffic hours, odor emission controls, lighting and use of materials will not have an adverse impact on surrounding land uses, particularly where the site abuts areas developed with or zoned primarily for single-family homes.
- (3) Conversion of occupancy from a use approved under a PBD to a permitted use in the underlying district will not require an amendment to the PBD.
- (4) The use does not exceed any size limitations, use restrictions or other requirements provided under article II of this chapter.

There are two parcel related use requests. They are as follows:

**Request 1: Parcels 3 (parking lot) and parcel 4 (existing building).** The following uses are sought in addition to the B-8 uses in Section 2-29 of the Land Development Code:

Permitted uses: (1) Car wash/detailing, (2) Warehouse, Storage – Indoor, (3) Warehouse, Business, (4) Outdoor Storage of Automobiles, Boats, RVs and Trailers (covered or uncovered), (5) Transient Lodging, (6) Collector – Exotic & Specialty Vehicle Sales, (7) Museum, (8) Hospital, (9) Pharmacy (Medical Marijuana).

Conditional use: (1) Malted Beverage Producer.

Special Exception use: (1) Telecommunications Tower.

Prohibited use: (1) Sexually Oriented Businesses.

**Request 2: Parcel 1 (Outparcel):**

Permitted uses: (1) Pharmacy (Medical Marijuana).

It is understood the desire for a wide range of options as property redevelopment occurs. Some uses such as Warehouse, Storage – Indoor, Warehouse, Business, Collector – Exotic & Specialty Vehicle Sales, Museum would be appropriate for the existing building in parcel 4. Staff does have concern with the Outdoor Storage of Automobiles, Boats, RVs and Trailers (covered or uncovered), likely within parcel 3, and would not recommend the allowance of this use. The Outdoor Storage of Automobiles, Boats, RVs and Trailers (covered or uncovered) is allowed within the I-1 (Industrial) zoning district and is not allowed on commercial corridors. Staff would not recommend the inclusion of Automobiles, Boats, RVs and Trailers (covered or uncovered) within the development order.

#### Project public benefits:

Section 2-36(h)(3) of the Land Development Code requires the provisions of public benefits that demonstrate that a project's site plan design is more than the minimum



standards required. The applicant has provided a summary of the public benefits in ATTACHMENT 3. Below is a summary of the public benefits of the project from the applicant:

1. Reduce traffic impacts from previous theater use.
2. Add illuminated fountain to parcel 2.
3. Provide central location with screening for storage of boats, trailers and RVs to mitigate current code violations that occur throughout the city with unlawful storage in residential areas.
4. Redevelopment of this unique property will eliminate blight and other impacts such as landscape overgrowth, lack of building and site maintenance, homeless camps and vandalism that typically follow properties that go dark.
5. Parking lot fixtures that remain will be changed to energy saving LED fixtures.
6. The existing pylon sign will be refurbished with architectural features and will be modified to energy saving LED illumination.
7. Clean and maintain the overgrowth of tree limbs and underbrush surrounding the Williamson retention pond, parcel 2, in order to provide visibility to the new fountain.

### **CONCLUSION:**

In considering an application for a Planned Business Development, the Planning Board may recommend to approve, approve with conditions, or disapprove on the extent to which the development offers site amenities above that are normally found for permitted uses in the district with regard to the following:

- a) Building form, architecture and appropriateness of materials with regard to long-term maintenance, relation to the surrounding neighborhood, and aesthetics. Architectural drawings shall be approved as part of the Development Order and adhered to in all development phases.**

Parcel 4 has an existing building that would be modified based on the final use selected. Any new building would be required to comply with the architectural design standards of Section 3-69 of the Land Development Code.

- b) Landscaping and related site amenities.**

The site has existing landscape buffers in place. Many of these buffers are natural vegetation. The redevelopment would update any dead or missing material. Any new site development, such as the outparcel would comply with the required landscape requirements of the Land Development Code.

- c) Mitigation of off-site impacts.**

The redevelopment of the property is likely to have less intensive uses than the movie theater. The property is surrounded by commercial uses to the north and west, a conservation area to the east, and a vacant parcel with a Daytona Beach multi-family/assisted living facility use.

- d) Overall lighting plan, particularly in relation to aesthetics and glare.**

The existing lighting is proposed to remain and have LED fixtures installed. Any new

lighting would be required to meet the Land Development Code requirements.

**e) Overall signage plan, particularly related to aesthetics and readability.**

The redevelopment of the property seeks to allow the update of the existing site pylon sign. The signage is a key component based on the large setbacks of the building and landscaping along Williamson Boulevard.

**CRITERIA FOR APPROVAL:** There are certain criteria that must be evaluated before a Planned Business Development amendment can be approved. According to Chapter 1, Article I, Section 1-15. C.3 of the Land Development Code, the Planning Board shall consider the following when making its decision:

**1. The proposed development conforms to the standards and requirements of this code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The proposed development conforms to the standards of the Land Development Code and seeks the Planned Business Development process based on the signage, building height and uses. The proposed redevelopment plan is appropriate for the location and will not negatively impact surrounding properties. The development will not create undue crowding beyond the conditions normally permitted in the zoning district. It is the determination of the Site Plan Review Committee that the public health, safety, welfare or quality of life will not be adversely affected.

**2. The proposed development is consistent with the Comprehensive Plan.**

The property is designated as “Commercial” on the City’s Future Land Use Map (FLUM). The proposed development is consistent with the Comprehensive Plan. Specifically, the Future Land Use Element of the Comprehensive Plan states:

**General Commercial (GC)**

**Purpose:** A multi-use land use category to provide for the sales of retail goods and services, high density multi-family, professional offices and services, and restaurants, depending on the range of population to be served and the availability of transit. For projects that propose a mixture of residential and non-residential uses, the minimum FAR should be 0.2.

**Density:** Maximum: 32 units per acre.

**Maximum FAR:** 0.7 (2.0 within the Downtown Community Redevelopment area)

The “Commercial” land use designation specifically envisions commercial uses. The redevelopment of this property has certain challenges that include (1) a lack of roadway visibility, the large parking field, and the existing building structure. The location is appropriate for commercial uses and is consistent with the Comprehensive Plan.

The application also supports the following policies in the Future Land Use Element of the Comprehensive Plan:

**Objective 1.2.:** Ensure that adequate amounts of land are available to meet the commercial land use needs of the community.

Policy 1.2.6.: New commercial development shall be required to provide appropriate buffers and landscaping to minimize negative impacts on surrounding uses.

3. **The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to water bodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

The property has been developed and this is a redevelopment project. The survey indicates that the project is located in flood zone "X" and is not within a flood zone. The project will not adversely impact environmentally sensitive lands or natural resources, including but not limited to water bodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.

4. **The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

The proposed project is consistent with the property's land use designation and zoning classification and will not depreciate the value of surrounding property. The proposed project is consistent with the property's land use designation and zoning classification and will not depreciate the value of surrounding property. The project will not create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.

5. **There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

There are adequate public facilities to serve the proposed development, including roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.

6. **Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

Per the ITE Trip Generation Manual, 10<sup>th</sup> edition, the movie theater use generated 3,074 average daily trips with 243 trips occurring in the PM peak hour. The redevelopment of the project is likely to reduce the trip generation from this property. Each individual development would have an independent site plan and a review of the project traffic impacts.

**7. The proposed development is functional in the use of space and aesthetically acceptable.**

The characteristics of the existing property and building present redevelopment challenges. The Planned Business Development seeks to provide the framework to redevelop the property to prevent blight and the impacts of blight.

**8. The proposed development provides for the safety of occupants and visitors.**

The proposed development provides for the safety of its occupants and visitors. Each individual parcel would have its own site plan once final uses are determined.

**9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.**

The existing building is not being modified at this time. Any future building would be required to comply with Section 3-69 of the Land Development Code.

**10. The testimony provided at public hearings.**

This application has not been heard and no public testimony has been provided.

**RECOMMENDATION:**

It is recommended that the Planning Board recommend **APPROVAL** of PBD 2022-002(B) that approves the issuance of a development order for the Regal Center at 215 Williamson Boulevard to (1) create an outparcel along Williamson Boulevard, (2) allow additional uses within the Planned Business Development, and (3) create a framework for future redevelopment. Within the Planned Business Development, the project would specifically allow:

- a) Pylon Signage. The renovation and rehabilitation of the existing pylon sign as shown in ATTACHMENT 4;
- b) Building height. Allowance of a building height for parcels 3 (parking lot) and parcel 4 (existing building) of 50'.
- c) Uses. To allow the following uses as shown in ATTACHMENT 3:

**Request 1: Parcels 3 (parking lot) and parcel 4 (existing building).** The following uses are sought in addition to the B-8 uses in Section 2-29 of the Land Development Code:

Permitted uses: (1) Car wash/detailing, (2) Warehouse, Storage – Indoor, (3) Warehouse, Business, ~~(4) Outdoor Storage of Automobiles, Boats, RVs and Trailers (covered or uncovered)~~, (5) Transient Lodging, (6) Collector – Exotic & Specialty Vehicle Sales, (7) Museum, (8) Hospital, (9) Pharmacy (Medical Marijuana).

Conditional use: (1) Malted Beverage Producer.

Special Exception use: (1) Telecommunications Tower.

Prohibited use: (1) Sexually Oriented Businesses.

**Request 2: Parcel 1 (Outparcel):**

Permitted uses: (1) Pharmacy (Medical Marijuana).

Staff would not recommend of the inclusion of the Outdoor Storage of Automobiles, Boats, RVs and Trailers (covered or uncovered) use within the Planned Business Development.

Subject to the applicant resolving the outstanding Site Plan Review Committee comments within ATTACHMENT 1. The project is tentatively scheduled for the City Commission on January 18, 2022 (first reading) and if approved on first reading, the second reading on February 1, 2022 (final reading).

**Attachments:**

Attachment 1: Site Plan Review Committee comments

Attachment 2: Maps and pictures of the project area

Attachment 3: Applicant letter and trip generation information

Attachment 4: Site plans

# ATTACHMENT 1

## Site Plan Review Committee comments





## Current Project - Project Markups Listing

### PZ-22-002

| File Name                            | Markup Name            | Markup Text                                                                                                                                                                                                                                                                              | Markup Date | Created by  |
|--------------------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|
| 07 DRAINAGE.pdf                      | Civil-Sheet 7-Draiange | Please add a note that the existing pipe system shall be inspected by video with a written report of the condition of system.<br><br>This shall be in addition to the video of new pipe system. The video inspection should be done prior to any final surface work on the parking area. | 11/03/2021  | David Allen |
| 07 DRAINAGE.pdf                      | Civil-Pond Max Stage   | The max stage of the ponds appear to create overflow in several of the inlets. Please review and revise if necessary.                                                                                                                                                                    | 11/03/2021  | David Allen |
| 09 SECTIONS.pdf                      | Civil-Sections         | Not graphically correct.                                                                                                                                                                                                                                                                 | 11/03/2021  | David Allen |
| 10 SECTIONS.pdf                      | Civil-Sections 10      | Not Graphically Correct                                                                                                                                                                                                                                                                  | 11/03/2021  | David Allen |
| 11 UTILITIES.pdf                     | Civil-Gravity Sewer    | Please change Note #11 to reflect that the video inspection will be for the existing gravity main prior to any surface work is completed for the parking.                                                                                                                                | 11/03/2021  | David Allen |
| 04 SWPPP.pdf                         | Civil-Buffer Area      | The survey calls out this area as a buffer, with OR Book and page. How will the recorded buffer be modified to allow the encroachment of the pond?                                                                                                                                       | 11/02/2021  | David Allen |
| Stormwater Report - Regal Center.pdf | Civil-Storm            | The total area shown on plan sheet 6 is 12.06 acres. The survey calls out 12.01 acres. Please reconcile the actual project areas.                                                                                                                                                        | 11/02/2021  | David Allen |



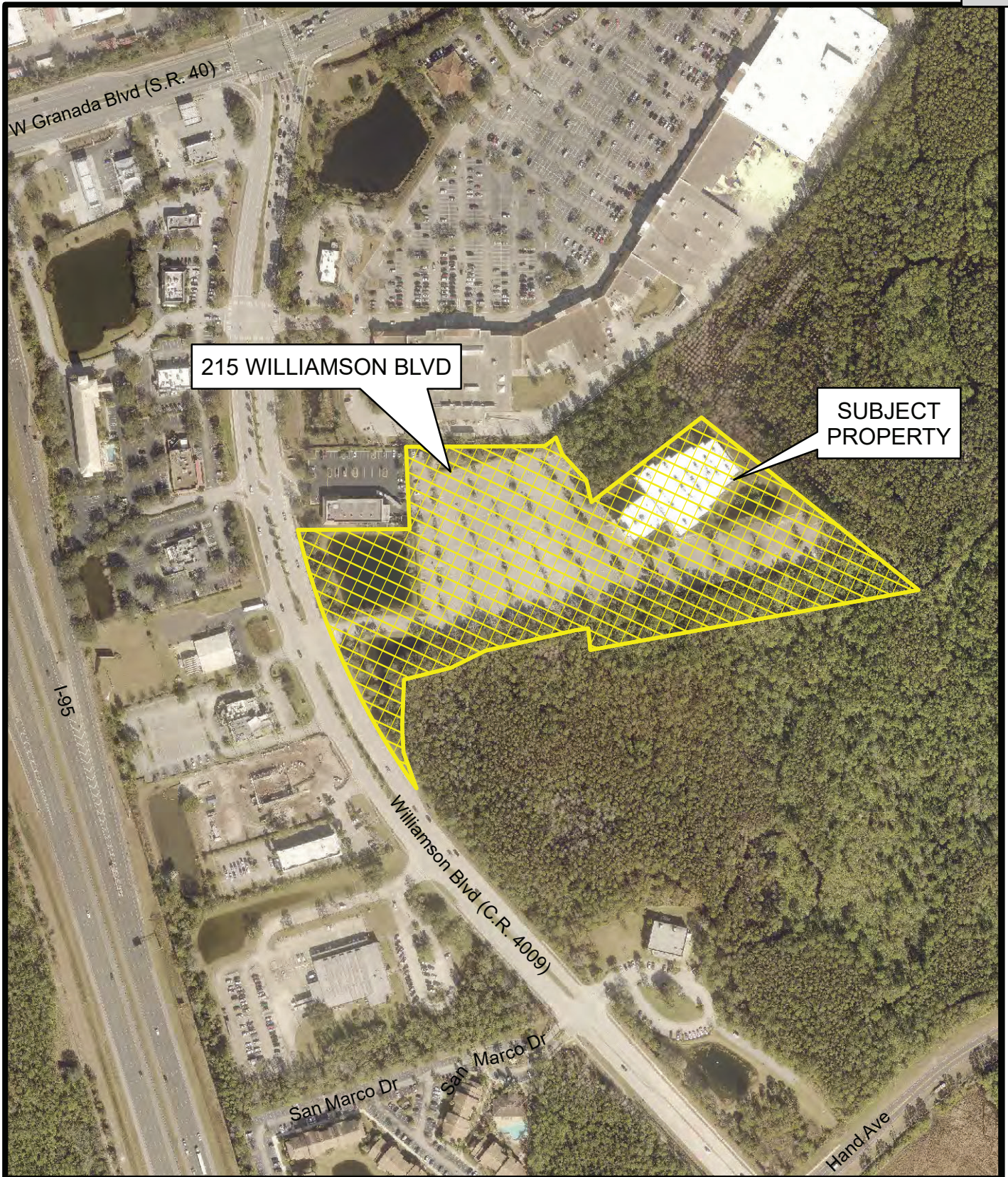
## Current Project - Project Markups Listing

|                                          |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |            |                |
|------------------------------------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------|
| 06 SITE LAYOUT.pdf                       | CSC | <ul style="list-style-type: none"><li>- Please graphically/written call out all the landscape buffers for each side.</li><li>- Please show/survey all existing trees to be removed with the new improvements.</li><li>- Please provide a landscape betterment plan for the entire site. Please demonstrate that the Greenbelt, all landscape buffers, parking areas and minimum tree site requirements are met. Please note or survey existing trees within these areas.</li><li>- Terminal landscape islands are required on the altered rear parking lot.</li><li>- Please provide irrigation plan for new improvements. Add notes that the existing system shall be operable &amp; provide 100% coverage with 50% overlap prior to C.O.</li></ul> | 11/01/2021 | Cara Culliver  |
| 06 SITE LAYOUT.pdf                       | SSS | Please look at easement within Book 4073, Page 873 that appears to restrict this land areas for natural landscape. How is this land area able to be converted to a stormwater area?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 11/01/2021 | Steven Spraker |
| 10.26.2021. Regal center PBD request.pdf | SSS | Planning staff is not supportive of RV and boat storage on this property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 11/01/2021 | Steven Spraker |

# ATTACHMENT 2

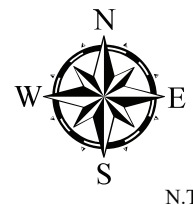
Maps and pictures of the  
project area



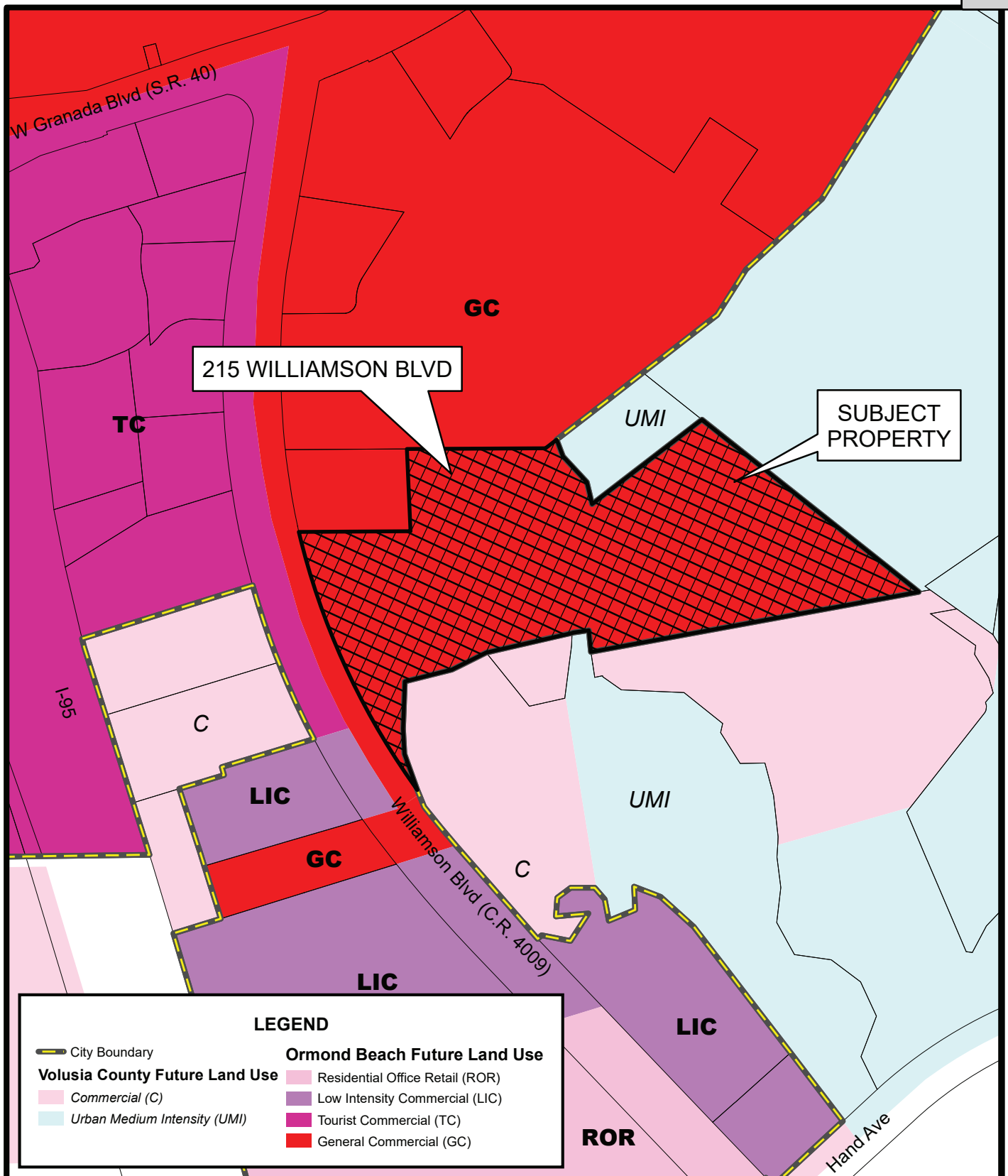


**AERIAL MAP**  
**215 WILLIAMSON BLVD**  
**(4230-00-00-0014)**

Prepared By: City of Ormond Beach  
 G.I.S. Department 11/5/2021

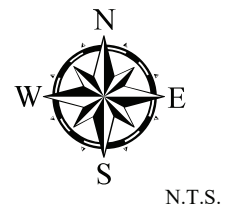


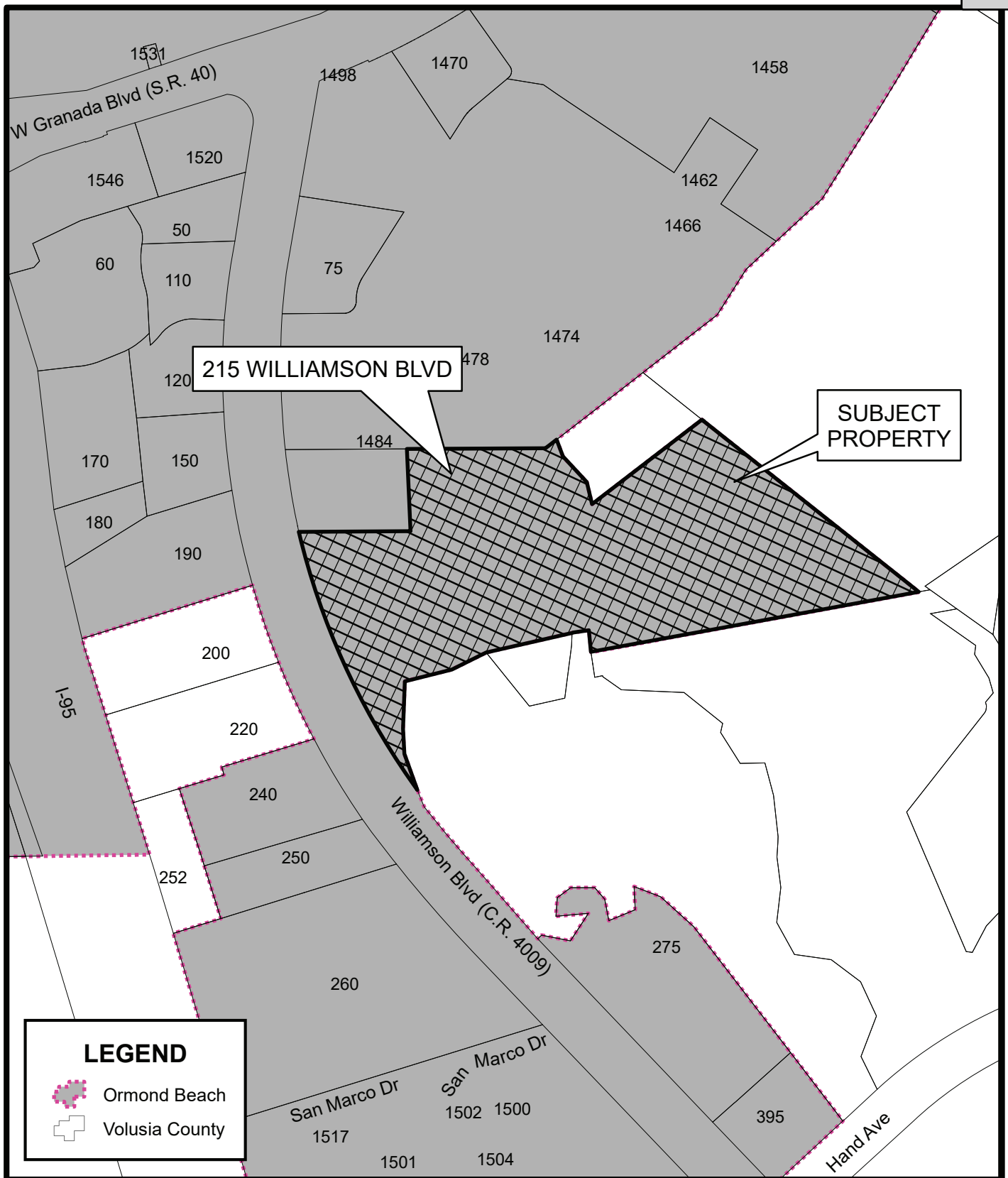




**FUTURE LAND USE MAP  
215 WILLIAMSON BLVD  
(4230-00-00-0014)**

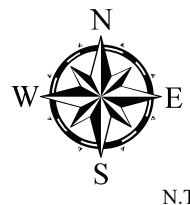
Prepared By: City of Ormond Beach  
G.I.S. Department 11/5/2021



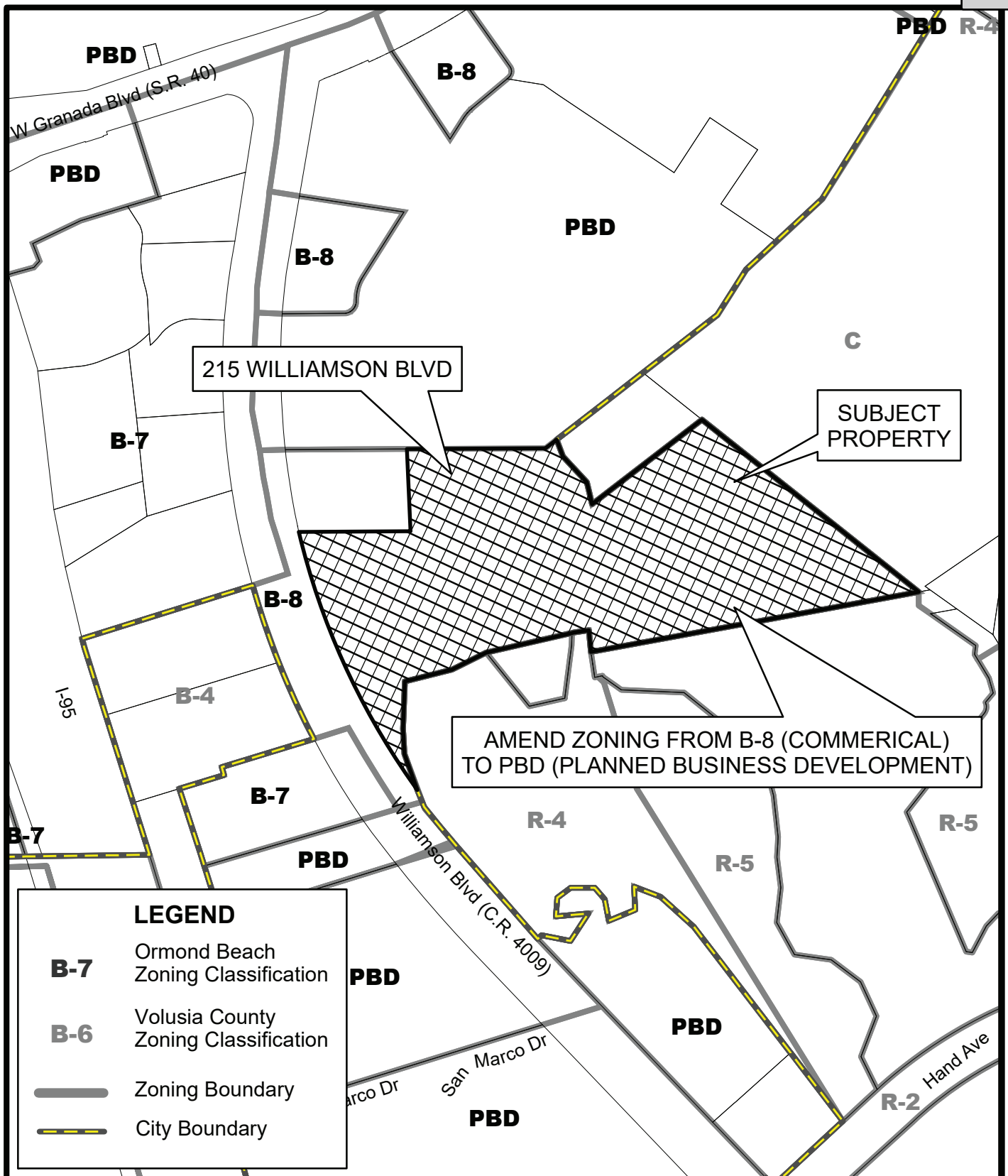


**LOCATION MAP**  
**215 WILLIAMSON BLVD**  
**(4230-00-00-0014)**

Prepared By: City of Ormond Beach  
 G.I.S. Department 11/5/2021

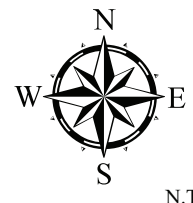






**PROPOSED ZONING MAP**  
**215 WILLIAMSON BLVD**  
**(4230-00-00-0014)**

Prepared By: City of Ormond Beach  
 G.I.S. Department 11/5/2021











**Existing sign proposed to be renovated**





**Parcel 1 (outparcel) from Williamson Boulevard**



# Parcel 1 (outparcel) from the access drive

8.B.h

Tire Kingdom





# Parcel 2 (existing stormwater pond) from the access drive

8.B.h







**Parcel 3 (existing parking area)**





**Parcel 4 (existing building)**



**Parcel 5 (proposed stormwater area)**



# ATTACHMENT 3

Applicant letter and trip  
generation information



## REGAL CINEMA – PAST – PRESENT – FUTURE

### REVISED: NOVEMBER 18, 2021

The original theatre was completed in 1996 and was operated under the Regal Cinema Theatre chain, providing first run movies to the Ormond Beach community for almost twenty-five years.

Prior to COVID the attendance numbers for the Ormond Beach Regal had declined significantly. Regal Cinema, Inc. made a decision in late 2020 to close this facility due to a variety of impacts, including the reduction in attendance, the more recently developed Cobb Theatre in Daytona Beach and the 12-screen theatre at the Pavilion, Port Orange. COVID also impacted the theatre operation and likely was the final setback that moved Regal to close this location.

For the future, theatres in general are in a difficult position as movie customers have in home access to streaming first run movies, in some cases on the same day they are released in theatres; other first run movies are released in a very short time frame after theatre release. It is very unlikely that another theatre will be constructed in Ormond Beach due to our population and close proximity to other venues.

### FUTURE REDEVELOPMENT

The redevelopment of this property, including the parking field and more specifically the 39,368 s.f. theatre building has its challenges due to the following:

- A. Configuration of the theatre facility does not lend itself to any type of big box retailer.
- B. Renovations necessary to theatre sloped floors so that they are at grade level with the balance of the building.
- C. The extraordinary set back of the existing theatre building from Williamson Boulevard diminishes visibility from the road for future use.
- D. The 620 existing parking spaces which would not be necessary under most redevelopment uses.
- E. Limited road frontage and visibility for the entire property from all sides.
- F. Demolition of the 2,300 theatre seats and structural components.

We have been in discussion with a variety of proposed users for the overall complex, including interest in the out-parcel, redevelopment of the theatre building, office users who





value a secured perimeter and access to I-95, and also retail and hotel uses for Parcel 3 (5.07 acres).

Currently the property is vacant, however there have been several homeless camps set up on the perimeter of the property boundaries and in some cases, directly on the property. As with any vacant property, this will continue to be an issue until the property is redeveloped and occupied.

This PBD will be the base of a logical repurposing plan. It utilizes the site's major assets – location at the center of the Ormond Beach market, privacy due to visual and access buffers on 3 sides, and proximity to I-95 for north-south access, and SR 40 for east-west access. It will become a contributor to the City's economic base and remove an area of potential blight.

### RELOCATION OF EXISTING STORMWATER POND

In conjunction with our PBD Application, we have engaged Newkirk Engineering to relocate the existing stormwater pond at Williamson Boulevard to the rear (southeast corner) of the property. The relocation of the stormwater pond has been discussed in concept with SJRWMD and they had no initial objection to the relocation.

### CREATION OF FRONTAGE PARCEL – WILLIAMSON BOULEVARD

In conjunction with the relocation of the stormwater pond, we propose to fill the existing pond and create Parcel 1 (1.363 acres). This parcel will be subdivided from the overall tract through the Lot Split Application. Upon approval of the lot split from the City of Ormond Beach, we will secure a separate tax parcel number.

It is anticipated that this parcel will be developed under a ground lease, a build to suit or sold for commercial uses permitted under the B-8 zoning and this PBD. The inquiries we have received range from medical, office, retail, restaurant, including QSR's with drive thru facilities.

**The outparcel shall abide under the B-8 Dimensional and Use Standards.**

### UTILITIES

The current Regal Theatre has potable water, fire protection and gravity sewer utilities provided by the City of Ormond Beach. We propose to extend the gravity sewer and water for future development of Parcel 1. We will also include extension of water and sewer stubbed out to Parcel 3 for future development.



### INGRESS – EGRESS WILLIAMSON BOULEVARD AND CROSS ACCESS

The current 12.06 acre parcel has one main entrance with a northbound right turn lane and a southbound left turn lane to the entrance. This will continue to be the main ingress and egress to the overall property.

There is currently a cross access easement with the existing Discount Tire Store and that will remain in place.

The proposed out-parcel may have a secondary ingress – egress access driveway subject to City and County approval.

### LANDSCAPING EXISTING – PROPOSED

The future development of the out-parcel (Parcel #1) will include new landscaping and buffers to conform with City standards.

In the event Parcel 3 is developed for outdoor covered storage then applicant is requesting a waiver of typical landscape islands and perimeter landscaping would be similar to the landscape buffers depicted on the Concept Plan.

In the event Parcel 3 is redeveloped for uses other than outdoor storage then redevelopment shall include landscaping to meet City standards.

### SURROUNDING PROPERTIES

The Regal property is surrounded by and adjacent to the following:

**North** – the rear of Ormond Town Square

**South** – predominately wetlands, wetland mitigation and conservation land

**East** – predominately wetlands and conservation land

**West** – Discount Tire Store

There are no existing residential properties adjacent to the Regal property and it is very unlikely that any of the surrounding land could be developed for residential – multi-family purposes due to the existing wetlands and conservation overlay. The Regal property has very limited visibility to Williamson Boulevard which adds to screening on all four sides of the property.





## PROPOSED REDEVELOPMENT OF REGAL THEATRE BUILDING

Currently the proposed redevelopment and future use of the Regal Theatre building is to utilize the same for climate controlled indoor general storage. The alternate use may be climate controlled indoor storage of collector cars, RV and boats.

There have been other uses that have been discussed including office, educational and governmental uses.

## CURRENT MOBILITY FEES – TRANSFER OF CREDITS

Listed below is the existing mobility fee that is associated with the previous theatre use:

| <u>Existing Square Feet</u> | <u>Estimated Mobility Fee</u> |
|-----------------------------|-------------------------------|
| Regal Cinema 39,368 s.f.    | TBD *                         |

The applicant is requesting that in the event the Regal building is used for other purposes that are less intense such as a warehouse use, that the mobility fee for the less intense use shall be calculated and any remaining mobility fee credit may be used to offset mobility fees due on redevelopment of any portion of the remaining property.

The mobility fee credits would be assigned to the Regal Center Ormond project and used only for onsite redevelopment. Applicant is requesting that the mobility fee credit will be available for a period of 5 years with no reduction in value.

*\* Applicant will provide to staff for review and approval the vested trips and applicable adjustments to determine the final mobility fee amount.*

## EXISTING PYLON SIGN – FUTURE OUTPARCEL SIGNAGE

Applicant is requesting that the existing pylon sign may remain for future businesses advertising the redevelopment of both the property and theatre building. Photos of the existing sign and the architectural embellishments proposed for the sign are included for your consideration.

The development of Parcel 1 will include its own monument sign and building signs subject to existing City codes.



## EXISTING B-8 COMMERCIAL ZONING AND ADDITIONAL USES

The following are the existing Permitted, Conditional Uses and Special Exception Uses for the Regal Center Property and the numbered uses listed in **bold** print are additional uses the applicant is requesting approval for:

### Permitted Uses

Adult Day Care Center  
 Assisted Living Facility  
 Business and Prof. Office  
 Business Service  
 Clubs and Fraternal Org.  
 Convenience Store Type A  
 Financial Institution  
 Instructional Physical Act.  
 Nursing Home  
 Retail Sales and Services  
 School, Public  
 Sexually-Oriented Business  
 Veterinarian  
**1. Car Wash/Detailing**  
**2. Warehouse, Storage, Indoor**  
**3. Warehouse, Business**  
**4. Outdoor Storage of Automobiles, Boats, RV's and Trailers (Covered and Uncovered)**  
**5. Transient Lodging**  
**6. Collector – Exotic & Specialty Vehicle Sales**  
**7. Museum**  
**8. Hospital**  
**9. Pharmacy**

### Conditional Uses

Bowling Center  
 Child Care Facility  
 Community Residential Home  
 Convenience Store, Type B  
 Convenience Store, Type C  
 Dwelling, Multifamily  
 Family Day Care Home  
 House of Worship  
 Parks and Recreation Facilities, Public  
 Parks and Recreation Facilities, Private  
 Personal Services  
 Public Facilities  
 Public Utilities  
 Recreational Facilities, Indoor  
 Restaurant, Type "A"  
 Restaurant, Type "B"  
 Restaurant, Type "C"  
 School, Private  
 Shopping Center  
 Telecommunications Towers, Camouflaged  
 Theater  
 Wind Energy System  
**1. Malted Beverage Producer**

### Special Exception Uses

Automatic Amusement Center  
 Outdoor Activity  
 Outdoor Storage  
 Recreational Facilities, Outdoor  
 Warehouse, Mini – Rental  
**1. Telecommunication Tower**

**All additional Permitted, Conditional and Special Exception uses requested under the PBD shall not apply to the proposed out-parcel, except for "9. Pharmacy" which applicant is requesting as a Permitted Use for the out-parcel.**

## DIMENSIONAL STANDARDS

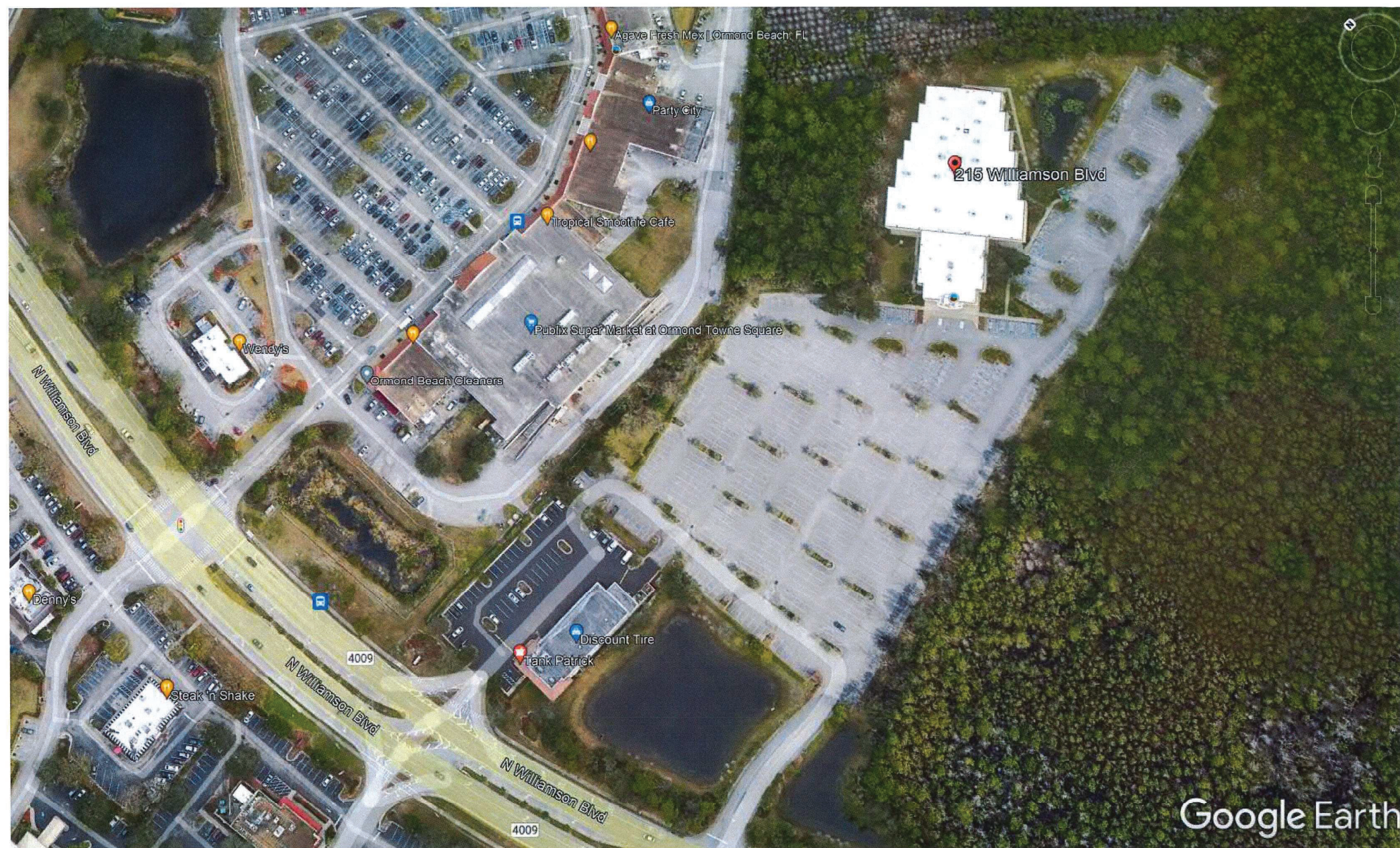
1. Applicant is requesting that the maximum height of the B-8 zoning of 30' is increased to 50'. The current theatre building height is 49.48'. The increase to maximum height shall exclude the proposed out-parcel.
2. Applicant requests a waiver to landscape islands that may conflict with the future redevelopment of the parking field for outdoor storage.
3. Applicant may further subdivide portions of the parking field depending on the type of redevelopment. Staff will be authorized to process, review and approve such lot split applications at staff level.



## PUBLIC BENEFITS

1. Reduce traffic impacts from previous theatre use.
2. Add illuminated fountain to Parcel 2.
3. Provide central location with screening for storage of boats, trailers and RVs to mitigate current code violations that occur throughout the city with unlawful storage in residential areas.
4. Redevelopment of this unique property will eliminate blight and other impacts such as landscape overgrowth, lack of building and site maintenance, homeless camps and vandalism that typically follow properties that go dark.
5. Parking lot fixtures that remain will be changed to energy saving LED fixtures.
6. The existing pylon sign will be refurbished with architectural features and will be modified to energy saving LED illumination.
7. Clean and maintain the overgrowth of tree limbs and underbrush surrounding the Williamson retention pond, (Parcel #2) in order to provide visibility to the new fountain.









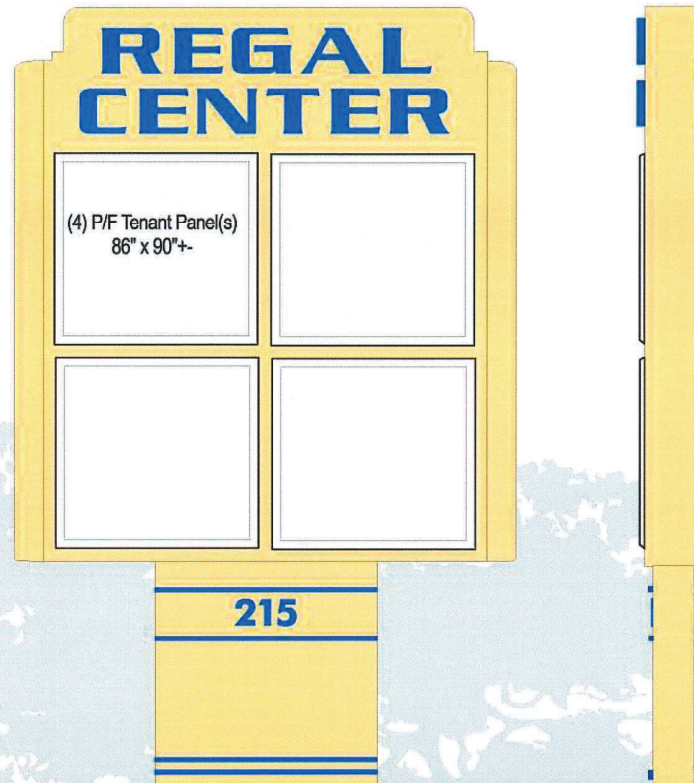
Google Earth







20"



#### GENERAL SPECIFICATIONS

Revamp existing sign. Paint body of sign tan/ivory. Remove changeable copy panels and replace with (4) P/F white acrylic panels for tenant names. Regal Center reverse channel letters painted blue. Halo illumination provided by white LED. Address and base highlights non illuminated PVC painted to match channel letters

|                   |                 |              |                         |                                                                                                                                     |                                                                       |                                                                                                                                                                                                  |                                                                                                                                                                    |
|-------------------|-----------------|--------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Customer<br>Holub | Date<br>9.17.21 | Scale<br>NTS | Drawing #<br>HRC9.17.21 | Approved as is <input type="checkbox"/><br>Approved w/changes <input type="checkbox"/><br>Redraw w/changes <input type="checkbox"/> | PJ Sign Systems © 2020 Original Design<br>Authorized Signature & Date | This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes grounding and bonding. | <br>614 Fern Ave.<br>Holly Hill, FL 32117<br>386.257.4522<br>Fax 368.257.5122 |
|-------------------|-----------------|--------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|



Regal Centre Ormond

Project Name: PZ-22-002

Project Description: 215 Williamson Boulevard

REF.17: Provide Definitions as follows:

(1)

Collector, exotic and specialty vehicles: Vehicles of the type sold at auctions held by major auction firms specializing those categories, such as Mecum, RM Sotheby, Barrett Jackson and the like, and also shall include new and preowned limited demand specialty vehicles.

(2)

Museum: A building or structure used for the housing and display of historical, technological, scientific, engineering objects, artifacts and/or visual arts”.



| Description/ITE Code               | Units         | ITE Vehicle Trip Generation Rates                                            |      |       |         |       |        |       |        | Expected Units | Total Generated Trips |         |         | Total Distribution of Generated Trips |        |         |       |        |         |
|------------------------------------|---------------|------------------------------------------------------------------------------|------|-------|---------|-------|--------|-------|--------|----------------|-----------------------|---------|---------|---------------------------------------|--------|---------|-------|--------|---------|
|                                    |               | (peak hours are for peak hour of adjacent street traffic unless highlighted) |      |       |         |       |        |       |        |                | Daily                 | AM Hour | PM Hour | AM In                                 | AM Out | Pass-By | PM In | PM Out | Pass-By |
|                                    |               | Weekday                                                                      | AM   | PM    | Pass-By | AM In | AM Out | PM In | PM Out |                |                       |         |         |                                       |        |         |       |        |         |
| Mobile Home Park 240               | Acres         | 39.61                                                                        | 3.20 | 4.45  |         | 18%   | 82%    | 63%   | 37%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Mobile Home Park 240               | Vehicles      | 3.38                                                                         | 0.27 | 0.36  |         | 16%   | 84%    | 63%   | 37%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Senior Adult Housing-Detached 251  | DU            | 3.71                                                                         | 0.22 | 0.27  |         | 35%   | 65%    | 61%   | 39%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Senior Adult Housing- Attached 252 | Occ.DU        | 3.48                                                                         | 0.13 | 0.16  |         | 36%   | 64%    | 60%   | 40%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Congregate Care Facility 253       | Occ.DU        | 2.15                                                                         | 0.06 | 0.17  |         | 61%   | 39%    | 56%   | 44%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Congregate Care Facility 253       | DU            | 2.02                                                                         | 0.06 | 0.17  |         | 59%   | 41%    | 55%   | 45%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Assisted Living 254                | Occ. Beds     | 2.74                                                                         | 0.17 | 0.29  |         | 73%   | 27%    | 52%   | 48%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Assisted Living 254                | Beds          | 2.66                                                                         | 0.14 | 0.22  |         | 65%   | 35%    | 44%   | 56%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Assisted Living 254                | Employees     | 3.93                                                                         | NA   | 0.55  |         | NA    | NA     | NA    | NA     |                | 0                     | NA      | 0       | NA                                    | NA     | 0       | NA    | NA     | 0       |
| Retirement Community 255           | Occ. Units    | 2.81                                                                         | 0.18 | 0.29  |         | 64%   | 36%    | 48%   | 52%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Recreational Homes 260             | DU            | 3.16                                                                         | 0.16 | 0.26  |         | 67%   | 33%    | 41%   | 59%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Recreational Homes 260             | Acres         | 1.33                                                                         | 0.07 | 0.11  |         | 67%   | 33%    | 41%   | 59%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Timeshare 265                      | DU            | 10.03                                                                        | 0.48 | 0.75  |         | NA    | NA     | NA    | NA     |                | 0                     | 0       |         | NA                                    | NA     | 0       | NA    | NA     | 0       |
| Residential PUD 270                | DU            | 7.50                                                                         | 0.51 | 0.62  |         | 22%   | 78%    | 65%   | 35%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Residential PUD 270                | Acres         | 46.78                                                                        | 2.88 | 4.05  |         | NA    | NA     | NA    | NA     |                | 0                     | 0       | 0       | NA                                    | NA     | 0       | NA    | NA     | 0       |
| Hotel 310                          | Occ. Room     | 8.92                                                                         | 0.67 | 0.70  |         | 58%   | 42%    | 49%   | 51%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Hotel 310                          | Rooms         | 8.17                                                                         | 0.56 | 0.59  |         | 61%   | 39%    | 53%   | 47%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Hotel 310                          | Employees     | 14.34                                                                        | 0.69 | 0.80  |         | 60%   | 40%    | 54%   | 46%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| All Suites Hotel 311               | Occ.Room      | 6.24                                                                         | 0.48 | 0.55  |         | 67%   | 33%    | 42%   | 58%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| All Suites Hotel 311               | Rooms         | 4.90                                                                         | 0.38 | 0.40  |         | 55%   | 45%    | 45%   | 55%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Business Hotel 312                 | Occ. Room     | 7.27                                                                         | 0.58 | 0.62  |         | 59%   | 41%    | 60%   | 40%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Business Hotel 312                 | Employees     | 72.67                                                                        | 7.17 | 7.60  |         | 59%   | 41%    | 60%   | 40%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Motel 320                          | Occ.Room      | 9.11                                                                         | 0.64 | 0.58  |         | 36%   | 64%    | 53%   | 47%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Motel 320                          | Rooms         | 5.63                                                                         | 0.45 | 0.47  |         | 36%   | 64%    | 54%   | 46%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Motel 320                          | Employees     | 12.81                                                                        | 0.91 | 0.73  |         | 54%   | 46%    | 54%   | 46%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Resort Hotel 330                   | Occ. Room     | 13.43                                                                        | 0.37 | 0.49  |         | 72%   | 28%    | 43%   | 57%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Resort Hotel 330                   | Rooms         | NA                                                                           | 0.31 | 0.42  |         | 72%   | 28%    | 43%   | 57%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Resort Hotel 330                   | Employees     | 13.58                                                                        | 0.15 | 0.25  |         | 69%   | 31%    | 40%   | 60%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| City Park 411                      | Acres         | 1.59                                                                         | NA   | NA    |         | NA    | NA     | NA    | NA     |                | 0                     | NA      | NA      | NA                                    | NA     | 0       | NA    | NA     | 0       |
| City Park 411                      | Picnic Sites  | 5.87                                                                         | NA   | NA    |         | NA    | NA     | NA    | NA     |                | 0                     | NA      | NA      | NA                                    | NA     | 0       | NA    | NA     | 0       |
| County Park 412                    | Acres         | 2.28                                                                         | 0.01 | 0.06  |         | 80%   | 20%    | 41%   | 59%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| State Park 413                     | Acres         | 0.65                                                                         | NA   | NA    |         | NA    | NA     | NA    | NA     |                | 0                     | NA      | NA      | NA                                    | NA     | 0       | NA    | NA     | 0       |
| State Park 413                     | Picnic Sites  | 9.95                                                                         | NA   | 0.55  |         | NA    | NA     | 43%   | 57%    |                | 0                     | NA      | 0       | NA                                    | NA     | 0       | 0     | 0      | 0       |
| State Park 413                     | Employees     | 42.55                                                                        | NA   | 4.67  |         | NA    | NA     | 43%   | 57%    |                | 0                     | NA      | 0       | NA                                    | NA     | 0       | 0     | 0      | 0       |
| Water Slide Park 414               | Parking Space | 2.27                                                                         | 0.08 | 0.28  |         | 70%   | 30%    | 21%   | 79%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Beach Park 415                     | Acres         | 29.81                                                                        | 0.48 | 1.30  |         | 59%   | 41%    | 29%   | 71%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Campground/RV Park 416             | Acres         | NA                                                                           | 0.48 | 0.98  |         | 42%   | 58%    | 69%   | 31%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Regional Park 417                  | Acres         | 4.57                                                                         | 0.15 | 0.20  |         | 57%   | 43%    | 45%   | 55%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Regional Park 417                  | Picnic Sites  | 61.82                                                                        | 4.00 | 9.60  |         | 75%   | 25%    | 41%   | 59%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Regional Park 417                  | Employees     | 79.77                                                                        | 4.59 | 10.26 |         | 65%   | 35%    | 45%   | 55%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| National Monument 418              | Acres         | 5.37                                                                         | 0.23 | 0.42  |         | NA    | NA     | NA    | NA     |                | 0                     | 0       | 0       | NA                                    | NA     | 0       | NA    | NA     | 0       |
| National Monument 418              | Employees     | 31.05                                                                        | 3.05 | 5.58  |         | NA    | NA     | NA    | NA     |                | 0                     | 0       | 0       | NA                                    | NA     | 0       | NA    | NA     | 0       |
| Marina 420                         | Berths        | 2.96                                                                         | 0.08 | 0.19  |         | 33%   | 67%    | 60%   | 40%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Marina 420                         | Acres         | 20.93                                                                        | NA   | NA    |         | NA    | NA     | NA    | NA     |                | 0                     | NA      | NA      | NA                                    | NA     | 0       | NA    | NA     | 0       |
| Golf Course 430                    | Acres         | 5.04                                                                         | 0.21 | 0.30  |         | 74%   | 26%    | 34%   | 66%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Golf Course 430                    | Employees     | 20.52                                                                        | 1.01 | 1.48  |         | 68%   | 32%    | 48%   | 52%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Golf Course 430                    | Holes         | 35.74                                                                        | 2.23 | 2.78  |         | 79%   | 21%    | 45%   | 55%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Miniature Golf Course 431          | Holes         | NA                                                                           | NA   | 0.33  |         | NA    | NA     | 33%   | 67%    |                | 0                     | NA      | 0       | NA                                    | NA     | 0       | 0     | 0      | 0       |
| Golf Driving Range 432             | Tees          | 13.65                                                                        | 0.40 | 1.25  |         | 61%   | 39%    | 45%   | 55%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Batting Cages 433                  | Cages         | NA                                                                           | NA   | 2.22  |         | NA    | NA     | 55%   | 45%    |                |                       |         | 0       | NA                                    | NA     | 0       | 0     | 0      | 0       |
| Multipurpose Rec. Facility 435     | Acres         | 90.38                                                                        | 1.92 | 5.77  |         | NA    | NA     | NA    | NA     |                | 0                     | 0       | 0       | NA                                    | NA     | 0       | NA    | NA     | 0       |
| Bowling Alley 437                  | KSF²          | 33.33                                                                        | 3.13 | 3.54  |         | 60%   | 40%    | 35%   | 65%    |                | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Live Theater 441                   | Seats         | NA                                                                           | NA   | 0.02  |         | NA    | NA     | 50%   | 50%    |                | 0                     | NA      | 0       | NA                                    | NA     | 0       | 0     | 0      | 0       |
| Movie Theater w/o matinee 443      | KSF²          | 78.06                                                                        | 0.22 | 6.16  |         | NA    | NA     | 94%   | 6%     | 39.4           | 3,074                 | 9       | 243     | NA                                    | NA     | 0       | 228   | 15     | 0       |
| Movie Theater w/o matinee 443      | Movie Screens | 220.00                                                                       | NA   | 24.00 |         | NA    | NA     | 41%   | 59%    |                | 0                     | NA      | 0       | NA                                    | NA     | 0       | 0     | 0      | 0       |
| Movie Theater w/o matinee 443      | Seats         | 1.76                                                                         | 0.01 | 0.07  |         | NA    | NA     | 75%   | 25%    |                | 0                     | 0       | 0       | NA                                    | NA     | 0       | 0     | 0      | 0       |
| Movie Theater w/o matinee 443      | Employees     | 53.12                                                                        | 0.15 | 4.20  |         | NA    | NA     | NA    | NA     |                | 0                     | 0       | 0       | NA                                    | NA     | 0       | NA    | NA     | 0       |

| Description/ITE Code                  | Units            | ITE Vehicle Trip Generation Rates<br>(peak hours are for peak hour of adjacent street traffic unless highlighted) |        |        |         |       |        |       |        | Expected<br>Units | Total Generated Trips |         |         | Total Distribution of Generated Trips |        |         |       |        |         |
|---------------------------------------|------------------|-------------------------------------------------------------------------------------------------------------------|--------|--------|---------|-------|--------|-------|--------|-------------------|-----------------------|---------|---------|---------------------------------------|--------|---------|-------|--------|---------|
|                                       |                  | Weekday                                                                                                           | AM     | PM     | Pass-By | AM In | AM Out | PM In | PM Out |                   | Daily                 | AM Hour | PM Hour | AM In                                 | AM Out | Pass-By | PM In | PM Out | Pass-By |
| Fast Food with Drive Thru 934         | KSF <sup>2</sup> | 496.12                                                                                                            | 49.35  | 33.48  | 50%     | 51%   | 49%    | 52%   | 48%    |                   | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Fast Food with Drive Thru 934         | Seats            | 19.52                                                                                                             | 1.32   | 0.94   | 50%     | 53%   | 47%    | 53%   | 47%    |                   | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Fast Food Drive Thru Only 935         | KSF <sup>2</sup> | NA                                                                                                                | NA     | 153.85 | 89%     | NA    | NA     | 54%   | 46%    |                   | 0                     | NA      | 0       | NA                                    | NA     | 0       | 0     | 0      | 0       |
| Coffee/Donut Shop w/o Drive Thru 936  | KSF <sup>2</sup> | NA                                                                                                                | 117.23 | 40.75  |         | 51%   | 49%    | 50%   | 50%    |                   | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Coffee/Donut Shop w/ Drive Thru 937   | KSF <sup>2</sup> | 818.58                                                                                                            | 110.75 | 42.93  |         | 51%   | 49%    | 50%   | 50%    |                   | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Coffee/Donut Drive Thru Only 938      | KSF <sup>2</sup> | 1800.00                                                                                                           | 303.33 | 75.00  | 89%     | 50%   | 50%    | 50%   | 50%    |                   | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Bread/Bagel Shop w/o Drive Thru 939   | KSF <sup>2</sup> | NA                                                                                                                | 70.22  | 28.00  |         | 47%   | 53%    | 50%   | 50%    |                   | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Bread/Bagel Shop w/ Drive Thru 940    | KSF <sup>2</sup> | NA                                                                                                                | 36.92  | 19.56  |         | 50%   | 50%    | 50%   | 50%    |                   | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Quick Lube Vehicle Shop 941           | Service Bays     | 40.00                                                                                                             | 3.00   | 5.19   |         | 67%   | 33%    | 55%   | 45%    |                   | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Automobile Care Center 942            | Service Bays     | 12.48                                                                                                             | 1.52   | 2.17   |         | 68%   | 32%    | NA    | NA     |                   | 0                     | 0       | 0       | 0                                     | 0      | 0       | NA    | NA     | 0       |
| Automobile Care Center 942            | KSF <sup>2</sup> | 15.86                                                                                                             | 2.94   | 3.38   |         | 65%   | 35%    | 50%   | 50%    |                   | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Automobile Parts & Service Center 943 | KSF <sup>2</sup> | NA                                                                                                                | NA     | 4.46   |         | NA    | NA     | 42%   | 58%    |                   |                       |         | 0       | NA                                    | NA     | 0       | 0     | 0      | 0       |
| Gasoline/Service Station 944          | Fuel Position    | 168.56                                                                                                            | 12.16  | 13.87  | 42%     | 51%   | 49%    | 50%   | 50%    |                   | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Serv.Station w/ Conven.Mkt 945        | Fuel Position    | 162.78                                                                                                            | 10.16  | 13.38  | 56%     | 50%   | 50%    | 50%   | 50%    |                   | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Serv.Stat.w/Conv.Mkt.&Carwash 946     | Fuel Position    | 152.84                                                                                                            | 11.93  | 13.94  |         | 51%   | 49%    | 51%   | 49%    |                   | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Self-Service Carwash 947              | Stalls           | 108.00                                                                                                            | 8.00   | 5.54   |         | 50%   | 50%    | 51%   | 49%    |                   | 0                     | 0       | 0       | 0                                     | 0      | 0       | 0     | 0      | 0       |
| Automated Car Wash 948                | KSF <sup>2</sup> | NA                                                                                                                | NA     | 14.12  |         | NA    | NA     | 51%   | 49%    |                   | 0                     | NA      | 0       | NA                                    | NA     | 0       | 0     | 0      | 0       |
|                                       |                  |                                                                                                                   |        |        |         |       |        |       |        |                   | 3,074                 | 9       | 243     | 0                                     | 0      | 0       | 228   | 15     | 0       |

**RED Rates** = CAUTION - Use Carefully - Small Sample Size

**Green Rates** = Peak Hour of Generator - (no peak rate for the rush hour of adjacent street traffic)

**Blue Rates** = Saturday Daily total - (no weekday daily rate)

\*Pass-By % are Rates from Weekday PM Peak Period

\*The Total Pass-By Trips will be Distributed: 50% IN / 50 % OUT

NA = Not Available

KSF<sup>2</sup> = Units of 1,000 square feet

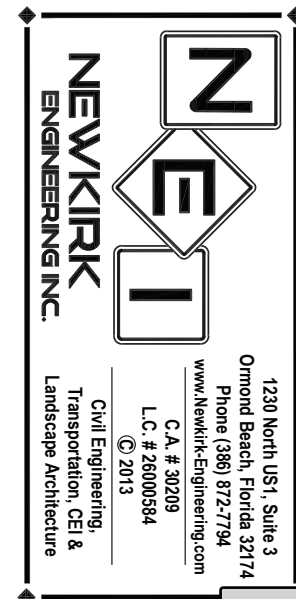
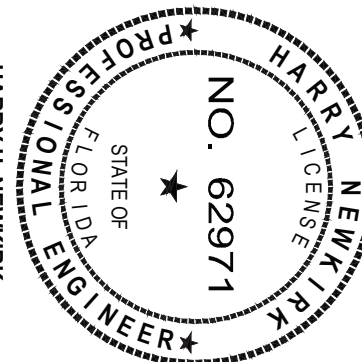
DU = Dwelling Unit

Fuel Position = the number of vehicles that could be fueled simultaneously

Occ.Room = Occupied Room

22-Nov-21

HARRY H. NEWKIRK,  
P.E. FL. REG. NO. 62971



## 215 Williamson Boulevard Mobility fee (transportation) impact fee credits

| Mobility Fee - 215 Williamson Boulevard    |                  |                    |
|--------------------------------------------|------------------|--------------------|
| GSF                                        | 39,368 SF        |                    |
| Divide by 1000                             | 39.368           |                    |
| TTGR per 1000                              | 78.06 #443 (ITE) |                    |
| TTGR =                                     | 3073             |                    |
| ICR/PB                                     | 0.00 Passer by % |                    |
| Deduct IC/PB trips                         | 0                |                    |
| TGR - IC/PB                                | 3073.07          |                    |
| Person Trips                               | 1.50             |                    |
| Total Person Trips                         | 4610             |                    |
| Roads                                      | \$1.76           | \$8,112.89         |
| Transit                                    | \$8.00           | \$36,876.79        |
| Bike/Ped                                   | \$6.24           | \$28,763.90        |
|                                            | \$16.00          | <b>\$73,753.59</b> |
| GSF = Gross Square Feet                    |                  |                    |
| TGR = Trip Generation Rate                 |                  |                    |
| ICR/PB = Internal Capture/ Passer by trips |                  |                    |
| TTR = Total Trip Generation                |                  |                    |
| AVO = Average Vehicle Occupancy            |                  |                    |
| SF = Square Feet                           |                  |                    |

**Impact fee credit:            \$73,753.59**

# ATTACHMENT 4

Site plans



## INDEX OF SHEETS

| DWG.NO. | DESCRIPTION                     |
|---------|---------------------------------|
| 1       | COVER                           |
| SU-1    | BOUNDARY AND TOPOGRAPHIC SURVEY |
| 3       | DEVELOPMENT INFORMATION         |
| 4       | DEMOLITION AND SWPPP PLAN       |
| 5       | SWPPP DETAILS AND NOTES         |
| 6       | SITE LAYOUT PLAN                |
| 7       | DRAINAGE PLAN                   |
| 8       | GRADING PLAN                    |
| 9       | CROSS SECTIONS                  |
| 10      | CROSS SECTIONS                  |
| 11      | UTILITY PLAN                    |
| 12      | MISCELLANEOUS DETAILS           |
| 13      | CITY DETAILS AND NOTES          |
| 14      | CITY DETAILS AND NOTES          |
| 15      | MAINTENANCE OF TRAFFIC          |
| L1      | LANDSCAPE PLAN                  |
| L2      | LANDSCAPE DETAILS AND NOTES     |

# SITE PLAN DRAWINGS FOR REGAL CENTER

SECTION 30, TOWNSHIP 14, RANGE 30  
423000000014

215 WILLIAMSON BOULEVARD  
ORMOND BEACH, FL 32174

OCTOBER 2021  
REVISED NOVEMBER 2021

## PROJECT TEAM

8.B.h

|                                                         |                                                                                                                                                         |
|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| APPLICANT:                                              | 215 WILLIAMSON INVESTORS, LLC<br>PO BOX 730086<br>ORMOND BEACH, FL 32174<br>PHONE: (386) 677-7617<br>EMAIL: HOLUBDEV@AOL.COM                            |
| OWNER:                                                  | REGAL CINEMAS, INC.<br>101 E BLOUNT AVENUE<br>KNOXVILLE, TN 37920<br>PHONE: (865) 925-9611<br>EMAIL: ROBBIE.POPE@REGALCINEMAS.COM                       |
| CIVIL ENGINEER / PROJECT MANAGER / LANDSCAPE ARCHITECT: | NEWKIRK ENGINEERING, INC.<br>1230 NORTH US HIGHWAY 1, SUITE 3<br>ORMOND BEACH, FL 32174<br>PHONE: (386) 872-7794<br>EMAIL: CODY@NEWKIRK-ENGINEERING.COM |
| SURVEYOR:                                               | A.A. WILBERT JR., LAND SURVEYING, INC.<br>PO BOX 1497<br>ORMOND BEACH, FL 32175<br>(386) 676-9055<br>EMAIL: WILBERTSURVEYING@CFL.RR.COM                 |

## CONTACT NUMBERS

BUILDING & PERMITS - CITY OF ORMOND BEACH BUILDING DIVISION (386) 676-3234  
PLANNING & ZONING - CITY OF ORMOND BEACH PLANNING DEPT. (386) 676-3238  
WATER - CITY OF ORMOND BEACH PUBLIC WORKS (386) 676-3220  
WASTEWATER - CITY OF ORMOND BEACH PUBLIC WORKS (386) 676-3220  
GAS - TECO PEOPLES GAS - (386) 672-2232  
ELECTRIC - FLORIDA POWER & LIGHT (386) 257-7502  
TELEPHONE/CABLE - AT&T (386) 254-8550

## LEGAL DESCRIPTION

A PORTION OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE, COMMENCE AT A CONCRETE MONUMENT MARKING THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 30, THENCE RUN NORTH 87°02'20" WEST, ALONG THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 484.54 FEET TO A POINT THEREIN; THENCE, DEPARTING SAID SECTION LINE, RUN NORTH 32°27'31" WEST A DISTANCE OF 163.51 FEET; THENCE RUN NORTH 17°41'51" WEST A DISTANCE OF 318.15 FEET; THENCE RUN NORTH 19°20'08" WEST A DISTANCE OF 163.51 FEET; THENCE RUN SOUTH 77°31'10" WEST A DISTANCE OF 3.29 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE SOUTH 77°31'10" WEST A DISTANCE OF 37.17 FEET TO THE NORTHEASTLY CORNER OF AREA "L"; A DESCRIBED IN OFFICIAL RECORDS BOOK 3779, PAGE 4371, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 18°36'02" WEST SOUTH 77°33'40" WEST PER DEED, ALONG THE NORTH LINE OF SAID AREA "L", A DISTANCE OF 214.89 FEET TO THE NORTHWESTLY CORNER THEREOF; SAID POINT ALSO LYING IN THE SOUTH LINE OF THE 1/2 FOOT ACCESS EASEMENT KNOWN AS EASEMENT "W" AND BEING DESCRIBED IN OFFICIAL RECORDS BOOK 3779, PAGE 4410, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN WESTERLY AND SOUTHERLY, ALONG THE SOUTHERLY LINE OF SAID EASEMENT "W", THE FOLLOWING COURSES AND DISTANCES: SOUTH 61°44'28" WEST SOUTH 61°44'41" WEST PER DEED, A DISTANCE OF 51.77 FEET; THENCE RUN SOUTH 19°11'52" WEST SOUTH 77°19'58" WEST PER DEED, A DISTANCE OF 117.88 FEET; THENCE RUN SOUTH 82°18'45" WEST (SOUTH 82°17'59" WEST PER DEED) A DISTANCE OF 115.36 FEET; THENCE RUN SOUTH 85°13'28" EAST (SOUTH 87°14'15" EAST PER DEED) A DISTANCE OF 81.15 FEET; THENCE RUN SOUTH 16°49'11" EAST (SOUTH 16°44'48" EAST PER DEED) A DISTANCE OF 184.51 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE 130 FOOT WIDE RIGHT-OF-WAY OF WILLIAMSON BOULEVARD, SAID POINT LYING IN A CURVE, CONCAVE EASTERLY, AND HAVING A RADIUS OF 100.00 FEET; THENCE RUN NORTHERLY AND WESTERLY, ALONG SAID CURVED RIGHT-OF-WAY LINE, A DISTANCE OF 76.60 FEET, OR THROUGH AN CENTRAL ANGLE OF 22°28'06", HAVING A CHORD DISTANCE OF 712.03 FEET AND A CHORD BEARING OF NORTH 25°16'48" WEST, TO A POINT THEREIN; THENCE, DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, RUN NORTH 89°54'42" EAST A DISTANCE OF 272.16 FEET; THENCE RUN NORTH 04°10'40" WEST A DISTANCE OF 200.48 FEET TO A POINT IN THE SOUTHERLY LINE OF ORMOND TOWNE SQUARE, AS DESCRIBED IN WARRANTY DEED FROM PATRICIA LAGON, TRUSTEE, TO THE FARSON-SOPRAN PARTNERSHIP, AS RECORDED IN OFFICIAL RECORDS BOOK 3779, PAGE 442, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN NORTH 89°54'42" EAST (NORTH 89°55'59" EAST PER DEED), ALONG THE SOUTHERLY LINE OF SAID ORMOND TOWNE SQUARE, A DISTANCE OF 326.31 FEET TO A CONCRETE MONUMENT IN SAID SOUTHERLY LINE; THENCE RUN NORTH 52°24'36" EAST (NORTH 52°22'11" EAST PER DEED), CONTINUING ALONG SAID SOUTHERLY LINE OF ORMOND TOWNE SQUARE, A DISTANCE OF 48.52 FEET TO A POINT THEREIN; SAID POINT BEING THE NORTHWESTLY CORNER OF AREA "K"; AS DESCRIBED IN OFFICIAL RECORDS BOOK 3779, PAGE 4381, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE, DEPARTING THE SOUTH LINE OF SAID ORMOND TOWNE SQUARE AND ALONG THE WESTERLY LINE OF SAID AREA "K", RUN SOUTH 02°13'18" EAST (SOUTH 02°14'54" EAST PER DEED) A DISTANCE OF 40.44 FEET; THENCE RUN SOUTH 42°13'08" EAST (SOUTH 42°12'45" EAST PER DEED), ALONG SAID WESTERLY LINE, A DISTANCE OF 85.39 FEET; THENCE RUN SOUTH 16°14'46" EAST (SOUTH 17°17'27" EAST PER DEED), ALONG SAID WESTERLY LINE, A DISTANCE OF 55.69 FEET (55.31 FEET PER DEED) TO THE SOUTHWESTLY CORNER OF SAID AREA "K"; THENCE CONTINUE NORTH 52°23'55" EAST (NORTH 52°23'11" EAST PER DEED), ALONG THE SOUTHERLY LINE OF SAID AREA "K", A DISTANCE OF 335.64 FEET (338.59 FEET PER DEED) TO THE SOUTHEASTLY CORNER THEREOF; SAID POINT LYING IN THE WESTERLY LINE OF THAT PARCEL OF LAND (DECEASED FROM PATRICIA LAGON, AS TRUSTEE, TO THE COUNTY OF VOLUSIA, AS DESCRIBED IN OFFICIAL RECORDS BOOK 3779, PAGE 440, OF THE PUBLIC RECORDS VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 07°19'09" EAST (SOUTH 07°14'45" EAST PER DEED) A DISTANCE OF 61.13 FEET TO A POINT THEREIN; THENCE, DEPARTING SAID WESTERLY LINE, RUN SOUTH 77°31'10" WEST A DISTANCE OF 148.30 FEET; THENCE RUN NORTH 25°32'51" WEST A DISTANCE OF 51.33 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF THE ABOVE DESCRIBED PARCEL AS CREATED BY AND SET FORTH IN THAT CERTAIN DECLARATION OF RECIPROCAL EASEMENTS AND RESTRICTIVE COVENANTS BETWEEN PATRICIA LAGON, AS TRUSTEE PURSUANT TO THAT TRUST DATED OCTOBER 8, 1988, DESIGNATED AS TRUST NO. 104-1, AND REGAL CINEMAS, INC., A TENNESSEE CORPORATION, RECORDED JANUARY 28, 1996 IN OFFICIAL RECORDS BOOK 4073, PAGE 873.

ALSO TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF THE ABOVE DESCRIBED PARCEL AS CREATED BY AND SET FORTH IN THAT CERTAIN TEMPORARY CONSTRUCTION AND PARKING/RETENTION AREA STABILIZATION EASEMENT BETWEEN PATRICIA LAGON, AS TRUSTEE PURSUANT TO THAT TRUST DATED OCTOBER 8, 1988, DESIGNATED AS TRUST NO. 104-1, AND IN FAVOR OF REGAL CINEMAS, INC., A TENNESSEE CORPORATION, RECORDED JANUARY 28, 1996 IN OFFICIAL RECORDS BOOK 4073, PAGE 965.

## PROJECT STATEMENT

PROPOSE SITE PLAN MODIFICATIONS AT AN EXISTING 12.01 ACRE COMMERCIAL DEVELOPMENT. PROPOSE TO RELOCATE A WET DETENTION POND FOR A PROPOSED 1.31 ACRE OUTPARCEL WITH DRAINAGE AND UTILITY IMPROVEMENTS.

## JURISDICTIONAL AGENCY PERMIT NO.

CITY OF ORMOND BEACH (DEVELOPMENT ORDER)  
SJRWM (STORMWATER)  
FDEP (NPDES NOI)  
VOLUSIA COUNTY (R-Q-W USE)  
VOLUSIA COUNTY HEALTH DEPARTMENT (WATER)

PZ-22-002  
2022-P-USE-0049  
FLD06708  
29907-8

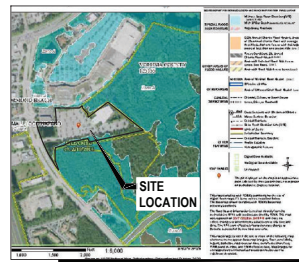
THE GENERAL CONTRACTOR SHALL ENSURE THAT ANY SUBCONTRACTOR HAS A COMPLETE SET OF CONSTRUCTION DRAWINGS FOR ITS RESPECTIVE WORK. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR SUBCONTRACTORS ONLY UTILIZING INDIVIDUAL DRAWINGS FOR ITS WORK WHERE ADDITIONAL INFORMATION MAY BE CONTAINED ON OTHER DRAWINGS WITHIN THE SET.

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## AERIAL MAP

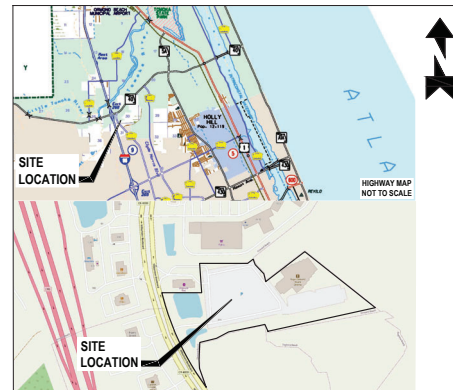
SCALE: 1" = 500'



## FLOOD ZONE MAP

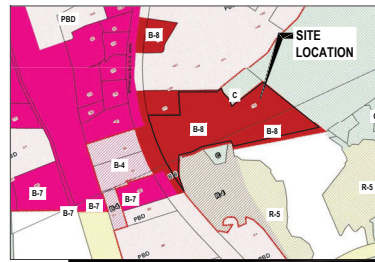
SCALE: 1" = 800'

FLOOD ZONE "X" & "AE"  
PANEL NO. 12127C0213 J.EFF. 2/19/2014



## LOCATION MAP

SCALE: 1" = 400'



## ZONING MAP

SCALE: 1" = 500'

EXISTING ZONING: B-8 (COMMERCIAL)



## SOILS MAP

SCALE: 1" = 300'

SOIL TYPES: SEE SHEET NO. 3

PROJECT NO. 2021-102

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Civil Engineering  
Transportation, C&E  
Landscape Architecture

NEWKIRK ENGINEERING

HARRY H. NEWKIRK, P.E. # 62971  
DRAWING NUMBER

1





GENERAL CONSTRUCTION NOTES

1. GOVERNING SPECIFICATIONS: THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE, CITY OF ORMOND BEACH STANDARD CONSTRUCTION DETAILS AND SPECIFICATIONS, LATEST EDITION.
2. ALL CONSTRUCTION WITHIN THE FOOT RIGHT-OF-WAY SHALL CONFORM TO THE 2019-2020 EDITION OF THE FOOT DESIGN STANDARD PLANS, THE 2019 EDITION OF THE FOOT STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION AND THE 2017 EDITION OF THE FOOT UTILITY ACCOMMODATIONS MANUAL.
3. ALL UTILITY MATERIAL, CONSTRUCTION AND TESTING COVERED BY THESE DRAWINGS SHALL COMPLY WITH THE CITY OF ORMOND BEACH STANDARD CONSTRUCTION DETAILS AND SPECIFICATIONS, LATEST EDITION. ALL UTILITY WORK AND CONNECTIONS SHALL BE COORDINATED WITH THE CITY OF ORMOND BEACH INSPECTOR.
4. THE CONTRACTOR SHALL PAY FOR AND OBTAIN A BUILDING PERMIT. THE ENGINEER WILL SCHEDULE THE PRECONSTRUCTION CONFERENCE BEFORE THE CONTRACTOR'S START OF WORK. THE CONTRACTOR SHALL CONTACT THE BUILDING DEPARTMENT AT (386) 676-3234 FOR INFORMATION ON ISSUANCE OF CITY PERMITS AND/ OR OTHER REQUIREMENTS.
5. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE ENGINEER OF ANY DEFICIENCIES OR DISCREPANCIES AMONG THE DIVISIONS OF THE DRAWING AND SPECIFICATIONS PRIOR TO THE BID DATE. NEITHER THE OWNER OR ENGINEER WILL BE RESPONSIBLE FOR ANY DEFICIENCIES OR DISCREPANCIES RAISED AFTER THE BID OPENING. ACCORDINGLY, IN LIGHT OF THESE OBLIGATIONS, THE ENGINEER IS OBLIGATED TO INTERPRET THE DRAWINGS AND SPECIFICATIONS IN A MANNER THAT WILL PROVIDE THE OWNER WITH A COMPLETE, FUNCTIONING FACILITY FOR THE BID PRICE.
6. THESE DRAWINGS AND THE PROJECT MANUAL ARE COMPLEMENTARY, AND ANY REQUIREMENT OF ONE SHALL BE A REQUIREMENT OF THE OTHER. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CAREFULLY EXAMINE THE DRAWINGS AND SPECIFICATIONS AND TO COMPARE THE REQUIREMENTS OF EACH DIVISION AND ENSURE THAT EACH TRADE OR SUBCONTRACTOR IS MAKING THE ALLOWANCES NECESSARY TO PROVIDE THE OWNER A COMPLETE FACILITY, OPERATIONAL IN ALL RESPECTS, UNLESS OTHERWISE SPECIFICALLY STATED IN THE DRAWINGS.
7. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR INSTRUCTING THE CONTRACTOR IN THE METHODS OF CONSTRUCTION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE METHOD TO CONDUCT THE IMPROVEMENTS AS SHOWN ON THE PLANS.
8. ONLY ONE TEMPORARY CONSTRUCTION SIGN IS PERMITTED, NOT TO EXCEED 32 SQUARE FEET IN SIGN AREA, MAXIMUM HEIGHT OF 8 FEET AND NO CLOSER THAN 10 FT FROM PUBLIC RIGHT-OF-WAY. THE CONTRACTOR SHALL APPLY FOR A TEMPORARY SIGN PERMIT AT THE THE CITY OF ORMOND BEACH BUILDING DEPARTMENT. THE SIGN MUST BE REMOVED UPON RECEIPT OF THE CERTIFICATE OF OCCUPANCY.
9. LITTER CONTROL MEASURES TO PREVENT WIND-DRIVEN DEBRIS SHALL BE IMPLEMENTED THROUGHOUT THE DURATION OF CONSTRUCTION. ALL DEBRIS SHALL BE REMOVED AND THE PROJECT SITE CLEANED WITHIN 30 DAYS OF COMPLETION OF CONSTRUCTION.
10. AT NO TIME SHALL EXCAVATIONS BE LEFT UNCOVERED AFTER WORKING HOURS. CONTRACTOR SHALL SECURE THE WORK AREA AT THE END OF EACH DAY'S WORK.
11. AT ALL TIMES, THE CONTRACTOR SHALL TAKE PRECAUTIONS TO PROTECT UNDERGROUND UTILITIES, STRUCTURES AND OTHER ASSOCIATED FACILITIES FROM DAMAGE DURING CONSTRUCTION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE MEASURES OF PROTECTION. ANY DAMAGED FACILITIES SHALL BE REPAIRED OR REPLACED AS DIRECTED BY THE CITY OR ENGINEER AT THE CONTRACTOR'S EXPENSE.
12. THERE SHALL BE NO DEVIATIONS FROM THESE PLANS UNLESS APPROVED IN WRITING BY THE ENGINEER AND THE OWNER.
13. THE CONTRACTOR SHALL CONTACT ALL CONCERNED UTILITIES AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF CONSTRUCTION OPERATIONS.
14. CONTRACTOR SHALL COORDINATE AND COMPLY WITH ALL UTILITY COMPANIES INVOLVED IN PROJECT AND PAY ALL REQUIRED FEES AND COST.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING CERTIFIED MATERIAL. TEST RESULTS TO THE ENGINEER OF THE RECORD PRIOR TO THE RELEASE OF FINAL CERTIFICATION BY THE ENGINEER. TEST RESULTS MUST INCLUDE, BUT MAY NOT BE LIMITED TO, DENSITIES FOR SUBGRADE AND BASE DENSITIES AT UTILITY CROSSINGS, MANHOLES, INLETS, STRUCTURES. TEST SHALL INCLUDE ASPHALT GRADATION REPORTS, CONCRETE CYLINDERS, ETC.
16. WHERE NEW ASPHALT MEETS EXISTING ASPHALT, THE EXISTING ASPHALT SHALL BE SAW CUT TO PROVIDE A STRAIGHT EVEN LINE.
17. PRIOR TO REMOVING CURB OR GUTTER, THE ADJACENT ASPHALT SHALL BE SAW CUT TO PROVIDE A STRAIGHT EVEN LINE.
18. ALL PROPOSED ELEVATIONS REFER TO FINISHED GRADES.
19. CONCRETE WALKS SHALL BE 4 INCHES THICK HAVING A 3,000 PSI STRENGTH, POURED OVER PROPERLY PREPARED SUBGRADE. ALL CONCRETE SIDEWALKS SHALL BE 8 INCHES THICK ACROSS DRIVEWAYS. 1/2 INCH EXPANSION JOINTS SHALL BE PLACED AT A MAXIMUM OF 50'. CRACK CONTROL JOINTS SHALL BE 5' ON CENTERS.
20. CORE TESTS SHALL BE TAKEN TO VERIFY THICKNESS AND SUBSURFACE COMPACTION. PROVIDE FOR THREE SAMPLES, RANDOMLY LOCATED. TEST FOR EXTRACTION, GRADATION, LABORATORY DENSITY, AND MARSHALL'S STABILITY. PROVIDE A CERTIFICATE FROM THE TESTING AGENCY THAT MATERIALS AND INSTALLATION COMPLY WITH SPECIFICATIONS. SIGNED BY THE ASPHALTIC CONCRETE PRODUCER AND CONTRACTOR. ALL COSTS OF TESTS SHALL BE PAID BY THE CONTRACTOR. IF TESTS SHOW THE INSTALLATION DOES NOT MEET SPECIFICATIONS, THE PAVING SHALL BE REMOVED, REPLACED, AND RETESTED.
21. IF ANY MUCK-LIKE MATERIAL IS DISCOVERED, IT WILL BE REQUIRED TO BE REMOVED, BACKFILLED WITH APPROPRIATE FILL, COMPACTED, AND TESTED USING AASHTO T-180 MODIFIED PROCTOR METHOD.
22. FILL MATERIAL IS TO BE PLACED IN ONE FOOT LIFTS AND COMPACTED TO THE APPROPRIATE DENSITY (8% FOR PAVED AREAS AND 95% FOR BUILDING PADS AND ALL OTHER AREAS AS PER AASHTO T-180).
23. NO BURYING OF ANY ORGANIC MATERIALS ALLOWED.
24. THERE WILL BE NO PROPOSED OVERHEAD UTILITY AND SERVICE LINES ASSOCIATED WITH THIS PROJECT. ALL UTILITY LINES AND SERVICES WILL BE INSTALLED UNDERGROUND AT THE OWNER'S, DEVELOPER'S OR BUILDER'S EXPENSE.
25. SET UP AND WORK ON SHOULDER AND WITHIN TRAVEL WAY SHALL ONLY OCCUR BETWEEN THE HOURS SPECIFIED ON THE THE CITY OF ORMOND BEACH ROW PERMIT. ALTERNATIVELY, WORK CAN BE SCHEDULED DURING SCHOOL HOLIDAYS OR ON WEEKENDS.

SITE AND GENERAL INFORMATION

1. THE PROPERTY AREA BOUNDARY CONSISTS OF 522,971 SF OR 12.006 ACRES. FOR BOUNDARY AND TOPOGRAPHIC SURVEY REFER TO THE SURVEY PERFORMED BY A.A. WILBERT JR., LAND SURVEYING, INC. (SEE SHEET No. 2 OF THESE PLANS).
2. THE ZONING IS B-8 (COMMERCIAL).
3. THE TAX PARCEL NUMBER IS 42300000014.
4. THE EXISTING SITE CONDITION IS A FULLY DEVELOPED LOT. THE FLUCFS LAND USE IS (140) COMMERCIAL AND SERVICES.
5. PER THE USDA NATURAL RESOURCES CONSERVATION SERVICE FOR VOLUSIA COUNTY, THE SCS SOILS MAP INDICATES THE SITE CONSISTS OF (30) IMMOKALEE SAND, DEPRESSIONAL, (32) MYAKKA-MYAKKA, WET. FINE SANDS, 0 TO 2 PERCENT SLOPES, (33) MYAKKA FINE SAND, FREQUENTLY PONDED, 0 TO 1 PERCENT SLOPES, (40) POMONA FINE SAND AND (51) POMONA-ST. JOHNS COMPLEX.
6. THE SITE IS LOCATED WITHIN ZONE "X" & "AE" PER FEMA MAP PANEL No. 12127C0213 J, DATED FEBRUARY 19, 2014.
7. ELECTRICAL UTILITY SERVICE WILL BE PROVIDED BY FLORIDA POWER & LIGHT. NATURAL GAS WILL BE PROVIDED BY TECO PEOPLES GAS COMPANY. TELEPHONE, CABLE AND INTERNET SERVICE WILL BE PROVIDED BY AT&T. CABLE TV AND INTERNET CAN ALSO BE PROVIDED BY SPECTRUM NETWORKS.
8. SOLID WASTE WILL BE COLLECTED AND DISPOSED OF BY WASTE MANAGEMENT, INC.
9. THE SITE IS NOT LOCATED WITHIN THE LIMITS OF A WELLHEAD PROTECTION ZONE AND THERE IS NO ORDINARY HIGH WATER (OHW) LINE WITHIN THE SITE.
10. STORMWATER WILL BE PROVIDED BY A WET DETENTION POND SYSTEM DESIGNED SO THAT THE POST DEVELOPMENT DISCHARGE RATE AND VOLUME DOES NOT EXCEED THE PREDEVELOPMENT DISCHARGE RATE AND VOLUME FOR MEAN ANNUAL, 25-YEAR, AND 100-YEAR 24-HOUR, STORM EVENTS.
11. POTABLE WATER SERVICE IS EXISTING 2.5" WATER METER TO REGAL BUILDING. PROPOSE A 1.5" METER FOR NEW OUTPARCEL.
12. WASTEWATER SERVICE IS PROVIDED BY A GRAVITY SEWER CONNECTIONS.
13. IRRIGATION SERVICE WILL BE PROVIDED BY PRIVATE WELL.
14. ALL ON-SITE WATER AND SEWER FACILITIES ARE OWNED AND MAINTAINED BY THE PROPERTY OWNER.

VOLUSIA COUNTY GENERAL NOTES:

1. NOTIFY VOLUSIA COUNTY DEVELOPMENT ENGINEERING DIVISION AT (386) 736-5926 A MINIMUM OF 24 HOURS PRIOR TO THE START OF CONSTRUCTION. FAILURE OF THE PERMITTEE TO OBTAIN THE APPROPRIATE INSPECTIONS PRIOR TO PROCEEDING WITH WORK SHALL NOT RELIEVE THE PERMITTEE FROM REEXCAVATION OR OTHER MEASURES NECESSARY FOR THE INSPECTION OF WORK.
2. VOLUSIA COUNTY TRAFFIC ENGINEERING (386) 736-5968 IS NOT A MEMBER OF SUNSHINE ONE CALL. WHEN REQUESTING LOCATES, PLEASE PROVIDE A MINIMUM ADVANCED NOTIFICATION OF TWO (2) BUSINESS DAYS PRIOR TO PROPOSED WORK.
3. COORDINATION WITH VOLUSIA COUNTY TRAFFIC OPERATIONS (386) 239-6535 IS REQUIRED WITH A MINIMUM ADVANCED NOTICE OF SEVEN (7) DAYS PRIOR TO ANY SIDEWALK, LANE OR ROAD CLOSURE (INCLUDING FLAGGING OPERATIONS).
4. OPERATIONS WITHIN THE COUNTY RIGHT-OF-WAY SHALL NORMALLY BE CONDUCTED 7:00 AM TO 7:00 PM, MONDAY THROUGH FRIDAY. ANY DEVIATION FROM THESE HOURS REQUIRES PRIOR APPROVAL FROM THE COUNTY DEVELOPMENT ENGINEER. EMERGENCY REPAIRS ARE EXCLUDED FROM THIS TIME RESTRICTION.
5. ALL EXISTING SIDEWALKS WITHIN COUNTY RIGHT-OF-WAY SHALL EITHER REMAIN OPEN OR BE PROVIDED A TEMPORARY WALKWAY IN ACCORDANCE WITH THE CURRENT VERSION OF FLORIDA DEPARTMENT OF TRANSPORTATION STANDARD INDEX NO. 102-680. ANY DAMAGE TO SIDEWALKS SHALL BE REPAIRED AND/OR REPLACED IN LINE KINE BY THE CONTRACTOR. NEW SIDEWALKS AND SECTIONS THROUGH DRIVEWAYS MUST BE AT A 1.5% CROSS SLOPE AND 2% MAXIMUM CROSS SLOPE PER ADA STANDARDS.
6. DRIVING OR STAGING OF CONSTRUCTION VEHICLES OR MATERIALS IS NOT PERMITTED WITHIN THE COUNTY RIGHT-OF-WAY OR ON PEDESTRIAN WALKWAYS AND PATHS. THERE SHALL BE NO OVERNIGHT CONSTRUCTION VEHICLE RELATED PARKING, CONSTRUCTION MATERIAL PLACEMENT OR STORAGE OF ANY KIND PERMITTED WITHIN THE COUNTY RIGHT-OF-WAY.
7. NO TRENCH OR EXCAVATION SHALL BE LEFT OPEN OR UNATTENDED OVERNIGHT, UNLESS APPROVED BY THE COUNTY DEVELOPMENT ENGINEERING INSPECTOR. EXCAVATIONS SHALL MEET THE DROP OFF PROTECTION REQUIREMENTS OF THE LATEST FOOT DESIGN STANDARD INDEX NO. 102-680.
8. RESTORATION SHALL BE REQUIRED FOR ANY DAMAGE TO SIDEWALKS, CURBS, OR OTHER EXISTING STRUCTURES IN THE RIGHT-OF-WAY. ALL DISTURBED AREAS WITHIN THE COUNTY RIGHT OF WAY SHALL BE RE-GRADED AND SODDED. SEED AND MULCH IS NOT AN ACCEPTABLE ALTERNATIVE TO SODDING.
9. CURB PAINT TO MEET SPECIFICATIONS TO MEET STANDARDS IN FOOT "GREEN BOOK" SECTIONS 971-4 DURABLE PAINT AND 971-2 GLASS SPHERES.
10. ALL PAVEMENT MARKINGS AND STRIPING WITHIN PUBLIC RIGHTS-OF-WAY SHALL BE THERMOPLASTIC AND SHALL BE INSTALLED IN ACCORDANCE WITH FOOT STANDARD INDEX #711-001.
11. REFLECTIVE PAVEMENT MARKERS (RPM'S) SHALL BE PROVIDED FOR ALL CONSTRUCTION WITHIN PUBLIC RIGHTS-OF-WAY OF ALL THOROUGHFARES AND SHALL BE INSTALLED IN ACCORDANCE WITH FOOT STANDARD INDEX #708-001.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ROADWAY AND TRAFFIC DESIGN STANDARDS - 2021 / 2022 AND QUALIFIED PRODUCTS LIST

| INDEX NO. | DESCRIPTION                                | INDEX NO. | DESCRIPTION                                                      |
|-----------|--------------------------------------------|-----------|------------------------------------------------------------------|
| 102       | TEMPORARY EROSION AND SEDIMENT CONTROL     | 102-600   | GENERAL INFORMATION FOR TRAFFIC CONTROL                          |
| 422-010   | STRUCTURE BOTTOMS - TYPES J AND P          |           | THROUGH WORK ZONES                                               |
| 205       | PIPE BACKFILL                              | 102-602   | TWO-LANE AND MULTILANE, WORK ON SHOULDER                         |
| 425-024   | CURB INLET TOP TYPE B                      | 102-600   | SIDEWALK CLOSURE                                                 |
| 509-001   | CURB & CURB AND GUTTER                     | 515-062   | ALUMINUM PEDESTRIAN / BICYCLE PICKET RAILING                     |
| 522-002   | PUBLIC SIDEWALK CURB RAMPS                 | 700-101   | TYPICAL SECTIONS FOR PLACEMENT OF SINGLE & MULTIPLE-COLUMN SIGNS |
| 350-001   | CONCRETE PAVEMENT JOINTS                   | 711-001   | SPECIAL MARKING AREAS                                            |
| 522-001   | CONCRETE SIDEWALK                          |           |                                                                  |
| 514       | OPTIONAL BASE GROUP AND STRUCTURAL NUMBERS |           |                                                                  |

ABBREVIATIONS

|       |                                                |                |                                      |        |                                           |
|-------|------------------------------------------------|----------------|--------------------------------------|--------|-------------------------------------------|
| AWWA  | AMERICAN WATER WORKS ASSOCIATION               | GW             | GROUND WATER                         | R      | RADIUS                                    |
| CMP   | CORRUGATED METAL PIPE                          | HC             | HANDICAP                             | RCP    | REINFORCED CONCRETE PIPE                  |
| CPP   | CORRUGATED PLASTIC PIPE                        | HDPE           | HIGH DENSITY POLYETHYLENE            | RPM    | REFLECTIVE PAVEMENT MARKER                |
| CTV   | CABLE TELEVISION                               | K <sub>1</sub> | INVERT                               | RW     | RIGHT-OF-WAY                              |
| DIP   | DUCTILE IRON PIPE                              | K <sub>2</sub> | PERMEABILITY                         | SAN    | SANITARY                                  |
| ESMT  | EASEMENT                                       | KO             | KNOCK OUT                            | SH     | SEASONAL HIGH                             |
| EXIST | EXISTING                                       | LF             | LINEAL FEET                          | SMH    | SANITARY MANHOLE                          |
| FADP  | FLORIDA ADMINISTRATIVE CODE                    | MB             | MAP BOOK                             | SJRW   | ST. JOHNS RIVER WATER MANAGEMENT DISTRICT |
| FDEP  | FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION | MES            | MITERED END SECTION MECHANICAL JOINT | SS     | SANITARY SEWER                            |
| FEMA  | FEDERAL EMERGENCY MANAGEMENT AGENCY            | N/A            | NOT APPLICABLE                       | SWPPP  | STORMWATER POLLUTION PREVENTION PLAN      |
| FH    | FIRE HYDRANT                                   | NIC            | NOT IN CONTRACT                      | TSB    | TEMPORARY SEDIMENT BASIN                  |
| FOC   | FIBER OPTIC CABLE                              | NGVD           | NATIONAL GEODETIC VERTICAL DATUM     | TYP    | TYPICAL                                   |
| FF EL | FRESH FLOOR ELEVATION                          | OHE            | OVERHEAD ELECTRIC                    | UGE    | UNDERGROUND ELECTRIC                      |
| FPBL  | FLORIDA POWER & LIGHT                          | OR             | OFFICIAL RECORD                      | UGT    | UNDERGROUND TELEPHONE                     |
| FM    | FORCE MAIN                                     | PQ             | PER SQUARE                           | USACOE | UNITED STATES ARMY CORP OF ENGINEERS      |
| FPD   | FEET PER DAY                                   | PSI            | POUNDS PER SQUARE INCH               | W      | WATER (POTABLE)                           |
| G     | GAS                                            | PVC            | POLYVINYL CHLORIDE                   |        |                                           |
|       |                                                | PWMT           | PAVEMENT                             |        |                                           |

LEGEND

|  |                                  |  |                                                |
|--|----------------------------------|--|------------------------------------------------|
|  | BENCHMARK ID                     |  | 4" BY 4" CONCRETE MONUMENT                     |
|  | BORING ID                        |  | EXISTING EASEMENT                              |
|  | EXISTING CABLE TV PEDESTAL       |  | EXISTING UNDERGROUND FIBER OPTIC CABLE         |
|  | EXISTING CAP OR PLUG             |  | EXISTING FORCE MAIN (# INDICATES SIZE)         |
|  | EXISTING CLEAN OUT               |  | EXISTING GAS MAIN                              |
|  | EXISTING CONDUIT RISER MARKER    |  | EXISTING OVERHEAD ELECTRIC CABLES              |
|  | EXISTING ELECTRIC METER          |  | EXISTING OVERHEAD TRAFFIC SIGNAL CABLE         |
|  | EXISTING ELEVATION (SOFT)        |  | EXISTING RAW WATER MAIN (# INDICATES SIZE)     |
|  | PROPOSED ELEVATION (SOFT)        |  | EXISTING RECLAIM WATER MAIN (# INDICATES SIZE) |
|  | EXISTING ELEVATION (HARD)        |  | PROPOSED SANITARY SEWER (# INDICATES SIZE)     |
|  | PROPOSED ELEVATION (HARD)        |  | EXISTING WATER MAIN (# INDICATES SIZE)         |
|  | EXISTING FIRE HYDRANT            |  | PROPOSED SANITARY SEWER (# INDICATES SIZE)     |
|  | PROPOSED FIRE HYDRANT            |  | EXISTING CONTOUR                               |
|  | EXISTING FLOW DIRECTION          |  | PROPOSED CONTOUR (SOFT)                        |
|  | PROPOSED FLOW DIRECTION          |  | PROPOSED CONTOUR (HARD)                        |
|  | EXISTING GAS METER               |  | EXISTING UNDERGROUND TELEPHONE CABLE           |
|  | EXISTING GAS VALVE               |  | EXISTING UNDERGROUND TELEVISION CABLE          |
|  | EXISTING GUY WIRE & ANCHOR PIN   |  | EXISTING UNDERGROUND ELECTRICAL POWER CABLE    |
|  | EXISTING MAIL BOX                |  | JURISDICTIONAL WETLAND LINE                    |
|  | EXISTING MANHOLE (UNKNOWN)       |  | EXISTING SANITARY SEWER (# INDICATES SIZE)     |
|  | PROPOSED MANHOLE                 |  | EXISTING WATER MAIN (# INDICATES SIZE)         |
|  | EXISTING SANITARY SEWER CLEANOUT |  | EXISTING PIPE OR CONDUIT (TYPE SPECIFIED)      |
|  | EXISTING SANITARY SEWER MANHOLE  |  | EXISTING SWALE OR CENTER OF DITCH              |
|  | EXISTING ROAD SIGNS AND POSTS    |  | PROPOSED SWALE OR CENTER OF DITCH              |
|  | PROPOSED SIGN AND POST           |  | EXISTING TOP OF DITCH BANK                     |
|  | EXISTING TEE                     |  | EXISTING BOTTOM OF DITCH BANK                  |
|  | EXISTING UTILITY POLE            |  | EXISTING WOOD FENCE                            |
|  | EXISTING VALVE IRRIGATION        |  | EXISTING WIRE OR CHAIN LINK FENCE              |
|  | EXISTING VALVE WATER             |  | PROPOSED WIRE OR CHAIN LINK FENCE              |
|  | PROPOSED WATER VALVE             |  | PROPOSED SILT/SEDIMENT FENCE                   |
|  | EXISTING WATER METER             |  | PROPOSED COIR ROLL OR WATTLE                   |
|  | EXISTING STORM SEWER WITH INLET  |  | PROPOSED FLOATING TURBIDITY BARRIER            |
|  | PROPOSED STORM SEWER WITH INLET  |  | PROPOSED TREE PROTECTION                       |
|  | 12" IRON ROD (NO LD.)            |  |                                                |

8.B.h

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**NEWKIRK ENGINEERING**

**NEI**

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**HARRY H. NEWKIRK, P.E.**  
REGISTERED PROFESSIONAL ENGINEER  
NO. 62971  
STATE OF FLORIDA

HARRY H. NEWKIRK, P.E. # 62971

PROJECT No.: 2021-158  
DATE: OCTOBER 2021  
DESIGN BY: HHN  
DRAWN BY: NWS  
CHECKED BY: HHN

SCALE:  
DRAWING NUMBER

1. LAND DISTURBING ACTIVITIES SHALL NOT COMMENCE UNTIL APPROVAL TO DO SO HAS BEEN RECEIVED BY GOVERNING AUTHORITIES. THE GENERAL CONTRACTOR SHALL STRICTLY ADHERE TO THE SWPPP DURING CONSTRUCTION OPERATIONS.

2. NO CLEARING OR GRADING SHALL BEGIN UNTIL ALL EROSION CONTROL DEVICES HAVE BEEN INSTALLED.

3. THE CONTRACTOR SHALL POST "NO TRESPASSING" SIGNS AT ALL SITE ENTRANCES PRIOR TO CONSTRUCTION.

4. ALL CONSTRUCTION MEASURES AFTER EACH RAIN AND AT LEAST EVERY 15 DAYS.

5. THIS PLAN SHALL NOT BE CONSIDERED ALL INCLUSIVE AS THE GENERAL CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PREVENT SOIL SEDIMENT FROM LEAVING THE CONSTRUCTION SITE.

6. GENERAL CONTRACTOR SHALL COMPLY WITH ALL STATE AND LOCAL ORDINANCES THAT APPLY.

7. ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES WILL BE INSTALLED IF DEEMED NECESSARY BY ON SITE INSPECTION.

8. TURBID WATER SHALL BE DISCHARGED OFF SITE THROUGH AN EROSION CONTROL STRUCTURE. THE CONTRACTOR SHALL TAKE MEASURES TO CONTROL TURBIDITY.

9. IF INSTALLATION OF STORM DRAINAGE SYSTEM SHOULD BE INTERRUPTED BY WEATHER OF NIGHTTIME, THE PIPE ENDS SHALL BE COVERED WITH FILTER FABRIC.

10. THE CONTRACTOR SHALL MAINTAIN CONTROL OF ALL EROSION AND SEDIMENT MEASURES NECESSARY TO PREVENT EROSION AND SEDIMENT FROM LEAVING THE CONSTRUCTION SITE.

11. PROVIDE DUST CONTROL FOR ALL EARTHWORK OPERATIONS. COVER AREA WITH LIQUID COATING OF WATER OR OTHER APPROVED METHOD.

1. ALL TREES TO REMAIN MUST BE PROTECTED BY TREE PRESERVATION BARRICADES MEETING THE MINIMUM STANDARDS. PROTECTIVE BARRICADES SHALL REMAIN IN PLACE UNTIL LAND ALTERATION AND CONSTRUCTION ACTIVITIES ARE COMPLETED.
2. ALL TRIMMING SHALL BE UNDERTAKEN ON A TREE PROTECTED BY THE PROVISIONS OF THE LAND DEVELOPMENT CODE SHALL BE IN ACCORDANCE WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) A300 PRUNING STANDARDS.
3. OAK TREES LARGER THAN 4 INCHES AND ABOVE HISTORIC PRUNING SHALL BE PERFORMED BY AN ARBOREST CONSULTANT BY THE INTERNATIONAL SOCIETY OF ARBORETS AND AN ARBOREST CONSULTANT IN ACCORDANCE WITH THE AMERICAN SOCIETY OF CONSULTING ARBOREST. THE ARBOREST SHALL UNDERSTAND THAT THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) A300 PRUNING STANDARDS IS A STANDARD OF DIVISION 0.
4. ALL TREE ROOTS EXISTING WITHIN APPROVED IMPROVEMENT AREAS AND ORIGINATING FROM A PROTECTED TREE, SHALL BE SEVERED CLEAN AT THE LIMITS OF THE PRESERVED AREA WHERE INDICATED ON THIS PLAN.

|                                                                                   |                                                  |
|-----------------------------------------------------------------------------------|--------------------------------------------------|
|  | PROPOSED ASPHALT PAVEMENT REMOVAL                |
|  | PROPOSED CONCRETE PAVEMENT REMOVAL               |
|  | PROPOSED CONCRETE SIDEWALK REMOVAL               |
|  | PROPOSED SILT FENCE<br>(SEE DETAIL, SHEET No. 5) |
|  | INLET PROTECTION<br>(SEE DETAIL, SHEET No. 5)    |
|  | TREES TO BE REMOVED                              |
|  | EXISTING TREE (No.                               |

|                |                                                                                     | EXISTING | REMOVED |
|----------------|-------------------------------------------------------------------------------------|----------|---------|
| HACKBERRY TREE |  | 2        | 2       |
| OAK TREE       |  | 4        | 4       |
| PALM TREE      |  | 1        | 0       |
| PINE TREE      |  | 111      | 48      |
| SYCAMORE TREE  |  | 8        | 4       |
|                |                                                                                     | 126      | 58      |

[illegible]

### 8.B.h

CITY COMMENTS

230 North US-1, Suite 3  
 Grand Beach, Florida 32174  
 Phone (386) 872-7794  
 www.NwLink-Engineering.com

---

C.A. # 30209  
 L.C. # 2600-0584  
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Chart Engineering

DEMOLITION AND SWPPP PLAN  
REGAL CENTER  
OF WILLIAMSON SQUARE

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STATE OF  
FLORIDA

HARRY H. NEWKIRK, P.E.

PROJECT No: 20

DATE: OCTOBER 1964

DESIGN BY:

RAWN BY:

CHECKED BY:

SCALE:

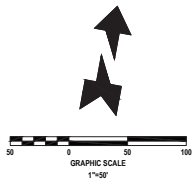
DRAWING NUMBER

4

4

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### SITE DEVELOPMENT USAGE

| 1. SETBACK:                                              | BUILDING | LANDSCAPE | 3. PROPOSED SITE COVERAGE: | SQ. FT  | ACRE   | %     |
|----------------------------------------------------------|----------|-----------|----------------------------|---------|--------|-------|
| FRONT (WILLIAMSON)                                       | 50 FEET  | 36 FEET   | PARCEL 1                   |         |        |       |
| REAR (EAST)                                              | 20 FEET  | 10 FEET   | IMPERVIOUS                 | 34,412  | 0.790  | 60.6  |
| NORTH SIDE                                               | 10 FEET  | 10 FEET   | OPEN SPACE                 | 22,351  | 0.513  | 38.4  |
| SOUTH SIDE                                               | 10 FEET  | 10 FEET   | TOTAL SITE                 | 56,763  | 1.303  | 100.0 |
|                                                          |          |           | PARCELS 2 - 5              |         |        |       |
| 2. EXISTING SITE COVERAGE:                               | SQ. FT   | ACRE      | %                          |         |        |       |
| BUILDING                                                 | 39,368   | 0.904     | 7.5                        |         |        |       |
| PAVEMENT                                                 | 218,749  | 5.022     | 41.8                       |         |        |       |
| CONCRETE SIDEWALKS / DIVIDERS                            | 7,216    | 0.165     | 1.4                        |         |        |       |
| TOTAL SITE                                               | 522,977  | 12.006    | 100.00                     |         |        |       |
| TOTAL IMPERVIOUS                                         | 265,333  | 6.091     | 50.7                       |         |        |       |
| TOTAL OPEN SPACE                                         | 257,644  | 5.915     | 49.3                       |         |        |       |
|                                                          |          |           | OVERALL SITE               |         |        |       |
| 4. PARKING REQUIREMENTS (EXISTING 39,368 SF BUILDING)    |          |           | IMPERVIOUS                 | 263,858 | 6.057  | 50.5  |
| INTENSIVE RETAIL 1 SPACE PER 225 SF = 39,368 / 225 = 175 |          |           | OPEN SPACE                 | 259,119 | 5.949  | 49.5  |
| TOTAL PARKING REQUIRED = 175                             |          |           | TOTAL OVERALL SITE         | 522,977 | 12.006 | 100.0 |
| 5. PARKING PROVIDED                                      |          | %         |                            |         |        |       |
| HANDICAP                                                 | 13       | 2.5       |                            |         |        |       |
| STANDARD                                                 | 517      | 97.5      |                            |         |        |       |
| TOTAL PARKING PROVIDED                                   | 530      | 100.0     |                            |         |        |       |

### LEGEND

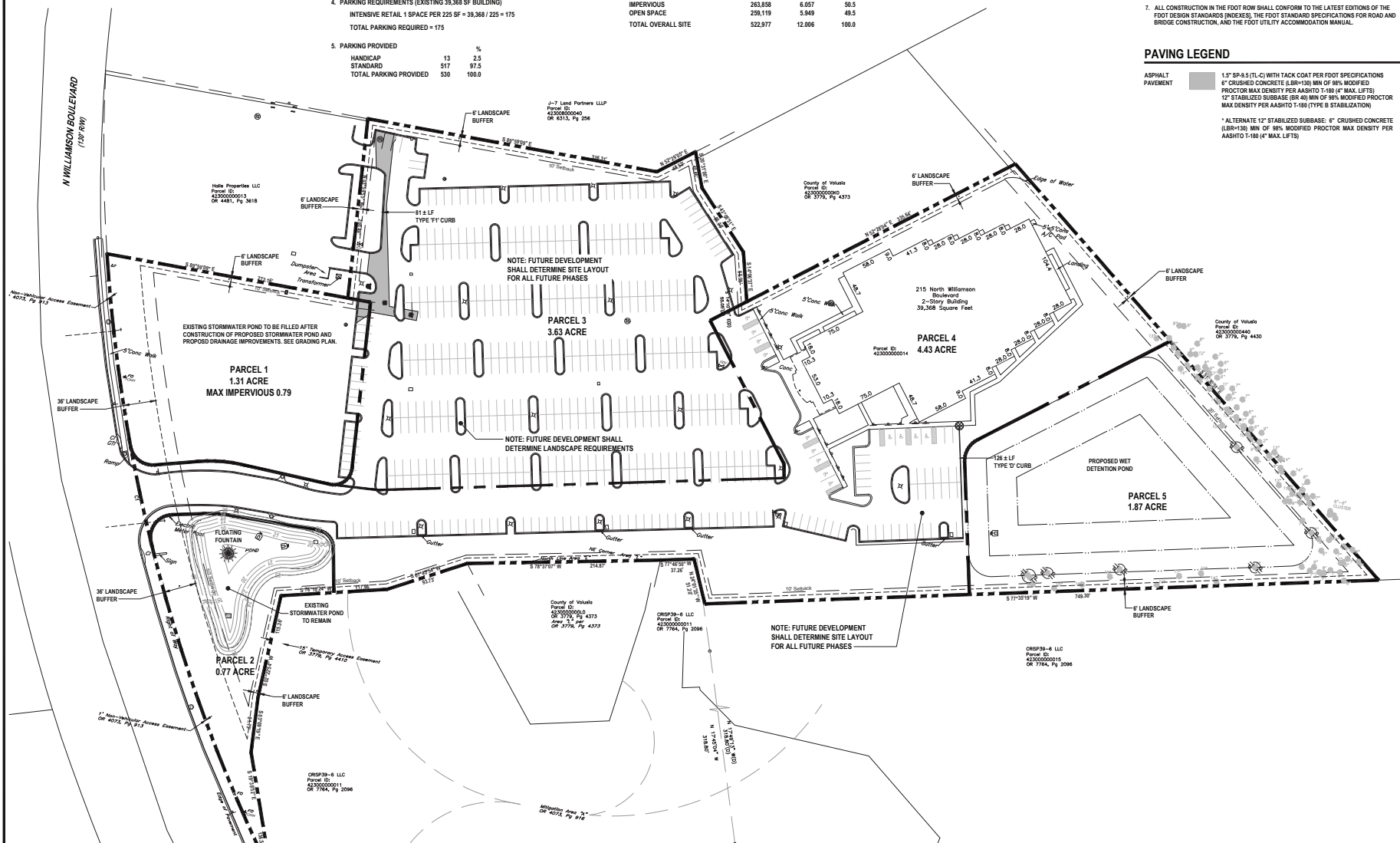
- TYPE "F1" CURB  
SEE DETAIL SHEET No. 13
- TYPE "F2" CURB  
SEE DETAIL SHEET No. 13
- "D" CURB TRANSITION TO FLAT  
SEE DETAIL SHEET No. 13

### GENERAL NOTES:

- CITY OF ORMOND BEACH BUILDING PERMITS ARE REQUIRED FOR BUILDING, DUMPSTER ENCLOSURE, LIGHT POLES, SCREEN WALLS AND MONUMENT SIGNS. CONTRACTOR SHALL BE RESPONSIBLE FOR SUBMITTING APPROPRIATE INFORMATION (ENGINEERING, SPECIFICATIONS, SHOP DRAWINGS, ETC.).
- ALL DIMENSIONS AND TIES ARE TO THE EDGE OF PAVEMENT AND OUTSIDE FACE OF BUILDING.
- ALL IMPROVEMENTS SHALL BE STAKED FOR CONSTRUCTION BY MEANS OF DIGITAL COORDINATES BY SURVEYOR UTILIZING GEODETIC TOTAL STATION OR GPS. SCALING OF DRAWINGS FOR PURPOSES OF STAKING ARE AT THE SURVEYOR'S RISK.
- THE CONTRACTOR SHALL COORDINATE WITH THE EXISTING ADJACENT BUSINESSES TO ENSURE THERE IS NO DISRUPTION TO THEIR RESPECTIVE OPERATIONS.
- THE CONTRACTOR AT ITS OWN DISCRETION SHALL MAINTAIN THE CONSTRUCTION SITE SECURE FROM TRESPASS.
- SOD ALL DISTURBED AREAS IN RIGHT-OF-WAY WITH BANIA SOD.
- ALL CONSTRUCTION IN THE FOOT ROW SHALL CONFORM TO THE LATEST EDITIONS OF THE FOOT DESIGN STANDARDS (INDEXES), THE FOOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, AND THE FOOT UTILITY ACCOMMODATION MANUAL.

### PAVING LEGEND

- ASPHALT PAVEMENT
- 1.5" SP-4.5 (TL-C) WITH TACK COAT PER FOOT SPECIFICATIONS
- 8" CRUSHED CONCRETE (LBR+130) MIN OF 8% MODIFIED PROCTOR MAX DENSITY PER AASHTO T-180 (4" MAX. LIFTS)
- 12" STABILIZED SUBBASE (BR 40) MIN OF 8% MODIFIED PROCTOR MAX DENSITY PER AASHTO T-180 (TYPE II STABILIZATION)
- \*ALTERNATE 12" STABILIZED SUBBASE: 6" CRUSHED CONCRETE (LBR+130) MIN OF 8% MODIFIED PROCTOR MAX DENSITY PER AASHTO T-180 (4" MAX. LIFTS)



8.B.h

1/22/24 CITY COMMENTS

1230 North US1, Suite 3  
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www.harryh.newkirk.com  
C.A. # 20008  
L.C. # 20004  
C.O. # 913  
CWL Engineering,  
Transpiration, C&E &  
Landscape Architecture



SITE LAYOUT PLAN  
REGAL CENTER  
215 WILLIAMSON BOULEVARD  
ORMOND BEACH, FL 32174



HARRY H. NEWKIRK, P.E. # 62971

PROJECT No: 2021-158

DATE: OCTOBER 2021

DESIGN BY: HRN

DRAWN BY: NWS

CHECKED BY: HRN

SCALE: 1" = 50'

DRAWING NUMBER

6



**CROSS SECTION**

14" ALUMINUM PLATE SKIMMER

6" CLEAN OUT PLUG

STANDARD TYPE "T" PRECAST INLET PER FOOT INLET 425# STEEL GRATE

EL 24.70

EL 23.65

EL 23.10

4.00' WIDE x 1' WEIR

EL 20.50

12"

6"

EL 19.50

2:1 SLOPE

6" THICK CONCRETE SLAB (6" x 24") 3,000 PSI @ 28 DAYS

EL 18.50

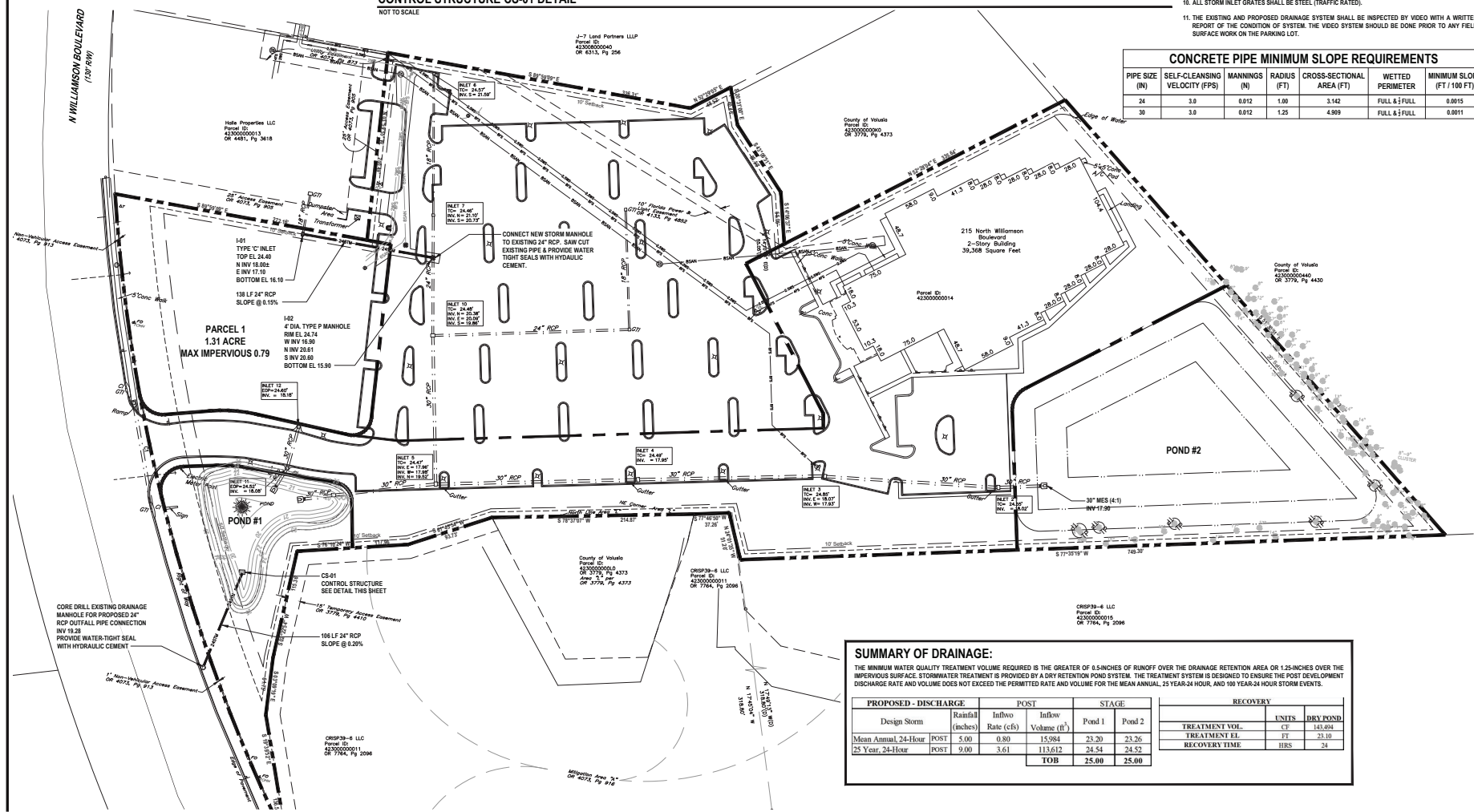
2"

EL 17.50

24" RCP OUTFALL PIPE INV 19.50

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO DRAINAGE SYSTEM AND SHALL RESTORE ANY DAMAGED STRUCTURES.
2. ALL PIPE FROM THE BUILDING DRAIN SHALL BE SMOOTH INTERIOR CORRUGATED EXTERIOR (SIC HOPE OR PVC SCH 40).
3. ALL STORM PIPE SHALL BE CONSTRUCTED OF HOPE (SIC) PIPE WITH CERTIFIED WATERTIGHT JOINTS BY THE MANUFACTURER. ACCEPTABLE HOPE PIPE SHALL BE HANCOR SUR-LOK WET, ADS SERIES 35, AND N-12 WITH WET JOINT OR EQUAL.
4. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF ALL MATERIAL AND STRUCTURES TO THE ENGINEER (NEWKIRK ENGINEERING, INC.) FOR APPROVAL PRIOR TO THE PRECONSTRUCTION MEETING.
5. CONSTRUCTION SHALL BE PLACED FLATER BETWEEN DRAINAGE STRUCTURES AND TOPS TO PREVENT SOIL INTERFERENCE. ALL EXISTING SHALL BE ACCORDINGLY CLEARED OF SAND A DEBRIS FACING SHALL REMAIN IN PLACE UNTIL PAVING IS COMPLETE.
6. ALL EXISTING STRUCTURES, UNLESS OTHERWISE NOTED TO REMAIN, FENCING TREES, & ETC., WITHIN THE CONSTRUCTION AREA SHALL BE REMOVED AND DISPOSED OF OFF SITE.
7. ALL DRAINAGE STRUCTURES SHALL BE PRE-CAST PER FDOT SPECIFICATIONS.
8. ALL DRAINAGE STRUCTURES AND STORM SEWER PIPES SHALL MEET HEAVY DUTY TRAFFIC (HDT) LOADS AND BE INSTALLED ACCORDINGLY PER FDOT STANDARD SPECIFICATIONS AND MANUFACTURERS SPECIFICATIONS RESPECTIVELY.
9. ALL DRAINAGE STRUCTURES AND PIPES SHALL BE CLEANED OF SAND AT THE LAST STAGE OF CONSTRUCTION PRIOR TO THE FINAL INSPECTION.
10. ALL STORM INLET GRATES SHALL BE STEEL (TRAFFIC RATED).

| CONCRETE PIPE MINIMUM SLOPE REQUIREMENTS |                                  |                 |                |                                            |                           |                                |
|------------------------------------------|----------------------------------|-----------------|----------------|--------------------------------------------|---------------------------|--------------------------------|
| PIPE SIZE<br>(IN)                        | SELF-CLEANSING<br>VELOCITY (FPS) | MANNINGS<br>(N) | RADIUS<br>(FT) | CROSS-SECTIONAL<br>AREA (FT <sup>2</sup> ) | WETTED<br>PERIMETER       | MINIMUM SLOPE<br>(FT / 100 FT) |
| 24                                       | 3.0                              | 0.012           | 1.00           | 3.142                                      | FULL & $\frac{1}{2}$ FULL | 0.0015                         |
| 30                                       | 3.0                              | 0.012           | 1.25           | 4.909                                      | FULL & $\frac{1}{2}$ FULL | 0.0011                         |



THE MINIMUM WATER QUALITY TREATMENT VOLUME REQUIRED IS THE GREATER OF 0.5-INCHES OF RUNOFF OVER THE DRAINAGE RETENTION AREA OR 1.25-INCHES OVER THE IMPERVIOUS SURFACE. STORMWATER TREATMENT IS PROVIDED BY A DRY RETENTION POND SYSTEM. THE TREATMENT SYSTEM IS DESIGNED TO ENSURE THE POST DEVELOPMENT DISCHARGE RATE AND VOLUME DOES NOT EXCEED THE PERMITTED RATE AND VOLUME FOR THE MEAN ANNUAL, 25 YEAR-24 HOUR, AND 100 YEAR-24 HOUR STORM EVENTS.

| PROPOSED - DISCHARGE |      | POST                 |                      | STAGE                               |              | RECOVERY     |                      |                 |
|----------------------|------|----------------------|----------------------|-------------------------------------|--------------|--------------|----------------------|-----------------|
| Design Storm         |      | Rainfall<br>(inches) | Inflow<br>Rate (cfs) | Inflow<br>Volume (ft <sup>3</sup> ) | Pond 1       | Pond 2       | TREATMENT VOL.<br>FT | UNITS<br>143.04 |
| Mean Annual 24-Hour  | POST | 5.00                 | 0.80                 | 15.984                              | 23.20        | 23.26        | FT                   | 23.10           |
| 25 Year, 24-Hour     | POST | 9.00                 | 3.61                 | 113.612                             | 24.54        | 24.52        | HRS                  | 24              |
|                      |      |                      |                      | <b>TOB</b>                          | <b>25.00</b> | <b>25.00</b> |                      |                 |

| 11/22/21 | CITY COMMENTS |
|----------|---------------|
|          |               |
|          |               |
|          |               |
|          |               |
|          |               |
|          |               |

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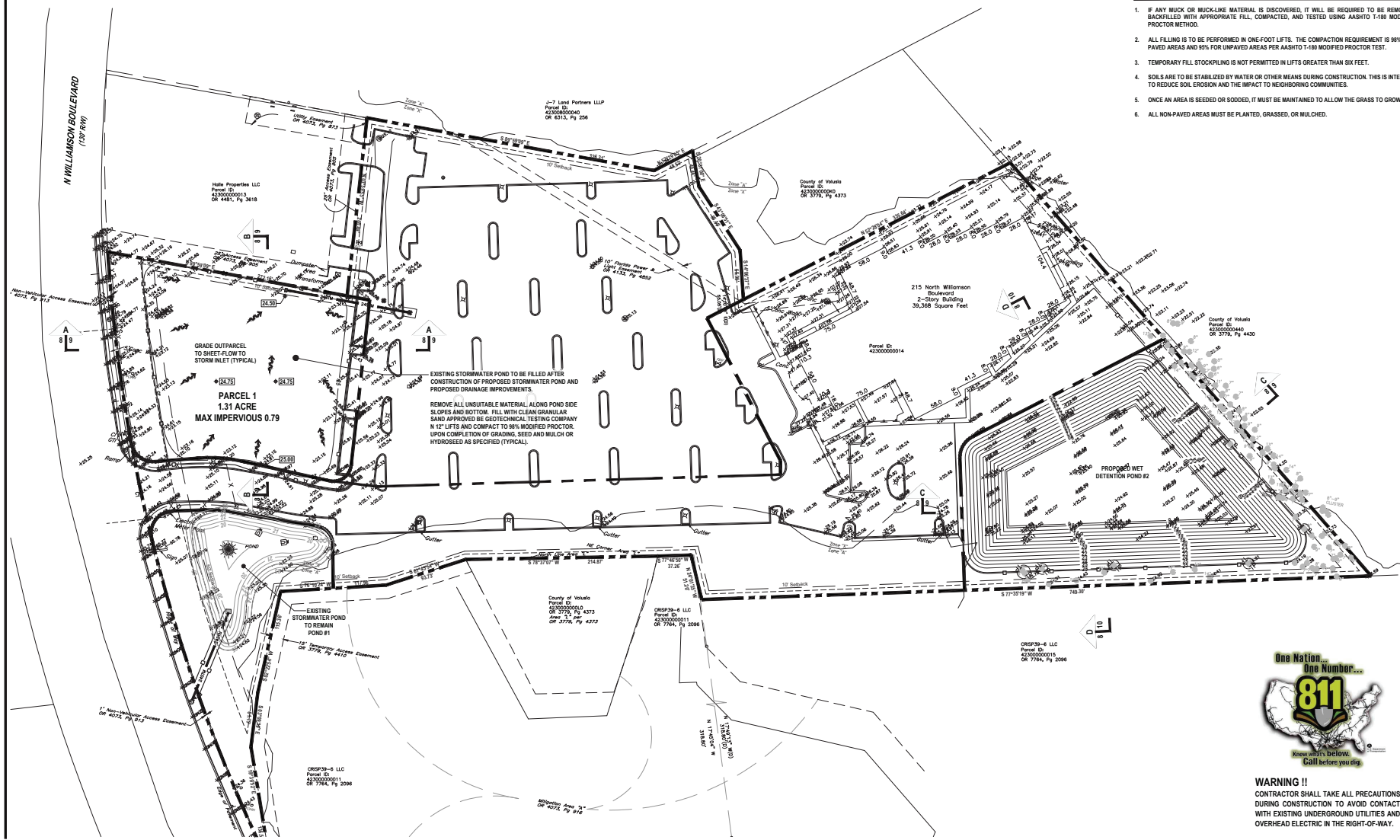


**DRAINAGE PLAN**  
**REGAL CENTER**  
215 WILLIAMSON BOULEVARD  
ORMOND BEACH, FL 32174



|                                |              |
|--------------------------------|--------------|
| HARRY H. NEWKIRK, P.E. # 62971 |              |
| PROJECT No:                    | 2021-158     |
| DATE:                          | OCTOBER 2021 |
| DESIGN BY:                     | HHN          |
| DRAWN BY:                      | NWS          |
| CHECKED BY:                    | HHN          |
| SCALE:                         | 1" = 50'     |
| DRAWING NUMBER                 |              |

7



 EXISTING CONTOUR     
  72 PROPOSED CONTOUR     
  DRAINAGE FLOW ARROW     
  \*21.0 EXISTING SPOT ELEVATION     
  72.00 PROPOSED SPOT ELEVATION     
  MEG MATCH EXISTING GRADE

1. CROSS SLOPES OF ACCESSIBLE PARKING SPACES AND ACCESS AISLE SHALL NOT EXCEED 1:48 IN ACCORDANCE WITH SECTION 502.2.6 OF FABC.
2. THE MAXIMUM ELEVATION CHANGE AT THE ENTRANCE DOOR MAY NOT EXCEED 1/2 INCH.
3. ALL SIDEWALK LANDINGS SHALL HAVE SLOPES NO GREATER THAN 18 INCH / 1 FOOT IN MANEUVERING SPACES AT ALL DOORWAYS.
4. ALL SIDEWALKS SHALL HAVE A 1 PERCENT CROSS SLOPE.
5. ALL IMPROVEMENTS SHALL BE STAKED FOR CONSTRUCTION BY MEANS OF DIGITAL COORDINATES BY SURVEY OR UTILIZING GOOGLE EARTH TOTAL STATION. SCALING OF DRAWINGS FOR PURPOSES OF STAKING ARE AT THE SURVEYOR.

1. IF ANY MUCK OR MUCK-LIKE MATERIAL IS DISCOVERED, IT WILL BE REQUIRED TO BE REMOVED. BACKFILL WITH APPROPRIATE FILL, COMPACTED, AND TESTED USING AASHTO T-180 MODIFIED PROCTOR METHOD.
2. ALL FILLING IS TO BE PERFORMED IN ONE-FOOT LIFTS. THE COMPACTION REQUIREMENT IS 98% FOR PAVED AREAS AND 95% FOR UNPAVED AREAS PER AASHTO T-180 MODIFIED PROCTOR TEST.
3. TEMPORARY FILL STOCKPILING IS NOT PERMITTED IN LIFTS GREATER THAN SIX FEET.
4. SOILS ARE TO BE STABILIZED BY WATER OR OTHER MEANS DURING CONSTRUCTION. THIS IS INTENDED TO REDUCE SOIL EROSION AND THE IMPACT TO NEIGHBORING COMMUNITIES.
5. ONCE AN AREA IS SEEDDED OR SOODED, IT MUST BE MAINTAINED TO ALLOW THE GRASS TO GROW.
6. ALL NON-PAVED AREAS MUST BE PLANTED, GRASSED, OR MULCHED.

| 11/22/21 | CITY COMMENTS |
|----------|---------------|
|          |               |
|          |               |
|          |               |
|          |               |
|          |               |



**NEWKIRK**  
ENGINEERING

**GRADING PLAN**  
**REGAL CENTER**  
2125 WILLIAMSON BOULEVARD  
ORMOND BEACH, FL 32174



HARRY H. NEWKIRK, P.E. # 62971

PROJECT No: 2021-158

DATE: OCTOBER 2021

DESIGN BY: HHN

DRAWN BY: NWS

CHECKED BY: HHN

SCALE: 1" = 50'

DRAWING NUMBER

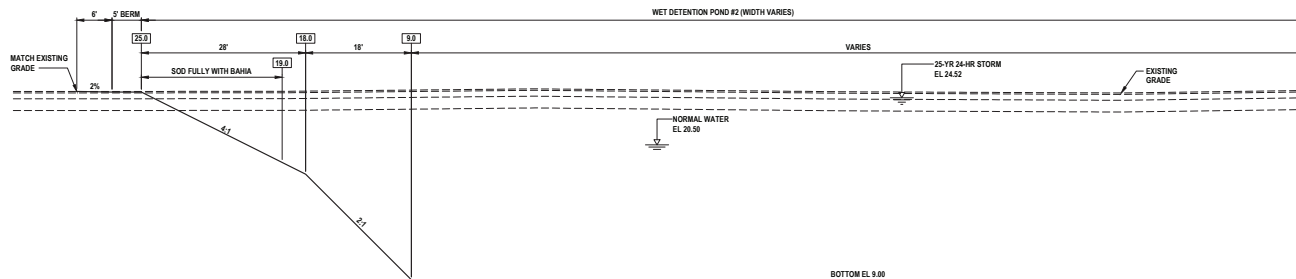
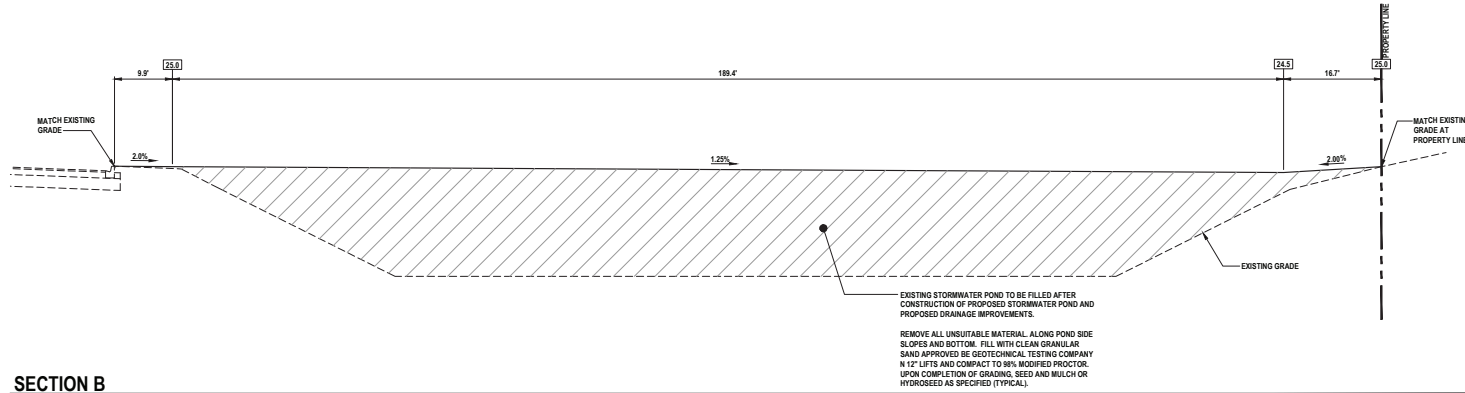
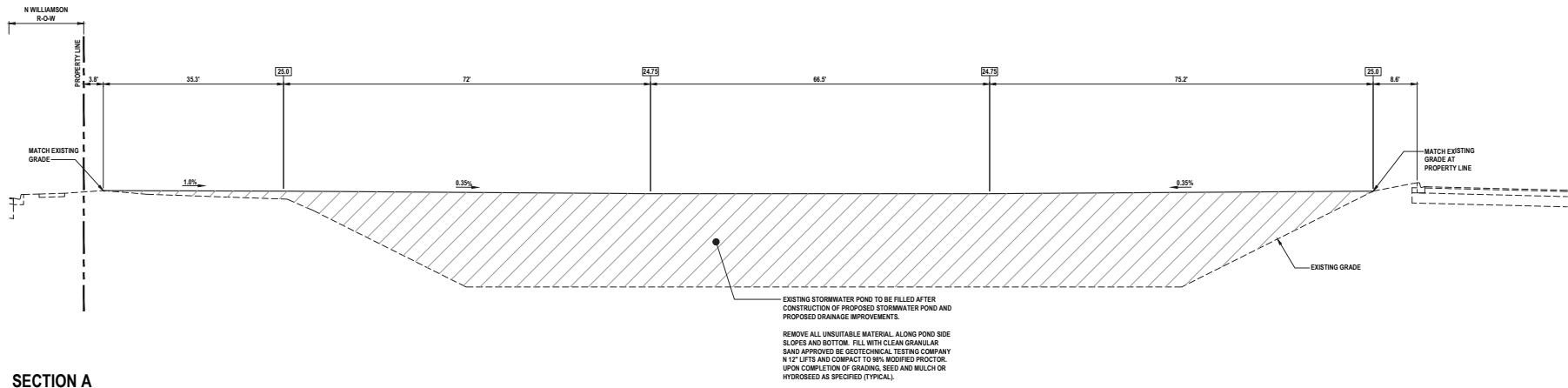
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8.B.h

11/22/21 CITY COMMENTS

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www.newkirk-engineering.com  
C.A. # 30008  
L.C. # 30004  
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Landscape Architecture



CROSS SECTIONS  
REGAL CENTER  
215 WILLIAMSON BOULEVARD  
ORMOND BEACH, FL 32174



HARRY H. NEWKIRK, P.E. # 62971

PROJECT No: 2021-158  
DATE: OCTOBER 2021  
DESIGN BY: HHN  
DRAWN BY: NWS  
CHECKED BY: HHN

SCALE: AS SHOWN  
DRAWING NUMBER

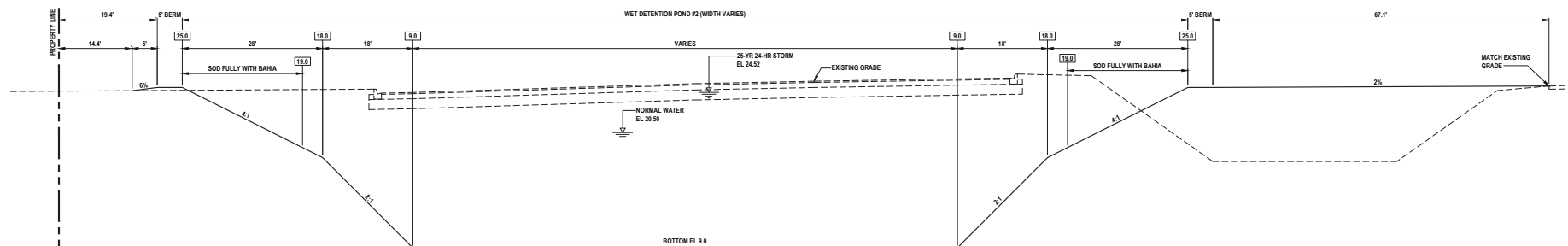
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SCALE: AS SHOWN

DRAWING NUMBER

One Nation...  
One Number...

811

Know what's below.  
Call before you dig.



**WARNING !!**  
CONTRACTOR SHALL TAKE ALL PRECAUTIONS DURING CONSTRUCTION TO AVOID CONTACT WITH EXISTING UNDERGROUND UTILITIES AND OVERHEAD ELECTRIC IN THE RIGHT-OF-WAY.

### PROPOSED UTILITY LEGEND

- FM FORCE MAIN (# INDICATES SIZE)
- FSN SANITARY SEWER (# INDICATES SIZE)
- PWS POLYETHYLENE WATER SERVICE (# INDICATES SIZE)
- WM WATER MAIN (# INDICATES SIZE)
- GS GAS SERVICE (# INDICATES SIZE)
- EUC UNDERGROUND ELECTRICAL CONDUIT (# INDICATES SIZE)



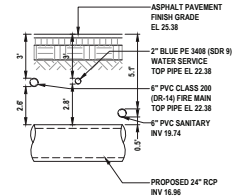
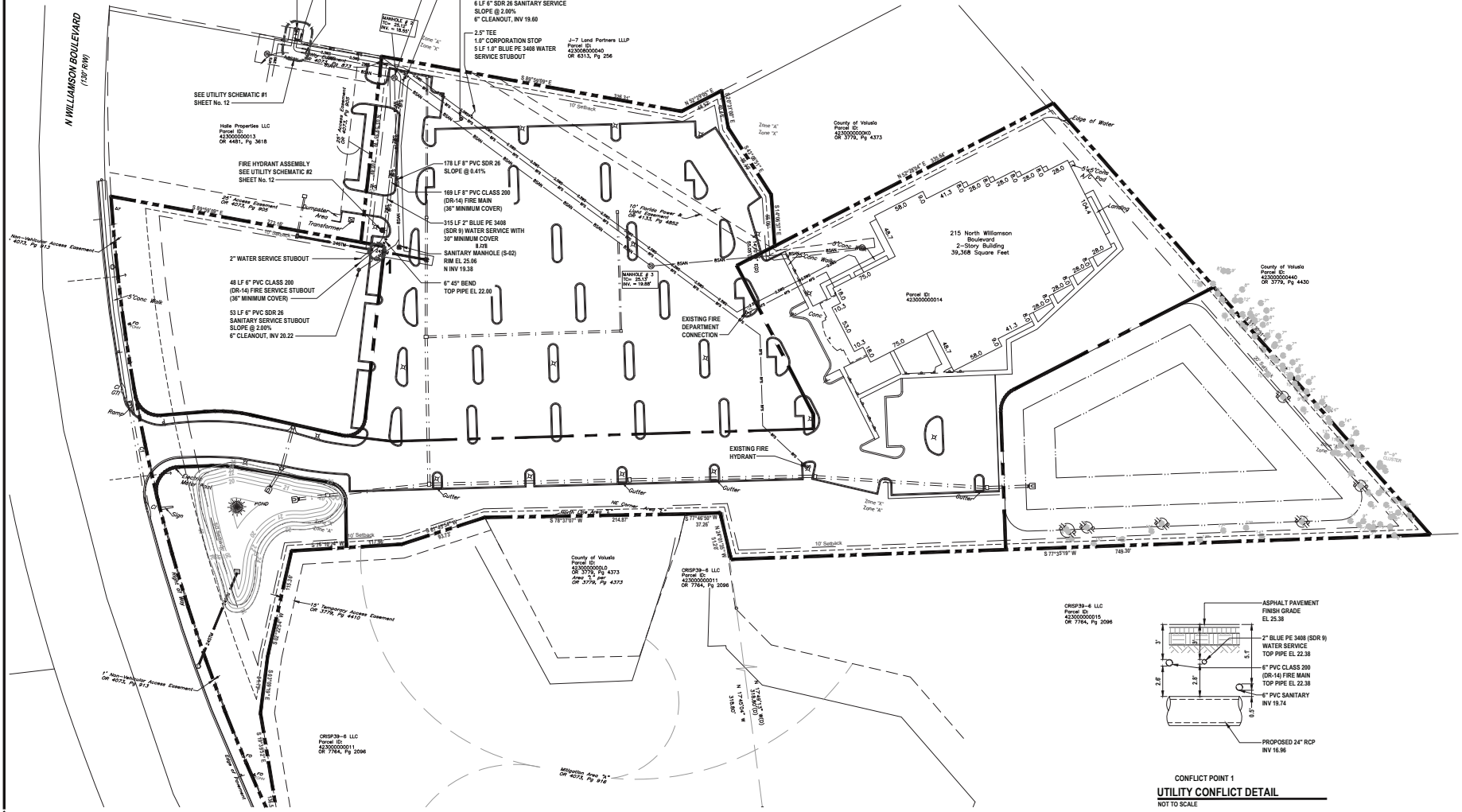
UTILITY CONFLICT (SEE DETAIL, THIS SHEET)

### GENERAL SEWER NOTES:

1. CITY OF ORMOND BEACH SHALL BE NOTIFIED PRIOR TO ANY SEWER CONSTRUCTION.
2. ALL SEWER CONSTRUCTION MUST COMPLY WITH FDEP REGULATIONS AND THE CITY OF ORMOND BEACH UTILITY DETAILS AND SPECIFICATIONS (LATEST EDITION).
3. ALL SANITARY SEWER LINES SHALL BE PVC SDR 26 DUE TO THE MINIMUM AMOUNT OF COVER, WATER LINES, RECLAIMED LINES AND STORM DRAINAGE CROSSINGS SHALL FOLLOW THE C-800 OR CONCRETE ENCASMENT REQUIREMENT PER THESE STANDARDS AND AS FDEP REQUIREMENTS.
4. SEWER LINE CONSTRUCTION SHALL BE ACCOMPLISHED BY THE USE OF A LASER INSTRUMENT UNLESS ANOTHER METHOD IS PREVIOUSLY APPROVED BY CITY OF ORMOND BEACH.
5. THE CONTRACTOR SHALL AT ALL TIMES, DURING PIPE LAYING, DENSIFY THE GROUND SUFFICIENTLY TO KEEP THE GROUNDWATER ELEVATION A MINIMUM OF 6" BELOW THE PIPE BEING LAID WITHIN THE AREA OF THE TRENCH.
6. ALL PIPES SHALL BE LAID ON A FIRM FOUNDATION. SOFT OR SPONGY BEDDING FOR PIPES WILL NOT BE ACCEPTED. ANY UNSUITABLE MATERIAL SHALL BE REMOVED AND REPLACED WITH A DRY COMPACTED, GRANULAR MATERIAL SATISFACTORY TO THE CITY OF ORMOND BEACH.
7. SANITARY SEWER PIPE SHALL BE PVC SDR 26.
8. EXCAVATION AND BACKFILL: THE CONTRACTOR SHALL PROVIDE ADEQUATE SHEETING AND BRACING OF EXCAVATION WORK IN ORDER TO PROVIDE FOR THE SAFETY OF WORKMEN, AS WELL AS REPRESENTATIVES OF THE CITY OF ORMOND BEACH, THE ENGINEER, AND THE DEVELOPER.
9. ALL TRENCHES SHALL BE BACKFILLED WITH ACCEPTABLE MATERIAL AND COMPACTED TO MINIMUM COMPACTION OF (95) PERCENT OF THE OPTIMUM DENSITY OF THAT MATERIAL BASED ON THE ASTM D-1557 MODIFIED PROCTOR TEST.
10. ALL TESTING REQUIRED BY THE CITY SHALL BE PAID FOR BY THE CONTRACTOR.
11. VIDEO INSPECTION REQUIRED FOR THE EXISTING GRAVITY MAIN SYSTEM PRIOR TO ANY SURFACE WORK IS COMPLETED FOR THE PARKING LOT. A VIDEO INSPECTION FORM MUST BE FAXED OR EMAILED TO THE CITY OF ORMOND BEACH WASTEWATER COLLECTION DEPARTMENT 48 HOURS PRIOR TO VIDEO INSPECTION. A CITY INSPECTOR MUST BE PRESENT.
12. SEWER CLEANOUT LOCATED ON PAVEMENT AND SIDEWALK AREA SHALL BE TRAFFIC BEARING FLAT TOP BRASS CAP. CONTRACTOR TO ADJUST TOP TO FINISH GRADE.
13. ALL GREASE TANKS SHALL HAVE A MINIMUM CAPACITY OF 1,250 GALLONS.
14. PLUMBING CONTRACTOR SHALL INSTALL TANK AND COORDINATE PIPE INVERTS TO BUILDING WITH UTILITY CONTRACTOR.

### GENERAL WATER NOTES:

1. THE CITY OF ORMOND BEACH WATER UTILITY DEPARTMENT SHALL BE NOTIFIED PRIOR TO BEGINNING ANY WATER SYSTEM CONSTRUCTION.
2. ALL WATER DISTRIBUTION CONSTRUCTION SHALL BE IN ACCORDANCE WITH FDEP REGULATIONS AND THE CITY OF ORMOND BEACH UTILITY DETAILS AND SPECIFICATIONS (LATEST EDITION).
3. CONTRACTOR IS TO VERIFY THE LOCATION HORIZONTAL AND VERTICAL OF ALL EXISTING UTILITIES UNDERGROUND AND OVERHEAD PRIOR TO COMMENCEMENT OF CONSTRUCTION. ANY CONFLICTS SHALL BE REPORTED TO THE ENGINEER.
4. CONTRACTOR IS RESPONSIBLE FOR RESTORATION OF ANY EXISTING PAVEMENT, SIDEWALK, CURBING, UTILITIES AND DRAINAGE SYSTEMS DAMAGED DURING CONSTRUCTION. ALL DAMAGED AREAS TO BE RESTORED TO ORIGINAL CONDITION OR BETTER.
5. LOCATION OF TELEPHONE, TV CABLE AND ELECTRICAL SERVICE CONNECTIONS TO BE DETERMINED BY APPROPRIATE UTILITIES PERSONNEL IN COOPERATION WITH CONTRACTOR.
6. ALL WATER MAINS SHALL BE LAID ON A FIRM FOUNDATION WITH ALL UNSUITABLE MATERIAL (MUCK, ROCK, COQUINA, ETC.) REMOVED AND REPLACED WITH CLEAN GRANULAR MATERIAL.
7. TRENCHES SHALL BE BACKFILLED WITH MATERIAL ACCEPTABLE TO THE CITY WITH A MINIMUM COMPACTION OF 98 PERCENT (ASTM D-1557).
8. WATER SERVICES FROM 3/4" TO 2" POLYETHYLENE (ENDOTRACHE) WITH 30" MINIMUM COVER.
9. WATER MAIN FROM 4" TO 12" SHALL BE PVC CLASS 159 DR 18 WITH 30" MINIMUM COVER.
10. ALL WATER AND FIRE SERVICES ARE REQUIRED TO HAVE A HARD BODY GATE VALVE OFF THE MAIN LINE.
11. ALL VALVES SHALL BE BOLTED TO TEES.
12. ALL POTABLE WATER PIPE SHALL HAVE "NSF POTABLE WATER" IMPRINTED ON THE PIPE.
13. ALL WATER MAIN FITTINGS 4 INCHES OR LARGER SHALL BE CEMENT LINED DIP.
14. A TAPPING CONTRACTOR ACCEPTABLE TO THE CITY OF ORMOND BEACH WILL BE REQUIRED FOR TAPS.
15. THE CONTRACTOR SHALL MAKE ALL ATTEMPTS TO LOCATE BURIED UTILITIES AND NOTIFY THE UTILITY COMPANIES 48 HR. PRIOR TO CONSTRUCTION.
16. UTILITY TRENCH CONSTRUCTION SHALL CONFORM TO CITY OF ORMOND BEACH AND OSHA REQUIREMENTS.
17. IN THE CASE WHERE SOLVENT CONTAMINATION IS FOUND IN THE TRENCH, WORK WILL BE STOPPED AND THE PROPER AUTHORITIES NOTIFIED. WITH THE APPROVAL OF THE CITY OF ORMOND BEACH UTILITY DEPARTMENT, DUCTILE IRON PIPE, FITTINGS AND APPROVED SOLVENT RESISTANT GASKET MATERIAL, SHALL BE USED IN THE CONTAMINATED AREA. THE DUCTILE IRON PIPE WILL EXTEND AT LEAST 100 FEET BEYOND ANY DISCOVERED SOLVENT.



CONFLICT POINT 1  
UTILITY CONFLICT DETAIL  
NOT TO SCALE

8.B.h

11/22/21 CITY COMMENTS

|                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/30 North 1st, Suite 3<br>Ormond Beach, Florida 32174<br>www.hnk-engineering.com<br>C.A. # 30000<br>L.C. # 2003<br>CIVIL ENGINEERING<br>TRANSPORTATION, C&E &<br>LANDSCAPE ARCHITECTURE |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



UTILITY PLAN  
REGAL CENTER  
215 WILLIAMSON BOULEVARD  
ORMOND BEACH, FL 32174

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HARRY H. NEWKIRK, P.E. # 62971

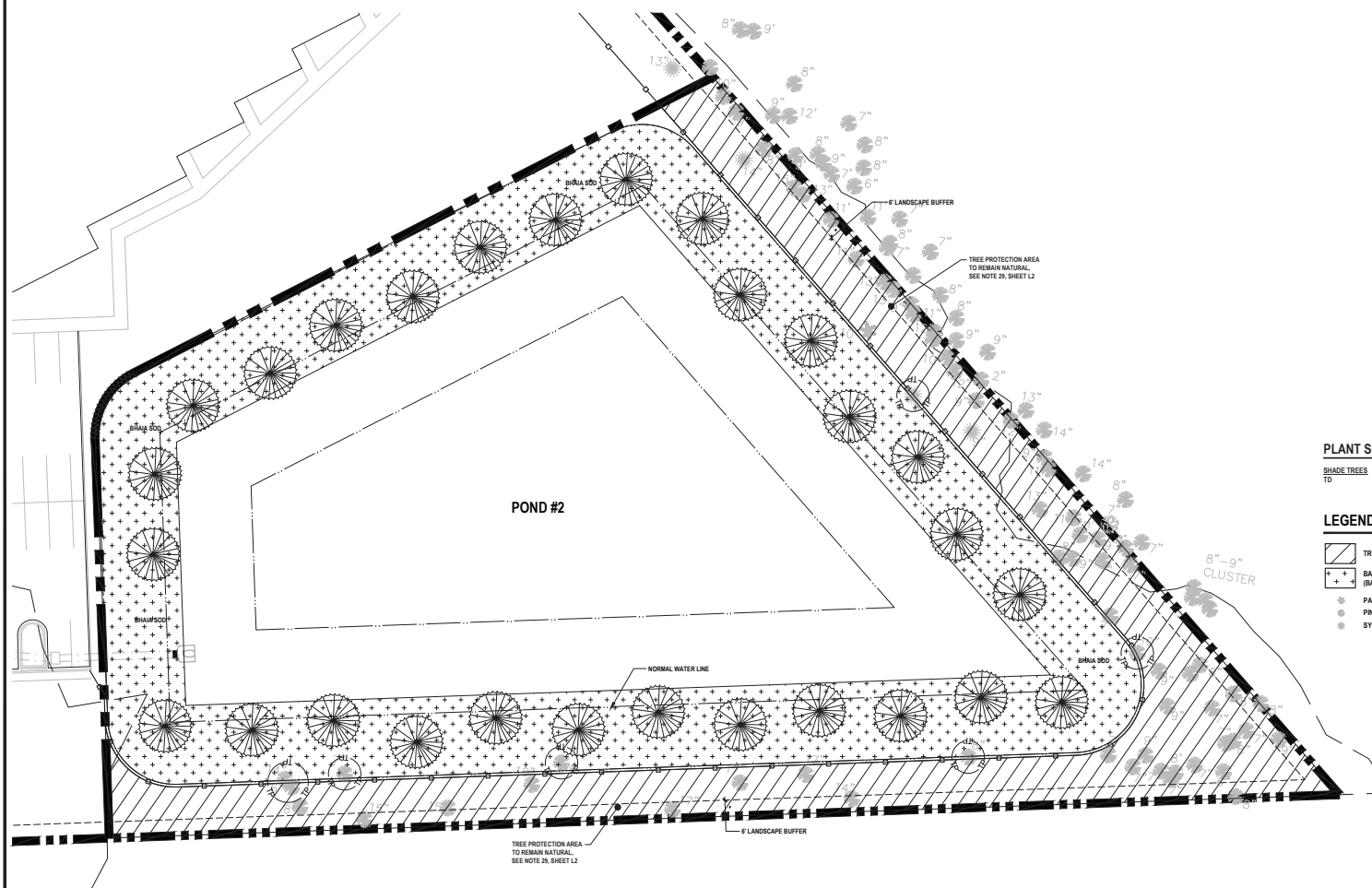
PROJECT No: 2021-158  
DATE: OCTOBER 2021  
DESIGN BY: HHN  
DRAWN BY: NWS  
CHECKED BY: HHN  
SCALE: 1" = 50'  
DRAWING NUMBER

11



# WARNING !!

CONTRACTOR SHALL TAKE ALL PRECAUTIONS DURING CONSTRUCTION TO AVOID CONTACT WITH EXISTING UNDERGROUND UTILITIES, GAS MAINS AND OVERHEAD ELECTRIC IN THE RIGHT-OF-WAY.

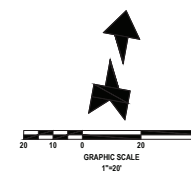


## PLANT SCHEDULE

| SHADE TREES | QTY | BOTANICAL NAME     | COMMON NAME  | SIZE                | REMARKS |
|-------------|-----|--------------------|--------------|---------------------|---------|
| TO          | 29  | TAXODIUM DISTICHUM | BALD CYPRESS | 2.5\" CAL., 10' HT. |         |

## LEGEND:

- TREE PROTECTION AREA
- BAHIA SOD OR HYDROSEED (BAHIA SEED MIXTURE)
- PALM TREE
- PINE TREE
- SYCAMORE TREE



8.B.h

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Civil Engineering,  
Transportation, CEI &  
Landscape Architecture



LANDSCAPE PLAN  
REGAL CENTER  
215 WILLIAMSON BOULEVARD  
ORMOND BEACH, FL 32174



LAUREN ADAMS, P.L.A. # 6667278

PROJECT No: 2021-158

DATE: NOVEMBER 2021

DESIGN BY: LAA

DRAWN BY: BWV

CHECKED BY: LAA

SCALE: 1" = 20'

DRAWING NUMBER

L1

**December 9, 2021**

**DRAFT**

**Planning Board  
minutes**

**Regal Center, Zoning and Issuance  
of a Development Order**



Ms. Shull stated it is not the applicant's responsibility to take care of the other properties. Chairman Thomas replied that staff stated that the project must accept the flow that is occurring onto their property as well as their own water and retain it on-site.

Ms. Shull asked how much fill is required to bring the site up for development. Mr. Spraker answered that the fill information is part of the preliminary plat, construction drawings that would be provided to the Planning Board at a future date. The grading and filling information is not required at the zoning review of the subdivision development.

Mr. Jorczak sought to confirm that the construction drawings would be provided to the Planning Board. Mr. Spraker confirmed that the Planning Board and City Commission would both review and act upon the preliminary plat, construction drawings. Mr. Galloway stated that the Board would be moving it to get to the next stage of the subdivision development. Ms. Tolland commented that to allow it to move forward determines the site design and the Planning Board is only reviewing consistency at that point. She recalled that a speaker, Ms. Herrero, stated that once it is done, it cannot be undone. Ms. Tolland concluded that she wants to go carefully and commented that she is not 100 percent there.

Mr. Scudiero stated that he still has traffic concerns and does not believe that there is evidence there that this project will better the flooding issues with water. We know the project will not make traffic better. He continued that he is not against growth, it is just that this is the wrong time for this project. Mr. Scudiero stated that government owes it to its citizenry to make all of this stuff right before they come asking for other things to be approved.

Chairman Thomas asked for a motion.

**Mr. Scudiero motioned to deny PRD 2021-067: Tattersall at Tymber Creek, Issuance of a Development Order. Ms. Shull seconded it. Vote was called, and the motion was denied (5-1), with Mr. Galloway opposed.**

Chairman Thomas thanked those individuals who attended. A recess for five minutes was taken.

**B. PBD 2022-002(A) – Zoning Map Amendment – 215 Williamson Boulevard, Regal Cinema Ormond**

Mr. Steven Spraker, Planning Director, stated that PBD 2022-002(A) is a request submitted by 215 Williamson Investors LLC, with authorization of property owner, Regal Cinemas, Inc., for a zoning map amendment from B-8 (Commercial) to Planned Business Development (PBD) and the issuance of a development order. The PBD zoning map amendment seeks to (1) create an outparcel along Williamson Boulevard, (2) allow additional uses within the PBD, and (3) create a framework for future redevelopment. The subject property is 12.00± acres. Mr. Spraker stated that items B and C would be presented together.

Mr. Spraker displayed an aerial and described the property and the surrounding uses. He stated that the site plan divided the project area into five parcels as described below:

Parcel 1: Outparcel of 1.31 acres along Williamson Boulevard. This is the area where the stormwater pond would be relocated.

Parcel 2: Existing stormwater pond south of the access drive. This stormwater pond area is proposed to be cleaned up and a fountain installed. There are no changes in the use of this area.

Parcel 3: Existing parking field for the former theater use. Parcel 3 would be developed into a future use. The Planned Development seeks to allow the B-8 uses and additional uses within the development order.

Parcel 4: Existing former movie theater building of 39,368 square feet. The building is proposed to be redeveloped. The Planned Development seeks to allow the B-8 uses and additional uses within the development order.

Parcel 5: This area is the relocated stormwater pond and is 1.87 acres.

Mr. Spraker continued that there are three reasons for the Planned Business Development (PBD):

1. To allow the existing pylon sign for future users based on the limited visibility from the roadway;
2. To allow a building height of 50' for parcels 3 and 4. The existing building is 50' in height.
3. To allow certain uses on parcels 3 and 4 for the redevelopment. The actual use would go back through the Site Plan Review Committee (SPRC). Mr. Spraker stated that the sexually orientated business was prohibited and a pharmacy use was added to the outparcel.

Mr. Spraker noted that Planning staff had concern with the RV and Boat storage requested based on the future applications across the city. He stated that staff is recommending approval of the applications and that no end users have been identified to date.

Mr. Paul Holub, applicant, managing member of 215 Williamson Investors, LLC., thanked the Planning Board for allowing this application to be heard. Mr. Holub stated that they redeveloped a Regal Cinema in Port Orange about ten years ago but it was a different situation with more frontage to the roadway. He commented that the redevelopment of this site is going to be more difficult based on the location of the building, the parking field, and the size of the existing building. Mr. Holub stated that they agree with staff on all items except the RV and Boat storage that would include covered and uncovered parking. He added that they hired a consultant for potential uses and a need for this use was discovered. The Planned Business Development (PBD) allows the ability to take any use within the Land Development Code (LDC) and incorporate it within a development order. Mr. Holub stated that the uses for the project are still being considered and no final uses have been decided. The outdoor storage is a needed use within the city. He explained that the potential outdoor storage would be screened by the rear of Ormond Town Square and wetlands/conservation area.

Mr. Holub reviewed pictures of the site and stated that there have been homeless issues on the property. Their goal is to clean up the property and redevelop the property into commercial uses. He detailed the site plan and the configuration of the stormwater areas.

Mr. Jorczak asked how the stormwater would get relocated. Mr. Holub replied that the back would be excavated for the back pond and then would fill the front pond.

The project has had a preliminary meeting with the St. Johns River Water Management District staff. Mr. Holub stated the water would be transferred through the existing drainage system via gravity. The pond at the front on the south side of the drive aisle would be cleaned and a fountain added.

Ms. Shull asked about the RV and Boat storage. Mr. Holub explained that they would be the developer of the RV and Boat storage if that use is selected. The project would have some covered and some uncovered parking areas, fenced and well landscaped. Ms. Shull inquired if the existing building would be used for RV and Boat storage. Mr. Holub answered that the existing building would be separate and one potential use would be indoor storage. He stated that the storage uses were in place and that there are no other uses or back up plans, as part of the redevelopment.

Chairman Thomas asked if the existing building concept for storage would be similar to Hyde Park. Mr. Holub confirmed that storage would be similar and stated the beauty of this building is that it is built to withstand anything, a fortress. He continued that it was designed that way because of the 2,300 occupants it could hold. Attributes include block construction, fire sprinklers, steel trusses, newer roof and air conditioning units.

Ms. Shull asked if the pond could be left in the front (parcel 1) and develop the rear with the RV and Boat storage. Mr. Holub replied that the RV and Boat storage would be in the existing parking field. He reiterated that the final uses have not been determined and that it really depends on the market as far as what could be developed. Mr. Holub stated that a hotel chain has also looked at the property and expressed how there are a lot of moving parts. He highlighted that any redevelopment would be a substantial reduction in project trips from the movie theater use. Mr. Holub concluded that if a RV and Boat storage use occurred, it would be well screened and not impact infrastructure such as water and sewer.

Ms. Tolland asked how that RV and Boat storage use would not be visible. Mr. Holub stated that the Discount Tire access would remain and that the outdoor storage would be fenced with decorative aluminum fencing along with perimeter landscaping. Mr. Holub added that property abuts the back of the shopping center and wetlands to the east and south.

Mr. Scudiero inquired about the outparcel and potential uses. Mr. Holub stated that the outparcel would meet all city standards, such as the Greenbelt landscape buffer and the perimeter buffers. There have been several concept plans including a sit-down restaurant, quick service restaurant with a drive-through, and a retail building. Mr. Holub stated that there has been interest in the outparcel. Mr. Holub commented that the easiest part of the project is the outparcel with the parking field redevelopment being a challenge.

Mr. Jorczak asked how long the rental agreement would run for. Mr. Holub responded that there are varying parking space dimensions. The leases are typically three to six months as short-term leases. Mr. Jorczak asked what the capacity would be for the RV and Boat parking use. Mr. Holub estimated between 170 and 180 parking spaces depending on space sizes. Mr. Jorczak commented that the traffic impact was small. Mr. Holub confirmed that the traffic impact would be substantially reduced to virtually nothing and stated that the RV and Boat parking use is a placeholder at this time in case other uses cannot be completed.

Mr. Galloway stated that he is aware of several properties that are having retention ponds relocated to more appropriate locations on property. He continued that he is all for the relocation of the stormwater pond for the outparcel. Mr. Galloway mentioned the Stor-It property as an example of covered RV and Boat parking. He commented that it is a great use for a property that needs to be redeveloped.

Chairman Thomas asked if there had been any opposition to this project. Mr. Spraker responded that staff has not received any form of opposition to this project.

Ms. Tolland asked about the property to the south along Williamson Boulevard and if it is buildable. Mr. Holub stated that the property south of the property is in the City of Daytona Beach and he believes it has conservation zoning on it. There was a discussion about surrounding properties and the appropriateness of the requested uses under consideration.

**Mr. Jorczak motioned to approve PBD 2022-002(A) – Zoning Map Amendment – 215 Williamson Boulevard, Regal Cinema Ormond. Mr. Galloway seconded it. Vote was called, and the motion was approved (6-0).**

**C. PBD 2022-002(B) – Issuance of a Development Order – 215 Williamson Boulevard, Regal Center Ormond**

Mr. Steven Spraker, Planning Director, stated that he had no additional material other than what was presented in item B. He added that if there is a desire to allow RV and Boat storage, then the motion should include this use.

Mr. Galloway asked why this application is in two separate items. Attorney Hayes answered that one item is a zoning action and the second item is for the issuance of a development order.

Mr. Jorczak asked the reasoning for not supporting the RV and Boat storage use. Mr. Spraker stated that the RV and Boat storage use is only allowed in the industrial zoning district and how introducing this use with this project opens the door for other future applications. Mr. Jorczak asked if we are opening a door. Mr. Spraker replied that a door is being opened, but the Planning Board and City Commission control the door through the planned development process. Attorney Hayes stated that the planned development is really talking about potential uses.

Mr. Galloway asked if the site plan for a particular use would come back to the Planning Board. Mr. Spraker stated that the uses are being determined through the Planned Development process and the individual site plans would be reviewed and approved by the Site Plan Review Committee (SPRC). Mr. Spraker stated that the Planned Development is for the uses. Mr. Spraker stated that of all the sites this one is the most appropriate based on the roadway screening for RV and Boat storage. With this approval there may be more applications for the RV and Boat storage use.

Chairman Thomas stated that on the bad side there is a risk of additional applications but on the good side there is a significant reduction of traffic impacts. Mr. Spraker concurred that there would be less of a traffic impact with redevelopment of this site. Chairman Thomas also stated that this site is unique with the large setbacks and lack of visibility. Chairman Thomas concluded that he has no problem with the RV and Boat storage use.

Mr. Scudiero stated that other applications for a RV and Boat storage use could be reviewed on the benchmarks established here. Ms. Tolland stated that the location of the RV and Boat storage use should be considered. The Board agreed that there is a



need for RV and Boat storage. Chairman Thomas reiterated that the RV and Boat storage use is a traffic reduction. Mr. Galloway mentioned the storage use on Granada Boulevard is set off the roadway which is appropriate. Mr. Scudiero concluded that it is important to remember this is a redevelopment that is seeking to utilize the existing site characteristics.

Mr. Scudiero remarked on the existing sign. Mr. Holub stated that the sign would be refurbished. He commented that whatever is done to the project would be done first class no matter what the final uses turn out to be. Mr. Holub concluded that this is a very unusual parcel.

Ms. Shull asked when the PBD is used in this application what it does to the B-8 zoning. Mr. Spraker responded that it incorporates the uses within the B-8 zoning district into the PBD development order. Ms. Shull asked if a PBD can be done in other areas. Mr. Spraker responded that the PBD is available in all commercial zoning districts and any use in the Land Development Code (LDC) can be incorporated.

Ms. Shull asked Mr. Holub about the status of the Granada Pointe development. Mr. Holub stated that project had fill in the floodplain and a required compensating storage pond was constructed. He indicated that there is an approved site plan for a retail center for the land between the car wash and the WaWa. There have been issues with securing the building materials for this building. A grocery chain is looking at the site west of Tomoka Avenue and on the north side for a national coffee chain and a dental office.

Mr. Galloway expressed appreciation for local investors redeveloping property within Ormond Beach.

Chairman Thomas asked for a motion.

**Ms. Tolland motioned to approve PBD 2022-002(B) – Issuance of a Development Order – 215 Williamson Boulevard, Regal Center Ormond. Mr. Jorczak seconded it. Ms. Tolland clarified that the motion was for the applicant's request that included the RV and Boat storage use. Mr. Jorczak agreed to the clarification. Vote was called, and the motion was approved (6-0).**

**D. PP 2022-004 – Preliminary Plat – 100 North Halifax Drive**

Mr. Steven Spraker, Planning Director, stated that PP 2022-004 – preliminary plat – 100 North Halifax Drive is a request submitted by Ms. Nancy Lohman, Halifax Enterprises, LLC for a 1.48-acre property located at 100 North Halifax Drive for a twelve-unit townhome development called the Cupola at Oceanside.

Mr. Spraker stated the project has approved construction plans and is undergoing a subdivision of land with the preliminary plat. Mr. Spraker stated that the preliminary plat is consistent with the Planned Residential Development (PRD) and staff is recommending approval.

Mr. Cody Bogart, Newkirk Engineering stated he is part of the design team and is representing Ms. Lohman who is receiving a planetarium dedication tonight with her husband. Mr. Bogart stated he is available for any questions.

Mr. Galloway asked why this is in front of the Board. Mr. Spraker explained the three-step subdivision process of (1) Planned Residential Development, (2) preliminary plat, and (3) final plat.